



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



**MONDAY, MAY 24, 2021
PENDING APPROVAL**

PRESENT: Terence S. Cooke, Chair
Edward R. Fleischman, 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

ABSENT: Donald Woodruff, Vice Chair (unexcused)
Rachel Minchew, Member (excused)

The Middleburg Planning Commission held their work session and regular meeting on Monday, May 24, 2021. Due to Governor Northam’s executive order requiring that people social distance, the meeting was held remotely with most of 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of governmental operations, the Commission would hold its meetings via remote access until such time as the Governor rescinded his executive orders.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 reminded the Commission that this proffer amendment included a few substantive revisions, including: the replacement of the preliminary layout plan, which included two main revisions – the elimination of the Reed Street vehicular connection and revisions to the street section regarding pedestrian facilities; the requirement to use North Pendleton Street for construction traffic, in addition to Foxcroft Road; and, the elimination of recommendations related to four-way stops and bonding that went along with the elimination of the Reed Street connection. He reported that the proffer amendment before them was different than the previous version, as the applicant revised it based on the Planning Commission’s concerns to allow for pedestrian facilities on both sides of the street on

Martingale Ridge Drive and Chestnut Street, with the remainder having pedestrian facilities on one-side of the street only. Mr. Moore reminded the Commission of their discussion related to the proposal to eliminate the Reed Street vehicular connection. He reported that the applicant analyzed where the one hundred eighty vehicle trips/day would go and proposed the greater number would go to Pendleton Street. Mr. Moore acknowledged that there would be additional traffic on both streets. He reminded the Commission of their question related to the amount of traffic generated if the housing units were used as short-term rentals. Mr. Moore further reminded them that there were no by-right provisions for short-term rentals and noted that the property owners would need to obtain a special use permit. He reported that the ITE (traffic) Manual did not include a standard number of vehicle trips per day for short-term rental units and advised that the applicant opined that the number of trips per day would be less than they would be for an owner-occupied unit. Mr. Moore suggested that while this would be germane to applications for a special use permit, it was not germane to the issue before the Commission. He reported that the members had a letter from a resident (Patricia Thomas) suggesting the Reed Street extension should remain.

In response to inquiries from the Commission, Deputy Town Manager Moore reiterated that the ITE Manual did not provide a daily vehicle trip rate for short-term rentals. He advised that each property owner must submit an application for a special use permit if they wanted to offer their homes as short-term rental units.

The Commission opined that Ms. Thomas' letter contained some valid points regarding the Reed Street extension. It was noted that the original proffers were intended to help with traffic flows. They questioned whether the Town should change them because it was inconvenient for the applicant to construct the extension.

Deputy Town Manager Moore reminded the Commission that the extension of Reed Street was not in the original proffers, but rather the extension was to occur through a connection at the Middleburg Community Center's parking lot. He further reminded them that the proffers were amended in 2015 to relocate the extension to Reed Street. Mr. Moore advised that the issue was more complicated than simply being an inconvenience and noted that the geometry to connect to Reed Street was not ideal. He also noted the need for a waiver of the grass strip provisions from VDOT and advised that the applicant could not provide that without negatively affecting the neighboring property owners. Mr. Moore opined that there were valid considerations for the amendment.

The Commission suggested they should deal with the global issues, not the minutia of the plans. They noted that the Comprehensive Plan recommended Salamander be tied to the Town's street network and suggested there was a reason the Town did not want this to be a gated community. The Commission noted that it wanted Salamander to be a part of the community, which was why the proffers were in place. They further noted that they have been strong in their belief about the need for Middleburg to be a walking community and have discussed the need for sidewalks on numerous occasions. It was suggested that a precedent would be set if they did not require them in this instance. The Commission noted the need to return to the original goal of the proffers, which was to tie the Town, Ridgeview, and Salamander together by having two entrances and by having a walkable community.

Chair Cooke adjourned the work session at 6:56 p.m. He called the regular meeting to order at 7:00 p.m.

Town Clerk North reviewed the procedures for participating in the public comments section or the public hearing via Zoom.

Disclosure of Meetings with Applicants

The members reported that they had no meetings with applicants.

Approval of Meeting Minutes

Commissioner Roszel moved, seconded by Councilmember Jacobs, that the Planning Commission accept the minutes from the April 26, 2021 meeting.

Vote: Yes – Commissioners Fleischman, Roszel, Stein and Councilmember Jacobs

No – N/A

Abstain – N/A

Absent – Commissioners Woodruff and Minchew

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

Public Hearings

Zoning Text Amendment 21-03: Ordinance to Amend the Proffers Associated with Conditionally Zoned R-1, R-3 and MUV District Properties and a Portion of 500 North Pendleton Street

Chair Cooke reviewed the procedures for the public hearing.

Darlene Weeks, 204 Chestnut Street, opined that her road could not handle the additional traffic created by the houses' occupants, plus deliveries. She further opined that it was not fair to put that burden on the residents of Chestnut Street. Ms. Weeks suggested, as an alternative, that a road be constructed off Foxcroft Road to serve Salamander's residents. She noted that she heard an additional sixty houses would also be constructed. Ms. Weeks suggested this development would affect the privacy of the residents on Chestnut Street.

Philip Boyle, 410 Stonewall Avenue, reported that he lived adjacent to the location of the Reed Street extension. He advised that this request would create a privacy issue for him as his backyard would be parallel to the pedestrian trail. Mr. Boyle further advised that if the vehicular extension were eliminated, he would not have vehicle access to his backyard. He noted the plan for a landscaped border and grass area and advised that he had been mowing this property for twenty-eight years. Mr. Boyle questioned whether a fence would be constructed and who would maintain the pedestrian facilities.

Will McCulloch, 207 Chestnut Street and 202 Sycamore Street, advised the Commission that he bought his property under the pretense that there would be two roads connecting to the Salamander property. He opined that this promise was now being taken away and advised that he wanted two roads. Mr. McCulloch suggested Salamander develop an additional connection on their property and opined that it was not fair to put the burden of the additional traffic on the residents of Chestnut Street so Salamander could save money.

Caroline Denton, 206 Chestnut Street, agreed with her neighbors. She advised that she moved to Middleburg for its charm. Ms. Denton expressed hope that the Planning Commission would protect Chestnut Street and preserve the quiet of the neighborhood.

Christina Bowen, 100 Chestnut Street, expressed an understanding of the need to access the subdivision. She further expressed an understanding that the Planning Commission wanted to preserve the community and promote the economy. Ms. Bowen suggested that if they made both locations an access point, they would essentially create two Route 50s. She asked that traffic not be allowed to use Chestnut Street until the homes were built and that all the intersections contain four-way stops. Ms. Bowen noted that a central mailbox would be located at the end of Chestnut Street for Salamander's residents and opined that this would create traffic problems. She suggested that returning the additional access to the Middleburg Community Center's parking lot would preserve the existing homes.

Pam Curen, 800 Blue Ridge Avenue, reported that there was currently a lot of traffic, which was causing damage to their lawns. She opined that eliminating the Reed Street connection would ruin the sense of community and suggested it was up to the applicant to resolve their problems. Ms. Curen advised that Chestnut Street could not bear the burden of the traffic if there was not another access point.

Roxene Hill, 205 Chestnut Street, read a letter from Patricia Thomas opining that the Chestnut Street residents would be unfairly impacted by not having the Reed Street connection. In her letter, Ms. Thomas advised that the property owners relied upon the proffers when making decisions. She opined that the reasons cited by the applicant for eliminating the connection were not substantial. In her letter, Ms. Thomas suggested that all projects involved inconveniences and noted the inconvenience to the Chestnut Street residents. She suggested the need for Salamander to deal with the issues and bear the burden and costs. In her letter, Ms. Thomas suggested that an additional connection be created and that the Chestnut and Reed Street connections be one-way. She also suggested that additional traffic on Chestnut Street would place additional weight on the road, which could cause the sewer laterals to collapse. In her letter, Ms. Thomas reminded the Commission that parking and pedestrian safety were important issues. She opined that VDOT could end up widening Chestnut Street, which would eliminate the off-street parking the residents relied upon. In her letter, Ms. Thomas expressed concern regarding the number of vehicle trips per day and the location of the central mailbox at the end of Chestnut Street, which would create traffic issues. She questioned who would police the requirement that construction traffic use Pendleton and Foxcroft Roads. Ms. Hill advised that from her personal perspective, she was concerned about the safety of the road should the Reed Street connection be eliminated and opined that there would be a fatal crash.

Christina Bowen spoke a second time. She expressed concern about the prospect of the houses being used as short-term rentals and noted that this would require a lot of control. Ms. Bowen cited issues that could occur, such as noise.

Roxene Hill spoke a second time. She noted that these would be large houses and opined that if they were used as short-term rentals, they would produce a lot of traffic. Ms. Hill suggested the need to minimize the amount of traffic.

Coe Eldredge, 104 Chestnut Street, expressed concern about the proposed elimination of the Reed Street connection. He agreed with the comments regarding the original intent of the proffers, which was that the residences would feel like they were a part of the town. Mr. Eldredge noted that Chestnut Street was a narrow street and opined that drivers would take the quickest route to their destination. He advised that he was opposed to the elimination of the Reed Street connection.

Harry Bigley appeared on behalf of his mother-in-law who lived at 106 Chestnut Street. He expressed concern regarding the increased traffic and opined that it was natural that it would gravitate to Route 50. Mr. Bigley opined that the elimination of the Reed Street extension would be against the original intent of the proffers and would create a public safety risk for the existing residents.

Maria Eldredge, 104 Chestnut Street, advised that there was already a lot of traffic on Chestnut Street. She asked whether the traffic study included the resort guests who would also use the road.

Darlene Weeks spoke a second time. She advised that there was a stone wall with shrubbery located at the end of Chestnut Street that made it difficult to see oncoming traffic.

Ray Pantlik appeared on behalf of the applicant. He thanked the audience for their comments and advised the Commission that he was available to answer any questions they may have.

In response to inquiries from the Commission, Deputy Town Manager Moore reported that the revised sidewalk plan shows that the intent was to have a centralized mailbox for the subdivision; however, he advised that this was not the subject of the proffer revisions. He noted that it was a construction plan issue.

No one else spoke and the public hearing was closed.

Councilmember Jacobs advised that he was not prepared to recommend the elimination of the Reed Street connection or the revised sidewalk plan. He suggested the Commission should insist on the need for sidewalk on both sides of the street throughout the entire subdivision. Mr. Jacobs advised that he was prepared to recommend construction traffic be allowed on Pendleton Street and Foxcroft Road; however, he stressed the need to enforce these access points.

