



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



**MONDAY, JUNE 27, 2022
PENDING APPROVAL**

- PRESENT:** Terence S. Cooke, Chair
Edward R. Fleischman, Member
H. H. "Dev" Roszel, Member
Mimi Dale Stein, Member
- STAFF:** William M. Moore, Deputy Town Manager/Town Planner
Rhonda S. North, MMC, Town Clerk
Estee LaClare, Planning & Project Associate
- ABSENT:** Donald Woodruff, Vice Chair (excused)
Rachel Minchew, Member (excused)
Morris "Bud" Jacobs, Councilmember

The Middleburg Planning Commission held their work session and regular meeting on Monday, June 27, 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

Loudoun County Zoning Ordinance Rewrite

Deputy Town Manager Moore reminded the Commission that at the request of the Mayor, during their May meeting, they discussed reviewing Loudoun County's proposed zoning ordinance rewrites that were underway. He noted that the County was accepting public comments for ninety days, starting mid-April, even though the re-writes were not yet complete. Mr. Moore reminded them that the Mayor suggested the members review the provisions related to the AR-South District, currently called the AR-2 District, which was the zoning for the area surrounding Middleburg. He noted that the Mayor also suggested the Commission look at the affordable housing provisions. Mr. Moore advised that some of the members suggested the Town staff prepare a comparison of the two documents; however, doing such an analysis would be a huge endeavor that the County staff had not even undertaken. He suggested the members review the Statements of Purpose for each section and noted that he extracted them for the Commission's review. Mr. Moore opined that, based on a high-level review of both documents, other than some re-wording, re-structuring, and changes in names, not much was being proposed to change. He noted that the Mayor served on the County's Zoning Ordinance Committee and had hoped to see changes proposed in the cluster subdivision regulations to reduce the intensity of development; however, based on a high-level review, they appeared to be pretty much the same. Mr. Moore questioned whether the Commission wished to give the County input on the changes and, if so, whether they wished to do so as a body or individually.

Chair Cooke noted that it was difficult to digest the proposed changes without a side-by-side comparison. He advised that he did not see a lot of substantial changes between the AR-South and AR-2 District regulations.

Commissioner Fleischman advised that he was more concerned about the ordinances that controlled the Middleburg subdivision control area and noted that there did not appear to be any changes to them.

In response to an inquiry from Commissioner Stein as to the purpose of the re-write, Deputy Town Manager Moore explained that it was linked to the County's Comprehensive Plan update. He advised that there were not a lot of changes proposed in their Comp Plan for Western Loudoun County; therefore, it made sense that there were not many changes proposed in the zoning ordinance re-write. Mr. Moore opined that most of the changes were in other sections of the County's zoning ordinance.

Commissioner Roszel opined that the draft ordinance allowed cluster development to be more open and blend with the surrounding areas. He expressed a desire that it be more specific as to what was allowed. Mr. Roszel advised that he did not see much difference between the two documents; therefore, he did not believe the changes would impact the AR-South District.

Chair Cooke questioned whether the Commission felt it was necessary to act as a body or individually to send comments to the County Board of Supervisors. He expressed an assumption that the Town was issuing comments and opined that there was nothing to be gained by the Commission taking a position on the proposed changes. Mr. Cooke suggested the individual members could comment if they chose to do so.

Deputy Town Manager Moore noted that if the members did so, it was acceptable for them to identify themselves as a planning commissioner; however, they should clarify that the comments were their own and may not be representative of the Commission's feelings.

Chair Cooke closed the work session at 6:48 p.m. He called the regular meeting to order at 7:00 p.m.

Disclosure of Meetings with Applicants

The members reported that they had no meetings with applicants.

Approval of Minutes

Commissioner Roszel moved, seconded by Commissioner Fleischman, that the Planning Commission approve the May 23, 2022 regular meeting minutes.

Vote: Yes – Commissioners Fleischman, Minchew, and Roszel

No – N/A

Abstain – N/A

Absent – Commissioners Woodruff and Minchew and Councilmember Jacobs

(Chair Cooke only votes in the case of a tie.)

Public Hearing and Action Item

Zoning Text Amendment 22-01 Pertaining to Building Lot Coverage and Impervious Lot Covers and Associated Regulations

No one spoke and the public hearing was closed.

Chair Cooke noted that the Commission received a letter earlier in the day related to the proposed changes.

