



**TOWN OF MIDDLEBURG
PLANNING COMMISSION
MINUTES**



MONDAY, NOVEMBER 26, 2018

PENDING APPROVAL

PRESENT: Eric Combs, Chairman
Donald Woodruff, Vice Chair
Terence S. Cooke, Member
Edward R. Fleischman, Member
Rachel Minchew, Member
Mimi Dale Stein, Member

STAFF: William M. Moore, Town Planner
Rhonda S. North, MMC, Town Clerk

ABSENT: Kevin Hazard, Councilmember

The Middleburg Planning Commission held their work session and regular meeting on Monday, November 26, 2018 in the Town Hall Council Chambers, located at 10 W. Marshall Street in Middleburg, Virginia. Chairman Combs called the work session to order at 6:30 p.m.

Discussion Items

ZMA 18-01 & SUP 18-01 Update: Assisted Living Facility

Town Planner Moore reviewed the history of the applications and reported that they have been withdrawn by the applicant; therefore, a public hearing would not be held. He advised the Commission that the applicant was still interested in locating a facility on the property and submitted an application for a private Comprehensive Plan amendment, along with the required fee. Mr. Moore explained that he was in the process of reviewing it and would report to the Commission in December in terms of its completeness.

Chairman Combs noted for the record that the Commission had already invested a considerable amount of time reviewing and discussing this request. He advised that they did not want to spend more time on a repurposing of what was previously submitted and encouraged the applicant to provide something new.

Town Planner Moore advised that he would forward those comments to the applicant. He reported that he met with the land owner earlier in the day and opined that he was not well informed on what had occurred to date. Mr. Moore suggested the Town may be scheduling some meetings with the Town Attorney. He reminded the members of the need to limit any comments they may have regarding this project to the Commission meetings and that they should not hold individual meetings with the applicant.

Town Planner Moore reported that the first draft of the Land Use Chapter would be available for the Commission's review next month. He reminded the members that the Town pulled The Berkley Group away from their work on the Town's Comp Plan update in order to work on an analysis of Loudoun County's draft plan.

Committee Review & Assessment

It was noted that one of the suggestions was to change Bylaws Section 1.4 to require a periodic review of the zoning ordinance, similar to the one required of the subdivision ordinance. The Commission agreed this was a good idea. It was noted that the bylaws included a range of five to fifteen members. They opined that the Council was happy with a seven member Commission and suggested this number be reduced. It was noted that if it was reduced in the bylaws, it would also need to be reduced in the zoning ordinance.

The Commission agreed with the short-term goals as proposed. They asked that the “recommend adoption/publication of the new comprehensive plan” be moved under short-term goals, as opposed to being a long-term one.

The Commission suggested the word “new” be eliminated from the reference to training for Planning Commission members, under the resource section, as all of the members would benefit from it. They expressed interest in developing a local training program that was tailored to this area if possible. The members agreed with the need for resources/support to help with the zoning ordinance review that would follow the completion of the Comp Plan update.

The Commission approved the document as drafted with the changes. They asked the staff to update and forward it to the Council for their consideration.

Introduction of Town Administrator

Town Planner Moore introduced Danny Davis, the new Town Administrator.

Chairman Combs adjourned the work session at 6:54 p.m. He called the regular meeting to order at 7:00 p.m.

Disclosure of Meeting with Applicants

No meetings were reported by any of the members who were present for the meeting.

Approval of Meeting Minutes

Vice Chair Woodruff moved, seconded by Commissioner Cooke, that the Planning Commission approve the October 22, 2018 meeting minutes as presented.

Vote: Yes – Commissioners Combs, Cooke, Fleischman, Minchew, Stein and Woodruff

No – N/A

Abstain – N/A

Absent – Councilmember Hazard

Public Hearing & Action Item

Zoning Text Amendment 18-01: An Ordinance to Repeal Article XVII, Part I, Section 245a of the Middleburg Zoning Ordinance pertaining to Maintenance of Historic Structures

Town Planner Moore reminded the Commission that this section was adopted in 2002 and only pertained to the maintenance of contributing structures in the Historic District, even though the enabling legislation did not restrict it as such. He further reminded them that the Town Council was concerned about

structures to which the ordinance could not be applied and adopted a new Town Code section that was applicable throughout the town. Mr. Moore advised that this section of the zoning ordinance was now redundant as any enforcement would occur under the new ordinance; accordingly, he recommended it be repealed.

No one spoke and the public hearing was closed.

Town Planner Moore noted that he was still pursuing the Commission's question regarding liens.

