



**TOWN OF MIDDLEBURG
PLANNING COMMISSION
REGULAR MEETING MINUTES**



**MONDAY, MARCH 22, 2021
PENDING APPROVAL**

PRESENT: Terence S. Cooke, Chair
Donald Woodruff, Vice Chair
Edward R. Fleischman, Member
Rachel Minchew, Member
H. H. "Dev" Roszel, Member
Mimi Dale Stein, Member
Morris "Bud" Jacobs, Councilmember

STAFF: William M. Moore, Deputy Town Manager/Town Planner
Rhonda S. North, MMC, Town Clerk
Estee LaClare, Planning & Project Associate

The Middleburg Planning Commission held their work session and regular meeting on Monday, March 22, 2021. Due to Governor Northam's executive order requiring that people social distance, the meeting was held remotely with the members of the Commission participating from their respective homes/offices.

Chair Cooke explained for the viewing audience that it was the Commission's responsibility to conduct essential public business despite the COVID-19 pandemic; however, it recognized the need to do so safely, not only for its members but also for the Town staff and members of the public. He further explained that to that end, in accordance with the Council's resolution declaring a local emergency and ordinance implementing emergency procedures and effectuating temporary changes to address the continuity of governmental operations, the Commission would hold its meetings via remote access until such time as the Governor rescinded his executive orders. Mr. Cooke advised the viewing audience that copies of the agendas were available on the Town's website and that the meetings would be livestreamed and recorded for viewing on the website. He explained that anyone wishing to participate in the meetings during the public comment periods or the public hearings, if applicable, could do so by dialing (301) 715-8592. Mr. Cooke reviewed the process that would be utilized for the remote meetings. He called the work session to order.

Town Clerk North called the roll at 6:40 p.m.

Discussion Item

Potential R-2 District Zoning Ordinance Amendments

Deputy Town Manager Moore reminded the Commission that this discussion was related to infill development in the Ridgeview Subdivision. He further reminded them that they had looked at the massing, height and side yards for the redeveloped lots and conducted individual site visits. Mr. Moore advised that the staff proposed three recommendations for amendment; however, he was not recommending they address the lot coverage one at this time, as it needed more study before a recommendation could be proposed. He suggested that be addressed as a part of the larger zoning ordinance re-write that would be undertaken following these amendments.

Deputy Town Manager Moore advised the Commission that he drafted amendments that would address the remaining two areas. He explained that the first would be an amendment to establish a maximum lot size of 12,000 square feet, which would prohibit two lots from being consolidated into one large one. Mr. Moore noted that an individual would have to combine three lots and subdivide them into two to consolidate lots under this amendment. He advised that the second amendment would reduce the maximum building height to twenty-five feet but allow for one-foot additions, up to a maximum of thirty feet of building height, for each additional foot of side yard that was provided. Mr. Moore explained that twenty-five feet would allow for a one-story house, with a steep pitched roof; however, it would not allow for a two-story house. He reminded the members that the homes they studied had heights ranging from eighteen to twenty-three feet. Mr. Moore advised that to have a thirty-foot home, the side yards would need to be twelve and a half feet. He reminded the members that this would allow for the adequate provision of light and air.

The majority of the members advised that they were not in favor of having maximum lot size requirements as they did not see a problem with having larger lots. They acknowledged the challenge that large lots could pose if houses were constructed on them that were out of character with the neighborhood. The Commission expressed a desire to pursue the reduction of the building height, with an allowance to increase it when the side yards were increased. It was noted that the Ridgeview Subdivision contained a variety of housing styles and lot sizes, which was what made it different than new subdivisions. They expressed a need to be careful of the unintended consequences of amendments and noted that someone could construct a boxy house to get two stories. It was noted that there were many lots in the Ridgeview Subdivision that were larger than the average 7,500 square feet. The Commission suggested there were still a number of lots that could be built upon and noted that there may not be as much open space in the Ridgeview area in the future.

The Commission opined that one house was driving the conversation about changing the ordinances. It was suggested that once that house was landscaped, it would not look as intrusive. The Commission questioned whether they would be asked to change the ordinances every time there was an issue. They opined that good zoning decisions had been made in the past and questioned whether the regulations should be changed due to one house.

The Commission suggested that a property owner's rights were paramount and suggested there should be good reason to limit them. They reiterated that limiting the lot size was not a good solution; however, they suggested there should be limits on the allowable lot coverage.

Deputy Town Manager Moore advised that if the Commission wished to abandon the recommendation of limiting the maximum lot size, it was important that they discuss amending the lot coverage regulations earlier than he previously recommended.

The Commission agreed to advance the amendments to reduce the building height to twenty-five feet, with a bonus allowance if the side yards increased.

Commissioner Roszel moved, seconded by Commissioner Stein, that the Planning Commission initiate a zoning text amendment to the R-2 District regulations as contained in the attached draft (to agenda packet), with the exception of the maximum lot size and lot coverage amendments.

Vote: Yes – Commissioners Woodruff, Fleischman, Minchew, Roszel, Stein and Councilmember Jacobs
No – N/A

Abstain – N/A

Absent – N/A

(Chair Cooke only votes in the case of a tie.) (by roll call vote)

Deputy Town Manager Moore advised that he would advertise the public hearing for the Commission's April meeting, at which time they could make a recommendation and forward it to the Council. In response to an inquiry from the Commission, he suggested they delve into the issue of lot coverage as soon as possible and expressed hope that they could do so during their April meeting if time allowed.

Chair Cooke adjourned the work session and called the regular meeting to order at 7:39 p.m.

Disclosure of Meetings with Applicants

The members reported that they had no meetings with applicants.

Approval of Meeting Minutes

Councilmember Jacobs moved, seconded by Vice Chair Woodruff, that the Planning Commission approve the February 22, 2021 work session and regular meeting minutes as submitted.

Vote: Yes – Commissioners Woodruff, Fleischman, Minchew, Roszel, Stein and Councilmember Jacobs
No – N/A

Abstain – N/A

Absent – N/A

(Chair Cooke only votes in the case of a tie.) (by roll call vote)

New Business

Zoning Map Amendment 21-01: An Ordinance to Rezone .5153-acre portion of land at 10 West Marshall Street from R-1 Single-Family Residential to C-2 Town Commercial District and to rezone a .59696-acre portion of the adjoining vacant land from MUV Mixed Use Village District with proffers to C-2 Town Commercial District

Deputy Town Manager Moore reminded the Commission that this and the next item were introduced to them in September when the Town signed a Letter of Intent with Salamander, the owner of the MUV property. He further reminded them that these two items were related to the Town Hall Project. Mr. Moore reported that the Purchase Sales Agreement with Salamander had been executed. He advised that the Town acquired a portion of the Kaye property that was located immediately behind the Town Office property and consolidated it with the Town's property. Mr. Moore noted, however, that it was zoned R-1. He explained that the request was to rezone it to C-2 Commercial to match the existing Town Office property designation, as well as that of the other surrounding properties on Marshall Street. Mr. Moore advised that a second parcel, which was being acquired from Salamander, was located immediately adjacent to the former Kaye property and was zoned MUV with proffers. He explained that the request was to remove it from the MUV District and the proffers and to rezone the property to C-2 as well to put all the Town's property under the C-2 designation.

Commissioner Fleischman expressed disappointment that the plans for the Town Hall Project were sent to the HDRC, without first being sent to the Planning Commission for their opinion. He expressed concern about the schematic design that had been developed to date and opined that it was too "Ashburn type" and that it was oriented toward Salamander and the parking lot. Mr. Fleischman opined that it should be oriented more toward the older part of town. He suggested there also needed to be an entrance on Marshall Street and that the Police and Administrative Officers should be reversed.

Town Planner Moore suggested that a design discussion not be held in conjunction with the rezoning discussion. He further suggested the Commission hold design comments until they reached the discussion portion of the agenda.

The Commission agreed the proposed rezoning made sense.

Zoning Map Amendment 20-02: An Ordinance to Amend the Proffers Associated with Conditionally Zoned R-1 Single-Family Residential, R-3 Residential and MUV Mixed Use Village District Properties and a portion of 500 North Pendleton Street

Deputy Town Manager Moore reiterated that this zoning map amendment was related to the Town Hall Project. He advised that it would also clean up some items in the Salamander proffers, including consolidating all the proffers and proffer amendments into one document; reflecting the change in ownership of the property; and, updating the parcel identifications to coincide with the re-subdivisions that had occurred. Mr. Moore reviewed each proposed amendment.

Proffer #3 – Mr. Moore explained that this amendment would remove the clause related to the municipal facility.

Proffer #4 – Mr. Moore noted that the development of the Village Green would trigger the need to develop the homeowner's association (HOA). He advised that the amendment would remove this trigger since the Village Green would be developed as a part of the Town Hall Project; and, would clarify that there only needed to be one HOA.

Proffer #5 – Mr. Moore advised that this amendment would strike the requirement related to the open space easement as it had already been done.

Proffer #9b – Mr. Moore advised that this amendment would strike the requirement related to improvements to the Marshall/Madison Street intersection as they had already been done.

Proffer #10 – Mr. Moore noted that the current proffer required all construction traffic to access the property via Foxcroft Road and to drive past the Salamander Resort. He advised that this would except out the Village Green from this requirement and would update the reference to the Middleburg Community Charter School (formerly the Middleburg Elementary School).

Proffer #11 – Mr. Moore advised that this amendment would strike the requirement that Salamander provide land for the construction of a town office on the MUV property as the Town would be constructing the Town Hall on property that it would already own. He explained that the property that was being acquired from Salamander would be for the construction of a parking lot only. Mr. Moore advised that the amendment would remove the requirement to donate land for the Town Hall and would insert language related to the donation of land for a Village Green, with a public access. He displayed a plat showing the proposed location of the Town Hall, parking lot and Village Green. Mr. Moore noted that storm water management would also occur on the Village Green property.

Proffer #16 – Mr. Moore advised that the amendment would delete the requirement for a cash proffer as it had already been provided. He advised that while the original proffer intended for the cash proffer to be used for improvements to the Pendleton/Washington Street intersection, they were instead used for the Washington Street Improvement Project.

Proffer #17 – Mr. Moore advised that this amendment would except the Village Green from the sign plan requirement.

Proffer #18 – Mr. Moore advised that this amendment would except the Village Green; and, would remove the Middleburg Community Center and the Town of Middleburg as options for handling the ownership and maintenance of the open space in the R-3 District, instead putting it on the HOA.

The Commission agreed they had no problems with applications 20-01 or 20-02. They held some discussion regarding changing the Pendleton/Marshall Street intersection to a four-way stop and noted that it was dangerous in its current configuration. The Commission opined that it was unconscionable that the Town must wait until someone was injured before a four-way stop could be implemented.

Deputy Town Manager Moore advised the Commission that the original proffer language, which was not being proposed for change, required Salamander to implement the four-way stop if VDOT required it; however, VDOT had twice denied this as it did not meet the warrants necessary for a four-way stop.

Zoning Map Amendment 20-03: An Ordinance to Amend the Proffers Associated with Conditionally Zoned R-1 Single-Family Residential, R-3 Residential and MUV Mixed Use Village District Properties and a portion of 500 North Pendleton Street

Deputy Town Manager Moore advised the Commission that while there were fewer proffer amendments contained in this application, it merited more consideration due to the scope of the amendments. He noted that he just received them late last week and did not have time to analyze them; therefore, he was suggesting the Commission only have a high-level discussion at this time. Mr. Moore advised that next month, he would provide an analysis of the impact of the requested amendments and how they aligned with the Comprehensive Plan. He reminded the Commission that these amendments were predicated on the approval of the previous application as written. Mr. Moore reviewed the proposed amendments.

