



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



**MONDAY, OCTOBER 25, 2021  
PENDING APPROVAL**

**PRESENT:** Terence S. Cooke, Chair  
Donald Woodruff, Vice Chair  
Edward R. Fleischman, Member  
H. H. “Dev” Roszel, Member  
Mimi Dale Stein, Member  
Morris “Bud” Jacobs, Councilmember (arrived late)

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

**ABSENT:** Rachel Minchew, Member (excused)

The Middleburg Planning Commission held their regular meeting on Monday, October 25, 2021 in the Town Hall Council Chambers. Chair Cooke called the work session to order at 6:30 p.m. Town Clerk North called the roll.

**Discussion Items**

**Potential Zoning Ordinance Amendments for R-2 District**

Deputy Town Manager Moore reminded the Commission that the character of the Ridgeview area was of interest to the Council. (Councilmember Jacobs arrived at 6:32 p.m.) He further reminded them that they previously studied this issue and recommended zoning ordinance amendments to reduce the maximum building height and to allow for a thirty-foot height when greater side yard setbacks were provided, which the Council adopted. Mr. Moore opined that these were a step in the right direction; however, there were other things that merited study. He noted that the Mayor suggested the staff hire a consultant to supplement their efforts and introduced Kelly Davis and Shubhangi Rothor, of The Berkley Group. Mr. Moore advised the Commission that they met with the Mayor and Councilmember Jacobs earlier in the day to get the elected officials’ perspective. He noted that they also toured the area.

Kelly Davis provided the Commission with an overview of their project and explained that they wanted to hear the members’ thoughts. She advised that they would prepare an initial assessment summary based on their site visit earlier in the day; research best practices; benchmark Middleburg against three localities, to be identified by the Planning Commission; identify and assess ordinance amendment options; and, return to the Commission with a summary report and recommendation.

Ms. Davis reviewed the Town’s existing zoning ordinance regulations for the R-2 District, as well as possible interventions. She acknowledged that the Commission had already adopted the first two items. Ms. Davis advised that other possibilities included establishing a maximum lot size, redefining lot coverage, establishing a minimum open space requirement, adopting parking provisions, adopting non-conformity provisions, establishing a tree canopy requirement, and creating an overlay district.

In response to an inquiry from the Commission as to whether anything struck the consultants when they conducted their tour of the area, Ms. Davis advised that she added the non-conformity and parking items after the tour.

Ms. Davis noted that she prepared a few slides to help guide the Planning Commission's discussions on tear downs and infill development/redevelopment. She advised that the alteration of the community's character by such development was one of the most conspicuous effects of tear downs. Ms. Davis further advised that one of the most striking things about the Ridgeview area was its variety of architectural styles. She opined that defining its character would be difficult as a result.

The Commission noted that they had no idea as to how to define the architectural style of the Ridgeview area. They agreed this was an area of concern.

In response to an inquiry from the Commission as to what struck her during her tour that the Commission should consider, Ms. Davis advised that she felt they may wish to explore the issue of lot consolidations by establishing a maximum lot size. She noted that lot sizes also affected the affordability of homes. Ms. Davis advised that character and parking were other items that stuck out at her. She reminded the Commission that front loading garages were a modern concept and advised that they affected the walkability of a neighborhood. Ms. Davis suggested stormwater issues also be considered.

Vice Chair Woodruff cited a new house that was recently constructed after two lots were consolidated and opined that it looked more like a hotel than a home. He suggested development such as that destroyed the character of Middleburg and how the community was viewed. Mr. Woodruff opined that the house was outside of what the Town wanted Middleburg to be and suggested the need to protect the area's character and address facades. In response to an inquiry from Ms. Davis, he advised that the specific concerns about the house were its size. He noted that it crept to the limits of what was allowed. Mr. Woodruff acknowledged that while it did not exceed any legal limits, it exceeded the character limits of the community.

Councilmember Jacobs advised that he did not mind the architectural styles of the new homes. He opined that the issues were size and lot coverage. Mr. Jacobs further opined that there was not an adequate amount of light for the neighboring homes. He advised that he did not have a sense that much greenery had been lost due to the new homes.

Deputy Town Manager Moore confirmed there were some areas where greenery had been lost, such as on Blue Ridge Avenue.

Commissioner Fleischman opined that the consultants had a difficult task ahead of them and noted that there were pros and cons associated with the various options, as well as differing views on the issues. He advised that when out-of-town friends visited Middleburg, they were often impressed that Ridgeview contained different architectural styles. Mr. Fleischman opined that the Commission should consider that as it deliberated. He noted the need to consider private versus public rights. Mr. Fleischman suggested that many of the homes were being torn down because they were substandard and contained code violations. He opined that it was cheaper to replace them than to renovate. Mr. Fleischman asked that The Berkley Group not rush to judgement on the issues.

Councilmember Jacobs opined that the questions identified by the consultants were pushing the Commission in the wrong direction and suggested the question was not whether the houses were suitable for occupancy. He further suggested the need to respect the property owners' rights and noted that for many, their home was their retirement account. Mr. Jacobs advised that those homes may have problems and opined that the issue was their replacement. He suggested the objective of this exercise was to mitigate the potential negative impact of infill construction on the surrounding neighbors.

Ms. Davis noted that other considerations of tear downs and infill development included economic and environmental ones. She noted that larger homes changed property values. Ms. Davis cited storm water management issues as one of the most common environmental considerations.

Deputy Town Manager Moore advised that from a staff perspective, stormwater was a big issue for the neighbors located adjacent to infill development. He further advised that the Town was constrained as to what it could do from a regulatory perspective, as the County was the permitting office. Mr. Moore explained that the County was even constrained as development in existing platted neighborhoods did not meet the threshold for Virginia's stormwater management permits, which was what allowed them to regulate the development.

The Commission opined that there was insufficient oversight of stormwater management at the town level. They questioned how the Town could be more involved and noted that the County was missing things. The Commission acknowledged that Middleburg did not have many stormwater management facilities, which was why there was a problem.

Deputy Town Manager Moore confirmed that Ridgeview did not have an underground stormwater management system. He agreed there could be better stormwater management measures implemented if there was regulatory authority of onsite management.

Ms. Davis noted the impact of infill development as it related to income mix. She opined that the housing in the Ridgeview area was attainable housing and advised that this was impacted when larger homes were built. Ms. Davis advised that lot consolidation resulted in a decreased housing stock. She inquired as to the Commission's thoughts on this issue.

Chair Cooke agreed that none of the new construction would qualify as affordable housing. He opined, however, that this was largely due to the market, as larger homes were what people wanted. Mr. Cooke suggested that property owners had the right to monetize their investment as long as it did not harm their neighbors. He advised that the Commission must wrestle with the concept of how to encourage housing diversity and noted that most people hoped their property values increased. Mr. Cooke opined that the government needed to provide assistance to assure an adequate housing supply for low- and middle-income individuals.

Commissioner Fleischman noted that the average home price in Middleburg was \$800,000 and opined that individuals looking for a starter home were not moving here. He advised that Middleburg had a stock of subsidized housing through the Windy Hill Foundation and suggested the Town work with the Foundation to construct more affordable housing. Mr. Fleischman opined that keeping prices down in the central area was not the best way to address this issue.

Deputy Town Manager Moore noted the gap between low income and higher income homes. He reminded the Commission that the Comprehensive Plan recommended a diversity in the housing stock. Mr. Moore advised that this was also an interest of the elected officials.

Vice Chair Woodruff expressed disappointment that no action had been taken to date on the Salamander workforce housing that was proposed.

Ms. Davis questioned whether the Commission had any questions or thoughts on the key issues and priorities for the neighborhoods or on the opportunities that existed for addressing them.

Chair Cooke opined that it was clear that the Commission wanted to address issues such as building size, consolidation of lots/maximum lot size, and stormwater management. In response to an inquiry from the Deputy Town Manager, he opined that there was a place for assuring the basic character of Middleburg was preserved; however, there should not be an architectural review requirement for Ridgeview.

In response to an inquiry from the Commission regarding overlay districts, Ms. Davis advised that one commonly used one in cities was a neighborhood conservation overlay district. She further advised that she would research whether that was enabled for towns. Ms. Davis explained that this district reviewed demolition and new construction only – not architectural details.

Ms. Davis advised that as to stormwater management, this could be addressed in zoning ordinances through lot coverage, open space, and parking requirements. She noted that there were ways to address impervious coverage beyond controlling roofed structures.

Chair Cooke adjourned the work session and called the regular meeting to order at 7:25 p.m.

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

The members reported that they had no meetings with applicants.