Commissioner Cooke moved, seconded by Vice Chair Woodruff, that the Planning Commission forward Zoning Text Amendment 18-01 to the Town Council recommending approval as contained in Draft 1, dated October 18, 2018.

Vote: Yes – Commissioners Combs, Cooke, Fleischman, Minchew, Stein and Woodruff

No – N/A

Abstain – N/A

Absent – Councilmember Hazard

Council Representative's Report

In the absence of Councilmember Hazard, Town Planner Moore briefed the Commission on the latest happenings with the Town Council. He announced that Chris Bernard was elected as a member of the Council during the November special election. Mr. Moore reported that Steve Plescow and a representative from the American Legion appeared during the Council's last meeting to submit an unsolicited proposal to place the new Town Administrative Office on their vacant property. He advised that the closing on the sale of the Health Center property would occur at the end of the week. Mr. Moore reported that the West End Pump Station Project bid was awarded and that the Council continued its work on the branding project.

Commissioner Fleischman inquired as to the status of the Salamander single-family residential subdivision project.

Town Planner Moore reminded the Commission that they previously declared the construction plans to be inactive. He reported that upon being advised of this, the applicant re-activated them. Mr. Moore advised, however, that he had had no communications with them since June. He noted that he would contact them to determine the status and suggested the Commission may have to declare the application inactive again.

Comprehensive Plan Update

Town Planner Moore repeated that he hoped the Commission would have the first draft of the Land Use Chapter for review during their next meeting.

Development in Fauquier County

Commissioner Cooke inquired as to the purpose of the land clearing off of Zulla Road in Fauquier County, near Middleburg.

Chairman Combs noted that while the Town had engaged in discussions with Loudoun County regarding their Comprehensive Plan update, it was in the dark with regard to what was occurring in Fauquier County. He questioned whether it was possible to open the line of communications with them.

Town Planner Moore noted that he would check to determine the details of the clearing. He further noted that he would touch base with Fauquier County's Director of Planning to determine if she was available to meet.

December Meeting Quorum

Commissioner Minchew advised that she would not be available to attend the December meeting. Chairman Combs advised that his attendance was questionable.

There being no further business, Chairman Combs adjourned the meeting at 7:25p.m.

RESPECTFULLY SUBMITTED:

Rhonda S. North, MMC, Town Clerk

Middleburg Planning Commission Transcript
November 26, 2018

(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)

Eric Combs: All right. Well we have everybody here at 6:30, except for our fearless council member. Let's go ahead and get started with our work session. Before we do let's just have everybody sync up their mics for the transcription service and we'll start at one end. Rhonda or Will, you pick.

Rhonda North: Rhonda North, Town Clerk.

Ed Fleischman: Hi, Ed Fleischman here.

Mimi Stein: Mimi Stein.

Eric Combs: Eric Combs.

Terry Cooke: Terry Cooke.

Rachel Minchew: Rachel Minchew.

Don Woodruff: Don Woodruff.

Will Moore: Will Moore. Town planner.

Eric Combs: OK. Thank you everybody. Looks like our first item of business is with respect to the applications ZMA 1801 and SUP 1801. Will I imagine you have some sort of update for us on your discussions with the applicant. Well the applicants and we're all ears.

Will Moore: I do. So as you recall last month the commission removed those applications from the table. Those applications had been filed back in January and then tabled at the applicants request in February. Lack of sufficient progress since that time the commission decided last month to go ahead and remove those applications from the table directed public hearings to be scheduled for this meeting. So subsequent to last month's meeting and those actions being taken I had a meeting with the applicant Mr. Orlich as well as his representative Mr. Hanna. We kind of discussed everything. Mr. Orlich agreed to and subsequently did withdraw those applications. So we don't see the public hearings scheduled because those applications are no longer pending. I do want to update you that he remains interested in the concept of some sort of facility on that piece of property and has since submitted an application along with the accompanying fee which was missing from some previous documents that he had submitted to us kind of loosely discussing the concept of what it is they would like to do but it has now been packaged as an application to privately amend our comprehensive plan. So that is now under review and I would expect to have more information on that application for you at your December meeting. As far as its degree of completeness and how well it addresses you know you recall some of the documents that were submitted since February when the actual applications were tabled. Some of those documents were titled as amendments to comprehensive plan but didn't really contain that in their substance that it was more, this is how we would like you to amend your zoning ordinance. So I'm hoping that these documents submitted as a comp plan amendment application are a little more well-developed this time. So we're looking at

those closely right now. And again I will have more information to report to you at your December meeting on that.

