



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



**MONDAY, MARCH 27, 2023  
PENDING APPROVAL**

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

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

The Middleburg Planning Commission held their regular monthly meeting on Monday, March 27, 2023 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**

**Potential Zoning Text Amendment to Allow for an Inn as a Special Exception Use in the C-1 District**

Deputy Town Manager Moore advised the Commission that Marc Chretien and his architect, Tim Clites, were present in case the members had any questions; however, he reminded the members that what was before them was the request to initiate a zoning text amendment, not a special use permit application. He noted that the question was whether it was appropriate to add an inn as a special exception use in the C-1 District. Mr. Moore reminded the Commission that while there were limited abilities for someone to apply for a special use permit to operate an inn elsewhere in the C-1 District, there were some parcels where this use could apply.

Chair Cooke noted that the question before the Commission was whether an inn should be added as a use by special use permit in the C-1 District. He further noted that future requests would be decided on the merit of the application.

In response to inquiries from the Commission, Deputy Town Manager Moore advised that the former Middleburg Country Inn was a legal, non-conforming use that existed prior to the zoning regulations; therefore, there was no special use permit.

In response to an inquiry from the Commission, Deputy Town Manager Moore advised that the parcel on which The Fun Shop was located was zoned C-2 and noted that inns were already allowed with a special use permit in that zoning district.

Marc Chretien, of Arlington, reminded the Commission that Tim Clites would serve as his architect and noted that he liked his design aesthetics. He advised that Mr. Clites was available to answer questions. Mr. Chretien noted that during the last meeting, the members asked about utilities and reported that the building was served by a six-inch sewer lateral. He advised that a four-inch lateral was capable of serving thirty toilets and opined that the six-inch lateral was sufficient to support his proposed use. Mr. Chretien noted, however, that he would be required to have a mechanical engineer certify this to be the case. He reminded the Commission that the property was located between the Middleburg Exxon and office buildings and opined that the inn use would not be disruptive to the neighbors. Mr. Chretien reported that he was looking to renovate the building using historic tax credits and would do the project right.

## **Council Representative's Report**

### **Update on Council's Strategic Initiatives**

Chair Cooke opined that the Council was “all over the place” in their discussions regarding the R-2 District regulations and advised that he would be looking for direction from them on how they wished the Commission to proceed.

Councilmember Jacobs opined that there was rich discussion among the members of Council on that item. He noted that a number of them have had discussions with citizens who were dissatisfied with the infill development that had occurred in the Ridgeview area. Mr. Jacobs advised that following the Commission's work, the Mayor and some members of Council felt that more could be done regarding the regulations; however, he noted that exactly what had not been well defined. He reported that the staff was preparing options for the Council's review so they could initiate a zoning text amendment if desired. Mr. Jacobs advised that there was no timeline for doing this and opined that it could be months before it reached the Commission.

Deputy Town Manager Moore reported that the staff would present a proposed work plan on the R-2 District regulations to the Council during their April 13<sup>th</sup> meeting.

Councilmember Jacobs reported that the Council was interested in getting community input on what changes should be implemented so their concerns could be captured. He reminded the Commission of the goal in the Comprehensive Plan to address the redevelopment of Federal Street and advised that this generated a lot of discussion by the Council. Mr. Jacobs noted that due to the low likelihood that someone would come in soon seeking to redevelop the area, the Council's conversation turned to infrastructure improvements to South Madison Street. He reported that they agreed to hire a consultant to help develop a plan to improve pedestrian safety and the view down the street. Mr. Jacobs advised that the Council agreed to do this first. He noted that it would be a sensitive subject due to the mature trees that may need to be removed. He reported that the Council also added the restoration of the Asbury Church as one of their strategic initiatives. Mr. Jacobs reported that an engineer was currently assessing the building and that the Town would seek community input and engage with the stakeholders on its use. He advised that the Council agreed to spend money on the building so it would be a Town jewel. Mr. Jacobs opined that there would be a wide range of possible uses once the building was restored. He reported that he would serve as the Council representative for the project.

Commissioner Roszel noted that he read the minutes for the Council retreat. He expressed concern that the Planning Commission made a recommendation regarding amendments to the R-2 District regulations; however, the Council was now saying they had not done anything. Mr. Roszel expressed frustration and opined that the Commission did a good job of addressing the issues they were asked to address. He noted that the redevelopment of Federal Street had been on the Comprehensive Plan for a long time and suggested the Town either needed to do something or remove it from the plan. Mr. Roszel expressed frustration over the Council's comments that improving Federal Street would not bring value. He reiterated that the Commission did a great job of recommending amendments to the R-2 District regulations and suggested that if it did not, the Council needed to tell it what they wanted them to do. Mr. Roszel noted that the Commission received citizen input when developing the amendments.

Councilmember Jacobs reiterated that some members of Council were dissatisfied and advised that he was not sure they appreciated how hard it was to address this concern. He acknowledged the time the Commission spent developing their recommendation and noted that The Berkley Group provided a thoughtful analysis of the options. Mr. Jacobs opined that the Commission also took into consideration another view - that being the rights of the property owners. He opined that it was difficult to balance the rights of the community and the rights of the property owners. Mr. Jacobs reiterated that the members of Council were hearing complaints from members of the community who did not believe the regulations adequately addressed their concerns. He suggested the Commission wait to see what the Council recommended.

Commissioner Roszel opined that this was a difficult issue. He advised that times have changed and suggested it would not be productive for the Town to do what it used to do. Mr. Roszel noted that things were not the way they used to be and never would be again. He suggested the need to remind the Mayor and others that the Town could not live in the past.

Chair Cooke agreed. He noted that he heard that the houses that were being built were too big; however, he advised that no one wanted small houses anymore.

Commissioner Fleischman noted that he also read the retreat minutes and opined that they were excellent. He commended the Town Clerk on her meeting minutes. Mr. Fleischman agreed with Commissioner Roszel. He acknowledged that some members of the community were making their opinions known; however, he suggested the Commission could not make decisions based on the opinions of a few people. Mr. Fleischman opined that accepting community input would be a good thing. He noted that he lived in the R-2 District and opined that its residents felt the existing houses were not up to code and were fire traps and suggested that people should be encouraged to make improvements to them. Mr. Fleischman advised that the Commission spent a lot of effort on including the redevelopment of Federal Street in the Comprehensive Plan. He opined that South Madison Street looked good and advised that he would hate to see the trees removed, as the street would then look like a new subdivision. Mr. Fleischman advised that as to those people who wanted things to be like they were, this could never be.

Councilmember Jacobs noted the discussions about the homes in the R-2 District being affordable and advised that he tried to bring clarity to the discussion that they would never be affordable due to the lot values. He suggested that be taken off the table. Mr. Jacobs noted that the Comprehensive Plan focused on preserving the character of the neighborhood and advised that he would continue to point that out.

There being no further discussion, Chair Cooke adjourned the work session at 6:58 p.m. He called the regular meeting to order at 7:00 p.m.

