



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



**MONDAY, SEPTEMBER 25, 2023
PENDING APPROVAL**

PRESENT: Terence S. Cooke, Chair
Donald Woodruff, Vice Chair
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

ABSENT: Edward R. Fleischman, Member (excused)

The Middleburg Planning Commission held their regular monthly meeting on Monday, September 25, 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. Commissioner Stein advised that she was participating in the meeting remotely from home due to an illness.

Discussion Item

Special Use Permit 23-02: Museum Use – 11 W. Washington Street – The Museum of Hounds & Hunting, North America

Deputy Town Manager Moore reminded the Commission that this building was vacant from 2016 until late 2021, when it was remodeled and turned into a real estate office. He noted that it was once again vacant and advised that The Museum of Hounds & Hunting would assume the lease if the special use permit was approved for the use of the property as a museum. Mr. Moore reminded the Commission that there were certain findings the Town Council must make in order to grant approval and suggested the Commission should consider those when it offered its recommendation. He reviewed those findings. Mr. Moore reminded the Commission that special use permits were considered on a case-by-case basis. He advised that in this case, the applicant's contention was that due to the building's layout, it would not be easy to use for any of the by-right uses, to which he agreed; however, he believed that same argument applied to its use as a museum. Mr. Moore advised that this was not a high intensity use that would create noise, odor, vibrations, or any other issues that were mitigated against with a special use permit. He questioned whether granting a permit for something other than a prioritized use on a highly visible, highly central area of the main street would be appropriate for this space.

Mary Ewing and Nancy Bedford, of The Museum of Hounds & Hunting, appeared before the Commission representing the application. In response to inquiries from the Commission, Ms. Ewing advised that there were three years remaining on the current lease and they would have the right to renew it at the conclusion of that period. She advised that they planned to be open from 10:00 a.m. to 4:00 p.m., three or four days a week, including weekends, as well as by special appointment. Ms. Ewing noted that they would also have evening events. She advised that they would have changing exhibits and opined that given that fox hunting was a part of Middleburg, there would be great interest in their displays and educational offerings.

In response to an inquiry from the Commission, Deputy Town Manager Moore confirmed that, if approved, the special use permit would not expire upon the termination of the lease. He reminded the members that special use permits ran with the property.

In response to an inquiry from the Commission, Deputy Town Manager Moore advised that the previous long-term use was a retail gallery and opined that it was allowed as a by-right use based on that retail component. He advised that that use pre-dated the Town's 1995 zoning ordinance.

In response to an inquiry from the Commission, Ms. Ewing advised that they would continue the operation of their museum in Leesburg, with the Middleburg museum being a second location. She noted that they had artifacts in storage that could be housed at their Middleburg location and would rotate some of their exhibits.

Chair Cooke noted that a public hearing on this request would be held during the Commission's October 23rd meeting.

Special Use Permit 23-03: Two Upper-Story Apartments – 5 E. Federal Street – Lizanne White Driskill

Deputy Town Manager Moore reviewed the current configuration and use of the properties owned by the applicant. He noted that a property line currently bisected the building in question and advised that this would need to be addressed if the application was approved. Mr. Moore explained that the proposal was to convert the two office spaces on the third floor to small apartments. He advised that prior to holding the public hearing, the applicant would need to provide the floor plans for each proposed space. Mr. Moore reminded the Commission that the R-3 District allowed residential uses by special use permit and noted that the Comprehensive Plan supported this use above store fronts in the central business district, which applied to the C-3 District. He opined that the question was whether this property was one where it was appropriate to consider this use. Mr. Moore reminded the Commission of the vision for the redevelopment of Federal Street and noted that while this was not on a large scale, it was appropriate to consider this use. He noted the lack of pedestrian facilities to serve the property, which could be a challenge.

Will Driskill appeared before the Commission representing his family and their application. He noted that the building contained seven offices. Mr. Driskill advised that they have had trouble renting the top two units, as they were not as accessible. He noted that they did not want to change the outside of the building, other than to do landscaping and update the parking lot, and would only make minor changes to the interior. Mr. Driskill advised that they wanted to create affordable apartments and noted that there was nothing to rent in Middleburg for less than \$2,000/month. He advised that their office space rented for \$1.60/square foot, whereas the average rent in Middleburg was \$2.28/square foot. Mr. Driskill confirmed they did not yet have floor plans for the units and advised that they would have them by the October meeting. He opined that the affordable living units would be beneficial to the town. In response to inquiries from the Commission, Mr. Driskill advised that they would create dedicated parking spaces in their parking lot for the apartment units and the Mr. Print business. He confirmed that both units had restrooms. Mr. Driskill advised that one of the units already had a shower and advised that the plumber was looking to see how one could be installed in the other unit.

Commissioner Roszel opined that this was a great idea. He noted the inability to install sidewalks on Federal Street due to right-of-way constraints and opined that having sidewalk in this area was not a must. Mr. Roszel opined that people knew how to walk in town. He noted that two apartment units would not impact the town; however, it was a good start. Mr. Roszel advised that he was in favor of this request.

Chair Cooke noted that when the Commission previously discussed the redevelopment of Federal Street, a desire was expressed to have residential uses above the commercial uses. He opined that this was a start in that direction. Mr. Cooke advised the applicant that a public hearing would be scheduled during the Commission's October 23rd meeting.

There being no further business, Chair Cooke adjourned the work session and called the regular meeting to order at 7:00 p.m.

Disclosure of Meetings With Applicants

No meetings with applicants were reported by the members.

Public Comment

Bonnie Burns, 106 Walnut Street, noted that she sent the Commission a letter outlining her list of thoughts related to the R-2 Zoning District. She advised that she wanted to point out one item in particular during this meeting – that being garages in front elevations. Ms. Burns opined that the setbacks, height regulations, and building lot coverage regulations were not an issue. She noted that Middleburg had not allowed garages in front elevations and opined that this was the largest eyesore of all the items that people had talked about during the Council and Planning Commission meetings. Ms. Burns further opined that having a garage in the front of a property gave it a suburban look and asked that consideration be given to prohibiting them in the front elevation.

Deputy Town Manager Moore distributed a copy of Ms. Burns’ letter to the Commission. He opined that it contained good material for the upcoming community meeting to be held on October 16th.

Approval of Meeting Minutes

Councilmember Jacobs moved, seconded by Commissioner Roszel, that the Planning Commission approve the June 26, 2023 work session and regular meeting minutes as presented.

