



**TOWN OF MIDDLEBURG
PLANNING COMMISSION
WORK SESSION MINUTES**



**MONDAY, JANUARY 22, 2024
PENDING APPROVAL**

PRESENT: Terence S. Cooke, Chair
Donald Woodruff, Vice Chair
Edward R. Fleischman, Member
Rachel Minchew, Member
H. H. "Dev" Roszel, Member (arrived late)
Mimi Dale Stein, Member
Morris "Bud" Jacobs, Councilmember

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

The Middleburg Planning Commission held their work session and regular monthly meeting on Monday, January 22, 2024 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 Items

Chair Cooke noted that the discussion items all involved a special use permit application for short-term rentals. He advised that each would be considered individually.

SUP 24-01: Short-term Rental – 800 Old Saddle Drive – Salamander Farms, LLC

Deputy Town Manager Moore reported that this application involved the one home that had been constructed in the R-1 section of the Residences at Salamander subdivision, which involved a larger lot. He reminded the Commission that there were certain criteria that had to be met in order to be eligible for consideration of this use. Mr. Moore noted that the three related to the zoning district, lot size and separation from surrounding dwellings had been met and reviewed the details of each. He suggested that the one criterion where this application was begging for clarification was related to the primary use of the property. Mr. Moore reminded the Commission that the ordinance required that the short-term rental use be a secondary one and that the primary use be for residential purposes. He explained that this meant the property had to be used more than half of the year as residential property. Mr. Moore reminded the Commission that the intent of the ordinance was that no property would be used either primarily or exclusively for short-term rental use. He reported that the representative who completed the application acknowledged that it was supposed to be used primarily for residential use; however, he suggested the Commission have a conversation with the applicant to ensure this. Mr. Moore noted that even if the property was only used as a short-term rental one hundred days per year, if it was not being occupied more than six months for residential purposes, it did not meet the ordinance requirements. He opined that this was important to discuss.

In response to an inquiry from the Commission as to the appropriateness of having someone other than the homeowner being responsible for the business license and lodging taxes, Deputy Town Manager Moore advised that he had not yet had that conversation with the Town Attorney. He noted the need to make sure the ordinance requirement could be written as it was; however, he advised that ultimately, the property owner was responsible for ensuring the taxes were remitted properly. Mr. Moore expressed hope to have clarification from the Town Attorney before the public hearing on the application.

Chair Cooke expressed concern regarding the principal residence requirement and how it would be enforced.

Deputy Town Manager Moore advised that this was something the Town would have to work through and opined that some type of reporting mechanism would need to be developed for the holders of the permits. He opined that it would occur in conjunction with the quarterly remittance of the transient occupancy tax payment.

In response to an inquiry from the Commission, Deputy Town Manager Moore opined that enforcement of the home's actual occupancy for more than six months would be difficult to accomplish. He opined that the flip side of it would be to put a cap on the number of days the home could be occupied as a short-term rental. Mr. Moore reminded the Commission that the issuance of a special use permit was a discretionary action and suggested that if an applicant said they did not intend to live on the property, it would be grounds for denial of the application. He stressed that he was not saying any of the three applicants had stated that they did not intend to have their homes used primarily for residential purposes; however, he believed it was something that required discussion.

Commissioner Fleischman opined that the more expensive the house, the less time the owner spent in it. He further opined that anyone with a \$4 million house probably had multiple residences. Mr. Fleischman reminded the Commission that when Salamander was approved, the Mayor and Council wanted it to be a part of the town, with the residents living in Middleburg full-time as much as possible. He opined that the people who were buying the homes would not spend one hundred eighty days in residence and advised that he was not sure how the Town would handle this. Mr. Fleischman opined that it was an issue that the Commission should think about in the future. He advised that he did not see a signature from anyone and questioned whether a letter was received from someone asking for the permit.

Deputy Town Manager Moore confirmed an application form was submitted, which was signed by Sheila Johnson. He advised that Ms. Johnson was the property owner and the applicant.

Commissioner Fleischman opined that Ms. Johnson would not reside at this residence and questioned how the Commission could approve the application. He expressed concern as to who would be the owner and occupant.

Deputy Town Manager Moore encouraged the Commission to exercise caution when distinguishing between the property owner and the occupant. He noted that someone could purchase a home and rent it to a tenant for the majority of the year, while also using it as a short-term rental. Mr. Moore opined that the Commission needed to hear from Ms. Johnson or her representative as to the plans for using it for residential purposes.

Commissioner Fleischman noted that from a national real estate perspective, corporations were purchasing single-family residences and renting them out. He opined that this had not yet occurred in Middleburg and suggested the Commission did not want it to occur. Mr. Fleischman reiterated that when Salamander was approved fifteen years ago, it was with the view that it would be an extension of the existing residential areas. He expressed concern about the possibility of having corporations or limited liability partnerships buying the houses and renting them out.

In response to an inquiry from the Commission, Deputy Town Manager Moore explained that the house in question was constructed for Ms. Johnson. He confirmed the next two applications were submitted by the individual owners.

In response to an inquiry from the Commission as to how they would react if the applicant was a third-party platform, such as AirBnB, Deputy Town Manager Moore advised that a large number of individuals owned properties in a name other than their personal one. He reported that the third-party management company was not the applicant in this case, but rather the property owner was using an LLC she had established. Mr. Moore advised that this LLC was separate from Salamander Middleburg, which would be the management entity.

Councilmember Jacobs suggested that if a management company made applications on behalf of owners, the Commission would reject them. He opined that the ordinance was structured to require the property owner to submit the application for the special use permit and that they would identify who would handle the management operation. Mr. Jacobs advised that he had taken some comfort in the knowledge that with a few exceptions, Salamander would be managing the properties, which should address concerns related to noise and too many occupants.

Vice Chair Woodruff noted that the insistence of Salamander was that this subdivision would be an extension of Middleburg and would be residences. He expressed concern that they appeared to be going away from that and that the purchaser may be planning to use the house as a short-term rental for one hundred eighty-two days and leave it unoccupied for the remainder of the year. Mr. Woodruff opined that this was contrary to what the Town agreed to, which was that this would be a residential community. He noted that he could recall the back-and-forth discussions that occurred twenty years ago and opined that what was being proposed was not what was wanted.

Deputy Town Manager Moore cautioned the Commission to not assume that the homes were not going to be used for residential purposes. He reiterated that additional clarification was needed on the intended use of the property for the majority of the year and suggested the applicant be invited to address this before the Commission.

Vice Chair Woodruff advised that using the property part of the year as a short-term rental and allowing it to remain fallow for the remainder of the year was different than what was expected.

Chair Cooke opined that the discussion identified some issues and concerns. He advised that he was concerned by the lack of clarity in terms of whether a property had to be occupied and used as a place of residence for half a year before it could be considered for use as a short-term rental for the remainder of the year. Mr. Cooke questioned the objective of the Town in requiring someone to reside in the home before it could be used as a short-term rental. He questioned whether it would be in keeping with the character and nature of Middleburg, which was a residential community, if homes were left vacant for a prolonged period of time. Mr. Cooke opined that clarification was needed and that the Commission needed to discuss this with the applicant at the appropriate time.