**Disclosure of Meetings With Applicants**

Commissioner Stein reported that she was contacted by someone who was interested in using the house located next to hers as a short-term rental. She noted that she referred him to Deputy Town Manager Moore.

No other meetings with applicants were reported by the members.

**Approval of Meeting Minutes**

*Vice Chair Woodruff moved, seconded by Councilmember Jacobs, that the Planning Commission approve the February 27, 2023 work session and regular meeting minutes as presented.*

Vote: Yes – Commissioners Woodruff, Fleischman, Minchew, Roszel, and Stein and Councilmember Jacobs  
No – N/A  
Abstain – N/A  
Absent – N/A

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

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**Public Hearing**

**SD 23-01:** Preliminary & Final Plat of Subdivision for Two Lots – Foxstone Estate, LLC – 22941 Foxcroft Road

Deputy Town Manager Moore reviewed the history of the request. He reminded the Commission that the property consisted of 94.5 acres that were located on the west side of Foxcroft Road, outside of the town limits. Mr. Moore noted that it was located within the extraterritorial subdivision control district, meaning the Town’s subdivision ordinance and the County’s zoning ordinance applied. He reported that the technical review of the application was ongoing, including Loudoun County’s review from a zoning perspective. Mr. Moore reminded the Commission that the applicant was asking to subdivide the property into two parcels – one that was 54 acres and one that was 40 acres. He noted that under the subdivision ordinance, it could be subdivided into four parcels; however, there was a conservation easement in place that limited it to two, meaning there could be no further subdivision beyond this one. Mr. Moore reported that the Virginia Department of Transportation had no objection to the subdivision, as the new lot would be served by the existing driveway. He noted that the exhibit included the proposed location of the house;

however, this would have to be removed from the subdivision plat, as it was not appropriate to include improvements on it. Mr. Moore reported that the applicant was proposing to construct an additional single-family dwelling on the new parcel. He advised the Commission that following the public hearing, no action would be taken and that this item would return to them once the County had completed its review and the plat was deemed to be in an approvable form.

Nathaniel Burkhart, of Morris & Ritchie Associates, appeared before the Commission representing the application. He agreed with Mr. Moore's description of the request.

DeeAnn Jeremiah, 22865 Foxcroft Road, noted that when she acquired her property, she was aware that this property was in a conservation easement. She advised that she had questions related to the driveway. Ms. Jeremiah expressed concern that the subdivision would ruin the views for three people. She advised that the owners did not live here full-time. Ms. Jeremiah opined that they did not embrace the spirit of Middleburg. She suggested the placement of the new home would cut off the Middleburg Hunt and questioned why it was proposed where it was.

Frank Gstrein, of Foxcroft Road, advised that his property was u-shaped and located in the center of this parcel. He opined that the property owners did not "get the whole idea of Middleburg." Mr. Gstrein advised that the property owners did not come to him to talk about their plans and noted that he felt alienated. He questioned whether they would do something else if they knew that people were upset about their plans and suggested they could make their existing home a mansion. Mr. Gstrein questioned how many structures would be built on the property and noted that it already contained a house and a barn. He advised that it was a shame that Loudoun County would allow this and issued a plea to them to think about what they were doing and how it would impact others.

Barbara Hunter, 22865 Foxcroft Road, a long-term tenant of Ms. Jeremiah, opined that allowing the subdivision would set a precedent. She noted the natural beauty of the area and opined that the animals would be impacted by the subdivision. Ms. Hunter advised that the building would be close to the neighbors. She opined that approving the subdivision would destroy something that could never be returned. Ms. Hunter further opined that the property owners did not know Middleburg and did not respect the environment. She suggested that approving the subdivision would only encourage more subdivisions. Ms. Hunter opined that there were a lot of possibilities for the 94 acres and suggested that no other options were considered. She issued a plea to the Commission to deny the request.

Steve Nelson, of 36872 Ramblewood Lane, advised that the essence of his neighborhood was what made the area special. He questioned what Middleburg would be if it did not have the Middleburg Hunt. Mr. Nelson advised that this area was a village, with everything being connected. He acknowledged that the property owners had rights; however, he questioned whether they should subdivide the property.

Mr. Burkhart thanked the speakers for their input and advised the Commission that he would share it with his team.

No one else spoke and the public hearing was closed.

Commissioner Fleischman opined that the Planning Commission's concerns should revolve around the effect of the extraterritorial subdivision control area on the Town of Middleburg. He expressed concern about overdevelopment of the area and suggested the Commission should be cautious about approving development in it. Mr. Fleischman noted the need to make sure it did not affect wells and the Town's water.

**New Business**

**Initiation of Zoning Text Amendment 23-01:** Allow for an Inn as a Special Exception Use in the C-1 District

*Councilmember Jacobs moved, seconded by Vice Chair Woodruff, that the Planning Commission initiate Zoning Text Amendment 23-01 and advertise the amendment for public hearing at the April 24<sup>th</sup> Commission meeting.*

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

No – N/A

Abstain – N/A

Absent – N/A

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

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**Council Representative’s Report** (continued)

Councilmember Jacobs reported that the Council interviewed three outstanding candidates for the Police Chief’s position and opined that any one of them would do a fine job. He noted that the selection was a decision of the Town Manager and advised that the members of Council provided him with their thoughts.

Town Clerk North reminded the Commission of the retirement party for Chief Panebianco on April 21<sup>st</sup> and asked that the members respond to the e-invite they received if they had not already done so.

**Discussion Items**

**Dangerous Structures**

Commissioner Fleischman noted that a year ago, the Commission discussed a townhouse on the east side of town that was not being maintained. He further noted that the Town Code allowed the Town to take action. Mr. Fleischman questioned whether that matter was resolved.

Deputy Town Manager Moore confirmed that enforcement was initiated under the dangerous structures ordinance. He advised that the property owner was given the opportunity to remedy the situation and, when she did not, the Town hired a contractor to make the minimum repairs necessary to make it safe. Mr. Moore noted that the Town was now proceeding to recoup its money and could place a lien on the property.

Commissioner Fleischman noted that at that time, he mentioned that the property at 602 Stonewall Avenue had items in the front yard and advised that it had since gotten worse. He questioned whether the Town should take action against that property owner.

Deputy Town Manager Moore reported that there have been enforcement proceedings against the property owner and noted that he made corrections; however, he acknowledged that things have reverted back to their previous condition. He opined that this would be an on-going issue.

**Quorum for April Meeting**

The members indicated they would be present for the April 24<sup>th</sup> meeting.

There being no further business, Chair Cooke adjourned the meeting at 7:36 p.m.

RESPECTFULLY SUBMITTED:

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Rhonda S. North, MMC, Town Clerk

**Middleburg Planning Commission Transcript**  
**March 27, 2023**

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

**Rachel Minchew:** People are still living on it.

**Bud Jacobs:** Oh, they're going to be there. They give them [off mic]

**Terry Cooke:** Good evening, everyone. We will convene the work session for the Planning Commission meeting this 27th of March 2023. Welcome to all. We have one discussion item on our work session agenda having to do with consideration of a motion to initiate a zoning text amendment 23-01 An ordinance to amend Article 11 Part one of the Middleburg Zoning Ordinance pertaining and adding an Inn as a Special Exception Use in the C-1 Restricted Commercial District. We had a good discussion on this introductory discussion last month. Will, is there anything you'd like to add before we open it up?