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

New Business

Site Plan 17-01: Request for Extension of Conditionally Approved Site Plan – 209 E. Washington Street – Catawba Associates Middleburg, LLC

Deputy Town Manager Moore reminded the Commission that they approved a site plan nearly five years ago for a new office building on a vacant lot and the reconfiguration of parking for that lot and the adjacent property. He further reminded the members that site plan approvals were only good for five years; however, approvals could be extended by the Commission prior to their expiration. Mr. Moore reported that the applicant was seeking such an extension. He advised that since there had been no changes to the zoning regulations since the plan was approved in 2018, he supported the request.

Michael Quick, of Catawba Associates, explained that the COVID pandemic affected their ability to proceed with the project. He reported that they have now engaged an architect to begin the design development process. Mr. Quick requested approval of the extension.

Commissioner Roszel moved, seconded by Councilmember Jacobs, that the Planning Commission grant an extension of the conditional approval of Site Plan 17-01 for an additional five years, with said plan to expire October 22, 2028.

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

Zoning Text Amendment 23-04: Ordinance to Repeal & Re-enact Article VI Pertaining to Hearing Procedures for Plans, Ordinances, Amendments, Appeals and Applications

Deputy Town Manager Moore reported that there were a number of State Code changes approved during the last session of the General Assembly, some of which pertained to the advertisement of public hearings. He reminded the Commission that the zoning ordinance restated the State Code provisions and recommended it instead reference them so the ordinance would not need to be updated each time the State Code was amended. Mr. Moore advised that the most significant change involved the public hearing advertisement that must be placed in the local newspaper and explained that the first advertisement must now occur no less than fourteen days before the intent to adopt. He noted that the second advertisement could now occur on the same day as the public hearing. Mr. Moore advised that these were State Code provisions that must be met; therefore, the Commission was being asked to initiate a zoning text amendment to repeal the existing ordinance and re-enact the draft ordinance. He noted the local requirement to also post signs regarding the public hearing for certain applications and advised that that provision would still be maintained.

Councilmember Jacobs noted that action was taken by the Town Council, not the Planning Commission. He further noted that the Commission only recommended action.

Deputy Town Manager Moore confirmed the plain language would infer that; however, he opined that the lack of additional language implied that the terms “adoption” and “recommendation” were interchangeable. He suggested, based on a consultation with the Town Attorney, the Commission be conservative in their approach and advertise a second public hearing in the event additional time was needed to consider an application.

In response to a comment from the Commission that they had no choice but to make the changes, Deputy Town Manager Moore noted that what was before the Commission was a request to initiate an amendment. He confirmed, however, they should recommend the changes for adoption. Mr. Moore noted that the Commission may have a preference to spell out the State Code provisions in the zoning ordinance in order to assist someone who may not understand Virginia’s rules. He advised, however, that he felt strongly that his recommendation was the best way to address this. Mr. Moore noted that the decision on whether to spell the regulations out in the ordinance was up to the Commission.

Commissioner Roszel moved, seconded by Councilmember Jacobs, that the Planning Commission initiate Zoning Text Amendment 23-04 and advertise the amendment for public hearing at the October Commission meeting.

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

Council Representative Report

Councilmember Jacobs reported that the community meeting to gather input on infill development and redevelopment in the R-2 District would be held on October 16th. He expressed hope for a large turnout and encouraged the members to urge their friends and neighbors to attend. Mr. Jacobs noted that The Berkley Group would facilitate the meeting. He opined that it was important for people to understand the trade-offs of additional changes to the zoning regulations. Mr. Jacobs advised that The Berkley Group would do all the speaking, with the Council and Planning Commission simply observing from the audience. In response to inquiries from the Commission, he confirmed that members of the Council planned to attend and expressed hope that the Planning Commission members would as well.

Discussion Items

Computation of Building Lot Coverage

In response to an inquiry from the Commission regarding how building lot coverage was calculated for residential construction, Deputy Town Manager Moore explained that it was a basic calculation. He reminded the Commission that in addition to building lot coverage, the ordinance was recently amended to implement impervious lot coverage limits as well in the R-2 District. Mr. Moore advised that in the R-2 District, the maximum building lot coverage was 30% and explained that it applied to areas that were under roof. He noted that it did not include uncovered areas, such as decks and sidewalks. He advised that the calculation was usually provided by a professional engineer or a land surveyor; however, it could be provided by the applicant for something like a garden shed. Mr. Moore confirmed that he checked the calculations to the best of his ability. He noted the recent building and advised that much of it was approved prior to the adoption of the impervious lot coverage regulations. Mr. Moore noted that much of it was occurring on long, narrow lots and opined that due to the front yard setback regulations, it was difficult to get a sense of the lots' depths. He confirmed that if a plan did not meet the lot coverage requirements, it would not be approved. In response to an inquiry from the Commission, Mr. Moore confirmed an open carport that was under a roof would count as a covered structure.

Town Hall Project

In response to an inquiry from the Commission, Town Clerk North reported that if all went well, it was anticipated that the Town staff would move into the new Town Hall in October. She noted that punch list walk-throughs with the architects and engineers were scheduled for later in the week.

Information Items

Community Meeting Regarding Infill Development & Redevelopment in the R-2 District

In response to an inquiry from the Commission, Deputy Town Manager Moore advised that the options that were previously developed for zoning text amendments would not be presented during the community meeting. He explained that the goal was to gauge the community's sense of whether there were still issues. Mr. Moore noted that Ms. Burns was the second person to raise the issue of garages in the front and noted that this was not a design that was used in the older, established neighborhoods. He noted that she was the first person he had heard say that the other items were not a problem.

In response to an inquiry from the Commission, Deputy Town Manager Moore reiterated that The Berkley Group would facilitate the conversation. He noted the desire to avoid solutioning during the meeting and explained that the purpose was to get a sense from the community on the level of concern regarding infill/redevelopment that may or may not exist. Mr. Moore opined that the Town frequently heard from people when they were not happy about something; however, they rarely heard from them when they were happy. He noted the need to gauge the feelings of the entire community. Mr. Moore advised that The Berkley Group would focus on whether there were any issues and, if so, what they were. He explained that this could then be used to better inform the path that would be taken going forward.

Councilmember Jacobs advised that for him, the focus was on the residents of Ridgeview, as they would be most affected by whatever steps were taken.

Chair Cooke noted that during a previous discussion, the term "downzoning" was used. He advised that what was being discussed was not technically a downzoning but rather was "aesthetic zoning", which was a technical term. Mr. Cooke expressed hope that the entire Commission would attend the community meeting.

Deputy Town Manager Moore noted that a flyer about the meeting was being developed. He advised that he was pushing to distribute it as widely as possible. The Commission suggested it be hand delivered to the residents.

The Commission noted that they were interested in hearing what was important to the residents in Ridgeview.

Quorum for October Meeting

Those members who were present indicated they would be present for the October 23rd meeting.