Scott Little, Managing Director of Salamander Middleburg, noted that he was newly hired and did not have any answers at this time. He agreed the questions raised were good ones and advised that he would look into the details. Mr. Little noted that Salamander's long-standing goal was to continue to support a safe and happy community in Middleburg. He advised that there were some residents that were not seeking special use permits and planned to use their properties for residential purposes. Mr. Little noted that he did not know how often they would occupy them. He opined that the ordinance requirements were written more as a way to limit the opportunity for short-term rentals than to insist on residential occupancy. Mr. Little advised the Commission that he would address this item in detail at a more appropriate time. In response to inquiries from the Commission, he advised that he did not know how many property owners in the Residences at Middleburg subdivision were likely to submit a special use permit application in the future. Mr. Little opined that given the requirements of the zoning ordinance, the number of firms who could manage the short-term rentals would be very limited. He further opined that doing so would be daunting for anyone other than the resort.

Vice Chair Woodruff questioned whether the Residences at Salamander was a residential community or a rental community. He noted that when it was approved twenty years ago, the intention was that it would be a residential community that would look a lot like Middleburg. Mr. Woodruff advised that the Town did not believe people were going to buy the homes to rent them out. He noted that this was something the people in town felt very strongly about. Mr. Woodruff reiterated his question as to whether this subdivision was a residential community or a rental one.

Mr. Little confirmed that the Residences at Salamander was a residential community. He advised that whether the owners had other houses or planned to use them as their primary residences was something he did not know. Mr. Little opined that the people who were acquiring the homes were interested in the lifestyle of Middleburg and the Salamander Resort. He advised that as to Dr. Johnson, her intention was to use her house to entertain friends and family outside of a rental arrangement. Mr. Little reiterated that the subdivision was a residential one and was special, just as Middleburg proper was special. He opined that the expectations that had been expressed of the community were reasonable.

In response to an inquiry from the Commission, Deputy Town Manager Moore confirmed he would provide the members with a copy of the applications.

SUP 24-02: Short-term Rental – 606 Martingale Ridge Drive – Alexander Perdikis

Deputy Town Manager Moore reported that the management company for this application was also Salamander Middleburg. He advised that this home was surrounded by homes on three sides and noted that the lot size was well in excess of the minimum lot size requirement and that the distance between the closest dwelling unit exceeded the minimum separation requirement. Mr. Moore advised that this was the first application in The Vineyards section of the Residences at Salamander, which already contained occupied homes. He suggested it would be helpful to have a conversation with the applicant or their representative as to the intended use of the property. In response to an inquiry from the Commission, Mr. Moore advised that the dates for use as a short-term rental would be flexible.

In response to an inquiry from the Commission, Scott Little, Managing Director of Salamander Middleburg, opined that an applicant could subjugate their authority in a zoning application, which they have done in this case. He advised that he would take any questions the Commission may have back and return at an appropriate time with a more robust presentation. Mr. Little advised that in this case, the owner intended to occupy their home more than half of the year and would make it available for short-term rental use on a limited basis.

Commissioner Fleischman advised that he would feel better if the owner presented themselves before the Commission, as opposed to just having a representative.

SUP 24-03: Short-term Rental – 601 Martingale Ridge Drive – Mary & Thomas Gillespie

Deputy Town Manager Moore reported that the applicants were proposing to use Loudoun Stay as their management company. He further reported that this house backed up to the developed portion of the town; although, there was a seventy-five-foot buffer of HOA open space between the rear lot line of the property and the adjacent home on Stonewall Avenue. Mr. Moore advised that the Salamander homes were designed to have a congregation area in the rear and noted that in this case, the applicant intended to put in a pool. He reported that they also intended to install enhanced landscaping in the buffer zone. Mr. Moore further reported that the applicants have self-imposed a condition that the special use permit would not transfer to a future property owner. He reminded the Commission that they could condition the special use permit on many items, including the requirement that they use a particular management entity and limiting the short-term rental to a certain number of nights.

Tom and Mary Gillespie, 601 Martingale Ridge Drive, appeared before the Commission representing their application. Mrs. Gillespie advised that they lived in Great Falls, Virginia and planned to move to Middleburg full-time. She noted that at the time they purchased the home, Salamander's rental program was still under development; therefore, they looked at other options for managing the short-term rental. Mrs. Gillespie noted that they had been working with Loudoun Stay for a year to ensure they would be good partners with the Town and Salamander. She advised that they planned to stay in Middleburg as much as possible and did not want to use their property as a short-term rental on a high-volume basis.

Mr. Gillespie advised the Commission that their lot was the largest one in The Vineyards. He noted that it had a large buffer in the rear and was far away from the house on Stonewall Avenue, as well as the houses on either side of them.

Luke Baldwin, owner of Loudoun Stay, advised that they managed luxury, upscale properties. He explained that they wanted to maintain the beauty of Loudoun and advised that how they operated was to raise the bar on who stayed in their properties and how they maintained control and management of them. Mr. Baldwin advised that they were defined more as a hospitality concierge, with a lot of added security in their processes. He noted that they did multiple inspections, conducted multiple interviews and did security background checks on their guests.

Mrs. Gillespie opined that there was no difference between her application and the approved special use permit for the short-term rental on Jay Street. She questioned how the residency requirement would be enforced and noted that she did not know when the home would be booked for use as a short-term rental. Mrs. Gillespie asked that this be discussed. She advised that she and her husband planned to be in Middleburg as many weekends as possible, as well as during the week; however, she couldn't leave her teenaged son in Great Falls all the time. Mrs. Gillespie suggested that if Loudoun Stay booked their property for six weddings during the summer, it may not make sense for them to stay in between them in order to satisfy the primary residency requirement. She advised that their neighbor in Great

Falls rented her property as a short-term rental half the year; therefore, they were very sensitive to how a short-term rental could impact a neighborhood. Mrs. Gillespie reiterated that they planned to come to Middleburg as much as possible and to move here in a couple of years.

Commissioner Fleischman noted that the Residences at Salamander did not allow on-street parking. He questioned how they planned to address guests if someone had more cars than could be parked on their property.

Scott Little, Managing Director of Salamander Middleburg, advised that as a part of the property owner's membership in the resort, guests would valet park their cars at the resort and would be escorted in the resort's vehicles to/from the house.

Deputy Town Manager Moore reminded the Commission that the public hearings for these applications would be held during their February meeting.

Chair Cooke adjourned the work session and called the regular meeting to order at 7:36 p.m.

Election of Officers

Election of Chair

Commissioner Fleischman moved, seconded by Commissioner Roszel, to nominate the existing Chair (Terry Cooke) to continue as Chair of the Commission.

No other nominations were offered.

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.)

Election of Vice Chair

Councilmember Jacobs moved, seconded by Commissioner Roszel, to nominate Vice Chair Don Woodruff.

No other nominations were offered.

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

No – N/A

Abstain – Vice Chair Woodruff

Absent – N/A

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

Disclosure of Meetings with Applicants

No meetings were reported with applicants.

Approval of Meeting Minutes

Vice Chair Woodruff moved, seconded by Councilmember Jacobs, that the Planning Commission approve the October 16, 2023 Community Workshop 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.)

Councilmember Jacobs moved, seconded by Vice Chair Woodruff, that the Planning Commission approve the October 23, 2023 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.)

Vice Chair Woodruff moved, seconded Councilmember Jacobs, that the Planning Commission approve the November 27, 2023 Work Session 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.)

Council Representative’s Report

Councilmember Jacobs reported that the Council would hold its annual Strategic Planning Retreat on February 29-March 1 in Culpeper, Virginia.

At the request of Councilmember Jacobs, Deputy Town Manager Moore reported that The Berkley Group’s draft report on the R-2 District was received in mid-December and that he and the Town Manager forwarded their minor edits on it back to them. He further reported that the resubmission of the report had been received and opined that it was ready. Mr. Moore advised that after discussing it with the Mayor, it was agreed that the joint meeting between the Town Council and the Planning Commission would be delayed until after the Council held its retreat. He noted that the intention was still to hold a joint meeting and opined that it would occur shortly after the Council’s retreat.