Commissioner Stein expressed appreciation for the public comments that were received. She agreed with the need for there to be another vehicular access point if the Reed Street connection was eliminated. Ms. Stein advised that she would like to have sidewalk on both sides of all the streets.

Commissioner Fleischman moved to send the package back to the applicant and ask them to revise and resubmit it based on the feeling of the Commission that Reed Street should be open and sidewalks should be within their community.

Deputy Town Manager Moore advised the Commission that they must take action to recommend approval or denial to the Council of the application as presented. He reminded them that under the State Code, they had a limited amount of time to take action and advised that the applicant had not extended that deadline. Mr. Moore noted that the Commission could oppose the elimination of some items and recommend the acceptance of others if desired.

The Commission held some discussion of the need to take action on the request during this meeting and the process for doing so.

Councilmember Jacobs moved that the Planning Commission forward Zoning Map Amendment 21-03 to Council recommending:

- 1. Disapproval of Point 1, which is the replacement of the current preliminary layout plan revision;*
- 2. Disapproval of the removal of the Reed Street extension, related to the many comments the Commission received about the traffic load on Chestnut Street;*
- 3. Disapproval of the proffer revising street sections, which is sidewalks - Item 1B, with the reason being the Comprehensive Plan and the precedent such an approval might establish;*
- 4. Proffer 9 - Disapproval of eliminating the 4-way stop at Reed Street and Stonewall, which follows the disapproval of the request to remove the Reed Street extension;*
- 5. Number 3 – Approve allowing construction traffic to use Pendleton Street, in addition to Foxcroft Road; and,*
- 6. Proffer 12B regarding the street bonding - disapproval.*

After some discussion, Commissioner Roszel seconded the motion. He noted, however, that he was not in favor of the portion of the motion related to the sidewalks.

Deputy Town Manager Moore summarized the motion for the membership.

Commissioner Fleischman moved to make a friendly amendment to the motion to add the provision “to recommend the Town Council, based upon the Planning Commission’s recommendations, ask the applicant to revise and resubmit based on the comments”.

Deputy Town Manager Moore reminded the Commission that the applicant could revise the application up until the Council's public hearing, at which time, the Council could act on the revised proffer submittal or ask the applicant to repackage it.

Acknowledging that this would occur anyway if the Council denied the request, Mr. Fleischman withdrew his friendly amendment.

Vote: Yes – Commissioners Fleischman, Roszel, Stein and Councilmember Jacobs

No – N/A

Abstain – N/A

Absent – Commissioners Woodruff and Minchew

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

(on original motion as offered by Councilmember Jacobs)

New Business

Special Use Permit 21-01: Front Yard Setback Greater Than 30 Feet – Town of Middleburg

Deputy Town Manager Moore displayed a site plan exhibit for the Town Hall Project. He advised that this item was scheduled for discussion only, with the public hearing/action scheduled for the Commission's June meeting. Mr. Moore noted the unique configuration of the property, which was zoned C-2 Commercial. He reminded the members that the front yard setback requirement was thirty feet, which was the approximate location of the existing Town Office. Mr. Moore reported that the Town planned to construct a larger building behind it that would house the Town administrative staff, as well as the Police Department; that would provide public meeting spaces, including the Council Chambers; that would provide public restrooms and public parking; and, that would provide for a Village Green and Town park. He noted that the property upon which the parking would be located was currently owned by Salamander and was in the process of being acquired by the Town. Mr. Moore reported that no structures could be constructed on it.

Deputy Town Manager Moore advised that the new building would be constructed on the odd-shaped parcel. He further advised that the Council preferred a one-story structure, which necessitated that it be placed on the parcel as shown. Mr. Moore noted that, based on the comments received during the public outreach session, it was important to keep the Marshall Street pedestrian connection; therefore, the arcade had been extended closer to Marshall Street. He reported that the Town was working with the architect and HDRC to identify other architectural features to signify the building's Marshall Street entrance. Mr. Moore explained that all these reasons were why the building was placed as proposed.

Deputy Town Manager Moore advised the Commission that the location also allowed the Town to fulfill the Comprehensive Plan objective to create a Town park, as the building setback would be 75.5 feet. He noted that the Town was currently working with the architect on the green area's design. Mr. Moore noted that it was also working with Salamander to provide a Village Green to the rear of the building on property they would continue to own.

Deputy Town Manager Moore noted that while not a driving force, this siting would also allow the staff to continue to occupy the Town Office until the new Town Hall was ready for occupancy. He advised that the existing building would then be demolished, and the park developed. Mr. Moore noted that while continuing to occupy the existing building was an unintended consequence, it was a valuable one.

Commissioner Fleischman expressed disappointment that the Planning Commission was not involved in the decision making on what the building should be, where it should be sited and how it would operate. He opined that the HDRC should also look at the building with regard to where it was and how it fit with the Historic District. Mr. Fleischman noted that a year ago, he suggested the entrance should be on Marshall Street, with the building oriented toward the downtown area. He reminded the Commission that the Comprehensive Plan talked about the redevelopment of Federal Street and opined that putting the public parking behind the Town Hall would pull away from that goal. Mr. Fleischman advised that he would vote against the request and would ask that the Town redesign the building's entrance.

Commissioner Stein advised that she was joyful to see some green space on Marshall Street that visitors and citizens would be able to find. She noted that based on her retail experience, people wanted a park in Middleburg. Ms. Stein opined that there was not enough green space in town and suggested it was important.

Discussion Items

Centralized Mailbox at The Residences at Salamander

Commissioner Fleischman asked that this be an agenda item for the next meeting.

Deputy Town Manager Moore reminded the Commission that they previously expressed a desire to operate at a macro level; however, they now wanted to talk about mailboxes. He noted that this was not something they have discussed in the past. Mr. Moore advised that he would be happy to discuss the construction plans during the next meeting. He noted that depending on the Council's action on the proffer amendment request, the plans may be approved by that time.

Commissioner Fleischman asked that the agenda item be for presentation purposes only.

Quorum of June Meeting

Chair Cooke advised that he may not be available to attend the June 28th meeting. After some discussion, the Commission agreed an alternative date could be July 6th if needed.

In response to an inquiry from the Commission, Deputy Town Manager Moore advised that if the meeting were held in June, the members would still have the option of participating remotely; however, that option would expire June 30th.

There being no further business, Chair Cooke adjourned the meeting at 8:34 p.m.

RESPECTFULLY SUBMITTED:

Rhonda S. North, MMC, Town Clerk

Middleburg Planning Commission Transcript
May 24, 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)

Rhonda North: Mr. Chairman, it is 6:30.

Terry Cooke: Well, good evening, everyone. The clock on the wall says 6:30. So we will convene this May 24, 2021 work session of the Planning Commission. And we'll begin with our Roll Call.

Rhonda North: Yes, sir. Chair Cooke.

Terry Cooke: Present.

Rhonda North: Vice Chair Woodruff is absent. Commissioner Fleischman. Commissioner Fleischman. Commissioner Fleischman. Commissioner Fleischman, are you present?

Ed Fleischman: Yeah, I'm here. I'm doing two things at once. I'm sorry.

Rhonda North: Commissioner Minchew is absent. Commissioner Roszel.

Dev Roszel: Yes, I'm here.

Rhonda North: Commissioner Stein.

Mimi Stein: Here.

Rhonda North: Council Member Jacobs.

Bud Jacobs: Present.

Terry Cooke: Thank you all. We'll begin with our remote participation announcement. Hopefully, perhaps the last time we have to do this. 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 for not only its membership, but also for the town staff and members of the public. To that end, in accordance with the resolution confirming the declaration of a local emergency and the ordinance to implement emergency procedures and effective temporary changes to address continuity of governmental operations during covid-19 as adopted by the Middleburg Town Council, the Planning Commission will hold its meetings via a hybrid system of in-person for those commissioners who feel safe doing so, and remote access participation for the public, 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 at any given time. Copies of the previously referenced documents are available on the town's website. For those who wish to view them, the town will continue to live stream and record its public meetings, which are available for viewing along with the meeting agenda packet on our website at www.MiddleburgVa.gov. Members of the public who wish to participate in the Planning Commission meeting during the public comment period and or public hearings if applicable, and or applicants who are speaking on behalf of their application may do so by dialing the number published on the agenda. You will be placed on mute until such time as the public comment or public hearing is opened or your application is heard to ensure

trust in the process. 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 call. The Town Clerk will announce the member's name with the individual, then stating how they are voting. Thank you. We'll now move on to our discussion item, which is zoning map amendment 21-03. Will you want to introduce us to that one?

Will Moore: Yes. Thank you, Mr. Chairman. Members of the Commission. Good evening. You have my memo on this. This is of course, the same application that you had a discussion on at your April 26 meeting. This is a proffer amendment that poses a few substantive revisions to the existing proffers. And as outlined in the memo, those revisions consist of replacing the current preliminary layout plan that is proffered, which is a 2015 iteration with a new layout plan. And within that new layout plan, the the two main areas of to look at for revision are that the applicant is No. One proposing to eliminate the Reed Street vehicular extension into the property and replace it with a pedestrian only connection. And second of all, they are looking to revise the street sections as it pertains to where there would be pedestrian facilities on both sides or only one side of the street. In addition to the preliminary layout plan, they are requesting the ability to use North Pendleton Street for construction traffic. As currently proffered, they would only be able to use Foxcroft Road for construction traffic entrance. So they are asking to continue to be able to use Foxcroft Road, but to also be able to use North Pendleton Street. There are a couple of other proffers which relate to the intersection of Reed Street and Stonewall Avenue in terms of providing signage for a four-way sign, the other proffer has to do with bonding and timing of bonding and or placement of service of Reed Street. Those kind of go along with the proposal to potentially eliminate that mean, meaning that if the commission were to make a favorable recommendation in terms of eliminating Reed Street, those two associated proffers could also go away. However, if the commission did not view the elimination of the Reed Street vehicular connection favorably, those two proffers should also be recommended to remain in place. Now, differing from what you saw last month, the applicant took into consideration, in particular, extensive discussion about the proposal at that time, that being last month, to only provide pedestrian facilities on one side of the street throughout the entire development. That was the request that they were making last month. In response to the discussion with the commission last month, they have resubmitted the proffer statement with a new date of April 29 and a new preliminary layout plan for your consideration also of the same date, April twenty nine. Within that, they propose now continuing to provide pedestrian facilities on both sides of the street on Martingale Ridge Drive, which is the main east west roadway that would run through the R3 section of the development, as well as on the entirety of the Chestnut Street extension from where it would extend from Stonewall Avenue up to Old Saddle Drive. So there would be pedestrian facilities on both sides of those streets. They are proposing pedestrian facilities on only one side of Old Saddle Drive, which is partly a private portion connecting to the resort, but partly a public portion connecting to the West to Stallion Barn Court, where they are also proposing only providing pedestrian facilities on one side of Stallion Barn Court. They would also there's a short section of private roadway that connects from the R3 sections of two North Pendleton Street, that is Equitation one way, and they are proposing only pedestrian facilities on one side there. This revision, again, was as a result of your conversation at the April 26 meeting. I think there were I think it's accurate to say there were some various opinions on the proposal at that time to only have pedestrian facilities on one side. I think a takeaway that the applicant walked away with and it's a similar one that staff had, was that there was certainly a desire of the majority of commission to continue to have those pedestrian facilities on both sides, particularly along Martingale Ridge Drive, which is in the R3 section that is closer to the developed portion of town, that is closer to Stonewall Avenue. And I think it's maybe accurate to say that there was a little less concern about having the facilities on both sides of the street in the western portion of the proposed development. So that was the applicants take away. It's a similar take away, I think that staff had. And as a result, that is why the applicant has now revised that layout plan to show those pedestrian facilities again on both sides of the street on Martingale Ridge Drive and the full extension of Chestnut Street. There was also some discussion, I think, is it related to the proposal to eliminate the Reed Street connection? And in particular, there was some analysis done as to if that street