**Will Moore:** I think last month was extremely helpful. Mr. Chretien was here and you're certainly welcome to engage in some more discussion with him if you would like. His architect, Mr. Clites is here this month as well. However, what is before you this evening is the consideration to initiate the zoning amendment so less focus on Mr. Chretien's actual application that would then be pending if the amendment is indeed initiated and more so just consideration of the idea as a whole, whether it's appropriate to add this as a special exception, use in the C-1 District. Gave you a little bit of discussion in my memo. There would probably be limited ability to apply this use elsewhere in the C-1 district, but there are a few parcels that have maybe the size that could in the future potentially be redeveloped. But still, if this were to go through, it would still require a Special Exception. So those are the kind of things that you want to weigh when considering whether to add a use, whether as a by right or a special exception, use to a given district.

**Terry Cooke:** Well, I think the consideration is whether or not we should add an Inn to those uses that would be allowed pursuant to a special exception, though, right? So, I mean, by definition, that means that any future applications would all be considered on their own merits.

**Will Moore:** Yes, sir.

**Terry Cooke:** Special exceptions. So. Commissioner Woodruff, you have a question?

**Don Woodruff:** Well, my memory fails me. But is the site of the Middleburg Country Inn not in the same district?

**Will Moore:** It is in the same district. Yes sir.

**Don Woodruff:** Okay and so they had to get an exception also?

**Will Moore:** No, No. So that was a unique situation. It was a legally nonconforming situation that was established earlier on. [multiple speakers] But. Yes, sir.

**Don Woodruff:** Thank you.

**Terry Cooke:** Yeah, well, as I said at the outset, we had a pretty good discussion last month with the applicant. Does any of the Commissioners have any other questions that the applicant might address or staff? I'm sorry. Commissioner Fleischman.

**Ed Fleischman:** Thank you, Mr. Chairman. Yeah. To the staff. So, there's a vacant lot. There's a parcel for sale downtown at the Fun Shop?

**Will Moore:** Yes.

**Ed Fleischman:** So, is that the same zoning as the proposed site of the Inn?

**Will Moore:** It is not. The downtown site of the Fun Shop is C-2 zoning. It already allows for an Inn as a Special Exception Use. But this is the C-1 District.

**Ed Fleischman:** Okay. Thank you.

**Terry Cooke:** Any other questions among the Commission? I know the applicant's representatives are here. We had a good discussion with you last month. If we don't have any questions, we can move on. But if there's anything additional, you'd like us to know or consider. I want to give you an opportunity to do that. Anyone. Again, for the record, please state your name and your address.

**Marc Chretien:** Marc Chretien 3639 36 Road Arlington, Virginia. I didn't have anything else to burden the Commissioners with except that I did bring Tim Clites is our architect and he lends a certain je ne sais quoi to this proceeding. So, I would since I'm.

**Don Woodruff:** [off mic] He used to be on this Commission.

**Marc Chretien:** Oh, okay.

**Bud Jacobs:** I'd hit the door if I, were you? [laughter]

**Marc Chretien:** Well, I just want to get some additional utility out of him, though. Just I like his sense of aesthetics anyway, so if there were any kind of questions, I would invite you to ask our architect today.

**Terry Cooke:** All right. Any other? If he were an attorney, his meter would be running right now. So, we [multiple speakers]

**Marc Chretien:** It does in an architectural sort of way. [laughter] It's well worth it, though, anyway. But I will throw myself open to any questions. There was a question last month on lateral sewer lines I crawled under the basement. There's a six-inch lateral sewer line there. The four inch one is rated at 30 toilets, six inches. I couldn't find how much it's rated for, but if a four inch one will do almost double the number of toilets, I think we're all set. But as Will has pointed out, I need a mechanical engineer to certify that. But I feel good about that, especially since it would cost another small fortune to hook up. But I appreciate you pointing that out to me. And I think it was you a month ago that said, well, it's situated between an Exxon station and a couple of office buildings. So, I think it would be minimally disruptive. And we're also there was an additional thing that I didn't have time to tell you. We're looking into a federal historic rehabilitation tax credits to do it authentically. It requires us hiring an architectural historian who will work with Tim on that because it's kind of a gem and we might as well do it right. And there is, at the years later, tax credits coming out of it, which my CPA says is important. So anyway, that's about all I have.

**Terry Cooke:** Thank you.

**Marc Chretien:** Thank you.

**Terry Cooke:** Any other questions or comments among the Commission? All right. This is going to come up in our regular meeting for purposes of action by the Commission. But for right now, it's just a matter of for consideration for purposes of the work session. So, okay, we will conclude that matter then. And that concludes our agenda for the work session. And we still have several minutes to go before 7 p.m. before we can. Oh, yes.

**Will Moore:** I was going to suggest if it pleases the Commission, there is a discussion item or an information item listed on the regular meeting agenda, which has to do with the Council's recent Strategic Planning Retreat. We could certainly discuss that at this time, rather than later.

**Terry Cooke:** Okay. Sure. That's fine. Okay, let's do that. Bud, I know obviously you were there and participated in that Strategic Work Session. I didn't attend it, but I did listen to the audio and the one I was most interested the part I was most interested in was the discussion of the R-2 District and possible zoning changes to address some of the Council Members concerns about redevelopment that's going on in R-2. I have to tell you, in all candor, I felt the Commission was kind of all over the place on that subject. And.

**Ed Fleischman:** Commission or the Council?

**Terry Cooke:** I'm sorry. I'm sorry. Excuse me.

**Dev Roszel:** Thank you Ed.

**Ed Fleischman:** I was like. I thought we were pretty good with that. [laughter]

**Terry Cooke:** Well, frankly, if we go back to our discussions of last year, we were kind of all over the place as well. So, I guess what I'm looking at looking for is some direction from the Council as to where they see us going on this. And Bud if there's anything you can add to that or with respect to any of the other items.

**Bud Jacobs:** Well Mr. Chairman, thank you. Of course, the discussion was vivid and rich and not at all boring. I just want to stress, not at all boring, get that? As I understand the concerns a number of Council Members continue to have discussions with citizens, with residents about dissatisfaction with development that's taking place and has taken place in R-2 talking about infill development. And after the work that we did, there was on the changes we made following the Berkley Group recommendations and all of that, I think there was a sense among some Council Members and the Mayor that perhaps more could be done. Now that was not really defined very clearly what that might look like. And if I understand the process correctly, you guys are now going to prepare recommendations or a menu of some sort. Not for us, but for Council to look at and see where they might go with their concern. And if I understand whatever they decide, if it's to take further action, it then comes back to us and we then work through it or not, if we don't agree with what they're trying to accomplish. I don't have a timeline. I imagine this is going to string out over the next several months, if not the next year.