Eric Combs: Thanks Will. Does it at first blush look as if it's a recycling or repurposing of the materials we've seen previously or is it packaged at least at first glance in a different manner.

Will Moore: Packaged in a different manner, yes. As far as the substance it's coherence I don't want to I don't want to give you really any initial analysis there without making my way through it completely first. I remain concerned at some level about some of the statements made within there as far as their accuracy in interpreting language that's existing in our existing comp plan but we'll have a more thorough analysis for you.

Eric Combs: Okay great. Well we of course will defer to your analysis of that application but I would just like to remind all of us and note for the record that we have spent a lot of time on those applications that have now been withdrawn into the extent we're gonna see redundancies or repurposing of things that we've already seen. I would encourage the application applicant to go back in and perhaps give us something new.

Will Moore: Absolutely. And I'll certainly pass those comments along. I will share with you that I had a brief meeting with the land owner today and it was slightly contentious a little bit of frustration as far as lack of progress on the project but I don't believe he was as well informed about what we have been through to this point with the applicant and tried to pass that along. But we may be scheduling some meetings with our own attorney. So I would reiterate what we discussed early on and particularly with the zoning map amendment application that had been filed and was withdrawn and that would be to please limit maybe any comments or conversations that you might have about those about this potential project to to this forum probably and it would probably be best not to schedule any individual meetings with the applicant.

Eric Combs: Good. I think that's helpful. Thank you Will. Ed please.

Ed Fleischman: Well thanks for updating us on the application. You mentioned again the application is to revise the existing comprehensive plan. Now we've spent some time here along with our consultant coming up with our new comprehensive plan. I don't see it on the agenda just the status of the new comprehensive plan and the consultants work, future work on it.

Will Moore: Right. So work has been progressing somewhat. I do anticipate the consultant to be here at your meeting next month potentially with a first draft of the land use chapter which is going to be our most you know it's really the bulk of what we're looking at in the plan. They remained during the past month, pulled somewhat aside as we still did some additional analysis of the Loudoun County draft comprehensive plan. But I did have a separate meeting with the consultant and their sub consultant LPDA who if you remember way back when to when we did the selection for the consultants this was the team that's doing some of the graphic work for the plan. So we did have an individual meeting with those two representatives and myself during the past month so there is progress being made but I know nothing yet in a new draft form for you this month.

Eric Combs: So thanks Will. The next item on our work session agenda concerns the committee review and assessment forms that I know several folks had taken a look at and completed and submitted and we have a form from staff that includes I think consolidated comments that aggregates I'm guessing the inputs received from the various council members. Will what are we to do with the document at this point.

Will Moore: So I would suggest maybe you can lead a quick review of the aggregated comments but essentially we would like to get this submitted to council. They would like to review these at their

December meeting. So if we can finalize this form if there are any additional comments or revisions to the ones that are already included here it would be nice to finalize this into at least a somewhat, a form that I could clean up on and submit on your behalf.

Eric Combs: Okay. Well why don't we do this. Perhaps we can just go through it and see if there's consensus at least with respect to the comments that are in here. And if anybody has anything else sort of off the cuff or as we review we can consider adding. The first item in the form is a review of the ordinance, the enabling ordinance and the Planning Commission bylaws. I see two comments here which are suggested changes to the bylaws. The first one is to section 1-4 which advocates considering adding a new subsection to require a periodic review of the zoning ordinance as a whole which would be akin to what's in subsection 15 which requires periodic review of the subdivision ordinance every 10 years. So this would consider requiring everyone to take a look at the zoning ordinance as distinct from the subdivision ordinance. Any thoughts on that?

Terry Cooke: [inaudible]

Eric Combs: Good. Thanks Terry. Yeah. I'll note we seem to touch the zoning ordinance more so than we touch the subdivision ordinance it seems to rarely be a topic for our consideration. So I think the thought there would be to have at least more of a frequent review there of the zoning ordinance. Any other thoughts, feelings, concerns there. If not all put a check mark next to it and move on. Okay. The second one here bylaws section 2-1. This sets forth the limits for the number of planning commissioners. I believe we have a range of 5 to 15. And the comment here is that 15 commissioners seems untenable for obvious reasons. No harm in continuing to allow for a max composition of that amount, but if the council does not ever contemplate supporting a PC of that magnitude perhaps it would make sense to bring the cap down to a realistic number. We seem to have a wide ranging support at the council for a seven member Planning Commission. I know when we've had some vacancies and we've been at six or perhaps five the goal has been to get back up to seven. I don't envision having more than perhaps nine. Even then might be too cumbersome. So I think that comment is just to maybe bring a little more realism to the bylaws rather than just this outlandish number. I don't think that's all that substantive. So take it or leave it. But any comments on that.