was to be eliminated there were proposed to be approximately one hundred and eighty vehicular trips per day on that street. So where does that traffic then go to? And the applicant proposed, based on the distribution of traffic as projected in the initial traffic impact analysis, that there would be a greater weight of that traffic distributed to the east that is toward North Pendleton Street with about 1.87 trips that way per one trip toward Chestnut Street, still meaning that there would be additional traffic both on Chestnut and Pendleton. Clearly, if the Reed Street extension were to go away and there wasn't really any questioning of the methodology of that, but there was a question that arose as to what the traffic generation in the development would actually be if some of those homes became short term rentals. We know from some of the marketing materials that Salamander is interested in offering rental management to prospective buyers of the lots, and with that rental management, that could potentially be short term rentals as the commission is aware of, short term rental of property that is for fewer than 30 days does require a special use permit in all cases where it can be considered in the town. So. There is no buy right provision for any of the homes that would be constructed in this development to be used for short term rentals, but for any that wished to be considered, those would have to come to you individually with a special use permit application. Nonetheless, there was a discussion about, you know, is I think I think the gist of the discussion was, are the vehicular projections accurate that are being provided? The short answer is by the ITE that is the transportation engineers traffic manual. The projections are accurate. That is 10 vehicle trips per day for a single-family residence. It would be speculative at most to try to come up with what that would then become if some of these properties became short term rentals. And I say speculative because the ITE manual currently has no standard for that. The applicant did provide some analysis which is included in your packet. They pointed out some types of uses of rentals of properties that are not short-term rentals, but they believe or maybe the most analogous to those and in their opinion, based on that study, they are. Stipulating, suggesting maybe is a better word that the rental properties would have actually a lower trip generation than use as a single family detached residence, but nonetheless, as I stated my memo, I'm not sure that that discussion or that weighting or that analysis of what might potentially become is necessarily germane to the case that is before you. I think where it does become germane is if and when those individual applications start to come in for short term rental use of any of the properties at that point in time, you as a commission in making your recommendation to the council, you have to evaluate the potential impacts of that special use, which could include the traffic impacts along with potential noise impacts, along with off street parking and all of the other things that would go along with that type of use. So I think it's a good discussion to have. I think it's a good discussion to continue to have, especially knowing that some of those applications will probably come forward in the future. But I don't know that it's the most appropriate discussion to have in consideration of whether or not the Reed Street extension of vehicular extension should continue to remain in place. I think there are valuable things to discuss regarding that, and I've included some of those within my report. And you also have some correspondence that was forwarded to you, the email earlier today from a resident in the Ridgeview subdivision regarding the extension of Reed Street with the suggestion that it should remain in place. And there are some, I think, thoughtful comments included in there for your consideration. So, again, just really the update, the difference between last month and this is that kind of speculative analysis about the possible trip generation for short term rentals and then also the revision to the layout of the pedestrian facilities, which would now continue to have those on both sides of the street throughout the R3 section of the development. That is all I have for an update. Happy to entertain any questions.

Terry Cooke: Thank you, Will. Very thorough as usual, this is open for discussion during the work session. I invite any of the commissioners who wish to address this issue. Now, to do so, I have one very quick question. I recall from last month that there was some discussion between the commission and the applicant regarding a supplemental traffic study that might address more specifically the impact of short-term rentals. And they were going to try to put something together in advance of this meeting. Have we received anything from the applicant?

Will Moore: Well, what you have received is that memorandum where they gave a little bit of analysis as to why they believe that it would be a lower trip generation, but there really is no traffic study per say,

that can be put together because there is no actual trip generation rate that is accepted by the ITE. So, again, the analysis that was put forward before, which is still included in your packet, which shows the distribution of those trips with or without Reed Street in place, would remain as the traffic study.

Terry Cooke: Ok, thank you.

Dev Roszel: Mr. Chairman. I have a question.

Terry Cooke: Yes, please go ahead. Is that Dev?

Dev Roszel: Will, with the short-term rentals and maybe this is just asking this question, just out of curiosity, when you look at Salamander as a whole. Would Salamander be looking to provide an umbrella for the short-term rentals. So or do we look at every house individually that would come before the commission if they want to do short term rentals or does Salamander make the assumption or come to us and say, OK, we want to be able to provide short term rental, can we get you know, that basically would it be an umbrella for all the houses or does every resident have to come to the town to get covered? That's my first question. The second question is, having been through the last month's meeting, the letter that you submitted from Ms. Thomas actually brought up some pretty interesting points, which I don't know whether it should be discussed now or later, but I thought that was a pretty good, pretty good letter on certain specific points. But I don't know if this is the time to get into that or do you want to talk about later? That's all.

Will Moore: Sure. So in short, the answer to your first question is each individual property that would want to engage in short term rentals will have to file an individual special use permit application. No umbrella permit for the development. And as far as the points raised by Ms. Thomas in her email, happy to discuss those. I mean, it's part of the general discussion of what is being proposed here and the points that she raises. Happy to discuss those, now or during the regular meeting.

Dev Roszel: Well, I think that. Well, thank you. I think with regards to her letter, I think what she brought up and she had a lot of very valid points, I live on the very other end of town, so I feel like their involvement with the Salamander's a little bit more intense than mine is. But I think she brought up a valid point about, you know, with Reed Street. The original proffer was to put it in and to her point about being difficult or inconvenient to switch it. I like the idea of the walking path, but I also understand that was the original proffer was to be able to put Reed Street in to alleviate all of the traffic on the other. It's supposed to help alleviate the flow of traffic. So I'm not sure that we should be jumping all of a sudden that I'm just putting this out there. I'm not saying one way or the other, but I thought it was a valid point, is that that was the original proffer was to make Reed Street one of those things. So why are we going back just because it is inconvenient for them to actually, you know, put that road in there. So I think that's worthy of a discussion and really understanding why we're really making that switch.

Will Moore: Right. So if I may, just one a correction of the extension of Reed Street was not in the original proffers. However there was an extension in it. So in addition to the Chestnut Street extension, which was in the original proffers, as well as the Pendleton Street entrance into the property, there was a third connection. It was not at Reed Street and the original two thousand seven proffers; it was actually through the community center property further to the east. In 2015, there was a proffer amendment that was approved which relocated that from the previous location to Reed Street. OK. And as to the question as to why we are going back, I'm not sure we are that the request is being made and is for your consideration. I would say that it's a little more complicated than simply being inconvenient to the applicant.

Dev Roszel: Ok. And I appreciate that.

Will Moore: And I think, you know, I touched on it a little bit in in my memo. The the geometry of that extension relative to the existing northern terminus of Reed Street is a little tricky. There's an offset which is not ideal. It can be managed. The constraints with the developed property on either side are that. They are constraints. It can be managed. I referenced in my memo the necessity to get a VDOT waiver that has to do with a grass strip that is generally required by VDOT between curb and the sidewalk, and they just don't have the ability to do that without seriously, negatively impacting the surrounding properties. But that waiver has been granted. So that challenge goes away, but it's more than it is more than it being an inconvenience or a cost savings. There are some things to consider, but they're also valid considerations for it to remain in place. And that's what you're being asked to balance in making a recommendation to council.

Dev Roszel: Ok, thank you.

Terry Cooke: Any other commissioners wish to comment on this right now? Ed? Yes Ed.

Dev Roszel: You're muted Ed.

Ed Fleischman: You know as planning commissioners we should be dealing with; I think, the first global issues and we shouldn't get involved in the minutia of plans. And when I go back to the global issues involved here, I go back to the comprehensive plan, what originally what this town wanted to do and it's mentioned in the comprehensive plan it wanted to tie Salamander into the street network of the town and Ridgeview, and that was the reason for it and the reason why the town did not want a gated community. It wanted the Salamander homes to be part of the town. And that's why there are two entrances and that's the existing proffer. We're not talking about [inaudible]. We're talking about the existing proffer includes Reed Street. The other thing about the global issue is that as planning commission, we've been really strong about making this a walking community. And I think that having sidewalks on both sides is something that was discussed numerous times by the planning commissioners. And I think that we should require that to continue. Once we allow someone, some entity not to have sidewalks, then the next time we get an application, they can say, well, we approved an area without sidewalks, so we want to have the same consideration. So I think that as commissioners, we have to go back to the original view of what we wanted to do, which was to tie Ridgeview and the town and Salamander together by having two entrances without a gated community and also to have it a walking community of having sidewalks on both sides. Thank you.

Terry Cooke: Thank you Ed. Any other commissioners at this time? OK, with that, we will conclude the work session and we've just got a couple more minutes ahead of us before the scheduled time for the regular meeting. So we'll take a little break for a couple of minutes. Don't anybody go anywhere. And we'll convene the regular meeting just in two or three minutes. Thank you.

Rhonda North: You're back on.

Terry Cooke: All right, folks, we are ready to proceed with the regular meeting of May 24, 2021, regular meeting of the Middleburg Planning Commission. We will call that meeting to order. As we all know, there is a public hearing on the agenda during this meeting and for the benefit of those folks who may be participating remotely and who are not here in the council chambers this evening. I'm going to ask Rhonda town clerk to go over the protocol for letting her know when those who are participating remotely wish to address the issue at the public hearings.

