



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



**MONDAY, SEPTEMBER 26, 2022
PENDING APPROVAL**

PRESENT: Terence S. Cooke, Chair
Donald Woodruff, Vice Chair (arrived late)
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

ABSENT: Edward R. Fleischman, Member (excused)

The Middleburg Planning Commission held a work session and their regular meeting on Monday, September 26, 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

Zoning Text Amendment 22-02: Amendment to Chapters II, V, X and XVI Pertaining to Short-Term Rentals

Deputy Town Manager Moore advised the Commission that they had the fourth draft of the amendment, which was revised based on their direction from the September 12th work session.

Chair Cooke noted that the question before the Commission was whether this item was ready to proceed to the scheduling of the public hearing.

Councilmember Jacobs noted that the language in the ordinance suggested the Commission could impose conditions on special use permits, including identifying an end date. He advised that this conflicted with some guidance the Commission had received from the Town Attorney related to special use permits. Mr. Jacobs noted that he asked the staff to look into this further and was awaiting a response. He suggested that if the Commission moved the amendments to a public hearing, they reserve the right to impose conditions on applicants. Mr. Jacobs explained that he did not want applicants to have the impression that they would receive a blanket approval for one hundred eighty days' worth of short-term rentals in a given circumstance. He advised that if it was possible to do so, he wanted to make it explicitly known that the Commission could impose a term limit on the special use permits. Mr. Jacobs suggested the inclusion of a statement that explicitly stated that the Planning Commission or Town Council could impose additional conditions on an applicant, even if the application otherwise met the ordinance. He reiterated his desire to let applicants know that reasonable conditions, specifically time limits, could be imposed on a special use permit.

Chair Cooke noted that based on his experience, the granting authority could always impose certain conditions based on the circumstances of an application. He opined that Councilmember Jacobs was seeking the insertion of language that would specifically grant the authority to limit the duration of the special use permit on a case-by-case basis. (Vice Chair Woodruff arrived at the meeting at 6:35 p.m.)

Deputy Town Manager Moore confirmed there were sections in the ordinance that already addressed this. He reminded the members that the language related to all special use permits in general (Section 59) spoke to the Council imposing reasonable conditions and noted that duration was listed as one such condition. Mr. Moore advised that he was checking with the Town Attorney to determine whether such a condition was enforceable. He agreed the draft short-term rental ordinance could lead someone to believe that if they met the requirements, they would get a special use permit; although, he opined that the language in the introduction addressed the concern. Mr. Moore noted that while there were rare occasions when an applicant appeared before the Commission without first meeting with the staff, the staff's conversation with them included an explanation that conditions may be imposed as a part of the approval process.

Commissioner Roszel moved, seconded by Vice Chair Woodruff, that the Planning Commission advertise the amendment for public hearing at the October 24th meeting, with revisions to the draft as discussed.

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

No – N/A

Abstain – N/A

Absent – Commissioner Fleischman

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

Chair Cooke adjourned the work session at 6:43 p.m. He called the regular meeting to order at 7:00 p.m.

Disclosure of Meetings With Applicants

No meetings were reported with applicants by the members.

Approval of Meeting Minutes

Vice Chair Woodruff moved, seconded by Commissioner Roszel, that the Planning Commission approve the August 22, 2022 work session and regular meeting minutes as presented.

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

No – N/A

Abstain – N/A

Absent – Commissioner Fleischman

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

Councilmember Jacobs moved, seconded by Vice Chair Woodruff, that the Planning Commission approve the September 12, 2022 work session meeting minutes as presented.

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

No – N/A

Abstain – N/A

Absent – Commissioner Fleischman

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

New Business

Special Use Permit 22-01: Limited Residential Lodging – 5 North Jay Street – Michael A. Pappas

Deputy Town Manager Moore reported that the Town received an application for a special use permit for limited residential lodging, also known as a short-term rental, at 5 North Jay Street. He explained that this use would be for fewer than thirty days in duration and was requested as a secondary use of the property.

