



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



**MONDAY, APRIL 26, 2021  
PENDING APPROVAL**

**PRESENT:** Terence S. Cooke, Chair  
Donald Woodruff, Vice Chair (arrived late)  
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, April 26, 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. Town Clerk North called the roll at 6:30 p.m.

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of governmental operations, the Commission would hold its meetings via remote access until such time as the Governor rescinded his executive orders.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 reviewed the process that would be utilized for the remote meetings. Mr. Cooke called the work session to order.

**Discussion Item**

**Zoning Map Amendment 21-03:** Ordinance to Amend Proffers Associated with Conditionally Zoned R-1, R-3 and MUV Properties and Portion of 500 North Pendleton Street – The Residences at Salamander

Deputy Town Manager Moore noted that the Commission had his staff report, which contained an analysis of the proffer amendment. He advised that it contained four substantial proposals. Mr. Moore reported that the amendments to Proffer #1 involved multiple items, including a replacement preliminary site layout plan, which better met the road requirements; the elimination of the extension of Reed Street, which was being proposed as a pedestrian connection only; and, the proposal to have pedestrian facilities only on one side of the streets in the development. He noted that there were other proffers related to Reed Street, including the requirement for a four-way stop and the requirement for a bond, neither of which would not be necessary if the Reed Street connection were eliminated. Mr. Moore reported that Proffer #10 was proposed for amendment to allow construction traffic to use either Foxcroft Road or Pendleton Street and noted that they currently could only use Foxcroft Road.

Prem Devadas, President of Salamander Hospitality, reminded the Commission that he led the development of the Salamander Resort beginning in 2005 and was involved in the conversations regarding the residential development. He further reminded the members that Salamander was entitled to develop forty-nine homes on the property before the rezoning; however, it was under a different layout that allowed for larger lots, which Salamander did not believe would be a good idea. Mr. Devadas reminded the members that Salamander downsized the lots and limited the building footprint and square footage. He noted that at that time, they did not know what the future would hold and advised that the plans have since been modified. Mr. Devadas explained that at the same time the plans were being revised, Salamander partnered with the South Street Group, who helped them to fully understand the impacts and challenges associated with the residential development. He noted that Chris Myers, of Urban Engineering, and Ray Pantlik, of the South Street Group, would explain the changes being proposed and that he would be available to answer any questions.

Town Clerk North reported that Vice Chair Woodruff had joined the meeting.

Mr. Pantlik noted the questions that were raised during the last Planning Commission meeting. He advised that in addition to Mr. Myers, Mark Gionet and Sabrina Miller, of LSG, would assist with the presentation, and would provide information with regard to the sidewalk request. Mr. Pantlik noted that they would also address the concerns raised about the construction traffic entrance. He advised that the connection to Reed Street presented many issues, including the location of a Dominion power line in the right-of-way that would conflict with the roadway and the fact that there was not enough property to build the road. He opined that this proffer would be difficult to implement. Mr. Pantlik advised that Mr. Myers would address that proposed amendment.

In response to inquiries from the Commission regarding whether Foxcroft Road was the best alternative, Deputy Town Manager Moore advised that it was currently the only construction entrance; however, the proffer amendment would also open Pendleton Street to construction traffic. He advised that the Reed Street connection was planned as a street to the residential development. Mr. Moore reported that the staff supported the request to provide construction traffic with the option of using either Foxcroft Road or Pendleton Street. He noted that this would only involve one additional block of travel at most and would reduce traffic in front of the charter school and the resort. Mr. Moore advised that there was value to considering the challenges associated with the development of the Reed Street extension; however, the question was where would the traffic be diverted to if it were eliminated. He reported that the elimination would increase traffic on Chestnut and Pendleton Streets; although, it would be a low volume of traffic that would not be enough to change the classification of either road. Mr. Moore opined that there was value in having a pedestrian connection on Reed Street. He advised that the staff had no recommendation other than to consider the constraints regarding the elimination of the Reed Street extension.

Commissioner Fleischman reminded the members of the Comprehensive Plan provisions that suggested pedestrian facilities should be emphasized to make the town more walkable. He noted that this was a major objective and opined that, at first glance, the proposal to have sidewalk on one side of the street only did not conform to the Comprehensive Plan. Mr. Fleischman also reminded the members of the language that discussed the integration of the development into the town and noted that the two entrances were designed to accomplish that. He opined that the elimination of one would adversely affect the integration.

Chair Cooke adjourned the work session and called the regular meeting to order at 7:00 p.m.

#### **Disclosure of Meetings with Applicants**

The members reported that they had no meetings with applicants.

**Public Comments**

Jake Seraphin, of Federal Towers Condominiums, expressed concern about the shape of Salamander lot #32, which was located between the Town’s water treatment plant and the condominiums. He asked on the basis of preservation and privacy, whether the Commission had the power to reduce it so it would be “in line with the neighborhood”. Mr. Seraphin further asked that the property line up with the development on Stonewall Avenue and that the remainder remain wooded. He noted that a garden bed had been developed on Salamander’s property and opined that this was a community feature that would be infringed upon by the development.

**Approval of Meeting Minutes**

*Vice Chair Woodruff moved, seconded by Councilmember Jacobs, that the Planning Commission approve the March 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)

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**Public Hearings**

Zoning Text Amendment 21-01: Ordinance to Amend Section 121 of the Middleburg Zoning Ordinance Pertaining to Building Height in R-2 Single-Family Residential District

Deputy Town Manager Moore reminded the Commission that for the past several months, at the request of the Town Council, they have been studying the patterns of infill development and the redevelopment of properties in the Ridgeview Subdivision. He further reminded them that they advanced two of the staff’s recommendations for ordinance amendments related to maximum building height and the side yard setback requirements to a public hearing. Mr. Moore advised that as proposed, the maximum building height would be reduced from thirty feet to twenty-five feet, with an allowance to increase the height for each foot of increased side yard, up to a maximum height of thirty feet. He explained that to achieve the maximum building height, the side yards would need to be twelve and a half feet. Mr. Moore reminded the members that they eliminated a third recommendation, which was to establish a maximum lot size, and instead agreed to study lot coverage provisions in the coming months. He reported that the staff recommended the amendments as advertised for public hearing.

No one spoke and the public hearing was closed.

*Councilmember Jacobs moved, seconded by Vice Chair Woodruff, that the Planning Commission forward Zoning Text Amendment 21-01 pertaining to building height in the R-2 Single Family Residential District to Council recommending approval as contained in Draft 2 dated March 23, 2021.*

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)

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Zoning Map Amendment 21-01: Ordinance to Rezone .5153-acres at 10 West Marshall Street from R-1 Single-Family Residential to C-2 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 Commercial District

Deputy Town Manager Moore reminded the Commission that this amendment was related to the Town Hall Project. He explained that the request was to rezone the land that was acquired by the Town to the north of the existing Town Office (former Kaye property), as well as the adjoining parcel that was being acquired from Salamander MUV, LLC, so both would be zoned C-2 Commercial. Mr. Moore noted that this was the zoning designation of the current Town Office and surrounding properties on Marshall Street.

No one spoke and the public hearing was closed.

*Commissioner Roszel moved, seconded by Vice Chair Woodruff, that the Planning Commission forward Zoning Map Amendment 21-01 to Council recommending approval as depicted on the exhibit titled “Rezoning Exhibit, ZMA 21-01” dated March 17, 2021 as it is consistent with the Comprehensive Plan and represents good planning practice.*

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)

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Zoning Map Amendment 20-02: 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 noted that the title of this proffer amendment was similar to one being initiated by Salamander MUV, LLC; however, this one was related to the Town Hall Project and the Village Green. He displayed a map showing the original planned locations of the Town Hall and Village Green, as well as their new locations. Mr. Moore explained that the amendments were necessary because the Town planned to construct the new Town Hall on property it already owned, with the parking being located on the property being acquired from Salamander. He noted that the Village Green would remain under Salamander’s ownership with easements that would allow it to be available for certain Town events and for general public use. Mr. Moore reiterated that these proffer amendments only related to the Town Hall Project and the Village Green and were separate from those proposed by Salamander. He advised that in addition to proffering the exhibit that showed these changes, the amendment would clean up some language that was obsolete and eliminate proffers that had already been fulfilled.

In response to an inquiry from the Commission, Mr. Moore explained that Zoning Map Amendment 20-03 assumed the approval of Zoning Map Amendment 20-02. He advised that if any changes were made to ZMA 20-02, ZMA 20-03 would need to be amended as well. Mr. Moore reiterated that these were two separate requests, with one being related to the Town Hall Project and the other being related to The Residences at Salamander.

No one spoke and the public hearing was closed.

*Councilmember Jacobs moved, seconded by Vice Chair Woodruff, that the Planning Commission forward Zoning Map Amendment 21-02 to Council recommending approval as contained in the proffer statement titled “Amended and Restated Proffer, Middleburg Residential LLC & Salamander Middleburg MUV LLC” dated February 24, 2021 based on the following finding: (1) no negative impacts requiring further*

*mitigation as a result of the revised proffers; (2) furtherance of Comprehensive Plan strategies to plan for a new Town Hall, develop park space and a Village Green, and provide additional public parking adjacent to the central business district; and, (3) updating superseded and outdated language represents good planning practice.*

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)

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### **Council Representative Report**

Councilmember Jacobs reported that during their last meeting, the Council held public hearings on the increases to the water and sewer rates and the FY '22 Budget. He noted that no public comments were received and advised that the budget would be approved next month. Mr. Jacobs reported that the Town was also beginning to plan for Town special events, such as Art in the Burg and the Fourth of July Celebration. He opined that things were returning to normal.

### **Discussion Items** (continued from work session discussion)

**Zoning Map Amendment 20-03:** 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

Ray Pantlik responded to the Commission's concerns related to the proposed elimination of Reed Street and the disconnect to the Town grid. He advised that they have proposed a drawing to illustrate the pedestrian connection that would be part of the site plan and opined that this was appropriate. Mr. Pantlik advised that as to the sidewalks, the transportation chapter of the Comprehensive Plan acknowledged that sidewalks would only be constructed on one side of the street in The Residences at Salamander. He opined that the proposed proffer amendments were consistent with the Comprehensive Plan.