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

RESPECTFULLY SUBMITTED:

Rhonda S. North, MMC, Town Clerk

Middleburg Planning Commission Transcript
September 25, 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)

Terry Cooke: Okay. Please come to order. We will call this work session to order for the Planning Commission meeting of September 25th, 2023, at the conclusion of the work session will go immediately. Unless we end it very quickly, we'll go right into the regular meeting. But I will call the work session to order and begin by asking town clerk to call the roll. If for no other reason than we get to reintroduce ourselves to one another.

Rhonda North: Chair Cooke.

Terry Cooke: Present.

Rhonda North: Vice Chair Woodruff.

Don Woodruff: Present.

Rhonda North: Commissioner Fleischman is absent. Commissioner Minchew.

Rachel Minchew: Present.

Rhonda North: Commissioner Roszel.

Dev Roszel: Present.

Rhonda North: Commissioner Stein.

Mimi Stein: Hi, I'm here, but I'm remotely from home due to illness.

Rhonda North: Council Member Jacobs.

Bud Jacobs: Present.

Terry Cooke: And please let the record show that Commissioner Fleischman's absence is excused. We have a couple of items for discussion on the agenda, both having to do with special use permits. There's no public hearing tonight, but we will be gathering information on these two special use applications beginning with agenda item 2A special use 23-02 request of the Museum of Hounds and Hunting North America for a special use permit for a museum at 11 West Washington Street. Zoned C2 Town Commercial District. We have a memo from staff on this, but Will, would you like to summarize it for us?

Will Moore: Certainly. Thank you, Mr. Chairman. Members of the commission, you do have my memo. As noted within this is the building that is referred to in the application materials as the Duffy House. I was not familiar with that name before, so it's an interesting find for me. This is the circa 1810 federal building that is directly across the street from the Safeway parking lot. Many who had been in Middleburg for a long time would know it as the decades long home of the Sporting Gallery which vacated around 2016 when the owners retired. That building was vacant for a number of years, undergoing some renovations prior to being reoccupied in late 2021 by the real estate office, McEnearney Associates. McEnearney is merging with another local real estate firm and as such, they are going to be vacating this space and the Museum of Hounds and Hunting North America is prepared to assume that lease if the SUP here is approved. So, we just give you the basic information in here about the surrounding properties. It is completely within the C2 district and the surround some of the things, the findings that if Council were to ultimately approve that

must be made and that you should consider in making a recommendation. Generally, those findings have to do with not having an adverse impact on surrounding properties, but it also speaks to things like being in harmony with the area in which it's located and in general conformity with the comprehensive plan and other plans adopted by council. So, within the C2, and we've talked about this a number of times before, it came up a good bit recently during the process with recommending a zoning text amendment to treat all office spaces the same where previously real estate office was treated differently. A lot of the reasoning for that amendment was that there is a prioritization in the C2 district, which is within the statement of purpose in the district, and it's also strengthened that prioritization by certain regulations, such as waiving off street parking requirements for certain types of uses, those pedestrian oriented uses, particularly retail, restaurant, and personal services. So, anything outside that scope is does not benefit from that off street parking relief even in the by right uses. And then when you go to the special exception uses those again like all [00:05:00] shops should be viewed on a case-by-case basis. In this particular application, the applicant within the enclosed letter enclosed narrative is kind of making a contention that due to the layout of the building, it's not really ideally suited for some of those prioritized or just by right uses. I would not disagree with that. It is a, I think, a challenging building for commercial uses. I'm not sure that the case is made that those challenges wouldn't equally be applicable to a museum though. So, I would be interested, you know, that within the floor plan and the supplemental materials, there are displays planned for both the ground floor and the second level. So just like it would be a challenge for a retail shop and not having an accessible path to a second-floor display of merchandise, it's probably the same challenge would exist for display of museum artifacts or artwork, those kinds of things. But otherwise, like I said in the memo, this is not the kind of use, a high intensity use that would generate noise, light odor, vibration, those kind of things that you are trying to mitigate against with a special use permit. I think the big question for you to kind of deliberate on is would granting a special use at such a highly visible, highly central use on our main street for something other than those prioritized uses. Would that be appropriate? So, it's just something to think about as you talk with the applicant. That's all I have to add. I would encourage you to invite the applicant's representative up in case they would have any more information they would like to highlight. And then, of course, you could feel free to have a conversation with them as well.

Terry Cooke: Well, following up on that, I mean, is there someone from the applicant here this evening who would like to speak to the application?

Mary Ewing: Good evening. We actually brought two people. Okay. Would you like to come up too?

Terry Cooke: Please have a seat and state your name and your address for the record, please.

Mary Ewing: I'm Mary Ewing. I live at Marshfield in Warrenton. And this is Nancy Bedford, who lives in Middleburg. Nancy is one of the founders of the Museum of North America, and she served as the chair of the committee or the board of directors, I should say, for the last ten years. And so, she has a lot of information. If you have questions about some of the means by which we will be operating the museum and how what historically we have done. I prepared with Nancy's help, the materials that were submitted and also with Cricket Bedford, who was here. She assisted in obtaining the diagrams and the photographs, those things. So, we're prepared to answer any questions, and we thank you for consideration of our application.

Terry Cooke: One quick question at the outset. I know from the staff memorandum that you would be assuming the lease from the prior tenant. How much time does that have on it?

Mary Ewing: Three years.

Terry Cooke: Three more.

Mary Ewing: Years. Three. [off mic] We do have a right to renew it after that.

Terry Cooke: Well, I'll invite any of the other commissioners who might have questions or comments. Please state your name if you do before making your comment. Council Member Jacobs.

Bud Jacobs: Bud Jacobs. I'm a member of the town council and member of this august body. [00:10:00] I noticed the hours, your proposed hours of operation. Are those going to be weekend hours? Please say yes.

Mary Ewing: Yes. Definitely. We are anxious to fulfill a need here in Middleburg. And also, to provide or to enhance our mission, which is to educate and display the wonderful museum artifacts that we're so fortunate to have. Our plan is to be open from 10 to 4 and at least 3 to 4 days per week, which would certainly include the weekends. We canvassed the other museums in town to see what their hours of operation and days are. The Middleburg Museum is open Monday, Wednesday, Friday. The others are open three days a week on Thursday, Friday, Saturday. The very little bit on the hours, but it's fairly consistent. Our museum will also be open for by special appointment. We anticipate that we'll have some evening activities, some evening receptions or talks, fireside chats that will be held in the evening, but not late. We're talking 6 to 7, something like that. If it appears that we have visitors that would like to come on, let's say Tuesdays and Wednesdays as well, then we'll make arrangements to have the museum open during that time as well. And we're hopeful that that will be the case with not only the local people of Middleburg who will find what we have interesting and informative. We'll have changing exhibits, things like that, but also visitors to this lovely town who are here to find out what's this about fox hunting and what is it on your wonderful logo behind you, Mr. Cooke, you have the fox with the hunting horn and it's so much a part of what makes Middleburg Middleburg that we feel that there will be a great interest in what we have to display and educate. That's a long answer, sir. I'm sorry to be so wordy.

