



**TOWN OF MIDDLEBURG
PLANNING COMMISSION
WORK SESSION & REGULAR MEETING MINUTES**



**MONDAY, APRIL 18, 2022
PENDING APPROVAL**

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

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

The Middleburg Planning Commission held their work session and regular meeting on Monday, April 18, 2022 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 Item

R-2 District Review

Chair Cooke advised that he was intrigued by the Level 1 and 2 recommendations and noted that the Level 1 ones addressed his concerns related to the appearance of infill development and the redevelopment of properties. He suggested the lot coverage requirements should also include impervious surfaces. Mr. Cooke cited a recent example of a new house that created stormwater runoff and opined that the lot coverage exceeded the 30% limit, even though he had been told otherwise. He suggested the lot coverage limit should apply to all hardscape and asked that the staff to look into what could be done to address that issue.

Vice Chair Woodruff noted that in the case cited by Chair Cooke, the new development created a lot of stormwater runoff that ran toward Washington Street and onto the neighbors' properties. He questioned the responsibility of the homeowner to address it. Mr. Woodruff questioned whose responsibility it was to ensure that no one was negatively impacted by new construction.

Deputy Town Manager Moore advised that this was a difficult question to answer and explained that different agencies had different levels of responsibility. He advised that Loudoun County was responsible for grading; however, a certain percentage of the land must be disturbed before it was reviewed. Mr. Moore noted that depending on the amount of the disturbance, it could be a regulatory matter, or it could be a civil one. He explained that the answer depended upon the specifics of the case.

Commissioner Roszel advised that he did not disagree with the concerns being expressed regarding stormwater runoff issues and cited issues in the Chinn Lane area as another example. He suggested that moving forward, the Town should look at the amount of hardscape that was allowed, which created problems for the neighbors, including problems that could be costly for them to resolve.

Chair Cooke noted that Loudoun County was responsible for oversight and opined that they were not enforcing the existing regulations.

Commissioner Fleischman questioned whether the Council had held any discussions of stormwater management in the past. He suggested the Town pursue grants for the construction of stormwater management facilities and opined that this was a long-term item.

Deputy Town Manager Moore advised that he was not aware of any such discussions. Vice Chair Woodruff advised that the Council discussed this many years ago; however, they deferred to the builders.

Commissioner Roszel advised that the development of the Salamander Resort created a huge stormwater problem in the area of Chinn Lane. He opined that no one understood or considered the consequences of water flowing off their parking lot. Mr. Roszel questioned how the Town could ensure that water runoff did not end up in someone's backyard.

Commissioner Minchew opined that this matter had a sense of urgency and needed to be addressed soon. She noted that for some property owners, it was too late.

Councilmember Jacobs agreed and suggested this be raised as a priority for the Town. He further suggested the Council be notified that this was an important issue. Mr. Jacobs opined that the Level 1 recommendations should be done. He suggested the need to identify the appropriate level of lot coverage. Mr. Jacobs noted that he had some questions related to the Level 2 recommendations. He acknowledged that during the Commission's last discussion, there were differing views on the Level 2 recommendations, particularly the establishment of a maximum lot size. Mr. Jacobs reminded the members that the Council was interested in some form of intervention along those lines. He suggested the need to understand how such regulations would work and the implications of imposing them.

Chair Cooke expressed concern about the taking of private property rights through regulation. He opined that large lots were not necessarily bad and agreed that while the Commission should discuss such a regulation, he was not in favor of limiting lot sizes.

Commissioner Roszel opined that some of the Level 2 recommendations would be difficult to enforce, such as the tree canopy one. He suggested it was important to address the Level 1 recommendations; however, he was not in favor of pursuing the Level 2 ones.

Commissioner Fleischman reminded the Commission that the Ridgeview area contained houses and lots of varying sizes. He opined that establishing maximum lot size and tree canopy requirements would be difficult to enforce. Mr. Fleischman suggested the Commission pursue the Level 1 recommendations and revisit this every six months to see whether they were working.

Councilmember Jacobs noted the lot coverage change recommendation in Level 2. He further noted it was suggested it be reduced from its current 30% maximum to something like 25%. Mr. Jacobs acknowledged the varying nature of the lots in the Ridgeview area, which may make this difficult to do.

Deputy Town Manager Moore noted that the Commission was focused on addressing stormwater runoff issues and suggested it was appropriate to look at the issue of impervious surfaces. He reminded the members that the Council's concerns were not related to stormwater but rather were related to the character of the development/redevelopment that was occurring. Mr. Moore advised that while addressing impervious surface areas would help, it would not address the Council's concerns related to issues such as massing. He noted that if the 30% lot coverage limit was kept and no changes were proposed to lot size, infill development could still occur in the form the town was currently experiencing. Mr. Moore advised that if the Commission pursued a maximum lot size requirement, there would be no issues with enforcing it nor would it affect existing lots that exceeded the amount unless they wanted to acquire even more land to make their lot even larger. He reminded the Commission that the R-2 areas were nearly built out, with the exception of a few large lots.

Chair Cooke agreed this was true; however, he opined that there were a lot of older structures that would eventually be sold that would be demolished and replaced with a new structure.

Commissioner Fleischman opined that the Planning Commission was an independent body that was tasked with determining what it wanted to do when it received a request from the Council. He further opined that it was the staff's job to push the Council's request and return with a recommendation. Mr. Fleischman suggested that if the Commission felt stormwater management was more important, it should pursue that.

Chair Cooke opined that stormwater management could influence the size of houses that were built. He suggested that if lot coverage limits, including all impervious surfaces, was limited at 40%, this would influence the size of houses that were built. Mr. Cooke advised that he was also concerned about the size and massing of houses. He noted that the Commission previously reduced the building height to twenty-five feet and expressed hope that this would help. Mr. Cooke suggested the lot coverage, including impervious surface, regulations be tightened.