Commissioner Roszel moved, seconded by Commissioner Stein, that the Planning Commission forward Zoning Text Amendment 22-01 to Council recommending approval as contained in Draft 1 dated May 11, 2022 because the provisions within represent good planning practice.

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

Council Representative Report

Given the absence of Councilmember Jacobs, no report was provided.

Discussion Items

Zoning Text Amendment: Short-Term Rentals

Deputy Town Manager Moore reported that due to other priorities, he was unable to work on the proposed zoning text amendment. He advised that he would have a draft for the Commission’s review during their July meeting.

Quorum of July Meeting

Those members who were present indicated they would be present for the July 25th meeting.

Information Items

Wayfinding Signage

Commissioner Fleischman thanked Deputy Town Manager Moore and the Town staff for their work on the Wayfinding/Comprehensive Signage Project.

In response to a suggestion from the Commission, Deputy Town Manager Moore confirmed the Town may lower the street name signs if they did not have regulatory signs below them. He advised that the Planning & Project Associate and Facilities & Maintenance Supervisor were developing a punch list of items that needed to be addressed. Mr. Moore noted that the eastern gateway sign was defective and needed to be repaired. He reported that the map for the pedestrian kiosk would be available in two weeks.

There being no further business, Chair Cooke adjourned the meeting at 7:09 p.m.

RESPECTFULLY SUBMITTED:

Rhonda S. North, MMC, Town Clerk

Middleburg Planning Commission Transcript
June 27, 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: Thank you. Good evening, everyone. We will convene the work session for the Planning Commission meeting on June 27, 2022, and we will call that work session to order. We don't have a roll call for the work session Rhonda?

Rhonda North: We can do the roll call.

Terry Cooke: Let's go ahead and do a roll call, please.

Rhonda North: Chair Cooke.

Terry Cooke: Present.

Rhonda North: Vice Chair Woodruff is absent. Commissioner Fleischman.

Ed Fleischman: Present. Thank you.

Rhonda North: Commissioner Minchew is absent. Commissioner Roszel.

Dev Roszel: Present.

Rhonda North: Commissioner Stein.

Mimi Stein: Present.

Rhonda North: And Council Member Jacobs is absent.

Terry Cooke: Thank you. We have one discussion item on our work session agenda. It is a discussion of the Loudoun County Zoning Ordinance rewrite and staff has submitted to us a memo on the matter. And Will, do you want to set the table on this?

Will Moore: Certainly. Thank you, Mr. Chairman. So as mentioned. And you are in advance of your May meeting. In an email in advance. And then we discussed it a little bit during the meeting. The mayor had suggested that the commission may wish to look at the Loudoun County zoning ordinance rewrite that is underway. They established a 90-day public comment period on the draft, which began in mid-April when they released. Most of the draft. It was not complete at that time. I think more progress has been made, but that 90-day clock on their public comment period started then. So the mayor had suggested that the Middleburg Commission may be interested in looking at the rewrite, and he had specifically suggested potentially looking at the zoning districts and in particular the draft agricultural rural south, which would be the new name of what is currently AR-2 and that is the district which completely surrounds Middleburg within Loudoun County. He also suggested it might be worthwhile to look at the provisions for affordable housing. So that was a suggestion that he made in May. There was some discussion via email amongst a couple of commissioners suggesting maybe the town staff should do some work in giving a comparison on the two. The two being the current AR-2 district and the draft agricultural rural south. It was simply not programmed in our work plan to I mean, that would be a pretty huge endeavor for us to do that kind of analysis. The kind of analysis that to be quite frank. County staff is not done for their own constituents. And that's not necessarily a criticism. It's just it's a really heavy lift. So if you really want to get into the meat of it, you really have to sit down and read and digest one ordinance and then