### **Approval of Meeting Minutes**

*Councilmember Jacobs moved, seconded by Commissioner Fleischman, that the Planning Commission approve the minutes from the August 23, 2021 Regular Meeting and the September 13, 2021 Special Meeting Minutes as presented. The minutes were approved by consensus.*

### **New Business**

#### **Site Plan 21-01: Middleburg Town Hall – 10 West Marshall Street**

Deputy Town Manager Moore reminded the Commission that they previously received a copy of the complete site plan. He reported that it had undergone two iterations of agency review and advised that the staff's recommendation was for conditional approval. Mr. Moore noted that the condition would be to address the outstanding comments, which were minor in nature, to the satisfaction of the appropriate reviewing agency. He reported that there were some key issues that were resolved through the review process and noted that the Town Engineer reviewed the work of the project engineer. Mr. Moore introduced Bridget Passarelli, of the Timmons Group, who was present to answer any questions the Commission may have about the site plan. He advised that in addition to his and the Town Engineer's reviews, the Fire Marshall and VDOT reviewed the plans. Mr. Moore noted that VDOT's initial review was more extensive than necessary, as they thought Pendleton Street was a public street. He advised that regardless, the project was designed as if Pendleton Street was a public street. Mr. Moore reported that the largest technical hurdle was the stormwater management permitting and explained that because the area of disturbance was greater than an acre, the project had to undergo a tremendous review. He advised that the Town had been assured by the VSMP Administrator that the permit approval would be forthcoming. Mr. Moore noted that the project's stormwater management system would result in stormwater being addressed better than it was for smaller residential projects, with the post development runoff being better than what existed both in terms of quantity and quality. He reported that the only remaining outstanding issue was that the Town was working with Salamander MUV, LLC on the grading of the Village Green. He reminded the Commission that there would be an underground stormwater holding facility under the Village Green that would slowly release water to the north through piping. Mr. Moore advised that even if the grade was flattened and raised to meet the grade of Salamander's future road as requested, the stormwater facilities would remain as planned.

In response to an inquiry from the Commission, Deputy Town Manager Moore advised that if the Commission conditionally approved the site plan, it would be approved as soon as sign-off was received from the appropriate reviewing agencies. He confirmed it would not return to the Commission unless there was a change to the layout.

*Commissioner Roszel moved, seconded by Vice Chair Woodruff, that the Planning Commission conditionally approve SP 21-01 subject to final approval of the grading plans by staff, the Town Engineer, and the County VSMP Administrator.*

Commissioner Fleischman noted that he had made his views on the project known in the past. He advised that he was fine with the details; however, he continued to have issue with the concept. Mr. Fleischman advised that because he did not believe it fit with what Middleburg was about, he would vote against the motion.

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

No – Commissioner Fleischman

Abstain – N/A

Absent – Commissioner Minchew

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

---

### **Council Representative's Report**

In response to an inquiry from the Commission, Councilmember Jacobs confirmed that Christmas in Middleburg would be held this year. He reported that two hundred parking passes had been sold thus far. Mr. Jacobs advised that the organizers were working with the Town on the best options to limit the size of the crowd so the event would not be a COVID super spreader one.

### **Discussion Item**

#### **Comprehensive Plan Amendment Pertaining to Short-Term Rentals**

Deputy Town Manager Moore reminded the Commission that five years ago, short-term rental regulations were adopted. He further reminded them that they were only allowed by special use permit in the R-1, R-2, and R-3 Districts. Mr. Moore noted that the regulations contained a number of performance and other measures, such as life safety and parking requirements, that must also be met in order to consider a special use permit application. He opined that these measures tightened the expectations regarding the use and limited the number of applications that could be considered. Mr. Moore reported that a cursory analysis of the town indicated there were ninety-two existing houses that could be considered for a special use permit for short-term rentals, excluding any new development. He reminded the Commission that they had received no applications in the past five years; although, he had received numerous inquiries. Mr. Moore reported that the Council was concerned, given short-term rentals' nationwide popularity, that if applications were received, the Town did not have enough policy to evaluate them; therefore, they requested that the Planning Commission advised Council on policy language. He noted that there was a concern about a possible influx of such uses, which could saturate whole neighborhoods and affect the character of the community. Mr. Moore suggested the policy could address not having saturation in neighborhoods and could include requirements associated with the policy. He noted that the language must be vetted by the Town Attorney. Mr. Moore reported that the Council asked that this be expedited; therefore, he would return next month with some policy statements. He noted that the staff agreed with the need to get in front of this item.

The Commission agreed this would be an interesting and challenging exercise. They noted that the Comprehensive Plan was a guide, not an ordinance. The Commission opined that the ordinance was good and noted the need to be cautious.

Deputy Town Manager Moore agreed the ordinance was well written; however, he suggested there may be gaps in it that would not require an ordinance change. He opined that a policy may be all that was needed to assist in an application's evaluation. Mr. Moore cited as an example the performance measure that set the short-term rental use to a maximum of one hundred eighty days per year and questioned how that would be defined. He suggested there may also be a desire for the number of days to be less depending on the location. Mr. Moore opined that there were a number of things that could be addressed by a policy.

The Commission noted that Prem Devadas, of the Salamander Resort, previously stated that they did not want to consider short-term rentals and that they had ways to police and mitigate them. It was noted that Salamander was now marketing this as a benefit of their new houses.

Deputy Town Manager Moore advised that anyone who owned a Salamander home would have access to the resort's amenities, including that Salamander would act as the management entity and help facilitate rentals. He further advised that these could be long- or short-term rentals.

Councilmember Jacobs advised the Commission that short-term rentals came to light during the proffer amendment discussion. He noted that Mr. Devadas advised that while they were not a priority for Salamander, they were an option that was being offered. Mr. Jacobs advised that no one was sure of the impact or whether this would be an issue; however, in the interest of good governance, the Town needed to consider it. He suggested that, if allowed, the Town should impose a cap on the number of special use permits issued for short-term rentals and only allow a certain number per block. Mr. Jacobs noted the need to define the one hundred eighty-day period. He acknowledged that the Council was skeptical of whether Salamander's homeowners would want to use their properties for short-term rentals.

Vice Chair Woodruff advised that the residents of Meadowbrook Court had problems a few years ago with rentals, in particular with the parking. He noted that the property owners took a strong stance on the rentals, as did the Town. Mr. Woodruff opined that short-term rentals could be a problem.

In response to an inquiry from the Commission as to how the staff reached the number of ninety-two, Deputy Town Manager Moore advised that the staff performed only a cursory review. He noted that the houses cited by the Commission on Chinn Lane were not included in the number, as they were located closer than twenty-five feet from another house; therefore, they were excluded from getting a special use permit under the ordinance.

In response to an inquiry from the Commission as to why a Comprehensive Plan amendment was proposed, Deputy Town Manager Moore explained that the Comprehensive Plan set the long- and interval- range visions for the community. He advised that it was common to amend it. Mr. Moore noted that while separate policies were fine, according to the Town Attorney, if the Town wanted support for a position, it was important to have a statement in the Comprehensive Plan. He suggested the details may not be included in the plan and advised that it may just contain a general statement.

The Commission agreed with the need to consider this, particularly if the Salamander Resort was planning to promote the rentals for things such as large festivals or events.

Deputy Town Manager Moore advised that he would draft some language for the Commission's consideration during their next meeting. He further advised that, in the meantime, he would discuss ideas for how to regulate short-term rentals with the Town Attorney. Mr. Moore asked the members to contact him if they had any ideas for addressing this issue.

The Commission agreed this was something that needed to be addressed as they did not want short-term rentals to change the character of Middleburg. They noted that it would be a balancing act.

**Quorum of November Meeting**

With the exception of Commissioner Stein, all the members who were present advised that they would be present for the November 22<sup>nd</sup> meeting.

Deputy Town Manager Moore noted that there were five Mondays in November this year. He questioned whether the Commission wished to move the meeting back a week in light of the Thanksgiving holiday. The Commission agreed to leave the meeting date as is.

There being no further business, Chair Cooke adjourned the meeting at 8:12 p.m.

RESPECTFULLY SUBMITTED:

---

Rhonda S. North, MMC, Town Clerk

**Middleburg Planning Commission Transcript  
October 25, 2021**

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

**Terry Cooke:** Okay. Good evening, everyone. We will convene the work session of the Planning Commission this October 25, 2021. Good to see everyone. I hope everyone enjoyed the hiatus we had last month. The consequence is that we have a pretty robust agenda tonight, so we'll get right into it. Rhonda would you please call the roll?

**Rhonda North:** Chair Cooke.

**Terry Cooke:** Present.

**Rhonda North:** Vice Chair Woodruff.

**Don Woodruff:** Present.

**Rhonda North:** Commissioner Fleischman.

**Ed Fleischman:** I'm here. Thank you.

**Rhonda North:** Commissioner Minchew is absent. Commissioner Roszel.

**Dev Roszel:** Here.

**Rhonda North:** Commissioner Stein.

**Mimi Stein:** Here.

**Rhonda North:** And Council Member Jacobs is absent.

**Terry Cooke:** Okay, very good. We have one discussion item for the work session tonight and it's an interesting one. [laughter] We will have Will introduce the subject for us and then I suspect we'll have a conversation with some folks from the Berkeley Group.

**Will Moore:** Yes. And Kelly and Shubhangi if you want to come on up. So thank you, Mr. Chairman. As you know, the topic of the character of infill and redevelopment, particularly in our two zoning and even more particular in the Ridgeview area, has been a one of interest of our elected officials and no better timing for Mr. Jacobs to arrive. So of course, you're aware that there was some study of this by the commission earlier this year. As a result of that study, an ordinance amendment recommendation which council ultimately passed came out, which lowered the baseline for building height in R-2 except that you could still build up to the 30 foot, which was the previous height limitation if you provided greater setbacks. So that was a step that the commission took, and that council adopted. I think it was a step in the right direction, but I think it's fair to say that there was at least general consensus that that was a first step, but there were other things that at least merited studying. As the months went on afterwards the mayor suggested that we consider bringing on a consultant to help us just to give us an additional set of eyes and to do some additional study to help supplement staff in this effort. And we have contracted with the Berkeley Group. So this evening we have Kelly Davis and Shubhangi. Shubhangi how do you say your



last name? Rathor. Rathor. So they're from the Berkeley Group. Kelly is their director of planning and Shubhangi is new to the group. But geographic information systems and things like that. So they were here beginning early this afternoon. They had a meeting a little over half hour with the mayor, as well as Council Member Jacobs to just kind of get some perspective from the elected officials on maybe some of their thoughts and concerns. And then they spent the afternoon kind of touring the area and looking at some of the same sites that you toured when you were beginning this study. So with that, I will turn it over to Kelly and Shubhangi and let them run through their quick presentation to you.