Councilmember Jacobs reminded the Commission that if there was no limit on a lot size, someone could acquire and combine four lots and then construct a very large house that would still meet the regulations; however, it would clash with the character of the neighborhood. He further reminded the members that they have discussed the need to maintain the character of the neighborhoods, which was cited as a goal in the Comprehensive Plan. Mr. Jacobs opined that the Commission should not discard consideration of establishing a maximum lot size. He noted that this was a concern that the Council had heard about from the residents and advised that it was not just coming as a direction of the Council.

Commissioner Roszel acknowledged that the Commission was tasked with addressing the issues of lot and house sizes and to figure out how to keep them from being issues. He opined that the Commission should look into and respond to the Council's request. Mr. Roszel noted that the Commission could also add recommendations onto that.

Deputy Town Manager Moore suggested that another option for addressing the issue was to have an overall maximum lot coverage in terms of the amount of square footage, as opposed to percentage. He cited the Davis property and described what could be built there. Mr. Moore reiterated his suggestion that a maximum lot coverage limit of 30% but no more than xx square feet beyond which a building could not exceed be considered.

After some discussion, the Commission agreed they would like to consider this option, as well as the Level 1 recommendations.

Deputy Town Manager Moore advised that he had good direction from the Commission and would craft a first draft of possible zoning text amendments for their discussion next month, which would include a maximum lot coverage with a square foot limit option and the Level 1 recommendations.

In response to an inquiry from Councilmember Jacobs as to whether there was a way to transmit the Commission's concerns regarding stormwater management to the Council, Town Clerk North reminded him that there was an item on each of the Council agendas for the report of Council committee representatives. She noted that Councilmember Jacobs could raise the matter at that time.

Chair Cooke closed the work session and called the regular meeting to order at 7:29 p.m.

Disclosure of Meetings with Applicants

The members reported that they had no meetings with applicants.

Approval of Minutes

Councilmember Jacobs moved, seconded by Vice Chair Woodruff, that the Planning Commission approve the March 28, 2022 regular meeting minutes as presented.

Vote: Yes – Commissioners Woodruff, Fleischman, Minchew, Roszel, and Stein and Councilmember Jacobs
No – N/A
Abstain – N/A
Absent – N/A
(Chair Cooke only votes in the case of a tie.)

Information Items

Public Information Meeting – BLA Proposals

Chair Cooke reminded the members of the public information meeting that would be held on April 19th so the Town could present the details of the two boundary line adjustment requests that were received to the community.

Council Public Hearing – Comp Plan Amendments

Chair Cooke noted that the Council would hold their public hearing on the recommended Comprehensive Plan amendment related to short-term rentals on April 28th.

Quorum of May Meeting

Councilmember Jacobs advised that he may be absent for the May 23rd meeting. The remaining members advised that they would be present.

There being no further business, Chair Cooke adjourned the meeting at 7:34 p.m.

RESPECTFULLY SUBMITTED:

Rhonda S. North, MMC, Town Clerk

Middleburg Planning Commission Transcript
April 18, 2022

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

Terry Cooke: Good evening, everyone. We'll call the work session for the Planning Commission this April 18th to order. And ask Rhonda to call the roll, please.

Rhonda North: Chair Cooke.

Terry Cooke: Present.

Rhonda North: Vice Chair Woodruff.

Don Woodruff: Present.

Rhonda North: Commissioner Fleischman.

Ed Fleischman: Present.

Rhonda North: Commissioner Minchew.

Rachel Minchew: Present.

Rhonda North: Commissioner Roszel.

Dev Roszel: Present.

Rhonda North: Commissioner Stein.

Mimi Stein: Present.

Rhonda North: Council Member Jacobs.

Bud Jacobs: Present.

Terry Cooke: Thank you all. We have one discussion item on our work session agenda and it's a matter of interest, I'm sure, to all of us have having to do with the zoning ordinance review applicable to the R-2 district. Will has provided us with a memo. Anything we need to cover in that Will? I assume what we're doing this evening is just throwing it open for discussion among the commissioners as to any thoughts any of us might have about the remarks of the Berkeley Group as set forth in their report, which I read again today. I thought it was as I did last time, thought it was very thorough and certainly very helpful and hear what the commissioners have to say about what they think is helpful about it. With that, I will offer the commissioners, anyone who cares, to share a view on this, to be recognized and tell us what you think. I always look at you Ed first.

Ed Fleischman: I'll be quiet.

Terry Cooke: Well, I think this is the chairman speaking. I was particularly intrigued by was what do they call it, level one, and level two in the reports review about areas that we might consider addressing. It's not to say that others might not be interested in in level three as well, but I thought that level one sort of captured certainly my concerns and I think the concerns of most of us regarding the. The appearance of homes that are being

constructed as infill or as new homes on some of the lots in order to particularly as it regards the size of those those homes and the the various setbacks and the lot coverage of those of those buildings. And I for one thought that the lot coverage regs. It should be taken a look at to include impervious surface area as I believe in my experience, one of the principal problems with some of these new larger homes is the amount of stormwater runoff that they generate, and that goes that goes uncontrolled. And also, I scratch my head about the 30% lot coverage as it applies to covered structures. I still remain to be convinced that one new construction in particular doesn't cover more than 30% of the lot. But I've beat that horse before, and I'm told that it in fact, it is within the limits. But if that's the case, then we need to we need to look, I think, at certainly impervious structures. But because that one lot that I'm referring to, that's where it seems almost every square inch is covered with hardscape of one description or another. And stormwater doesn't penetrate hardscape and just creates a tremendous amount of runoff. So I would encourage us as a commission to ask staff to take a real hard look at things that we might address to get a better handle on that. I'll get off my soapbox for the moment. Anyone else? Yes.