**Will Moore:** Yes. So, at your upcoming meeting in early April, your first Council Meeting in April, we will be, staff will be presenting a proposed work plan with some timelines in there for.

**Bud Jacobs:** And one of the things that I think was discussed at and included as a recommendation was some opportunity or some additional opportunity to gain community input. The complaints or the concerns that we've heard have been pretty anecdotal. It's kind of hit or miss. Some people don't care. Other people care deeply. And I think some more coherent framework to try to capture those concerns is probably what we had in mind. But the discussion was so vivid and so rich, I might have lost part of that. We also looked at initially one of the goals in the Comprehensive Plan, which was the sort of the further development or better development of Federal Street. We had a lot of discussion about that. And that conversation mutated into a brief analysis of what we might do to start that process. And recognizing that the likelihood that somebody's going to come in and spend millions of dollars developing Federal Street is quite low. What could we do right now to improve the situation and where should we start? And the focus then turned to Madison Street, South Madison Street. So that's the second priority that we identified. I believe we're going to engage consultants to sort of give us some recommendations on how to clean up Madison Street, their concerns about the trees. Safety is a big issue. Sidewalks are horrible. And I think the view, at least my view was we might do better if we're taking bite sized chunks of some of this work. And the first bite will be what we do with Madison to improve it. And it's a little bit sensitive because, of course, there are trees there. And I think an arborist, or a planner might come in and tell us those trees got to go because the roots are damaging the sidewalks so seriously.

**Don Woodruff:** I think that's true.

**Bud Jacobs:** I do too. But it's sensitive and people don't like cutting down trees. And to wrap it up, the third strategic priority we identified was to move ahead on Asbury Church. And I believe the engineer has gone back and taken a look at it. I haven't seen what his analysis revealed, but there's going to be significant community input on this one.

And we're going to try to engage all the relevant stakeholders, including the Willis Congregation and other entities and spend the money and make make it the jewel it deserves to be and operate it as a town resource. Whether that turns into a pop-up community center or pop-up art gallery or maybe there can be classes that are held in the building. There's quite a range of possible things we could do with the building once it's been put into shape. And I'm going to be the Council Liaison for what to whatever group decides to work on Asbury So that's that's going to be [off mic] I think that's it. [off mic]

**Terry Cooke:** Thank you. Dev did you have a comment?

**Dev Roszel:** Yes. It's Commissioner Roszel. You know, it's interesting, I did read through the the meeting minutes that happened and it's almost like we have an analysis by paralysis. We can't seem to like our group was Commissioned by the Council to make decisions about what the zoning was going to be and how we wanted things to look. We made that recommendation to the Council and now it's coming back up as well. You know, we really haven't done anything about it. We're not sure what's going to happen. So, I find that very frustrating from sitting here having done the work that we've done, made the recommendations. So that's you know, it was a little frustrating reading through the transcripts of what people were concerned about because we addressed the issues that the Mayor asked us to address. And I think we did a good job at doing that. Will put a lot of effort into it. And so, you know, there may be some new points to it, but I personally, I find it a little frustrating that we went through the process and now they say that we don't really know what you know, no one really likes it. And this is it's got to be changed. So, I'm just voicing a little frustration. Secondly, the Federal Street issue has been on the table for a long time. And I've been in and out of the Commission for almost 12 years, and it's been we've done it through the Comp Plan Renewal. We've done all these things. I'm voicing my concern not at you, but to you. And so, I think we either need to fish or cut bait. I think something needs we can only talk about Federal Street for so long. I get the fact that it is a difficult place an a difficult scenario with the sidewalks, the buildings coming up to the road, there's a lot of things going. But if we're going to put it on the Comp Plan and everybody keeps commenting about it, we either need to do something or we need to take it out of the Comp Plan. That's where I'm coming from on it because we've talked about it for ten years. And so, it's frustrating to hear the Council talk about things that we have brought to them. We've discussed here in this venue. We put it in the Comp Plan. It has been there to work with. I get the fact that this building has taken over a lot of our staff's capacity, understood it completely. But I think for them to keep bringing it up brings no value unless we're going to do something about it.

**Bud Jacobs:** Talking about Federal Street? [off mic]

**Dev Roszel:** Federal Street. Yeah, I think we've brought up the R-2 district. I think we've done a great job of talking about it. If they want to change that the zoning, then they need to come back and say, okay, what we did is no good and we need you to do something else. They should have done their homework prior to, and I thought we had gotten citizen input. I thought we had done a great job. It's just very frustrating to sit here and go through this process on a monthly basis and then have everybody weigh in. And then the Town goes to a retreat and says it's not, you know, it's not what we thought. So anyway, that's my \$0.02.

**Bud Jacobs:** Well, I don't disagree with you, actually. I think some of the members who may hold the dissatisfied perspective with respect to the R-2 infill issue. I'm not sure they understand necessarily how hard this really is, and we. [multiple speakers]

**Dev Roszel:** I do not disagree with that.

**Bud Jacobs:** We spent a lot of time, and we spent some money, and the Berkley group provided us, I thought, with a really thoughtful and useful analysis. One of the things I respect about the Planning Commission is that there is a view, I think, among us that there's another issue in discussing infill development in the R-2 district, and that's the rights of property owners. And how we balance those two turns out to be really hard. [multiple speakers] And I'm not sure there's a strong enough appreciation of that among our colleagues, my colleagues on Council. That said, they're still hearing complaints and there are concerns in the community that members of the community at least don't believe have been adequately addressed. So, you know, it is what it is. We'll see what staff comes up with and we'll see what Council's discussion looks like when they review the recommendations or the menu, I'm going to call it, of possible

actions that can be taken. And as I said earlier, if this actually moves forward our role, I guess, will be to take action or not? [off mic].

**Dev Roszel:** Well, I think. Commissioner Roszel again. I think that, you know, it is a difficult issue. From my perspective, [inaudible] is dead. So, you can't do what you used to do because times have changed. And I don't think that Middleburg can stay in a used to scenario, because that's not, I don't think that's productive for the town. And I think that we need to if the Mayor sets out a plan for us to go about making a spending time and coming up with decisions on how to move forward, we if they don't want that, then we really need to look at a different thing. All I'm saying is, What I heard, what I read in some of the documents was it's not the way it used to be and it's not going to be the way it used to be.

**Bud Jacobs:** Yeah, it's absolutely true.

**Dev Roszel:** And so, I think that, and I probably need to voice that to the Mayor and to others. I just I feel like we've got to we have to move forward in a logical, intelligent way. But we can't live in the past. And I think that's where a lot of that, that's the impression I've got from some of the comments I read. I don't know if any of you all read any of them.

**Terry Cooke:** No, I agree completely.

**Dev Roszel:** Thank you.

**Terry Cooke:** I agree completely. I mean, what I heard, frankly, is there are some folks who don't like the size of the new houses that are being built. It's basically that they're too big. They think they're too big and nobody's building 1950 red brick cracker boxes anymore. And that's an issue that we we struggled with when we developed the recommended changes. So. Commissioner Fleischman.