Ed Fleischman: I like it. [laughter]

Will Moore: I would suggest if you leave this comment in it, I see no reason not to leave it in but just also referencing the zoning ordinance section. Bylaws, really it's an odd thing to include in the bylaws. Bylaws, really have to do with your day to day administration of how you run your meetings. But the article 3 in the zoning ordinance under administration that outlines in it's codified in the zoning ordinance that the same that it's between these. So it's duplicative of the language in the bylaws. So if we considered changing it in one place we should consider changing in the other.

Eric Combs: Yeah. Thank you.

Will Moore: Yes.

Eric Combs: Any other comments on either the zoning ordinance or the planning commission bylaws. Okay. Seems we have consensus on those two with Will's addition of making the same comment applicable to the zoning ordinance which I think is helpful. The next one is with respect to goals both short term and long term. Short term goals being committee goals for the coming year with expected outcomes and long term goals. Looking out with a five year horizon. We have in the aggregate form looks like several short term goals here which are complete and recommend the final draft of the comprehensive plan. Develop a small area plan for Federal Street, commence review of the zoning ordinance which I presume would be to follow the comprehensive plan process, continue to analyze and comment on the county's comp plan process, initiate periodic outreach to and or coordination with complimentary town

committees and develop a plan for training new planning commissioners. Another short term goal would be to continue review of new development requests for the town. I think all of those are fruitful. Any comments or concerns, additions, subtractions.

Mimi Stein: I feel strongly about adding something in about Federal Street.

Eric Combs: And I think we'll likely see that in the draft land use chapter that we'll be getting. Yeah that'll be right, right on cue. Okay. I think we have consensus on those short term goals. Long term. It looks like we have two here. One is greater and regular interaction with complementary town committees which looks to be derivative of that short term goal and the other is to publish the revised comprehensive plan. I think both are worthwhile although we may publish the revised comprehensive plan in the short term rather than long term. [laughter]

Will Moore: And that was going to be my comment Mr. Chairman. I would almost encourage you to move that up to a short term goal for publishing as well. I see no reason we couldn't recommend for the council and hopefully get it published adopted maybe is a better word adopted and published in the coming year.

Eric Combs: Everyone comfortable with that.

Terry Cooke: Yes.

Eric Combs: Good. Let's make that correction, Will, I think that's great. Then our next item here considering. Oh yeah please, Ed.

Ed Fleischman: Will, you mentioned about adopting, so who adopts the comprehensive plan, is it the council?

Will Moore: It is the council. Yes.

Ed Fleischman: And what do we do here. We approve it or recommend it?

Will Moore: You recommend it, you recommend. So I mean adoption may technically not be a goal for you.

Ed Fleischman: Yeah, it'd be a recommend a revised comprehensive plan to the council.

Will Moore: I think it's still you know planting that seed that we would not only like to forward it to you but get you to adopt it within the next year. I don't see harm in that but it's your preference however you want to include it or not.

Ed Fleischman: No I appreciate it. I just wanted a clarification on who so has the action. So thank you.

Eric Combs: I like the prodding aspect of that. [laughter] Yeah I'm OK with that. Yeah. Our next item considering budget needs. Identified budget needs if any and any revenue sources to offset any planned expenditures with specifics attached. Our loan comment here is defer to staff. I fully support that.

Will Moore: Yeah. I mean it really goes hand in hand. Yeah it really goes hand in hand with the next item which is your resource needs. That's going to drive budget needs. Yes.

Eric Combs: Great then I'll add it the next one resource needs. We have identified here training opportunities for new commissioners prefer a local or online if possible. And then support, meaning consultants additional staff member etc. in connection with ongoing development of the comprehensive

plan and ordinance review and revision. Let's take the first one it's mentioned up above in a short term goal training for planning commissioners and here to the extent it requires additional resources I know Will, you've historically had some money earmarked for training opportunities for planning commissioners and I know that that training landscape has somewhat shifted a bit but I still think to the extent resources can be allocated for that it would be worthwhile. Any other thoughts on that local or online. Are there online training opportunities?

Will Moore: Not that I am closely aware of but yeah it was Mimi's comment and I thought it was worth pursuing.

Eric Combs: You would think the APA would maybe offer or at least the Virginia section of it might offer something like that.