Discussion Items

Annual Report to Council

Town Clerk North reminded the Commission that the Town’s committees used to provide an annual report to the Council; however, this was stopped during the COVID pandemic. She reported that the Council asked that the annual reports resume and inquired as to which date the Commission would like to provide theirs. After some discussion, the Commission agreed to provide their report during the June 27th Council meeting.

Chair Cooke noted that he would work with Deputy Town Manager Moore to put together the Commission’s report.

Quorum for February Meeting

Commissioners Minchew and Fleischman advised that they would not be present during the February 26th meeting. Commissioner Fleischman advised that he may be able to attend remotely.

There being no further business, Chair Cooke adjourned the meeting at 7:48 p.m.

RESPECTFULLY SUBMITTED:

Rhonda S. North, MMC, Town Clerk

Middleburg Planning Commission Transcript
January 22, 2024

(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: Red means on. Good evening, everyone. Welcome. We will convene this meeting, this work session of the Planning Commission, which will be followed, upon the conclusion of the work session, by the regular meeting, we will call the work session to order, and we will ask the town clerk to please call the roll Rhonda.

Rhonda North: Chair Cooke.

Terry Cooke: Present.

Rhonda North: Vice Chair Woodruff.

Don Woodruff: Present.

Rhonda North: Commissioner Fleischman.

Ed Fleischman: I'm here. Thank you.

Rhonda North: Commissioner Minchew.

Rachel Minchew: Here.

Rhonda North: Commissioner Roszel.

Dev Roszel: Present.

Rhonda North: Commissioner Stein.

Mimi Stein: Here.

Rhonda North: Council Member Jacobs.

Bud Jacob: Present.

Terry Cooke: Here, Here. The gang's all here. Welcome, everyone. I hope everyone had a good holiday season. We hadn't seen each other in a while, so, we're off to a roaring start for 2024. We have three discussion items on the agenda for the work session tonight. Each of them involves a special use permit application for short-term rental. We will consider each one, individually. And first of those will be special use permit application 24-01. Request by Salamander Farms, LLC for a special use permit for a short-term rental. At 800 Old Saddle Drive, zoned R1 single family residential district. We have a memo from staff that outlined the details of this application. But Will, do you want to add anything to that?

Will Moore: Thank you, Mr. Chairman. Just a couple of things. First, maybe backing off from this individual application. I think it's worthy to point out that, while we do have three short-term rental applications, all of which are located within the residences at Salamander subdivision, there are some, individually distinctive facts around each. So. So thank you for pointing out the individual consideration. In this particular case with SU 24-01, this is the one home that has been constructed to this point in the R-1 section. So, this is the larger lot section, to the west. And the subdivision, although it is the easternmost, lot in that, subdivision. But this is the only home that has been constructed

to that point in that section. Again, larger lots. We use certain criteria which are found in the ordinance as kind of the first litmus test to ensure that, a particular lot is eligible for consideration for the use. And that's generally the zoning district, the size of the lot and the separation from any surrounding dwellings. Obviously, all three of these meet the, meet those test in this case, this is a quite a large lot. Again, it's in the larger lot section, well over an acre in size at 54,000 plus square feet, whereas the minimum square feet required is 10,000. The separation from neighboring dwellings, while none have yet been built in this area, this particular lot is bordered on the east side by HOA common open space. So, there will be no home directly to the east. To the north or the rear of the lot is the resort property. There are a couple of home sites on the opposite side of the street, but they would be. Well, outside of that minimum separation. And in this case, the home itself is sited, 75ft from the eastern property line, or excuse me, the western property line. So again, the minimum separation is easily, easily met. I won't go through each individual one of the, of the criteria in the ordinance, most of the things are pretty, pretty clear, I think. But I'm happy to answer any questions. I think with this application and possibly those follow, the one item that is. Probably begging for a little more clarification is in the primary use of the of the property. I note in my report it was clear and council's intent, intent and adopting these regulations. And it's clear in the ordinance that short term rental can only be a secondary use of the property. The primary use of the property has to be for residential purposes, residential purposes, meaning that it is occupied more than half of the year as a residential property. It is the flip side of that is that it was clear in council's intent that no property should be used either primarily or exclusively for short-term rental use. We don't really have. I mean, they the applicant, or the representative of filling out, the materials, acknowledges that it's supposed to be used for primary use, but I think in that case, it's probably good for the commission to have conversation with the applicant and or, representative, just to ensure that that's, that's met because that that was one clear concern. When the commission and council ultimately went through the process of developing the short-term rental regulations, was to make it clear that properties to be used exclusively or primarily for short term rental use would not be permitted. And that's regardless of how many days you might rent it a hundred days a year. But if it's still not being occupied for more than six months as a residential, for residential purposes, that doesn't meet the litmus test. So again, I think that's an important thing to discuss in this initial period. That's pretty much what I have to add. Again, I'm happy to answer any questions clarifying questions from within my report. And of course, then, inviting the applicant or representative to speak would be advisable as well.

Terry Cooke: Will, I have one question. It has to do with a comment in your memo, regarding the appropriateness of a party other than the individual, homeowner being responsible for a business license and paying, use taxes. And I think you prefer that to the town attorney for some consideration. Have we gotten any response back on that yet?

Will Moore: We have not yet had that conversation with the town attorney, but that's an important, thing for us to understand whether or not that ordinance requirement, should be written the way it is, and if so, then we would need to tweak something again. Ultimately, it's going to be the property owner, their responsibility to ensure that the taxes are properly remitted. We cannot, you know, enforce that upon a third party. So, it's a little strange that, I think that this business and that is what this is, it is a business to rent out your property on a short-term rental basis, that it would fall under a third party's business license. But we would, again, we would need to discuss that with the town attorney. So, again, we have some time. Your hearing on this will be in February. So, we have some time to hopefully get that clarification. And if adjustment is needed to the application based on that, then we have some time to accomplish that before your hearing.

Terry Cooke: Thank you. And if I remember correctly that issue or that question. Pertains to each of these three proposals, doesn't it?

Will Moore: That is correct.

Terry Cooke: Yeah. Okay. Thank you. I'll just say in passing at this point, I'm a little. Perplexed by the first issue you discussed regarding, principal residence requirement. I understand what you said was the council's intent, but I wonder. I mean, it's a little problematic. How if someone owns a property and for whatever reason, they choose to occupy that property only for three days a year. Would that? Is it your understanding that that would preclude them from using that property or making that property available for short term rental?

Will Moore: Yes.

Terry Cooke: And I wonder how one enforces a provision like.

Will Moore: That is a very good question. And that is something that we're going to have to work through. As these permit applications come in and potentially get approved, we will probably need to set up some sort of reporting mechanism for the holders of these permits. That would probably, occur in conjunction with the periodic remittance of the TOT the transient occupancy taxes. But that's something that we don't, we don't yet have the best handle on, on how we would go about that, that enforcement.

Terry Cooke: Thank you.

Bud Jacob: Will I have a vague memory from the discussions we've held earlier on? Str questions. And I recall that we were specifically not permitted to insist that a residence be occupied for that 186-day period. And I took that to mean that the intent or our intent rather, was that it would not be used as a short-term residence. More than 180, whatever it is, 183 days. Is my memory completely wrong about this? Do you recall any of this discussion?