**Ed Fleischman:** Thank you, Mr. Chairman. The first thing I'd like to say is that I did not attend in person the retreat, but I did read the minutes and I thought the minutes were excellent. They were really complete. And I'd like to if Rhonda, your name was on it, you did a great job.

**Rhonda North:** Thank you.

**Ed Fleischman:** And I think that, you know, you continue to do that on all the council and the minutes for the Planning Commission also. So, my standpoint is. Thank you. On what other Commissioners have said, I agree with Dev in a lot of what he said, that we really spent a lot of time working on things and, you know, we wade back and forth. And there are some people in the community as in every community that make their opinions known. But you can't make a decision by a Commission, or a Council based upon what a few people say. I mean, they're loud and they have good comments, but it's not the view of the whole thing. So when the Council discussed having an open forum, I think that's a very good thing because I know a lot of, I live in R-2, I live there and I know a lot of people there and we feel that some of the houses that are existing are not according to code. They're fire traps. And really, if someone comes along and wants to spend money to upgrade it according to the code and according to zoning that's good. And we should encourage them to make improvements within the zoning and within the code. Since we're wide ranging, I just wanted to say another thing. I also read and the comment was about Madison Street. When we developed the Comprehensive Plan, I think we put a lot of effort on Federal Street and we did not spend a lot of effort on Madison Street. We basically thought it was reasonable and I was down having supper tonight at the Oyster Bar. And I looked at Madison Street and I looked at the trees and I thought it looked pretty good and I'd hate to have those trees come down. And then it would look like a new subdivision area. So, Middleburg's old trees go with old Middleburg. So, let me just throw another item out here.

**Terry Cooke:** You done yet? [laughter]

**Ed Fleischman:** No, I'm agreeing with what was said. And Dev has really hit the nail on the head about, you know, things used to be, and people want it to be as it was. But it can never be as it used to be. We should consider what it

used to be. That's important. But we can't say that we have to do it because it's what it was used to be. Thank you, Mr. Chairman.

**Bud Jacobs:** One of the things that I tried to bring some clarity to was the shibboleth that we often hear about affordable housing and the R-2 district.

**Dev Roszel:** Don't get me started on that.

**Bud Jacobs:** Well, the reality is, because of the value of the lots, the homes in the R-2 district are already not affordable housing and they never will be. So however, we frame the discussion for future action, let's please take that off the table. We're not talking about affordable housing here. [multiple speakers] And in fact. Well, okay, workforce, whatever you want to call it. And in fact, what the Comprehensive Plan focuses on more is the character of the neighborhood as something that we need to look at with a view toward trying to preserve the character of our different neighborhoods. I don't know if that point was made clearly enough at our retreat, but it's one that I continue to want to hammer on as we go through this exercise.

**Terry Cooke:** Please do. Thank you. Anyone else. All good comments. We could probably have a meeting just on this, but and we probably will. [laughter] [off mic] Okay. Very good. Thank you, Bud. How are we doing on time there? Just a couple of minutes to go. All right. Well, that concludes the the work session. We will commence the regular meeting at 7 p.m., which is just a couple of minutes hence. So, hang in there, folks. [off mic].

**Bud Jacobs:** Just a couple minutes to go.

**Terry Cooke:** Okay, we will convene the regular meeting of the Planning Commission for March 27th, 2023. Meeting is called to order. First order of Business. I will ask any Members of the Commission who have had contacts or discussions with any folks or organizations having matters coming before the Commission to please disclose those now.

**Mimi Stein:** Anyone actually, I may have.

**Terry Cooke:** Oh, please. All right. Go ahead.

**Mimi Stein:** I'm not sure. I spoke to some people in my neighborhood that have peripheral interest in what's happening with the property next door to me, Todd Phillips house. And they're wanting to turn it into some kind of Airbnb. And so, I told them they had to speak to the town. [laughter] Go right to Will. Thank you. That's helpful. Yeah, good advice. So, I don't know what's going on with it, but that's it. That's my confession.

**Terry Cooke:** Thank you, Commissioner Stein. Anyone else? Very good. We'll move on. Next item on the agenda is public comment. I know we have several folks here this evening. Presumably some of you, if not all of you, are here to speak on matters that will be coming up at the at the public hearing. This agenda item, however, is for anything but what's going to be discussed at the public hearing. So, if anyone is here and wishes to address us on any matter unrelated to public hearings, now is the chance or your opportunity to do so. Seeing none, we will conclude the public comment period and we will move to approval of the minutes from our work session and regular meeting of February 27th. Do we have a motion on the minutes?

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

**Bud Jacobs:** Second.

**Terry Cooke:** We have a second we have a motion and a second. Rhonda call roll.

**Rhonda North:** Vice Chair Woodruff.

**Don Woodruff:** Yes.

**Rhonda North:** Commissioner Fleischman.

**Ed Fleischman:** Yes. I'm ready for approval.

**Rhonda North:** Commissioner Minchew.

**Rachel Minchew:** Yes, I approved them.

**Rhonda North:** Commissioner Roszel.

**Dev Roszel:** Approve.

**Rhonda North:** Commissioner Stein.

**Mimi Stein:** Approve.

**Rhonda North:** Council Member Jacobs?

**Bud Jacobs:** Yes.

**Terry Cooke:** Motion is approved. Thank you all. Now we come to our public hearing. Public hearing on SD 23-01. Request of Foxstone Estate, LLC for approval of the preliminary and final plat of subdivision for two lots at 22941 Foxcroft Road, Zoned AR-2. Will, you want to summarize where we are on this?

**Will Moore:** Certainly. Thank you, Mr. Chairman, Members of the Commission. You have my report. You would be familiar with this proposed subdivision from a few months back. The applicant had requested at that time a waiver that would have allowed the application to be processed as a minor subdivision. The specifics on that are not too important other than the Commission recommended denial of the waiver and the Council ultimately denied the waiver. So, what that means is the subdivision application now has to go through the full process as outlined in the subdivision and site plan ordinance. The subject property is approximately 94.5 acres in size. It's on the west side of Foxcroft Road. It is wholly outside the town limits, but because the town has the extraterritorial subdivision control area within Loudoun County, the application has to be processed through the town using our subdivision ordinance requirements, which is basically the process. But it is still viewed by Loudoun County agencies through their zoning requirements. So, it's AR-2 zoning. All the technical requirements have to meet the zoning requirements of Loudoun County, and that's a review that's ongoing with Loudoun at this time. So, in pretty short order, the again, 94.5-acre lot is being proposed to be subdivided into two. One lot, which would be a little more than 54 acres. The other lot, which would be a little more than 40 acres in size. The lots could theoretically by the subdivision ordinance be subdivided to create even two additional lots for a total of four on the property. However, there is a conservation easement on the property that prohibits division into more than two lots. So, this would be the only time the land could be subdivided. There could be no additional lots created in the future. Again, the technical review is ongoing. It has been sent to multiple agencies within Loudoun. That review is ongoing. It has also been sent to VDOT for review. VDOT has already turned around and issued their no objection letter. In this case there is no additional driveway to connect to Foxcroft Road. The new lot would be served over an ingress and egress easement over the existing driveway that serves the existing residences, so there would be no additional driveway connections proposed with this. I will note that you have an exhibit in your packet that shows roughly the boundaries of the subdivision. That exhibit includes a proposed house location. That location will be removed from the subdivision plat. It's not appropriate to include proposed improvements on a subdivision plat, but that nonetheless is a little bit helpful for both the Commission and the public to understand what is ultimately being proposed is an additional single-family dwelling on the 40-acre lot that would be created. So the purpose of the hearing tonight is to solicit the input from the community members on the subdivision. No action to approve or deny is being requested of the Commission. We would come back with you, back to you for that action at a later time once the reviews have been completed with Loudoun County and the plat would be deemed in an approvable form at that time. So, we would bring this back to you at a later time. But again, this is the hearing to, as part of our process in Middleburg for the preliminary portion of this combined preliminary and final plat, we do require a public hearing.