Michael Pappas, of 3806 Hemlock Way, Fairfax, Virginia, the applicant, noted that his wife and daughter were also present in support of the application. He apologized for his procrastination in applying for the permit and explained that it was due to the complexity of the process and the \$2,000 application fee. Mr. Pappas advised that while he operated the short-term rental without the required special use permit, he followed the rules identified in the Town Code, including the payment of the lodging taxes. He noted that he agreed with the need for regulations and advised that the Town staff gave him thoughtful guidance. Mr. Pappas opined that his property was uniquely situated in that while it was zoned R-3, it was adjacent to commercial zoning to the west and multi-family residential units to the south and surrounding areas. He reported that the face of his house was not in view of any other single-family dwelling. Mr. Pappas described the history of his acquisition of the property. He explained that he wanted it to be available for when he wanted to live in it for a period of time and allow for its use as a short-term rental during other periods. Mr. Pappas advised that this would be a mom & pop operation in that they would clean the house themselves. He opined that the typical guests would be a retired couple with a dog. Mr. Pappas requested the Commission's support of his application and advised that he was available to answer any questions. He noted that his wife, Victoria, would serve in the role of quality control and his daughter, Angie, would be the greeter and emergency contact.

No one else spoke and the public hearing was closed.

Deputy Town Manager Moore reported that the application was consistent with the ordinance and met the objective criteria.

Chair Cooke noted that during their work session, the Commission discussed whether there would be conditions imposed on the length of a special use permit. He questioned whether the Commission wished to table action on this request in order to get advice from the Town Attorney or whether they wished to proceed with a recommendation.

Deputy Town Manager Moore suggested the Commission first discuss the application. He further suggested that if they were inclined to recommend approval, they could then discuss whether they wished to include a time limit in their recommendation. Mr. Moore noted that if they did, the condition could be for a certain period of time or for the duration of the applicant's ownership. He advised that the Commission could either delay action on the application until they could discuss this with the Town Attorney or could forward a recommendation to the Council that included a duration limitation as a condition. Mr. Moore reminded the members that the Council approved the permit, with the Commission only making a recommendation.

The Commission opined that there should be a limit on the duration, as it was not reasonable to allow the use to go on ad infinitum. They noted that the property owner could sell the property. The Commission suggested an applicant could seek a renewal when the permit expired. It was suggested that the special use permit could also be applicable only to the applicant, with a new process being started if the property was ever sold.

Mr. Pappas advised the Commission that he had no intention of selling the property. In response to an inquiry from the Commission, he advised that he would be fine with a condition of the approval being that the special use permit was limited to the duration of the property being under his or his estate's ownership.

The Commission noted that special use permits could be revoked for non-compliance with any conditions and/or the regulations. They agreed to proceed with a recommendation to the Council, to include a condition that the special use permit be in effect for as long as the applicant was the owner of the property. The Commission noted that if the Town Attorney determined the condition was not permissible, the application would proceed without the condition.

Deputy Town Manager Moore noted that he would be able to get a response to the duration limit question from the Town Attorney prior to the Council's public hearing on the application.

Commissioner Roszel moved, seconded by Vice Chair Woodruff, that the Planning Commission forward SU 22-01 to Council recommending approval as contained in the application materials and with the following condition: (1) the owner maintains ownership of the property.

The Commission clarified that the desire was that the special use permit would reside with the owner and not would run with the property.

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

No – N/A

Abstain – N/A

Absent – Commissioner Fleischman

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

Council Representative Report

Councilmember Jacobs noted that the Town recently celebrated Oktoberfest and opined that it was great that it could hold events again. He announced that a Public Information Session would be held on September 28th, during which time, the Mayor would present an analysis of the public comments that were received related to the two proposed boundary line adjustment requests and would share the consultants' reports, which included a financial analysis of the proposals on the Town budget and some options for developing the Homewood Farms property if it were developed by-right under Loudoun County's regulations. Mr. Jacobs expressed concern that people would not understand that the options presented were not concepts or proposals and were only the results of the consultant's work. He announced that the Millie Miglia, which was a weekend car rally, would be held October 20th-22nd.

Quorum for October Meeting

Commissioner Minchew advised that she would not be present for the October 24th meeting. The remaining members confirmed they would be.

There being no further business, Chair Cooke adjourned the meeting at 7:22 p.m.