Rhonda North: So Rhonda. Thank you, Mr. chair. So for anyone on Zoom who wishes to participate either during the public comment period or during the public hearing, if you'd like to speak, if you'll please let me know, you can request to speak. If you're on the computer or a device, you can either raise your hand or send me a message through chat. If you're on the phone, you can press star nine. Once I've

granted you the opportunity to speak, you'll be asked to unmute yourself. If you're on your computer or device, simply unmute the microphone and if you're on your telephone, you would press star six.

Terry Cooke: Thank you, Rhonda. We will proceed through the agenda of the first item on our agenda is the disclosure by commission members of any meetings or discussions with applicants and Rhonda. Would you please call the roll?

Rhonda North: Yes, Chair Cooke.

Terry Cooke: No, no, no meetings or discussions. Thank you.

Rhonda North: Commissioner Fleischman.

Ed Fleischman: No discussion. Thank you.

Rhonda North: Commissioner Roszel.

Dev Roszel: No meetings. No discussions. Thank you.

Rhonda North: Commissioner Stein.

Mimi Stein: No meetings or discussions for me either.

Rhonda North: Council Member Jacobs.

Bud Jacobs: No meetings or discussions with any applicants.

Terry Cooke: Thank you all. That brings us to the public comment period. Now, this is public comments that are unrelated to the matter that's going to be considered during the public hearing. So if anyone has a matter unrelated to the item up for a public hearing that they wish to call to the commission's attention or discuss, now's your opportunity to do so. Any nonpublic hearing, related comments. Hearing none. We will close that portion of the meeting and we will proceed to approval of the commission's minutes from last month. Do we have a motion on the minutes?

Dev Roszel: Yes, I move that we accept the minutes from the April 26th meeting.

Terry Cooke: Do we have a second

Bud Jacobs: Second.

Terry Cooke: Thank you. All in favor.

Everyone: Aye.

Terry Cooke: Anyone opposed. That's unanimous. All right, we now move to the public hearing that is scheduled for this evening, this is zoning map Amendment 21-03. And as much as this is a public hearing, I'll just very quickly go through the procedure related to public hearings. I would ask that each speaker who addresses us this evening clearly state his or her name and their address. For the record, I would also remind speakers that the purpose of this public hearing is to receive comments on the case at hand. The public hearing is not a question-and-answer session. We have a few folks here this evening, I'm going to ask anyone who chooses to speak to this matter to please confine their comments to five minutes or so, please do your best to keep it under five minutes. And we'll begin by inviting the applicant or the

applicant's representative to address the commission on their application. Do we have an applicant representative here or on the line?

Rhonda North: No one raising their hand.

Terry Cooke: Ok. Apparently, we do not have an applicant representative here this evening, so we will now move on to comments from others who are interested in this matter. And I would invite those persons one at a time to come forward again, identify your name and address and share your thoughts with us.

Rhonda North: Chairman Cooke Mr. Boyle has pre signed up in advance for the public hearing. [off mic].

Darlene Weeks: I have a very simple statement. It's Darlene Weeks. 204 Chestnut Street. We've been there for fifty-one years. The road cannot handle this traffic. It's hardly enough for two cars to get by. You have to be reconsider.

Terry Cooke: May I stop you and ask you to please speak to the microphone? We want to make sure we get the recording.

Darlene Weeks: This is new to me. OK, do you want me to start over.

Terry Cooke: No, I think we got it.

Darlene Weeks: You have to consider the shape of the road; the town and how many people will be using this road. The Salamander is getting to be quite large if they're going to have forty-nine houses. Everybody's got at least two vehicles. They have U.P.S., they have FedEx, they have Amazon in and out and the UP post office. We are not equipped to handle that kind of traffic. The roads are not that wide. We have plumbing under these roads. It's not very efficient to start with. So you've got to consider it's not fair to put all the burden on Chestnut Street. It can't. It's just impossible. I pay taxes in this town for fifty some years and I don't think it's fair to us to you know, traffic is pretty bad as it is because all the employees cut through from Route 50 to Chestnut now to get Salamander, why can't they put another road into Foxcroft. The road down here she's got her work entrance down there. [off mic] Yeah. So I mean, so go down there, put another entrance in for your tenants. You know, there's land, what is it three hundred acres. She's got something like that. And now we've heard just recently there's going to be sixty more buildings maybe. So you all should represent us and think about this hard before you make a decision. It's not fair for Chestnut to be the one and only. Is Reed Street on the agenda?

Terry Cooke: Yes, that's part of this.

Darlene Weeks: I heard it was taken off. Is that true or not? [off mic] No it hasn't. OK, because there has to be another way. I don't know why they can't use some of Foxcroft. It's wider. And there's also Reed Street. So that's all I have. Because, you know, we our privacy is just going down the tubes as it is. We're outgrowing everything in this town, I am seven generations from this town. Born and raised here. I've seen the changes I'm happy about Salamander. It's good for all the businesses. But as a resident, it's becoming a handicap. Thank you for your time.

Terry Cooke: Thank you. sir. M

Philip Boyle: My name is Philip Boyle and I'm a resident of 410 Stonewall Avenue, which adjoins the the Reed Street proposal, and I had a couple of questions regarding the new decision about the walkway. And one is privacy issues. You know, my backyard is would be parallel to the walkway and I would have not access to my backyard at the moment. I do have access to the common area. And I noticed on the

drawing that they had landscaping from the boundary wall of Salamander to the new houses and all part of the walkway, but from the border line up to Reed or to Stonewall it's just wide open, grassy area. I've been mowing that area for since I moved into Middleburg about 27, 28 years ago just to keep the grass down and keep tidy. And also the question about fencing. If there would be fencing between my yard and that walkway and who would that the maintenance of that area, who would that fall upon? I've been told or it's been mentioned to me that possibly the not the maintenance people, but the HOAs possibly would take care of it. So from Stonewall Avenue to the Salamander border would be a question I would have about that, and would my access be available. When the road was going through there initially, they had granted me access to a driveway portion from the roadway into my back yard. But this has changed with the walkway now. So at least as far as I know, the finalization has not been done, obviously. But these are questions that I have concerns. So with that, I will leave it with you. Thank you very much for allowing me to speak. Thank you for your comments, sir.

William McCullough: So my name is William McCullough, 207 Chestnut Street, 202 Sycamore Street on Friday as well, the first thing I want to make a comment to is just just to the aspect in the nature of town and the land that we come from. And your word and following through on your word. And that's where I really come down to, because, you know, I've come back to town, I've taken care of my dad. I've become more invested into this little chunk of land that I wished my family would just give away for more time than I could even possibly tell you. And instead, I've doubled down and bought my own property here under the pretenses that Chestnut Street would be an entrance under the pretenses that Reed Street would be an entrance under a lot of pretenses, that things would be as they were said. You know what? I'm not the biggest fan of those people. I don't care. Sell the other 60 homes because they'll never have what we have. It's intangible. The fact and the thought that you can even sell it is gaudy and pretentious to me. OK, but we'll set that aside. The fact of the matter is, they said two driveways, we said, OK. and taking one away is I don't play that game. You know, you're not going to promise me one thing and then pat me over the head and take something away. No way. Not you know what the people who are developing or the lady who's behind it or anything. I've got a lot of years to outlive them. And over my dead body, people will go and, you know, just go back on their word. It's just so absurd to me. Like the sixty houses has my blood boiling like the thought of. like, I'm obviously am not reading the paper enough. I thought I'm not involved enough because I thought this place didn't change. And the fact that it's changing this fast is just mind boggling to me. And I'm glad to see the communities out. And I'm sorry to take your guys this time and to see frazzled or bewildered, you know, just off putting. But I'm dealing with a lot of things on 207 Chestnut Street, which is now going to be our centerpiece to the entrance to our new world or not my new world. I have nothing to do with that, you know, but I don't want to be this side of the street, that side of the street. I just want two streets, OK? You know, it doesn't seem that absurd to me. And I didn't catch your name. What was your name? Darlene Weeks. I think it was a lovely idea that she take her jungle gym or 300 acres or whatever and develop that as an entrance way into her own little thing, because that's hers, you know, but the fact of the matter of taking away an easement into the resort and making the problem all ours on Chestnut Street isn't fair. And to what, save them a couple of dollars or to preserve the integrity or the structure or the look of town. I'm sorry, that's out the door a long time ago. And we agreed to one thing, and I'm not going to settle for the other. And that's all that I really have to say because I have to get to dinner.

Terry Cooke: Thanks Will, next speaker.

Caroline Denton: Come in really quick. My name is Caroline Denton. How are you? Thanks for having us. I totally agree with Darlene and my neighbor. I'm just as of last Saturday, my husband and I bought a place at 206 Chestnut Street, so and we moved from Alexandria, Virginia, and we're very excited to be here in Middleburg, Virginia, we my family has spent a lot of time out here. And a big part of the reason that we moved is because of the charm and the integrity of the land and and how much that is all valued. So we totally are on board with hoping that we can protect Chestnut Street. And we have been to the Salamander and supported and are happy that it's here. But also, we really would like to preserve the the

calmness and the quiet and peaceful part of the neighborhood that we purchased last week. So thank you. Thanks for having us.

Terry Cooke: Next speaker, please [off mic]

Christina Bowen: Hello, my name is Christina Bowen, I am at 100 Chestnut Street, and thank you very much for your time and for all the consideration and work you're putting into what you're doing. I grew up in a village. I moved into the general area in 1997. And even though for a long time I lived in Australia, I bought the house in Chestnut Street, so I always had Middleburg to come home to when the time came. So the time came for me last Boxing Day, I moved in. I moved into my house Christmas Eve, and I spent Boxing Day undoing the boxes and I have been absolutely in love with the congenial village life and so many of the people here today, they are here because we met on the street and we created a community. I understand that things happen, and access needs to be made possible, and I understand that the commission wants to preserve this community while supporting the economy of it. I think if you make Chestnut Street and Reed Street the access points, you run the risk of slashing the community and creating two Route 50. If that is ultimately the decision, I would hope that A the Chestnut Street entrance be kept unavailable until the homes are built so that it is not the shortcut for construction workers. B, that every cross street has a four way stop sign so that it is not a jaunt through the village in your car or whatever vehicle you have. So you have to stop, and you have to look for the children on their scooters, on their bikes, with their little toy horses, you know. So you have to create things that consider and the postboxes that have been discussed as being at the end of Chestnut Street seems a real problem, because then you're driving the entire population of that Salamander development into just one access point, and that's a real consideration that I hope you will take under. Thirdly, I was very interested in the discussion that you had earlier pointed out that it was considered to go through that property of the Middleburg Community Center, the parking lot, which serves as parking and a broad access into the Salamander property, and that would preserve homes that are already homes along Stonewall. You already have that. And the access to that would be off of a commercial street with a short drive already partly owned by Salamander and just a short left and right there through post office boxes there, big, broad area not crammed into a single place where you create a traffic jam. Those are my comments. And thank you very much for your time. Thank you.