**Terry Cooke:** Thank you, Will. Welcome, ladies.

**Kelly Davis:** Thank you so much. [multiple speakers] You cannot see it, but I am smiling under this mask. [laughter] Happy to be here. Originally from northern Virginia and really love being in Middleburg today, so that was great. So I have a few slides, but the majority of this presentation is really to hear from you all. This is our first kind of reconnaissance tour and then we'll be going back and doing a lot more research and assessment, so we'll just go ahead and dive in. So next slide, please.

**Danny Davis:** I know it's going to work. [laughter]

**Kelly Davis:** There you go. So we'll just start with a brief overview of our project and scope of work. So you all are aware I've got a few slides on the existing R-2 district and some possible interventions that we'll consider in our assessment. And then really that main portion we want to dive into your perspective on the teardown and infill that's occurring in the R-2 zoning districts. Next slide. And you can just go ahead and skip Slide three and onto Slide four. So this is our project scope. We started today with our site visit and our planning commission work session tonight. And following that, we'll move into our initial assessment summary of issues that'll be basically documentation of some of the different things that we've heard and saw in our site visit today. Then we will look at best practices research from publications like from the American Planning Association, other planning research that's been done in this particular area. Also included in our scope is a benchmarking research for up to three localities. If there are localities that you know are doing it wrong or, you know, we're doing it right, feel free to send them our way or share those with us today and we can take a look and see what those communities are doing in their ordinances. And then we'll start compiling suggested code enhancements that you all will be able to consider. And then we'll create a summary report and share that back with you and be back to present that report and answer any questions that you all would have about that. Next slide. And again, you can kind of just go ahead and skip right on down. So these are the existing R-2 district standards. It sounds like you all have discussed these at length, so they're here if we need to refer back to them or have any questions. But this is kind of the baseline of what we're working with in terms of minimum lot size, minimum lot width, frontage at the property line it's very common, your yards. And then tying that height to the the side yard requirement is also was recently adopted, as Will shared. Next slide, Okay. Possible interventions. So there's a few things that initially came to mind when we had the initial scoping discussions with Will, and then we were able to see and actually get boots on the ground today and brainstorm a little bit more. And certainly in our best practices, research will identify any others that we find might be of value or benefit to your community. I see you've already established that minimum side yard requirement and tying that to a relationship to your building height and your side yard requirement. So those two things. A few other things that are kind of on our mind would be that maximum lot size. I believe that was something that you all had just discussed earlier this year that Will had originally proposed. And one of the great things that we'll be able to do, hopefully assuming the data is available is do an assessment of what that lot size range is in those neighborhoods, so we could see what that maximum lot size should be if we were to introduce that. Also, I believe previously discussed was redefining lot coverage to include some of those impervious surfaces. So right now, the code is just tying lot coverage to those structures under roof. There's an opportunity to potentially expand that to help with stormwater. There's other things that we could consider as well, so we could potentially keep the building related lot coverage those structures under roof and then introduce a minimum open space requirement. We'll take a look at your parking provisions. One of the things that we noticed when we were out there with some of those newer homes having the two-car

garage up front, which would obviously come with quite a bit of paving in the front yard so we can look at kind of paving and parking provisions in your ordinance. We can look at non-conformity provisions. That's something that really is constrained by state code, but I'm interested in discussing with Will and brainstorming anything about that would really come into play for infill. I'm sorry for tear down structures that are replacing an existing nonconforming structure. So in that tear down scenario versus a infill scenario. Tree canopy requirements is another thing that some communities use. Right now you have a tree ordinance that does allow staff to work with the applicant on tree preservation. We'll take a look at that and see if there is any way to make that a little more robust. And then finally, and perhaps as last resort, but perhaps not is there are certain overlay district standards or architectural review that may be enabled through your charter or through state code. And so we'll look at those options as well as part of this. I hope that in some of these next slides, any questions that you have on these possible interventions, we can start to dive into and answer. But are there any initial questions that you all have?

**Terry Cooke:** I just have one sort of overarching question based on your inspection of the properties in the R-2 district. I think was it today you did that? Is there anything that struck you just as something that, gee, I mean, maybe they ought to consider this or that seems odd. Why do they, you know, why do they allow this, that sort of thing? I mean, all the commissioners, I'm sure, will weigh in whatever thoughts they have. But I just wonder from your perspective, as a non-town resident, presumably as to what you saw that.

**Kelly Davis:** The nonconformities and the parking provisions for the two that I added today after our site visit. So those were two that I hadn't originally seen in any of the initial best practices research. But when we were there, boots on the ground, those are two that I want to explore and see how it, you know, what avenues there might be through that. I think overall, you know, you've taken the initial first steps with your staff that I would have initially recommended through this lowering your building height and modifying setbacks as needed. So you've already kind of taken the first step and then this is what can we do now next? What's the next step?

**Terry Cooke:** Okay, thank you.

**Kelly Davis:** All right. So moving onto what is your perspective and then down to the next slide? So I've got a few slides here that really are aimed to guiding our discussions. So the next few slides are about the effects of tear downs. And by teardowns you could also indicate that as infill and existing mature neighborhood as well, there's some nuances to that. But so the first of several of the next slides being focused on community character. So the alteration of community character is one of the most conspicuous effects of tear downs. But I think you all know from some of your previous discussions on that that this is often difficult to agree on what is the community's character. One of the things that was striking in that neighborhood as we walked through that is that the houses and architectural styles are very different. So defining that community character is even more difficult than, for instance, in a historic district where you have a set period of significance that is very easy to fall back on. But a few common considerations are the overall size of the house, the massing, architectural style, and then the loss of mature trees and plantings. Oftentimes, those new builds may require demolishing or tearing down mature trees and plantings. We know that the recent trend is building to your buildable area. In the past, it's been more about preserving or looking out over a large scenic yard and really, I think that pretty much speaks for itself. And then these questions are aimed back at you. How would you define the character of your community or this R-2 zoning district? What is important for you all to preserve in this area? And what are your opinions on how teardowns are affecting this? And I'll open that up to you all. Any takers?

**Mimi Stein:** Well, my initial concern was when you put architectural style, I have no idea how we would define that in the areas that are not in the historic district. But that would be my first concern overall.

**Terry Cooke:** Anyone else?

**Ed Fleischman:** Yeah.

**Terry Cooke:** Ed.

**Ed Fleischman:** Yeah, thank you, Ed Fleischman. Kelly, just before we're going to be working with you, I guess, for a few months, maybe you can just give us a little bit of your background, your educational background, how long you've been working in the planning field?

**Kelly Davis:** Sure. For the sake of time, I'll keep it short. And then if you have further questions after, I'm happy to follow up on anything. Yeah. So I have my Master's of Regional Planning from Virginia Tech, as well as an Engineering Degree from Virginia Tech.

**Ed Fleischman:** What kind of engineering degree?

**Kelly Davis:** Biological Systems? It was focused in land and water resources engineering.

**Ed Fleischman:** Interesting.

**Kelly Davis:** Yes. Yeah, and so through that, I have found a love of planning and particularly in small towns and cities. And I joined the Berkley Group two years ago about as their Planning Director, and I was formerly Senior Planner at the City of Manassas, doing both long range and current planning.

**Ed Fleischman:** Great. Thank you. Sounds impressive. [off mic]. Want to establish a base first? [laughter]

**Will Moore:** I would just like to observe that many planners like myself like to pretend like we're engineers. Kelly actually is an engineer, so it's.

**Kelly Davis:** For better or for worse. [laughter]

**Will Moore:** Yes.

**Don Woodruff:** Mr. Chairman.

**Terry Cooke:** Oh, I'm sorry.

**Don Woodruff:** Don Woodruff. As you went through the community today. What struck you, if anything, did that might stand out that we would have to consider? I have a couple of things in mind, but I'd like to hear what you saw first.

**Kelly Davis:** Yeah, well, I think those possible interventions that I mentioned kind of speak to that. I think that certainly the home where you saw that housing, or the lot consolidation speaks to the interest in pursuing or at least exploring the potential maximum lot size. That both speaks to community character, as well as potentially housing affordability, which is one of the slides a little further down. And then again, speaking to character and the impact of parking on those front-loaded garages often I mean, this picture on the slide here. Neither of those have a front-loaded garage, but some of the other infill properties that we saw are having a front-loaded garage, which is much more of a modern concept to have your front garage facing the street and the two-car garage that can impact the character of a walkable neighborhood. I think certainly stormwater is going to be another thing that we want to consider through this as well. How about you? I'm more interested in your input.

**Don Woodruff:** Well, the reason I bring this up is that two lots were recently within the last year or so. Right Will, Yvonne Miller's property?

**Will Moore:** Yes, I think that's the ones that [multiple speakers].

**Don Woodruff:** They saw that? Okay. What has been put up there looks more like a hotel than a house. And one of the things that I think that does is destroys the character, not just of that aspect of the community, but I think it impacts how everybody looks at what Middleburg is. And it's certainly I would feel a little bit outside of what we would like Middleburg to be. We're interested in protecting the character as well as the façade of the town. So how did you see that building?