Will Moore: I don't know that it's completely wrong. I think those two things go hand in hand. The enforcement of the home's actual occupancy for more than six months. It clearly that is a very difficult thing to accomplish. So, the flip side of that is putting an actual cap on the number of days that it could be occupied for short term rental. But again, I think it's this being a, a discretionary process, a special use permit is a discretionary action. I think conversations with the applicant, to get an actual feel of what their intent for the property is, can come into play. And if somebody were to say, and I'm not, I'm certainly not stating that this is the case with any of these applications. But if an applicant were to say, I'm not going to live there or I'm going to, you know, be there, you know, two weeks in the summer and a week in the winter, and I'm just going to rent it out the rest of the time and it'll be vacant, I think. I think that would be, clearly, grounds to consider denial.

Bud Jacob: But rented out the rest of the time within the limitations imposed by our ordinance would be okay.

Will Moore: I don't know that that would be the case, really, because they would be stating clearly that they have they do not have the intent to use it primarily for residential purposes. But again, I'm not stating I'm not. I want to be very clear. I'm not stating that that is the case with any of these three applications. I think it is something that needs, requires discussion at least.

Bud Jacob: I'm more concerned about the definitions we're attempting to apply generally across the board. And it's no surprise, but if what you're saying is accurate, I had this completely wrong.

Ed Fleischman: Thanks, Mr. Chairman. I have a number of questions. In general, on this whole issue. And the discussion about how long someone would actually occupy a house is interesting to me because in my experience. The more expensive the house, the less time the owner will spend in the house. So therefore, when you get to a \$4 million house, that person probably has 1 or 2 other principal residents. So. The initial view, I believe when the salamander came up was that the council and the mayor wanted the salamander residences to be sort of part of town, that they would live there, you know, full time, as much as possible. And I think that's going to be very hard for this group to really see in the future. I think that we're going to find that the people buying these houses are not going to spend 180 days in residence. So, I'm not sure how to handle that, but I think that's a very real issue. So, we ought to think about that in the future. But then specifically regarding this application, in front of us, I'm not quite sure I see an applicant here. There's no signature of a person applying. Did we receive a letter from someone asking for this? Well, let me ask the question to you.

Will Moore: There is an application form that was submitted, a simple application form that's not included in your packet, but it was signed by Sheila Johnson.

Ed Fleischman: Yes, but she doesn't. She's not going to reside in the residence. I'm talking about the person who's going to buy it. I mean, they in all three applications, there's no signature involved that I saw in the package. The only signature I saw was that someone signed and said it was built in accordance with the zoning requirements.

Will Moore: There is an application form. I understand that you did not see it. I have it available. I can show it to you. Mrs. Johnson, who's business entity is Salamander Farms LLC, is the property owner and the applicant in this case. Okay.

Ed Fleischman: So, thank you for that clarification. Will so if Sheila Johnson is the applicant and she's not going to live at this martin or this residence. I don't see how we should approve it. I mean, the original view was that someone would buy it or in advance of buying it they would then submit an application, sign an application and said, this is what I plan to do. So, we don't have no idea who's going to own the land and who's going to do anything with it. In this particular item, I know the other two are have names associated with this, but this one doesn't.

Will Moore: Well, again, I don't want to quibble on the specifics, but it does have a name associated with it. I think we need to be careful in distinguishing between the owner and the occupant, necessarily. So, somebody could buy a home, could rent it to a tenant for the majority of the year, but also conduct short term rentals as well, and it would be used for residential occupancy. Again, I think this this is a this is a situation where I think, before we get too far down the line of saying a person is not going to live there, we'll probably need to hear from the applicant or the applicant's representative here just to get an idea. So that conversation can take place. But an owner does not have to reside in the home for it to be used for residential purposes. A long-term renter could also. Yeah.

Ed Fleischman: If I may add something to the just, I want to mention something. I think it's important. You bring up another issue and there are a lot of issues. So, I'm not giving answers, but I think it's something we ought to think about. If you the national real estate market, now has corporations buying up single family residences and then renting them out. And, you know, in this particular area, I don't think it's occurred yet, but in Arizona and some of these other places, there's been a huge number of these corporations and they're renting out. And so I don't think we as planning commission would want that to occur here. So, I think we're on a slippery slope here. We have someone buy the property and not live there. I thought generally that the residences, when it was approved 15 years ago, that the view was it would be an extension of Middleburg residential areas. And I'm worrisome about if we're having corporations or limited liability partnerships or corporations buying houses and then renting them. So, I think we ought to discuss that. Thank you.

Terry Cooke: Council Member Jacobs.

Bud Jacob: I'm sorry. Don. You want to go? No. First of all, I agree with Commissioner Fleischman. Are we to understand that? Miss Johnson. Doctor Johnson currently owns these three properties, and they have not sold yet to individual owners.

Will Moore: No, just the first application that we're dealing with. This was constructed for her.

Terry Cooke: So, she is in fact the owner. And it's appropriate for her to be making the application.

Will Moore: Yes.

Bud Jacob: With respect to the other two, the applications are from individual owners. Correct. Okay. Second question. How would we be reacting to this if the third party, instead of being salamander was Airbnb? In other words, following the model that Ed just put forward Airbnb buying a property, not living in it because there's no person named Airbnb. And renting it for 183 days a year. What do you think are appropriate stance should be in a case like that talking about any third party, management or vendors involved in the transaction?

Will Moore: I think we need to be careful. And I know it's. I know we think of Doctor Johnson as Salamander, but there is an entity, a business entity that is Salamander Middleburg. That is Salamander. The resort. There is a separate entity that she has that's Salamander Farms LLC. I know of quite a number of individuals who own properties in a name other than their personal name. They own it in the name of a personal LLC. So, I don't know. I don't know that we can say that this is the third-party management company that is the applicant here. This is an individual owner who's doing it through an LLC that she's established, but it is a separate entity from Salamander Middleburg, which would then be the management entity for her.

Bud Jacob: It's pretty clear to me that if a management company were making these applications on behalf of owners with whom they had signed management contracts, that we would reject them. The way I thought we were structuring this was that an individual landowner or purchaser in salamander makes his or her application to us directly for a special use permit, and one of the requirements was identifying who the management operation, what the management operation was going to be. And I at least, took some comfort in the knowledge that with the exception of 1 or 2 and we have one of them here, in fact, that the salamander entity would be managing the properties, and a lot of the concerns residents might have about noise or too much occupancy would be alleviated because that would be on Salamanders shoulders. Is that? Is that accurate?

Will Moore: I think that is accurate, that I think some early conversations with the commission, the commission did seem to take solace in knowing that, that, Salamander. The resort would be acting as the management entity. And that is the case with this particular application.

Bud Jacob: Which is not the same thing as the resort or the management entity making the special use permit application.

Will Moore: Correct?

Terry Cooke: Commissioner Woodruff.

Don Woodruff: Don. Woodruff. My question goes back to. A long time ago when I was first on the commission, we went through all of this process, and it has matured into something I'm not sure I'm happy with. And that is that the insistence of the applicants for the whole ball game was that it was going to be an extension of Middleburg, and it was going to be residences. And it now appears to me that we are going away from that, and that what we are now looking at is exactly what Bud was talking about. People who may come in and Commissioner Fleischman also, come in and oh, buy it up and say, I'm not going to live in it for 182 days, but I am going to rent it out for 182 days. The other 182. So, I'm leaving it lie fallow. And I think that's contrary to what we agreed to originally with the applicants for these properties, that it was going to be a residential community. And that's what really concerns me, in my 20 years on this commission. I can recollect the arguments that went back and forth not only by people who lived in Middleburg, but by a number of people who lived in the surrounding area, that this was going to change the tenor of Middleburg, and that other people were going to do similar things, and that was not what we wanted. Thank you.

Terry Cooke: Thank you.