**Terry Cooke:** Thank you, Will. Just a couple of ground rules, folks, for the public hearing. We will ask that anyone who wishes to speak come up to the microphone at the table and identify yourself and your address for the record, please. And I'll just remind. Excuse me. I'll remind everyone that the purpose of the meeting is to receive your comments. It is not a question-and-answer session, but it is an opportunity for us to hear from the public as to any concerns or views they may have on the application. We will permit the applicant five minutes to address the Commission at the outset to summarize what it is they are they are proposing. And all other speakers will be permitted three minutes. I will enforce the three-minute rule and once you've spoken, that is your bite at the apple. Please don't ask to come back and respond to something else that someone else has said. That's not the purpose of the public hearing. And at the conclusion of those comments by interested parties we will invite the applicant to summarize and respond to anything that they may have heard from the public. And the applicant will have three minutes to do that. So, with that said, we will open the public hearing and we'll invite the first person who wishes to speak to come forward at this time. Anyone? No speakers. Okay. Oh.

**DeeAnn Jerimiah:** I want to say something.

**Terry Cooke:** Well, please.

**DeeAnn Jerimiah:** I thought you said that the applicant was going first.

**Terry Cooke:** Yes.

**Nathaniel Burkhardt:** Okay.

**Terry Cooke:** Oh, I'm sorry. Excuse me. Yes.

**Nathaniel Burkhardt:** Okay.

**Terry Cooke:** Please.

**Will Moore:** Please come to the mic.

**Nathaniel Burkhardt:** Yes. Thank you. Yes. So, my name is Nathaniel Burkhardt. I'm with Morris and Ritchie Associates out of Leesburg. John Erickson was originally supposed to be here tonight, but due to some arrangements that came up, he was unable to make it. So, I am filling in for him. I will do my best to answer whatever questions that may come and just to convey whatever is said here to him so that he can give you guys the answers that are necessary, I guess.

**Terry Cooke:** Okay.

**Nathaniel Burkhardt:** Yeah.

**Terry Cooke:** I assume you agree with the summary that Mr. Moore.

**Nathaniel Burkhardt:** Yes. I did the field work for the survey, so I have an idea of what is going on. I know it's just a subdivision that is being divided. One is about 50 one's about 40. I mean, generally what he said is what I agree with.

**Terry Cooke:** Okay. All right. Thank you.

**Nathaniel Burkhardt:** Thank you.

**Terry Cooke:** Now, anyone else who wishes to to speak on this matter?

**DeeAnn Jerimiah:** So, I just have a question. So, he said he's here. [off mic]

**Rhonda North:** Ma'am, you need to come to the front here.

**Will Moore:** I got it, I got it.

**Rhonda North:** Oh, you got it. Okay. You need to give your name and address, please.

**DeeAnn Jerimiah:** Okay. DeeAnn Jerimiah 22865 Foxcroft Road. This property is my neighbor. We have only lived in Middleburg about five years and moved here for the bucolic pastoral views. Sadly, we picked Saint Louis first on Newland Mill, got to know Jordan Hicks and Piedmont Hunt and just got to know more of the beauty we'd always admired from the outside being from Fairfax and coming out here to embrace the open areas and pastoral views. Quickly, we had barking dogs, lots of fences, MoJax and threats in the neighbor who owned the pack 13 acres that he was going to threaten to subdivide. So, we started to move again and found 22865 Foxcroft Road and immediately fell in love with the bucolic view which has sheep in the back. Quickly got to know Richard and about the Middleburg Hunt and learning more about the beauty of the open spaces and the spirit of of what we want to keep the charm here and have been to the meetings about Annexations and et-cetera. So, I realized that, and we knew, of course, that this was in conservation land easement, that they had a right to build one other dwelling. And we weren't worried because why would one with 94 acres build a home to look over my backyard, essentially my house and the neighbor, Kathy and Frank's house as well. And I do have questions. I know I'm not supposed to ask them here, but about the driveway because I thought there was one that was going to go right up against our other neighbors. So, it's set to ruin three other people's views as well as the new home's view. I wouldn't want to come all the way out here. She is a lovely person, met her, but they don't live here. They come here on weekends occasionally. And I guess this would be a house that they're coming out to. But have an embrace the spirit of Middleburg. And much like I was as a suburbanite coming here, it took some time to understand the beauty and the quality of life here. And that potentially where the house is placed is going to cut off the Middleburg Hunt them coming back and forth to get the horses there to help with the sheep. They buzz in and out and we have lambing in our back barn. So, it's just it's quite upsetting to me. I know I can't do anything about it, but we thought of all the places, why would you want to be there? And so of course my concern is the location on the property and just a plea really, and to have it recorded that I'm highly upset. So are the neighbors. And it's just not how Middleburg goes down.