Opening Paragraph – Mr. Moore advised that this would include clarifying language explaining that this amendment would replace the previously amended proffers.

Proffer #1 – Mr. Moore noted that this amendment was related to a change in an exhibit. He advised that the new construction plan varied from the proffered one and was not in substantial conformance with the proffers. Mr. Moore explained that the proffers required sidewalks/trails on both sides of the street; however, Salamander was now proposing sidewalk only on one side. He advised that they were also proposing the elimination of the extension of Reed Street for vehicular traffic, with there only being a pedestrian connection at that location.

Proffer #9 – Mr. Moore advised that this amendment would remove the four-way stop requirement at the intersection of Reed/Stonewall Street and noted that this would not be needed if the Reed Street extension were eliminated.

Proffer #10 – Mr. Moore advised that this amendment would allow construction traffic to enter the site either through Foxcroft Road or Pendleton Street and reported that the staff supported this amendment as they believed it would have little impact on traffic on Pendleton Street. He reminded the Commission that previously, all traffic traveled in front of the Charter School and noted that this amendment would remove this potential conflict with school traffic. Mr. Moore noted that there would be no construction traffic access through the residential districts.

Proffer #12b – Mr. Moore advised that this amendment would remove the bonding language associated with the Reed Street extension, assuming that extension requirement was removed.

Deputy Town Manager Moore displayed the current and proposed construction layout plans. He advised that the proposed street layout was in more of a grid pattern and would eliminate the looped roads shown in the previous version. Mr. Moore noted that this would allow for two-way traffic. He reiterated that the

plans showed the elimination of the Reed Street extension for vehicular traffic, with only a pedestrian access being available. Mr. Moore noted that the plans showed a typical street section with sidewalk only on one side of the street. He advised that he would analyze the request over the next month. Mr. Moore reiterated his suggestion that if the Commission wished to discuss this request that they do so on a high level only.

The Commission noted that the Comprehensive Plan emphasized the need for sidewalks and suggested the need to determine if there was a reason to not have them on both sides of the streets. It was noted that once eliminated, it would be difficult to construct sidewalk in the future.

The Commission expressed concern that eliminating the Reed Street extension would double the amount of traffic on Chestnut Street, which would be a problem. It was noted that the homes in The Residences at Salamander would be rented, which could result in a greater volume of traffic than if they were owner occupied. They suggested that two entrances would be better. It was further suggested that as an alternative, the staff look at what would happen if both extensions were eliminated.

The Commission held some discussion of the proposal for construction traffic to use Pendleton Street. They noted that these would be large trucks and suggested the need to think through this plan. They also expressed concern that the bump-outs located at the Pendleton/Washington Street intersection could create an issue for large trucks.

In response to an inquiry from the Commission, Deputy Town Manager Moore reported that the public hearings on ZMA 20-01 and ZMA 20-02 would be scheduled for the April meeting. He suggested the public hearing for ZMA 20-03 be held in May. Mr. Moore advised that he would get his analysis of that application to the members well in advance of their April meeting.

Council Representative Report

Councilmember Jacobs opined that there had been good public participation in the Town Hall Project Public Outreach Session on March 15th and noted that another would be held in the future. He reminded the Commission that during their last meeting, he reported on the upcoming budget and advised that the Town was in good financial shape. Mr. Jacobs reported that the staff confirmed there had been an impact on business license revenues due to the COVID pandemic, even though more was received than expected, as well as in the meals and lodging taxes, which was being attributed to the recent bad weather. He asked that if the members had any questions related to the budget that they get them to the Town Manager or Town Clerk.

Councilmember Jacobs advised the Commission that there were two versions of the recently adopted State legislation legalizing marijuana – one of which allowed localities to hold referendums on whether to allow retail operations in their jurisdictions and one of which did not. He reported that the Town Attorney was looking into which was the prevailing one. Mr. Jacobs advised that he felt very strongly that towns should have a voice in whether they wanted such operations in their locality.

Discussion Items

Town Hall Project Design

Commissioner Fleischman advised that he had nothing to add to his previous comments.

Vice Chair Woodruff agreed with the suggestion to reverse the Police and Administrative Office spaces.

Committee Member Stein expressed concern about the design, in particular the lack of an entrance on Marshall Street. She noted that she looked forward to receiving additional information.

Quorum of April Meeting

The members reported that they would be present during the April 26th meeting.

There being no further business, Chair Cooke adjourned the meeting at 9:01 p.m.

RESPECTFULLY SUBMITTED:

Rhonda S. North, MMC, Town Clerk

Middleburg Planning Commission Transcript
March 22, 2021

(Note: This is a transcript prepared by a Town contractor based on the video of the meeting. It may not be entirely accurate. For greater accuracy, we encourage you to review the video that is on the Town's website – www.middleburgva.gov)

Terry Cooke: Ok, everybody is on [inaudible] Let's call the work session Monday, March 22, 2021 to order. And I'll ask Rhonda to call the roll please.

Rhonda North: Chair Cooke.

Terry Cooke: Here.

Rhonda North: Vice Chair Woodruff.

Don Woodruff: Present.

Rhonda North: Commissioner Fleischman.

Ed Fleischman: I'm here Rhonda.

Rhonda North: Commissioner Minchew.

Rachel Minchew: I'm here Rhonda, thank you.

Rhonda North: Commissioner Roszel.

Dev Roszel: Here.

Rhonda North: Commissioner Stein.

Mimi Stein: I'm here on a little peewee screen on my phone.

Rhonda North: Council Member Jacobs.

Bud Jacobs: Here.

Terry Cooke: Ok, everyone. Thank you. Thank you, Rhonda. I'll now review, the remote participation information. It's the Planning Commission's responsibility to conduct essential public business despite the Covid-19 pandemic. However, it recognizes the need to do so safely for not only its membership, but also for the town staff and members of the public. To that end, in accordance with the resolution confirming the declaration of a local emergency and the ordinance to implement emergency procedures and effective temporary changes to address continuity of governmental operations during Covid-19 as adopted by the Middleburg Town Council, the Planning Commission will hold its meetings via A hybrid system of in-person for those commissioners who feel safe doing so, and remote access participation for the public and those commissioners who prefer remote access. Until such time as the governor rescinds his emergency order mandating social distancing. To ensure adequate social distancing a maximum of 10 individuals will be allowed in council chambers at any given time. Copies of the previously referenced documents are available on the town's website for those who wish to view them. The town will continue to live stream and record its public meetings, which are available for viewing along with the meeting agenda packet on

our Web site at www.MiddleburgVA.gov. Members of the public who wish to participate in the Planning Commission meeting during the public comment period and or public hearings if applicable and or applicants who are speaking on behalf of their application may do so by dialing the number published on the agenda. You will be placed on mute until such time as the public comment or public hearing is opened or your application is heard. To ensure trust in the process [inaudible] the beginning of the meeting and at least [inaudible]. In addition I'll ask each member by name if they have any comments or questions related to each item as we proceed. And someone speaks they will state his or her name for the benefit of the viewing audience. All votes of the planning commission will be taken by roll [inaudible].

Rhonda North: Terry, I can hardly hear you. [off mic]

Terry Cooke: Will, do you want to introduce the discussion to the potential R2 amendments?

Will Moore: Yes, thank you. And just one last time for the commissioners, if it's possible for you to keep yourselves on mute except or until you go to speak, we're still getting some feedback issues. Ok, thank you. And thank you, Mr. Chairman. Thanks for everybody for going to our technology struggles here. We'll get this done before [inaudible]. I don't need to give you a full reintroduction to this topic. I think you're very familiar with it to this point. We did some study last month with some photographs and with some accompanying analysis of some in fill projects throughout Ridgeview that have been constructed primarily within the last six years, although there was one that was a little more than 20 years old, looking at those in terms of their massing their height, the yards provided, and then also comparing those to some of the surrounding properties. Following your meeting last month each commissioner went on a site visit with members of staff. And thank you for taking the time to do that, to look at those same properties that we studied last month, but to actually be on the street in the neighborhood, eyes on the actual homes. And I think those visits that I [inaudible] they seem to be a little more enlightening than only studying the photographs to thank you again for taking the time. And I don't want to read my staff report through, but what we did previously and identified what we thought were some potential opportunities, areas in which we could do some analysis and potentially make some proposed revisions that could address some of the concerns that spurred this being referred to you by council to address. So what I previously identified that I thought were areas [inaudible], the requirement. Possibly introducing a maximum lot size requirement and then also possibly redefining and reallocating what we call lot coverage requirements. As you recall, we previously discussed and I think there's an opportunity there because a lot coverage currently only applies to areas under roof, but it doesn't necessarily address other impervious areas on site. I do think that that is an area that's going to require some additional study before I would feel comfortable putting the proposal forward regarding the lot coverage. And what I'm suggesting in my memo is we might want to wrap that into the larger study of the overall rewrite of the zoning subdivision ordinances that will be taking off in fairly short order once we've kind of cleared this topic. So what I've done for you is I prepared an initial draft for your consideration that would address those three remaining areas that I have previously identified as may be worthy of consideration. That is one suggesting that we establish the maximum lot size of, the number that I have recommended for you consideration is 12000 square feet. So currently there's a minimum lot size in the R2 district of 8000 square feet, we have a large percentage of the existing lots in Ridgeview that are nonconforming and they're 7500 square foot lots. There are a number of those that meet that 8000 square foot minimum, or may even be a little bit larger. One of the issues that we encountered in those examples was the most recent redevelopment site wherein someone acquired two of those 7500 square foot lots, consolidated them into 15000 square foot lot, which resulting in some development that at least on a horizontal basis, left to right. And in this case, a big corner yard going around the corner kind of results in something that I think most commissioners felt was a little bit out of character. The establishment of a 12000, 12000 square foot lot is not small by any means, but it would prohibit to lots whether they're conforming to the 8000 square foot minimum or nonconformity in a typical 75 hundred square foot lot size that we see [inaudible] would prevent somebody from acquiring two combining and making that one large lot, you can still potentially do some redevelopment. Maybe you wouldn't have to acquire three of those which get you closer to a 24000 square foot and you could then be subdivide into two that met that twelve thousand maximum. But that's one area that I'm proposing