Terry Cooke: Next, please.

Pam Curen: Hello I'm Pam Curen and I live on the corner of Chestnut 800 Blue Ridge Avenue, and it's a little ironic that I'm here today, frankly, because I actually moved out here because I like the Salamander so much. I was spending so much money at the Salamander that I decided it would be cheaper to buy a home here. So I did. So I and I'm a big fan. I take my dogs to lunch there twice a month. And my mother, who just passed away, went there for New Year's Eve. So, you know, I'm all about the Salamander, but I bought a home right on Blue Ridge. And that, you know, the truth is, even now, you know, we have horses that go up and down the street as Christina said, we built community there. I walk my dogs. We all do. But it's tough even now. I mean, the traffic flying up and down the street even now, because it is, you know, the main thoroughfare through the vibration, the damage even now to some of our lawns. You know, just I think what would happen, it will ruin our sense of community. But, you know, as the applicant, you know, it's really their job to figure this out for us. I mean, we're telling you what we can't tolerate, and that's really to have our street taken away, to have our roads damaged. So I think everybody here has been really reasonable. You know, I mean, Tim feels one way about the salamander, but the rest of us don't. We realize what good it does for the community. But I've been involved in projects in Arlington and the applicant has to go back and figure it out for us. I mean, we cannot bear the burden of this entire project on Chestnut. I mean, there are other ways that we can get to it. There are other ways you can figure it out. But to have Chestnut not have any of the traffic dispersed around other parts of, you know, the entrance to the salamander, not to have one way in, one way out, two ways in. I mean, the applicant has to go back and figure that out and give it to you all who care a lot about, you know, preserving the integrity and the essence of this town, which is why I moved here. If not, I probably could

have just stayed at the salamander all the time. Right. So I you know, I would just really ask that you all figure it out. We've given you a few suggestions that we think might work. Right. And there's something about the proffer for Reed Street that, you know, really needs to be discussed because people feel very strongly about that, too. So, I mean, I would just ask the applicant to figure it out for us because Chestnut cannot burden take the burden of all this traffic and have it maintain be what we all came here to experience. So that's it for me. OK, so we thank you very much.

Terry Cooke: Thank you.

Roxene Hill: Hello, I'm Roxene Hill, I live at 205 Chestnut. and I'm reading in the first hand some papers from Patricia Thomas, who is my neighbor to the left. Hello, Will and Bridge regarding this evening's public hearing about the closure of Reed Street as vehicles access for the Salamander residences. The following represents the opinion of myself and neighbors who live on Chestnut and throughout Ridgeview who believe we are unfairly impacted by the town's action to forego the use of the Reed Street right of way as additional ingress and egress to the Salamander residential development. Will you kindly make copies for the officials and make this part of the record? OK, I'm doing that and read it into the record at the evening's public hearing. Your Ridgeview citizens, residents and owners relied on and are entitled to rely on the long-standing proffers and proffer plat which designated Reed Street as additional access to and from Salamander. No one is happy about more cars on our old neighborhood streets, but we appreciate the right of the applicant to build the Salamander Residences of course, the additional access of Reed Street would serve to temper the amount of traffic bound for Chestnut Street. The proffers, which are promises, stated that Reed Street would be utilized for access. The reasons cited now for closing Reed Street and turning it into a pedestrian park are not substantial and rather arbitrary actually, since Reed Street is so vital. And every right of way opening involves essentially the same issues cited by the staff, like widening construction easements, moving utility lines, and finding solutions to signage and traffic control for site conditions. The staff comments page 204 elimination of the proposed Reed Street Extension North of Stonewell Avenue make the point that the conditions for dealing with Reed Street are inconvenient to accomplish. I say every project has inconveniences. Consider the impact and inconvenience to your citizens who deem Chestnut Street as equally important as the Reed Street vicinity. We are a charming older town with odd and unique street conditions. Deal with the Reed Street conditions as cited by staff not insurmountable. The applicant Salamander has to bear those costs and burden its proffered promised. If this conditions on Reed Street were a surprise, then why not amend the proffers to force the applicant to use its additional land for additional street network to direct the Salamander traffic to the middle of town, to the traffic signal and away from our residential side streets, please, to put on the table and consider one way traffic into and out of Salamander Project, one way at Chestnut and one way at Reed Street. In the past this was discussed when I was on planning commission number three. Chestnut Street cannot bear the burden of increased traffic, which will result from the elimination of the choice of Reed Street as another point of access. Chestnut Street now, at times, and depending on the position of parked cars and types of vehicle, passing each other is a tight two lanes. Please disperse the traffic volume by opening Reed Street extension to share the burden, Chestnut Street will become a mess. Our sewer laterals underneath Chestnut Street could collapse from weight and vibration. I have direct personal knowledge with collapsed Orangeburg sewer piping to the center of the street and the expense and effort required to replacing poor surfacing of Chestnut Street by VDOT were history and other factors, no doubt including weight of traffic, repetitive traffic alongside the edges of the pavement on Chestnut Street can be disrupted. Also, parking, and pedestrian safety, dog walking, horseback riders on Chestnut Street cannot be overlooked as important issues and pluses for Chestnut Street residents. If VDOT chooses to wide and improve Chestnut Street to then deal with inevitable future increased traffic, we are doomed. Many properties on Chestnut rely on street side parking. My personal property has a retaining wall around it bordering the Chestnut Street. This wall was repaired with bridge support some years ago because of the deleterious effects of vibrations of increased traffic up to that point in time. The vibrations of additional traffic will be negative. Chestnut Street cannot be widened near the wall. How many vehicle trips are generated per day per house for the 49 scheduled salamander houses, plus the 60 more units slated by Salamander five per day, eight per day, plus their delivery and vehicles

and services. Look at where the Salamander mailbox is sited. Yup, the end of Chestnut Street. How many Amazon, FedEx, UPS, and USPS vehicle trips will be involved for 49 plus 60 houses? What will the morning rush hour be back up on Chestnut Street as cars stack up to try to get onto Route 50? Have you seen the shallow line of sight looking west at that location? Is there going to be a traffic signal? Thank you for promising that the Salamander construction traffic will be isolated to Pendleton and Foxcroft, how many construction vehicles like dump trucks do you think will ignore that request, especially if the construction trucks have already turned onto and entered Chestnut from 50? Are you going to use our police dollars to enforce that for years while the sales and build outs take place? Simple statement to sum up. Drivers going into and out of Salamander neighborhood will choose not to wind their way in and out using Pendleton and Foxcroft. No way. All human engineers would agree that drivers seek out and utilize the shortest, most direct route that shall impose all the traffic pressure onto Chestnut Street as the right a way and in both directions. The town practically guarantees this result by closing the Reed Street option. The configuration for the use of Reed Street at Stonewall can be achieved. Yes, it can benefit, and burden require that applicant can go back to the drawing board to include Reed Street as vehicle access for its development. Reed Street extension must be utilized to accommodate some of the applicant's traffic. Thank you, Patty Thomas. And for myself again, I live at 205 Chestnut. I built my home 20 years ago. It was the first new home being built on Chestnut Street or not, just on Chestnut, but in the town. And I think it was 15 years. So it's been a joy for me, a joy for me to live there. The street itself maintains a particular ambiance of closeness and old village. And my last comment, I don't know how many of you have ever taken the right turn on Chestnut from 50 if you're coming from Washington. I do every day because I have a business and I can tell you that I don't care if I'm going 15 miles an hour or I'm going 30. Inevitably, I am in the left-hand lane and I've at least had since I've lived there, I would say eight to 10 close encounters. So I'm not sure what sort of traffic studies have been done, but I think with that much traffic going up and down Chestnut Street, it's going to prove that there will be some fatal crashes there.

Terry Cooke: Thank you, ma'am. [off mic] Yes. Please, again, state your name and address.

Christina Bowen: Yes, it's Christina Bowen at 100 Chestnut Street. And I did want to address and I kind of got wrapped up in our village mystique, but short-term rentals, that is something that's concerning because A Salamander is going to profit off of that as management. But you're also introducing you'd have to have restrictions, you know, like single families, not shared rentals. That requires a lot of control. I mean, like a short-term rental is a party house. And you already raised the issue of noise and that would also contribute to a concern. So I just didn't want to let that one slip by.

Terry Cooke: Thank you again.

Roxene Hill: And I would like to add something to that also.

Terry Cooke: And please, your name and address,

Speaker5: Roxene Hill. 205 Chestnut Street. It's wonderful to do. Short term rentals, first of all, have been outlawed in the town of Middleburg. You can't do it unless you get a permit. [off mic] Right. But again, if they're going to do that and they're renting what I understand are supposed to be very large homes, they're going to be lots of people staying in these homes. There's not just going to be three people. There's probably going to be eight, maybe six to eight to 10 people renting these homes. And I think, again, another situation, there's got to be some control here. And I and I hope that the boards will. work with the community, because we can't you know, if you were going to have all this traffic, we need to minimize it. [off mic]

Terry Cooke: Do we have anyone signed up on the phone? Rhonda.

Rhonda North: We've had a few folks who have. Well, actually, someone just raised their hand. Mr. Eldredge, if you'll please unmuted yourself.

Coe Eldredge: Ok, can you hear me? All right. Yes, I am a property owner at 104 Chestnut, where our daughter currently lives. I'm also concerned about this proposal to eliminate Reed Street as an entrance. I agree with Mr. Fleischman earlier comments about the original intent and of the site plan and proffers was to make these residences feel and act like part of the town. I think if Reed Street were eliminated, Chestnut would really become a cut through. And as people have already stated, it is a narrow street, no sidewalks. People literally walk in the street when they're walking their dogs. And I just have serious safety concerns. I think anyone headed west from the community and there are more houses really located near the Chestnut Street entrance than going out through Pendleton will head through Chestnut and people returning from the wineries or Lost Barrel. They're going to take the shortest, quickest route, including hotel guests. And I know that there are the applicant stated that they think more people will use Pendleton than Chestnut. But I think that's really conjecture without a proper study. So, again, I'm opposed to the idea of eliminating Reed Street. Thank you.

Terry Cooke: Anyone else participating remotely this evening.

Rhonda North: So we've had a few folks join us since we first made our announcement. So just for the benefit of those folks, if you'd like to speak, please raise your hand so that you can be recognized. I have another gentleman who's just raised his hand. Mr. Bigley. If you'll please unmute yourself.