Bud Jacobs: Mr. Chairman. I also have a question for Will. This is the first time I've seen a special use application from a tenant in the property. How does that work if the lease expires and for whatever reason is not renewed, the SUP goes away.

Will Moore: So, no. So, the regardless of the lease terms, the permit, once it's issued, it runs with the property, correct. Correct. Thank you.

Terry Cooke: Anyone else on the commission.

Rachel Minchew: I have a question for you, Will. Rachel Minchew. So prior when it was a gallery, it didn't have a special exception at that point.

Will Moore: Correct. I it was in existence for such a long time. I'm not sure what the character of the use was approved for. I know, I know. It was a retail gallery they actually sold, so it may have just been treated as a retail, but that business actually did outdate the 1995 zoning ordinance, so I'm not sure.

Terry Cooke: One other question I had. I thought I read somewhere that the museum element of the organization had been operating in Leesburg and that you were is it your intent to relocate that operation to this to this new site? In other words, take your museum displays that are there now in Leesburg and move them over here.

Mary Ewing: Actually, we anticipate continuing the operation [00:15:00] at Leesburg as well as in this location. We have several storage lockers of art artifacts that we can utilize here. We can also rotate some of the exhibits.

Terry Cooke: Okay. Thank you. Anyone else? Okay. Well, this is not an a matter that requires action tonight, as you I'm sure you know, we'll have to have a public hearing on this. But in the meantime, we will consider everything. And this will be set for the October meeting, Will? For a public hearing. Okay. And you're certainly invited back. I hope you'll be back for that, and we'll see how that goes.

Mary Ewing: Well, thank you very much for your consideration of our application. We're very appreciative of being considered. Thank you.

Terry Cooke: Is there anyone else here this evening that wishes to share their thoughts on this? Again, not a public hearing, but. Okay. Thank you. Again, that agenda item is now closed. We'll move on to agenda item 2B special use. 23-03 request of Lizanne White Driskill for a special use permit for two upper story apartments at five Federal Street zoned C3. General commercial district will again. Any preliminary comments on that?

Will Moore: Yes, sir. Again, you have my report here. This is it's a unique property in that it has a you don't necessarily pick up on the materials here, but it actually has a property line that bisects the building, which if a use

were to change, we would have to address that either through a boundary line adjustment or lot consolidation. But essentially the Driskill family, the Piedmont Enterprises owns both the smaller parcel, which includes part of the building and the parking on the west side of it. And then the much larger parcel that that houses the pizza shop, the old fence business, and their self-storage business. So the use here is proposed if you're looking on the memo, it's in the small building that's outlined in yellow on the aerial, which is the office building that sits right up on East Federal Street. Many people know this as the home of Mr. Print or Middleburg Printers, which is on the second level of the building. The ground level of the building, which is accessed kind of on the lower side, the west side of the building currently houses a salon. It has a vacant office space, and it has the office for the family business. Again, as I mentioned, the print shop occupies the entire second floor, which is two office spaces. But they occupy both of those. And there are two additional office spaces on the upper level. The third level, and it's those two office spaces which they are applying for the special use permit in order to convert those into apartments. One of those is approximately 550ft², the other approximately 400ft². So fairly small, would be fairly small residential units, but not necessarily out of the question. Small As I mentioned in here, we would request prior to the hearing and your potential action on it next month to have a proposed floor plan for each of those so that you could kind of see how they would be laid out. Those spaces would be laid out again in C-3. Currently, residential dwellings are permitted by special use and by special use only. We talk a little bit in here about the we always refer back to the purpose of the district when looking at special uses. While the stated purpose does not currently mention dwellings, obviously there was contemplation that it might be something that's okay by the inclusion of dwellings as a special use in the district. But further, when you look to the comprehensive plan, I think that's when there's even more support. There's the specific strategy in the plan. So, if you think back to the multiple chapters of the plan, each chapter begins with [00:20:00] a list of with an objective and a list of strategies in order to maybe obtain that objective. And there's a specific strategy in the plan that speaks to supporting and encouraging provision of dwelling units above commercial storefronts in the Central business District. We don't define central business district in the in the plan, but our land use map or land use chapter basically groups all three commercial districts together as a central kind of clump, if you will, in the plan. So, I think that applies as that statement applies to the C-3 as well as it would for C-2. And there's even a statement further along that talks about promoting housing variety that attracts and retains young people. Apartments over shops should further be encouraged in C-2 and C-3 zones. And the plan even goes so far as to suggest making these types of dwelling units by right in the C-3 district. So, I think there is support in general for the idea of dwellings over commercial spaces in C-3. The question then becomes looking at this specific property, is this one where it would be appropriate for consideration? Of course, you'll remember that a lot of the plan focused on at least the potential for redevelopment and the Federal Street corridor overall, that kind of larger vision for redevelopment envisioned infrastructure being put in place, in particular public sidewalks to help support a larger type redevelopment. This is nowhere on that kind of scale when we're talking about two smaller units. But I think it's at least something for you to think about with the appropriateness of approving, approving dwelling units in an area where, you know, that that connectivity doesn't exist and it's just something for you to weigh. I'm not suggesting it should be a disqualifier by any means, but at least it should be acknowledged that there is no there aren't really good pedestrian facilities that would connect to this property. There aren't today. So, visitors to the print shop, visitors to the salon, visitors to the pizza shop next to it, if they're coming on foot, they're facing those same challenges. So again, that that kind of summarizes. We have representatives of the family here this evening. Likewise with the previous application. I would encourage you to listen to anything additional they would have and then to ask questions and get more information.

Terry Cooke: Thank you, Will. And with that, I invite anyone who represents the applicant on this who wishes to address us. And again, please state your name and your address.

Will Driskill: Will Driscoll. Thank you all for the introduction. I live just outside of Middleburg. It's my mother Lizanne Driscoll. Bill Driscoll and Lisa White.

Terry Cooke: I wonder. We're a little vague on our addresses. And the other folks didn't give me street addresses either. But please if you would.

Will Driskill: I actually live on Mosby Farm just outside of Middleburg, the old, I think it was George. Can't remember his last name. He used to own it right next to the new brewery. And my mom and dad live off Turkey Ridge Road off Saint Louis, and Lisa lives just on the outside of town. What's your right here in town?