**Kelly Davis:** So what is it about that that makes you think in your mind makes it seem like a hotel? Is it the size or I mean it had the front porches.

**Don Woodruff:** Well. First of all, it's the size on a relatively a nice double lot. I know that. But the very size of it and the fact that it all the way around seems to creep to the very edges of what's allowed. And I don't know how you get around that. Obviously, an individual has built this, and it has not exceeded the legal limits, but it certainly has the character limits in many of our eyes.

**Bud Jacobs:** Mr. Chairman.

**Terry Cooke:** Yes.

**Bud Jacobs:** Bud Jacobs.

**Don Woodruff:** Turn yourself on Bud.

**Bud Jacobs:** What?

**Don Woodruff:** I said turn yourself on Bud. [laughter] Don't be like me. [off mic]

**Bud Jacobs:** Don't open those doors for me will you Don, please? I actually don't mind the architectural style of the homes that we're talking about. They're lovely homes. There's no question about that. And I certainly share Mimi's reservations about how we as a body would get into reviewing and defining architectural styles for the Ridgeview district. To me, that's not what it's about. It's the size of the homes that are being built and their lot coverage. And as I think I mentioned, the fact that in some instances there isn't adequate light provided any longer on the neighboring homes. Seems to me that's something that rather dramatically changes the character of the neighborhood. And I may have missed it, but I hadn't really focused on the tree issue at all, perhaps others have. So I have to plead sort of ignorance on that count. My sense is we haven't lost too much greenery with these new homes. I just don't know.

**Will Moore:** Some places more so than others. So the homes on Reed Street, you didn't really lose many trees there. You lost a couple, but it wasn't a heavily wooded lot, it was more open. The two lots, Ms. Miller's property, that were consolidated, you didn't lose you lost a really huge specimen tree at the corner, but you didn't lose a lot of coverage. But there are a couple of homes under development currently on Blue Ridge Avenue, where there is a good bit of tree coverage at the rear of those lots. They're kind of tucked in there. It's harder to appreciate now that the structures have gone up because you can't really see behind. But there was a good bit of loss of coverage of trees in there. And then a recent tear down on Sycamore that has an approved home to replace it. At least one large specimen tree was lost with that as well.

**Bud Jacobs:** That one I realized I got. Did you see the video of that tear down?

**Will Moore:** I did.

**Bud Jacobs:** Yeah, that was quite impressive, actually.

**Will Moore:** It was.

**Bud Jacobs:** How quickly the character could be simply wiped off the map. But in any case, my focus and the intent or the direction of my interest is housing size and lot coverage.

**Terry Cooke:** Ed. Commissioner Fleischman.

**Ed Fleischman:** Thank you. I think you have a very hard task in this study. There are so many pros and cons and differing views. It's really quite something to come up with something. And even when you come up with some proposals, there are going to be people who say, that's not what I think. And other people say, Well, that's great. So you know, it's going to be a hard job. But I had some thoughts that I thought I would pass onto you. I lived in a historic district in Washington, D.C. for 35 years. I lived in a 1913 Victorian house there, so we had an advisory architectural panel that we reviewed all the building permits. I was on that for a few years, and we always had debates on, you know, the window and how the door looks. And there were a couple of new houses built and all the people on the review panel had different views, and that's just because we're all different people. Then I bought a house here in Middleburg and I live in Ridgeview, and one of the things I do is when I have friends over from Washington, D.C. we usually take a walk around the neighborhood. And some of them live in Georgetown, in Washington, D.C., some of them live in Cleveland Park, where I lived, and some of them live in northern Virginia and Alexandria. And when they walk through Ridge View, they're sort of taken by how nice it is to have different architectural styles. And they say this is a unique area. It's not historic, it's not modern, it's not old, but it's unique because of that. And I think that the Planning Commission should consider that that's one of the advantages of Ridgeview is that it has a lot of differing architectural styles in it. That's one thing I'd like to mention. The other thing is that there's this whole issue of control; Historic Districts controlling what individuals do, and that had a huge debates in Washington, D.C. about what you could do in this Cleveland Park Historic District. And, you know, people had architectural historians do it and so forth. So it's hard to say what should be done, differing views. But one of the things that I find interesting about and I must say about the Middleburg Council is the Middleburg Council hired you for this particular study, and I think they had something in mind when they did that. And I saw teardowns mentioned in that. You have it up on your board. But then I look at the Middleburg Council, this building, they're going to tear down. So I find it and I address this to the other Planning Commissioners that I find it incongruous that the council wants to tear down this building. But and they're the public doing it, and then from what I hear from you and these slides is the council is against private individuals with their own private house tearing it down. So I think that, you know, you should consider that too, that, you know, private rights and public decisions. And I think that's for the commissioners I think that's important to view as a problem. Why are we tearing down this building and saying we can't tear down or upset about the tear down, a couple of tear downs in Ridgeview? So I thought about that, and I said, Well, why are we tearing down this? We're tearing this down and spoke to the, you know, the Town Manager and other people. There's some asbestos in the building. The utilities in the building, the electric, the spacing, the staircase, the second floor, they're all substandard. I'm sure this building has a lot of code violations. And you could say that for a public building, you should not have any code violations if you require private individuals not to have code violations. So maybe there's reason to tear down this building and the council decided to do that. So then we get back to some of the buildings I've been in, the buildings that were torn down recently in Ridgeview. And when I looked at it, my background is Civil Engineering and Urban Planning. I saw numerous code violations dealing with the electrical system and I saw mold. I saw other problems and I said to myself, Well, maybe someone could come in, a construction company can come in and fix everything. And my neighbor and I mentioned this before, but I'll mention it to you as you do your study. The house opposite mine on Sycamore Street in Ridgeview, was owned by a couple that reached their retirement. They lived there numerous years. They may have built it 50 years ago in the 50s maybe it's almost 70 years now. And they moved, the man died, and the woman moved back to Ohio, so they put the house up for sale. So people came in and looked at

the house and I looked at the house and had many different levels, and they just couldn't figure out how to do anything. So I spoke to one of them and I said, Look, we had a construction company look at my house and in the back of my house, they put an addition that you can't see from the street. I said, You know, why don't you call my construction people up and take a look at the house to see what you can do to make it livable? So they looked at the old house and the construction company, which I thought they did a great job, and they knew renovations and they knew additions. They said it would be cheaper because of all the code violations, the electric, the water. It's cheaper to tear down the building and start again, rather than to keep it up and try to do something. So I think that's important. I think there's a reason for tear downs. I mean, there's a reason that some buildings should be kept. I'm just saying there are advantages. There are disadvantages. It's a very complicated issue. So I think you shouldn't. I know you're working for the Middleburg Council, but you shouldn't rush to judgment, so to speak. I mean, I think you, as a planner, you have to make an independent decision on the pros and cons of things. So that's just a caution. You know, take your time. Investigate everything. And good luck. Thank you. [laughter]

**Terry Cooke:** Mr. Jacobs.

**Bud Jacobs:** The questions that you have posed in a couple of instances maybe have pushed us a little bit in the wrong direction. Speaking just for myself. The question isn't, I've got to find it here. The one question you pose is and one that Ed just sort of got into, which is what reminded me of this, whether houses that are being torn down are suitable for continued occupation? And the other question you've asked is if they were not torn down, would they be occupied or would they be vacant? To my mind, those are not the right questions. We respect the right of a property owner to sell his or her home if that's the path they choose to take. I think we have, I don't have hard data, but I believe we have any number of folks who live in the Ridgeview Areas area for whom their home is their retirement account, and they have planned, in some cases, probably for a long time at some point to alienate those properties and to move on to whatever the next stage in their lives is, whether the homes are in fabulous condition and ready for occupancy, or whether as Ed has mentioned in the case of the one across the street from him, they've got a lot of problems. That's not the issue. The issue is once the home is gone, for whatever reason, what replaces it? And that's where I at least want to maintain my focus because this stuff is so goddamn arcane and difficult to deal with anyway. I want to understand very clearly what our objectives are. And to me, the objective is to mitigate potential negative impact on the surrounding neighbors of infill construction. That's how I've posed the question to myself. Thank you, Mr. Chair.

**Terry Cooke:** Thank you, Bud. Well said. Anyone else before we move on? Please.

**Kelly Davis:** And Mr. Fleischman set up this next slide, which was about economic considerations, this is again one of the things I will caveat this by saying I was surprised at the the number of potential or what appeared to be potential infill lots in this neighborhood. When we visited today, compared to what you know, when I created these slides last week with the focus on tear downs. So excuse me for that. So, you know.

**Ed Fleischman:** Maybe you ought to just take that slide down. [laughter]

**Kelly Davis:** We can move on. It sounds like [inaudible] for the sake of time we can, but these are some of those different effects. There's changes to assessment value. There is larger homes. It really, this impact on schools and services, it's one argument that's made in best practices research that's out there. So I wanted to just put it up here, as well as the rehab cost, which I could not have explained that any better myself. So I think that we can. Are there any other comments on economic considerations? I think we've heard from two commission members. Okay.