Don Woodruff: Don Woodruff. That is a concern, I think, for a lot of people. And as you look as we have looked at it, gone over there and looked at it again and again. Well, my question is, what is the responsibility of the owner of that property? Because it seems like an awful lot of stormwater is going to be going towards Washington Street. And it may well impact the neighbor who lives there and their home and maybe even down to yours Terry. So whose responsibility is it to see that that those people who live there are not don't have their lives impacted by a new construction?

Will Moore: It's a difficult answer to. It's a difficult answer. Yeah. There's I would be more comfortable just punting this to the town attorney for that kind of question. But but I don't want to completely just pass it off. I will say that there are different agencies that have different areas of review responsibility for these kind of applications when it comes to light grading and such. That is Loudoun County. But in order to trigger certain levels of review, you have to disturb certain minimum areas of land. If you do not disturb that minimum area of land, there's essentially no review. And at that point in time, or if you disturb above that but still create an issue, it may be addressed through regulatory processes, but it may also become simply a civil matter between one owner and another adjacent owner. So it's a complex question, and the specifics of each individual case would drive what the actual answer to that question is.

Don Woodruff: Thank you.

Will Moore: Yes, sir.

Terry Cooke: Commissioner Roszel.

Dev Roszel: Yes. Hi. Thank you, Will and Vice Chair Woodruff. I don't disagree with what you say. I live on Chinn Lane and there is a specific area behind me that has mass quantities of impervious ground and I get inundated with enough water to wash away a large portion of my landscaping on an annual basis. And so I have had issues with the people there. And so I think we definitely need to. Going forward, I realize that I'm in a situation where. This facility was built years ago, and they didn't take into consideration what was going to happen when it was put together. Maybe it was to code, I don't know. But the problem is there's not enough storm water drainage to to take the amount of volume that comes off those parking lots. And so and it it directly impacts me. And so I think that going forward, we should be looking at the the amount of hardscape that does not allow for absorption of that because it's going to create a problem if somebody wants to put in a piece of property and then pave it or like you're talking about, if the elevation is higher and the runoff is not right, it's going to create a problem for for that neighbor. And those are issues that financially, you know, affect me. Right. Thank you. Mr. Chairman.

Don Woodruff: Mr. Chairman. I go to the corner lot where Mr. Treptow and Mr. Horner built that new building a few years ago. Did we not insist that they put in pervious material over a lot of that property in order to prevent storm damage?

Will Moore: So it's a tricky question. Yes, they're all tricky.

Don Woodruff: Feeling very tricky tonight.

Will Moore: I mean, unique circumstances there that that building a it's a commercial building did not have the.

Don Woodruff: Right.

Will Moore: Close proximity to other properties or as many properties as some of the residential examples that we're talking about. And another unique character of that development, as opposed to some of the residential areas, is that there's at least a portion of that property is adjacent to an area of town that has existing storm drainage infrastructure that could have that was tied into by the property. So not something that the Village Hamlet, Chinn Lane, or Ridgeview subdivisions have the benefit of an existing storm infrastructure. So unique circumstances there.

Don Woodruff: Thank you.

Terry Cooke: Chairman, again, I'm going to return for just a moment to to. Commissioner Woodruff's question about who's really responsible for oversight on this sort of thing. And, Don, the answer is the county, Loudoun County is responsible. The county did a abysmal job on the one circumstance that we're talking about here. They didn't enforce existing regulations. And as a consequence, everybody had to get involved with waking them up and having them do what they should have done. I congratulate Loudoun County Supervisor Buffington's Office. They were helpful on this. Our mayor was helpful on this. Our planning staff was helpful on this. But it shouldn't have had to come to that. That's right. If the county had done its job. And they we're woefully negligent, in my opinion, and not doing what they should have done. Commissioner Fleischman.

Ed Fleischman: Thank you, Terry. I just I don't know all the history about storm water control in the town of Middleburg, but just some people who may have been around a while was there any discussion in the last 50 years, the council or anyone else, about putting in some storm sewers for having the town do it or getting a federal grant or a state grant or a county grant to put in some storm sewers and some of the problem areas in Ridgeview or other areas?

Will Moore: I'm not aware of any such discussions, but I'm hearing. Mr. Woodruff maybe.

Don Woodruff: Yeah, yes, I can recollect back ten or 12 years ago there was a discussion about storm drainage and who was going to be responsible for it if it continued as more hardscape was put in. And at that point in time the deference was to the people who were building, not to the town doing anything major with regard to that. And and I and I don't remember it subsequently coming up again other than ancillary.

Ed Fleischman: Because you know, there are a lot of grant programs at different governmental levels for water control storm sewers so that's maybe something, but the council ought to take a look at not you know, it's not a short-term solution, but it's a long-term item that might be looked at.

Bud Jacobs: You know how that works. We just ask Will.

Ed Fleischman: That's fine with me.

Dev Roszel: I will say in Commissioner Fleischman comment that Salamander has created a huge problem again in the Chinn Lane area because now whether or not that's because the people that that built it and did it didn't realize that a parking lot a quarter of a mile away was going to have an effect downstream. But all of that impervious hardscape pushes water right down behind your house and it'll overflow that stream that's probably four or five feet deep and three feet wide. And it comes through there and completely, you know, engulfs the whole thing. And that's because they didn't accurately or correctly understand what the water flow is going to be off of that parking lot. And so to your point, I think that I'm not sure that it was negligent. I just don't think people really thought about the consequences of putting in massive parking lots up there and how it was going to affect a quarter of a mile away through the I think they even have marshlands or whatever in there that they

couldn't build on. So, I mean, again, that's another big issue. It doesn't necessarily affect me, but I've taken pictures of the water coming out of there on a heavy rain and it's it's amazing how much water comes through.