Prem Devadas reminded the Commission that the intent of the Reed Street extension was to make sure the resort property connected to the village. He advised that the resort had since evolved and explained that guests either walked or were driven by resort cars into town. Mr. Devadas advised that it was not often that guests drove into town. He noted that Town residents walked or jogged to Salamander and opined that enhanced pedestrian connections were what were needed.

Commissioner Fleischman noted that he had a background in traffic engineering. He opined that the traffic study failed to take into consideration that if the houses in The Residences at Salamander were not being used by the owner, they would be rented out by the resort. He expressed concern about the amount of traffic that could be generated by such rentals on the weekends and suggested it was not shown in the traffic study.

Mr. Devadas opined that most of the traffic would use Pendleton Street, as opposed to Chestnut Street. He confirmed the traffic study studied the impact of the residential traffic and noted that full-time families generated eight vehicle trips per day, which was not the case with rentals. Mr. Devadas advised that the resort also had concerns about large groups parking vehicles, which was not in its best interest; therefore, they had measures to prohibit it and would enforce the prohibitions.

In response to the Commission's inquiry as to whether residents generate more vehicle trips per day than visitors, Mr. Myers advised that they would provide the Commission with the number of vehicle trips per day for both rental occupied and full-time resident occupied property.

In response to an inquiry from the Commission as to whether the Reed Street pedestrian path would also include a bike path, Mr. Devadas advised that he liked that idea. Mr. Myers advised that this would not be a problem from an engineering perspective.

The Commission asked that they be provided with the vehicle trip information prior to the public hearing on the proposed proffer amendment.

In response to an inquiry from the Commission as to whether the houses would be secondary homes for the property owners, Mr. Devadas advised that not all would be owned by full-time residents; however, he could not say how many would be rented as this would not be a requirement. He reiterated that they would provide the traffic data for renters.

In response to inquiries from the Commission, Mr. Devadas confirmed that Salamander would manage the rentals if a home were rented. He advised that the rental agreement with the owner and renter would include restrictions limiting the number of cars that could be parked at the house, which Salamander would enforce.

Deputy Town Manager Moore suggested the need to determine the effect on other streets if the Reed Street extension was eliminated. He reminded the Commission that the Town had an ordinance related to short-term rentals of twenty-nine days or less that required the issuance of a special use permit. Mr. Moore noted that the Planning Commission and/or Town Council could identify criteria associated with the permit. He reminded the members that if the rentals were for thirty days per year or longer, a special use permit would not be required.

Ms. Miller displayed the proposed sidewalk exhibit that identified the existing connections and what was proposed for elimination. She reported that there would be multiple pedestrian connections to Stonewall Avenue, including at Reed and Pendleton Streets. Ms. Miller also displayed an exhibit showing the proposed plantings and advised that if the sidewalks were constructed as originally designed, they would be close to the road; would not allow for trees on one side of the street; and, would create steep front lawns. She advised that if they were pushed closer to the houses, they would still result in steep slopes. Ms. Miller explained that for this reason, they were suggesting they be deleted on one side of the street. In response to an inquiry from the Commission, she advised that the proposal was for the construction of five-foot wide sidewalks.

Mr. Pantlik reminded the Commission of the Town's minimum and maximum building setback requirements and explained that this was why they were proposing to eliminate the sidewalks that were not proposed to be in the right-of-way.

Ms. Miller displayed another exhibit depicting trees in the cul-de-sac and advised that eliminating the sidewalk would allow for less of an impact on the grading, as well as less impact on the existing trees and vegetation.

Deputy Town Manager Moore suggested the Commission return to the discussion of the Comprehensive Plan requirements. He clarified that the language that talked about sidewalks being planned on one side of the street in The Residences at Salamander was written when the plan was for a looped one-way road that would only have lots fronting on one side of the street. Mr. Moore noted a separate reference in the Comprehensive Plan that clearly stated that new development should be planned with pedestrian facilities on both sides of the street. He further noted that the Plan referenced areas of town that contained no sidewalk or sidewalk only on one side of the street and identified those as being deficient. He reported

that the staff supported having sidewalk on one side of the street only on the two private roads in the subdivision, which would have lower traffic volumes. Mr. Moore advised that it was up to the Commission to determine their thoughts on whether it was appropriate to eliminate sidewalks on one side of the street on the public streets.

Chair Cooke advised that he was open to the possibility and opined that Salamander was distinct from the remainder of the town. He suggested that eliminating them would soften the impact of having too much concrete and would allow for additional greenery. Mr. Cooke opined that it was common in other areas to have sidewalk on one side of the street only and noted that the Melmore Subdivision had none.

Councilmember Jacobs suggested the need to look at the impact of eliminating sidewalk in the higher density areas on the east side of the subdivision. He agreed it may be possible to avoid sidewalk on both sides of the street on the west end, where the lots would be larger and there would be less pedestrian traffic.

Mr. Myers agreed with Councilmember Jacobs. He noted, however, that installing sidewalk in the eastern section would result in smaller front yards.

Vice Chair Woodruff reminded the Commission that a sidewalk was a safety factor for pedestrians. He suggested that safety should be paramount and should not be ignored.

Deputy Town Manager Moore advised the Commission that if the concern were softening the appearance of the concrete, there could be a concrete sidewalk on one side of the street and a pedestrian trail on the other side, consisting of asphalt or some other material.

Vice Chair Woodruff stressed the need for pedestrian safety regardless of the materials used.

Chair Cooke thanked the Salamander team for their presentation. He invited those members who were in the audience to return for the public hearing.

### **Quorum of May Meeting**

The members reported that they would be present during the May 24th meeting.

There being no further business, Chair Cooke adjourned the meeting at 8:28 p.m.

RESPECTFULLY SUBMITTED:

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Rhonda S. North, MMC, Town Clerk

**Middleburg Planning Commission Transcript**  
**April 26, 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](http://www.middleburgva.gov))**

**Terry Cooke:** Matters in a timely way, so I'm going to go ahead and convene the April 26th work session at this time and begin by asking Rhonda to take the roll. Rhonda, please?

**Rhonda North:** Yes, sir. Chair Cooke.

**Terry Cooke:** Present.

**Rhonda North:** Vice Chair Woodruff. Commissioner Fleischman.

**Ed Fleischman:** Hi, I'm on the call. Thank you.

**Rhonda North:** Commissioner Minchew.

**Rachel Minchew:** Present.

**Rhonda North:** Commissioner Roszel.

**Dev Roszel:** Here.

**Rhonda North:** Commissioner Stein.

**Mimi Stein:** Here.

**Rhonda North:** Council Member Jacobs.

**Bud Jacobs:** Present.

**Terry Cooke:** Thank you, Rhonda. Good Evening, everybody. I'm going to going to begin, as we have for the past year or so with the remote participation announcement. I hope we don't have too many more meetings where this is a necessary part of the process. But who knows at this point. It is the planning commission's responsibility to conduct essential public business despite the COVID-19 pandemic. However, it recognizes the need to do so safely, but 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 effectuate 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 the council chambers in 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](http://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 open or your application is heard. To ensure trust in the process the Town Clerk will do a roll call of the Planning Commission Members at the beginning of the meeting and at least once an hour. In addition, I will ask each member by name if they have any comments or questions related to each item as we proceed. When anyone speaks, he or she is asked to first state his or her name for the benefit of the viewing audience. All votes of the planning commission will be taken by roll. The Town Clerk will announce the member's name with the individual then stating how they are voting. And since we do have a couple of public hearings on the agenda, I'm going to read the phone number that appears on the Planning Commission agenda in case there are members of the public interested in any of the public hearing matters. So they know that they can participate by calling 1-301-715-8592. OK, with that announcement completed, we will now proceed to the only discussion item on our work session agenda as Zoning Map Amendment 21-03. And I will let Will introduce that. I will just state for the benefit of the commission that Will and I had a brief conversation a few moments ago. Because we have public hearings on the agenda tonight, we want to stay as close as we can to the 7:00 p.m. hour for convening the regular meeting. I recognize that some or all commissioners may have some comments or questions regarding this discussion item. And we're going to have Will introduce it, but we're going to allow the remaining time in the work session for the applicant's representatives to address the commission regarding this matter. So if we get to the seven o'clock hour and we have not concluded discussion on the Zoning Map Amendment 21-03 we're going to suspend the work session and if necessary, reconvene it and pick up discussions on that item when we get to it at its place on the regular meeting agenda. So with that said, Will, I will ask you to introduce the other topic?

**Will Moore:** Thank you, Mr. Chairman. And good evening to all. I will just give a brief introduction. Commission, you have the benefit of my staff report, which contains some additional analysis as to the requests that are contained within the proffer amendment. I will just

give a quick overview of the substantive proposals. So in short, there are four substantive proposals within. The first is under Proffer One that involves a proposed replacement of the current preliminary layout plan that is proffered that one was prepared by J2 Engineers in 2015. And it's proposed to replace that with a new layout plan by Urban, which is the current Civil Engineer on the project. That involves a few things. One, it would better reflect the evolution of the construction plans to this point. So the J2 plan contained some different road alignments. They had one way loop roads in both the R-1 and R-3 sections, and they have since been removed during the iterations of the construction plan. And staff certainly encourages updating of that plan in the proffers if we're going through this process. But the two really substantive changes that [inaudible] to be considered are, one, the proposal to eliminate the extension of Reed Street that would run north of Stonewall Avenue and into the development they are instead proposing, replacing that with a pedestrian only connection. And again, we can talk a little bit later in the discussion about some of the potential impacts there. And then the second substantive change is a change to the typical street section, which would propose only having pedestrian facilities on one side of the streets throughout the development, as opposed to on both sides with pedestrian facilities fronting on all the lots. So those are the changes that will be proposed under Proffer 1. There are two other proffers that directly relate to the Reed Street extension happening. One of those is providing a four way stop. Another one has to do with bonding that would need to be in place if this were to move forward with a favorable recommendation to eliminate that vehicular connection neither of those proffers would be necessary to be maintained. So those are contained within the revisions as well. And finally, under Proffer 10, there's a revision that would allow construction traffic to use either North Pendleton Street or Foxcroft Road to access the site. The way it is currently proffered only Foxcroft Road could be utilized, but this would open up North Pendleton Street as an option as well. Important to note, it would not open up any other streets, including the potential extension of Chestnut Street or Reed Street if it were to remain to be used for construction traffic. So it would still eliminate any construction traffic going through our existing residential neighborhoods. So that is the quick overview of what is being proposed here. At this point in time I would turn it over to Mr. Prem Devadas. Prem is the President of Salamander Hotels and Resorts. And I think he's going to give a brief introduction as well as an introduction of his other team members. So, Prem.