in this first draft for your consideration. the second proposal is reducing the what I'm calling the baseline building height to 25 feet from its existing 30 feet maximum height of a 25-foot-high building is you can get one story with a pretty steep pitched roof with a twenty-five-foot height, if you think back to those homes that we studied in our tour. The homes that were adjacent to the subject ones ranged in height from 18 feet to 23 feet in height, so this would actually allow even a little bit higher than what you saw in [inaudible]. It likely would not allow for a full two-story development by the time you put in two full floors plus the roof plus the spacing in between. Just baseline height would probably prevent most conventional two-story building. You might be able to get a story and a half depending on on the specifics of [inaudible]. When I say a baseline height. That means that that's the maximum height if you're building to the minimum side yards of seven and a half feet. what I am additionally proposing is that you could increase that baseline height up to 30 feet, as is currently allowed for in the zoning ordinance. However, for each foot above 25 foot in height that you do have to provide an additional foot in minimum side yard on each side. In other words, you could go up to 28 feet, but you would have to provide three additional feet, so you'd have to have 10-and-a-half-foot side yards, get all the way up to the maximum of 30 feet tall in building height. You would have to have increased side yards of twelve and a half feet on each side. This, s I described in my memo, I kept coming back to one of our basic guiding zoning principles, and that is adequate provision of light and air. So if you think back to the three consecutive infill homes on Reed Street that we looked at, I think there was some mixed reactions in the field when we looked at those of one of those reactions. And I think it's very valid as you look at it and you say, well, this doesn't necessarily look out of character because all of these comprise everything on that side of the street. So there's no really dwarfing of a home next to them. And that's a very valid point. Again, I think the consideration here, though, is with each of those built to the maximum 30 feet height, each of them is built to the maximum or the minimum side yard requirements you end up with that tunnel in between each of those tall homes that's only 15 feet wide. And that adequate provision of light air may not exist in that [inaudible]. The flip side of that is if you looked at what I think many people thought would the most stark example of a home dwarfing the homes on either side of it, which I think is 102 Chestnut Street example. It is very stark in its height difference with the surrounding homes, but because there is that difference in height and because at least one of those side yards was increased and it's been provided with because there's a driveway there, you have that adequate circulation of light and air. So and I talked about this before, but I think there's some validity in you considering establishing that relationship between allowable height and the side yard that has to be provided a 30-foot-tall home. I think we saw in a couple of examples on our trip around the neighborhood can look very fine, but it all depends on the context in which it's located. I think this is one way where we can help control that content. So this is the first stab at providing a draft amendment for you to consider. And, Mr. Chairman, I would certainly open this back or turn it back to you to open up the conversation and we can see where we go from here.

Terry Cooke: Thank you. Thank you Will. that's very helpful and I really appreciate the work you put in in developing these alternatives, both suggestions. I think they all have merit in one way or another. Since I am since I get to go first on this on what will be a round table, I'll call on each commissioner individually to share his or her thoughts. But I've kind of been chomping at the bit on this because I do not favor, and this is my personal opinion obviously I do not favor a a a maximum size. I blanch a little bit at regulations that basically limit a purchaser's choice, whether to have a large lot or a smaller lot. If you can afford it and your family needs would benefit from it. I have no problem with that with a large lot. I do appreciate the challenge that we're dealing with, with, you know, some lots because of the maximum allowable footprint of a home, if they're joined together, can be subject to very large houses going in and being dramatically out of character with it, with its neighboring homes and neighboring structures. The option that I prefer is the one that would reduce the height to 25 feet and then allow for extension up to 30 feet, provided there's an increase in the side yard. I think what we're talking about here is bulk. bulk regulation. And the visual impact of a large home and more significantly, smaller homes. And in going back to our review of the properties throughout Ridgeview last week I was struck by the fact that homes that are currently built at or near the maximum 30-foot height limit, but which have wider side yards than the seven-point five foot minimum, substantially reduced, in my opinion, my view, the visual impact of one larger home next to a smaller home. And I think it I think if we're talking about, as

you suggested, that the interest in preserving adequate light and air between structures, those wider side yards, I think are a more favorable way to do it than to arbitrarily set a maximum lot side. I don't know if you had an opportunity to look at the question I emailed to [inaudible]. I looked for examples of zoning regulations throughout the country that prescribed a maximum lot size for residential construction, I couldn't find one. I know I brought this up with you before and you're comfortable that that's a legitimate way to regulate residential home sizes. But I couldn't find one. Did you have an opportunity to look at that or do you have access to other ordinances that do that very thing?

Will Moore: I do. And thank you for sending that question to me Terry. I would start with an example of our own zoning ordinance, actually. So we have a in our Agricultural Conservancy district, but it does pertain to residential development. So much like Loudoun County, which has their AR1 and you're familiar with their AR2 zoning district, which is where the proposed [inaudible] division is located. We also have in our town ordinance in our Agricultural Conservancy District a cluster option. It's probably something you're never going to see to probably utilize here in Middleburg because we're running out of develop-able land. But there are a couple of examples where it could potentially be used. That being said, if you choose to use that cluster option or those cluster lots, there is a dictated maximum lot size, its 40000 square feet. Again, because these are agricultural lots of the cluster lots, but so it's a little less than an acre. Likewise, the county in their AR1, AR2 districts when using the cluster residential option, they have maximum lot sizes in the AR1, which is further to the north. It's a maximum of. Let me make sure I get this right. Well, both AR1 and AR2 it's a maximum of four acres for the cluster lots. So if you think back to Banbury Cross those twenty-eight smaller lots in that proposed development, they all range in size between two acres and 4 acres. There are also similar examples in Clark County near the town of Purcellville and the town of Round Hill. I looked at a couple of other places, town of Berryville, which is in Clark County, has a couple of districts that have maximum sizes. Stafford County was a very interesting one. Stafford County is about 40 miles south of D.C., kind of just on the eastern side of city Fredericksburg, Stafford County has no incorporated towns within it. But they do have what they call Urban Development District. So if you find essentially an unincorporated area that they serve it's kind of a village area, they have an urban development district that kind of establishes what could in other places with incorporated towns look like a town. And in that district, they have for smaller lots kind of what we're looking at here. They have a minimum and maximum. So two different types. They have a 4000 minimum and a ten thousand maximum. They also have a type that has a seven and a half or 7500 square foot that is minimum and 15000 square foot maximum. So so there are examples of they may not all be exactly what we're looking at. A lot of those, again, had to do with residential development on a limited scale in agricultural districts, but they still do invoke those maximum lot size.

Terry Cooke: Ok, well, that doesn't change my view on this one issue, it does answer my question as to whether there are examples of other places where this is done. OK, well, I have stated my view. I'll now go around the [inaudible] as we do. And I invite other commissioners to express their thoughts. And we'll start with the Vice Chair Woodruff.

Don Woodruff: Yes, thank you, Terry. First of all, I'd like to thank Will and Estee and Tim for a very enlightening and well-presented tour of the sites that were under consideration. My feeling is that I looked at that one huge house being built on two lots. It just seems out of proportion to the lot into the area. And that's the concern I have, is that houses that are built, we see it on Reed Street also with those three rather large edifices in a row, it just doesn't seem to fit in with the concept of Ridgeview and the homes that are there. I think I'm in concurrence with Will that if you're going to go up above twenty-four feet, then you have to have a wider area between your house and the next house or between your area of your home and the property line. So that that's proportional in my mind. And, and continues the idea of a village. Thank you.

Terry Cooke: Thank you. Ed, you're up. Ed Fleischman. Ed, did you hear me?

Ed Fleischman: Yeah, thanks, Terry. OK. Oh, I wonder if I could be. Hopefully, this is going to work out. First of all, I want to thank Will. Will came up with some interesting proposals. It's really difficult to deal with a lot of different issues. And I think that the written material that he submitted was really nice. So I'd like to thank him on that. And Estee took me around, I'd like to thank her also. She did a good job showing us around. One thing that I did see when I went around is the variety of houses and lot sizes in Ridgeview, and I think that makes it quite different than new subdivisions in Ashburn and Aldie and whatever. So that Ridgeview is known for a lot of different types of houses. You have the mayor's house, which is almost by a square block, way above the normal size. I think there's [inaudible] and Todd. They have the big wall around their property have a huge piece of property. And then you have smaller properties, and you have some Colonial, Victorian. It's just a tremendous mixture of stuff. And I think that we shouldn't lose that. So then you have to say, OK, well, what do we want to do? One of the things that we have to be careful of is what I would call unintended results. So you push one rule regulation in, and you have to see what that affects. And when I looked at Will's write up about the 25 versus 30 feet, I sort of like that side yard requirement to boost it up to 30 feet. I think that's good. I think that if we had a blanket twenty-five-foot height limit. What I could see is ending up some of the houses if we look at the Stonewall and I would look at those and those are [inaudible] houses. Those are two stories, but they have the first floor below grade. So if a person wanted a two-story house, they might have a half of the first floor below grade, I don't think that's something that is worthy. And the other thing is we have a twenty-five-foot limit outright what happens if someone wants their two stories and says, OK, I can't have a pitched roof so I'm going to build a box? So they build a two-story box and that's within twenty-five feet. So I just bring those up as just you have to be wary of what you do and how people will respond to regulations is quite complicated. The other thing I wanted to mention also is this statements about the majority of the plots of the land in Ridgeview being seventy-five hundred feet. There are a lot of houses that aren't 7500 feet that are bigger and there are a couple of streets towards the old downtown that are lots of 7500. But as you get away from those areas, it becomes bigger and there are some larger lots. And I would think that the average lot sizes is ten or twelve thousand square feet, in my view. So where does that end up on my view? Well. I think that Terry and Don had some good what I call compromise is that we look at a possibility of 25 feet with bonuses up to 30 feet, depending on side yard. That sounds reasonable. I agree with Terry that I don't think we ought to have a maximum lot size. It depends on the architect and the planner on how they site the buildings and what I look at, the people refer to the large house on the two plots of land that were put together. When it was initially dug and initially framed. when you look at it, it's a very stark building when it's just framed in. and then after it gets the siding and now, I look at the siding and its sort of the architect tried to make it look like from certain angles, two homes, one with the garage, with the paneling going up and down, and the main house with the panel [inaudible] board going horizontal. So I think he did a pretty good job on that. So in conclusion, I think that a possibility of 25 feet with a bonus going up to 30 feet seems like a very reasonable thing to me. And I wouldn't go for a maximum lot size. Thank you.

Terry Cooke: Thank you Ed. Next, we'll look to Rachel. Rachel, your thoughts.

Rachel Minchew: Ok, Hi. Sorry about that. Well, Ed, you did a great job of saying what [inaudible] said, and I pretty [inaudible] I don't think putting a maximum size on a lot is something we should do. I do agree with the adjusted height with the side as Ed discussed as well. And I think going back to when we were touring and talking about the air, the air, the light, and all of that that you were talking to us about Will is very important. And I do think adjusting the height to the side yard does allow for that. And I do think there's still a fair number of lots that can be built on in the neighborhood so that some of those big houses, they may not have as much open space once other houses go around, but I think that that's very important to keep that in mind. It's a tricky subject [inaudible] affects people in a lot of different ways. And I agree. I did go by the large house before I left town [inaudible] looking. And I think once the landscape has been time to grow, it's not going to be as obtrusive. We do have some very large structures already in Middleburg, so that I don't know that that's going to be that it's going to be that much of an eyesore, I don't think. But I really do think that adjusting the size of the height and the side lots seems to

be the most reasonable for us to consider, to keep the feel of our community and village. That's really all I have.

Terry Cooke: Thank you. Thank you, Rachel. Mimi, your thoughts? Commissioner Stein?