Will Moore: If I may, Mr. Chairman, I understand what the concerns are that are being stated here, but I would just caution everyone to not get too far ahead of ourselves, in assuming that these homes and this particular application to focus on this one, to assume that it is not going to be used for residential purposes, I kind of teed this up, and maybe that was, not done in the best manner just by stating that I think some additional clarification on the intended use of the property, for the majority of the year is needed, and we should probably invite the applicant sooner than later to kind of, address the commission on that, because that could potentially alleviate some of these concerns. I don't want to taint any of these applications. The one currently we're discussing, or the two to follow with an assumption that they're not going to be used for residential purposes. I'm simply saying the applications maybe aren't clear enough on that fact.

Terry Cooke: Commissioner Woodruff.

Don Woodruff: Yes. Well, the question I have is if someone comes in and says, okay, I'm going to rent this place out for five months and let it lie fallow for three, and then I'm going to make it, Airbnb or whatever you want to call it, short term rentals for the rest of the year. I think that's a totally different idea than what we had when we got into this whole thing, and I think we better be careful and be sure that we know which of those scenarios is going to satisfy not just the Planning Commission, but the town of Middleburg. Thank you.

Terry Cooke: Thank you. Don I maybe as a concluding remark on this, I think this discussion has been good. It's identified some issues and concerns that perhaps hadn't occurred to one or more of us before these proposals came in. And this is a work session. This is the appropriate forum to get those things out and start thinking about them. I agree with Will. We shouldn't get ahead of this. They may be perfectly acceptable, explanations as to why this particular

application was presented the way it was. I personally remain troubled by this whole lack of clarity in terms of whether a property actually has to be occupied and used as a place of residence for half a year before it can be considered for a short-term rental during the other part of the year. I'm not sure I understand what the concern is, or what the objective of the town is. In requiring someone to actually physically occupy reside in a home before they can rent it out for another part of the year as a short-term rental. I think both Don and Bud bring up a good point that I hadn't thought about in response to the concern I just voiced is that, well, if a home is left vacant for a prolonged period of time, and you have several of these homes that are vacant for a prolonged period of time, is that really in keeping with the character and nature of Middleburg, which is a residential community? So, I think I see where you guys are coming from, in that. But I think we need some clarification on that. And I think that's something we need to think about and, and discuss with the applicant, at the appropriate time. I mean, when the applicant, when this is presented to us for consideration, and right now it's only an information item. These are things that we want to talk with the applicant about. So, they should know that that's a concern. And come prepared to address that. Thank you.

Will Moore: I do believe we have a representative of the applicant here that you may wish to speak with.

Terry Cooke: If they care to address that this evening, that's fine. Again, there's no action will be taken on this this evening. This is an information session, but we're happy to hear from anyone who has a thought on this. So, if you do come forward, please state your name and your address for the record, surely.

Scott Little: Good evening, everyone. I'm Scott Little, I'm the manager, new managing director at the Salamander Middleburg. In my third week here in town and in my 35th year here in, in Virginia, and I'm, here on property and I don't have all the answers tonight. These are very good questions. And still deep diving myself into some of the details. I am I am very sure that I can reiterate, Salamanders, long standing, goals to, you know, continue to support a safe and happy community in Middleburg. And as I think the resort has, has definitely proven itself to have at the forefront of these, these residences, there are, you know, there are more than two that are built right now, and they're not seeking these special use permits. They're residential units. How often they're in them or not? We certainly don't keep track of it, I'm not sure. Like you, I'm not sure how that how that plays out, but I think, from what I could read, it was contemplated more so as a way to limit the opportunity for short term rentals then to insist on residential occupancy at any other particular on the other side of the equation. But these are all I've been taking copious notes and, as you say, at a more appropriate time, I would love to, to address these in much more detail. Yeah. So, but I'm happy to also try, try a hand at any questions I'm happy to answer and do the best I can.

Terry Cooke: Thank you. Does anybody have a question? Yes. Council Member Jacobs.

Bud Jacob: Thank you for speaking with us this evening. Do you have a back of the envelope estimate of the. What is it, 48 homes you're building? How many of them are likely or may apply for a SUP for short term rentals?

Scott Little: I can say what is sort of standard in other developments that I've seen and that I've studied over the years. You know, if it's, it's highly variable. The occupancy side of that is, I think, you know, when Prem thought that 50% of the year was a reasonable occupancy, it is because you find, those, the interest at this price point is unique and different. And so as far as how many could or would submit a SUP sometime in the future? I don't know the answer to that, obviously, but I don't think there's so unique in the destinations. Middleburg being vastly different from tourism and attendance driven tourism locations.

Bud Jacob: At one point or another, I think Prem may have suggested something on the order of seven out of the 48 or 49. Yeah, but I can't vouch for that. And I'm not sure he actually said it. It could have been me hallucinating up here. Of the applications that we do receive for a SUP for short term rentals. How many of those do you guess will not be managed by Salamander? We've got one out of three here.

Scott Little: So given the very good parameters that the town has encumbered the zoning ordinance with, I would think it would be very limited. You know, Airbnb doesn't own anything. They license and collect. Right. The, the amount of superstructure that that it requires to support this kind of occupancy in the way that the town has rightly articulated in the ordinance. I would think that would be daunting for anyone other than the resort next door.

Bud Jacob: Well, I'm not familiar with the company Loudoun Plan. Anybody know them or anything about them? [off mic] Okay. I would say that the reason I mentioned salamanders management of these properties is not because I'm in love with salamander necessarily. It's because for us, it's a shorter route to accountability. And that's an important feature, I think when you're talking to your customers down the road who may be considering this, that from our perspective, I can't legitimately say it's preferable, but you see, you hear what I'm saying? We like we like accountability.

Scott Little: Indeed. Yes.

Bud Jacob: Okay. Thank you very much.

Terry Cooke: Anyone else on the commission have a question? Any questions for the representative of the management company? Other management company that's here, Commissioner Woodruff.

Don Woodruff: Well, my question simply gets back to the fact of is this a residential community or is it a rental community? And I'm not sure. I mean, entering into this thing 20 years ago, it was a residential community that was going to look a lot like Middleburg, etc.. And I don't know that it's clear there's clarification of how Salamander, you look at this issue. Do you see? As primarily a somebody bought a house and they're going to rent it as much as they can to make money. And I just don't think that's what we believed was going to happen. At least it's not what I believe was going to happen. Right? And I know a lot of other people who live in the town who feel very strongly, in fact, I. One gentleman approached me last week and simply said, "I warned you. What was going to happen. And it's happening. I'm still confused. Is it a residential community? Or is it a rental community?"

Scott Little: Mr. Woodruff. The it is a residential community. And at this price point, as I'm not sure who pointed it out, the acquisition price point. Whether or not they, you know, some, some of these owners have other houses or not. You know, I know for a fact one of them who lives here full time does not. And this is their primary residence. If they decided to, make it available to short-term rentals. You know, at some point during the year because they vacation somewhere else. That's what that's what this permit would allow the at this price point, the clients who are acquiring these houses are interested in the lifestyle of Middleburg and the lifestyle of the resort, the amenities of the resort, which, as a member, they're available to them for a fee. And, that is what acquiring a property here, in these residences. That's what makes it appealing, is this lifestyle. So, and, you know, I won't speak directly for Miss Johnson, Doctor Johnson on this, but I can say that she absolutely intends to utilize this to entertain friends and family outside of a rental, type of arrangement. She's very excited about that house and what it could possibly do to enhance, the lifestyle of the people that come to visit her, which is quite a few. So, it is very much a residential community, and it's a special one. Just like, Middleburg proper is special. And I think those are very hopeful and reasonable expectations of this community.