sit down and read and digest the draft ordinance and go into pretty full level of detail to try to understand how the differences are. What I did provide for you, which I think is always a good starting point, any time you open a zoning ordinance in pretty much any jurisdiction, if you're wanting to understand the provisions of a certain zoning district, always start with the statement of purpose or statement of intent, which should be the first heading under any zoning district, because that will tell you what is the purpose of this zoning district. So I did they did have I did extract those two statements from the current AR-2 district, as well as the agricultural rural south draft district. And provided those for you in a document. It's rewording, but there's not really a lot different being stated there. I did share with the chairman in a conversation not too long ago today that I spent some time over the weekend doing a little bit of digging into the two ordinances, the current and draft, and in particular comparing the the tables of uses that are in both of those ordinances. It's structured a little bit differently when you look at the current ordinance AR-2 the table of uses is within that chapter in the draft ordinance, it does not have the table of uses within the ARS chapter, but it has a separate chapter that has different tables of uses. So again, it's navigating around. It's structured a little bit differently. There's some rewording, maybe some new naming of certain uses. But from the best I can tell, with the time I spent in it, there's not a lot different going on there, meaning that at least at the high level that I have reviewed. You should pretty much expect the same out of ARS as you do AR-2 currently. I don't know if that's a good thing or a bad thing. You know, I know that the mayor, for example, going into this process and he is separately appointed to the zoning ordinance rewrite committee. I might may not have that name exactly correct. But there's a committee of folks separate from county staff, separate from the planning commission, who were appointed to a committee to assist in the process. I know going into that, he was hoping to see some changes, maybe some less intensity within the provisions that are allowable for cluster subdivisions and pretty much the way cluster subdivisions are provided for now, they would continue to be provided for. You could still get that density of one dwelling unit per 15 acre if you use the cluster option. You still pretty much have to keep the same amount of minimum open space outside of those cluster lots. So there's not really a lot different there. So it looks like pretty much the same thing going forward, but that's at a fairly high level of review. There may be some nuances if you dig down deeper. But that's pretty much what I what I have to offer for you in terms of the staff analysis at this point. The question at this point really becomes, does the commission as a body or individually as commissioners, in your role as commissioners, wish to make any sort of input to the county on the process? And as a state, of course, as individual citizens, you're always welcome to do that. But if you wanted to do that, citing your role as a commissioner or if you wanted to do it as a body, you should probably discuss that in this form.

Terry Cooke: Thank you, Will. Well, this is a discussion item, and I'm going to invite the discussion among the commission members to the extent that they have thoughts on this, I will say that I spent several hours, many hours, frankly, trying to use a word you use digest these changes. And I frankly found them indigestible. I mean, it was it is a slog, to say the least, to get through this without a side-by-side comparison of the wording. I mean I attempted to read one section of the new ordinance and then read the what I deem to be the corresponding section of the existing ordinance and try to piece them together. And then I'd find that although something wasn't mentioned in the one section that I was reviewing, it was mentioned later on in another section. So it became frankly very frustrating to try to get a handle on what was changing and what was, and I agree with Mr. Moore's comment that I did not see a lot of substantive difference between the ARS and the AR-2 zoning districts. That's not to say that there weren't some wording differences, and perhaps there's some nuance there that requires further analysis. But nothing jumped out at me in terms of a dramatic change in what was being proposed from what exists now. But having said that, I will invite each commissioner who wishes to speak on this. To do so. Please identify yourselves when you begin your comments and we'll go around the dais, beginning with Commissioner Fleischman. Ed anything?

Ed Fleischman: Ed Fleischman. Thank you, Mr. Chairman. I'm more concerned with the ordinances that control the Middleburg control area. And based upon my question to Will he referenced that, it doesn't seem to be any changes to the Middleburg controlled area and given it's so difficult to determine changes in the zoning, I pass on any comments. I have no comments.

Terry Cooke: Commissioner Stein, anything?

Mimi Stein: Hi. Mimi Stein. No, I would just I would like to just ask them what was the purpose of the rewrite? Was it clarification of the ordinance or is there?

Will Moore: So it's a good question. Understand that we're only really talking about the AR-2 ARS, but they're rewriting their entire zone.

Mimi Stein: Oh, okay. So this was just a piece.

Will Moore: Yeah. So really, it's, it's linked to their comp plan update that they completed. And I think rightfully so the Loudoun comp plan generally when it refers to Western Loudoun is not calling for a lot of change. There are some specific things that we would like to see, and the county would like to see protecting the greenbelt around Middleburg, for example, is included in the county comp plan. But in general, there's not a call for a drastic change in uses or densities, those kind of things called for in the comp plan. So it makes sense that you're not going to see a lot of change in the zoning. But in some of the other areas of the county, the suburban area, the transition area, there were a number of changes and probably seeing a lot more differences between those existing and draft districts.

Mimi Stein: Okay. Well, that makes sense then. Thank you.

Terry Cooke: Commissioner Roszel.