**Prem Devadas:** Thank you, Will. Brief is the key word, right?

**Will Moore:** Yes, Sir.

**Prem Devadas:** I get to see everybody here. So hello. I'm sorry you can't see me but thank you for taking the time to review our requests. Will has already very thoroughly stated what it is that we're requesting. I just wanted to be here to just provide an overview. And that overview is that I have led the development of Salamander Resort and Spa since 2005. And in that capacity, I've

been involved with a lot of conversations about the residential development, which some of you may know was entitled, 49 homes were entitled prior to our gaining approval to develop the resort. But they were in a comprehensive plan and a different layout that, among other things, allowed some 20 homes to be developed on five acre lots and meaning they could be as large as you wanted them to be. And we did not think that, that was a good idea for the town. We didn't think that it was a good idea for the resort. And that led us to come up with a plan of actually downsizing those homes, limiting the footprint and ultimately the square footage size and coming up with a layout working with the town that could be approved, but admittedly not really knowing exactly what would happen down the road. Will referred to work that we did with J2 in coming up with a plan that then since has been modified by Urban, that took place concurrent with our partnering with South Street Partners to develop the homes. We needed the expertise of an experienced, proven developer. So it's really through South Streets expertise coming on board and with their engineers that we were able to fully understand the impact and ramifications of things like construction entrance, the challenges with Reed Street. And so that's really what has led us to here today. Chris Myers with Urban and Ray Pantlik with South Street our technical experts who will take you through our thought process and why we are proposing what we're proposing. I am going to be available here throughout the evening to answer any questions, although I'm sure you'll be much more interested in their questions. But I am here to answer any questions that come up related to this or any other subject related to Salamander Resort and Spa. So thank you very much. And I'll turn this over to Chris and Ray.

**Rhonda North:** Mr. Chairman, I'd just like to note for the record that Vice Chair Woodruff has joined the meeting.

**Terry Cooke:** Oh, great, very good. Thank you.

**Don Woodruff:** I hope it's great. [laughter]

**Bud Jacobs:** Good to have you on board Don.

**Prem Devadas:** And may I just say also that I think Don is maybe the only one that was there back in 2005 and 2007 as we were going through that process.

**Will Moore:** That is correct.

**Don Woodruff:** Thank you, Prem.

**Ray Pantlik:** Well, if I may, I'd like to introduce myself, Ray Pantlik. As Prem had mentioned, I'm part of the South Street Group, and I appreciate Will's write up on the proffer amendment and both he and Prem's summaries of those. I did listen in on last month's meeting, and I could

understand if we realized there were some questions particularly with regard to the sidewalk issue of the proffer amendment. And in addition to Chris, who is the Senior Associates with Urban Limited, who represents the Civil Engineering Firm on the project now. We engaged LSG, who has been working on the Street Tree Planting Plan within the construction plans. And there are two representatives that are listening in on the screen, Mark Gionet and Sabrina Miller. And we asked them to do a few things and that was to better express the specific limits of where we were proposing to have the sidewalk and where we would propose to eliminate it and to then illustrate maybe some of the practical benefits of so doing. And if there certainly are any questions you have about the necessity of the construction entrance, we can address those. The difficulty that we found with having the Reed Street connection is there are a number of issues, but primarily there's a three-phase overhead power line that Dominion has in conflict with that new roadway and to meet all of the technical requirements of VDOT and the engineering slopes there simply isn't enough property to build the entire roadway, retaining walls, and the rest. And so we're finding it difficult to implement that. And so if there's any kind of questions about that, Chris' firm has explored that issue in detail. And so I really, with time being so limited, we'd really just like to turn it over to you all for any questions you may have.

**Don Woodruff:** Question?

**Terry Cooke:** Oh, yeah Don, go ahead.

**Don Woodruff:** It sounds to me like what you're saying is that the Foxcroft Road entrance and exit is probably the best alternative that you see for this problem. I agree with you. I looked at Reed Street and I don't see how that number of vehicles getting in there is going to be able to accommodate it without distress to the town. So I was wondering, are you therefore saying, from what I just heard, that Foxcroft is the best response to that question?

**Ray Pantlik:** I'm not following the connection between Reed Street and Foxcroft.

**Don Woodruff:** Well, I'm saying no to Reed Street. What you're saying it doesn't seem reasonable and yes to the Foxcroft access.

**Will Moore:** Yeah.

**Terry Cooke:** Yeah, go ahead Will.

**Will Moore:** If I may I share Mr. Pantlik' s confusion on your point, Mr. Woodruff the Foxcroft Road comes into play in this discussion in terms of use as a construction entrance.

**Don Woodruff:** Yes. That's what I'm saying.

**Will Moore:** OK, and then there's a part of the proffer revision that is being proposed is to also open up North Pendleton Street as an option for a construction [multiple speakers] so they could use either one of those. Reed Street was planned as a street to be developed, leading into the development. Eventually.

**Don Woodruff:** [inaudible]

**Will Moore:** Yes, and it.

**Don Woodruff:** Will, well my question is, as you look at it, what seems to be a reasonable expectation for us who live in the town? And it may be impacted in varying degrees by this decision. What is it that you as the [inaudible] town representative see? Mr. Moore.

**Will Moore:** Oh, OK, sure. So that's a pretty wide-open question, but I'll attempt to kind of summarize maybe what I stated in my staff report in terms of the construction entrance issue after consultation with town staff, including police chief, we are definitely supportive of the request that we give the option of North Pendleton Street so they could use either North Pendleton or Foxcroft Road as a construction entrance. And the basis of that is simply that the majority of construction traffic that will be coming to town, vast majority is going to be either from the east or from the west along Route 50. And we're really talking about one additional block of travel or one less block of travel with them coming from the west to reach Pendleton Street as opposed to North Madison, which turns into Foxcroft. We believe there is value in lessening the amount of construction traffic that travels in front of the community charter school. We believe there's value in lessening the amount of construction traffic that goes directly by the front door of the resort. We realize some construction traffic will still have to use that direction. That is Foxcroft Road because the Pendleton Street intersection with Route 50 is pretty tight. So some larger equipment may still have to use Foxcroft Road. But we're certainly amenable to opening that up as an option from a staff perspective. In terms of the potential elimination of Reed Street, I think there's value in considering some of the challenges and constraints that exist with that right of way. And that's the right of way that is located between numbers 410 and number 500 Stonewall. It is a very tight right of way of as as Mr. Pantlik accurately pointed out there, there's a number of utilities in that location which would require relocation. And that's not just a challenge of expense. That's also a challenge of where does it then go? In necessity to acquire construction easements from the surrounding properties, even as currently designed in the construction plans, it would require waivers from VDOT. That waiver request process is ongoing. It may or may not be ultimately successful. There is challenges with the alignment of that right of way with the existing terminus of Reed Street. So there are definitely some challenges. The question then becomes where does that traffic get diverted to? And we provided some analysis in the staff report along with that. At the end of the day, the increase in traffic on Chestnut, it will

go up as well as a little bit of an increase in traffic on North Pendleton Street on North Hamilton Street would actually take a little more of that [multiple speakers] excess traffic. But at the end of the day, it's still fairly low volume roadways. It's not going to change the functional classification of any of these roadways. We're not looking at a tremendous amount of trips per day, and I think there is some value in considering that pedestrian only connection. But I won't say we have a recommendation from staff [inaudible] other than to consider some of the constraints that are presented, and they are valid constraints.

**Don Woodruff:** Thank you very much. Will, I agree with you 100 percent, particularly on trying not to make Reed Street a construction traffic area, keeping it mostly in the commercial section of the town. And I agree with you. After looking at your report, I went out and looked at it, and I think that's a very reasonable expectation. Thank you.

**Will Moore:** Yes Sir.

**Ed Fleischman:** Terry.

**Terry Cooke:** Ed, go ahead.

**Ed Fleischman:** I have a few comments here, I know that we're with three minutes until the seven o'clock hour, but if, Terry, it's OK for me to spend a couple of minutes on some comments. What's your view or should we wait?

**Terry Cooke:** Well, if it's two- or three-minutes' worth of comments, please go ahead. If not, I suggest we wait and take it up during the regular meeting.

**Ed Fleischman:** Ok, just for two or three minutes. Just so the Salamander group can get some background on what the Planning Commission has been doing the last few years. We sat with a consultant to develop a comprehensive plan for [inaudible]. And as part of that, you may have read the whole thing. It dealt with transportation aspects and pedestrian flows. And a couple of things that when I looked at at first glance, and you can respond later on, one of the things that in the comprehensive plan to put a lot of effort on was the provision of pedestrian facilities to make the town more walk able. And I think that that's something that at the time when the plan was approved by the city council, that was a major goal and objective of the planning commission. And I think of the council also. So too at first glance, I'm not, you know, making a decision on my view on it. I'm still open. But at first glance, it seems that the reduction of sidewalks is only one side is not in conformance with the existing Middleburg comprehensive plan. So that's just a thought. And I you know; you can think about some response to that. The other thing that some of the discussions on the comprehensive plan was to integrate the Salamander subdivision street into the Town of Middleburg, not having it as a separate village,

you might say. And part of that thinking was when the Salamander Development Group presented the plan to the Planning Commission it had two entrances, one on Reed one and Chestnut. And so that's sort of a more integration of the Salamander's subdivision into the town layout. So by dropping one of those vehicular entrances, it just at first glance it has an adverse effect on that integration. So those are the two comments. It's seven o'clock, Terry, I'm going to pass it back to you.