Terry Cooke: Thank you, sir. Anyone else? Thank you, sir. Appreciate it. Yes, Commissioner Fleischman.

Ed Fleischman: Thank you, Mr. Chairman. Just want to address this to, Will Moore. I think it would help me and the other planning commissioners if you could send us the letter or the application, the signed document where they asked for this particular short term rental agreement.

Will Moore: Of course. No problem.

Ed Fleischman: Okay. Thank you very much.

Terry Cooke: Anything else on this item before we move on?

Bud Jacob: Mr. Chairman, do you want to hear from the other management company? [off mic].

Will Moore: If I might suggest when we.

Terry Cooke: If you'd like to come and just identify yourself, explain who you are and what your company does.

Will Moore: Actually, Mr. Chairman, I think it would be more appropriate, if you will, that that is a separate application that we've not talked about yet. Okay. So, I yes. Thank you.

Terry Cooke: All right. Thank you so much. Our second special use permit application. Very closely mirrors the first. It is a special use permit application 24-02 request by Alexander Perdakis for a special use permit for short term rental at 606 Martingale Ridge Drive, zoned R-3 Residential District. Again, we have a memo from staff that, closely, tracks that address the first application. Is there anything different about this one Will?

Will Moore: Yes. A little bit, again, as you stated, the materials submitted kind of closely mirror the first one, as they were clearly prepared, in conjunction with the, the management entity, which would be the same, which would be, salamander Middleburg. In this case, this lot is on Martingale Ridge Drive. I included a what I called a vicinity map in there so you could see, as of as of now, which lots have been developed or are currently underdeveloped development, within the subdivision. So, this one is on the north side of Martingale Ridge Drive. It already is surrounded by homes on three sides, both the east west and then across the street to the south, by developed lots. So, it's a little bit of a distinguishing factor there. A smaller lot, but still well in excess of the minimum lot size required at a little over 18,000ft² for this one. Showed you, within the package, a couple of, plats, one for the subject property, one for the property, to the west, which is the closest of the two, on either side, showing that there is a separation of at least 33ft between the dwellings, again, in excess of the minimum separation of 25ft that is required. So again, this is the first application in the, the smaller lot section that is the vineyard section. And again it is in area that is already developed by and already has some occupied homes on either side within the development, similar to the first one, I think it might be helpful to have conversation with either the owners or their representative, whether it's, tonight or at the hearing next month, just kind of about the intended use of the property, I think would be would be helpful. So otherwise, I'm happy to answer any questions you have on this application.

Terry Cooke: Thank you Will. Any questions by commissioners for Will? Is there an applicant? Oh. Oh, I'm sorry. Go ahead.

Don Woodruff: Yeah. My yes. My question is, do they have to specify dates to you and then stick by those. Or is it flexible?

Will Moore: It's flexible.

Don Woodruff: Okay. Thank you.

Terry Cooke: Is there an applicant representative here this evening?

Terry Cooke: Please. Again, before you speak, identify yourself and your address.

Scott Little: It's, Scott Little. Managing director of the Salamander and here on Pendleton Drive as well. And.

Ed Fleischman: Excuse me before he makes a presentation. I thought the owners were going to be the applicant, so I'm not quite sure why Salamander is here. And you know representing first off.

Terry Cooke: Owners representative, applicant, or applicant's representative.

Scott Little: Yeah. And just think, in every zoning case, an owner can subjugate their authority and obligations in zoning application actions. And that's what we are in this case. So yeah, the first next verse, same as the last, you know, again, number of questions that I'm, going to take back and at a more appropriate time, come out and give you a more robust presentation. But very clearly, this this owner does intend to occupy their, their home way more than 50% of the year and make it available to some short-term rentals that are quite limited.

Terry Cooke: Thank you. Any questions of the applicant's representative? None? Thank You. Any other questions or comments by the Commission members before we move on?

Ed Fleischman: I just want to say that, when the owner presents themselves before the commission, I feel much better about it than having a representative come in. That would be my opinion.

Terry Cooke: Okay. Thank you. We'll move on to the third matter for discussion. Special use permit 24-03. Request by Mary and Thomas Gillespie for a special use permit for a short-term rental at 601 Martingale Ridge Drive, zoned R3 Residential District and. Again, following the same process. We have a memo. In this one, we have a I noticed that we have a different management company involved. Will, is there anything you want to add before we get into questions?

Will Moore: Yes. Thank you, Mr. Chairman. A couple of distinguishing items with this application that I think are worthy of consideration. In addition to, the proposal to use a different management company. And I know Mrs. Gillespie has a representative of Loudoun Stay with her this evening, and I'm sure you'll be happy to hear from them. In this particular instance, we're dealing with a home that's on the south side of Martingale Ridge Drive. So, it does back up, albeit through a buffer area to the developed portion of the town, which distinguishes it from the other two applications. It is important to note that there is a 75-foot buffer of HOA open space between the rear lot line of the subject lot and the rear lot line of the adjacent homes on Stonewall Avenue. But nonetheless, it still does have that kind of rear facing area. A lot of these homes, in fact, all of the homes are designed with kind of a congregation area to the rear of them. So, whether it's a patio, in this case, I know the Gillespie's intend to put in a pool. So that will back up, toward, the developed portion of town. That being said, the Gillespie's have also included a, an enhanced landscaping plan for their own lot, which would be above and beyond the landscaping that is in the buffer zone between the rear of their lot and the rear of the lots on Stonewall. So they are, including that kind of enhanced landscaping plan, which would increase buffering and screening from homes to the rear. The other distinguishing fact on this application that I think is worthy to note, if you think back to the one application that you previously reviewed on North Jay Street, when that one was ultimately approved by council, there was some discussion, and I think it was at the council level was after it had cleared the commission, there was some concern about, the fact that once issued a special use permit runs with the land so it could be transferable to subsequent owners. There was some discussion of that with that previous applicant on North Jay Street. And he voluntarily waived that ability. So, he imposed his own condition. It was not a condition that the town attorney felt we could impose. We the town could impose as a condition. But he self-imposed a condition that would waive the transference of that special use permit to a subsequent owner of the property. In this case, the applicants have included that same thing in their narrative. So, we might have to work on how that is exactly stated, whether what is contained in their materials would suffice or whether they would have to word it differently. But I think that's an important consideration. As these permits may get approved in the future, you may have a certain comfort level with a certain applicant, and the knowledge that that applicant could potentially sell the property and the permit could transfer to another one could be of concern. Although, that being said. A permit can be conditioned upon many other things, including we're using this particular management entity. We're limiting ourselves to X number of nights. Maybe those kind of things and those kind of conditions could transfer. But I think that's a distinguishing part of this particular application as well.

Terry Cooke: Thank you Will. Any questions by the Commission for Mr. Moore? Is there an applicant here this evening for this application? And please, just a reminder, state your name and address. Great.

Tom Gillespie: Tom Gillespie.