**Terry Cooke:** All right. Thank you. Thank you. Anyone else?

**Frank Gstrein:** I'll speak, but is there somebody else here? I came in late, so I don't want to be the one taking the floor. I'm Frank Gstrein. I'm the homeowner of the parcel literally in the middle of this, you'll see a little U-shape. I believe this our property broke off of this current discussion or the current property in discussion many years ago. And so hence we have this gorgeous little property with what used to be what people thought we were living on a golf course when they came to see it, as the previous homeowner had maintained that property with a family of well, anyway, it doesn't matter what it was. But bottom line is now it's going to a family that are, I guess like DeeAnn said, lovely, but they don't get it. They don't get the whole idea of Middleburg. They just, you know, just like the metropolitan Northern Virginia area, they moved or moving a part of their homestead to Middleburg. So, they just think, hey, we have money, we have the ability to build this big structure. And so hence we're going to do that. What bothers me the most is that no one ever came to us and even said there was even a plan for this, you know, a neighbor that really is going to be friendly. And I know DeeAnn's met them. I have not. I've been on the property, Colleen, who is a caregiver for their property, also with the Hunt, she's told us more than anybody about what's going on. So, I feel very alienated. Like if these people are really these nice individuals, why are they not at least saying, hey, neighbor, this is what we're going to do? You know, I guess they don't have to in this world today. You can just alienate everybody and build what you want. I honestly think, though, if they really knew what was going on here, that the people that they're moving next to are so upset about it, why would they at least not consider doing something else or building upon the beautiful estate that is there the home could be added onto. There could be other provisions to make a gorgeous, you know, mansion there. I realize that particular property is only parking for maybe three bedrooms or bathrooms at this time. So maybe that's part of their reasoning to build this other structure or just taking advantage of the ability to be able to subdivide that parcel. You know, again, this is not the appropriate place to ask questions, but I certainly would love to know how many homes can be built. They already have sort of a dilapidated home on that first parcel. We broke off of it. They have a barn, which is a livable barn, you know, that's already on the parcel. And, you know, they're going to build this huge home. I know they want a maintenance shed. I mean, even if it is just two residences, how many other buildings are going to be allowed to populate these areas over the life? I have several years hopefully left and my wife does as well. DeeAnn certainly does with her husband. We want to be able to enjoy

and not think about moving. But none of this is really relevant because I think ultimately Middleburg itself would say, if we could prevent this, Frank, DeeAnne, we would we would do what we could because we agree. But the shame of this is that Loudoun County will bend totally the other direction and say, look, we have rules and regs to control this, but they are allowed to do this. They are allowed to do what they're planning to do. So really, it's really a plea to them to say, hey, think about it. Please think about what you're doing. It does impact other people. It does impact the feeling of what Middleburg was built around. And I hope that if this gets noted somewhere and they read it, they'll at least hear there's another family that is impacted by it. Other than that, I don't think anybody can do anything. Thank you.

**Terry Cooke:** Time's up. Thank you. Anyone else at this time?

**Barbara Hunter:** [off mic]. Hi. Good evening. Good evening. My name is Barbara Hunter, and I happen to be a long-term tenant at DeeAnn's home. Beautiful home. I have been part of Middleburg [inaudible] Tennis Club. My daughter went to Hill School, so I've felt, even though I have not resided continuously here in Middleburg, I've always considered Middleburg to be my home. And I'm actually very happy to see what's going on over at Salamander. I mean, we all have mixed reviews of that, and I know that there's been huge contributions to the town so that that economic development could happen. Anyway. The whole feeling of private division and what can happen. I think you you said somewhat of a precedent when you start allowing the subdivisions to happen. And certainly, in terms of building sites, the pastoral views. I was drawn to DeeAnn's beautiful home. It overlooks, as she mentioned, sheep. There's a natural beauty, there's agriculture, there's animals affected by this. You don't think animals don't realize when a big house is going up. They do. And, you know, it's just and it's rolling hills. It's just beautiful and scarred, you know, land that honestly I consider home being built smack you know in that not only the view but so close to the other neighbors including myself. I consider myself to be part of the family here. And it's really going to destroy something that you'll never get back. And these I have not met the owners that are proposing this, but they don't know Middleburg. They're going to be just going to make it a weekend place and the size of the home, the siting of the home, the magnitude of the home, I would dare to say it's a monstrosity in Middleburg. And to start, I'm sure the home itself is beautiful, but not here. And not to destroy and the builders that the actual architects, I don't know. But I don't get the impression that they're local. They're not respected. It's not [inaudible], let's put it that way. And you know, they're not respecting the environment, the community, the neighbors. They have had no real dialog with the neighbors in terms of initiating what I consider to be preliminary discussions about how everyone's feeling about this, because you start destroying the land and you start allowing for these private subdivisions as well as just buildings sites to happen, you're really going the wrong way on the Middleburg community and what we all know and love. And it's much more than a view. It's much more than a view. It's creating what I consider to be an avenue for more and more subdivisions, more and more. And the siting could be so many different places they could still have a very pretty home that was not as close to the neighbors and also would not block the view. I mean, there's 94.5 acres. I mean, it's whatever, 50. It has a lot of possibility. And there were no there were no plans. You know, there was no other options. There wasn't an option B and C, and then discussion with neighbors as to how it was all going to work out. It was I think they just proposed one building site from what I've been told. So, I do make this case and this plea and to the Middleburg Board, and I hope that you'll take it under consideration.

**Terry Cooke:** Thank you.

**Barbara Hunter:** Thank you for your time.

**Terry Cooke:** Welcome.

**Steve Nelson:** Hi. How are you doing?

**Terry Cooke:** Good.

**Steve Nelson:** Hi. My name is Steve Nelson. I live at 36872 Ramblewood Lane off of Polecat Hill Road. A lot of discussion about neighborhoods. You know, when I first came in a little early, everybody was talking about neighborhoods and the neighborhood that that we reside in, Frank and DeeAnn, and by extension, a little extension down Polecat Road, myself, and my wife. The essence of that neighborhood is what makes this whole area really quite special. If there's a Middleburg without a Middleburg Hunt, what kind of neighborhood is it? If you think about the surrounding area and what makes the village of Middleburg and how that village makes the neighborhood where we

live in, and the more rural aspects away from the village, it's all connected and it's all together. If you see a you know, I see the subdivision, you know, property rights being property rights, sure, they can do this, but should they? You know, and I think we've heard from Frank and DeeAnn about the sighting of the home itself. And is that true to the essence of what we are and what we want to stay? And I think that's the question that ought to be considered here. And I'll leave it at that.

**Terry Cooke:** Thank you. Thank you. Next speaker anyone? Hearing none. Does the applicant's representative have anything he wishes to say in summation?

**Nathanial Burkhardt:** I would just like to say thank you to everybody who spoke, and I would be more than happy to take this back and pass it on up the chain of command to our certified land surveyor.

**Terry Cooke:** I think it's important that you do that. I'm sure you will just give them a sense of what the neighbors think and are saying about this.

**Nathanial Burkhardt:** And I definitely will.

**Terry Cooke:** Okay. Very good. Thank you. That concludes the public hearing this evening, folks, thank you so much for coming out and sharing your your thoughts with us. There's no action by the Commission required at this time, is there Will?

**Will Moore:** No action. You're welcome to discuss if you would like. Okay.

**Terry Cooke:** No, I just wanted everyone to understand we're not taking a vote on anything this evening, so. All right. With that said, I'll invite anyone on the Commission who has thoughts or comments they wish to air.