RESPECTFULLY SUBMITTED:

Rhonda S. North, MMC, Town Clerk

Middleburg Planning Commission Transcript
September 26, 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)

Rhonda North: You're good to go.

Terry Cooke: Okay, everyone. Good evening. We will convene this work session of the Middleburg Planning Commission for September 26, 2022. Our first, I guess our first item of business will be a roll call, and I'll ask the Town Clerk to take care of that for us. Rhonda.

Rhonda North: Chair Cooke.

Terry Cooke: Present.

Rhonda North: Vice Chair Woodruff is absent. Commissioner Fleischman is absent. 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 only one item on the work session agenda. Discussion item pertaining to zoning text amendment 22-02 an amendment to Chapters 2, 5, 10 and 16 of the Middleburg Zoning Ordinance pertaining to short term rentals. This is a matter we've all worked on for several meetings now, and we have a new memo from staff. Is there anything staff wants to add to it before we begin discussions? Will.

Will Moore: I don't think anything needs to be added to the memo. This is a fourth draft and it's specifically been revised based on the direction given at your work session on September 12th.

Terry Cooke: And I take that what we're looking for this evening is just a an indication from the commission that we are satisfied with the fourth draft and prepared to proceed with scheduling a public hearing.

Will Moore: Yes, sir.

Terry Cooke: Okay. Does anyone on the Commission have any comments on the draft before us this evening? Hearing none, I take it that oh, I'm sorry, Council Member Jacobs.

Bud Jacobs: In reviewing the ordinance for the application that we're going to consider later, I came upon language suggesting that in the conditions that the Planning Commission can impose on special use applications, one of the conditions is an end date for the Special Use Permit, which conflicts with other guidance that we've received. I asked Will to look into it, and he did. But we still haven't heard back from our attorneys about which is the actual requirement and what we may do with special conditions. So I would I don't know what the procedural mechanism is but if we moved to a hearing, I'd like somehow to capture the thought that we reserve the right if we need to do that, to impose conditions on applications as we get them, if any of that makes sense. In other words, I don't want to leave people with the impression that we have a blanket approval subject to the 180-day cumulative limit for Special Use Permits that in a given circumstance in Ridgeview, we might look at special conditions that we might not impose on a larger property, let's say in the R3 district. I can't come up with a better example, but I think it's important, given the conflict or the contradiction between what's in our ordinance and what our attorney has advised. I think we need, first of all, obviously, we need to figure out which is right. But then if we are in a position to impose a term on a short-term rental Special Use Permit, that we somehow make it explicit that we have that right and could well do it in a given circumstance.

Terry Cooke: If I understand what you're suggesting but is that perhaps we give more consideration to whether there is a provision in the ordinance amendment we're considering that would allow us to make that a part of the approval process?

Bud Jacobs: I'm not an attorney and I don't know how you would do that, but maybe a provision or a statement that explicitly points out that the Commission and or the Council, I guess, could impose additional conditions on an application that otherwise meets all of the requirements in the application itself. I don't think we should be in a position of surprising people with that. If they go through, as Mr. Pappas has done, and fill out the application and all that. I'd like to be there to be awareness in the public's part that, in fact, at any point if there are reasonable and appropriate conditions, we could impose them on the application. And chief among them, in my view, is the duration of a Special Use Permit since there's confusion on that between us and our attorney or between our ordinance and the attorney's guidance.

Terry Cooke: As I understand the SUP process and based upon my experience with it in an earlier lifetime, there is always the possibility that the granting authority based on the circumstances of the particular application can impose certain conditions on granting the SUP. It sounds like, though, if I'm understanding your suggestion is that we want something in the ordinance that explicitly grants us the authority to limit the duration of an SUP on a case-by-case basis. Is that a fair statement?

Bud Jacobs: That's the main one. But more broadly, I guess the question is, do we need to point out to applicants that when they make their application and complete it, submit it, that even if it's approved, there may be additional conditions that the Commission could impose on there on the use of, on the Special Use Permit?

Terry Cooke: Will [multiple speakers].