Mary Gillespie: Mary Gillespie Yeah. Yeah. We're yin and yang. 601 Martingale Ridge Drive in Middleburg. So, thank you for having us this evening. We're really excited to be part of Middleburg community. We put a deposit on the lot three and a half years ago, October, almost October of 2020. So, it's been a long road. In our application you'll see that we live in Great Falls, Virginia. But we plan to move out here full time. We love the walkability of where our location is to town. We also are, you know, fans of Salamander as well. So, our situation as such, we've been dealing with this for so long, we did not have an opportunity to by the time we bought the home Salamander's rental program was still being put together. Understandably so. It's a big, it's a big undertaking for them. And so, we decided to look at other options, not Airbnb or VRBO, which the youngsters call VRBO now. So, we decided we wanted to find a concierge level, third party to, for booking and management. So, the successful applicant you have on J Street, I believe that applicant uses the third party like Airbnb and VRBO. Will could either correct me or confirm that is all fine and well. But because we're in the Salamander community and we will be, you know, catering when we aren't there to short term rentals, that will probably be staying at Salamander or maybe having their wedding right behind us

at the community center. We felt like we needed to find a company that really could meet that that level of, care actually in booking as well as serving the client and in the ordinance, I believe and Will you can correct me if I'm wrong, but an ordinance I think it requires kind of feet on the street or and maybe it's a Salamander contractual agreement, but, part of what Tom and I did was let's find a brokerage company that specializes in short term rentals and that serves, goes beyond similar to Salamander in terms of level of service. So, lo and behold, we found Loudoun Stay. The founder is here, as well as his colleague Pam, and we've been working with them for about a year on planning this so that we are good partners, not only with the town, but also Salamander. And we've talked with Prem. He doesn't know which, company we have selected, but we've been very open that we thought it'd be a good idea to try a firm that's had six, seven years of experience in short term rental right here in Loudoun, and that is committed to, to providing business to, to Loudoun entities. So, they and you can look at their website or you can ask Luke, who's the CEO, more about it, but their marketing and what they do is Stone Tower or all these different wineries, weddings, things like that. All these people that come to Loudoun need a place to stay. Whether you're going to the Upperville Horse Show, or you have a wedding at Community Center, there's not a lot of options. And I think I wasn't here 15 years ago when salamander partnered with town to figure that out. But my guess is Salamander needs places to put these visitors that are part of the economy. And so, I will stop talking. But that's kind of our background. We do plan on being here as much as we can. We don't. Another reason why we want to partner with Salamander and Loudoun Stay is we don't want to do a lot of high volume. We'd rather do, less guests so that we can be there more and then also so less wear and tear, as well as being considerate to our neighbors who are here full time. So, it's not constantly different people. So, I'm sure I forgot other things.

Tom Gillespie: I just want to say something really quick on the lot, but Will did a good summary on the lot. But basically, it's the largest lot in the vineyard section. As Mary said, we were the first check down. We got sort of the pick of the litter, and we picked the biggest lot and it's got on one side, it's got a big green strip between houses. It's got obviously the buffer back near where the where the berm is. And it's pretty far away from the house. So, on the other side as well. So, it's, it's a pretty good-sized lot. [off mic]

Luke Baldwin: My name is Luke Baldwin. I'm the owner of Loudoun Stay. Kind of looked at the purpose of Loudoun Stay is how do we help. I think really address the luxury upscale properties that we have across Loudoun Stay. And how do we maintain the beauty of what Loudoun is? I mean, I've raised my kids here. They're graduating seniors. And, you know, I want to keep them as safe as possible. That was really the purpose of how do we provide the need for accommodations and raise the bar on, you know, who stays out here, and how do we maintain control and management of these properties. So, we're not finding, you know, the Airbnb type. That's person in my opinion. So, I have a lot of information over three plus years on what is an Airbnb versus a luxury rental. And really, we've been defined more as a hospitality concierge with a lot of added security into our processes. Not only boots on the ground, but multiple inspections, multiple, we also interview and do security background checks on our guests as well. So, there's a lot that goes into our processes that I'd love to come and sit down and talk with you guys about how we do business.

Terry Cooke: So, thank you. Any questions from the commission? [off mic] This is this is a work session. It's very informal. State your name.

Mary Gillespie: Mary Gillespie, 601 Martingale Ridge Drive. I'd say is, the successful applicant you have right now, I don't see much difference between that applicant on Jay Street and Tom and Mary Gillespie's application. He lives in Northern Virginia. He comes out when the home is not rented. And that's the same with us from a practicality standpoint, the way short term rentals are that particularly with Airbnb and VRBO, but any short-term rentals, you really don't know if the home is going to be what we're in January. I don't know if the home is going to be booked on June 10th. Right. So, if it's booked on June 10th, great to June 15th, whatever. But I can't plan to be there that time period. Right. So, if from a practicality standpoint, if the resident is required to be there 183 days, not only how is that enforced, but how does that work from a practicality standpoint if you're doing it seasonality, for instance, we all know October is a really high season here. But then again, you know, January is not. So, it's not really practical if Tom and I rented it from September for those six months, and then and then we stayed for the remainder of the six months. So, I just ask for us all as we talk through this and see if we can make this work for everybody. Thinking through the practicality of how that works. How would I mean, Tom and I plan to come out here as many weekends as we can and during the week, too, because we both work remotely. Our youngest is 16. He has a driver's license, but we don't want to leave them all the time back in Great Falls. But we want him to come out here with friends. So, we want to use as much as we can. But from a practicality standpoint, if Loudoun Stay books, you know, six weddings this summer, does

it make sense for us to come in those three days, in between those two weddings, to satisfy this 183 days? The last thing I'd say is Tom and I actually have a next-door neighbor that she rents. She works for a International Corporation, so she's not there a lot. And she does do short term rentals next door in Fairfax County. It's, I believe, 180 days like it is in Loudoun. And we are very sensitive. It's very unusual to have that in Great Falls. So, Tom and I are very sensitive to how short-term rentals impact a neighborhood. And so, you can only take our word for it. But we're coming out to Middleburg and we're moving out to Middleburg in a couple of years because we love what you guys have created. So, I just I just want to make those final points and thank you. Thank you for giving us a chance to talk tonight.

Terry Cooke: Thank you.

Ed Fleischman: I have a general comment that I'd like to have the managing director of Salamander Resort respond to, the Salamander Residences are on streets with no parking on them. And a lot of the units have, you know, six parking spaces. Say they have a garage; they have a driveway. So, if there is, as we discussed, someone has a party July 4th, New Year's, and they're inviting people over. How do how do they deal? How do you propose they deal with parking if it's more than six cars?

Scott Little: Good question. Yeah, those are those roads are VDOT standards and Loudoun County standards and those won't be changing anytime soon. So, we have, we have had that question just recently, this weekend, about a party, a gathering that's going to happen at one of the homes. And, as part of the service, as part of the membership, all of those visitors should come straight to the hotel. The hotel will valet park the cars. And we will, escort guests in our vehicles to the houses and retrieve them when they're ready to leave. Truly resort living. Yeah.

Ed Fleischman: Okay. Thank you. Good answer.

Scott Little: Thank you.

Terry Cooke: Thank you. Okay, folks, thank you all very much. Thank you, folks, for coming and, and sharing your, your thoughts with us. I'm sorry. Did someone say something?

Will Moore: Just a reminder that, public hearings will be scheduled on each of these three applications for your February meeting.

Terry Cooke: Yes. Let's see, we're well past the 7:00 hour. We will adjourn the work session and move right into our regular meeting. Anyone on the commission have to take a break. Are we good? We're good. Okay. We will call the regular meeting, to order. And first order of business. It is January. Nomination and election of officers for chair and vice chair. Do we have any nominations for chair, Commissioner Fleischman?

Ed Fleischman: I nominate the existing chair to continue work here as chair of this commission.

Don Woodruff: I second and third.

Terry Cooke: Do we have any other nominations please? Any other nominations? Thank you for the nomination. I guess, the next order of business is to call for a vote. Rhonda. Would you call the roll on that?

Rhonda North: Vice Chair Woodruff.

Don Woodruff: Yes.

Rhonda North: Commissioner Fleischman.

Ed Fleischman: Yes.

Rhonda North: Commissioner Minchew.

Rachel Minchew: Yes.

Rhonda North: Commissioner Roszel.