Mimi Stein: Yeah, now I'm not. Now you can hear me. Anyway. Thank you and really thank everybody because you know, [inaudible] Estee and Ed we had fun, but you know, it was and presenting Will, everything you did on this, everything everybody did, giving us a lot of information to think over. When I saw the I'm in agreement with everybody else. It hit me wrong. I don't really want a maximum, you know, put a maximum lot requirement. However, the one thing that we look at that double lot house that's being built. And I hope, Rachel, that when they do all the plantings and the gardening it'll soften it. But it doesn't even look like a residence to me. It looks very much like a commercial building. And I'm wondering if we did, you know, allow people to buy as many lots as they wanted, you know, adjacent to each other. If we could then like Will, you came up with a really good way of managing the difference between the height and the lot size. Couldn't we change the maximum footprint and I think setback would have helped that particular house look better. I mean, that had that wasn't any more than the 30-foot setback I don't think it was. [inaudible] It was. [inaudible]. No. And I think setback would improve something if it was a larger structure. And I don't know how much we are. We can control the coverage. But if somebody put two lots together, they don't just get the same percent of coverage. And we'd have to come up with and Will would have to come up with another scale that works. On the height to property line ratio I think that was good. That was unfortunately on Reed Street it was partly the design of the buildings because it was just the flat fronts, one after the other and the look of that street and those properties would have been improved had there been more lot lines. But in some places, it's not as necessary. If the frontage is not so flat, it's broken up with a driveway or some kind of porch thing that we can't control that. So I think this is a great idea. And and I was thinking about sunken house house that we looked at. We didn't. It was terrible looking, [inaudible] God, that was awful. So, yeah, the unintended consequences are absolutely to be considered. Can you imagine [inaudible]. you know, there's tons of them in Miami Beach, but they don't belong in Middleburg. So I don't know how you I don't know the answer to avoiding that. But that's definitely a concern and a consideration. But anyway, no, I don't want to see any limits. I think people should be able to buy what they want and combining it works out for them. But we should figure out a way to definitely reduce the coverage and in addition to lot lines setbacks should be included in how we can construct on a very large property. Ok, I think I think I spoke enough. thank you.

Terry Cooke: Thank you Mimi. OK, Commissioner Roszel. .

Dev Roszel: Roszel. Thank you. I appreciate the opportunity to meet with everybody and I don't necessarily disagree with all of the comments that are made and brought up some good, good comments. You know, it's interesting. We put all of these zoning ordinances in place and then something changes and then we like try to throw the baby out with the bathwater. We try to change everything. And I think that which really, from my perspective, what's driving this is that one house on the double lot because we changed the height requirements, and everything was fine. And then we had the builder come in and build those houses on Reed Street. And that was a little, you know. Nobody really. Some people didn't really like it, but it was, you know, for me, I don't think it's that far out of scale, but I do believe that buying that those two lots and turning them into one has created a pretty significant issue because of the way it defines what people can do. And to Mimi's point, yeah, I mean, you could buy four lots and then, you know, tear everything down, which is what they do [inaudible] just rip it out, whatever they want. But I think that, you know, I don't think what we had previously is that bad. I thought that the height requirements were good. We reduced those from 35 to 30. I think the obviously the side widths were reasonable because that's what we have, you know, we put in place previously. So, you know, for me, I really believe that. We didn't have it wrong. I think that a couple of things happened that we're not really keen on, and that happens to be the big the big lots. Am I opposed to having you know, if you're going to squish it in, you can, you know, increase the height of the house? No, I'm not. That doesn't really bother

me. But I guess my big question is, why do we feel compelled to change what we had because in five years, are we going to say that, you know, we have to go back and change it? I think we need to be looking a little bit further out and saying, what is it? What do we really how does it tie to the comp plan, what are we really looking for? I believe that big lot is probably not something that we want to do. I know a lot of you have said you don't want to you want to tell people how big of the lot coverage. But I think that house is out of proportion. We have a lot of houses that are out of proportion, but I'm not as concerned about those as taking two lots combining them and getting the 15000, 20000 square foot lots, then you got to do 30 percent of that. And so I'm not I'm sort of in the middle of the road on this. I'm not opposed to the height in relation to the side's thing. If that's important and people are really concerned about that. That doesn't bother me as much as being able to buy two lots and then turning it. We're going to say a maximum lot size should be eight thousand square feet or whatever it is, which I have a problem with. I think that that big house is the one thing that concern me. And I think that's what the really raised the issue here, I'm not sure that the height of the house or the side lots really were a problem until that house came into effect. That's my own personal opinion and I'll leave it at that. I think we've made good zoning decisions in the past. I'm not sure that we need to be changing everything just because one issue has created a problem. Thank you.

Terry Cooke: Thank you Dev. Yeah, I mean, this is obviously we we each bring our personal perspectives to this and and that's that's really the challenge, I think. And as someone said, you know what we do today or next month, you know how that can affect future decisions when something unique presents itself. I don't think we should necessarily change the rules of the game over time, or a different issue is raised. But it's that's what makes it fun. That's why we all get the big bucks, I guess. So. Last but not least, the cleanup hitter is Bud. Bud your thoughts.

Bud Jacobs: Thank you, Mr. Chairman. Will, I want to thank you and I particularly want to thank Estee yesterday for what was a very educational excursion. She was gracious enough to take me on. I have to confess that I come at this from philosophical perspective in which the rights of property owners are paramount. And in my own mind, I have to find very good reason for taking steps that may limit some of those rights of particular property owners and especially for those owners' ability to alienate their properties down the road. Estee's explanations and some of the things I saw on the excursion helped me understand a little better, I think that there are some things that that we really need to consider and this discussion this evening has been particularly helpful. I want to take particular note of Ed's comment about unintended consequences. I agree with Ed and Terry and Mimi that we really need to be very considerate in our judgments here about what changes we may make, and, in that regard, I've got a couple of questions. But first, as far as the maximum size is concerned, I'm not against it necessarily. I'm not sure how it would work. And Will, I'd like to know how you arrived at the 12000 square foot figure for maximum life size. And before you answer, let me just say that I agree with the baseline height of 25 feet. That seems to be fine. I also accept your idea of the sliding scale, in relationship between life size and side yard size. It seems to me that both the height and the side yard situations contribute greatly to the problem that I at least see with the three houses on Reed Street. I think they are good examples of the kinds of things we might want to try to limit down the road. I'm also very concerned, obviously, about the double lot and the size of that house, but it seems to me that limiting the lot size is probably not the solution, but rather imposing new requirements on lot coverage might help out in that area. And somebody mentioned Betsy's house. Well, Betsy's house is not offensive precisely because it's on a very large lot and it's nicely situated and doesn't bother me in the least. I think it's gorgeous. And I think that it may be that the platonic ideal that we're striving for with with all these discussions anyway. Will, could you explain how you got to 12000 square feet?

Will Moore: Certainly and thank you. Going back to a comment that Ed made, he is right that there, the 7500 square foot lot that I referred to. It is not is not uniform throughout Ridgeview by any means. But there is large portion of blocks that were originally subdivided at that size and still remain. So if you take that and multiply it by three even, that gets you up in that neighborhood of twenty-four thousand. So you could potentially put together three lots and divide it into two. That's one reason that I was looking at it. It

doesn't quite get you that twenty-four if they're seventy-five hundred, but it gets you close. I also looked at some of those other lots that Ed refers to, especially as you push a little farther west on some of the streets, you get up in the 10 to 11 pushing 12000 square feet, but rarely exceeds. There are a couple that exceed. Again, if you're in that ten to eleven thousand square feet, it would prevent combining two lots into one, because obviously it's going to put you over 12, but you couldn't just easily re-subdivide into 12000 square foot lot that way. It's not a perfect number by any means, but there was some thought put into that. I think I'm hearing from the majority of commissioners that if my tally is right, that generally not in favor of the maximum lot size if I might make a suggestion. I think I preface this by saying it might be best if we save the study of the lot coverage requirement to a subsequent phase where we're looking at the comprehensive amendments to the zoning and subdivision ordinances of if we were to abandon the maximum lot size, which seems to be the prevalence of direction to this point, it might be more important to take up that lot coverage requirement and study earlier. And I think that's perfectly fine and would be a good idea to do it in that manner if we do not go with the maximum lot size.

Terry Cooke: Thank you, Will. Before we move on to deeper into this discussion, any additional questions for Will? Ok, Will we sort of had a Chinese menu if that's not politically incorrect anymore, [inaudible]. In terms of putting together an amendment to the zoning ordinance that advocates [inaudible] that you offered. Are there, any thoughts among the commissioners as to whether we are ready to proceed with recommending any of the proposed changes? Go ahead, Bud.

Bud Jacobs: I'm prepared to move ahead with the baseline 25-foot height requirement and Will's infamous sliding scale of height and side yard requirements. I wasn't clear on the maximum lot size. I'm not prepared to vote for it or against it. I'm ambivalent about it. I just perhaps I don't understand it enough or understand how it might work in practice.

Terry Cooke: Ok, that being said, are there other commissioners who are not comfortable with making a proposal for one of the changes, does anyone feel that more time is needed, or further discussion or consideration is needed? I'm personally in favor of proceeding with the adjusted height limit, with with a bonus for increased side yards. But others feel that it's that they're not quite ready to go in one direction or another. Let's hear from you now or.

Dev Roszel: Yes, I think that I would agree with you and Bud, I mean, I think that we should have a conversation with lot size relative to lot coverage. And then, you know, I have no problems with going with a, you know, 25-foot height and if you want to increase the size of the side lot and change the height. I have no problems with that. I think that, you know, I'll go along with it. I really don't have a problem. And I do think that we need to discuss the lot coverage and the lot size maximum lot size before we nail anything down because and Bud to your point, you know, I don't believe that what we're doing is infringing on anybody's rights. I believe we're setting up a plan for the future of Middleburg that if people want to move in here, this is what they need to do. We're not keeping people from doing what they want to do. It's what we believe is the right thing for Middleburg. And that's our purview to do. So, yeah, I'm fine with moving ahead with this Terry.

Terry Cooke: Just to be clear Will what we were talking about or what we are considering are amendments to the zoning regulations as they pertain to the R2 district. Is that correct?

Will Moore: That is correct, sir. Yes, that's right. What I might suggest, based on what what you're saying, Mr. Chairman, if the commissioner is so inclined, I did include a draft motion.

Terry Cooke: That is what I was looking for. of what I was looking for.

Will Moore: It's on the second page of the cover memo. I would simply suggest it refers to the attached draft. I would suggest adding the language with the removal of the maximum lot coverage requirement.

Terry Cooke: Ok. Was anyone prepared to make a motion to that effect?

Dev Roszel: I'll make a motion that we move the commission to initiate a zoning text amendment to the R-2 district regulations as contained in the attached draft with the exception of the maximum lot size and lot coverage. Is that fair?

Mimi Stein: I'll second.

Terry Cooke: Is that clear enough? Do we have a second? Mimi, thank you. OK. Rhonda would you call among the commission.

Rhonda North: Vice chair Woodruff.

Don Woodruff: Yes.

Rhonda North: Commissioner Fleischman.

Ed Fleischman: Yes, it's fine.

Rhonda North: Commissioner Minchew.

Rachel Minchew: Yes. Thank you.

Rhonda North: Commissioner Roszel.

Dev Roszel: Yes.

Rhonda North: Commissioner Stein.

Mimi Stein: Yes thanks.

Rhonda North: Council Member Jacobs.

Bud Jacobs: Aye.

Terry Cooke: Thank you all. With that, the motion passes and [inaudible] next step is that we now set a set it up for a public hearing? Will?

Will Moore: So with that motion, we will advertise a public hearing on the amendment as amended for your April meeting, at which time you could then make a recommendation and forward that to council subsequent to the public hearing.