Ed Fleischman: Yeah, there's going to be more water coming when they get all the residents built.

Dev Roszel: Well, that's my point is have we figured that out that would those residences you know, this conversation is huge because we start putting in not start when they put the roads in, and they put the driveways in, and they put the sidewalks in. How do we make sure that that runoff doesn't end up again in your backyard?

Rachel Minchew: Rachel Minchew. I guess I to what you're saying. And then what we know will eventually happen on the property behind Chinn Lane with more development possibly going in there. The urgency of addressing the stormwater is we're behind it all and it just seems like for the people in your neighborhood, it doesn't. The grading, everything, it's always a day late. And the county, they dropped the ball. They dropped the ball all the time. They do in all the counties. Loudoun is not any different than any of the others I lived in in Arlington and had it happen next to my house there and it flooded it out. So I think as our responsibility, it's something that really needs to be addressed very seriously and soon with the development that's taking place. I mean, some of it's too late, but really attacking it straight on.

Terry Cooke: Agreed. Council Member Jacobs.

Bud Jacobs: I agree with everything Rachel and and Ed and Roz have suggested and maybe one of the. Outcomes of our discussion can be to raise this as a priority for the town to start thinking about right now and figure out some way, I guess, through our minutes to formally notify town council in the first instance that we've come to realize again that this is an issue of paramount importance. And it is of course, addressed in part of the recommendations from the Berkeley Group. But maybe it's more urgent than we had previously thought about. With respect to your original question to me, the first level recommendation from Berkeley Group concerning impervious coverage, it's self-evident that this is something we need to do, and it's only buttressed by the conversation we're having right now. We might discuss, I suppose, what the appropriate level of coverage is. I don't know if it's 45% or 40 or whatever, but certainly if there is a decision to support level one, I'm all for it and I'll vote for it. If I may. And I don't know if we're done talking about level one yet, but I do have some questions about some of the parts of level two whenever you want to get to that. Mr. Chairman.

Terry Cooke: I wasn't necessarily suggesting that we critique each level, separate each of the proposed levels of concern separately. We can do that. And maybe that's a more efficient way to do it, sort of.

Bud Jacobs: Well, I was actually keying off Will's briefing memo, which described a little bit of our last discussion where we all kind of sorta thought level one made a lot of sense, but we had varying views on parts of the level two recommended interventions. And the one that I've been thinking a lot about is the maximum lot size recommendation. And I have to say on council, there's there's a lot of interest in some form of intervention along these lines, but I'm not sure any of us understand clearly enough. I certainly don't how that might work and what the implications might be of taking that step. So that's what I wanted to raise with you guys.

Terry Cooke: Yeah, I thought a lot about that maximum lot size issue as well. And I have to say that, frankly, I agree with my colleague at the end of the dais here, Commissioner Fleischman, who last month I thought indicated and I'm not putting words in his mouth, you correct me if I'm wrong, but indicated concern about the for lack of a better term, the taking element of that in terms of regulating private property rights, which I have strong feelings about not doing. And and I agree with another point he made. I think that, you know, large lots are not necessarily bad. They create open space, some diversity and the design of construction and openness in the neighborhood. So I would just suggest we'd be careful on that one. Not to say there isn't room for discussion. I'm sure there is, but I would not be in favor of limiting lot sizes. Anyone else on that subject.

Dev Roszel: Lot size or the second item? I think that I think I don't disagree this Commissioner Roszel. I don't disagree with what you're saying. I do believe that there are going to be some issues with the level two additional development requirements, particularly with a minimum tree canopy. So I think that that's not only will that be hard to really enforce, it's going to be hard to, you know, oh, well, I can't buy this lot because I got

to have 15 trees on here and I don't want to do that. So I think, you know, maybe a piece of it. I think the most important thing from my perspective is item number one. And I think it's understanding how much house you can put on a specific lot and having the impervious ground cover so that we don't have the runoff. And I truly was a lot more laid back about when I was reading this until I really started to think about the impact that I'm having and what's happened with Salamander and how really all these different things when you start pouring concrete and pavement on places, how it really impacts what we do. And I think the most from my perspective, the most important one we have to address is really this level one. I think level two is I'm not necessarily that in favor of that and I think it would be very hard to do the tree thing. That's mine.

Terry Cooke: Well, of course we don't. When we when we speak about these levels of interest or possible regulation, we don't have to accept all of level one or all of level two. Modify it to be our own. Good. Other other thoughts. [off mic] Yes.

Ed Fleischman: You know Ridgeview area, the houses are so different, and the lots are so different. If you look at a map of the property lines, people have triangles and it's just sort of different. And to have some kind of percentage requirement is very difficult. My particular house is more than 12,500 square feet. So if that was put in effect, you know, I'd be out of zoning of course it'd be grandfathered I believe.

Terry Cooke: Your house or your lot?

Ed Fleischman: But the lot. The lot is more than 12,500. I'm sorry. So, you know, to limit that boundary. Now, when you look at the lot, the other thing about it is on the tree canopy now, the back of our lot, you know, there's a treed area in the back of our a lot. And so there's a lot of open land, but then there's trees blocking other people. So again, the tree canopy is also a little bit problematic. I just pointed out that there's such a difference in lot size and shapes. I mean, my boundary, you know, I have like five different properties that are boundary on mine because of the shape of the lots. So I agree with some of the discussion here that establishing a maximum lot size is really difficult and a tree canopy is also difficult. But I think level one is something that we ought to try. And as I mentioned in my written comments last month, you know, I'd like to see, you know, level one or something very similar to that move ahead and then put that into effect and then revisit it after we see what happens in a six months or a year or revisit every six months to see how things are going. Thank you.