Dev Roszel: Yes.

Rhonda North: Commissioner Stein.

Mimi Stein: Yes.

Rhonda North: Council Member Jacobs.

Bud Jacob: Yes.

Terry Cooke: Thank you all. I think. Nominations for vice chair. Anyone.

Bud Jacob: Mr. chairman, I'd like to nominate vice chair Don Woodruff.

Dev Roszel: I second that.

Terry Cooke: We have a nomination and a second. Any other nominations for vice chair? No. Rhonda. Would you please call the roll?

Rhonda North: Vice Chair Woodruff.

Terry Cooke: Well, he has to abstain.

Rhonda North: Commissioner Fleischman.

Ed Fleischman: Yes.

Rhonda North: Commissioner Minchew.

Rachel Minchew: Yes.

Rhonda North: Commissioner Roszel.

Dev Roszel: Yes.

Rhonda North: Commissioner Stein.

Mimi Stein: Yes.

Rhonda North: Council Member Jacobs.

Bud Jacob: Yes.

Terry Cooke: Very good. Thank you all. Congratulations, Don.

Don Woodruff: Congratulations.

Terry Cooke: You have my deepest sympathy.

Don Woodruff: Condolences. Make sure you show up.

Bud Jacob: This to help you get through future meetings.

Terry Cooke: Keep them coming, Bud. All right. Next item is disclosure of meetings with applicants. Does anyone on the commission, have any disclosures to make regarding meetings or discussions with folks having matters before the commission? Anyone. Hearing none. There are no disclosures. We will close that item. Next item is public comments. Nonpublic hearing related. We don't seem to have anyone here this evening.

Don Woodruff: I think this lady has a comment.

Bud Jacob: Probably directed for the chairman.

Terry Cooke: We don't have anyone on the line, do we? Rhonda. No one has phoned in.

Rhonda North: We don't do remote meetings anymore.

Terry Cooke: Seeing there's no comments. We will close the public comment item on the agenda. Next item is minutes from our October 16th, 2023. Community workshop. And the October 23rd, 2023 regular meeting and November 27th, 2023 work session. Let's take. Those individually. The community workshop. Do we have a motion on the minutes for that one?

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

Bud Jacob: Second.

Terry Cooke: A motion and a second. Any discussion? All those in favor?

All Commission: Aye.

Terry Cooke: Motion is unanimously approved. Minutes are adopted. Regular meeting minutes and work session minutes. We'll do those together. Oh, no. Excuse me. They're different dates. Regular meeting minutes for October 23rd, 2023.

Bud Jacob: I move that we approve the regular meeting minutes for October 23rd as presented.

Don Woodruff: Second.

Terry Cooke: Motion and a second. Any discussion? All those in favor?

All Commission: Aye.

All Commission: Motion is unanimously approved. Minutes are adopted. Minutes for the November 27th, 2023 work session. Do we have a motion?

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

Bud Jacob: Second.

Terry Cooke: We have a motion and a second. Any discussion? Hearing none. Rhonda. I mean, excuse me. We have a, All those in favor of the motion, please indicate by saying aye.

All Commission: Aye.

Terry Cooke: Opposed. Hearing no opposed. Motion is unanimously adopted, and the minutes are approved. Next item. Council representative report. Council member Jacobs. Anything to share with us?

Bud Jacob: Thank you. I don't have any specific items to mention. The council will be undertaking its annual, strategic planning off site. And I think we're going to do it in Culpeper, and I believe we're going to eat in the Culpeper Piedmont Steak House. So we'll be able to bring back a report on what it's like to likely to look like here in Middleburg.

Don Woodruff: You have to pay for that?

Terry Cooke: Yes, I'm willing to pay for that. I wanted to ask Will about the Berkeley Group report. And whether we have received it, whether you have assimilated it, and where we are on the Joint Council/Commission meeting to discuss it.

Will Moore: Oh, thank you, Mr. Jacobs. We have received the report. We received the initial draft, in mid-December, I believe, something like that. The town manager and I did a review of that. We sent it back to Berkeley, with some, minor edits, I think, some minor clarifications. We have received a resubmission. I think it is probably good to go at this point, but, we'll still need to meet, the manager and I to discuss that. And discussions with the mayor. I think a decision has been made to delay that meeting until after the strategic planning retreat with council. But it is still absolutely the intention to have that joint meeting between the council and the commission. But I think the, it may be, Well, I think it will be a discussion item at the council retreat. But then we will schedule the meeting, hopefully shortly thereafter.

Bud Jacob: Good. Thank you. That's actually why I asked the question. And the community meeting or the workshop, whatever structure that takes would be subsequent to our joint meeting.

Will Moore: If there if there were to be a follow up. Yeah.

Bud Jacob: Okay, good.

Terry Cooke: Thank you, Bud.

Ed Fleischman: Yeah. Just a quick question. When is the strategic meeting of Council.

Will Moore: I'm not sure if a date has been exactly set yet, but I think Rhonda might have it for you.

Rhonda North: The date is scheduled for February the 29th through March the 1st.

Ed Fleischman: Okay, so the other meeting would be. Thank you.

Terry Cooke: Next item is discussion items. We have one item listed and that's the annual report to Council. Rhonda, do you want to enlighten us on that? I saw the memo.

Rhonda North: Thank you, Mr. Chair. So, as you all may recall, a number of years ago, the council instituted an annual report of committees, to the council. We did those for several years, where once a month, a committee would come, give a brief, report to council on what activities they had taken that had taken place by that committee the year before, what activities they anticipated. Coming up for the following year, any goals, projects that the committee wanted to work on and particularly anything that would require, financial resources or human resources. Those meetings sort of stalled with Covid. And now that we're beyond that and we're in our new building, the council has asked that we reinstitute the annual committee reports. So, the question before the committee tonight is which month, you'd like to give your report in? As of this moment, we've got, June the 27th. July the 25th. September the 26th. Or October the 24th. Available. So, is there a preference amongst the committee as to which date they'd like to give their report?

Terry Cooke: I recall from the from the memo that there is no requirement that all the members of the commission attend that meeting. They are certainly encouraged to do so if they choose to. Is that correct?

Rhonda North: Correct. Generally, the chair or the vice chair gives the report to the council. The council does like to see as many members as possible. Just, you know, so you get to meet each other and, you know, familiar faces, that type of thing.

Terry Cooke: Okay. And who typically delivers that report. Is that the chair?

Rhonda North: Typically, it's been the chair.

Terry Cooke: Thanks Don. [multiple speakers]. I'd like to have a revote on the.

Rhonda North: I mean, the staff can certainly help you put the report together, but the staff is not supposed to give the reports.

Terry Cooke: I've spoken to Will about this, and we'll work together to put something together. As far as the date is concerned, I mean, I'm fine with the. What was the June date?

Rhonda North: June 27th.

Terry Cooke: June 27th. Is that is there anyone who. [inaudible] for some reason. Okay. All right. Put us, put us down for June 27th.

Rhonda North: Okay, okay, I'll put that on the calendar, and I'll send you out a meeting invite so you can get on your calendars as well. Great. Thank you, thank you.

Terry Cooke: Last but not least, a quorum for the February 26th meeting. Is there anyone who will not be available? Commissioner Minchew won't be here,

Ed Fleischman: I will be out of the country then I possibly could, be remote.

Terry Cooke: All right. So, we have 123. All right. We will have a. Even if, Commissioner Fleischman isn't available, we'll still have a quorum. Right on. Okay. All right. We'll leave that date as, February 26th. And with that, ladies and gentlemen, we are adjourned. Thank you, thank you.

Ed Fleischman: Thank you.