Terry Cooke: Very good. Thank you. And again, as I think everyone indicated, we're very appreciative of the efforts that you and Estee have put into this. I know it's a long [inaudible] work that went into that. And I thought it was. Very professional. Appreciate it.

Dev Roszel: Mr. Chairman, I have a quick question. How do we how do we what is the process for addressing that? The one exception that we did with the lot size and coverage. And obviously that's something that's going to need to be addressed at some point. What's the what's the plan or process for adding that back in?

Terry Cooke: Ok, and I think Will did speak to that a little bit. You want to review that again, Will, where that fits in in our future deliberations?

Will Moore: Sure, and again, I think with the with the removal at this point of the maximum lot size from the proposed amendment, it would be staff suggestion that we delve into as soon as possible our lot coverage requirements. So I think, again, I originally said maybe that's best to wrap into our comprehensive amendment to the zoning and subdivision ordinances. But I think with the removal of that maximum lot size requirement, which I think is it's perfectly fine to do that. It does heighten the need to address the wide coverage requirements sooner.

Terry Cooke: Ok, is that something we can discuss at the April meeting or to should we push that back until May.

Will Moore: Maybe we'll see how the April meeting is shaping up looking to be a little bit busy at this point. What your appetite is for a long meeting after this meeting.

Terry Cooke: Want to congratulate you on loading it up this meeting. OK, well, thank you all again. With that, we will close the work session and convene the regular meeting of the Middleburg Planning Commission, and we will call that meeting to order. The first matter is disclosure of the meeting applicants. And I'll ask Rhonda to just poll [inaudible] and ask any commissioners whether they have had any contacts or discussions with anyone having matters before the commission. Rhonda.

Rhonda North: Chair Cooke.

Terry Cooke: I've had no discussions with any applicants.

Rhonda North: Vice Chair Woodruff.

Don Woodruff: I had no discussions with any applicants, potential applicants.

Rhonda North: Commissioner Fleischman.

Ed Fleischman: No discussions with any applicant.

Rhonda North: Commissioner Minchew.

Rachel Minchew: No discussions with any applicants.

Rhonda North: Commissioner Roszel.

Dev Roszel: No, I've had no discussions with any potential applicants.

Rhonda North: Commissioner Stein.

Mimi Stein: No discussion with any potential applicants.

Rhonda North: Council Member Jacobs.

Bud Jacobs: No discussions with any applicants.

Terry Cooke: Ok, thank you all. If we had any indication that members of the public have any comments, they want to share with us this evening.

Rhonda North: So I would ask that if anyone who is on the line has any comments at this time, that they please raise their hand and I'll unmute you. No one is raising their hands, Mr. Chair.

Terry Cooke: Ok, thank you. We will then close the public comment portion of the meeting. Next is approval of minutes for our meetings of February 22 the work session and regular meeting.

Bud Jacobs: I move we approve the minutes has submitted. [inaudible].

Terry Cooke: Rhonda call the roll once more.

Rhonda North: Vice Chair Woodruff.

Don Woodruff: Yes.

Rhonda North: Commissioner Fleischman.

Ed Fleischman: Yes, I vote to approve.

Rhonda North: Commissioner Minchew.

Rachel Minchew: Yes, I voted to approve.

Rhonda North: Commissioner Roszel.

Dev Roszel: Move to approve. Yes.

Rhonda North: Commissioner Stein.

Mimi Stein: Approve.

Rhonda North: Council Member Jacobs.

Bud Jacobs: Approve

Terry Cooke: The minutes are approved. We're moving onto new business. We have 3 matters falling in that category. We will take them in order. The first being zoning map, Amendment 21-01 an ordinance to rezone a zero point five one five three-acre portion of land, at 10 West Marshall Street from R1 single family residential district to C2 to town commercial district and to rezone point five nine six nine six-acre portion of adjoining vacant land from MUV mixed use village district with [inaudible] to C2 town commercial district officials. Explain to us what's going on here.

Will Moore: And thank you again, Mr. Chairman. This item, as well as the next item we're actually introduced to you in September of last year. Shortly before then, the town had entered into a letter of intent with Salamander MUV LLC. That's the ownership and the entity of the MUV zoned portion of land on what's [inaudible] this is in relation to our town hall project. Clearly. We had intended by introducing it then to to come back with this actual agenda item sooner, but we had to work through the subsequent purchase and sale agreement. I refer to it in my memo as being in an approvable form, which it was at the time of writing of this memo. The PSA has since been executed. So very thankful for working with the folks at Salamander to get that realized. So this first part of the rezoning of these two portions of land was related again to our town hall project. I'm going to try sharing my screen here, see how this works. And everybody see that, that. [multiple speakers] So just a quick refresher down here, kind of where my cursor is. This is our existing town office location, the portion that's shown here in Green. The town previously acquired this from Ms. Kaye. This is the remainder of her property here. So this is the first portion that's referred to in the ordinance title that remains even though we have consolidated it with our current holdings, it remains zoned R1 at this portion. So this portion of land we're proposing now to bring in to

C2 zoning, which matches the existing town hall site as all the surrounding properties squatting on Marshall Street. The second piece of land relates to what we just executed, the purchase and sale agreement with Salamander MUV LLC. And that's this kind of L Shaped portion in blue. That portion of land is currently zoned MUV and is subject to proffers. And the proposal is to remove that land from the MUV zoning and from the related proffers and to also zone it to C2 town and commercial. So the portion in blue, the portion in green as well as the existing town site would all be under the common C2 zoning proposal in this. We talk a little bit in a memo about the support for this that's given in the comp plan. I don't think we need to go into that in detail. And we did cover that when we talked back in September, we would certainly go into a little more detail on that if you agree to schedule this for public hearing next month. But again, we think this is a pretty straightforward rezoning here. All of these lands that are currently holdings of the town or will become holdings of the town once we close on the property, we'd all be under the common C2 zoning.

Terry Cooke: Thank you Will. It seems to make sense to me, but yeah, for each commissioner an opportunity to ask questions or make a comment beginning with you, Don. [off mic]

Don Woodruff: Well it just makes absolute sense to me. It made sense when Salamander first talked about land that they were taking over being used as a town hall. And I think it should be done with all alacrity. Thank you.

Terry Cooke: Thank you, Commissioner Fleischman.

Ed Fleischman: Thank you, Mr. Chairman. I have no real problem with these zoning map amendments that have been put forth. But I do have a problem with where the Planning Commission is on this whole process. And I'd like to say that I'm disappointed in the town staff and how they've utilized the planning commission in the town hall project. The town hall was sent the project was sent to the Historic Preservation Committee. They looked over details of the building. That's fine. And now we have a zoning amendment that's details. But I think it would have been proper if the concept plan and discussions about the town hall had been presented to the planning commissioners and the planning commissioners have been able to offer their opinions on it. I think there are some real problems with the town hall as designed in the preliminary sense. There was a town hall meeting at the American Legion, a presentation. I made a few comments there. So it's not like I've been hiding my comments. And I made comments at the Planning Commission meeting about six months ago. What I'm concerned about is that the town hall current design is too oriented to an Ashburn type town hall. And what specifically my concerned with? I'm concerned with the orientation towards Salamander property and the orientation to a parking lot. The town of Middleburg has been here for 200, 250, 300 years. And I think the focus of the town hall should remain facing the town rather than a parking lot. And I think that that could work out given the site building the existing building, the town hall where it is, where it's sited basically very similar to where it is, but then putting an entrance, a car entrance, public entry, security from where it is now. And I think that that is an issue that I think should be addressed again. The other issue that I have is with the siting of the police officers within the town hall. As the presentation made plain, the town administrative offices are going to face the parking lot and the police department officers are going to be away from the parking lot. And it was mentioned that we are moving to a 24-hour operation for our police. It would seem if I was planning the town hall, I would put the police officers facing the parking lot where they could move their vehicles in and out and be a 24-hour operation and have the administrative offices face the town, the old part of town. So those are my two issues, is that there should be more siting facing the town in that where the existing building is. If you want to tear down the existing building, that's fine, build the new building behind it and then put an entrance pavilion so that people can move in off Marshall Street. And I think the police offices should be rearranged. So that's my comment. I would have been like the opportunity to give those comments much earlier in the process. But I again, don't think that the town considered the Planning Commission properly in asking for comments. Thank you.

Terry Cooke: Thank you Ed.

Will Moore: And, Mr. Chairman, if I may, before we move on. I do appreciate Ed's comments. I would encourage us to not continue with those comments during this agenda item or the two remaining ones. But if we wanted to have more discussion, if we could hold off on that until the discussion items section on the agenda later, I think that would be more appropriate. That might help us manage these agenda items better.

Terry Cooke: I am fine with that. OK. That's the way we'll proceed. Thank you. Move on to, let's see who's next. Commissioner Stein.

Mimi Stein: Yeah, I think the zoning changes support the very important project design issues aside. I'm in agreement.

Terry Cooke: Thank you. Commissioner Minchew.

Rachel Minchew: Yes, I'm in agreement with the rezoning and it to a C2. I'm fine with that.

Terry Cooke: Thank you. Don did I skip over you or do I get you earlier?

Don Woodruff: Oh, [multiple speakers] agree with that 100 percent.

Terry Cooke: Oh, OK. Thank you. Commissioner Roszel.

Dev Roszel: Yeah, I'm fine with the rezoning from into the C2. And I appreciate those comments. I think we need to have those conversations at a later date. I'm comfortable with the zoning as proposed.

Terry Cooke: Thank you. Council Member Jacobs.

Bud Jacobs: I'm comfortable with the zoning from R1 to C2 as Will has proposed.

Terry Cooke: Thank you. I think I [off mic] everybody. [off mic] If I missed anyone, please [off mic]. We'll move onto discussion item 9 B Zoning Map Amendment 21-02 an ordinance to amend the proffers associated with conditionally zoned R-1 Single Family Residential, R-3 Residential and MUV Mixed Use Village District properties and a portion of 500 North Pendleton Street. And Will do you want to introduce the discussion on this item?

Will Moore: Yes, thank you, Mr. Chairman. Again, this is related to the town hall site. As I also put in my memo and we discussed back in September, realizing that's been a little while. But in addition to a few proffer amendments related to the town hall site, we're also using this proffer amendment as an opportunity to do a little cleanup of some items of the original proffer statement from 2007 has been twice amended previously, but those amendments were structured a little differently. We kept the original proffer statement added on a couple of sheets which told us that we're changing language in paragraph of the original, but it didn't put it together cleanly. And with a couple of amendments that we've had at this point, we thought it was important to get everything back in the one clean version this time. So kept this sharing of the screen once again and hopefully this'll work.

Terry Cooke: Yes.

Will Moore: So this is the red line of what is titled the amended and restated proffer, and I'd just like to walk you through here fairly quickly, just on kind of the substance. So what we did as a baseline is, we took the original proffer statement. We took the two amendments that had been done previously, and we consolidated the text into a clean version. And now we're proposing the markup to that clean version, if you will, which is what you see in red so titling this the amended and restated proffer at the top.