Harry Bigley: Yes, ma'am. Hi, my name's Harry Bigley, and I don't actually live in town, but my mother-in-law at 106 Chestnut Street living there for I guess, we helped her move there five or six years ago, but so I'm speaking more or less on her behalf and her safety concerns about potential increased traffic. And I echo Mr. Eldredge's concerns as well about this just seems kind of intuitive the way the subdivision is configured for this development is configured there is going to be a natural propensity for traffic to want to gravitate to Chestnut, especially as they make departures or arrivals from points west our Route 50. I also appreciated Commissioner Fleischman comments on the integration of the town and the walkability. I think that I think those are all very appropriate aspects of the original plan, but I think the elimination of Reed Street really would be against that, that there's original intent and desire, then it would increase the public safety risk to the existing residents. So thank you very much for entertaining my comment.

Terry Cooke: Thank you.

Rhonda North: Ms. Eldredge, if you would, please unmute yourself.

Maria Eldredge: Yes, hi, I'm Maria Eldredge, and I am Coe Eldredge's wife, and our daughter does live at 104 Chestnut and I just wanted to point out that she has already told us about all the townhouses at Stonewall Court tend to come through Blue Ridge and turn on to Chestnut. So you need to factor that traffic in as well. And the other thing that I was wondering is, does the traffic study that was done include any provisions about the hotel guests that will, if they are going last, will tend to avoid town traffic and come down Chestnut, thank you for your time.

Terry Cooke: Thank you.

Rhonda North: I show no other hands raised.

Darlene Weeks: I have one comment. When you go down. This is Darlene Weeks 204 Chestnut.

Terry Cooke: Again, please, please, name and address. [off mic] I didn't hear

Darlene Weeks: At the end of Chestnut Street there is to the left, you're going out on Route 50 to the left, there is a large, tall stone wall with shrubs around it pulling out on that road I've stopped using that road because you really can't see the traffic going west, because the wall and all the shrubs. I've had a friend

who had an accident there about six years ago and it's very dangerous pulling out on Route 50. If you're going west, you're fine. But if you want to cross the road over and go into town, you have to really pull out in the road almost to see what's going on. Because there's it's the house on the end. I don't know what the street is, but there's a tall wall. It's not Patty Warner's. Patty Thomas but it's the house at the very end, right on Route 50. They have shrubs and they have a tall wall. And you really can't see I don't use it anymore. I go up to the other street and go out where you can see both left and right. That's dangerous. Even if we didn't have this problem, the shrubs, and the wall, it's interfering with your eyesight. So that's something everybody needs to think about because there has been a few accidents there over the years. This is not just something that happened. So that's something we need to think about. Thank you.

Terry Cooke: Thank you again. OK, there was no applicant representative at the beginning of the meeting to speak to their application. I will ask just one last time if there is an applicant who wishes to rebut or make any closing remarks at this time. OK, hearing none before I close the public hearing.

Rhonda North: Mr. Chairman. We do have an applicant's representative that just raised his hand. Mr. Pantlik if you'd like to speak.

Ray Pantlik: Yes, I wanted to thank the commissioners and for many of the and for the comments by many in the public. And we would like to further address them in any way we can. And I didn't know if the commissioners had any further questions, but I just wanted to you all understand I was remotely attending. Thank you.

Terry Cooke: Ok, I was about to say that before I closed the public hearing, I would invite any commissioners who have any questions to any of the speakers this evening, if you would like to raise those questions now. Very good. We will close.

Rhonda North: Mr. Chairman, Council Member Jacobs.

Terry Cooke: Did someone have a hand. Ok, Bud. Bud Jacobs.

Bud Jacobs: I actually have a quick question for Will. I'm embarrassed to say I completely missed the issue of the Salamander post office boxes being placed at the end of Chestnut Street. Can somebody enlighten me what that what that's going to look like.

Will Moore: Sure. Give me one second. Mr. Jacobs and I will try to share my screen here. Rhonda, can you make that possible please.

Ed Fleischman: This is Ed Fleischman.

Will Moore: Can I respond to Mr. Jacobs first Mr. Fleischman before we move forward.

Ed Fleischman: I just wanted to say that I feel the same way, Bud I didn't know the post boxes would be there, so don't feel you're alone, Bud.

Will Moore: Ok, hopefully you can see the screen now. This is actually the revised sidewalk exhibit that was provided by the applicant within there. And it is a construction plan issue, not a proffer issue. But the developer intends to do a centralized mailbox location rather than individual mailboxes. Again, it is not subject to the proffer amendment. It's not subject to that discussion, but it's not at the end of Chestnut Street it is actually here you see my cursor, it is at the intersection of the extension of Chestnut Street and Martingale Ridge Drive the east west roadway that cuts through the R3 section. So there's a centralized mailbox location with a drive through loop that would be located there, but not at the end of Chestnut as implied in the comments, which would be down here at Stonewall. But up here at this intersection, again,

it's a construction plan, technical issue. It's not under consideration with regard to the proffer amendment that's before you this evening. Sorry, Bud you're muted, sir.

Bud Jacobs: Oh, maybe I'm better muted. Actually I got it. Thank you very much. My issue really was the potential impact on traffic on Chestnut Street. So thank you very much for the explanation.

Will Moore: If I may, Mr. Chairman, I think it would be appropriate to close the hearing, but you could continue with your deliberation and questions, whether it be to staff or to the applicant.

Terry Cooke: I just wanted the commissioners to have an opportunity if they had anything to, they wanted to ask any of the speakers. All right. That being the case, we will declare the public hearing closed. Thank you, everyone, for attending and participating. You're welcome to stay as long as you like. But the public hearing is closed. We will move on to deliberation by the commission again, giving them an opportunity to question staff or the applicant or interested parties and invite any commissioners who wish to make a comment or ask a question to do so now. Thank you. Anyone? OK, hearing none, we'll move on to an action. This is an action item that requires a motion by the commission to approve or not approve the applicant's proposal. And we'll hear from any commissioners who choose to make a motion at this time. Thank you. Will has done, if you recall in your in your memo, Will has offered some suggested language for motions in support or motions to disapprove. And also if there's a feeling among the commission that some things should be approved, and others not approved there's a format that can be used to address that in a motion. So what we will need action on this evening. [off mic] Council Member Jacobs.

Bud Jacobs: Maybe it'll help to pass the recommendation for a motion a little bit. I am I'm not prepared to accept the elimination of the Reed Street extension. I think the comments that have been made tonight and along with Ed's introductory [inaudible]. I am not prepared to support the Reed Street, the elimination of the Reed Street extension. I'm although I was the one, I think who suggested perhaps there was a compromise we could reach on sidewalks because of the question of precedent and the relation of this issue to our comprehensive plan, as I think Ed also pointed out. If it wasn't Ed, somebody pointed it out, I think I'm not prepared to accept the revised sidewalk plan that the applicant has kindly presented. And I think I would probably insist on sidewalks on both sides of the street throughout the development. I am prepared to accept the revision to allow construction traffic on North Pendleton in addition to Foxcroft Road. I want to note for the record, however, that the and I don't know who will do this, but enforcement, if that's the right word of construction, traffic limited to only these two points of entry into the settlement of property is going to be a really important issue. I don't know that it's the planning commission's issue necessarily, but I'm very concerned based on what I've heard tonight from citizens who actually live on Chestnut Street, what the potential impact is going to be given human nature and given everyone's interest to finding the quickest and best route to their destination. In the case of the construction traffic coming in from the west, that's going to be Chestnut Street. And we're going to have to figure out how we're going to work with Salamander to control that and divert traffic to Pendleton and Foxcroft. That's all I've got. I don't know what my position, what the impact of my position might be on other elements of the proffer. So we can figure that out, I guess, as we work through this.

Terry Cooke: Ok, that is not yet in the form of a motion and I'll invite other commissioners.

Bud Jacobs: I don't. Yeah, I didn't want to make a motion. I think we need to hear from other commissioners.

Terry Cooke: That being said, any thoughts among the rest of the commission?

Mimi Stein: Well, this is Mimi, I really appreciate all everybody who lives on Chestnut Street, I appreciate hearing there comments tonight. And I'm glad we know, you know, directly from them what their concerns were. I feel, you know, looking at this map over and over and over again, it does seem to

be in its most logical that we actually need another another vehicular access to the community, and especially because in the R3 zone, they're going to be [inaudible] establish more concentration of homes and that much more need to exit in and out to get into town. I think eliminating Reed Street, if there's another choice, we have to find the other choice. I believe very strongly. I'll speak for Don [inaudible] I guess I hope I'm allowed to say that, but I feel really strongly about having some sort of. I'm not sure that asphalt pathway is. But if it's functional as a sidewalk, I would like to see that or a sidewalk on [inaudible] Street on both sides. So but again, I really appreciate all the group from Chestnut Street speaking out tonight. It was very helpful.

Terry Cooke: Thank you, Mimi.

Ed Fleischman: Terry.

Terry Cooke: Yes, Ed Fleischman.

Ed Fleischman: I think listening to a couple of the commissioners and we're getting the sense of I'm getting a sense of the feeling of the commission as a whole, that I would make a motion that we send the package back to the applicant and ask them to revise and resubmit based upon the feeling of the commission that Reed Street should be open, and sidewalks should be within their community. And that's what I would propose as a motion. I don't know if that's according to Robert's Rules of Order, but that what I would propose. If there's a better way to say. I'm open to that.

Will Moore: Mr. Chairman, if I may, before somebody considers seconding the motion, we need to take action on this item in the form of a recommendation to council this evening, either in the form of recommending approval or disapproval. And again, as I stated in my memo, there is a way to pass that using Mr. Jacobs terms if you're opposed to certain elements of it, but agreeable to certain elements, it would still be a motion to disapprove. But you could enumerate using Mr. Jacobs example, he a motion could state something along the lines of recommend disapproval based on the elimination of Reed Street which he does not support based on the revision to the pedestrian facilities which he does not support. However, he would support the ability to use North Pendleton Street as a construction traffic entrance. That would be a way to one way using Mr. Jacobs example to continue to move the application forward, which we need to do this evening, but to also make clear to the applicant what would require revision before council consideration if they wished it to be approved.

Ed Fleischman: Mr. Chairman, just a question. You know, the Planning Commission has some discretion on the choices of approval or disapproval of moving things forward. I'm not quite sure why there's a requirement for this to move forward and out of the planning commission if the planning commission feels it should be revised and resubmitted. I still consider that an option that should be considered.

Will Moore: We have certain mandated timeframes in which we have to act. And the applicant, unless they are willing to waive that timeline, we have to take action and we have to take that action this evening. And the applicant has not indicated a willingness to wave that timeline. So without that, you either recommend approval or disapproval.