Bud Jacobs: I'm sorry. Maybe it's not necessary. Maybe it's in the ordinance itself but. [multiple speakers]

Will Moore: If I might provide a little clarity on what is actually contained in the ordinance already, and then on process that we always go through with applicants. So I think we have things in here that already kind of address what Mr. Jacobs is stating. So we have been focused primarily on Section 61 of the ordinance, which is the provisions that are specific to this particular use. But there are preceding sections in the ordinance immediately preceding that section that apply to Special Use Permits in general, all Special Use Permits. So one of those sections is section 59, which speaks to it starts off with the Council may when approving a Special Use Permit, impose reasonable conditions, etc. One of those that's included in there is a limitation on duration. And we'll check with the town attorney as to whether or not that would be enforceable. But so that one specifically is addressed in here. But that section generally talks about the ability to apply conditions. Now, that being said, section 61, which is specific to this use, is so specific it could lead somebody to believe that if I meet all these, there's not going to be anything else that goes along with it. In contemplation of that, when this ordinance was crafted, the very beginning paragraph in Section 61 before you get to all those enumerated items, specifically says these are intended to serve as minimum standards, etc., not intended to substitute for other applicable provisions of the ordinance or for additional and or more stringent conditions that may be imposed in connection with specific Special Use Permit approvals. So we've teed it up and there already that there's all this, this laundry list of things that you must meet in order to be considered for approval. But we've teed it up at the beginning that says there may be other conditions that are imposed along with that. Now, that's all well and good. It's buried in ordinance. How clearly does somebody read an ordinance or do they just jump ahead to that list of things? It would be a very rare occasion when a Special Use Permit applicant appeared before you without having had a meeting with staff to talk over the application, maybe refine the application. Hey, something's missing here and one of those conversations that always happens with the applicant is that what we're just talking about right now, that the commission may recommend conditions be imposed on the permit if they're giving favorable consideration, and the Council may impose those

conditions if and when they approve an application. So I think we're in pretty good shape here as far as that goes. But I just want to make sure you understood that it's not just in that section. There's that other preceding section that generally talks about the ability to impose conditions.

Bud Jacobs: Mr. Chairman, I withdraw my suggestion. [laughter]

Terry Cooke: Thank you. Any other comments or questions from other commissioners? All right. The question before us then is, are we prepared to proceed with a motion to move this current draft for to scheduling for public hearing. And I take it absent objection among my colleagues that we are. So I would entertain a motion to that effect.

Dev Roszel: Yes, Mr. Chair. This is Commissioner Roszel. I move that the Commission advertise the amendment for public hearing at the October 24th meeting with revisions to the draft as discussed.

Terry Cooke: Thank you. Second?

Don Woodruff: Second.

Terry Cooke: We have a motion and a second. Discussion? Hearing no discussion, we'll call for a vote on the motion. Rhonda.

Rhonda North: Vice Chair Woodruff.

Don Woodruff: Yes.

Rhonda North: Commissioner Minchew.

Speaker1: Yes.

Rhonda North: Commissioner Roszel.

Dev Roszel: Yes.

Rhonda North: Commissioner Stein.

Mimi Stein: Yes.

Rhonda North: Council Member Jacobs.

Bud Jacobs: Yes.

Terry Cooke: Thank you all. That is the only matter before the work session this evening. We still have about a quarter of an hour before our scheduled regular meeting. So. We will take a break and reconvene at seven. If anyone wants to order a pizza or something? [laughter] [off mic]

Terry Cooke: So good evening again, everyone. We will convene the regular meeting of the Planning Commission for September 26, 2022. So we will call the meeting to order. And our first order of business on our agenda is Commissioner's disclosure of any meetings with applicants. If any of the members of the Commission had any meetings that with applicants having matters before the Commission, if you did, please indicate now. Hearing, none we'll assume that there have been none. Our next item is public comment. Now, this is an opportunity for folks who want to share issues or concerns with us. But these are comments not related to the public hearing that's coming up very shortly. So if there's anything that is not related to the public hearing that anyone wishes to share with us, now is your opportunity to do so. Anyone? Hearing none we'll assume that there is no comment we'll close the public comment period. Next item is approval of minutes. Two sets of minutes this evening. Minutes of our August 22, 2022 work session and regular meeting. Do we have a motion on the minutes?