Terry Cooke: Thank you for the thoughts. Councilman Jacobs.

Bud Jacobs: There's also a part of the recommendation in level two has to do with reducing lot coverage. And I guess we're currently at 30%.

Terry Cooke: Yes.

Bud Jacobs: And the recommendation is to perhaps reduce it to 25%. And I again, I'm kind of agnostic. I'm not sure I know how that would work in practice with new construction, new infill construction. And given what Ed has said about the very nature of the different parcels, particularly in R-2, that might be another one that's a little tricky to implement to take to any sort of practical consideration. And maybe without considering a lot size, it's probably not even worth doing at this point, or worth discussing. And I'm with Roz, you know, the tree canopy thing that kind of went over my head anyway. I don't know how we would do it. And I recall the Berkeley Group's concerns about available staff time to reinforce a lot of this stuff should we decide to take some of these steps.

Will Moore: If I may, Mr. Chairman, just a couple of a couple of comments. So and I'm not advocating for any particular intervention. I just want to maybe tee up a couple of thoughts for you. A lot of what I'm hearing here is seems to be focused on interventions that might help address stormwater drainage issues, which I think is very appropriate. And I think even though I just said I wouldn't advocate for any intervention, I think I think expanding our requirements to address impervious areas in addition to what we all already look at, which is building area under roof, is appropriate. But if we think back to when this was first referred to the Commission for study, it was not necessarily in relation to stormwater. It was concern expressed by council as a whole with just the general character of redevelopment and infill development. And while I think addressing that

impervious area would start to help to get there, it doesn't address any of those concerns with, say, massing or things like that. So if we were to keep the same building coverage as we have right now, what we currently call lot coverage of 30% maximum, we weren't to make any changes to lot size requirements. I just want to say, keep in mind that aside from hardscape and maybe pools and things like that, all of the infill and redevelopment that you've seen recently would still be allowed to take place in the current physical form that you're looking at in terms of all the structures. So all the houses infilled on Reed Street, the home at the corner of Martin and Walnut, the two homes newly constructed on Blue Ridge Avenue, the one currently under construction on Sycamore Street. They would still all be fine with the exception of looking at maybe the hardscaped areas, and I think probably only one of those would face maybe a little difficulty. So just something to keep in mind that I. Just as we continue to have these discussions. And I think the other the other part is with regard to the potential for maybe a maximum lot size. I don't see any difficulty in enforcing that, which I think I heard that word difficulty. I do understand that there are a number of lots throughout review. It's not a tremendous number, but there are a number that currently exceed that 12,000 or 12,500 as they've proposed. But no negative consequences would come to a given property owner if that went into effect and their current property was larger than that, with the exception that if they wanted to acquire even more property to consolidate with theirs, they could not do that. So we're talking about R-2 zoning district, which is nearly fully built out in most cases, except for some of these existing larger lots that could potentially be divided and maybe an infill lot or two here and there. So just want to make sure we're we're thinking about that as well.

Terry Cooke: That's certainly true with regard to infill lots. But there are. As we've talked about before, there are a lot of older structures in town that sooner or later are going to be offered for sale. And what happens to them if they can't be can't be rehabbed at a reasonable cost, they're going to be torn down. And something new is going to go up.

Dev Roszel: So which I think is where it is coming from, is that we need to be addressing that as well.

Will Moore: And I think just the. Well, let me hold off on the last point.

Terry Cooke: Commissioner Fleischman.

Ed Fleischman: Thank you, Mr. Chairman. I might get in trouble for saying this, but I think that the Planning Commission is an independent body, and we're tasked with determining our agenda and what we want to do. And we get recommendations from the council and staff and people come into public hearings. But I think Will is a staff and I know the council has directed a certain direction and so Will is pushing a certain direction and that's his job because he represents the council. But I think we have to take a more independent view of things. And if we think that stormwater and pervious coverage is important, more important, then we should move ahead on that. And you know, I think that I hear what we're saying, and he keeps repeating it, but we are independent, and we can make our own decisions on, you know, where we want to go and what direction we're going. And, you know, I think we take input from everybody. Public hearings and the council and the staff. But it's ours to determine really the final say on where we want to move. So I think that we ought to just keep that in mind when we move ahead. Thank you.

Terry Cooke: Well, I think some things that we do in trying to get a handle on impervious surfaces and stormwater, a lot of that will, I think, by enforcement. Influence the size of structures that go on these properties. For example, if you if you had right now the lot coverage is 30%. We've said a lot coverage, including roofs, including roof structures and all impervious surfaces shall be no greater than. 40%, pick a number, then that is probably going to influence to some degree the size of the habitable building that goes on that lot. I mean, I'm as concerned about the mass of and the size of the structures that that we've seen going up as well. I mean, we've taken some steps and I think we reduced the height to, what, 25 feet and then allowed for an extension up to 30 feet if there was some modification of the side yard setbacks. I'm hopeful that that's going to help. But I think if we sort of tighten things up with respect to the amount of coverage for these for these buildings and impervious surfaces, that'll at least get us moving in the right direction. Councilman Jacobs. Then I'll come.

Bud Jacobs: Back to you. Well, maybe it would and maybe it wouldn't. And that's why I asked the question earlier about what we're really talking about with limiting lot size. If we decide not to limit lost size.