Dev Roszel: Hi. Yes, Dev Roszel. Thanks, Mr. Chairman. And Will thanks for the input. I did spend, unfortunately, a couple of hours today going through this. The thing that I found more confusing for me was the breakout of one house per 15 acres. And then then the 20 acres and the larger lots really trying to understand how all that went together. Obviously, from my perspective, switching from the AR-2 to ARS, there's a reason behind it. I think that the ARS draft makes it a little more open. I think what was in AR-2 was pretty specific. And the draft gives them the opportunity, I think, to, you know, clustered residential development that blends with the surrounding area. I think there's a lot of openness to the new draft. I may be wrong, but it just there's obviously a reason that they changed it to be ARS and not the agricultural rural South. There's a reason they did that. And I think because they want to be more specific about what they can and cannot allow or will or will not allow in that in that zoning, I didn't really see much difference in comparing the two. Unfortunately, I went to the actual document to redo this before I opened up your your document here that broke it out individually. So other than the fact, I think it does give them a little bit more, you know, we went from however many one, two, three, four, five, six notated comments to eight in the draft. So I mean, they've obviously expanded on the verbiage that was there before. So that gives them more leeway. Exactly how it's going to change it, I'm not sure. But to Will's point, I think the basis for it stays pretty much the same and is not going to impact, I don't think the AR South rural district, you know, too terribly and that's really all I have. I did go through a lot of it. I did go through the final version of what the the group did for the town and reading through all the different stuff. So that's about all I have to say. Thanks.

Terry Cooke: This is the chairman again. Will, the first bullet under the draft ARS district in the note you sent us says implement rural south placed. Implement the rural South Place type of the general plan. What is the general plan that they're referring to? Is that their comp plan?

Will Moore: It's the comp plan.

Terry Cooke: Okay.

Will Moore: I would have to see exactly what that terminology means. I'd have to look into that little bit.

Terry Cooke: All right. Well, I guess the question for us this evening is, is whether we as a commission feel it is necessary or appropriate for us acting as a commission or individual members of the commission, acting in their individual capacities as commission members to address any comments to the Loudoun County Board on the changes. I don't know what we would say in all candor. I presume the town is going to have some comments. I don't know that. But at this point, I don't see much to be gained by either by the commission taking a position on this as an entity. I certainly would not stand in the way or suggest that individual commissioners who wish to make a comment based on their status as being commission members if they choose to do that, I

believe that is in their prerogative. And obviously, any of us as individual residents of Loudoun County can speak to this.

Will Moore: I would generally say that the best practice is if you are making comments, it's always okay to identify yourself as a planning commissioner in that that may carry some weight with those who are receiving the comments, but it's also best to then clarify that you are making these comments on your own, and they may or may not be representative.

Terry Cooke: They're not necessarily endorsed by the commission.

Will Moore: That's the general best practice. Unless your comments have actually been endorsed.

Terry Cooke: I would agree with that. Certainly. But to anyone else, have different thoughts on that. Okay. I think with that we can conclude the discussion on this item and. We are a little bit early. We'll stand in recess until 7:00 PM and we will then convene the regular meeting. Ok. Hello again, everyone. We will convene the regular meeting of the Planning Commission at this time. First order of business on our agenda is to solicit any disclosures among the commission members if they've had meetings or discussions with applicants and Rhonda, will you please call the roll on that.

Rhonda North: Chair Cooke.

Terry Cooke: I have had no meetings of discussions about matters before the Commission. Thank you.

Rhonda North: Commissioner Fleischman.

Ed Fleischman: I also have had no meetings, discussions, audio, video with anyone with matters before the commission.

Rhonda North: Commissioner Roszel.

Dev Roszel: I have not had any meetings or conversations with anyone with business before the Commission.

Rhonda North: Commissioner Stein.

Mimi Stein: I haven't had any meetings with anybody or any applicants with business before the commission.

Terry Cooke: And thank you all. Next item is public comment. Members of the public who wish to address the Commission on any matters that are not related to the public hearing that will be occurring in just a few moments. So this is an opportunity if you have something you wish to bring to the commission that is not related to the public hearing, this is your opportunity to do so. There is no one present in the chambers. Rhonda anyone on the phone? Ok, we will close the public comment period. Next item is approval of minutes from our last meeting, and I will entertain a motion on that, please.

Dev Roszel: Yes, I'll make a motion to approve the regular meeting minutes from 5/23/2022.

Ed Fleischman: I second the motion.

Terry Cooke: Thank you. Any discussion? No discussion. The motion carries.

Ed Fleischman: The motion carries? We have to vote.