Ed Fleischman: I recommend disapproval to the entire package. Just because I don't like to be forced to deal with something on a timeframe like that, I think we're an independent planning commission and we should be independent.

Will Moore: That's an issue to take up with your state legislator, Mr. Fleischman, I don't make that rule. The state legislature makes that rule. So apologies. You're only independent, insomuch as you're enabled and required to do things by state code. [off mic] He should. If you are going to make a recommendation

for denial, I would encourage it to be accompanied by reasons on the different elements, just so it is clear to the applicant and council why the recommendation is such. And that would be entirely appropriate.

Terry Cooke: Would you care to restate your motion, Ed, with some justifications?

Ed Fleischman: Well, I think that a motion such as this should be well thought out and written down and reviewed as a draft. I would hate to have something verbally given and then be picked apart at a later time. So that's why I sort of said we ought to table it. Just doing a motion such as this verbally, you run into problems because you do it quickly in a half an hour and then people spend weeks picking it apart.

Terry Cooke: We can't table it can we? Would anyone else like to frame a motion for consideration?

Bud Jacobs: Shall we maybe give this a shot together and following Will's suggested outline in his memo? I'm not certain of the language that we would open with, but basically my motion would recommend disapproval of point one, which is the replacement of the current preliminary layout plan, disapproval of the elimination of the proposed Reed Street extension. And that, of course, is related to the many comments we received about the traffic load on Chestnut. Disapproval of the proffer revising street sections, which is really sidewalks, that's 1B. And the reasons there are, the reasons cited comprehensive plan and the precedent that such approval might establish. Under proffer nine, disapproval of eliminating the four way stop at Reed Street and Stonewall, which follows obviously disapproval of the request to remove the Reed Street extension. Number three, I would offer a recommendation to approve allowing construction traffic to use Pendleton in addition to Foxcroft. And proffer 12B regarding the street bonding, I'm uncertain what the impact of disapproval of the proffer, eliminating the Reed Street extension. I don't know what the impact of that would be on this particular property. I'm guessing it would also be a disapproval, but Will can straighten this out. Is that framework satisfactory, Mr. Chairman, at least as a starting point?

Terry Cooke: Yes. Thank you, Bud. Thank you. We will need a second.

Dev Roszel: Mr. Chairman this is Dev Roszel. Bud, thank you for that, I just I need a little bit of clarification. I concur with most of what you said. I'm trying to understand. There was there was one piece in there that I don't think I understood about the piece number one, that was in your comment and I don't know if that was under proffer one or it wasn't quite clear.

Will Moore: If I may Mr. Roszel. The first thing that Mr. Jacobs stated was related to the new preliminary layout plan. And that includes two elements, which are the Reed Street extension and the revised pedestrian facility layout. And he was recommending disapproval of that entire package.

Dev Roszel: Ok. OK, I will second that. And then the other piece was you discussed the sidewalks within on both sides of the street. You were your motion was to disallow that. Correct?

Bud Jacobs: Yes, that's correct. And the the reasons I would cite, I think were pointed out by Ed earlier. One, the relation of this issue to the comprehensive plan, and secondly, the precedent that it might establish for future developments, not Salamander, who might use that decision to demand approval of sidewalks on only one side of the street or perhaps even no sidewalks at all. And I think those are important enough to go ahead and stick with the initial feeling of the people who put the compromise plan together, ably represented by Mr. Woodruff, who is not here this evening, that we need to have sidewalks on both sides of the street in residential developments in the future for the town.

Dev Roszel: Ok, so with my second, I will qualify my second that I do not agree with that statement, but I would follow that I am in agreement and would second the balance of your recommendations. I don't know whether or not that's doable under in our realm. That second piece about the sidewalks I'm not in agreement with, but I will follow with the rest.

Will Moore: Ok, so just.

Terry Cooke: That would be an amendment to the motion

Will Moore: That would be in an amendment.

Dev Roszel: I think maybe I can't do that, in which case I would make,

Bud Jacobs: The maker of the motion would have to agree to it.

Dev Roszel: Ok, I'll make a second as to Bud's motion.

Bud Jacobs: With the amendment that you don't support the sidewalk question.

Dev Roszel: I would like it known that I'm not in favor of the sidewalk question, but I will second your motion. Yes.

Bud Jacobs: OK. Will, is that work or can we do that?

Will Moore: Ok, so I want to just review what all was included in your motion. I won't restate the reasons I think you stated those clearly and those will be captured. But this is what your motion consists of, your recommending denial and you recommending specifically denial on the basis of the preliminary layout plan, which you do not support. And that preliminary layout plan includes the removal of the Reed Street vehicular connection, which you do not support. It also proposes revising where sidewalks are located such that they would not be on both sides of the street in certain areas. And you are not in support of that. You are also not in support of two proffers that are related to the Reed Street extension. One is the proffer for four-way signage. So you are not supportive of eliminating that proffer. You were also not supportive of eliminating the proffer that relates to bonding or placement of Reed Street into service. The one element that you do support is the ability of construction traffic to use North Pendleton Street in addition to Foxcroft Road. That is what I heard you stated.

Bud Jacobs: That's completely correct. And Will, I would like to state that the bonding is its prerequisite, that if the road isn't there, the bonds are not required, nor will the four way stop. So those two items are exclusive of whatever we do, because if you don't have the road VDOT's that's not going to require the bond. And they're also without the road you won't need the four way stop.

Will Moore: So correct. So what the applicant was proposing was eliminating Reed Street and then also eliminating those two proffers because they would not make sense if Reed Street wasn't there. But if we are recommending keeping Reed Street, then we should recommend keeping those two proffers as well. correct? Yes, sir. I think we're all on the same page there.

Bud Jacobs: Yes. Very good.

Terry Cooke: Any discussion on the motion? Yes Ed.

Ed Fleischman: Ed Fleischman, I have a small maybe an amendment at the end of what we want to send to the council, I think that we want to recommend or propose to the council that the council, based upon our recommendations, ask the applicant to revise and resubmit based upon the comments. So I ask the council to do that if we can't do that.

Will Moore: We can put that in if I mean, if the commission is OK with that. It would be OK to add that request. It's not a requirement.

Terry Cooke: Bud, how do you feel about amending your motion as suggested by Ed.

Bud Jacobs: It's fine with me, I think the applicant, if the council accepts, our recommendations of denial of portions of the proffer, the applicant by necessity would have to resubmit. Right. Wouldn't they have to redo their sidewalk plan and resubmit the plan for extending Reed Street as well as the bond and the four way stop question. Wouldn't that happen automatically?

Will Moore: Well, so what could happen, and the applicant is allowed by code to revise a proposed proffer statement up until the public hearing at council. So hypothetically, and this is just hypothetically, if the applicant were to give weight to the recommendation coming out of the commission, the applicant could revise their proffer statement to eliminate everything they're asking for, which would eliminate the revised preliminary layout plan. It would revert back to the one that's already in place and they could simply revise their proffer statement to request the ability to utilize North Pendleton Street. And they could eliminate everything that you're recommending, disapproval of. And then council could probably feel OK and taking action on a revised proffer statement that only included the addition of North Pendleton for construction traffic and eliminated everything else that you're asking for. So that wouldn't necessarily have to come back to you because you've already made it clear which elements, you're in favor of, which elements you're opposed to. Now, consequently, if the applicant wanted to move forward with consideration by council of some of the items that you do not recommend for approval, then council could consider your request to ask the applicant to repackage and resubmit. That would be entirely appropriate.

Bud Jacobs: Well, I it's fine with me if we want to add an amendment to our recommendations, I guess in general what I'm what I'm reacting to is desire I have at least to present council with a pretty clean recommendation. And I'm not sure that Ed's amendment adds much value to what we're recommending that Council accept. But I'm happy to accept it. And if you're hard over on putting it

Ed Fleischman: I'm not that prime on keeping it in if you feel strongly, we can take it out. I think the major items are in your proposal. So I'll go with your proposal.

Dev Roszel: Well, I think what Will is saying is that we're going to end up back where we were before they need to change originally. So I mean that's ultimately where we are. And maybe Will or Mr. Chairman, you can correct me. I did want to agree surprisingly with Bud and Ed about the mailbox thing. I had no idea that it was going to be a mass mailbox situation with it. And I and I realize we haven't had this final vote on this thing. And I don't know whether the mailbox thing can be part of it or should I bring this up afterwards. Will tell me if I'm out of line. I'll bring it up afterwards as a piece of discussion.

Will Moore: It is not related to the proffer amendment. So maybe

Dev Roszel: Let's finish with the proffer and I will bring that up as discussion after. OK, I'm second, Bud's I still stand I second Bud's.

Terry Cooke: Are we agreeing to delete Ed's recommended additions or amendments to that proffer?

Dev Roszel: Yes.

Ed Fleischman: I would withdraw the amendment.

Terry Cooke: Ok, thank you. Thank you, Ed. All right. We'll call.

Ed Fleischman: To simplify things.

Terry Cooke: We'll call for a vote on the motion Rhonda.

Dev Roszel: Does the motion still include my comment about the sidewalks or is that not in there?

Will Moore: You had stricken that. So no.

Dev Roszel: Ok. All right.

Rhonda North: Commissioner Fleischman.

Ed Fleischman: I vote yes for the motion.

Rhonda North: Commissioner Roszel.

Dev Roszel: Yes.

Rhonda North: Commissioner Stein.

Mimi Stein: Yes.

Rhonda North: Council Member Jacobs. Council Member Jacobs,

Bud Jacobs: I'm sorry, I apologize. Yes.

Will Moore: Thank you, sir. Mr. Chairman, your motion carries.

Terry Cooke: Thank you all.

Will Moore: Thank you all for coming. [off mic] No, ma'am.

Unknown: We appreciate you all coming. Thank you. [off mic]

Terry Cooke: All right. We will move on to the next next agenda item, which is new business. And the only item there is a special use 21-01 request of the town of Middleburg for a special use permit for a front yard greater than 30 feet in the C2 District, at 10 Marshall Street. Will.