**Terry Cooke:** Oh, thank you. Please move on.

**Kelly Davis:** So the next slide is on environment and really as smaller homes are replaced with larger homes there's a correlated increase in impervious surfaces, potential grade changes that make stormwater management more difficult. I think we saw that on one of the newer properties or newer builds that was out there. So I wanted to pose this question. And whether you can answer this with certainty or not. Are any of these environmental impacts a concern for you? I think certainly stormwater is one that is of concern in most communities these days. But so again, any comments or concerns on this particular item or lack of concerns? [off mic]

**Will Moore:** I think, not to speak for the commission, but from a staff perspective, dealing with some neighbors who are adjacent to properties that have been undergoing either infill or a tear down and redevelop, stormwater is a big issue. And there are some constraints as to what we can address from a regulatory perspective. There are some constraints. The county actually is our permitting office, but there are some constraints on what they can address as well, because for the most part, anything in an existing platted neighborhood like this is not going to meet the thresholds for Virginia's Stormwater Management Permit, which is when they can really get in and regulate. So stormwater impacts, I think, are a huge thing for us to address.

**Don Woodruff:** I agree.

**Terry Cooke:** I would second that motion, and I think that there is insufficient oversight at the town level for some of these stormwater issues. And one thing I would like us hopefully to consider going forward is how to have more involvement by the town in reviewing and approving stormwater management issues. The county misses some things, and they obviously are not as close to the issue as we residents who live here are. So put me down among those who believe that stormwater management should have greater input at the town level. Thank you. Commissioner Fleischman.

**Ed Fleischman:** And just following up on the chairman's position on stormwater management, the town does not have much in the way of stormwater piping sewerage for stormwater. So that's why there's a bigger problem, I think, than in a typical bigger city. Will, what percentage of the streets have a stormwater system?

**Will Moore:** I don't have a percentage.

**Ed Fleischman:** Pretty low, though, isn't it? [multiple speakers]

**Will Moore:** Well, it probably is low, and particularly if we were talking about an effective one. So and I say that with all sincerity. Ridgeview was developed with a stormwater system.

**Ed Fleischman:** No, I'm talking about a stormwater sewerage piping.

**Will Moore:** So underground. Yeah, yeah.

**Ed Fleischman:** Yeah. There's none there.

**Will Moore:** Yeah, there's none in that neighborhood. Yeah. Until you get out to Washington.

**Ed Fleischman:** Well, I mean the commercial area, of course but.

**Will Moore:** Yeah.

**Ed Fleischman:** I mean, that's one of the problems in Riverview. There's no way to get rid of it. I mean, usually you'd have a storm sewer and a sanitary sewer next to each other.

**Will Moore:** It is. And I don't mean to detract from your point at all because you're 100 percent right. But there are also some better measures that if the regulatory authority was there where the management of stormwater onsite and the prevention of creating adverse impacts on your neighbors when you develop your property could possibly be managed better.

**Ed Fleischman:** Oh, definitely, I agree with you. We don't have it so then you have to manage it.

**Will Moore:** Yes. [multiple speakers]

**Ed Fleischman:** It could be managed better. I agree with that. Definitely.

**Will Moore:** Definitely.

**Ed Fleischman:** Thank you.

**Kelly Davis:** Next slide. And this housing and income mix is certainly one that we talked about a bit with during our council discussion today with two council members. I mean, in any area, particularly in a housing market as hot as this one, there's going to be change. But a neighborhood like Ridgeview is serving or these are two zoning district neighborhoods are serving as some of your naturally occurring, attainable housing. We haven't really gotten into any of the data at this point, so we can't say that again with the data to back it up but hearing from staff and from the council that these were modest homes meant to serve some of the the modest means and provide that housing stock. So there is an impact to property values. When you have larger homes, tax levies can change so as can when you have those lot consolidations you lose a potential lot for another home overall, potentially decreasing your housing stock. So I'm open to the Planning Commission's thoughts about this particular component of the issue, if any.

**Terry Cooke:** I would just I would just comment on something I'm sure we all recognize. I've lived in the town for, I think, almost seven years now. I haven't seen anything new built that I would consider affordable housing in the traditional definition of that term. Everything is upscale, everything is big. And but that's largely a factor of the marketplace. I mean, that's what most people want, and it's I think Council Member Jacobs said. You know, property owners have a right to monetize their investment as long as it doesn't harm their neighbors. And I think that's something we're going to have to wrestle with. How do we encourage the kind of socioeconomic diversity that you've listed in your points here? I'm not sure how we do that. We'll all think about it, and all have ideas on it, I suspect. But I think most folks, when they buy residential, they're hoping that their property values escalate and there's nothing wrong with that. That's what we all hope for. So I think there needs to be some sort of larger governmental assistance or guidance in terms of assuring a sufficient adequate housing supply for low- and middle-income residents. And I'll be interested to see where that discussion goes. But it's just a reality of life, and it's not only here in Middleburg, but everywhere. Thank you. Yes. Council Member Jacobs.

[inaudible] Fleischman.

**Terry Cooke:** Oh.

**Bud Jacobs:** We look a lot like [off mic].

**Ed Fleischman:** Thank you, Mr. Chairman. [laughter] Just a couple of thoughts on that following up on Terry's comments. The average house price in Middleburg is like \$800,000 right now, so it's a lot of money and you're not going to see starter people buying and moving from an apartment kids twenty something, thirty something moving into a house here. That's just the way it is. However, you're new to this area. Middleburg, the town of Middleburg, has housing stock that's committed that's subsidized, and the Windy Hill Foundation has a number of apartments in our town boundaries, and they've done a great



job. And so we do have housing in town that is basically for, I mean, the term working class. I don't know what that means, but for, you know, people affordable housing, you might say, and there are a lot of ways to, you know, help that out. I mean, the Town could work more with the Windy Hills Foundation in putting in more affordable housing. I mean, I don't know if trying to keep the housing prices down in some of the central area is the best way to go. So it's a matter of exploring options. And I think we spend too little time dealing with the Windy Hill Foundation and how we can help them rather than deal with the existing housing stock in the [multiple speakers] area.

**Will Moore:** Yeah, I think there's a component, though, and I will just simply, and I don't mean to speak for anybody, but this particular slide is of particular interest to the mayor, I know. There's a gap and it's a rather large gap. I think in between the clientele of Windy Hill Foundation, which is low income, subsidized housing and the 800,000 homes. There's a big gap in between and I think our comprehensive plan recognizes that. And it speaks to the need for diversity that housing that would be attractive to older people, as well as to younger families who might not be in the position to buy that \$800,000 home. But they're certainly not in also that position where they're qualifying for subsidized housing. So I think it's there's a gap in there and I'm not saying this is how or where it should be addressed, but I think that is of particular interest, at least to some of our elected officials.

**Ed Fleischman:** Yeah, I agree Will, you know, there is a gap. I just wanted to point out that there is the Windy Hill Foundation [multiple speakers] even have known about that.

**Will Moore:** Absolutely. [off mic].

**Don Woodruff:** I go back to many years ago when Salamander proposed that they would build workforce housing for people in that gap area. And that seems to have disappeared or been put on the back burner. They're so far away, you can't even tell it's on. It was looked upon as a good idea by not only the planning commission at that time, but by the town council, and suddenly it evaporated. So there has been some thought about it, but there hasn't been much action.

**Kelly Davis:** Next slide. And we probably could have just started with this slide, but I wanted to walk through the potential impacts that we might be dealing with to open it up any key issues and priorities for these neighborhoods or opportunities that you might see. This is the last slide, so speak now.

**Terry Cooke:** I'll invite any commissioners to get things off their chests [laughter] or suggest directions that we might consider the Berkley Group following as they go forward.

**Kelly Davis:** I'm very curious for the two that have stayed silent.

**Terry Cooke:** Well, I think, you know, based upon what everyone has said in their respective comments, I mean, it's clear that, at least it's clear to me that lot size issues are something that we think needs to be addressed. Building size issues need to be addressed. Perhaps regulations regarding the consolidation of lots to create larger lots should be considered. [multiple speakers] the fact I think greater town involvement in [off mic] stormwater management and lot grading issues is a factor for consideration, lot size and unless that's something I mentioned a minute ago, maximum lot size is a concern and should be considered, and I'll invite anyone else who has any additional thoughts on.

**Will Moore:** Is it fair to say and I ask this of the whole commission. Is it fair to say that a consensus is away from looking at architectural review from some of the comments that were made? I mean, we might be talking about size overall massing, but avoiding, is it fair to say the consensus is avoiding details of like an architectural review district where we're reviewing?

**Terry Cooke:** I think there's again, speaking personally, I think there's a place for concerns about preserving the character of Middleburg and a Modernistic California style Hillside House would not fit

with the character of Middleburg. [off mic] And, you know, perhaps there should be some way to in a broad sense assure that the basic character of the town from its aesthetics is preserved or encouraged. So I would say that, but in terms of architectural review, something along the lines with the historic district commission does is I think that may be more than should be taken on in the R-2 district, but some consideration for the appearance of new construction. Council Member Jacobs.

**Bud Jacobs:** Oh, I don't want to speak for Kelly, but in our earlier discussion, she mentioned one possible tool that if you could put a little flesh on it for us, I think it would be very helpful and that was the the idea of if it's permitted and possible and all the caveats, but the idea of perhaps establishing a neighbor, what is it? Neighborhood conservation overlay district, something like that.

**Kelly Davis:** So there are different levels of overlay districts and when and one of those that's commonly used that in scenarios such as these and these mature neighborhoods that are facing infill or demolition and rebuild is the Neighborhood Conservation Overlay District. Roanoke and Lexington are two cities that use this provision. We need to see if it's enabled and the town environment and then what the level of review would be, and we can flesh that out in our report to you all. And what those findings are, typically you're going to see review of of demolitions and new construction, but not to the extent that you are requiring a paint change or to require a review by your historic review board. So really, those major alterations and demolitions would be at least my preliminary understanding of those. And knowledge of that.