Don Woodruff: I move that those minutes be accepted as presented.

Terry Cooke: Thank you.

Dev Roszel: I second the motion.

Terry Cooke: Motion and second any comments? Hearing none. All in favor, say aye.

All of Council: Aye.

Terry Cooke: Minutes of August 22 are unanimously approved. Our next item is minutes of our September 12, 2022 short term rental work session. Again, any we have a motion on those minutes?

Bud Jacobs: I move we approve the minutes as presented.

Don Woodruff: Second.

Terry Cooke: We have a motion and a second, any comments? Hearing none. All in favor please say aye.

All of Council: Aye.

Terry Cooke: All opposed? Hearing none. Minutes of September 12, 2022 are approved. New Business. We have a public hearing this evening on special use 22-01 request by Michael A. Pappas

for a Special Use Permit for limited residential lodging at 5 North J Street Zoned R3 Residential District. Will, is there anything you'd like to add to the memo you have provided on this issue?

Will Moore: Nothing to add to the memo. Just for the benefit of the public, the limited residential lodging is the current ordinance term for a short-term rental. So that's a rental of fewer than 30 days in duration. So that is what is being requested as a secondary use of the dwelling at 5 North Jay Street here. We can talk about the contents of the application later if you would like, but I have nothing to add to what's in the memo at this time.

Terry Cooke: Thank you, Will. I assume we've all had an opportunity to review the application. It was prepared, in my opinion, at least in a very good form. It seems to address all the pertinent issues under the ordinance. But is there anyone from the applicant who would like to speak to the application tonight?

Michael Pappas: Yes. [multiple speakers] if I may.

Terry Cooke: Please. Please come forward to state your name and address.

Michael Pappas: Sure. I'm Michael Pappas, and my address is 3806 Hemlock Way Fairfax City, Virginia 22030.

Terry Cooke: Welcome.

Michael Pappas: Thank you so much. So I want to say good evening, Chairman Cooke, and Members of the Commission. I'm here not just on my own, but with my wife Victoria and daughter Angie, and supportive and trying to get your support for our limited residential use permit application. And indeed, I think the new name for it is going to add a great deal of clarity too for everybody. I first want to apologize for our procrastination in making this application. There was some intimidation on my part due to what I perceived as the complexity of the process and not to mention the \$2,000. But I believe even with that, I have always believed that we've satisfied the criteria and indeed we have followed all the rules that are laid out in the code and including payment of all taxes, state, local, including the transient occupancy tax. That's not to say that I don't fully believe in the need for these planning and regulations with respect to this use, because I can certainly relate to concerns of homeowners who are in our single-family dwellings. But Will Moore and his colleague Estee were very well, very they gave us some thoughtful guidance in proceedings. So that's what helped us to be here today. I believe that the subject property is it's almost uniquely situated in Middleburg from the perspective as to its even though it's in the R3 district, it's adjoining on the other side to the west. It's fully commercialized and then to our south and surrounding the property as pretty much multifamily units and the like. And the face of the house it's, I don't think it's in view of any other residential single-family unit or single-family home. So it's again, from that perspective and not, you know, people don't have to say, oh, here is this is going here and that's going there regardless we still feel it's important for us to follow all the rules. Again, thank you for indulging me. I have a hard time making a long story

short, so. But I came to this home, I'm involved in historic preservation and have bought a number of homes to restore older homes. And my daughter, Angie, because of her equestrian proclivities, brought us to Middleburg. Obviously, everyone in Virginia will love Middleburg and I found this home and was able to purchase it. It's got a very unique history and restore it. In order to pay for it, of course I had to start renting it out as the traditional rental. This became kind of frustrating for our family in the sense that we found that the renters are having more fun than we are. They're able to live in Middleburg and we get to do all of the maintenance and all that and we never kind of get to go there. So this idea came up that we can do this, we can live, enjoy Middleburg a considerable period of time while also letting out-of-town people come in and stay for short terms and also, you know, enjoy Middleburg. Half the idea of a historic preservation is to have the public use it. And this was on our mind I think when we did that. So this is a mom-and-pop operation. We do all the cleaning ourselves and when it's not being rented, we try to get out and enjoy it as much as we can. Our typical guest is a retired couple with a dog. We allow dogs and it has a nice yard, and we always promote Middleburg as a dog friendly town. And so I think it's symbiotic from that perspective, not to mention the perspective of the dog, but so I want to thank you all for what you all do, you know, in your capacity the Planning Commission for the town. And we want to ask your support to allow this family endeavor to help invited guests enjoy our beautiful town. So I'm here to answer any questions. And we have Victoria, who's quality control. And Angie is she's the greeter and our emergency contact person. So thank you all for listening.