**Terry Cooke:** Thank you for squeezing that in Ed. And it does give the folks from Salamander a little time to kind of mull over your concerns. We will now conclude the work session with the understanding that everyone who wishes to speak to this issue on the commission will have an opportunity to do so during the regular meeting. And so will the folks from Salamander who want to make any additional points or respond to the commission's questions. We'll take that up when we get to it in the course of the regular meeting. The work session is concluded, and we will now convene the regular meeting of the Planning Commission for April what is it 26th for 2006. And with that, I will ask Rhonda once again. Oh no we don't have to do another roll call, do we Rhonda? All right we'll call that regular meeting to order. And the first order of business will be disclosure by the commission members of any meeting or discussions they may have had with applicants on matters coming before the commission. So Rhonda, would you call that roll?

**Rhonda North:** Chair Cooke.

**Terry Cooke:** I've had no meetings or discussions with applicants. Thank you,

**Rhonda North:** Vice Chair Woodruff.

**Don Woodruff:** I've had no meetings with applicants. Thank you very much.

**Rhonda North:** Commissioner Fleischman.

**Ed Fleischman:** I've had no meetings or discussions with applicants. Thank you.

**Rhonda North:** Commissioner Minchew.

**Rachel Minchew:** I've not had any meetings with any applicants.

**Rhonda North:** Commissioner Roszel.

**Dev Roszel:** I have not had any meetings or conversations with any applicants.

**Rhonda North:** Commissioner Stein.

**Mimi Stein:** I have not had any meetings with any applicants or any type of discussion.

**Rhonda North:** Council Member Jacobs.

**Bud Jacobs:** I've had no meetings or discussions with any applicants.

**Terry Cooke:** Very good. Thank you all. Our next item is a period for public comment. And I will just note that this would be comments from any members of the public that are not related to any of the public hearings scheduled for tonight. So if anyone has any comments or concerns regarding matters not to be addressed during the public hearing, now's your opportunity to speak to the commission. Seeing none. We will conclude the public comment.

**Jake Seraphin:** Excuse me I'd like to say something, actually.

**Terry Cooke:** Ok, I'm sorry, please.

**Jake Seraphin:** No not at all, I wasn't sure if anyone else was going to say something. Hi, my name is Jake Seraphin. I'm a resident homeowner at Federal Towers Condominiums at the end of Stonewall Street. My particular comment or concern is some of the designs for the residences, particularly the stables in particularly lot 32. This lot I would say juts out in a somewhat obtrusive way. It's the one lot that's between the water treatment plant and federal towers, I would say in the name of preservation and privacy, that whatever considerations or powers are available to perhaps, you know, further reduce or trim this lot so that it's more in line with its neighbors in terms of if you are able to look at the plot lines it really goes right up to Stonewall Court as opposed to being more in line with its neighboring lot 33 and more of on the other side of the creek bed closer to that open field. And I would just say, as a resident of the community in the name of again preservation and privacy, that those areas remain wooded and that be taken into account. On a more personal note that our communities built a raised garden bed in their on that property [inaudible] line. The HOA has maintain the property for the last 20 plus years. It's just an example of a community feature that, you know, is potentially being slightly infringed upon. I'm not naive about what's going on here. I'm just trying to, you know, do my little part to chime in on things. So thank you for your consideration.

**Terry Cooke:** Thank you, Mr. Seraphin. Anyone else have any comments not relating to matters scheduled for public hearing tonight? Hearing none we will conclude the public comment period and move on to the recommendation regarding the last month's meeting minutes. [inaudible] will entertain a motion for approval unless someone has [multiple speakers].

**Don Woodruff:** So moved.



**Terry Cooke:** A second?

**Bud Jacobs:** Second.

**Terry Cooke:** Rhonda would you call roll?

**Rhonda North:** Vice Chair Woodruff.

**Don Woodruff:** Yes.

**Rhonda North:** Commissioner Fleischman.

**Ed Fleischman:** Yes, I vote for approval.

**Rhonda North:** Commissioner Minchew.

**Rachel Minchew:** Yes, I vote to approve.

**Rhonda North:** Commissioner Roszel.

**Don Woodruff:** Oh, no.

**Rhonda North:** It appears we've lost.

**Dev Roszel:** Sorry, I'm here. OK, I missed it. What was the question?

**Rhonda North:** Approval of the meeting minutes.

**Terry Cooke:** Entertaining a motion to approve last month's minutes.

**Dev Roszel:** Oh, and I approve.

**Rhonda North:** Commissioner Stein.

**Mimi Stein:** I approve as well, thank you.

**Rhonda North:** Council Member Jacobs.

**Bud Jacobs:** Aye.

**Terry Cooke:** Minutes are approved. Thank you. Next item on the agenda are some public hearings that are scheduled for this evening. The first being Zoning Text Amendment 21-01. Will, would you like to introduce this for us?

**Will Moore:** Yes, thank you, Mr. Chairman. Members of the Commission, you are very familiar with this. Members of the Public, online or viewing may not be. So just a quick recap. Over the last several months at the request and direction of council, you have been studying some of the patterns of infill and redevelopment that have occurred in town. And in particular in the Ridgeview Subdivision. And council had some concerns with the character of that development and asked the commission to study and look at that. You have done that over the last several months. A couple of months ago in March, staff presented you with an initial draft for your consideration of the Zoning Text Amendment that might begin to address some of council's stated concerns. You studied those recommendations. You trimmed out one of those recommendations, but then kept two of them and have proceeded to go ahead and advertise for public hearing and recommendation to council. In short, what the proposal is, is that it would establish the relationship between the maximum building height in the R2 district and the minimum side yards that are provided. So there would be a reduction in the base, maximum height, which is currently 30 feet in R2, and that would be reduced to a maximum of 25 feet. The minimum side yard of seven and a half feet would still remain. There would additionally be a provision that would allow the building height to reach 30 feet, which is the current maximum height, but with the caveat that for each additional foot in building height over twenty-five feet, an additional foot of minimum side yard on each side would need to be provided. So to say that another way, in order to build a 30-foot-high structure, you would have to have minimum side yards of at least twelve and a half feet on each side. So the idea here is that this would if building to thirty-five feet, it would increase that tunnel, if you will, between the side of that house and the side of the next house so that it's not so constrained. And I think that's probably best seen, the concern that is, is best seen on some of the infill homes that were constructed on Reed Street, which maximized both the building height and the minimum side yards of such, that it kind of compromises the circulation of air and light. And those are premises that are very basic to zoning. So that is the limit of what the text amendment, as drafted, proposes. And we did eliminate a staff recommendation to possibly establish a maximum lot size. But the commission did also indicate an interest in proceeding with studying the issue of lot coverage as the way it's currently defined. And we will be moving forward with that in the coming months with the commission. So this is a first step in addressing those concerns of council. And I think the commission has done a good job of doing deliberate study on this matter. And staff is certainly supportive of the recommendation that you are considering for.

**Terry Cooke:** Thank you, Will. This is a public hearing matter. Do we have any folks listening in or viewing who wish to speak to this issue? Rhonda, have you heard from anyone who indicated an intention to speak to this?

**Rhonda North:** No one here in the audience has indicated they wish to speak, and no one online has indicated they wish to speak.

**Terry Cooke:** Very good. OK, well, that being the case, we will conclude the public hearing on this matter. The commission, as we all know, has studied this for many months now. But if any of the commissioners have any further thoughts or comments on this before we proceed to a motion, please feel free to raise those at this time. Anyone? We're good. Hearing none we will entertain a motion and Will has provided a briefing for such a motion to recommend this approval to the council. Would anyone care to make that motion? Please. [laughter]

**Don Woodruff:** I would be happy to make the motion, but I do not have the words in front of me.

**Terry Cooke:** Ok, Bud.

**Bud Jacobs:** Well, I had it here, I move that the commission forward zoning text amendments, 21-01 pertaining to building height in the R2 single family, residential district to council, recommending approval as contained in draft two dated 3-23-21. Thank you, Bud. Do we have a second?

**Don Woodruff:** Second.

**Terry Cooke:** Rhonda would you call the roll?

**Rhonda North:** Vice Chair Woodruff.

**Don Woodruff:** Yes.

**Rhonda North:** Commissioner Fleischman.

**Ed Fleischman:** Yes.

**Rhonda North:** Commissioner Minchew.

**Rachel Minchew:** Yes.

**Rhonda North:** Commissioner Roszel.

**Dev Roszel:** Yes.

**Rhonda North:** Commissioner Stein.

**Mimi Stein:** Yes.

**Rhonda North:** Council Member Jacobs.

**Bud Jacobs:** Aye.

**Terry Cooke:** Motion carries. Thank you all. Moving to our next public hearing Zoning Map Amendment 21-02 and ordinance to amend the proffers associated with conditionally zoned R1 Single Family Residential, R3 Residential and MUV Mixed Use Village District Policy. The portion of the 500 North Pendleton Street. This is the matter that we [multiple speakers] to.

**Rhonda North:** Mr. Chair.

**Terry Cooke:** I'm sorry this is a separate matter. [multiple speakers] OK. Again, this is a public hearing. And do we have anyone in the audience who wishes to express a view on this zoning map amendment?

**Will Moore:** Mr. Chairman, I think we may have skipped the second public hearing item. Which is the. Yes.

**Terry Cooke:** Ok. I'm very sorry. You're right.

**Will Moore:** No problem.

**Terry Cooke:** I did. The first had to do with the zoning text amendment. The next had to do with the zoning map, Amendment 21-01.