**Terry Cooke:** Yeah, thank you. I like the sound of that. Anyone else, commissioners?

**Kelly Davis:** So one other component that I think you mentioned the town administration of storm water, the two, the few that we have on here related to storm water from a zoning perspective would be the lot coverage or a minimum open space requirement. And as well as potentially parking provisions, such as how much of your front yard could you pay for parking. There's those are kind of three different ways to get at the same thing, which is impervious coverage beyond a roof structure.

**Terry Cooke:** Commissioner Fleischman.

**Ed Fleischman:** Thank you, chairman. I just have to say this before we put in restrictions on what private property owners can do. And you're talking about storm water and lot coverage, you know, take a look at that picture behind you on the wall of the proposed city council and the parking lot. That's part of it. I know there's going to be mitigation associated with the parking lot. I know there's mitigation associated with the size of that piece of land, but that is going to cause more problems with stormwater management. Then a lot of small private buildings in Ridgeview. I just want to throw that out. Thank you.

**Terry Cooke:** Any other comments before we conclude the work session? Hearing none. Thank you so much. Thank you for your help tonight. [multiple speakers]

**Kelly Davis:** Thanks so much for having us.

**Bud Jacobs:** Go [inaudible].

**Terry Cooke:** Ok, we are. We'll be on the seven o'clock hour, so we'll just move right into the regular meeting of the commission for this evening, and we will call that meeting to order. First item is any disclosures regarding meetings with folks having applications before the commission. Rhonda, would you call the roll on that.

**Rhonda North:** Chair Cooke.

**Terry Cooke:** No meetings or discussions, thank you.

**Rhonda North:** Vice Chair Woodruff.

**Don Woodruff:** No meetings or discussions, thank you.

**Rhonda North:** Commissioner Fleischman.

**Ed Fleischman:** I had no meetings or discussions. Thank you.

**Rhonda North:** Commissioner Roszel.

**Dev Roszel:** I had no meetings. Thank you.

**Rhonda North:** Commissioner Stein.

**Mimi Stein:** I had no meetings or discussions.

**Rhonda North:** Council Member Jacobs.

**Bud Jacobs:** I've had no meetings or discussions with any applicant, with any matters before the planning commission.

**Terry Cooke:** Thank you all. Next item on the agenda is the public comment period. This is an opportunity for any members of the public to raise any issues or concerns with the commission at this time. Is there anyone who has signed up or indicated an intention to speak?

**Rhonda North:** No, sir. The only folks online are folks here for the town hall site plan.

**Terry Cooke:** Thank you. We will close the public comment period. Next item is approval of minutes for our meeting of August 23rd, 2021, and our special meeting of September 13, 2021. Will entertain a motion on the minutes.

**Bud Jacobs:** I move we approve the minutes for August 23rd and September 13 as presented.

**Terry Cooke:** Do we have a second?

**Ed Fleischman:** I second the motion put forward by Council Member Jacobs.

**Terry Cooke:** Any discussion? Hearing none the minutes are approved. Thank you. And we now move on to new business and item first item under new business is site plan for the Middleburg town hall and Will, will you just bring us up to where up to date on where we are on this?

**Will Moore:** Certainly. Thank you, Chairman Cooke. So you have the memo that accompanied the agenda packet. But a few weeks prior, I did distribute to you a copy of the full site plan set with the realization that it's a full site plan set. And it's not necessarily something that the individual members of the commission are used to used to navigating through. But accompanying that, I also gave you some of the history on the review that has been conducted to this point, and that is we have been through two full iterations of review and based on those iterations of review staff is recommending that you consider granting conditional approval to the site plan this evening, conditioned upon the outstanding comments that remain or which we're characterizing as minor in nature at this point being addressed satisfactory to the appropriate reviewing agencies. It's not a step that I take lightly in bringing this to you, requesting your approval. There's some very key issues that were addressed and resolved throughout the site plan review process. The primary agencies that were involved in review were staff being myself on behalf of

the town separating myself from the ownership entity of the town, but doing that on behalf of staff review we also employ a consulting engineer. We actually have two that we consult with. So we had a separate engineer essentially review the work of our project engineer that on as our role of owner have brought on a design team which includes the Timmons Group as the civil engineer. And Bridget Passarelli is here from Timmons, and we'll invite her up in a minute. So again, staff, our consulting engineer, the fire marshal's office with building and development, who are looking at a number of the life safety features of adequate circulation access around the building hydrant placement and coverage, many of those kinds of things, the proposed sprinkler system that would be involved in the building itself. We also have VDOT, which is involved in as much as impacts or, in this case, the connections to public streets. Their first round of review was a little more extensive, probably than it needed to be, because there was some maybe lack of clarity on their part as to the status of North Pendleton Street, which, beyond the first property going north of Marshall Street on either side is a private roadway. So they issued a number of review comments which were not necessarily applicable to it being a private roadway. However, we revised essentially to design it as though it was connecting to a public roadway. And probably the largest of maybe technical aspect that were hurdle in this review process is with the Virginia Stormwater Management Permit. So kind of made reference earlier in our discussion that there is a threshold that once you meet, it brings in a tremendous amount of review and regulation that has to be satisfied and that threshold is once you disturb more than one acre of land, which we would be disturbing more than one acre of. So we have successfully gotten the maybe not quite the final sign off from VSMP, but their administrator has indicated that it is coming. We received a a minor waiver from them due to, I think, velocity of discharge, and Bridget could speak to that if you have technical questions on that. I will say maybe slightly contrary to Mr. Fleischman comments earlier that once you reach that threshold of requiring a VSMP, I can pretty much assure you that the stormwater management on this size of project is going to be dealt with at a much preferable and better outcome than on smaller projects because we are so subject to such tight regulation, it really is a very high threshold to to get that DSMP. You essentially have to have a post development situation in terms of amount, the quantity and quality of runoff that is actually better, demonstrably better than the preexisting. So I would say you should feel pretty good about the storm water impacts those being addressed. That being said, the one kind of outstanding issue that that remains that are referenced in my memo is that we are still working with our partners at Salamander that is Salamander Middleburg MUV LLC, which is the ownership entity of the property to the north of us, let me get my directions right. So we acquired from them, and you were involved in the rezoning, essentially the land that will be used for our parking lot. There is also a village green that will be developed as part of this project, but it remains under the ownership of Salamander. So we are dealing with some kind of last-minute negotiations with them on the grading of that property. So on that property, there will be an underground stormwater holding facility. So the water that comes off of our building or parking lot, which will be captured somewhat by pervious pavers and some of our parking areas, but also by storm inlets will be channeled into a stormwater holding tank, which is then released slowly to the north through underground piping. It's my understanding that even with negotiating these changes of the final grading of the village green, that the that the underground storage of this facility and the piping and outfall are still going to remain exactly as planned. So there's no elevation changes to those facilities. But we might essentially, the original plan had the grade coming off of our parking lot into the village green, a little bit steep and then flattening out. But relative to where there might be a future roadway to the north, which would be directly opposite the roadway, that if you're coming in North Pendleton Street, you'll be able to turn left into the residential development if you were to turn right there. You can't right now, but there will be a future roadway that aligns with it, which would be fraying the north end of the village green. So the way our original grading plan actually would have had the village green sitting a good bit lower than that roadway, which might create a little bit of a bowl. So we're working with them to maybe bring that up and then kind of flatten out some areas in there. So I simply tee it up by that's there are some final revisions that might need to be made to the grading, but we're confident that that big threshold of getting the Virginia Stormwater Management approval will not be negatively impacted by the overland grading there. So that's what I have as far as wrapping up. I think part of Bridget's team with Timmons Group is online with us as well. Is Bill Vest online with? Bill is not OK. All right. But Bridget is here, so we're happy to to walk through details of the plan. Answer any questions you might have. Of course, you had

an early look at the plan during the special use permit process in terms of the the location of the building generally on the site, how circulation would flow throughout it. The fact that we're providing green space in front, as well as the village green to the rear. So, but again, happy to walk through any and all questions you have, whether general in nature or technical in nature. So we're here. I would invite Bridget to come on up to the table just in case it's extremely technical in nature. So I don't start playing engineer like I referenced earlier, which planners tend to do. [off mic] I am no engineer.

**Bud Jacobs:** I have just a process question Mr. Chairman, if the commission grants conditional approval tonight, what's the next step? What happens after that? Is there another go around for a final approval or once these conditions are met, it is approved? How does that work?

**Will Moore:** Correct. So this would just conditioned basically on final sign offs by entities that have either minor comments outstanding or in particular, the VSMP. But we would not bring it back to you unless there were an actual change in layout. [off mic] Correct? Yes.

**Bud Jacobs:** Thank you.

**Terry Cooke:** Any other questions or comments by members of the commission before we move ahead. Thank you, Will. A motion is in order. A suggested motion appears in the staff memo. If anyone would care to make that.

**Dev Roszel:** Yes, I'd like to move that the commission conditionally approve SP21-01 subject to final approval of the grading plans by staff, the town engineer, and the county VSMP administrator.

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

**Don Woodruff:** Second.

**Terry Cooke:** Any discussion, Commissioner Fleischman?

**Ed Fleischman:** Yes, I've made. I've made my views known over the last few months on the particular project here and just want to say a few sentences. I think all the details are fine. It goes back to the original concept. There are 800 residents in Middleburg, Virginia, and this particular. City Hall town hall that's proposed this doesn't fit in, I think, with Middleburg, the concept of what Middleburg is about, and, therefore. I plan to vote against it.