Terry Cooke: Thank you so much. Any questions for the applicant at this time? Okay. Thank. Thank you, sir.

Michael Pappas: Thank you.

Terry Cooke: Any other folks here this evening that wish to speak on this matter. Very good hearing none. Will you obviously have reviewed the application in relation to its conformity with the requirements of the ordinance? Do you find it to be consistent with the requirements?

Will Moore: Yes, sir. For all the objective criteria that are contained within I find the application to be complete and to meet all those criteria.

Terry Cooke: Okay. All right. Questions? Any questions for staff? We had a brief discussion prior to the meeting this evening about whether there could or should be conditions in terms of the length of the SUP that is issued. Is this something that we want to defer decision on this evening until we get some guidance from the county attorney or are we prepared, or could we proceed with a motion this evening?

Will Moore: I think maybe the way to approach it would be maybe just to talk amongst the commission and ask if there's any inclination if it were allowable to have a limit on the duration imposed and whether that be a set limit two years, hypothetically or it may be a condition on the ownership of the property, which in a way could be set by duration. You know if Mr. Pappas were to

ever sell the property. If you are inclined to include such a condition, then you would have two options. One would be to table until next month to get a maybe a more clear sense of direction from the town attorney. The other option would be to recommend such a condition subject to approval of the town attorney because you don't actually impose a condition. It is the Council when they approve a permit. So you recommend a course of action for approval or denial and with or without permits. So you have those two options if you're inclined to include a condition on duration. If the Commission as a whole doesn't feel inclined to include such a condition, then the subject would really be moot at this point.

Terry Cooke: Okay. Well, how do we feel about that, folks on the commission? Are we? Commissioner Woodruff.

Don Woodruff: Don Woodruff. I feel there should be some limitation on it. This is something that I expressed earlier. Does this Special Use Permit just go on ad infinitum? And that doesn't seem to be reasonable, especially in conditions where someone may sell the property. It would seem reasonable to have some kind of limitation on how long it ran. There could be someone like Mr. Pappas could come back in three years and say, I want to do it again, and we could somehow make it reasonable for him to do so. But I think that just going on and on and on imposes a potential danger to the whole program. Thank you.

Terry Cooke: Well, another way to do that would be to make the SUP applicable to the applicant so that if the applicant five years from now were to sell the property, then whoever bought that property, if they wanted to do an SUP, would come in and start the application process again. [off mic] And I'm going to I will allow you, Mr. Pappas, because this is obviously a matter that affects you. But if you'd like to speak to that, I'm going to offer you that opportunity to come up and do that now.

Michael Pappas: Oh, okay. Well.

Terry Cooke: Please come back.

Rachel Minchew: If you would come up to the chair.

Terry Cooke: If you would just again, for the record, re-introduce yourself.

Michael Pappas: I'm so sorry. I'm kind of [inaudible]. And so but and I guess the important factor is I have no intention of ever [off mic]. Oh, again, I'm Michael Pappas again the applicant. So I have no intention of selling this property. It's going to be part of my family's thing and.

Terry Cooke: Well, would you have that being the case would you have a concern or an objection if as a part of our assuming we act to approve the application as part of that approval we condition it upon the SUP being consistent with your ownership of [multiple speakers]?

Michael Pappas: Yes. My ownership, but if well, my estate's ownership, my family's ownership would be great because I can trust my family and I can't trust anybody I'd sell it to. I've had that problem before with historic homes so.

Terry Cooke: Okay.

Michael Pappas: All right. And thank you. Thank you for indulging me.

Terry Cooke: Thank you. Thank you. Council Member Jacobs.