Theoretically, somebody could acquire four contiguous lots and combine them. And even with a 25% allowable structure size, be able to build what would turn out to be a pretty big building, a pretty big home, which would clash with potentially the character of the neighborhood that surrounds it. And we've talked a whole lot about character of the neighborhoods and desire to preserve a certain atmosphere in the village. Hell, it's the comprehensive plan is filled with that kind of language. And I don't think, therefore, this commission unilaterally, without some discussion and consideration, should or even could simply discard the notion that we're not going to look at maximum lot size. And my question, which earlier which was perhaps not formulated as clearly as it could have been, my question earlier was directed at that discussion. What are the what are the implications? What are the unforeseen implications to the extent we can identify them of taking that route? And I share your views on the sanctity of private property, but I also think there's a community interest here. God knows on council we hear it enough, you know, when are you guys going to do something about the building that's going on in Ridgeview. So it's it's a real concern. It's coming from the citizens or at least some citizens and is not just Ed, the council directing the commission to undertake a particular piece of work, although it's that too, because the Council represents the public.

Terry Cooke: Thanks Bud. Commissioner Roszel.

Dev Roszel: Thank you, Mr. Chair. While I do appreciate your comments and we are an independent body, I appreciate the fact that Will's comment is is rightly placed. We sort of got sidetracked with some of these other things, which is the impervious, landscaping, etc.. But I do remember that we were specifically tasked with this issue about lot size and house size and. The result of our conversations has been the impervious coverage and making sure that, you know, all of a sudden, we're like, wow, yeah, there's a lot of hardscape that water doesn't just sort of races off it. But we were originally tasked with figuring out how to keep some of these things from happening and how did we want to approach the lot sizes and the coverage. And really that was the initial. Correct me if I'm wrong, that was really the impetus for us to get really more into this was because the mayor and other people have said, you know, we want you to look at it. And by looking at it, we brought up these other issues. But I do think that they are independent, but they've requested that we approach it from this angle. And I think we have to approach it from that respect and include these other things that go along with it. I mean because there's consequences to everything that we do. So from my perspective, I do think that Will was right, and I think that we should be sort of circling back around and looking at what they've asked us to do. And then we can add on to that. That's I think we need to be cognizant of what the council has requested and respond to that request. In some form. Thank you.

Terry Cooke: Thank you. I think we've got a tiger by the tail.

Will Moore: Let me throw out one last thing for your consideration. If there is continued reticence to consider a maximum lot size among some, if not all, members. It's not included as one of their potential interventions in here. But and I'm not asking for you to decide this tonight because I'm throwing it at you cold. But another way to potentially tackle that type of issue that is at least part of the issue that is addressed by establishing a maximum lot size is to have an overall maximum lot coverage in terms of square feet regardless of lot size. So let me say that in a different way. It's currently 30%. Let's say it stays at 30%. But once you hit an equivalent lot size of 15,000 square feet or 12,000 square feet, 30% of that, you don't get to build any larger. So even if you have a 20,000 square foot lot or a 40,000 square foot lot, so a 40,000 square foot lot. And I think the the former mayor's home, if you're familiar with the Davis home, I think it's a little over 40,000 square foot. So pushing one acre in size, theoretically, you could have lot coverage of 12,000 square foot on that property. And, you know, Mr. Fleischman pointed out he's pointed out that property a couple of times as a good example of, hey, there's a nice large lot. It's you know, it fits in just fine. And I think it really does. But if that property were ever sold, somebody could add on to the existing home or knock it down and build a literal mansion on that property. So if keeping open ended maximum lot size is a goal of this commission, would you consider establishing a maximum lot coverage in terms of square feet regardless of lot size.

Terry Cooke: So is what you're describing an FAR sort of limitation?

Will Moore: It's not really an FAR it's a maximum lot size of 30% up to a hard maximum of a certain size above which you cannot exceed regardless of your lot size. So it's not really an FAR, it's maybe similar.

Terry Cooke: How is that not an FAR?

Will Moore: Well, FAR includes all floors and what we're talking about is more so footprint so a FAR includes the you know, if it's three story, it's nearly three times the footprint is your floor area. So you're not you're not applying the full floor area.

Terry Cooke: Well, that's yeah, that's one way to handle it. I mean, I, I thought when we first started talking about this, I thought fa that was the thing we needed to do. Right. They are limited on it because that would obviously control the size of the structure.

Will Moore: Well, it controls it in as much as it is relative to the size of the lot as always. Yeah.

Terry Cooke: Well. Unless I missed it that's not something that was in any of the interventions.

Will Moore: It was not. It was not.

Terry Cooke: All right. Well. I think that's something that bears consideration. All right. Where do we go from here, William? First of all, it's obvious that everybody is giving a lot of thought to this. This is something a lot of divergent views on. But it's important and I agree with with Rachel that, you know. We're burning daylight, so to speak. Things need to happen with some sense of urgency. But we have to do it right.

Will Moore: So it's hard for me to gauge because I've certainly heard from a few commissioners that or at least a couple, that you're not in favor of pursuing a maximum lot size. Is it appropriate to ask for maybe just a straw poll just to see if we want to just completely take that off the table because that would give me some direction? At least I think I already have direction in the level one intervention to start on work with those areas, which I think is good.

Terry Cooke: Well, speaking for myself, I'm among those who are not in favor of maximum lot size, but I could be convinced otherwise. So I would not vote to take it off the table in terms of further consideration.

Dev Roszel: Okay. So. Mr. Chair. So the maximum size is we're saying that regardless of whether you have two properties, you combine them the maximum lot size can only be we're saying we're going to set size. So you wouldn't be able to buy two lots and break it down into one lot because that lot would be larger than.

Will Moore: Correct. It would prevent consolidations that would exceed whatever maximum you establish. Okay.

Dev Roszel: Thank you.

Bud Jacobs: Mr. Chairman.

Terry Cooke: I don't like that.

Bud Jacobs: Well, I'm also against removing this from consideration. I think we've got a lot more work to do on it before we decide to to rule it out or rule it in, for that matter. Yeah.

Terry Cooke: Where do we how do we look to staff to help us wade through this?