**Terry Cooke:** Thank you. Thank you, Ed. Any other comments? All right, we have a motion we'll call the motion for a vote. Rhonda, would you call the roll.

**Rhonda North:** Vice chair Woodruff? I vote yes.

**Don Woodruff:** Commissioner Fleischman,

**Ed Fleischman:** I vote against

**Rhonda North:** Commissioner Minchew.

**Bud Jacobs:** Absent.

**Rhonda North:** Commissioner Roszel.

**Dev Roszel:** I vote yes.

**Rhonda North:** Commissioner Stein.

**Mimi Stein:** Yes.

**Bud Jacobs:** Council Member Jacobs.

**Bud Jacobs:** Yes.

**Terry Cooke:** Thank you all. Motion carries. Ok, moving on to the council representative. [multiple speakers] Council Member Jacobs, please.

**Bud Jacobs:** Take her to the Oyster Bar.

**Bud Jacobs:** I'm embarrassed to say that I don't have much to report tonight. Either I haven't been paying attention to the town council meetings which is quite possible, or there hasn't been enough that rises to our interest on the commission.

**Terry Cooke:** I would assume, though, that the Christmas celebration is continuing to go forward.

**Bud Jacobs:** Well, there's one, sure. The Christmas celebration is going forward. Parking passes are being sold in the last I heard, I think 200 had already been purchased online and the organizers of the parade continue to work with the town to figure out the best of options to limit the possibility, at least that are town Christmas Parade does not so that it doesn't become a super spreader event for COVID 19. But actually, I think the comfort level is pretty high and and we seem to be in pretty good shape.

**Terry Cooke:** Very good. We'll keep our fingers crossed. Thank you. The last discussion item is one that I find very interesting and I'm sure will provoke a lot of comments and consternation. But it's a discussion of a possible comprehensive plan amendment regarding short term rentals and Will, would you set the table on this one?

**Will Moore:** I will do my best, Mr. Chairman. So I don't mean to read to you or reiterate everything that's in my report. But essentially there were regulations adopted five years ago pertaining to the regulation of short-term rentals. And in that it was established that short term rentals and that being of fewer than 30 days could only be allowable in three of our four residential districts. So R-1, 2 and 3. They can be considered, they can be considered in no other districts commercial agriculture or R-4 within the town. And in addition, in all cases in those three zoning districts, the use would require special use permit and in addition to the general need for a special use permit and the general considerations that go into a special use permit about not having negative impacts on neighboring properties, et cetera. There were a number of what I refer to as performance measures, so via those as minimum criteria for consideration. So even if you're in R-1, R-2, R-3 zoning, if your lot is not at least ten thousand square foot in size, it cannot be considered. If it's not a single family detached dwelling, it cannot be considered. If the single family detached dwelling that's on a ten thousand square foot lot does not have more than 25 feet of separation from a neighboring dwelling, it cannot be considered. And then there's all sorts of other things that an applicant would have to demonstrate in terms of the building, meeting life safety measures, having off street parking sufficient to accommodate the number of guest rooms that you might have maximum number of days during any year in which it could be considered for the short-term rental use. The primary use has to remain as a residential dwelling that is, that you couldn't buy a home strictly as an investment property and it would never be occupied as a dwelling. This has to be a secondary use, and on down the line, there's all these measures. I think the good thing about a lot of these measures is it really tightens up the expectations that would accompany such use, and it provides at least some limitation on the overall amount of these that could be considered. However, we did a cursory analysis, and if you look at the map that was included in the packet, you'll see that in the existing developed area of town. So this is exclusive of any pending development, say, on the resort property, for example, an initial just cursory analysis

based on primarily on the minimum lot size and separation from other dwellings indicates that there could be as many as 92 properties already in town that could be considered at least. So one part of this is that in the five years that it's been since we passed this regulation, even though there are 92 properties, maybe as many as that could be considered we've had zero applications for the use, so it makes you wonder what's behind that. We've had numerous inquiries, but we've had zero applications. We've only had a handful of instances where we discovered that one was operating and we contact the property owner, and in most all cases, they just removed the listing and ceased using it in that manner. However, council is concerned, and maybe rightfully so, that despite that history, because of the nationwide growth in the popularity of such uses, because of the at least continued inquiry about such use, and then couple that with the pending development that is coming on the Salamander property, where it's been even part of their marketing, that it would be a service that the resort as a management entity would be willing to offer to their owners. And knowing that the likelihood is that all 49 of those homes could meet those minimum criteria that are outlined. The concern is that if we do start getting these applications coming in, whether from new development or whether from these 92 properties, that could already be considered that we, despite all of these performance measures, we still might not have enough policy framework in the background to help us effectively negotiate those applications and evaluate those applications. So what is being requested of the commission is that we advise the council on some policy language that would help both yourself because the commission will have to review any special use permit application and make a recommendation to the council so it can help you as well as the council in evaluating these applications as they might start to come in and maybe to get to a little more of the concern is that kind of talking about we've used the character of the community kind of used that term this evening is that if we got a sudden influx of these applications and a whole neighborhood became saturated with these uses, that it actually might affect the overall character of the community. So, you know, maybe some of the policy has to do with and it might not even be changes to the ordinance language. As it is, it may be just comprehensive plan policy that speaks to not having a saturation in any one given neighborhood. And maybe there is something that goes along with that, whether it's a separation requirement from any two properties that have the use, whether it's a certain percentage in any given neighborhood or any given street or the community, a whole certain percentage of residential properties that could be in that use, a lot of that's going to have to be vetted with the town attorney for legal advice. But just wanted to tee that up that we're not asking any definite direction from the commission tonight, but the commission. But the council has requested the commission work on this pretty in a pretty expedited fashion. So I would anticipate returning to you next month with some policy statements for you to consider and would be very happy whether it's this evening or in between now and your meeting next month to talk with commissioners individually and get your recommendations, your thoughts. So it's kind of dropping a lot on you at once, but understanding that this is this is a high priority for council, and I would very much agree with them that it's better to get in front of something like this than to maybe play catch up once the applications actually start rolling in.

**Terry Cooke:** So I would just make the general comment that I think this is going to be an interesting and challenging exercise for the commission, the devil is going to be in the details. The wording is going to have to be artful, and I would just remind all the commissioners that the comp plan is not an ordinance, it's not a law, it's a guide. We have an ordinance and frankly, I think it's pretty good. I think it touches most of the bases that need to be touched in terms of regulating and considerations for special use permit, but this is one I think we're going to have to be careful with. And yeah, give it some, some real hard consideration as we go forward.

**Will Moore:** And if I might, maybe it. Maybe this is helpful, and this is just one thought of mine is as to how, I agree. I think the ordinance is written pretty well. I think we work through that well together five years ago in developing it. But there may be some gaps that it might not require ordinance changes. Again, it might just be here's a set of policies that will be used in evaluating so. What one of the one of the performance measures, and I don't think I list it actually in the bullets here. One of the performance measures is that if you have an approved short-term rental, you can. It can only be used a maximum of something like one hundred and eighty days for that use during any calendar year. Well, that's almost half

the year. It's like just take half the year and take a day or two away. And that way you could argue that it's still primarily being used residentially without some policy language. Behind that, an applicant may come in expecting to be able to do as many as one hundred and eighty days per year. It doesn't say you're guaranteed one hundred and eighty days if you get a special use permit, it's a maximum. Well, how can we maybe through policy, you better define that. So maybe if you're in a home that is close to existing development, maybe that number becomes a lot less. The 180 days maximum still remains in the ordinance. But if you're surrounded by an older developed neighborhood, maybe the amount of days for consideration in any given year drops tremendously. Maybe it's 30 days. Maybe that's just a random number, but that's the kind of thing that we're thinking is that some policy behind how individual applications might be evaluated based on the particular circumstances of the home and its setting, something like that might come into play. I hope that helps, at least as an example.

**Terry Cooke:** [off mic]

**Dev Roszel:** Yeah, well, I did. Thank you, Will for all that info. I remember having a conversation with Prem here in this building regarding the short-term rentals, and it was explicitly stated by Prem and by Salamander that that was not what they were even really considering, and he explained how they were going to mitigate that, how they would sort of police it. With all the vehicles, because there was concern that there would be 20 vehicles in a house and there was a lot of conversation, we had that here. So I'm interested to hear you say that they are now considering it because it was very clearly stated that that was not their intention to turn that into a Airbnb type neighborhood. Not that they wouldn't maybe help rent them out if someone purchased it and they were gone and they wanted more than a 30-day rental or something like that. That was my understanding from that. So maybe you can clear that up. I mean, I obviously Don, I think you were here. I specifically asked Prem, well, how are you going to police it? I said, I think people don't understand it. And he said, OK, well, we have other our other resorts have got the same layout and we've worked on these things. We police, you know, the number of vehicles, whatever it was, I can't remember the exact wording. So I'm just interested that you're saying that they're now coming to you and saying that that's probably on the table. Or maybe I misunderstood you.

**Bud Jacobs:** From what I've heard, it's a marketing [off mic] So it's one of the benefits, quote unquote, of purchasing a home in that community now.

**Dev Roszel:** So that directly opposed to what he sat here and said. [multiple speakers] I have heard that not unusual. But I am surprised.