Middleburg Residential LLC., Salamander Middleburg MUV LLC.. The ownership entities. Their names have changed since the time of the original proffer so we're stating those as they are currently. We have updated you see on this note here, the property identification numbers for the properties, there has been some re-subdivision of the parent tract in the years since the original proffers. So important to, at this point in time, clean up the property identification numbers. Again, this comment is simply saying that this proffer statement, if approved, would replace all the previous ones. We don't have to continue that in a piecemeal fashion. So in terms of the substance within the proffer statement. The first one here is under proffer number three, which relates to non-residential use. There was a clause in there referring to the amount of nonresidential use that could be present in the MUV and a clause that says exclusive of the land or the gross square feet to be developed with a municipal facility, and proffer 11. We are later going to remove that existing proffer 11 so that clause will no longer be necessary. The markup that you see here under number four this continues throughout the remainder of the statement, and it's simply replacing the word applicant with owners because that's really who is making proffers it's the owner. Also, under the Owners Association, the clause basically speaks to establishing an owner's association or association and certain different parts of the property are developed so that association is in place. What we're proposing here is the development of the Village Green, which is in conjunction with the town hall project, would not trigger the requirement to have an association in place at that time. But at that point in time, the town is responsible for the development of that parcel Village Green. Again, this is just clarifying language that when they establish an association or associations, they could do it as one association covering all of the properties, they establish an initial association, as additional land is developed within those properties. They could be incorporated or annexed in the language they use into the initial association that was developed. Under open space of what this really does, the main thing you see here is it strikes a requirement in here for the westernmost portion of the property to be placed into an open space easement. And the reason it's been stricken here is that's already happened. So this proffer said that at the time of approval for dwellings in the R1 District is when they would have to place that land in easement. They did that well in advance of the development. So we already have that one hundred and eighty-eight plus acres in open space easement. So we could remove that from the proffer statement. Going on to number nine, which applies to intersections, there was a sub bullet here, B, which talks about a contribution for improvements to the intersection of Madison and Marshall Street. That's already happened, and those improvements have been put in place. So, again, no reason to carry that forward in the proffer statement. Under-construction traffic under number 10 and we previewed this a little bit previously, is that the proffer, as it exists right now requires all construction traffic on the entirety of the property to use the Foxcroft Road entrance, which would put all of the traffic right past the front door of the resort and through the property. What we're proposing here is simply excepting the Village Green Development from that requirement. So when we build out our town hall site and the Village Green in conjunction with that, that traffic would not be required to use the Foxcroft road entrance. We'll talk about that under the next agenda item as the applicant looks to kind of broaden that ability for construction traffic to use an entrance other than Foxcroft. But for this agenda item it's only accepting the Village Green from that requirement. And then we simply update the name it's now the Middleburg Community Charter School instead of Elementary School. The really big change happens here under number 11. So if I scroll to the latter part of it, where you see the language stricken here, this is for the requirement for the Salamander or Salamander entity to provide land for a town hall on the MUV zoned property. So kind of backing up a little bit, the way that proffer was written was at the time of an approval for a site plan for development in the MUV area is when that proffer would become due. We know Salamander is proceeding with the residential component. And that seems to be moving forward at a good pace at this point in time. Happy to report that. But there are no at least immediate plans for development in the MUV, which would mean that, that proffer would not become due any time soon. However, the town is looking forward to moving ahead with that project. So we've been negotiating with the folks at Salamander, and we've come up with an alternative approach in which we will build our town hall and are required to build our town hall on property that we already own. It does not include the piece that we're looking to purchase, which would be used for parking lot purposes. So in conjunction with the execution of that purchase and sale agreement, we can now remove the requirement for dedication of the town hall from the proffer statement. However, we're inserting language about the provision of the Village Green

and specifically a relocated Village Green. The original layout plan that was not necessarily incorporated into the proffer's except by reference had a Village Green in it. It had a town hall site in it, but both were well north of the locations where they are planned for with our current project. And if I might if I can find that exhibit, I will bring that up as well. And is that plan sheet visible to you?

Rachel Minchew: Yes.

Don Woodruff: Yep.

Will Moore: Okay, so just to give you a little bit of orientation, Marshall Street is in the area of my cursor here. This is Pendleton Street extending north and into the resort property. Where you see this number one here this was the original proposed location for the proffer town hall site. So kind of well north into the property. [off mic] This was the original proposed location for the Village Green, where you see the number two actually on the west side of Pendleton Street. [off mic] What we are proposing here now in the plans that you saw earlier for the rezoning involved this area in red down here, which would be the town hall property, as well as the property that we are in the process of acquiring for the use of the parking lot. And then here, the floor where you see the green this would be the relocated area for the Village Green. That kind of gives you an idea of what was originally envisioned for a proffer town hall site much further north into the property and as opposed to what we're looking at now. Is that exhibit helpful for you in understanding what we're trying to accomplish here? [Multiple Speakers]

Mimi Stein: Yes, very. Thank you. Thank you.

Terry Cooke: Yeah, thank you.

Will Moore: So just back to the proffer statement. So we referenced that they are providing an area of approximately 20,000 square feet in the MUV that it will be subject to a public access easement, which is defined in our purchase and sale agreement with them, also subject to a stormwater management agreement as described in that purchase and sale agreement. And for your understanding there. We recognize that we may not be able to handle all of our stormwater storage or dispersal requirements on the property that we will own. This would allow us to do some sort of facility, possibly underground facility, if necessary, on part of the Village Green property. And then it references a new exhibit, which would be part of the proffers and it's in your packet but let me pop that up here as well. And this one is oriented a different direction. This is the property on which we would build the town hall. This is a previous iteration of what the footprint might look like. This is generally the land that we are looking to acquire for parking lot. And then this is the area to the north of that the approximate 20,000 square feet that would be dedicated to the Village Green. And then continuing on, I think that takes care of most of the substantive changes. Oh two more here, the deletion of proffer 16, much like the Marshall and Madison Street improvements, this had to do with the submission of the cash proffer to go toward improvements to Pendleton Street. And that cash proffer has already been remitted a number of years ago. So we don't need to carry that proffer forward because it has been fulfilled [multiple speakers].

Terry Cooke: Excuse me, what good is the plan for that improvement at Pendleton and Washington? I mean, does that exist in any concrete form right now? Do we know what's going to happen there or do we just have the money to use at some future time for whatever?

Will Moore: A good question. So the original proffer statement had a plan for certain improvements that both parties decided we did not want to proceed with. This cash proffer was a proffer amendment to replace that plan with the cash proffers. And then the town subsequently applied those dollars to our Washington Street Improvement Plan so that eventually the bump outs that we have at the intersection of Pendleton Street and Washington Street, that's what that eventually led to.

Terry Cooke: Oh, okay got it. Okay, thank you.

Will Moore: Yes sir. So, again, proffer 17 had to do with signs, it basically said once site plans were submitted for development within the different districts of a sign plan, we would have to accompany that we are again just accepting the Village Green from that requirement. That says we can move forward because the Village Green remains in the MUV district and is subject to the proffers with [off mic] exception, that says we could develop the Village Green without Salamander having to submit a comprehensive sign package at that time. And then finally in the park, section number 18, again, we except the Village Green from the requirements. There was language in here that spoke to ownership and maintenance of open space in the different districts. It said it would be by property owners' associations in R1 and MUV previously somehow, we included in the R3. And honestly, I'm not sure of the genesis of this, but the R3 of the ownership and maintenance could have been by Owners Association or by the community center or by the town and neither the community center or the town are involved in the open space within the R3 district as is currently proposed. So this would simply remove the community center and town, its options for the ownership and maintenance of that open space and put all of it under a requirement to be owned and maintained by the Property Owners Association. So again, that falls in that global cleaning up of language. So a lot of moving parts in here. I hope I've explained it somewhat well. I think the bulk of it has to do with the cleaning up and or accepting minor requirements associated with the town hall site from being subject to the overall proffers. Again Mr. Chairman, turn this back over to you, invite any discussion or questions.

Terry Cooke: Thank you Will. Know, I thought you did a wonderful job of walking through everything, I, personally didn't see much in here that's discretionary, but more of an FYI update on the changes. But I'll invite each of the commissioners in turn to share any thoughts or ask any questions on this particular matter, beginning with the Vice Chair Woodruff.

Don Woodruff: I pass I have no questions.

Terry Cooke: Thank you. Commissioner Fleischman.

Ed Fleischman: Thanks, Mr. Chairman. I don't have any problems with the zoning map amendments 21-01, 21-02, 21-03, I'm not quite sure what we're doing here as far as the agenda items. It talks about the removal of the Reed Street traffic study changing into a trial. Are we talking about this also or is that something separate?

Terry Cooke: Well if I may Ed let's get through Amendment 21-02 because we have 21-03 obviously coming up next. So let's hold off. I'll ask [multiple speakers] on that one.

Ed Fleischman: Yeah. So my question is related to that. So 21-01 and 21-02 have nothing to do with the Reed Street activity? Okay, that's fine. I have no comments on 21-01 and 21-02. Thank you.

Terry Cooke: Thank you. Commissioner Stein.

Mimi Stein: Okay, my only comment is Will you did an amazing job explaining all that, thank you, and I'm okay with it.

Don Woodruff: Good, Mimi.

Terry Cooke: Commissioner Roszel.

Dev Roszel: Yes, thank you, Mr. Chairman. Will I just have one question regarding Section nine. So this is with the intersection. So the four way stops that they're referencing so this is what's going to be happening once it starts the construction, or I guess I'm confused about the four way stop intersection of

Pendleton Street and Marshall Street, the four way stop, Stonewall and Chestnut. I mean is that what they're planning on doing once they get rolling on the construction piece. Thank you.

Will Moore: Okay, yes, so good question, the short answer, which isn't really an answer, is that's existing language that is not proposed for change right now. So in terms of the amendment before you, that existing language, and it's not being proposed for any alteration. The idea there was that the original proffer statement required, if approved by VDOT a four way stop at Pendleton and Marshall, which is something that a lot of people in the community have requested on a number of occasions. It has never met what VDOT refers to as warrants to have a four way stop. And what they mean by that is they don't like forcing traffic in all directions to stop unless there's a good reason. So good reasons can come from some very unfortunate events like accidents. But good reasons also have to do with the ratio of traffic from one direction or another. And oftentimes when there is a an imbalance of that ratio, so much more traffic using Marshall Street, for example, than using North Pendleton Street, they kind of hold fast to their theory that unless there's some real unfortunate event, we really shouldn't be making every person who comes on Marshall Street stop because there's such an imbalance in traffic.

Dev Roszel: Right.

Will Moore: Nonetheless, that proffer existed for Pendleton Street and then submitted to VDOT for consideration, I understand, on two previous occasions and turned down. When the plan was revised in 2015 to an updated plan, which includes the [off mic] Chestnut and Reed Street as currently called for that language was again carried over to those two intersections, likely with the same result, maybe coming forward, but maybe not. But what it does is it commits them to making that relatively inexpensive improvement if it meets VDOT warrants if VDOT says, yes, it's okay to have that there then they would proffer to, you know, put up the signs and maybe do some paper markings.

Dev Roszel: Yeah, OK. Thank you very much. Really, really helpful havening seen the red line piece and then the clean copy was really well done. Thank you.

Terry Cooke: Commissioner Minchew.

Rachel Minchew: No concern. Thank you for the explanation that made it very clear with both of the sketches to say that. Thank you.

Terry Cooke: Thank you. And Council Member Jacobs please.