Dev Roszel: I mean, I think there needs to be some consensus as to. You know, do we want to say that we're not going to like Will says, I guess it's a maximum lot size. Where do you say you can buy two lots of combining? We're not saying is it to a maximum lot size is just the town's not going to. I don't know what the legalistic issues are. Can you just say, okay, well, we're not going to nobody can come in and buy two lots and combine them. That's just. But I don't know how you would do that and then make it so that people are going to want to come in and buy [inaudible] Because all the lots sizes are all these houses are on different lot sizes. So if you

say, well, it can't be greater than 12,500 and mine's already at 13, so are you going to buy one that's greater than that I just find it hard to reconcile how we control. You know, if somebody wanted to come in and what if they buy a lot that's larger than 12,500. I'm using that number. So does that mean that. You're saying that the lot can only be 12,500?

Will Moore: No. No. So any if a zoning standard is changed and the change in that zoning standard puts a property out of conformity, it's a legal nonconformity and it continues. It can continue to exist in its current form as long as the non-conformity is not increased. And again, what that would mean if Mr. Fleischman's lot is 16,000 square feet if you established a maximum lot size lower than that, his property would become legally non-conforming as to lot size. It would not affect his ability to use and enjoy the current property as it is. But he could not buy a neighboring property and consolidate that in with his current property to make a larger to make his lot larger.

Dev Roszel: And I think that it's my understanding that that's really what has driven the main issue with the property that you're talking about is that that's what everybody doesn't want to have happen to have that specific. That has been the one thing that everybody has pointed to. There was two lots combined it massive house that's I mean that's really what has driven the conversation and the reason why the council came to us and said hey let me I don't want to say it's the only one. But there was a huge factor in in stating why we were approaching it from this angle, because it was so out of character.

Will Moore: Well, it was certainly the the one that highlighted and brought that the topic of a maximum lot size into consideration, because it's something we had not seen before. But we do see that there are additional opportunities for that to happen. And it also highlights back to my kind of new one that I sprung on you tonight, that if your if your coverage is your lot coverage and even if we institute an impervious coverage, if that's solely stated as a percentage of lot area, it grows as the size of the lot grows and it grows without cap. So how do you cap that? Eventually you cap it through either a maximum lot size or a maximum area of coverage in terms of square feet regardless of lot size. So I hope that helps. Yeah.

Dev Roszel: [off mic]

Terry Cooke: Here's what troubles me about the maximum block size thing and sort of highlighted by some of the recent conversation here. If I want to if I like a big front yard and I want to buy a lot that neighbors my property because I want a big piece of yard. Yes, but I don't intend to build a bigger house on it because I have a bigger piece of land. I just want the land. I don't see how you can deny somebody that opportunity. So are we mixing our our objectives here? I don't think the objective is to prevent someone from owning, frankly, as big a piece of property as he or she can afford. The objective is to limiting the size of the structure they put on a new lot.

Will Moore: No, no. And that's fair. My only response to that would be that, again, we're looking at things that would prevent further consolidations. In the example you provide, you could certainly do that. You just couldn't vacate the property line in between your current property and the property you just acquired to create that bigger front yard, it would just have to remain separately platted as a separate property.

Terry Cooke: Okay.

Will Moore: So it would not prevent you from acquiring a property next to you. You just couldn't do a what we call a boundary line adjustment or a lot consolidation to put the two together, which would then allow you to build a larger home.

Terry Cooke: So if we established a a maximum lot size and someone followed the scenario I just described and bought an adjoining lot to make a bigger piece of land for himself. There would be no limitation on that person's right to do that.

Will Moore: Correct.

Terry Cooke: Correct. It's just that if that person a year later came in and said, I've decided I want to extend the footprint of my building or build another structure on this. You'd say no. But on what basis would you say no?

Will Moore: Well, you would do it on the basis.

Terry Cooke: Then you're talking about the size of the structure, not the size of the land.

Will Moore: Correct and the size and the lot coverage requirements. Yes. Yeah. Lot coverage requirements. Setback requirements. Because if you're not allowed to vacate that property line in between the two holdings, it's a separate. So the setback applies from that building on it. Correct. Yes.

Dev Roszel: Well, and I'd also like to say that if somebody wants to continue to purchase and no disrespect, they need to move to the country because, you know, I mean, that's the reality of it. And if you're going to be buying all these lots to have green grass, then go somewhere where you can buy green grass.

Will Moore: Well, it is an interesting point, and this will segue later to our brief discussion of tomorrow night's meeting. But there's a lot of discussion now about the character of the redevelopment is happening in Ridgeview and some of the additional consequences in terms of affordability, in terms of. So it's not just necessarily the aesthetics that you buy a house, knock it down and build a bigger one. But it's that you're buying a house that's in a certain price range, knocking it down and building one that costs three times or four times as much. And that is altering the affordability the landscape of affordability of homes here. So. So again, if you're but again, if you're able to buy multiple lots and consolidate them, you're taking away potential building opportunities that could create more affordable homes.

Mimi Stein: Okay. I'll just. This is Mimi Stein. I just want to go on record real well. I don't know why nobody said it before, but I love your idea about creating a scale of building size. And because you can get a tremendously large home, you can have a, you know, a 5000 square foot home. Is that tremendously large. You know, that's, you know, on looking at a much less coverage size. And I think that's easy to do. I mean we made that other scale for the bigger it is, it's further back it has to be. I was playing with it and seeing that even on a 28,000 square foot lot, if we said six, I mean, everybody this is stating the obvious. But if we said 16% lot coverage, that's a 4500 square foot footprint.

Ed Fleischman: It's a half-acre lot. That's a big lot.

Rachel Minchew: Yeah. And you could get a very sizable home on there. Now, that may be too big for what we want to you know, what we want to be looking at. But it would be easy to do that much easier.

Will Moore: I think I have some pretty good direction. I don't mean to cut off conversation, but I think I have some good direction on what I could craft as a first draft for you to look at by next month.