Lisa White: 100 North Madison.

Will Driskill: 100 North Madison.

Will Moore: That's right behind us here.

Lisa White: I used to walk through the backyard before the fence went up every day.

Terry Cooke: Thank you.

Will Driskill: My grandfather was George White, so we're all local. And I've been in this area for a long time. Anyways, thank you guys for taking the time to go over this tonight with us. My family, we've been in business in that area for my grandfather has been in business there for many years now from fencing, as you guys can see, we have several other uses in that building, a hairstylist, Mr. Print, our family offices and storage and also Teddy's Pizza. The building in total, we have about seven offices. And over the years, we've. There's been a few vacancies. We always have an issue renting the top two units because they're large staircase, not as accessible as the bottom offices and not street walking level. But we plan to, you know, we don't want to change the outside of the building other than re landscaping and redoing the parking lot. We only intend on doing minor changes to the inside of the building. So, putting a kitchenette, you know, adding a wall for privacy for one bedroom studio and [00:25:00] making it accessible to younger people and affordable to people who can't necessarily afford some of the prices that we're having nowadays. I did. I'm in real estate myself, and I did a little background check on this. And currently there are no units available in Middleburg under \$2,000. And then our office spaces are priced at \$1.60 per square foot and the average office space is priced at around \$2.28 per square foot in Middleburg. I've had them on the market, MLS, Zillow, and LoopNet for about a year and a half now and just hadn't haven't had much interest. But I think COVID has changed the ways that people see our workspace. So, we intend to, as Will said, we do not have the floor plans. We were kind of rushed to get in the narrative for this meeting, but the next meeting, October meeting, we'll have the floor plans and kind of an idea of what we intend to do for those units and how we intend to change them. Overall, we think it would really benefit the town and make it more. I guess you could call it affordable living for people who are younger, for teachers and for people who just are looking for smaller, you know, units' long term and short term.

Terry Cooke: Okay. Thank you. I did notice from the staff memo, I think there's obviously ample parking back there, but I think you're going to have dedicated spaces for your tenants. Once you.

Will Driskill: We were on that street level right across from Thaverse. We were going to repave and remark each parking spot and renumber them to give designated parking spots for both Mr. Print and the units, because we found that on the weekends it becomes a challenge with all the traffic that's coming into town and people are taking the spaces and we don't we don't know where they're coming from. So that would be part of the process. Yes.

Terry Cooke: Thank you. Invite any other members of the commission who might have questions or comments. Anyone. Commissioner Woodruff.

Don Woodruff: Don Woodruff. How do you deal with plumbing issues in that building? Do you already have plumbing to the third floor?

Will Driskill: We do. So, each third-floor unit, well, the third-floor units, there's two units in total. They both have a bathroom, and one was set up to it, did have a shower. My grandfather was going to live in it actually a long, long time ago when he was very sick. But he obviously he did not. And the other unit we will have a plumber look at and we're hoping that it's an easy fix, such as adding some extra plumbing.

Terry Cooke: Commissioner Roszel.

Dev Roszel: Yes. Commissioner Roszel I think it's an it's a great idea. To Will's point, with the comp plan, it does. There's a couple of things in play. One is the safety, the sidewalks that we've talked about with the comp plan. But I don't believe that Federal Street's going to be able to put the sidewalks in because of the right of way with the roads. So, to me, that kind of negates that whole issue. I think it's a great idea to start. I'm not convinced that two small apartments will have that big of an impact on town, but I do think it's a good start so that people realize that that's

something that can happen and that you have a place where people can actually afford to live in town. So, I commend you. I think it's a good idea. I'm not sure that the you know, the safety thing. I think people can understand how to walk into town and cross the street. So, I think it's a great idea. I'm for it. I think it's a I think it's a good move. Thank you.

Terry Cooke: This is the chair again. And I recall from our discussion about Federal Street a couple of years ago when we were talking about the need to develop a plan for that. One of the main things we talked about was an effort to encourage residential uses above commercial uses there. And as Commissioner Roszel said, this is frankly a drop in the bucket, but it's at least a move in a consistent direction. So, thank you for that. Anyone else have questions or comments? Anyone else? On behalf of the applicant who wishes to address the Commission. Thank you. Thank you. And again, this will be a matter for public hearing at the October meeting.

Will Moore: Yes, October 23rd.

Terry Cooke: Very good. We'll see you again then, I presume. [off mic]

Will Driskill: Floor plans. Yes.

Will Moore: I'll be in touch.

Terry Cooke: Thank you. Thank you again. Thank you all. That concludes the agenda items for the work session portion of our meeting. And it's almost 7:00. I think we have 1 or 2 minutes to go. [off mic] 7:00. Okay. I love it. I love it when a plan comes together. Okay. Thank you. Well, we will adjourn the work session and convene the regular meeting of the September 25th, 2003 Planning Commission. And. First item on the agenda would be disclosure of meetings with applicants. I will ask any members of the commission who may have had any meetings or discussions with applicants having matters before the Commission to disclose those now. Hearing none. We will conclude that agenda. That agenda item. Excuse me. Next item is public comment. We have no public hearings scheduled this evening, as I've said, but this is an opportunity for anyone from the public who wishes to bring a matter to the commission's attention to do so at this time. Yes, ma'am. And please again, state your name and address.

Bonnie Burns: Yes, hi. My name is Bonnie Burns. I'm an architect, registered both in Virginia and Washington, DC. We live at 106 Walnut Street, which was one house on four lots in Ridgeview and now four houses on four lots. So my I have sent to the Commissioners the list of six different thoughts I had on the R-2 zoning. And I just wanted to highlight one of those today, which is front garages in front elevations. How around town in on Reed Street, on Chinn Lane and in the new Salamander development garages on front elevations have not been allowed and or were chosen not to be. And so, I feel like that is the largest eyesore of all the problems that people keep talking about in the council meetings or in this meeting. It's not the setbacks. It's not the height, It's not the 30% building lot coverage. It's those garages right in front of you with over half of your front yard paved. And it just gives it a super-duper suburban development track look. And now we are on our fifth house like that in the last three years. And I would really love for you guys to consider changing the zoning ordinance so that garages in integrated into the front elevation are not allowed. So thank you for your consideration and I'll leave these copies with you if you didn't get one otherwise.

Terry Cooke: Thank you for your comments.

Will Moore: And I apologize. I was out most of last week. So, Miss Burns did forward a letter, but I did not have the opportunity to get that to you in advance. But I think this will be good material for you going into the R-2 community meeting, which we'll talk about a little bit later.