Bud Jacobs: I don't have any concerns with what Will has presented. I have a comment on the four way stop issue on Marshall and Pendleton. VDOT's approach to this issue is asinine. I have been almost T boned twice going west on Marshall Street by traffic leaving Salamander that either does not stop or slows insufficiently to avoid an accident. And if VDOT is telling us that we have to wait until some one of our residents is injured or sustained significant damage, I think that's absolutely unconscionable. And I'm only making this comment one to vent, but also to get it on the record.

Dev Roszel: I'm surprised it's only been two times.

Bud Jacobs: Well, I don't go that way much, I guess. [laughter].

Dev Roszel: Happens numerous times and coming from the Safeway people going into Salamander.

Bud Jacobs: Really? Yeah, well.

Dev Roszel: It's a terrible intersection. Got to pay attention. [Multiple Speakers]

Terry Cooke: Thank you. We'll move on to the final matter of new business, which is Zoning Map Amendment 21-03 an ordinance to amend the proffers associated with conditionally zoned R-1 Single Family Residential R-3 Residential and MUV Mixed Use Village District properties and a portion of 500 North Pendleton Street. [Off mic] One more time please.

Will Moore: Yes, sir. Thank you, Mr. Chairman. So this item has probably fewer components in terms of the amendments than the previous one but may merit a little more consideration due to the scope maybe of some of the amendments proposed. I hope I made it somewhat clear in my memo that I've not really had a full time to digest and provide you analysis of this. I suggested my memo and in my email of distributing this, that we need to maybe keep the discussion at somewhat a high level during this meeting until next month, during which I can provide you much more analysis of maybe the potential impacts of the amendments being requested, their alignment with our comprehensive plan and things like that. But I did. So I received this formal submission just on the Thursday of last week. So but I felt it important to get it into your hands earlier than later. So that's why you have it, but also why you have it absent any detailed analysis. But to walk you through kind of maybe quickly what is being proposed, so similar to the last them you're going to find a red line version of the proffer statement in your package. It's important to keep in mind, as I stated in my memo, that red line assumes the baseline of the previous amendment being approved as written. So it's not approved yet, but they're starting with that as their clean version? I think maybe because that's a really straightforward amendment for you to consider. But just keep in mind that should anything be tweaked in the previous agenda item that you just considered, we'll also have to tweak that in this one, because that will change the baseline of their proffer statements that they're using. So they're calling this the second amended and restated proffer statement. And if you give me just one second, I will find that and pull it up on screen for you. Still working. [laughter] Apologies, my computer is a little overloaded by all these attachments I have opened. [off mic]

Bud Jacobs: Get Mr. Woodruff to help you with that, yeah. [laughter].

Dev Roszel: Get that second grader in here.

Don Woodruff: It'll all go blank if you do that.

Dev Roszel: [inaudible] use two computers.

Will Moore: Okay, we're somewhere here. Okay, are we seeing the document now?

Rhonda North: No.

Dev Roszel: No. We're looking at your public drive.

Ed Fleischman: You have to click on the file, you want to see.

Will Moore: Yeah, I've done that now. Okay.

Dev Roszel: Is this in the email that you sent, Will?

Will Moore: It is. Okay.

Dev Roszel: Well we can all open that up.

Will Moore: Okay, apologies. Let me see [multiple speakers]. May have close enough windows now to try this again.

Dev Roszel: Which item is it on the agenda number three, Proposed Urban Plan?

Will Moore: No, this is the one titled second, this is the first [multiple speakers]

Dev Roszel: Okay I have that open.

Will Moore: Okay and.

Dev Roszel: Do you want me to send it to you? [laughter]

Bud Jacobs: There we go.

Will Moore: Is it working now? [multiple speakers]

Rhonda North: We can see it.

Terry Cooke: Yep, it's up.

Will Moore: This is for Terry and Ed's benefit, who had technology issues earlier, I just wanted them to feel. [laughter]

Terry Cooke: You're too kind.

Ed Fleischman: Appreciate it Will, thank you.

Dev Roszel: There's always got to be one.

Will Moore: Yes. Well, thank you for your patience there. So here we have again what I just mentioned, amended, and restated proffer. That's the language [off mic] in our previous agenda item. So they're using what would become the clean version of that as their baseline for this amendment. So in this one, in the first paragraph, this is striking language from there and saying that this which is the second amended and restated proffer would replace in its entirety the amended and restated proffer dated February 24th, which is the one that you just saw. So hopefully that makes sense. A big change here, it's not very big in text, but very big in its substance. Under number one there was a proffered plan, this exhibit prepared by J2 Engineers dated March 6, 2015. So that's the current layout plan that is proffered. Of the construction plans that have come in since that time varies somewhat from that. But I previously made the determination that the degree that they vary is still in substantial conformance with that plan. So that plan is the one that had one way loop roads with medians in both the R-3 and R-1 areas. We do know that, that has changed since. But I previously, due to other substantive facts of the plan, have judged it to be in substantial conformance. However, they are proposing a couple of items with this new plan that they are proposing to be proffered, which would take it out of that substantial performance. In particular in the J2 plan throughout the R-1 and R-3 neighborhoods there was sidewalk with trails that would front on all of the lots, not necessarily on both sides of the street because they were one way loop roads. But there was a sidewalk that went around every lot would front on an improved street, curb, gutter, and sidewalk. In the proposed plan for the typical street section, they are proposing to only provide the pedestrian facilities on one side of the street throughout the neighborhood. And I'll pull up that plan here in a minute and then we can maybe talk through that here in a little bit and just at a high level and really delve into it a little further next month. The other major component with this proposed change in the proffer plan would be to eliminate the vehicular extension of Reed Street north of Stonewall Avenue to replace it instead with a pedestrian only connection so you could enter the property through that ride of way. We would provide kind of an enhanced entryway, which there was an exhibit in your packet showing how they might propose landscaping it, providing a couple areas of hardscape, possible seating to make it a very attractive pedestrian entrance. But again, it would eliminate the vehicular connection at Reed Street. So those are the two big changes that would come along with that replacement plan. And again I would pull that up for

you here in a minute, but just going through the text a little further. Number 9 under intersection, which we kind of just discussed, you approved the replacement of that layout plan that would eliminate the vehicular extension at Reed Street this would then also take away that proffer to provide a four way stop. Because if that the vehicular connection goes away, you're essentially left with the existing condition at Reed Street and Stonewall. So it wouldn't be a four-way intersection there to provide that four way stop. Another big change here, and I will preface this by saying, even though we don't provide a lot of analysis this month staff is in support of this requested change. This goes back to the construction traffic topic, and this would allow construction traffic to enter the site, either with Foxcroft Road, which is currently proffered as the only entrance, or to be able to utilize North Pendleton Street. We talked about this a little bit back in September and based on some feedback from the commission at that time, I also coordinated some discussion with police chief on this matter. I've talked at length with town manager about this. We see little impact to this and reason being the majority of construction traffic that is going to be coming to Middleburg to work on this property, whether it be the town hall project, whether it be the residential component, whether it be a future development MUV it's going to come, the majority of it from the east or the west. We're going to have very little coming from the north along Foxcroft Road. [off mic] Foxcroft School through the winding roadways, past the Hunt Club. So the traffic would be entering Middleburg, essentially the majority of it on Route 50 from either the east or the west. If it's going to use Foxcroft it's going to come to Madison Street to turn to head out Foxcroft Road. This is just one block removed from Pendleton Street. So it's not going to apply a heavier load of construction traffic into our downtown. There will be construction traffic in our downtown because there's construction going on. There's no way around it. But the change in allowing it to utilize Pendleton Street would really be a minor one. And a couple of bonuses to go along with that and one is for the benefit of the resort. But that in turn benefits the town is that it would prevent construction traffic from having to drive from Foxcroft Road past the front entrance of the resort and down through the property, which could be a benefit. But it would also prevent construction traffic from having to go past the charter school. Now, it does have some language in here about minimizing that traffic during arrival and dismissal of the school, but simply avoiding that traffic, having any conflict with student traffic at the charter school, we think, is a good idea as well. So that's what's being proposed here. Instead of Foxcroft Road only, it could be Foxcroft through North Pendleton Street. Important to note that it would not include any access through residential areas. So the construction of an extension of Chestnut Street, for example, any of the construction traffic working on that would still have to come to Pendleton Street it wouldn't be going through our residential district to access. And finally, under I think this is finally under the phasing section 12B this simply removes again, if you were to approve a replacement layout plan that eliminates Reed Street, this simply removes the associated language that has to do with the bonding of that Reed Street extension. If that extension goes away, we don't need the language about bonding [off mic] construction. And that's it as far as the text. Mr. Chairman if I might I'm going to go just very quickly to the lay out plans and give you the one that's currently proffered, as well as the one that is proposed to be proffered, and I'm going to give me one second to [inaudible] through this again. Let's see, current. Ok, hopefully we see this exhibit here.

Rhonda North: [Multiple Speakers] We can.

Will Moore: So this is the plan that is currently proffered, however, doesn't exactly mirror the construction plans that are currently under review. So I'll just zoom in a little bit here. This is where I referred to over in the R-1 section. You have this loop road that has a median in between. This would be a one-way loop road. This has gone away from the construction plans. And then the same thing in the R-3 area over here, you see this one-way loop road with some medians and a couple of crossovers in there. One thing notable about this, it does include these typical street sections, so those two-way public streets, which are going to be your extensions of Reed and Chestnut in this plan, this two-way section of street. Again the further extension of Chestnut would have sidewalk on both sides. The one-way section would have sidewalk only on one side. However, that because it's one way it loops around, it provides a sidewalk in front of each lot, for each lot has a sidewalk fronting on it for residents to come and go. Same thing here, with one way loop road only on one side, but its sidewalk fronting on each lot. The proposed revision that you see here eliminates those loop roads and very much simplifies this into more of a grid

pattern, which is typical of what we have through town. It does have a small circle at the end of north and south terminus here in the R-1 section, but this becomes a two-way road in between. And again, this is where they are proposing the elimination, oh sorry over here. Here's where they're proposing the elimination of the Reed Street vehicular extension, and instead doing the pedestrian connection instead. So that is the one big change again, and then the second portion that we refer to as the big change is this typical street section here, we see in this section curb and gutter on each side, but sidewalk only on one side. These plans, don't denote which side of which street it would be on necessarily, but you would not have as proposed here if this were to be accepted, you would not have sidewalk fronting on each lot. You would have it on only one side of the street in the R-3 and over here in the R-1. So, Mr. Chairman, that's again, that's a very well, maybe not very brief, but a brief overview. [laughter] Again apologize that we didn't have time to get you that analysis with the timing of the submission. But again, I felt it was more important to get this into your hands earlier so you could start thinking about it. But we will certainly have much more analysis available for you to aid in your deliberations next month. I will point out that in my memo I refer to road sections, A-1, A-2, and A-3 as not being shown on this plan. There's a proffer that has to do with those. A-1 is essentially this main road that you see going through development, Martingale Ridge Drive and up here to Old Saddle Drive. A-2 and A-3 are road extensions into the MUV zoning area. So they were unintentionally left off of this exhibit. I did receive an exhibit just late this afternoon which was [inaudible] those connections. So I will get that out to you subsequent to our meeting sometime between now and the next couple of weeks when I can provide you some additional analysis. But you'll have that updated exhibit. To let you know, those roads sections have been restored. But again, Mr. Chairman, that's kind of the high-level view without getting into the details, I would encourage any discussion of the commission at this point without the benefit of additional analysis to also be as high level as possible. Thank you.