**Will Moore:** Well, I just to be clear, and it's my understanding that what they are offering is part of a potential package is obviously anybody who owns a home in the residences is going to have a relationship with the resort. They're going to have access to amenities and such. One of those amenities is that the resort would act as a management entity for the properties, and they would help facilitate rentals of properties when an owner was not there. And I don't want to give you the impression that they're saying, Hey, come here we'll be your Airbnb we'll rent it out every weekend. They're simply saying they would be willing to manage the rentals and that and that could be short term. It could be long term, but they would be willing to act as that, but they've not taken short term rentals off the table.

**Bud Jacobs:** This came to our attention for me, at least in the discussion of the closure or non-closure of Reed Street and Chestnut and all of that turmoil. And it was alleged by a couple of residents of Ridgeview that they understood that Airbnb or short-term rentals was going to be a fairly significant component of what Salamander plans to do with those 48 residences. I don't think Prem misled us. I think he spoke the truth when he said it's not a priority for us. However, it is definitely an option that they are offering potential buyers, and I'm not really certain what the impact of it might be. It's telling to me, for example, that we've got 92 otherwise eligible properties for which during a five-year period we've not received a single application for a special use permit. So maybe it's not an issue, but I think in the interest of good governance and to meet our responsibilities, we've got to consider it and see what [inaudible] might do.



One of the one of the ideas that's attractive to me if it's not deemed arbitrary and capricious in the case of Salamander would simply to impose a cap on how many homes could during a calendar year, say, apply for a special use permit for short term rentals. I don't know what that number might be, but that might be one way to handle it. Or Will's idea that he mentioned earlier about using some sort of a percentage scale within a neighborhood or on a street, or maybe even on a block. Maybe that's an option that we could look at. And then there's the question of the hundred- and eighty-day period. I think those are all important issues, but I have to say and on council, there's some skepticism that individuals are willing to pay the prices that they're going to have to pay for those homes are going to want to put them on the short-term rental market. The one of the people on council who is a real estate guy, he's very skeptical that that would ever happen, and he's got a great deal of experience in the area. But it could and I think it behooves us to figure out what our response is going to be in case we're all wrong. And we [inaudible] deluged with with applications.

**Terry Cooke:** Commissioner Woodruff,

**Don Woodruff:** Don Woodruff. This arose many a couple of years before. I think most of you were on this commission, but the problem was that two people who owned units in Meadowbrook collectively rented them. The number of cars that were there made it prohibitive for any residents to find parking, even though they're all marked. We had to go and knock on doors to say, please move your car. Well, we rented here, we can park here and that's what we were told. And that began the discussion of Airbnb rentals in Middleburg. I think that was not the only one. Other people have had some problems with it, but it was being done. And not just every now and then these two people who owned these homes, one lived in Colorado primarily. And this was where they came for, I guess, the summer months or whatever. And the other one lived in Deep Creek, Maryland, and we had to really, we took a strong stand. Fortunately, the town did, too. And that's why our attached homes are ineligible, I think as a result of that. But it can be a problem. You're welcoming a lot of people who don't know your town. A lot of people who may bring other vehicles in and you just you just don't know what you're getting. And I it's something that concerns me still, even though we're out of it at this point in time because we have attached homes.

**Dev Roszel:** So how did the, Will, another question, how did they come up with the ninety-five homes? Because I'm just looking in Chinn Lane and there's two one very clearly on the end, I think probably would be the highest potential for an Airbnb is not even marked as green. So I'm just curious how those came up because those people live in Alexandria. This is a house that they have purchased and renovated and are rarely there. So that would be probably the prime person on Chinn Lane that would. Nothing against them, but they'd be the first people to do it.

**Will Moore:** Yeah. So as I stated in the kind of one of the disclaimer boxes on that map, this is only a cursory analysis the primary things that were looked at here were whether or not you met the minimum lot size requirement of 10000 square foot feet. And then whether you met the separation from a neighboring dwelling. So in this case, those two homes that you see at the bottom of Chinn Lane, there are two homes right adjacent to each other that are closer than 25 feet apart from one another. So that would exclude both of those from consideration. So that's why those two are do not have the green dots on them.

**Dev Roszel:** Thank you.

**Terry Cooke:** Commissioner Fleischman,

**Ed Fleischman:** Thank you, Will, for the presentation. First, I just have a general comment about why the subject of your memo says Comprehensive Plan Amendment. I look at the comprehensive plan as sort of a 20, 30-year document in the future, and it really shouldn't. I don't think should be amended as we go along. And I think that what you are looking at now wouldn't, in my view, necessarily have to have the

comprehensive plan amended. I think that if I recall, these regulations for short term rentals were put in effect by the council, and I'm assuming that if the council wanted to tighten it up, they could do it without having to go back to the comprehensive plan. So I sort of wonder about why you put that amendment in their language.

**Will Moore:** Yeah, so good question. One of the things that the comprehensive plan does is it sets the vision for the community on long range, but an interim range as well. I will say it's very common for comprehensive plans to be amended in between full rewrites. The if there's a policy document that is crafted separate from the comprehensive plan, that's fine. But if you want to have support for that policy document in case it is questioned by having some sort of statement in the comprehensive plan related to short term rentals is very important, and that's at the suggestion of our town attorney. So what happens in the comprehensive plan may not get into the details, and it's a very good distinction to make, may not get into the details of how many days per calendar year you can do this rental based on your individual circumstances. It might not talk about the percentage, but it may just be the inclusion of a general statement in our housing chapter maybe that talks about the emergence of short-term rentals nationwide and the concern for maintaining the character of Middleburg as a stable community. And as such, there should be some consideration to limiting the number of short-term rentals available in the community, and it could be something very similar succinct, like simple and succinct like that.

**Ed Fleischman:** Will, is there any existing language in the comprehensive plan on short term rentals? What does it say now?

**Will Moore:** It does not speak to short term rentals.

**Ed Fleischman:** It didn't say anything?

**Will Moore:** That's that's a gap.

**Ed Fleischman:** Ok. The other comment I had is something that if we develop a policy statement here as a commissioners, I mean, we can do that, of course. One of the things that if I was Salamander, what I would be doing is its sort of like when a Super Bowl comes to town, there are a lot of high rollers that come in and properties are rented to them. And I know that I attended the Middleburg Film Festival two weeks ago, and there are a number of out-of-towners that flew in. And there I would consider more high rollers than a lot of the people in Middleburg. And Salamander was full. And there's, you know, problems getting high end suites or housing. I mean, they don't want to stay at a motel at Dulles Airport. So I would think that one of the potential problems we might have is that Salamander might really promote renting, you know, the Middleburg Film Festival or some other big event. I think that's the the biggest event they might have people flying in, but that's what they might like to do. They might extend their resort and offer people homes as part of their marketing of the resort package. So we ought to consider that as a possibility.

**Terry Cooke:** Good point.

**Ed Fleischman:** Thank you.

**Terry Cooke:** Thank you.

**Don Woodruff:** I know they were pretty full up at Gold Cup, too.

**Terry Cooke:** Very good. Any other comments or questions by the commission this is going to be, as I said earlier, it's going to be an interesting challenge to work through.

**Don Woodruff:** You know what, Winston Churchill said, don't you? These are interesting time. They're not necessarily good, but they sure as hell are interesting.

**Terry Cooke:** All right, very good. So what's the next step in this, Will? Are we going to wait and see what the town attorney comes back with?

**Will Moore:** Or I think I will try to have some initial draft, whether it's comprehensive plan, whether it's policy, whether it's both language for you to maybe start ruminating on. Have that for your meeting next month. I'll be talking with the town attorney and the assistant county attorney in the meantime to start formulating ideas, get their sense of comfort on where they are with certain ways of maybe regulating versus others. So, so nothing necessarily for you to actively work on this coming month. But if you have any ideas, even if it's just general ideas like we've been discussing around the table this evening, in the meantime, feel free to shoot me an email. Give me a call and just give me your thoughts because everything you say, we can see how that fits in and formulates with what we come up with for your consideration.

**Terry Cooke:** Commissioner Fleischman.

**Ed Fleischman:** Let me just add something to what I said about high rollers coming into town and staying in the Salamander residences. I didn't mean to say that that's something that shouldn't be done. I just said it. It might be done. There are some advantages to the town. I mean, if these people fly in, they don't have a car. You know, they're staying and maybe they are spending a lot of money at restaurants and adding something in the town. So it's not all bad. It's just something to consider. Ok. Thank you.

**Terry Cooke:** You know, I agree with that. And I think that's one of the pluses is, you know, folks who come into town for a weekend or a long weekend will come into the town and spend money and, you know, avail themselves of the charms of Middleburg. And that's a good thing. I think what counts is probably concerned of is we don't want to turn this into an outer bank situation sort of where you have, you know, scores and scores of homes in one particular community that are perpetually rented out. That does change the character.

**Don Woodruff:** And constantly rent out.

**Terry Cooke:** Yeah. So so it's a there's a balance and it's got to be achieved somehow. Thanks. Next item on the agenda is our forum for our next meeting, November 22nd, when is Thanksgiving? 25th?

**Will Moore:** It is, yes,

**Rhonda North:** It is the Monday before Thanksgiving, Monday of Thanksgiving week.

**Terry Cooke:** [off mic]

**Don Woodruff:** Same here.

**Terry Cooke:** So anybody who knows at this point that they will not be available? [off mic] All right. But still got a quorum then, so

**Will Moore:** Just out of curiosity. It is a five Monday month. Is the Monday after Thanksgiving, better or worse for anybody? Because we could. It's an option for us. [off mic]

**Don Woodruff:** Those people who don't have to work on Monday.

**Terry Cooke:** Ok. nothing else before the commission. This meeting is adjourned. Thank you all.