Bud Jacobs: Could we call that lot coverage with a cap? Is that suitably descriptive?

Will Moore: Yeah, I think so.

Bud Jacobs: A new option?

Terry Cooke: Any other comments? Thank you. Will, for agreeing to take that on. But I think I think that would be helpful. And I think we all need to kind of step back and think a little more robustly about about some of these interventions. Commissioner Fleischman.

Ed Fleischman: Yeah. The other thing that I'd recommend that we ask Will to do is to come up with some wording for this impervious coverage, level one.

Will Moore: Oh, absolutely. [off mic]. Sure. Yeah. Apologies if I wasn't clear. That was always the intention. I think we got that last month, that level one. We're going to go to work on that and yeah, absolutely. I don't mean

to displace our impervious coverage or stormwater concerns. I just wanted to see if we wanted to tackle anything beyond that.

Terry Cooke: Ok. Councilman Jacobs.

Bud Jacobs: Quick question for you, Mr. Chairman. Is there a mechanism, a formal way, we can transmit back to Council the Commission's interest in raising storm water management as a priority? How do we do that?

Terry Cooke: I think you could craft a sense of the commission that states what our recommendation is in terms of the speed at which we undertake this process and the importance of it without getting into details. Right.

Rhonda North: You have on every council agenda a report of town committees.

Will Moore: It's most often when Peter gives a sustainability [multiple speakers]

Terry Cooke: I didn't. I'm sorry. I didn't hear what Rhonda said, Rhonda.

Rhonda North: I said, every council agenda has an item called Report of Town Committees, where the representatives, the council representatives on town committees gives reports. So that would be the perfect opportunity for Councilmember Jacobs to raise that to the council.

Bud Jacobs: We were laughing because Council or Vice Mayor Leonard-Morgan always takes the opportunity to brief us on some aspect of Go Green or now the Middleburg Sustainability Committee. And he does take a fair amount of abuse [multiple speakers]

Terry Cooke: This is your opportunity to share.

Bud Jacobs: Yes sir, got it.

Terry Cooke: Thank you, Bud. Okay, ladies and gentlemen, if there's nothing else on this discussion item and it was a good discussion this evening, we will conclude the work session and. Convene the regular meeting. So the regular meeting of the Planning Commission for March 28 is hereby called to order. Of course, we invite every Commissioner to disclose whether he or she has had any conversations or meetings with people having matters before the Commission or coming before the Commission. Anyone Commissioner Fleischman.

Ed Fleischman: No, I did not.

Terry Cooke: Commissioner Stein.

Mimi Stein: No, I have had no meetings.

Terry Cooke: For the chair, no new meetings, or discussions. Commissioner Roszel.

Dev Roszel: Commissioner Roszel I have had no meetings or discussions with any applicants.

Terry Cooke: Commissioner Minchew.

Rachel Minchew: I've had no meetings or discussions in.

Terry Cooke: Councilman Jacobs.

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

Terry Cooke: Vice Chair Woodruff.

Don Woodruff: I've had no meetings or discussions.

Terry Cooke: Thank you all. Next item is public comment. I understand we don't have anyone on the line.

Rhonda North: We have no one on the line.

Terry Cooke: Public comment period is closed. Next item approval of minutes of our meeting of February 28 work session and regular meeting. Do we have a motion?

Bud Jacobs: I move we approve the minutes of our March 28th meeting as presented.

Don Woodruff: Second.

Terry Cooke: Well, all in favor.

Everyone: Aye.

Terry Cooke: Opposed. There being no opposed. Motion is adopted. Meetings are approved. We have a public hearing and action item. Comprehensive Plan Amendment 22-01.

Will Moore: Mr. Chair, I think you may have the last month's agenda in front of you at this point.

Terry Cooke: Yes, sir. I pulled out my agenda. I pulled out my agenda from last month. I had such a good time last month. [laughter] Thank you. I am dutifully embarrassed. Very good.

Rhonda North: Council representative report.

Terry Cooke: A council representative report. Councilman Jacobs.

Bud Jacobs: Is it me? Is it really me? I'm going to defer my discussion to the later. Agenda item about tomorrow night's information session on the BLAs that's been consuming a fair amount of work over the past couple of weeks, as you can imagine. And let's talk about it when it's on the agenda. That's really all I have.

Terry Cooke: Very good. Thank you. Next time on the agenda's discussion items. Anyone on the commission have anything they want to bring up for discussion in the commission. There being none. The next item is Information items regarding the public information meeting tomorrow on the BLA proposals, as Councilman Jacobs just indicated, that will proceed at 6 p.m. at the Hill School.

Will Moore: Yes.

Terry Cooke: And if we also have an information item on the April 28th Council public hearing on the comp plan amendment, to which I just referred. So that will be coming up next week. Next item is a quorum for the May 23 meeting of the commission. Is everyone here available for that commission meeting date?

Bud Jacobs: May 23 is the putative delivery date for my first grandchild. So if she comes as scheduled, then I won't be here. [multiple speakers]

Terry Cooke: We'll still have a sufficient number for a meeting. So, yes, congratulations on that news.

Bud Jacobs: Thank you.

Terry Cooke: And Commissioner Fleischman.

Ed Fleischman: Just question about the agenda. I thought Bud said he was going to defer the council report [off mic].

Bud Jacobs: No, I just said it was on the agenda. Not only do I have no desire to discuss it, in fact, I can't. Because until.

Ed Fleischman: I misinterpreted.

Bud Jacobs: Until they reveal all tomorrow to the public, I'm kind of constrained because all of our discussions have been in closed session.

Terry Cooke: So that, ladies, and gentlemen, we adjourned. Thank you all.

Will Moore: Thank you.