Terry Cooke: I assume you're aware of that meeting coming up. Okay. Thank you. Anyone else wishing to address the commission? Seeing none. We will conclude that agenda item and move on to the next agenda. Item was approval of commission work session and regular meeting minutes for our meetings on June 26th, 2023. Is there a motion?

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

Dev Roszel: Second.

Terry Cooke: Motion and a second. All in favor say aye.

All Commission: Aye.

Terry Cooke: Opposed. Thank you, Mimi. Opposed hearing none. Abstentions. None. Motion carries. Thank you. Moving [00:35:00] on to new business. First agenda item under new business is seven. A special permit 17-01 request of Catawba Associates Middleburg LLC for an extension of conditionally approved site plan 17-01 for 209 East Washington Street and adjacent Lot B. Again, we have a staff memo. Will, would you summarize, please?

Will Moore: Yes. So, you have my memo not to read it to you, but basically there was a site plan approved nearly five years ago for erection of a new office building at the corner here, and then also involving reconfiguring the parking for that property and the adjacent property at 209 East Washington Street, where the applicant's office currently exists. So, the site plan validity period is for five years. It can that validity can be extended by application prior to the expiration of the current plan, which is right about where we are. The applicants included a letter here, kind of just outlining the reasons why the development has not proceeded and is asking for an extension of the plan staff's evaluation is that in this case, since the approval in 2018 of the plan, there have been no development regulation changes just in general or within the C-1 district specifically that staff would suggest would merit a new approval or reevaluation of the plan. So, the regulations by which a plan submitted today would be the same as then and as such, staff is supportive of granting of an extension. We do have representatives of the applicant here if you would like to discuss with them as well.

Terry Cooke: Does anyone on behalf of the applicant wish to address the commission on this?

Michael Quick: Sure. Just in summary, our.

Terry Cooke: Name and address, please.

Michael Quick: Sorry, Michael. Quick address where I live. Yes, sir. 19071 Sky Field Ridge Place, Purcellville, Virginia. Thank you. In summary, you know, COVID obviously affected a lot of businesses and the development of this lot. B parcel was certainly one of one of the effects of just being able to find contractors and supplies and tenants for that matter. We have recently engaged an architects to begin the process of elevation sketches and design layouts and came to our attention that we were at the five-year mark. And so, we reached out to Will to see if we could get an extension on that and so we can, you know, proceed with the plan.

Terry Cooke: Thank you. Anyone on the commission have any questions or concerns about this? Seems pretty straightforward to me. Yep. Okay. All right. Is there an action on this required Will or is this.

Will Moore: Yes, there is a draft motion on the second page of the memo if you were so inclined.

Terry Cooke: Would anyone care to make a motion?

Dev Roszel: Yes. Commissioner Roszel. I move the Commission granted an extension of the conditional approval of the site Plan 17-01 for an additional five years with said plan to expire October 22nd, 2028.

Terry Cooke: Do we have a second?

Bud Jacobs: Second.

Terry Cooke: Motion and a second. All in favor, please say aye.

All Commission: Aye.

Terry Cooke: Any Opposed. No opposition, any abstention, no abstention. Motion carries. Thank you. Next item for consideration. 7B consideration of a motion to initiate a zoning text amendment 23-04 An ordinance to repeal and reenact Article six of the Middleburg Zoning ordinance pertaining to hearing procedures for plans, ordinances,

amendments, appeals and applications. Again, we have a memo from staff and Will. This is very straightforward, I think. But please.

Will Moore: Yes. So, in this case, there were a number of changes during this most recent session. Excuse me. Got a frog in my throat this evening of the General Assembly that pertain to the way the periods of time in advance of a hearing, the way that it would need to be advertised. So, the way our zoning ordinance is currently [00:40:00] situated, it basically restates the provisions that are within the code, although some of those are already dated even before these most recent updates. So, looking through and then kind of collaborating with the town attorney, we agreed that the best way to approach this, instead of restating in our own ordinance, would be just to reference the pertinent code section in the Code of Virginia. That way, as the code may be updated in future years, whether in minor ways or in major ways, because we simply note it by reference, our ordinance would not have to be amended each time, but just kind of for informational purposes. We do kind of outline in the memo what the most significant changes are to this most recent batch of changes. Again, it still requires advertisement in local newspapers. So, whatever you hear about print news, their lobby is still strong enough to still require that advertisement once a week for two successive weeks previously, the second ad of those two successive weeks was to appear at least five days before the hearing, but no more than 21 days before the hearing. Now the regulation is on when the first ad must appear and it's no less than 14 days. So, they want the first ad to appear pretty close to when the hearing happens and then a second ad has to happen the following week. The language is not necessarily before the hearing, it's before the intended adoption, which is a tricky little thing that will have to be worked out. How that's interpreted going forward. But theoretically, the way this is worded now, the second of those two advertisements in the paper could theoretically take place on the same day. So, in our case, it's it would never be the case as long as we continue using Loudoun Now, which is the publication we use, they advertise. They publish once a week on Thursdays. So, we would never face that. But council could theoretically see that, that they could place an ad one week before the council meeting, place a second ad the day of the council meeting, and have the adoption of whatever plan or ordinance take place that evening. But regardless, that is the language that's in the code now. So, we must make sure that our advertisement meets those code requirements. So again, the idea here is to repeal the entirety of that article and then reenact it with the language that you have in the draft one of the ordinance. I think it's worth noting that we do have a local requirement. It's not imposed by the code that for certain types of applications, signs must be posted at the property. We would still maintain that requirement on ourselves a self-imposed requirement. So that's included in the draft as well, the continuation of that practice.

Terry Cooke: Very good. Any questions for staff on this?

Bud Jacobs: Bud Jacobs. So, adoption refers to action taken by the council, not necessarily to a recommendation that the Planning Commission makes to the Council.

Will Moore: So, the plain language would infer that. However, the lack of language that speaks to that ad appearing X amount of days before the hearing may imply that adoption could be interchanged with recommendation. So that's something that we would consult with our attorney on the initial input on the conservative side that the municipal attorney is usually going to have when advising the body is when in doubt, let's advertise it again. So again, in the past, you may have had a hearing, but decided, you know, we want to take a little extra time before we actually make our recommendation to council on that. We would likely, if that were the case, we would actually likely re advertise it again and conduct another hearing again just to be safe. At least that's the initial consultation with the attorney is the way we would probably approach that.

Terry Cooke: Commissioner Roszel?

Dev Roszel: Yes, Commissioner Roszel. So Will I notice that there is a recommendation of motion to approve, but there's not one [00:45:00] against. So, in essence. We don't really have much choice but to approve it and recommend it to the council.

Will Moore: So. Okay, so in this case, the motion is to initiate the amendment, which is not making a recommendation on it. But it I hear where you're going and my counsel to you, my recommendation to you would be you should recommend this for adoption. It's really just going through steps that because we're a Dillon Rule state, we have to advertise in accordance with the code.