Will Moore: Let me take a quick breath before we jump into this, I'm going to try to bring up this exhibit and share it on screen. So this is as stated in the memo, it is just for discussion this month. This would be scheduled for commission hearing and action at your June meeting, at your next meeting. So the request is related to the new town hall project. We've had some tangential discussion about the project in the past. We have kind of a unique configuration to the property here on which we were going to develop. So I've kind of zoomed in here. This is kind of this larger front yard, which is the subject of the request that is before you this evening. And again, as stated in the memo, the ordinance for C2 establish a maximum of a 30-foot set back, which would be if I can get my cursor to appear roughly this line here, which is roughly where our current building sits, the current town office building. with the larger proposed building that we've been working with our contracted design team on, we were trying to achieve very specific accommodational space needs that would accommodate the town administration, which is currently housed in the town office, a larger council chamber, consolidation of the police force with this, which is currently in rented facilities, and then just some programmatic expansion beyond what we can offer in our facilities today in terms of a larger meeting space conference room that could be available to outside parties to use adequate restrooms to sort of staff as well as the public, in addition to parking space, a village green and a town owned park space. So lots that we're trying to accomplish on this. The property that we currently own is framed on screen at the top, essentially, where you see this sidewalk located. The

where you see the parking beyond that is on property that is currently owned by a Salamander entity and that we have entered into a purchase and sale agreement to acquire specifically for the use of parking. We would be prohibited from building any upright structures on that without their express consent. But so we are constrained to build this new facility while meeting all of our programmatic needs on this kind of odd shaped parcel that we have kind of stepped back from Marshall steps to the west, steps back a little further steps to the west, steps back even further. The design that we have come up with is a council preferred one story option with a layout that meets those programmatic needs and simply by necessity, it is located on the parcel as shown. This is the way we can accommodate it. At the same time, we have heard public comments from our first public input session that even though we are proposing to set the building back from the Marshall Street right of way, that there's an importance in keeping that pedestrian connection to Marshall Street. So to that end, we are working with our design team. We've been working with the historic district review committee on ways to best signal that entryway kind of in this area with the diagonal hashing. You see there is this covered entry arcade that would lead to the main door. That entry arcade has been extended out beyond the plane of the building. The original design had it just along the building wall. So that is being done with the intent of better signaling that entrance. We're working again with the HDRC on other ways, in addition to the extension of that arcade to signal the entrance with architectural features of that extended arcade. And we're also working with our design team on ways to better signal this entryway, which is entry walk, which is currently shown as concrete. We're working on how best to design that again, to signal that to pedestrians. So that's that's why the building is located to the extent away from Marshall Street that it is another positive that comes out of it is the fulfillment of the comprehensive plan objective to create a town owned park space, which is a specific, specific goal in the plan. So this larger front yard, which is set back seventy-five and a half feet at its closest point from the right of way, would help to fulfill that area. So we create a nice inviting green area in the front that could be used for small ceremonies and such. And again, we're working with our design firm on how best to layout that expanded front yard. But we see that as a big plus that comes along with this design. Again, we're challenged by the constraints of the property [inaudible] configuration, but we also see this as as a big plus our ability to provide this green space and to provide it in front of the building. We're separately working with Salamander on the proffer that you previously sent forward to council, which would provide us the village green, the larger green space to the rear that would remain under the ownership of Salamander, but we would have an easement a right to conduct certain events there, a general public access easement so we can enjoy that property. But this larger front yard gives us that opportunity to provide that town and park space that is referenced in the plan. So this is a request that will be before you, I should add. I noted in the memo it's an unintended consequence, but the siting of the building in this manner will also allow us to remain in service the administrative staff in our existing building. So we would phase it so that the new building would be constructed. The existing town office will be torn down afterwards after we have moved into the new building and then the green space is developed in that kind of phasing. So instead of the administrative staff moving into temporary trailers that the public would have to utilize, they could continue to use the existing town office while the new building is under construction. Again, that was an unintended consequence, but a valuable one. So this is what will be before you for hearing and action at your June meeting. And again, it relates just specifically to being set back further than 30 feet, as is provided for in the ordinance. And that's all I have. Mr. Chairman.

Terry Cooke: Thank you Will, any questions or comments? Again, this is not an action item. it will be back next month for action. Anyone?

Will Moore: Mr. Fleischman.

Terry Cooke: Yes, go ahead Ed.

Ed Fleischman: Yes, Mr. Chairman, I've been watching the developments of the town hall for the last year and I'm generally disappointed on two items. One the planning commission was never really involved in some of the early decisions on what the town hall should be, where it should be sited, how it should operate. And now we're being thrown some minutia to take a look at and I think the same with the

historic preservation committee, they're looking at colors of the walls of the building, while they should be looking at the whole the placement where it is, how it fits in with the historic district. So sort of disappointed that the town has gone ahead and moved this without input, significant input from its committee structure. However, what when I look at the building and I get down to the specifics of this request, but when I look at the building as planned, I see Ashburn or Purcellville. I don't see Middleburg. This is not a town hall I feel that says you're in Middleburg, you're in a historic town of 900 people. And I just feel disappointed about that. When I spoke to the town manager a year ago about some of my concerns, I made some suggestions. And I still think those suggestions should be considered. And it regards this particular special use permit that they want that the entrance the main entrance to the town hall should remain on Marshall Street. The orientation of town hall should be towards the historic downtown Madison, Washington of Middleburg and in the comprehensive plan we also talked about Federal Street being a big commercial area that we'd like to develop in the future. This pulls everything away, I believe, by having that parking lot and entrance in the back to the Salamander where we don't even own the town does not even own the green space. I think the town hall, the town hall could be built in the back. The current building could be used while it's under construction. And then the town hall should be torn down. And an entrance to the town hall, in keeping with the historic nature of Middleburg should be put into Marshall Street with the main entrance of Marshall Street in an historic building. And that's the police department, of course, should be off the parking lot because they need their cruisers to come in. But that the administrative entrance should be off Marshall and should not be set back. When I walk downtown, the main street of Middleburg. I'm always upset about the front of Safeway, that there's a parking lot on Washington Street rather than the Safeway being at the building line. I understand there used to be a building there. They had to move it back. The building was torn down. But still, I don't think we ought to encourage a setback. So I would vote against having a setback here and ask for a redesign where we're putting the entrance on Marshall Street up to the building line where it is now. And that's my opinion. You know, I give my opinions. So here. So there it is. Thank you.

Terry Cooke: Thank you Ed. Anyone else?

Mimi Stein: Yeah, it's Mimi, you know. Ed I [inaudible] everything you were saying about, you know, the building, having a different sort of feel about it. And maybe the entrance really does need to face Marshall Street or but my I'm actually very joyful and happy to see that we are putting a green space on Marshall Street someplace that's very accessible that the visitors can find that our citizens can find. When I ran a store downtown for 10 years, I can't tell you how many people walked into the store and really wanted more or less a park and they wanted to be able to find it. And we didn't really offer much of that. So I think the more, you know, green and the green space is really very important. And I think it can, you know, from a design standpoint, maybe we can accommodate, you know, the entrance differently than it is now, maybe can look very grand, very inviting. It doesn't have to be necessarily hidden. But having an accessible green space is like wonderful. Matter of fact, years ago several people on Council now, we used to dream of the Safeway going back to Federal Street and that whole front parking lot of Safeway being turned into green space. So I don't think we can have enough of that accessible green space in the town. OK, that's my comment. Thanks.

Terry Cooke: Thank you. Mimi. Anyone else before we move on? Thank you. Next item is discussion items anyone have anything to bring up.

Ed Fleischman: Well, what I'd recommend is at the next meeting that we have an agenda item regarding the mailboxes at Salamander and we get a little bit more information at the next meeting. Is that possible to put that on the agenda?

Will Moore: I mean, staff is happy to discuss is. [off mic] You know, I go back to a comment you made earlier, Mr. Fleischman at the very beginning of your comments on the zoning map amendment that we took action on. And I would argue that you were 100 percent on point, and that is that this commission acts at more of a macro level sometimes. But now we want to talk about where some mailboxes are being

placed. So I'm just I understand we're reacting because there were some comments made by the community and I'm happy to go over those detailed plans. But we don't always talk about where you are going to have mailboxes or where your water line is going to be or where a storm drain structure is going to be. We don't often get into those kind of minutia with the commission. So I would just I would ask you to keep that in mind that I'm more than happy to go over where the construction plans are with the commission as a whole, with commissioners individually at any time.

Terry Cooke: And the mailboxes are not something new. Right? I mean, they have been there for. Since the beginning of the design phase.

Will Moore: Well, not since the beginning, since the new engineer took over the construction plans, and the construction plans is in the administrative realm. That's correct, yes. I'm more than happy to talk about it at the next meeting, depending on what happens with the proffer amendment that's going forth. It could be that the construction plans are already approved by your next meeting, but we'll see.

Ed Fleischman: Ok, Will. Well, well, just a little discussion about it next meeting. I didn't say that it should be called for a vote. Just a little presentation about it.

Will Moore: Sure. Understood. Understood.

Terry Cooke: Ok. All right. Next item is a quorum for the June 28 meeting. Everyone on the call today available for the meeting on the 28th of June.

Everyone: Yes.

Terry Cooke: I have informed Will that I may not be available. We'll have to discuss that and see how we handle it.

Unknown: What?!

Terry Cooke: Duty calls elsewhere for me next month.

Will Moore: May I ask of the commissioners or Mr. Chairman for your availability on June 21st as a potential option or Tuesday July 6th as a potential option, just in case we. In case we run into quorum issues otherwise with other members,

Terry Cooke: Yes, either of those options is fine with me

Mimi Stein: And this is Mimi I can do either.

Bud Jacobs: This is Bud. I can do either. And I'm not really comfortable holding this meeting without the presence of our esteemed chairman. So we have to change to suit his availability let's do so, please.

Ed Fleischman: This is Ed Fleischman. My calendar is pretty tight in June, I'll be in California on the 21st.

Terry Cooke: Ok, what about the July date Ed. Just in case.

Ed Fleischman: July 5th is Independence Day observed. If there's fireworks at the next meeting, I think it would be appropriate.

Will Moore: So we were we were thinking July 6th the following day Ed.

Ed Fleischman: That's fine. I'm around the first week in July.

Will Moore: I think I have some old bottle rockets at the house. I'll drop them by.

Terry Cooke: Spice things up a little bit. Very good. OK, well, I apologize for the for the ringer I'm throwing in, but.

Will Moore: Ok, well we will evaluate. I'll also reach out to Ms. Minchew and Mr. Woodruff and check their availability. And if we have to pull others as far as which of those dates is best at that point in time, we will. [off mic]

Ed Fleischman: Mr. Chairman, are we going to do an in-person meeting next time.

Will Moore: So. Good question. If we meet still in the month of June, we would have the option of doing in-person or you would still have the remote option. June 30 that will expire unless we hear differently. So if this next meeting gets pushed into July or just your regular July meeting later in the month, those would be required in person. But, yeah, if we meet in June, you could still have the option to participate remotely as we have been.

Terry Cooke: Ok, that concludes our meeting this evening and we stand adjourned. Thank you all.

Bud Jacobs: Thank you.

Terry Cooke: Bit of a slog tonight.

Will Moore: Thanks for working through that folks, I appreciate it.