**Will Moore:** Yes sir.

**Terry Cooke:** OK, Will, do we need an intro on this?

**Will Moore:** Yes, sir, I'll give a brief one. So the proposal here is related to the new town hall project, which is currently being studied by town council. And it involves the rezoning of certain lands just to the north of the existing town office building such that it would support the

development of the project. I'm going to try to do a quick share of my screen here. Hopefully, this will work. OK, so if this is visible to everyone my cursor down here is circling over the existing town office building. The light green highlighted area just to the north is a little over a half-acre portion of land that the town previously acquired. It was part of the larger residential parcel here. So this is the wooded area directly behind our town office building. It is currently zoned R1 residential that is an island of residential zoning right there. And then the portion just to the north of the green area highlighted in blue is, again, a little over half acre piece of land that we have executed the purchase and sale agreement with Salamander MUV LLC to acquire that portion of land, also in support of the town hall project. The blue area would be essentially where the parking lot would be located. There would be no building, no upright building on that piece of property. The green area would roughly be where part of the building is. Part of the new building would extend into the white area where the current town office is shown. But the proposal here is to rezone again the green area from the residential R1 to C2. C2 Town Commercial is the zoning of the current town office building, as well as all of the surrounding properties to the east, west and south along west Marshall Street, a more appropriate designation for a municipal building. And then the blue area is currently zoned Mixed-Use Village with proffers as it was part of the original Salamander Master plan. And again, we would be acquiring that blue highlighted portion. And the proposal there is to rezone it also to C2 to match the zoning of the remaining properties to support the Town Hall. And that concludes my report Mr. Chairman.

**Terry Cooke:** Thank you Will. My apologies for that oversight a moment ago, skipping over this one. But this too is a matter for public hearing, and I again invite any members of the public who have an interest in addressing the commission on this to make your feelings known at this time. Do we have many members of the public who wish to address this matter? Rhonda, are you aware of anyone who has signed up to address this?

**Rhonda North:** Mr. Chairman, the folks here in the audience indicate they are not interested in speaking on this item. And let's see I'm looking to see what we've got online and I'm not seeing anyone online indicating they wish to speak.

**Terry Cooke:** All right. Very good. That being the case, we will close the public hearing portion of this item. And I will again invite any members of the commission who may have any additional thoughts on this to address us at this time. Hearing none, we will close the public hearing. And is there a motion on this one Will?

**Will Moore:** Yes, sir there is.

**Terry Cooke:** Do we have a motion by any member of the commission regarding Zoning Map Amendment 21-01?

**Dev Roszel:** Yes. Excuse me, Mr. Chairman. I would like to make a motion. I move that the commission forward zoning map Amendment 21-01 to council recommending approval as depicted on the exhibit titled Rezoning Exhibit ZMA 21-01 dated March 17, 2021. It is consistent with the comprehensive plan and represents good planning practice.

**Don Woodruff:** Yay.

**Terry Cooke:** Thank you. Was that a second?

**Don Woodruff:** Second.

**Terry Cooke:** Rhonda please call the roll again.

**Rhonda North:** Vice Chair Woodruff.

**Don Woodruff:** Yes.

**Rhonda North:** Commissioner Fleischman.

**Ed Fleischman:** I vote to approve.

**Rhonda North:** Commissioner Minchew.

**Rachel Minchew:** Yes.

**Rhonda North:** Commissioner Roszel.

**Dev Roszel:** Yes. Approve.

**Rhonda North:** Commissioner Stein.

**Mimi Stein:** Yes. I'm very excited about this [inaudible]

**Rhonda North:** Council Member Jacobs.

**Bud Jacobs:** Aye.

**Terry Cooke:** The motion was approved. Thank you all. I will return to the next item Zoning Map Amendment 21-02. An ordinance to amend the proffers associated with conditionally zoned R1

Single Family Residential, R3 Residential, and MUV Mixed Use Village District Properties and a portion of 500 North Pendleton Street. [inaudible].

**Will Moore:** Thank you Mr. Chairman. As separately noted on the agenda. This has a similar or nearly exact title to the other Proffer Amendment that is under consideration. And it is because there is one proffer statement that covers all of these lands currently. This one is being processed separately in accordance with the purchase and sale agreement that the town has entered into with Salamander MUV LLC to acquire that portion of land that you saw in the previous case that would be used for parking. There are a number of other elements within that purchase and sale agreement which trigger the need for this proffer amendment. And if you'll give me one second, I will go back to screen share here. One more second. Well, technology is my friend.

**Don Woodruff:** Your friend not mine.

**Will Moore:** Definitely. Ok, so this is a mark up from the illustrative plan which was referenced in the existing proffer statement. So a few things to note here, down here around where you see the number three and the red surrounding that, that is the approximate location that we are looking at for the new town hall building and the associated parking. So the illustrated plan that was previously referenced in the proffer statement, had a general location for a proffer town hall site, which would be further north into the existing Salamander MUV area up here where you see the number one. So the desire is to locate the town hall building, again, directly behind the existing town office. So it really makes this location obsolete and no longer requires, due to the terms of the PSA, that they would have to dedicate this land to us. Because we were essentially building our town office on land, we already own. But we are working again with them to acquire the land for a parking lot. The second main aspect that comes into play here is the illustrative plan showed a Village Green here again a little further to the north. And in this illustrative plan on the west side of North Pendleton Street, extended. The desire here and as is denoted in the purchase and sale agreement, is to locate that Village Green directly behind the new planned town hall and adjacent to the parking area that will be built.

**Don Woodruff:** Yay.

**Will Moore:** This Village Green would remain under the ownership of Salamander MUV LLC or a successor at some point in time. But there are easements in place of limited public access easement that would allow for certain events which are enumerated in the purchase and sale agreement to take place on the site in addition to additional events. But that would require coordination with the owner on that. But again, it would be, for the most part, open to general public use as a town green. And those are two major changes that are being explored. Again, this proffer amendment separate from one we were discussing earlier, and we will return to

discussing these are really associated with the town hall project. And I'm going to jump back to one other exhibit here. Give me one second, because it is referenced in the proffer statement, I think it's important to just pull this one up for you to see. So, OK, here we go. So again, you saw this lightly colored on the previous exhibit, but this would now become a proffer exhibit within the amended and restated proffer. So this shows, again, an approximate location for the new town hall building. That is not what is being proffered here. It shows an approximate location of the associated parking. Again, that's not what's being proffered here. What's being proffered is this general location of a little more than twenty thousand square foot of land area that would be dedicated as a Village Green and subject to that limited public access easement. So this would do a couple of things, and it's under proffer number eleven of the existing proffer statement. That existing proffer statement, Proffer 11, has to do with the dedication of a site for the Town Hall Municipal Building. That language would be removed in accordance with the plans that we've developed again to locate that building on property we already own. But it would be replaced with this proffer to provide a Village Green and this exhibit would be proffered as well, which ties down the location of that Village Green. So, again, these are the main aspects that are being proposed for change in this proffer amendment. You have seen the markup of the proffer amendment. There's a lot of red ink on that markup, but a lot of that is just what I would refer to as clean-up of some language which may be obsolete in terms of ownership entities that have since been succeeded and may be obsolete in terms of proffers that have already been fulfilled. So it's a lot of clean-up in there, but also with the substantive change of removing the proffer associated with dedicating the town hall site and replacing it with this proffer for the Village Green. So that's the overview in a nutshell. Mr. Chairman, I'll turn it back to you.

**Terry Cooke:** Thank you, Will. Let me ask you a question. This is listed as a public hearing matter, but isn't this so closely related to Zoning Map Amendment 21-03 that what we do on one will necessarily impact what we do on the other?

**Will Moore:** I do hear what you're saying there, they are related inasmuch as the format that you see proffer amendment 21-03, it assumes approval of this proffer amendment as written. So if in this particular item, 21-02 going forward, if there were to be any change in language recommended and approved ultimately by council, that would require going back to 21-03 and making those amendments as well. But otherwise these are proceeding on separate tracts again because they're in a way, they're related in a way they're not. This is specifically carved out to address the issues that are related to the new town hall. Whereas the separate request is coming directly from Salamander and their development partners. And it's related more so to the manner in which the residences will be developed. So that's why they're proceeding on the separate tracts.

**Terry Cooke:** Ok, thank you. Well, this is a public hearing matter. So, again, I will ask if there are any members of the public in the council chambers or tuned in electronically who wish to



Speak to this matter? Please do so at this time. Anyone? Rhonda can I again assume that we don't have folks on the line or who have contacted you regarding speaking to this matter?

**Rhonda North:** Mr. Chair, the folks here in the audience are indicating they do not wish to speak. And I don't show anyone on the line indicating they wish to speak.

**Terry Cooke:** Very Good. Thank you. And I would like the commissioners to offer any comments that they might have regarding this matter. Hearing none the public hearing on Zoning Map Amendments 21-02 is concluded. Will, is there a motion on this one?

**Will Moore:** There is, yes sir.

**Bud Jacobs:** [multiple speakers] I can read the motion if you want, Mr. Chairman.

**Terry Cooke:** Okay. Please, I know I have it in front of me but go ahead.

**Bud Jacobs:** I move the commission forward Zoning Map Amendment 21-02 to council recommending approval as contained in the proffer statement titled Amended and Restated Proffer Middleburg Residential LLC and Salamander Middleburg MUV LLC dated February 24th, 2021. Based on the following findings. One No negative impacts requiring further mitigation as a result of the revised proffers. Two furtherance of comprehensive plan strategies to plan for a new town hall, develop park space and the Village Green and provide additional public parking adjacent to the central business district. And three updating, superseded and outdated language represents good planning practice.

**Terry Cooke:** Thank you. Do we have a second?

**Don Woodruff:** Second.

**Terry Cooke:** Rhonda, please call the roll.

**Rhonda North:** Vice Chair Woodruff.

**Don Woodruff:** Yes.

**Rhonda North:** Commissioner Fleischman.

**Ed Fleischman:** I vote to approve.

**Rhonda North:** Commissioner Minchew.

**Rachel Minchew:** Yes, I approve.

**Rhonda North:** Commissioner Roszel.

**Dev Roszel:** I approve.

**Rhonda North:** Commissioner Stein.

**Mimi Stein:** Approve.

**Rhonda North:** Council Member Jacobs.

**Bud Jacobs:** Aye.

**Terry Cooke:** Thank you all motion is approved. Next agenda item is the Council Representative Report, Council Member Jacobs. Anything to share?