**Dev Roszel:** Not at this time.

**Terry Cooke:** Okay.

**Ed Fleischman:** Well, I do.

**Terry Cooke:** Commissioner Fleischman.

**Ed Fleischman:** Thank you, Mr. Chairman. I think that the concern of the Commission should revolve around the effect of this subdivision control area on the Town of Middleburg. So I think that I look at the proposal. And the comments are very helpful, and I continue to review it. So, we're not taking a vote. I'm not giving a main decision, but I think I'm concerned about overdeveloping the subdivision control area within a mile of the town. And I mentioned this a few years ago when a subdivision was coming through and we sent it on to the county and they're actually building it now. It's quite a big earthmoving area there. But I think that we should just be cautious about we as representatives of the town in approving development in that subdivision control. I still feel that we have to make sure that it isn't overly developed, that it affects the wells and the water. And I know there are Perc tests and back and forth on that, but I think we have to consider that in our mind that we don't know what the future will hold. We don't know what's going to happen in ten years, 20, 30, in 50 years as far as weather, climate, the wells. And I think that as we further review this later on, I think that we should just consider that as part of it.

**Terry Cooke:** Thank you. Thank you. Anyone else. Okay. Thank you all. And that concludes this matter on the agenda this evening and concludes the public hearing. Next item is new business. Anyone on the Commission have matters they wish to bring up? Okay. Among our new business is the matter we discussed in the work session having to do with the consideration of a motion to initiate a Zoning Text Amendment 23-01. An ordinance to amend Article 9, Part 1 of the Middleburg Zoning Ordinance pertaining to the addition of an Inn as a special exception use in the C-1 Restricted Commercial District. If we choose to, we may take action on this, this evening. Does anyone on the Commission have other thoughts or concerns on this? No hearing none.

**Bud Jacobs:** I'm prepared to vote tonight.

**Terry Cooke:** Yeah. Well, entertain a motion.

**Bud Jacobs:** Yeah.

**Terry Cooke:** Is there a motion?

**Bud Jacobs:** Would you like to?

**Dev Roszel:** Sure.

**Bud Jacobs:** I have to find it.

**Dev Roszel:** At the bottom of the page.

**Bud Jacobs:** Okay.

**Barbara Hunter:** Excuse me. May we be excused?

**Will Moore:** Yes. Yes.

**Barbara Hunter:** Thank you.

**Bud Jacobs:** No, damn it. If we have to sit here, you. [laughter]

**Steve Nelson:** We had to listen to you so there you go.

**Barbara Hunter:** Motion denied. [laughter]

**Steve Nelson:** Thank you, everybody. Appreciate it.

**Barbara Hunter:** Thank you, everybody. Thank you. Thank you. Appreciate your service to the community.

**Terry Cooke:** Thank you.

**Dev Roszel:** Thank you.

**Bud Jacobs:** I move that the Commission initiate Zoning Text Amendment 23-01 and advertise the amendment for public hearing at the April 24th Commission meeting.

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

**Don Woodruff:** Second.

**Terry Cooke:** Any discussion? Rhonda, would you call the roll, please?

**Rhonda North:** Vice Chair Woodruff.

**Don Woodruff:** Yes.

**Rhonda North:** Commissioner Fleischman.

**Ed Fleischman:** I vote to approve.

**Rhonda North:** Commissioner Minchew.

**Rachel Minchew:** I vote to approve.

**Rhonda North:** Commissioner Roszel.

**Dev Roszel:** Approve.

**Rhonda North:** Commissioner Stein.

**Mimi Stein:** Approve.

**Rhonda North:** Council Member Jacobs.

**Bud Jacobs:** Approve.

**Terry Cooke:** Thank you all. Motion carries. Next item is our Council Representative Report. I think we're pretty well covered that earlier. Bud is there anything else?

**Bud Jacobs:** No, just an information item for you guys. Council had the opportunity today to meet and interview the really outstanding three candidates we have for our Chief of Police position, and it was actually a pretty enjoyable experience. I have to say, if I had to characterize it, we have an embarrassment of riches and we're fortunate that. Any one of the three would be a fine candidate. Fortunately, Council doesn't make the decision. That's the Town Manager's decision. So, we each gave him our thoughts and views on the relative strengths or weaknesses of the candidates. And he has to go make a decision. And he was complaining about it on the way out the door this evening when I ran into him.

**Terry Cooke:** Commissioner Roszel.

**Dev Roszel:** Yes. Commissioner Roszel. Are they all currently employed here, or do we have new candidates?

**Bud Jacobs:** Not really in a position to tell you about any of them or who they are or what they're doing. But I can tell you there are three and they're outstanding. [multiple speakers] Well because we're moving toward hiring somebody to replace A.J. And he's gone by the middle of April, so.

**Terry Cooke:** Okay. Thank you, Bud.

**Rhonda North:** Speaking of which, we are having a retirement party for A.J. on Friday, April the 21st. You should all have received e-invites if you have not already done so, could you please respond? I desperately need a headcount for that event.

**Dev Roszel:** I think I did respond.

**Terry Cooke:** Thank you, Rhonda. We have covered the summation of the Council's Strategic Plan earlier, so we have concluded that matter. Any discussion items? Any Commissioners wish to bring up. Hearing none.

**Ed Fleischman:** Yes.

**Terry Cooke:** Oh, I almost got past you Ed. You're looking in my direction.

**Ed Fleischman:** Commissioner Fleischman, I just have an item that I'd like to address to Will. 18 months ago, a year or two ago, there was some discussion, and the Council person representative brought it up about a house on the I guess it was a townhouse row house on the east side of town that wasn't being maintained properly, and it was brought to the staff's attention. And I think there's some kind of rules that the town can take some action on that. And I wasn't really familiar with that particular property and what was going on. So, whatever was done, I guess it was resolved or not?

**Will Moore:** Yes.

**Ed Fleischman:** It was resolved. So, if you don't have to say anything, it's not addressing that property. So, you don't have to say anything.

**Will Moore:** Well, it's public information and it's certainly available that that property was enforced under the dangerous structures code that we have in town. The property owner was given the opportunity to remedy the unsafe condition and did not. The town moved forward. It was a very lengthy procedure that we have to go through, which it should be. But the town eventually invested its own dollars and hired a contractor to complete the minimum necessary repairs to the structure. And we are now going through the process of recouping those funds and that may involve a lien on the property. Those sorts of things. But that process has been initiated.

**Ed Fleischman:** Okay. Thank you, Will. I really didn't bring this up to discuss that property just to say that there was some process involved. But at that time, we mentioned another property and I think that property, the looks of it, appearance has gotten worse. And I don't know if there are any rules or regulations that the town has, but the property at 602 Stonewall Avenue continues to have extra material in its front yard and trailers and other material. And I think that if there's some kind of regulation rule, that the town has some oversight over that. I think that since there's been a few years that the town should take some kind of action or send a letter to that person, at least.

**Will Moore:** I will. Again, this is public information. There have been in the past enforcement proceedings with that individual corrections were made and then issues reverted. And it's a wheel that goes round and round.

**Don Woodruff:** Ongoing process.

**Ed Fleischman:** Okay. I just wanted to put it on the record. Thank you very much. Yes.

**Terry Cooke:** Thank you, Ed. Next, look to our quorum for next month, April 24th. All aboard next month for the meeting? Okay. Very good. Okay. No further business on the agenda. Thank you all very much. We are adjourned.

**Rachel Minchew:** Thank you.

**Terry Cooke:** Thank you.