Will Moore: It's absolutely worth considering and I think the local part is it's a good comment to make. You know we we had some commissioners, Mr. Combs and Mr. Cooke along with myself and one previous commissioner were fortunate to have a somewhat local session in Purcellville for the Certified Planning Commissioner training. It's tough especially for a community this size to budget for training and travel, for overnight which that program does require you know to travel a distance so you know if we can make arrangements for a local program prior to that program that we participated in a year prior we had someone come and give a more targeted training which I think my own experience was probably a little better for this group in that it focused more on the individuals in this group and the community rather than kind of spreading out to multiple communities. You know. Yeah. Yeah. So yeah.

Eric Combs: I would agree. Having attended both I think the certification program that we attended in Purcellville seemed to be broad brush strokes. And when Dr. Chandler came here for that session at Hill School it did it seem much more tailored to what our town needs are with real consideration of the planning commission its relationship to town council and Dr. Chandler having benefited from sessions with council it just seemed much more tailor made to what we had and to the extent something like that is available. I think that'd be great and keep everything and everybody right here. So, yeah, if there is a resource allocation for that I support it.

Don Woodruff: I thought it, the really great thing was that he was responsive to our queries and our specific needs. So I thought it was a great activity and I would be happy to volunteer that space again.

Eric Combs: Oh good. That room was perfect for it. Ed.

Ed Fleischman: Mr. Chairman I recommend that the word "new" be taken out of that resource needs to just say training opportunities for commissioners. We all could use training.

Eric Combs: Absolutely I would agree with that.

Ed Fleischman: Thank you.

Don Woodruff: Yeah. Just it would just be a great reminder of what we're doing. Yeah I think that's good. [inaudible].

Will Moore: We'll remove that. We'll remove that word above as well.

Eric Combs: Yes, please. And then the other comment here for resource needs would be support in connection with the ongoing comp plan efforts and the ordinance review to the extent staff feels that we might need consultant input or another staff member to assist staff. I know the zoning ordinance review is going to be quite a heavy lift. So to the extent we can foresee any needs in that realm I think that might be a comment we can all get behind. Any other items we didn't address just in reading through this that you

think should be included that we can send up to council? OK. Well I thank everybody for their input on this. I think this gives us a pretty good reflection of where we are at least the Planning Commission as a body. So Will, do you think you have enough clarity from us on that.

Will Moore: I do. Would you Mr. Chairman or the commissioners as a whole like to see the clean version of this before I send it to them or I think the revisions were minor enough I think I can make them fine.

Eric Combs: I'm fine with that.

Will Moore: Okay.

Eric Combs: I'm happy to give you full [inaudible] to do that. [laughter]

Will Moore: Thank you.

Eric Combs: But if anyone would like to see them please feel free. Okay. Well that looks like that completes our work session agenda items. Any other issues anybody wants to take up while we still have some time here before the regular meeting begins? Will.

Will Moore: Mr. Chairman if you or any of the commissioners have not yet met him. This is Danny Davis our new town administrator so I wanted to make that introduction if you have not been able to personally yet.

Eric Combs: Hello Danny.

Danny Davis: Good evening. How are you.

Eric Combs: Wonderful, how are you? Thanks for joining us.

Danny Davis: Thank you. It's good to be here. Appreciate all the work that y'all do for the town. It takes a lot I know to give your time and it's an important part of any community. So thank you for what you do.

Eric Combs: Sure, well thank you for coming. It's nice to have an audience.

Danny Davis: That's right.[laughter] [inaudible]

Eric Combs: Any other items for the work session if not we'll just close it out and hang tight for five minutes or so. Okay great. Well that concludes the work session Okay great. Let's get started with our regular meeting. First item let's just go around the dais and anybody disclose any meetings they've had with applicants. Ed.

Ed Fleischman: No, I didn't have any.

Mimi Stein: No, nothing.

Eric Combs: None here either.

Terry Cooke: None for me.

Rachel Minchew: None for me.

Eric Combs: Excellent. Thank you. Ok. Our favorite, second favorite, public comment period. Any public comments? Okay. Next item we have some draft minutes from our October work session and meeting. Rhonda thank you for those. Any comments or feedback on the meeting minutes? And remember what we're talking about Rhonda synopsis of the minutes that come before that rough transcript.

Don Woodruff: Mr. Chairman I move the minutes be accepted as presented.

Eric Combs: Thank you Don.

Terry Cooke: Second.

Eric Combs: All in favor.

Everyone: Aye.