**Bud Jacobs:** Myself, Mr. Chairman, I think in the interests of speeding to our discussion about the discussion items, I'll refrain from saying too much other than to note that we held our public hearings for the utility rate increase for fiscal year 2022, as well as the fiscal year 22 budget. There were no comments from the public on either of those items. And the council will move forward to approve both in well meetings next month. I forgot the exact dates of the meeting. Secondly, a spot of good news, I suppose, is that we are now going to be looking at planning for our town events. We're going to have Art in the Burg, which is ongoing, as you know. We're going to move ahead with the planning for Fourth of July or our partners are. And it looks like we will have hopefully other events, too, including the Mille Miglia, Oktoberfest, and perhaps some others. So I guess the message for us all here is we appear to be for now, gradually moving back to normal. And with that, I'll shut down. That is good news.

**Terry Cooke:** Thank you Bud. That is good news. Thank you, Bud. All right. We are back to the matter we began discussing during the work session, Zoning Map Amendment 21-03. And we suspended that discussion following a couple of questions raised by Commissioner Fleischman. So I'll invite folks from Salamander to respond to those two questions and then we'll go on from there.

**Ray Pantlik:** Yes. Thank you, Mr. Chairman. Mr. Fleischman raised a valid question about the elimination of Reed Street and how that's somewhat disconnecting to the town grid. Obviously, Yes, it's our intent to eliminate a vehicular entrance. But we are, as you know, from the submission materials although not part of the proffer technically we provided an illustrative

drawing to illustrate a pedestrian connection that would still be part of the plan. And we think that's an appropriate feature as you evaluate the elimination of that vehicular roadway. With respect to the comprehensive plan and the sidewalk issue I really, we did look at that following the discussion, and comment about that from last month. And there's a curious and I read specifically the transportation section and there's a curious mention in that part of the text of the plan that it seems to acknowledge that there would be only one sidewalk in the Salamander residential streets. And so, you know, based on that one inclusion, it would seem to us that approving the proffer amendment would be elimination of that sidewalk would not be inconsistent and in fact, would be consistent based on that mentioned in the Comprehensive Plan. And so those are my brief responses to those and.

**Prem Devadas:** Ray, this is Prem.

**Ray Pantlik:** Sure.

**Prem Devadas:** If I may just add to the discussion of Reed Street for Commissioner Fleischman's benefit, as I mentioned before, that those discussions about Reed Street took place between 2005 and 2007. And it was absolutely the intent for all of us to make sure that the resort property was connected to the village. And that was for the benefit of both the citizens of Middleburg and for future guests of the resort who we wanted to make sure had access to the town. The good news is that as the resort opened and has evolved, we have many, many guests that come into the village and they walk in order to get there, or they are driven by our courtesy cars. You actually have very few times in which a resort guest who has arrived by car drives into town because we provide that. And then the even better news is that citizens of Middleburg jog the resort property, they walk, they especially walk their dogs. We have a lot of dog walkers who walk into town and they also have access to our trails, which are open to citizens of Middleburg. So when this challenge came up with the engineering side of Reed Street, I actually explained that to the team and I explained how important I thought that that connection, that pedestrian connection not only be maintained but enhanced, which is resulted in this illustrative drawing of Reed Street that creates a very, very attractive pedestrian connection. And I think one of the big positives of that is that those people in Middleburg who today walk the property and walk their dogs and walk up to the resort, they come through the Pendleton Street entrance, which also happens to be the busiest vehicular entrance. So by creating a connection through Reed Street that is dedicated to pedestrian and is very attractive and maintained, I think it'll actually be the preferred walking route for people who live in Middleburg. So I wanted to make sure you understood that background. We have thought it through, and I think it'll be a big addition when we talk about the connectivity between the town and the resort. Thank you.

**Ed Fleischman:** Terry.

**Terry Cooke:** Yes, Ed.

**Ed Fleischman:** This is Ed Fleischman, I'd like to just expand my comments because of the time element at the seven o'clock time. First, I want to say that I do not live on Chestnut Street. So this is not something that affects me personally. My background has been in traffic engineering and urban planning for many, many years. I have an understanding about traffic studies and volume counts. And one of the things that I see missing from the traffic studies is Salamander's decision to provide rental oversight of the properties at the Salamander residences. So my understanding is that if a resident is not going to utilize [inaudible] property and may I say that as a house becomes more and more expensive, the owner of the house spends less and less time at that house because of the multiple residence that probably they own. And so the rental agreement is something that I think a number of property owners will take up. Now I know there was a huge discussion within the city council and the town of Middleburg about Airbnb at the time five, seven, eight years ago. And there are requirements put in. And I think that the requirements set up a system where you would have to have a Resident Manager, so to speak, and [inaudible] with the whole series of requirements. But I am concerned about the rental possibilities that on a particular Saturday night, Friday night, Sunday night, these are large homes, a lot of bedrooms. We could have and if you read the Washingtonian this month, they talked about rentals at the beach where you might have eight cars parked in the driveway and on the street just because they have a lot of friends over maybe for the evening or for the weekend. So I could see a lot more traffic going out of the residences, into the new streets, into Middleburg than the traffic studies show. So therefore, that's why I'm concerned in part that only Chestnut would bear the full load. I think it's great to have a pedestrian access, but with vehicular access, at Reed there also is pedestrian access. So the argument that this pedestrian access it doesn't bode me well there. I don't think it's a good argument.

**Prem Devadas:** Commissioner Fleischman.

**Ed Fleischman:** Did the traffic studies, look at the rental program and how that would affect traffic? That's my question.

**Prem Devadas:** Well, I won't answer that question. I'm sure you would want Will to answer that question. But if I may just make sure that it's understood that the vehicular entry in and out of the property is not just through Chestnut, it is through Pendleton. And as Will did point out at the beginning their feeling and our feeling is that there will actually be more of that vehicular traffic that goes to Pendleton than Chestnut. So just to clarify that, it's not just Chestnut. And then the second thing I will tell you about the traffic study, because I was involved in it as we were gaining the approvals for the resort, is that there was a study done and the traffic study impact

study with regards to the residential and I don't recall that that included rental. But what is interesting is that studies of residential full-time families and a residence are they carry with it a certain amount of in and out vehicular traffic on a daily basis. And I think that number is something like eight trips a day back and forth in a full-time residence. Which is not the case in a rental program. I do hear you on a concern which would be the same concern we would have about having large groups of people that would be parking over the street. That is not in our interest as a five-star resort. And there are measures that we take because we have these kind of programs in other places. There are measures that we take to enforce that which we have the capability of doing. So I just want to let you know that the rental, if it's being used as a rental, it's in lieu of a family that is there full time, which does is tracked in the traffic study and is at a higher use level than you find in a rental.

**Ed Fleischman:** I cannot believe your statement saying that a permanent resident would have more use than a rental group that comes in for a weekend, but everybody can have their opinion.

**Prem Devadas:** Well, no, it's not. It shouldn't be an opinion [multiple speakers]. Yeah, Commissioner Fleischman it shouldn't be an opinion. It should be fact. And I think that the traffic study is what it is. So, you know, that's something that I'm sure we'll both look in to verify.

**Chris Myers:** And gentlemen, this is this Chris Myers with Urban. I will add simply that we did not prepare the original traffic study. We were not involved in the project during the time that that study was done, nor are we professional traffic engineers. But we certainly you know, we work closely with them and have access to some of the same materials. We can certainly find out the trip generation rates for both rental properties, as well as for full residential properties from the ITE Manuals, The Institute of Transportation Engineering Manuals. We would be happy to provide that information regardless of what it shows so we're happy to provide that.

**Prem Devadas:** Great.

**Ed Fleischman:** Terry, if I might address the other commissioners now and just is that OK?

**Terry Cooke:** Yeah.

**Ed Fleischman:** I just want to say that I think that the owners of multi-million-dollar residence are going to be following traffic laws and speed limits much better than people that rent a multi-billion-dollar house for a weekend. And if you walk through the town of Middleburg residential streets, you see a lot of speeders and you see a lot of problems with people just driving too fast. And I think that, you know, with the rental program, there'll be some people, not all some of that, as was pointed out, some of the renters will probably be better temporary citizens than

permanent citizens of Middleburg. But I think it is a problem. And I think that the traffic engineers ought to factor in the rental property and come up with a revised traffic study based upon the rental program at Salamander's proposal. Thank you.

**Terry Cooke:** Thank you Ed. Any other members of the commission?

**Mimi Stein:** It's Mimi. I have a question regarding the pedestrian pathway on Reed Street, and I understand the engineering issues with the overhead power lines. And I'm [inaudible]. Has anybody thought about adding or if there's enough room to add a bicycle path to that street?

**Don Woodruff:** Good idea.

**Mimi Stein:** I mean, it looks like it's wide enough. And the diagram you provided was [inaudible] thank you. It looks like the plantings and the landscaping would be very nice. Wondering about an addition of the bicycle path.

**Prem Devadas:** Mimi, this is Prem. Just as a usage issue I like the idea. And from an engineering standpoint I'm not sure. But I think that's a function of either widening it or creating a demarcation for bikes.

**Ed Fleischman:** Mimi, Ed Fleischman, I could see no engineering problem with putting a bikeway in there to go into it.

**Chris Myers:** From an engineering standpoint again, this is Chris Myers with Urban. But I would agree. I think it's a good suggestion. And I don't see anything that would constrain us from doing that.

**Mimi Stein:** Okay well, I would like to see that.

**Don Woodruff:** Here, here.

**Mimi Stein:** Thank you.

**Terry Cooke:** Anyone else on the commission. I would like this is Chairman Cooke, I would like to just follow up on Chris's offer to provide enhanced information, let's say, on the barriers between owner occupied and guests or short-term tenant occupancy of these homes, give us a little more information if it's available on what that kind of comparison might show. So I would ask you to please follow up on that, if you would, prior to the public hearing on this matter, which will likely be next month. Are you able to do that?