Terry Cooke: So. Well, there was no discussion, but we'll take a vote on the motion. Anyone opposed to the motion? Let's do it that way. Thank you. Motion carries. Sergeant at arms over there. Next item on the agenda is a public hearing on a proposed zoning text amendment 22-01, an ordinance to amend Articles two, nine, ten and 11 of the Middleburg Zoning Ordinance pertaining to definitions of building lot coverage and impervious lot

coverage and associated regulations. I will just note that there are a few protocols we observe with public hearings. First, ask that anyone who wishes to speak, any members of the public who wishes to speak on the matter before us please identify yourself with your name and address. We will remind everyone that this is not a question-and-answer session. This is an opportunity for the Commission to receive your comments on the Zoning Text Amendment, and we will ask that you do your best to keep your comments as brief as possible, preferably within 3 minutes. So with that, we will offer an opportunity to anyone who has signed up or indicated an intention to address the Commission to do so at this time. Rhonda Is there anyone who has indicated an interest in addressing us?

Rhonda North: No one.

Terry Cooke: I noticed we had one member address us by letter. Anyone else Will, other than the one you distributed earlier.

Will Moore: That's the only correspondence I received.

Terry Cooke: Okay. All right. Thank you. Okay. We will offer the commission members an opportunity to speak to this matter. If anyone has anything they want to address to the rest of the commission before we entertain a motion. Hearing none I will welcome a motion on the proposed Zoning Text Amendment to forward the amendment to the Town Council for consideration.

Dev Roszel: Yes, Mr. Chair. This is Commissioner Roszel. I moved at the Commission forward the Zoning Text Amendment 22-01 to council, recommending approval as contained in draft one, dated 5-11-22 because the provisions within represent good planning practice.

Terry Cooke: Thank you. Is there a second?

Mimi Stein: I'll second it. Mimi Stein.

Terry Cooke: Motion made and seconded. Any discussion? Rhonda, will you call the roll on the vote on the motion?

Rhonda North: Commissioner Fleischman.

Ed Fleischman: I vote yes.

Rhonda North: Commissioner Roszel.

Will Moore: I vote yes.

Rhonda North: Commissioner Stein.

Mimi Stein: Yes.

Terry Cooke: We've had a vote on the motion. The motion carries and is adopted. Thank you. Next item is Council Representatives report. Council Member Jacobs is not with us this evening, so we will move on from that. Next item discussion items. Only item on the agenda regarding that is the zoning text amendment on short term rentals. I understand the initial draft of that won't be available until July. Is that correct?

Will Moore: Correct. The original plan was to have it for you this month, but other priorities, in particular the sign installation program. And then the town manager was out of town for a couple of weeks, so I had to assume some of his duties during that time. So we were just unable to get it together for this month. But we will have a first draft for you in July.

Terry Cooke: Okay. Thank you. Well, we moved right along through the agenda. It brings us to a quorum for the July 25 meeting. Is there anyone here this evening who will not be available on July 25? Very good. Very good. With that, ladies, and gentlemen. Oh, Commissioner Fleischman, please.

Ed Fleischman: Thank you, Mr. Chairman. Commissioner Fleischman. I'd like to just thank Will and the town staff for installing the Wayfaring Signs. The street signs are much better than the old ones, which were rusted and passed their useful life. And now I can see different streets. So I thank you and the town staff. Thank you.

Terry Cooke: I think we all agree with the street signs are remarkably high. I will I will mention that I don't have a problem with it, but they're up there.

Will Moore: They are. It's something we may address for those that do not have the regulatory sign, like the stop sign underneath. We may look at bringing those down a foot or so, but we are going to also, Estee along with our maintenance supervisor, Tim, are going to do an inspection this week to find if there are any punch list items. And along with that, we'll be identifying areas where we need to do some trimming, particularly with those that are higher and into some trees that kind of hang over and obscure the signs. So we will be doing some of that, but we may, may end up lowering some of those that are just street signs.

Terry Cooke: I agree with that. Everything is much more attractive than it was before.

Will Moore: The one kind of outstanding thing. We have new gateway signs. So coming in from the west and from the east, the one on the east, the facing of it was defective. So that's something that the contractor will be back in a few weeks to address. So we have that one shrouded for now. And then we have a pedestrian kiosk that was installed by Safeway at the Pendleton Street corner, and we should have the map insert that goes into that kiosk in the next two weeks. So we'll have that installed and that will pretty much button it up for us.

Terry Cooke: Very good. Thank you, Will. With that, ladies, and gentlemen, we are adjourned. Thank you all. See you next month.