Eric Combs: Excellent. Motion passes. [inaudible] OK. Our next item is the public hearing an action item on zoning text amendment 1801, an ordinance to repeal Article 17 Part 1 Section 245A of the Middleburg zoning ordinance pertaining to maintenance of historic structures. Will, we address this in our October meeting. But do you want to refresh our memory on that?

Will Moore: Certainly so. So briefly the the language in the section that is proposed for repeal from the zoning ordinance was adopted in 2002. It contains maintenance provisions for certain structures, it's limited to structures within our historic district. And then further limited to structures within that district that are either designated as contributing structures in our historic district survey or otherwise determined by the historic district review committee to be significant character to the district. The enabling legislation under which these provisions were adopted do not restrict the applicability of the maintenance provisions to a historic district or to designated historic structures that was evidently a decision that was made by council at the time of adoption. But within the last little more than a year our current council became a little bit concerned with some a few structures that this ordinance did not necessarily apply to. And we did some research and what ended up happening was that council adopted a new section of to our town code which is essentially a word for word adoption of the enabling legislation from the Code of Virginia and it is that same enabling legislation under which the current language in our zoning ordinance was adopted but that town code chapter is now adopted and it is included in this package is the last couple pages. I've clarified this from last month. I didn't have it clearly marked as something that had already been adopted. So the last couple pages here, chapter 38 of the town code, this is not part of this actual amendment application it's just there for reference. So having adopted that town code section this language that remains in the zoning ordinance is essentially duplicative and any enforcement procedures that we would undertake whether a property is within historic district or not would be undertaken under the provisions in Chapter 38. So what we're recommending is that we repeal Section 245A. The other thing about this section is that it was a strange provision in adopting within the zoning ordinance because maintenance provisions are usually not or maintenance violations are not pursued as zoning ordinance violations and it complicates the fact that if somebody wants to appeal that violation you'd go into the Board of Zoning Appeals and it's just not something that's structured well for location within the zoning ordinance.

Eric Combs: Great. Thank you Will. At this point let's open the public hearing. If anyone would like to speak during the public hearing I'm happy to outline the procedures but if not let's close the public hearing. Okay. We looked at this last month. I think there were a few comments just for clarification but this seems like the housekeeping is very much in order.

Will Moore: There was a question I don't want to let it go. Mr. Cooke brought up a question of the actual town code chapter that is already been adopted in terms of how liens are dealt with and I've not gotten a clear answer yet on that but I will circle back around with the town attorney because he did bring up a

very interesting point that it's not crystal clear but again it's word for word adoption from what's in the state code. So I imagine that the language will remain but I think it would be interesting to get some insight from our attorney on what exactly that would mean if we did indeed have to place a lien on the property if we ever got to that point in enforcement.

Eric Combs: Yeah. That begs sort of the enforcement discussion I think that we had regarding new and emphasized the discretionary standard there. Might, curious wording in the legislation but it's there. So any other discussion regarding the the amendment the proposed amendment. Yeah. Okay great. If not then we have. I believe Will prepared a proposed motion for us in the agenda materials. Be happy to entertain it.

Ed Fleischman: Does anyone have it in front of them that can read it. I don't have it.

Terry Cooke: Mr. Chairman I'll move that the commission forward zoning text amendment 18-01 to town council recommending approval as contained in draft 1 dated October 18, 2018.

Don Woodruff: Second.

Eric Combs: All in favor.

Everyone: Aye.

Eric Combs: Excellent. Motion passes. Thank you everybody. Kevin had you heard from Kevin, Rhonda?

Rhonda North: I think he announced at the last meeting that he would be out of town at this meeting.

Will Moore: Yeah. Correct. Correct.

Eric Combs: I don't believe he was at our last meeting.

Will Moore: He was not he was not but he did contact me and let me know in advance that he would not be able to make it. [inaudible].

Eric Combs: Does staff want to provide a council, just a report so yeah I know we're the neglected Planning Commission.

Don Woodruff: He doesn't love us anymore.

Eric Combs: Any staff, any town council developments that would impact anything we're doing at the Planning Commission level?

Will Moore: I'm just I'm scrolling back through the last council meeting just a couple of highlights. We did, you did elect a new council member during the November elections. Chris Bernard. He was sworn in at the meeting as well as a new police officer. Officer Ryan Grey was sworn in. We did receive. So it's interesting there has been some initial studying of and discussion of potentially investigating a site or sites for a new town office. This could be a very long term capital project. It could be something that happens in the shorter term. Mr. Steve Plescow, many of you remember is as a colleague on this commission at one point. He had represented the American Legion who has some excess property actually a separate parcel of land right behind their building on The Plains Road and they had submitted an unsolicited proposal to the town for location of a new town office building. So he came and just kind of did a quick run through of what he envisioned their, council was not at liberty to really have a discussion with him based based on that but it was interesting. So I have heard that proposal. Yes, sir.