**Chis Myers:** Yes, Sir happy to do that for you?

**Terry Cooke:** All right thank you. Thank you

**Ed Fleischman:** Terry. Just on these these residences, when you do your analysis. Well, I don't think from my understanding about housing at resorts you don't anticipate that the houses are going to be used as the primary residence of everyone. I mean, it's going to be a secondary residence for a number of people, I would imagine. I think that they're not going to be occupied fully by a single family. It's going to be a quite a need for rentals, right?

**Prem Devadas:** Yes. Well, Commissioner Fleischman, you are absolutely right that not all of them will be full time occupants. How many end up deciding to rent their home will be a question, because just because they don't live there full time doesn't mean that they are required to rent or that they would desire to rent. But there will no question be a number of them. I think the one thing to keep in mind and for Chris' study and looking at the data, he's going to need to know what the occupancy would be for a rental if it was not full time. And I think that's one of the keys to this to remember, a full-time residence is there most of the time, a high percentage of the time, except when they want go on vacation and other trips. A not full-time resident who is renting is that house is occupied, much less. So, you know, we'll make sure that we provide the data for a rental home and what typically is expected. And then, Chris can, you know, use the technical information that he has.

**Ed Fleischman:** Thanks very much. [multiple speakers]

**Chis Myers:** Prem if I can clarify very quickly, you know, I guess my suggestion was, was perhaps not to perform really a full study.

**Prem Devadas:** Sure.

**Chis Myers:** But rather, to provide the trip generation rates for both a resident occupied versus a rental property. I think to go. [multiple speakers]

**Prem Devadas:** Yes. No, no, no, Chris, I'm sorry. Yes. You're right. I may have misstated it. What would be misleading, though, is if you provided that on a daily basis, it takes away from the gross usage. In other words, that would be a family using it at X times per day, traffic at X times a day, 90 percent of the time, whereas these rental homes, a typical occupancy, is in the 40 percent range. So if you're so, I think you'll be able to provide the daily. But then I think everybody does need to understand what that really means.

**Chis Myers:** Understood. And that's fine. I believe that the usage Percentage of time it might be baked into that number that you're referring to with the rental. But we'll make sure it's clear with the information that we provide.

**Prem Devadas:** Great. Thank you.

**Don Woodruff:** Question?

**Terry Cooke:** Yes, Commissioner Woodruff.

**Don Woodruff:** Yes. Prem, are you the rental agent for these homes?

**Prem Devadas:** Don, we will manage the homes. Yes, we will manage every aspect of that process from the booking to the checking in to the enforcement.

**Don Woodruff:** Good. Thank you.

**Dev Roszel:** Mr. Chair I've got to get a quick question for Prem. Prem this is Dev Roszel. You had indicated at other resorts you can sort of control the amount I would assume the amount of vehicles and stuff maybe you could explain to the commission just how do you control that? [multiple speakers] with Commissioner Fleischman. You just indicated that, well, we have other places and we do control it. So I think It'd be good to know.

**Prem Devadas:** Yeah, sure. Very briefly, the rental agreement is with the owner of the home. And so in a rental agreement, we will craft it such that we have certain ordinances restrictions. They usually are consistent with whatever jurisdiction that we're in. So, for example, there is actually a limit of numbers of cars that you can have at the house when you're renting, and we enforce that. And so, the owner of the house agrees to that. The person who rented rents it agrees to that. And then we have the ability to enforce that. That's just one example of many. By the way, you can't hang towels outside your porch, you know, as an example.

**Dev Roszel:** Yeah, that's very good. Yeah. No, I appreciate that. That's sort of what I was anticipating. So thank you.

**Prem Devadas:** Thank you.

**Don Woodruff:** Thank you.

**Terry Cooke:** Other commissioners have any comments or questions at this time?



**Will Moore:** If I might, Mr. Chairman, I think one aspect we've been focusing on this issue of traffic pretty heavily in the conversation over the last period. I think it's important to put it in context. And I think Mr. Fleischman started with the proper context here. And it's really determining with the elimination of Reed Street, what would be the effect on other streets? And then the question becomes, are we using the right numbers to begin with? But when it comes to the rental usage of the property, I want to remind the commission that a few years ago an ordinance was passed in particular related to short term rentals. And that's defined as twenty-nine days or fewer. And if an applicant wants to engage in a short-term rental, it does necessarily require a special use permit. And that's a property-by-property basis. Special use permits are discretionary. But we have outlined a lot of minimum criteria for consideration. But just understand that you will have review authority and recommendation authority for every property that wishes to engage in a short-term rental. Now, from rental, which is 30 days or longer, it's simply treated as residential occupancy and a permit doesn't have to be granted. But for the short-term rentals, there's a public process that comes through the commission. You make a recommendation to the council, they ultimately approve or deny, and that's on a property-by-property basis. So you will get to revisit that issue as it relates to the use of the property, but I do appreciate Ed bringing that up in the context of traffic implications. And the other point I would like to make is I think we've maybe not explored in depth enough at this point in time the concept of the the sidewalks. Mr. Pantlik touched on it after we came out of the public hearings and made some reference to their thought process there. But I think that's a really important consideration and we may need to study that a little bit more. I might suggest that this would be a good time for the applicant to put up the exhibit. It was not included in your original packet, that was sent out later. That kind of gives a graphic representation of where they envision sidewalks being proposed and where they envision them not being proposed.

**Ray Pantlik:** And I think I'd like to have Sabrina Miller present that. As she [inaudible] have been involved, as I mentioned in the outset, in considering some of the street tree committee comments in the street tree planting plan where we recently revised that as part of the construction plan review. And she also took a look at, from our standpoint, kind of the practical benefits with some of these drawings. So I'll turn it over to Sabrina to walk us through that.

**Sabrina Miller:** Thanks. Can you all see my screen?

**Everyone:** Yes.

**Sabrina Miller:** Ok, great. So this is the first exhibit that Will mentioned, which is outlining where we have existing connections in red and then existing sidewalks in yellow. And I can zoom in a bit here. The proposed sidewalk to remain is shown in blue and the proposed sidewalk to remove or eliminate from the plans is shown in this dashed green color. So overall, the site is very well connected. We have multiple connections to Stonewall Ave., which connects

thoroughly throughout the entire site, regardless of whether there's a sidewalk on both sides or on one side. The circulation is pretty well developed throughout the site and into town as well.

**Don Woodruff:** Are you showing Connections through both Reed and Pendleton?

**Sabrina Miller:** Yes. We've got a pedestrian connection on Reed and then.

**Don Woodruff:** Thank you.

**Sabrina Miller:** Ok, we can move on to the next exhibit, if that's clear. So some of the studies we looked at were to meet a few goals, which would be sufficient sidewalks to allow circulation on site and then maintaining that consistent streetscape planting that is already going on in the Salamander property, maintaining a suitable distance between residences and public space, the sidewalks and reducing the slope from the house to the street. So we have a couple studies here. I can zoom in a little bit. The original design has a sidewalk that is still outside of the right of way, but close to the road. The constriction there is that the utilities and the sidewalk plus the slope of the lawn don't allow for a streetscape to continue on both sides. So you lose the street trees on half of the street and you end up with a very steeply sloped front lawn to maintain the grade of the sidewalk. The same problem is going on with the slope. If we adjust so that the walk is pushed closer to the residents and then you have the problem of the walk being pushed closer to the residence. Sometimes it's as close as 16 feet away from the front of the house. You still have to slope really fast to get down to that sidewalk grade. And that does allow you to have a streetscape on both sides of the street. The proposed design would be to remove the walk on one side of the street. You get to slope the lawn at a more comfortable and sustainable rate down to the road itself. And you have the street tree planting on both sides.

**Don Woodruff:** [multiple speakers] is the sidewalk, Sabrina.

**Sabrina Miller:** We're showing five-foot sidewalks by foot.

**Don Woodruff:** Five foot. Okay.

**Ray Pantlik:** Sabrina, if I can just interject briefly, you know, one of the other design considerations is the fact that if there's a minimum set back, particularly in the vineyards, R3 area of 25 feet. But there's a maximum set back that we have had to adapt of only 35 feet. So that's particularly important. While your graphic showed these areas where we're proposing to eliminate it; we should point out that we're proposing to eliminate it on the sidewalk that is not in the public right away, but that which is on the lots. And it's that sort of tension between the grades of the road and the adjacent sidewalk and confronted with this 35-foot maximum

setback. In other words we can't just push the home further back into the lot because we're constrained with that maximum setback and so.

**Chis Myers:** Ray, this is Chris with Urban. That's an excellent point one I was going to make I want to clarify one thing. It's actually a 15-foot minimum.

**Ray Pantlik:** Oh, okay.

**Chis Myers:** But a 30-foot maximum. So we actually have to be within 30 feet of the street. Thank you. Which I think further sort of complicates things when you look at the numbers that Sabrina just presented.

**Ray Pantlik:** Very good.

**Sabrina Miller:** Ok, and I'll share one more exhibit. This is a study through the cul de sac, sort of at the other end of the site where we have the opportunity if we eliminate the sidewalk in some places, to have less of an impact on the grading, which had less of an impact on the existing trees and vegetation. So it's a little tough to see here just because of the scale. But it's the same issue where needing to keep the sidewalk and hold it at a certain grade and slope causes more fill into the landscape. And we could reduce that and potentially be able to keep more of the vegetation, which I know came up earlier as a concern.

**Don Woodruff:** Sabrina could you possibly maybe go back to the first slide and just illustrate where that.

**Sabrina Miller:** Yeah, that is in.

**Don Woodruff:** Yeah go ahead.

**Sabrina Miller:** There you go. We're at looking at this area where I believe we're keeping trees in here. You know, it's an opportunity to have less of an environmental impact as we develop. That's an example. But.