Dev Roszel: And we follow the code of Virginia so there's no [multiple speakers]

Will Moore: Right. However, you know, if for some reason a commission member felt strongly that we should not have to look in the ordinance and then go over here and look in the code, or that somebody, an applicant, a developer who's trying to understand our processes and might not understand Virginia Rules might it might be your preference that it might be worthy. It might mean we have to make more amendments to the ordinance, but you might have a preference to, instead of my recommendation to just reference the Code of Virginia section, you might say, You know what? I think it would be better if we restated it all in our own ordinance. So. So there's some flexibility there. Okay. You know, and I would welcome your input. I feel pretty strongly that this is the best way to do that. But it's yours to make the recommendation on.

Dev Roszel: Thank you. Yes.

Terry Cooke: Anyone else? Okay. Thank you. Do we have a motion, please?

Dev Roszel: Yes, Commissioner Roszel. I move that the Commission initiate zoning Text Amendment 23-04 and advertise the amendment for public hearing at the October Commission meeting.

Terry Cooke: Do we have a second?

Bud Jacobs: Second.

Terry Cooke: We have a motion and a second. All in favor?

All Commission: Aye.

Terry Cooke: Opposed. Hearing no opposed. Abstentions. No abstentions. Motion passes. Thank you.

Will Moore: And it will be advertised in accordance with the code of Virginia, not our current ordinance. So. Yes.

Terry Cooke: Next Agenda Item Council Representative Report Council Member Jacobs. Anything to share.

Bud Jacobs: Not really. I'd want to draw your attention to the information item about the public meeting to be held on October 16th, not 14th. Thank you for telling me the right day. We're hoping for a really large turnout, and I would urge those of you who have. Well, everybody does have friends and neighbors in Ridgeview to urge them to show up and share their views. The meeting is going to be facilitated by folks from the Berkeley Group whom we've relied on, as you know, for a good deal of information and some guidance about what the possible steps we could take in Ridgeview may be. I think it's very important for people to understand the tradeoffs that may be implicit in any zoning ordinance, actions that we may take. And it is not going to be an opportunity for marketing anything. So, the people who will speak to the group will be the folks from the Berkeley Group, the rest of us. Hopefully, unless we have a view, we'll be sitting at the back of the hall with duct tape over our mouths and just listen to what folks have to say.

Terry Cooke: Very good. Do we know you have a sense of whether the council will be attending this meeting?

Bud Jacobs: Yes, they should be there in entirety, but nobody from council is [inaudible]

Terry Cooke: Participating in it. Right. Gotcha.

Dev Roszel: Commissioner Roszel, is the expectation that the Planning Commission is going to be there with the commission?

Terry Cooke: With the council you mean.

Dev Roszel: With council I mean.

Bud Jacobs: Well, I would hope everybody will come.

Don Woodruff: Yeah. Are you buying beer afterwards?

Bud Jacobs: I might be buying beer, but if I'm not, I know you will. That's all I have, Mr. Chairman.

Terry Cooke: Thank you, Bud. Agenda Item nine Discussion Items. If I may, this is the [00:50:00] chairman and I gave Will a heads up on this one. I continue to be to scratch my head. I continue to be flummoxed a little bit about how we compute the lot coverage calculation for residential construction. And I know you've explained this to me a few times. Well, but as I as I look around at the new construction that's going in in. 4 or 5 new homes in town lately. Some of them, I'm sure, look like they cover a lot of ground to me. And so please tell me again and Rachel brought this up in an email a while back. Explain to me how the calculation is done, what goes into determining what counts against lot coverage? And the other part of that question is who makes that calculation? And is it checked by anyone in staff?

Will Moore: Yeah, very good. So, the calculation is a I mean, it's a very basic calculation, but in particular, what goes into or what counts towards coverage. So, when we're talking about building lot coverage, so we have in R2, we have two different standards building lot coverage and impervious lot coverage. That's the only district that currently uses an impervious lot coverage. But each district uses building lot coverage.

Terry Cooke: And the impervious coverage is a relatively new addition is it? It is in the last couple of years.

Will Moore: It is. So, you're not going to see too many approved developments that were approved using an impervious lot coverage calculation. Most of the newer homes that had been completed were approved prior to the implementation of that. The home currently under construction on Stonewall, I'd have to go back and look maybe the only at least new construction that utilize the impervious lot coverage calculation. That being said, the building lot coverage which previously simply was titled lot coverage in the R2 district, it's 30%. And that did not change with the change in title. It was lot coverage before. Now it's building lot coverage. It's still 30%. That applies to areas under roof. So, the principal dwelling, it would include covered porches, covered decks, but not uncovered ones. It would include accessory structures, detached garages, garden sheds, anything under roof. It does not include other impervious surfaces. So again, uncovered roofs, uncovered decks, does not include driveways. It does not include walkways, mechanical units, things like that. Swimming pools, all of those things I just mentioned are now included in the impervious lot coverage requirement. But those do not count toward the building lot coverage. So, building lot coverage is only for areas under roof. That calculation is provided usually by either a professional engineer or a land surveyor. In some limited cases, it may be provided by just the applicant. If it's for, say, the addition of a garden shed, it may be the applicant may be assisted by staff in coming up with that. It depends on the complexity of the project. But for all the new construction, it's either provided by a land surveyor or a professional engineer sealed, and it is checked verified to the best of my ability by staff. So, I definitely hear the concern. Sometimes I even do a double take, but sometimes I think it's not readily apparent when you're viewing something from the street of how much land is actually included in a lot, which could kind of change your perception. A lot of the lots, not all, but a lot of those that have been developed or redeveloped recently, particularly in Ridgeview, but also the one home on Lincoln Road. A lot of those are more the long and narrow type configuration. And the front setback requirement in R2 not only includes a minimum, but it includes a maximum. [00:55:00] The idea was that in older established neighborhoods, we want homes to be pushed forward on lots because that lends more to a neighborly feel, a neighborhood feel, as opposed to having homes that sit, you know, 60ft back on a deep lot. So sometimes because of the narrowness of the lot, you're going to come up and boom, it's right there, a rather small front yard possibly encumbered by a driveway. So, you're going to get this sense maybe directly from the street, but and you're only going to see kind of a somewhat narrow side yard on each side. You might not get a sense for how very deep the lot might be. But again, it's just a very basic calculation. The square feet under roof divided by the square feet of the lot is going to give you the coverage. And it either meets the requirement or it doesn't, in which case it won't be permitted.