Don Woodruff: Where is that property located?

Will Moore: So the property is directly behind the American Legion building. So the American Legion looks like it, it's very deep and they're actually two separately platted parcels one with the building and its parking on it and then a separate vacant parcel behind it.

Don Woodruff: That goes behind the attorney's office of Ms. Rice.

Will Moore: I'm not familiar with Ms. Rice.

Don Woodruff: I just don't, I don't personally see the piece of property that would be offer more than what we have here. It seems to me that as I recollect that one of the things that was proffered in the Salamander was that they were willing to talk about some substantial property for a new town office and facility.

Will Moore: Right.

Don Woodruff: Is that still on the table or has that been, slide down the slippery slope.

Will Moore: So there is an existing proffer that's related to the mixed use village portion of the Salamander property and that that proffer to allocate land for a future town office it is still in place. I don't want to go into a lot of detail but what I will say is that representatives of Salamander development have stated in public forums including commission meetings that they do not intend to pursue the existing proffered development in the mixed use village area. So the existing proffers the existing development that could be done in that zone under the existing proffers they do not intend to pursue. So at some point in time in the future we would likely if they wish to develop that property they would come in likely for a proffer revision application. So yes. But you're correct the existing proffers do require allocation of space.

Eric Combs: Will, is there any council update concerning the Health Center?

Will Moore: So the Health Center, I believe is scheduled to close at the end of this week. So the, we have.

Eric Combs: Ok. So there's an agreement and scheduled closing for this week.

Will Moore: Correct. Correct. One other thing of some interest to you may be the West End pump station. So most of you know the town kind of crowns in the middle a little bit and everything from that crown to the West End drains to the west side of town and it's a capital project that's been planned for a while now. So that went out to bid and the council did award that contract at their last meeting for the replacement of that pumping station that's \$788,000 project. So it's a pretty substantial project but very important that aging pump station that we have there.

Eric Combs: And we have looked at the landscape cut sheet for that. Is that correct?

Will Moore: Correct. The site plans, yes. And then just some ongoing discussion we've been going. Mr. Davis mentioned when he was talking to you that we're going under a process to possibly develop a new, a brand for the community. So you know our business and economic development director has been leading that charge from a staff level along with a consulting group. So there's been some presentations of potential logos and tag lines and that's kind of an ongoing process right now and I think those are pretty much the the highlights.

Eric Combs: Okay great. Thank you Will. Ed, please.

Ed Fleischman: Will, just to follow up on your discussion about Salamander. You mentioned the mixed use development and on the other side of the property they have the single family residential and there was a deadline. Could you refresh our memory and give us an update on what the status of the Salamander development on that side of the property is.

Will Moore: Certainly. Thank you. Very good question and pretty timely question actually as well. So this body took action back in, I want to say May of this year and deemed the construction plan application. I'm blanking on the word. Stale is a good word, inactive. There we go. Deemed it inactive because there was a period of time the ordinance basically says if an application has gone six months or longer without activity now the application had probably been in your eyes inactive for even longer than that, but there were there was quite a bit going on for a couple of years actually that a number of engineering comments that were generated by the first review of their construction plans required some major redesign to the way they're going to do their sanitary sewer things like that but they did reach a point where the activity did stop progressing. So the way that action works that you took back in May was once you make that declaration in this meeting then I have to notify the applicant and then they have 30 days to revive the plan and bring it back into activity or the application is then deemed withdrawn and that would simply mean that they would have to resubmit which they'll have to do eventually anyway but they would have to. It would have to be the clock starts over. They would resubmit all application fees. So based on a couple of meetings I had with the applicant they took sufficient action to show that the application was active again at that time. So the clock really starts ticking again. And that was in late June or so. So we're pushing the end of next month, we'd probably be pushing six months again and I'll be touching base with the applicant again to see where they've been during this time and if they can demonstrate that there has been some activity going on. You know I wouldn't ask you to make that to deem it inactive again but it could get to that point if we don't see some progress.

Eric Combs: Has there been any interim update from the applicant since you last communicated with them in the May June time frame?

Will Moore: There has not.