Terry Cooke: Okay, Will, thank you so much. Again, I will ask each commissioner if they have any thoughts or comments again at a high level [inaudible] regarding this Zoning Map Amendment 21-03 and beginning with Vice Chair Woodruff.

Don Woodruff: I have no questions regarding this map.

Terry Cooke: Very good. Thank you, Don. Commissioner Fleischman.

Ed Fleischman: Thanks, Mr. Chairman. I want to thank Will for sharing this proposal with us at an early time. I think it's always good to have it first thing so we can mull it over before having to make a decision. I do have two comments that when, Will, you do your analysis with your team that you look at two items which are really not in conformance with the comprehensive plan that the Planning Commission worked on. One of the items in the Planning Commission's plan was the need and the emphasis on sidewalks. And I think that initially I see no reason why there should be no sidewalk on one side. I think there should be sidewalks on both sides that's in the comprehensive plan. And I would ask you to do some analysis on that and why they did it. The second comment I have would be I think that closing Reed Street and allowing only Chestnut to handle all the traffic really doubles the traffic on Chestnut Street. And I think that's problematic. I think that Chestnut Street will be used as a cut through by a large number of owners. But the other thing I didn't see the traffic analysis mentioned that the residential buildings at Salamander are going to be up for rental and therefore we might have people coming in for a week or a weekend and we're going to have much more traffic than just owner traffic. So I think that we ought to take a look at that. I think that having two entrances is good. Having one entrance is bad and having no entrances from Ridgeview, meaning Chestnut and Reed both closed is a possible alternative, which I'd like you to think about Will. That's it. Thank you, Mr. Chairman.

Terry Cooke: Thank you Ed. Commissioner Minchew.

Rachel Minchew: Thank you for the information. It's a lot to digest. I think Ed brought up some great suggestions and thoughts to also mull over going back to the comprehensive plan. At this point, I don't have any comments. Thank you.

Terry Cooke: Thank you, Commissioner Stein.

Mimi Stein: Well, I hate to make it personal, but on Marshall Street, where I live, we only have sidewalk on one side and it's a pain in the neck. [laughter] So for the future residents of these homes, I really, you know once you put in the sidewalk and you've already changed the character of the street and I think sidewalk on both sides serves a very good purpose. So thanks.

Terry Cooke: Thank you. Thank you. Commissioner Roszel.

Dev Roszel: So, yeah, thank you. You know, I agree with everybody. I mean, I think Will it's a really good high-level look. I reserve my comments regarding the entrances. I do like the Reed Street Pathway; I think that's a great idea. I think that, you know, the construction, depending on the speed of the construction and how many houses will be built at once. Construction, traffic, materials traffic coming off of 50 turning onto Pendleton Street. I don't think there's going to be any easy way to get construction traffic into Salamander outside of turning on Madison and going all the way down to the back entrance of Salamander. So I mean, I think that's something that we really need to think about, because when you have a large truck with a lot of drywall trying to make the turn off of 50 onto Pendleton, when people are going to Safeway and you've got all this, I just think that traffic plan needs to really be thought out because there's going to be some just major congestion if they're building five or six houses at one time. You know if they're only building one it's not going to be a big deal but getting big trucks around that thing I think needs to really be considered. Because we have the bump outs there. And it's just I think it's going to be an issue for trying to get trucks in and out of that space. That's it that's all I have. Thank you. Well done.

Terry Cooke: Thank you, Dev. Will, it looks I mean, as I read the map, it looks like Martingale Ridge Drive will terminate at North Pendleton, correct? So I wouldn't be wrong in suggesting that access will come from Pendleton Street as well as Chestnut correct. Vehicular access?

Will Moore: Correct. Correct. So there's a recent analysis. We had an initial response from the plan engineer as to projected vehicles per day, both with the original plan as well as a revision that would eliminate the Reed Street connection. So we could talk a little bit about what those numbers might look like with and without Reed Street. We'll have a little more discussion of that for you next [off mic].

Terry Cooke: Thank you [multiple speakers]

Danny Davis: May I interrupt real quick Rhonda, could you promote Bud back to a panelist? He got booted off and needs to come back on.

Terry Cooke: I was just going to comment that I saw a note pop up to that effect.

Danny Davis: Sorry about that, sir.

Terry Cooke: Anyway should we give him a moment or two [inaudible] back from [inaudible]

Dev Roszel: Yeah, Will I will say it's all lots of great information and, you know, really well put together and the schematics are great to look at so that by reading stuff it makes it much easier to really get a handle on what you know, we're trying to understand. It's really done well.

Don Woodruff: The only thing I would add would be once you build it with no sidewalks, it's hard to get them in as we've run across over the years. You get the sidewalks in when the construction is going on and you get them, otherwise you don't get them.

Terry Cooke: [inaudible]

Dev Roszel: So Will, is it a cost issue? What was the reason behind taking it out too and just putting it one following the flow of traffic?

Will Moore: So, again, it's probably a better discussion for next month. I don't [multiple speakers]

Dev Roszel: Okay that's not a problem.

Will Moore: I will tell you that the development partners have presented a case and they have some reasoning how well that reasoning resonates with the commission and our comp plan. And that's what we have to work through.

Dev Roszel: Okay, thank you. Thank you.

Will Moore: That's not just the cost issue though.

Dev Roszel: Yeah.

Terry Cooke: Will, as I read your cover memo, I understood that the zoning map Amendment 21-01 and 21-02 could be right for public hearings, is that correct? And that we don't we don't proceed at this point, we're still doing that amendment 21-03 because we all agree that further analysis is necessary. But can we go ahead and schedule the first two of those three, for public hearing next month?

Will Moore: Yes sir, absent objection from any commissioner, we will go ahead and schedule one and two we would not schedule three, but we would likely need to schedule that for the following month for May. So we'll need to put in some good work on this in between now and next month. I'll try to get that analysis out to you, well in advance of your meeting not the typical four- or five-day lead but get that to you well in advance and then really work through this next month and then schedule your public hearing for May.

Terry Cooke: Okay do we have Bud back yet. It doesn't look like it.

Rhonda North: Yes. [inaudible]

Bud Jacobs: I'm back.

Terry Cooke: Well, I'll ask the question now, then. Oh, welcome back, Bud.

Bud Jacobs: Thank you.

Terry Cooke: I feel your pain Bud. [laughter] Does any commissioner have an objection to proceeding with the scheduling of a public hearing on zoning map amendments 21-01 and 21-02 for the next meeting? Do we need a motion on that Will?

Will Moore: No we're fine with just the consensus [off mic].

Terry Cooke: Okay I take it the consensus of the commission is to move ahead with the public hearing on the [inaudible] to rezoning map amendments and [inaudible] read for you action on map amendment

21-03, until we conclude further analysis and consideration. Thank you. Bud you're back just in time for your Council Representatives Report.

Bud Jacobs: Goody. [laughter] I don't have a lot I would. [inaudible]

Terry Cooke: Oh no.

Bud Jacobs: [off mic] am I off? Can you hear me?

Terry Cooke: Yes. We got you now, you're back.

Bud Jacobs: Sorry. I was going to mention the public hearing of the town hall, but I'm afraid of getting thrashed by it. So I'll not mention that, except to say there was a pretty good participation and some interesting comments, Ed's among them. And it was useful. And there's going to be, at least, as I understand it, one more public hearing and probably more than that as this moves forward. I talked to a little bit about the budget last time, I think. Still thrashing through all of that as a just a top-level comment. I don't think the assumptions of the budget are going to change very much. And although we're in pretty good shape, that can always change. There's a little bit of confusion about the impact of an increase in business licensing. We've received more money than expected. However, we continue to see, at least in February, a fairly sharp decline in meals and occupancy revenues, probably attributable to the just horrible weather that we saw in February. Anyway, one more plea for you guys to take a look at the budget and forward any questions or concerns that you have to Danny or Rhonda and they can work through them. One issue came up at the meeting that I want to call to your attention. You're all aware, I'm sure, that Virginia is moving ahead with some form of marijuana legislation and legalization. And apparently there are two versions of the bill that need to be worked through, but at least in one of the versions, there was a limit placed on localities about their ability to hold a referendum on whether the locality wanted to opt out of allowing marijuana retail operations in their town. In the second version apparently, the referendum is removed, and no jurisdiction would be able to make a local determination on whether they wanted cannabis retail operations. Town attorneys is looking into this, but potentially we may find ourselves in a situation if the governor signs the bill, which seems likely at this point, I guess we could find ourselves in a position of facing some decisions about retail uses in town and file that on the back of your hard drive. I'm not commenting one way or the other about the wisdom of legalizing marijuana in the Commonwealth. However, I feel pretty strongly that localities, at least the towns our nine towns should have some voice in whether they even want these operations inside their jurisdictional limits. That's kind of it. I don't have a lot more to share with you guys unless there are questions.

Terry Cooke: Thank you. Any questions among the commissioners? All right, we will move on to the discussion items and we defer discussion of town hall concerns and other matters regarding the zoning text amendments to this point in the agenda. I don't know if Ed or perhaps some other commissioners had some thoughts or issues. So now's the opportunity to air them. So, Commissioner Fleischman, do you have anything to add to what you said earlier?

Ed Fleischman: No, I think that my views are on the table, that's all. Thank you.

Terry Cooke: Okay, thank you. Rhonda with your permission, I'll go around the table. Vice Chair Woodruff any matters for discussion?

Don Woodruff: Yes, I'm siding with Ed. The more I think about the location of the police department and the administrative offices seems to be reverse from what it should be to make total sense of the operation that each of these arms of our government, are involved. So I support Ed 100 percent on that. Thank you.

Terry Cooke: Thank you Don. Commissioner Stein [multiple speakers]

Mimi Stein: No I'm here. I'm here. Yeah, I don't have anything specific to say, but I definitely have concerns about the design in the building [inaudible] town hall and I've been disappointed that the presentation on Marshall Street isn't what I would have envisioned it to be. So I hope we get to discuss that further. And I'm looking forward to the additional information that we'll hear on Salamander. [multiple speakers]

Terry Cooke: Very good. Thank you. Commissioner Minchew.

Rachel Minchew: No I have no additional comments at this point, just lots of information to digest. Thank you.

Terry Cooke: Commissioner Roszel.

Dev Roszel: No I agree with Rachel Commissioner Minchew. There's a lot of info here and we need to [multiple speakers]. Thank you.

Terry Cooke: Thank you. And Council Member Jacobs any further thoughts?

Bud Jacobs: No I don't have anything further thank you.

Terry Cooke: Thank you all. All right the remaining item is our quorum for our meeting on April 26th. Is anyone who's on the call this evening not going to be available next month? I did not plan to be, I planned to be in the Caribbean next month but thanks to our friend Covid I have canceled that again. [laughter] So I plan to be here.

Don Woodruff: I plan to be here.

Terry Cooke: All right I take it everyone's on board for next month. [multiple speakers] Okay, thank you. With that folks we're adjourned. And appreciate it. This was a long one tonight a lot of stuff to think about and to talk about and to digest. And more to come and there are more of these items, but it was good meeting. I thought tonight. Thank you all for your time. [multiple speakers]

Dev Roszel: Thanks Mr. Chairman. Thanks Will. [multiple speakers]

Ed Fleischman: Thank you Will. [multiple speakers]

Rachel Minchew: Thanks everybody good night.

Don Woodruff: Good [inaudible]