Terry Cooke: Okay. Thank you. Just to follow up on that for my own clarification. So, under roof. Does not necessarily mean an enclosed structure. For example, a carport that would be under roof. But it is not a. There's not walls around it. That would still count as covered structure. Okay. Okay. Okay. Thank you. Yes, I'll remember that.

Will Moore: Yes, sir.

Terry Cooke: One other, and I guess this is an appropriate time to raise it. Can you give us some idea of where we are on the town hall back here? It's a moving target.

Will Moore: So, Rhonda the town. [multiple speakers] So Rhonda is the town's project lead on this. So, I will defer to her to give you the best answer possible.

Rhonda North: So, we are working very hard, pushing the contractor to get us in as quickly as possible. Our hope is, if all things go well, we tentatively are scheduled to move in in October. But, you know, a lot of things have to fall in place. But we are doing our building walkthrough on Wednesday, and we are working to get permits. In fact, hopefully soon we will be getting a zoning permit application if he's not already done so, which is part of the temporary certificate of occupancy that that we would get through the county. So, we are working to be in there next month if at all possible.

Terry Cooke: We'll keep our fingers crossed. Thank you. Any other discussion items among the commission. Moving on to agenda, item number ten. Information item. Well, we've had a little bit of info from Bud on the community meeting. I had one question to ask on this, and now I'm trying to remember what it was. I know it's going to be the Berkeley group sort of introducing and leading the discussion. Are they going to be. A couple of months ago, we had 2 or 3 options that we were considering for consideration. Are those going to be brought up and discussed?

Will Moore: It is the intention to not bring those up at this point in time. The intention is to take a step back and really gauge the overall community sense of is there an issue primarily.

Terry Cooke: For example, the one brought up by the lady a little while ago, I don't think any of us had really talked about that. But I think that's a valid.

Will Moore: Know, it's she is the second person to bring that specific concern to my attention recently and thinking about it, it is a it's a design characteristic that we're not used to in our older, established neighborhoods, having just an attached garage in general. There are a few here and there, but to have them a front load garage that's right on the front elevation of the building is it is a newer thing to us and it's she's not the first person to mention she is the first person I've heard say height is not a problem. Side yard is not a problem and just said to really zero in on that, but it is interesting to hear that perspective and again Ms. Burns is she serves on our streetscape committee, but she's a she's an architect herself. And so, she has a certain.

Terry Cooke: She's a neighbor in R2.

Will Moore: Yeah, she's right there. Absolutely.

Rachel Minchew: But it's the intent [01:00:00] that they sort of facilitate the conversation from the community rather than like concrete answers and stuff. More facilitation.

Will Moore: It's. Yes. And it's to use one of the mayor's terms. We're going to try to avoid solutioning. Right now, we're not trying to both identify what are the particular issues and solve them. It's just we want to gauge we want to get a broader sense from what we want to get a sense from the broader community as to the level of concern that may or may not exist. I think with most things that get brought up, you know, we are used to hearing from people when they're not happy with something. We rarely hear from people when they're happy or content. So, we don't really have a good sense, in my estimation, of how big of a concern there is in the broader community. And I think it's important to try to gauge that somehow, which is part of this whole right.

Dev Roszel: Conversation was three months ago, whenever it was that when the council had. Request that we revisit it. I think it was like, well, is it a public issue? Is it a perception of a public issue? Is it a council issue? So I think it's a really good idea that we have the. The meeting to hear what is really an issue from the town, from the people that live there.

Will Moore: Yeah, absolutely. So again, it's and again the town manager and I just had a meeting with the couple folks from Berkeley that will be leading this just this afternoon. And we're really trying to focus in on, you know, is there an issue or are there issues maybe And what specific things like the feedback from Ms. Burns tonight was really helpful. And there's one specific area of concern and then maybe there are others maybe that that we'll hear and maybe that will better inform what path we take. If there is, if there are additional changes or and when and if we might look to implement those. We're hoping that this will be a good way to give us a better path forward.

Terry Cooke: Councilman Jacobs.

Bud Jacobs: I just wanted to add, [inaudible] just said something that's critical to me. Anyway, of course we want to hear from everybody, but for me the particular focus is residents of Ridgeview, the people who will be most affected by whatever steps we end up taking. So that's what I'm hoping to learn.

Terry Cooke: Just very quickly, it's the chairman again, when we started talking about this more than three months ago, when we started talking about it, someone on the commission expressed a concern and used the term down zoning. And I think in a general sense, I understood what that person was saying, but technically it's not really down zoning we're talking about. But it is, I think, aesthetic zoning. That is a legitimate term, aesthetic zoning. And it refers to a situation where a town wants to regulate the type of construction that occurs in a particular area for reasons of homogeneity with the rest of the community, all the things that we've talked about here. So that's what really what this boils down to, in my opinion, anyway. Okay. Well, very good. Well, I hope everybody does their best to be at that meeting on October 16th. I think it's important. It's going to be at the Legion Hall.

Will Moore: American Legion. Yeah, we should be. We were just again meeting with those folks today, kind of finalizing language for the flier that will be starting to distribute hopefully later this week.

Terry Cooke: Trying to remember how are we going to communicate.

Will Moore: Danny and I will be talking about what all steps we're going to take. There are some options available to us and we're going to I'm going to push for as wide a spread of this within the community.

Don Woodruff: Stand on the corner with a bullhorn.

Will Moore: It could happen, could happen.

Rachel Minchew: [off mic] take fliers and put them on people's doorsteps.

Terry Cooke: Are you volunteering to do that?

Rachel Minchew: I would I would because I want the word out there. I think that it's important that we communicate, and everybody gets the opportunity because I think [01:05:00] people are reluctant to go before and say something, especially if it's not going with what they're hearing around town.

Will Moore: Yeah, we have shown consistently in this community, whether you think back to the comp plan input sessions or most recently Mickey Gordon Park, that when there's something that is significant, that really gets folks attention and you make it known to them, there will be a turnout. So, we're going to we're going to push for I'm going to push for as wide a spread of this advertisement as possible.

Dev Roszel: I want to hear to really hear what's important to people in that Ridgeview area.

Will Moore: Yeah, absolutely.

Dev Roszel: I know it's important to me on Chinn Lane and so, you know.

Will Moore: Yeah, absolutely.

Dev Roszel: I think that's going to be it'll be good to hear because how do you make you can't make decisions in a vacuum. You've got to at least know well you can. It doesn't really help.

Terry Cooke: Anyone else. Okay. Thank you. Next agenda item quorum for our October 23rd meeting. Everybody going to be available for that?

Dev Roszel: I'm sure I will be.

Terry Cooke: All right. Very good. That concludes our agenda, folks. Thank you so much. And we are adjourned.

Will Moore: Thanks, Mimi.