Eric Combs: Thank you. Ok. Any other discussion items for the planning commission or questions of the staff while we're all here? Will, you had indicated we should be seeing perhaps the draft land use chapter for the comp plan next month and maybe even have Todd here to walk us through.

Will Moore: That is my hope. I have not confirmed that to this point but that is my hope.

Eric Combs: Great. Well we look forward to that.

Eric Combs: Any other discussion items? Terry.

Terry Cooke: I do have a question and it doesn't concern Middleburg directly because it's going on outside the borders of Middleburg but Will there's a in Fauquier County just over the line just off of Zulla Road there's a tremendous amount of land clearing going on down there. Do you know what that's all about?

Will Moore: I do not. I do not. I'll have to look into that. It's on Zulla?

Terry Cooke: It's significant and again it's in Fauquier, not in Loudoun but it's right on our doorstep literally. And I just wonder what is going on there.

Ed Fleischman: Yeah. Yeah. Terry I pass that site. And when I looked at it I was hoping that they were just harvesting the wood and gonna replant it.

Eric Combs: Will, we've you know we have had in the last year perhaps more, some ongoing dialogue with Loudoun County concerning their comprehensive plan. Yet, I feel like we're somewhat in the dark with respect to what Fauquier County is doing not just around the edges near town but just in general. Is there a channel we can open to get some dialogue with the county as we continue our comp plan process and we're paying more attention to the borders of town in that document. Might that be something that we should be doing?

Will Moore: Certainly I can touch base with Director Fogle. She's the head of planning and zoning for community development as a whole for Fauquier. I'd be happy to touch base and see if we can start a dialogue there as well. Sure.

Eric Combs: I would be curious just to get any of their thoughts. I mean I know we're not within the county but.

Will Moore: We're close.

Eric Combs: Very close.

Ed Fleischman: That's a real good point because I think we're closer to potential development in Fauquier than you know Loudoun now.

Eric Combs: Yeah we are. And it's funny I mean being all the way at this edge of Loudoun County, we as a town I think are availing ourselves very little of the Loudoun County Services. Meaning we're probably interacting with Fauquier County just as as residents of Middleburg as much as we're interacting with Loudoun County. But our planning process has really been focused within the county but we're exposed on those edges and I would just be curious to to have that dialogue with with Fauquier County as well although I know we didn't we're not hearing the grumblings that we're sort of hearing in Loudoun County over on that side of town but nonetheless it can't hurt. I would think.

Don Woodruff: Would be good to know what they're doing.

Ed Fleischman: They probably want to know what we're doing. [laughter].

Terry Cooke: I keep expecting to see a sign saying coming soon and then fill in the blank but there's just nothing. Just a lot of trees being torn down.

Eric Combs: Great question Terry. Thanks. If no other discussion items let's pull out our calendars and look at the December 17 date and see whether we have enough for a quorum. Does anybody foresee any conflict with that date?

Rachel Minchew: I am not here that week, I'm out of town.

Eric Combs: The 17th? I have a potential, I'm flying back into town but if there are delays then it maybe iffy for me. [inaudible] Perhaps.

Don Woodruff: Well if you're not going to be here, I'm not. [laughter]

Eric Combs: But if there are no conflicts for others that would still leave a quorum and I'm just a maybe. [inaudible] I'm sure Kevin will be here. If Kevin is absent a third time we'll, may have to call staff. [multiple speakers] Okay. Well let's keep that date. If anything comes up for anybody just the sooner we can plan around it the better. Okay. Anything else. If not. Thank you everybody.

Don Woodruff: Let me ask.[inaudible] If you're not. If we're only four and we have the consultant here, that seems rather counterproductive to not have as you know. I mean.

Ed Fleischman: I don't think so. [multiple speakers].

Eric Combs: You all might be more productive.

Don Woodruff: Not without you, Mr. President.

Eric Combs: I don't know about that. OK.

Don Woodruff: I'll be here.

Mimi Stein: I'll remind everybody, tree lighting is on Friday.

Eric Combs: Yes, Friday at 5:00 p.m.?

Mimi Stein: Yeah. It's 5 to 6.

Eric Combs: Okay great.

Mimi Stein: Hot chocolate, cider, singing, stuff.

Eric Combs: Thank you, Mimi. I'll be there.

Will Moore: Merriment.

Don Woodruff: What did you say?

Eric Combs: I'll be there.

Don Woodruff: No, I thought you said beer.

Eric Combs: And that too. [inaudible] Thank you everybody.

Don Woodruff: Thank you Mr. Chairman. [inaudible]