Bud Jacobs: An SUP can be revoked for noncompliance? [off mic]

Terry Cooke: Sure. Yes.

Bud Jacobs: So that kind of solves that problem, it seems to me.

Terry Cooke: Okay. Any other questions by the Commission? So I take it we could proceed this evening with approval with the condition that the SUP remains in effect for so long as the current applicant is the title owner of the property. And depending on the county attorney's opinion on whether that condition is permissible, if that commission, if the county attorney concludes that that condition is not permissible, then your approval would remain absent that condition. So is that?

Will Moore: Yeah, I think that's fine. And we can get that answer in advance of the Council hearing all matters.

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

Terry Cooke: All right. So do we need them? I guess we need a motion to that effect.

Will Moore: Yes, sir. All right.

Terry Cooke: Anyone want to take a whack at the wording of that? [laughter]

Dev Roszel: Yes. This is Commissioner Roszel based on the wording that will has put in this, I move that the Commission forward SU 22-01 to Council recommending. Well, that's. Hold on a second. I have to back up.

Will Moore: It would be the second option.

Dev Roszel: Yes. Move the commission forward SU to Council recommending approval as contained in the application materials. [inaudible]

Will Moore: There's a second option that would be with conditions potentially.

Terry Cooke: Condition [inaudible].

Dev Roszel: Yes, move the Commission forward SU 22-01 to Council recommending approval as contained in the application materials and with the following conditions. Condition being that the owner maintains ownership of the property.

Bud Jacobs: Think about that the SUP resides with the owner and does not run with the property. Right. So that's the thought, right?

Terry Cooke: Yeah. Yeah.

Will Moore: We can work with the wording. Mr. Pappas. [laughter]

Dev Roszel: Basically recommending that we approve it based on. [off mic]

Don Woodruff: I second the motion.

Terry Cooke: We have a motion and second any discussion? Hearing none. All in favor say aye.

All of Council: Aye.

Terry Cooke: Opposed nay? Hearing none motion is approved. Thank you all. Thank you, Mr. Pappas. [multiple speakers]

Michael Pappas: Thank you. If I may, just has one quick question? Can someone just tell me what SUP is? I'm all new to this.

Terry Cooke: Special Use Permit.

Michael Pappas: Thank you.

Terry Cooke: For a short-term rental. Our next item of business is council representatives report. Council Member Jacobs anything to share?

Bud Jacobs: Another thriller. [laughter] I hope everybody was able to enjoy Oktoberfest. Yes, it's great to be back to holding events. I must say I have of having a more normal village life. We've got a couple of events on the calendar that I want to call your attention to. The first is the public information session that will be held at the Community Center on September 28th at six. The Mayor will, I think, do three things. He will provide some sort of an analysis of the public feedback that we got on the BLA's. And he will also share with the public the results of the two consultant engagements that we

asked for. The first one is a financial analysis of the impact of of doing the large BLA with Homewood. And the second one, which is kind of a worst-case scenario. What would be the possibilities for the landowner to do in the event we don't do a BLA of his property? And my my nighttime fear is that there will be confusion, that people won't understand, that the maps they're going to see, the two maps are not proposals, not concepts, but rather the results of the work that we asked the consultant to do to give us an idea of what this might look like. So please come. And then finally, I think on October 22nd, we kick off the Mille Miglia. And that will run through the following weekend. And that promises to be a really great event and going to be able to see a lot of really neat cars. And the warmup, I think, starts during the week on the 22nd and the actual race or rally is on the weekend, whatever those dates are. And that's it for me.

Terry Cooke: Thank you Bud. Next item is our quorum for the October 24 meeting. Is there anyone here this evening who will not be able to join us on the 24th?

Rachel Minchew: [off mic] wedding.

Bud Jacobs: My daughter's getting married on the 21st. If I'm sober, I plan to be there on the 24th [inaudible].

Terry Cooke: You'll be poorer. [laughter]

Don Woodruff: For richer or poorer.

Terry Cooke: So we should have a quorum for the 24th, assuming Mr. Fleischman is back in town. Okay. All right that, ladies, and gentlemen, concludes our agenda. Thank you all so much.

Rachel Minchew: Thank you.

Terry Cooke: We are adjourned.