**Don Woodruff:** Ok. OK.

**Will Moore:** Yes, Mr. Chairman, if it pleases you and the commission, I would like to return to a discussion about what the comprehensive plan calls for in terms of sidewalk. And I do think it requires some clarification. Ray did make a good point that there is reference in our plan. It's kind of a passing reference and a sentence of the plan where it says it's talking about the resort and or I should say the residential component of the development. And it does say that

sidewalks are planned on at least one side of the street. It's important to note that at the time of the writing of the plan, we were still working under the previous iteration, which had those loop roads in both the R1 and R3 sections. And it is accurate that in that layout on those loop roads, which were one way, there was only sidewalk on one side of the street. And that's because there were only lots fronting on one side of that street. There was a median in between. So there was no interior sidewalk to that. But separately, referenced in the comprehensive plan about sidewalk connections, it is very clear that new development should be planned with sidewalks or pedestrian facilities on both sides of the street. The applicant did note earlier on in communication accurately that the character of the town as it has developed, in particularly in the residential areas, there are many areas with no sidewalk. There are many areas with sidewalk on only one side of the street. But the plan notes those as deficiencies, it recognizes that those exist, but it recognizes that those are deficiencies and it's not the ideal character. So I just want to be clear about what the comprehensive plan says, independent of some of the maybe challenges with grading that the applicant is asking you to consider here. The plan is pretty clear that that's the ideal that we would like, is the pedestrian facilities on both sides.

**Don Woodruff:** Thank you, Will.

**Terry Cooke:** Thanks Will. Any other commissioners have thoughts they'd like to [multiple speakers] of sidewalks. Yes Don.

**Don Woodruff:** Yes. Over the past years that I've been on this commission, we have reluctantly given in to not having sidewalks where we should. And we have regretted that immensely over the years. And I think that we should, unless it is for some reason not available, we should try and have sidewalks on both sides of the street so that pedestrians on both sides of the street have equal access to protection. Thank you.

**Terry Cooke:** Thank you. Anyone else?

**Will Moore:** Mr. Chairman, just one additional thing, I didn't give you much further analysis on the sidewalks in my memo, other than essentially what I just noted as far as the references in the comp plan. Sabrina, can I bother you to zoom back out to full screen? You seem to be much better at the screen sharing than town staff. That town staff being me. Thank you. So I would say that and this, again, is independent of concerns that the applicant has presented about grading of the lots. One area or two in particular, where staff would be supportive of a sidewalk or pedestrian on only one side would be the two private road connections that connect the development to the extension of North Pendleton Street. So that would be along Equitation Run Way, which is in the middle of the smaller development and then the private portion of old Saddle Drive. Those are two areas where you don't have lots fronting on those sections of street. And it would likely involve less concern with because of much lower traffic volumes of

crossing from one side of the street to the other. So those are two areas where staff would certainly be supportive of that request. But I would certainly leave the commission to kind of contemplate on the other public roads that run through the development whether or not those are appropriate to eliminate.

**Terry Cooke:** Thank you. Will, speaking for myself, I am perhaps a little more open to the possibility of sidewalks on one side of the street. I look at Salamander as distinct from the for lack of a better term the word general, aspects of the town of Middleburg and as much as the community that they're proposing to construct is one that is going to be, I think, a little more insular than the town. Yes, we want it to we want the residents to enjoy the town. We expect them to come into the town and we expect town residents to continue to enjoy the very attractive aspects of the Salamander property. And I think softening the impact of too much concrete is something that I think there is some consideration, and my mind is wide open on this right now, but I want to give this some further consideration. I think there's something to be said for the openness and additional greenery that will come from eliminating sidewalks on both sides of the street. And I'm just sharing my thoughts on this. I've been in many, many communities in Loudoun County. We don't have that many here within the town of Middleburg, where sidewalks on one side of the street is pretty common. Indeed, I recently drove through the Melmore Community on the eastern edge of town and there are no sidewalks. And that's a gorgeous community, very bucolic, but there are no sidewalks in that community on either side of the street. So I think it's an open question right now in my mind as to whether this is a good or bad idea. So I'll think a lot more about it before we next address this. But I wanted to at least share my thoughts on that. Anyone else?

**Bud Jacobs:** Yes. This is Bud.

**Terry Cooke:** Yes Bud.

**Bud Jacobs:** Could I ask Sabrina, I guess you're the expert on this and your colleagues to take a look at the impact in the higher density areas of the proposed construction on the I guess it's the east side of the development. And consider whether the issues that you raised with respect to the right of way grade, the need to move dirt to accommodate sidewalks, whether those issues really obtain sufficient importance in the higher density construction area. I think I agree with our Chairman that perhaps on the west side of the development where the lots are much larger and I'm going to presume that there would be much less pedestrian traffic in that area, maybe that's not right, but that's my assumption. I think perhaps it's possible to avoid building sidewalks on both sides of the streets. But just looking at your map, Sabrina, it seems to me that sidewalks on both sides where there are residences fronting the street on the east side of the development might not be something we want to give up, if any of that makes sense by the way.

**Chis Myers:** Commissioner Jacobs, I can probably address some of those questions from a civil engineering standpoint. I think your point is very valid on the western side indeed, that, you know, elimination of sidewalks on those western larger lots absolutely does reduce the development footprint and allow for, you know, less impact from a clearing grading standpoint with the infrastructure. So I think that's absolutely a correct point. I think and it's also correct to say that in the higher density area on the east side, which is the smaller lots you see there along Martingale Ridge Drive, I think it's absolutely correct there, as you mentioned, it's not going to reduce the development footprint, if you will, the save we're getting is within the lots. However, that's actually where we actually have the most challenges as far as engineering constraints are concerned with respect to the yards. Ray alluded to a minimum and maximum set back earlier. And that's along Martingale Ridge is really where that comes into play. But having that maximum 30-foot front yard that pulled those houses up to the street, which we certainly understand is the intent and we want to honor that. But by then having a sidewalk set back off the right of way on both sides, what it does is it pulls that. It just makes that front yard feel even smaller, makes those houses feel like they are even that much closer to the street. So really, that was one of the considerations that we had for removing it in that area, not so much just to eliminate the or to improve the footprint of the development, but rather just to improve the sightings and the feel of the community as a whole.

**Bud Jacobs:** I got you thank you, that's very helpful.

**Chis Myers:** Sure.

**Don Woodruff:** Mr. Chairman. [multiple speakers] With all due respect to referencing the lots, etc., we are ignoring one aspect of it, and that is that putting in a four- or five-foot sidewalk along a roadway is a safety factor. And no matter how you cut it, we have forgotten in the past the safety of pedestrians in Middleburg. And if this is a Middleburg community, I think safety should be first in its consideration. I applaud for this for the last 15 or so years that I've been on this commission and several times we've been voted down and several times we have looked at it and regretted that we allowed a property where we could have had a sidewalk and provided safety on both sides of the street for pedestrians to go, by the way. And once it's lost, it's gone. Thank you.

**Terry Cooke:** Thank you Don. Anyone else?

**Will Moore:** Mr. Chairman, if I may, just one brief response to one of the comments you made in terms of softening the impact. We had been working with the engineer on a way to potentially soften the impact when we talk about impact, the visual appearance of the bright white concrete on both sides of the street. And one thing that we had been working on was an allowance for that concrete sidewalk to be on only one side of the street. The other side would have still a

pedestrian facility, but it would be a trail of some sort. So it could be an alternate surfacing. I'm not sure, Chris, if we ever even got to a surfacing detail for the trail but it could be asphalt, it could be tar and chip. There are a number of ways that that pedestrian facility could be accomplished without it being the concrete sidewalk. We would need the five-foot concrete sidewalk on one side of the street. But so that's just that's one way we were working to try to help soften the impact that you referred to, Mr. Chairman.

**Don Woodruff:** I emphasize that safety is paramount and whether it's a mulch trail along one side and a concrete sidewalk on the other side, it provides a path of security for those people who choose to walk either into town or out of town. And I don't think that can be ignored. Thank you.

**Terry Cooke:** Any other thoughts or questions from the commission? Will, I thank you for sort of bringing us back to.

**Don Woodruff:** Reality. [laughter]

**Terry Cooke:** Yeah.

**Mimi Stein:** I have a question.

**Terry Cooke:** For the root of the issues here and making sure that we gave fair consideration to the sidewalk issues and certainly have some more time to think about that between now and the public hearing. I would thank all the representatives of Salamander for a great presentation, [multiple speakers] comments, and helping us understand a little better what's going on here. What's driving your decision making? I certainly hope and invite all of you back when we have the public hearing to address these issues again and to help inform any members of the public who might choose to participate in that hearing and help them get a fuller understanding of what's being suggested in this proffer amendment. One last time, does anyone have any other comments on this before we move on?

**Bud Jacobs:** I'd like to make one comment, Mr. Chairman. This is Bud again. I don't share your belief that the people who eventually move into these residences will be I believe the word you used was insular. I guess I very much hope, and I believe council very much hopes that the exact opposite occurs. The people who will own these properties will be paying taxes here. And as members of the Salamander Community, if I can use that word, we want to see them as much as they want to be fully integrated into the community, just as Salamander itself has done. Salamander has turned out to be a terrific partner for Middleburg, and I would hope to see that continue with the residents who eventually move into these homes on the resort property.

**Terry Cooke:** And I absolutely agree with that. And I'm not sure I use that kind of terminology, but I don't disagree with anything you just said Bud.

**Ed Fleischman:** Mr. Chairman, I would like to thank the people from Salamander and their subsidiaries for their presentation. It makes sense. I can see the need to reduce the impact of concrete on one side of the street where it is not heavily residents. But I also feel that there should still be some sort of pedestrian way, which I think can be accomplished in many different fashions that would provide for the safety that we have all been seeking as as residents and participants in the Middleburg government. Thank you very much.

**Terry Cooke:** Thank you all. I think that will conclude this discussion item. And we will now move on to our next agenda item, which is a quorum for our May 24 meeting. Are any of the commissioners participating tonight not going to be available on the 24th of May? Great. [inaudible] Mimi?

**Mimi Stein:** [inaudible] Memorial Day.

**Don Woodruff:** No it's before Memorial Day.

**Will Moore:** Memorial Day is on the 31st this year. So we'll be able to hold the fourth Monday meeting, as usual, for once in May. [off mic]

**Terry Cooke:** Okay, ladies and gentlemen, with that being said, we are adjourned. Thank you all for being available tonight.

**Everyone:** Thank you. Thank you.

**Ed Fleischman:** Thank you, Mr. Chairman.