



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



**MONDAY, FEBRUARY 26, 2024
PENDING APPROVAL**

PRESENT: Terence S. Cooke, Chair
Donald Woodruff, Vice Chair (arrived after roll call)
H. H. “Dev” Roszel, Member
Mimi Dale Stein, Member
Morris “Bud” Jacobs, Councilmember

STAFF: Danny Davis, Town Manager
Martin Crim, Town Attorney
Rhonda S. North, MMC, Town Clerk

ABSENT: Edward R. Fleischman, Member (excused)
Rachel Minchew, Member (excused)

The Middleburg Planning Commission held their work session and regular monthly meeting on Monday, February 26, 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.

Closed Session

Councilmember Jacobs moved, seconded by Commissioner Roszel, that the Planning Commission go into closed session as allowed under the Virginia Freedom of Information Act Section 2.2-3711(A)(8) for consultation with legal counsel regarding the Commission’s pending consideration of special use permit applications for short-term rentals. Councilmember Jacobs further moved, seconded by Commissioner Roszel, that the Commission thereafter reconvene in open session for action as appropriate.

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

Chair Cooke asked that the Commission certify that to the best of each member’s knowledge (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (2) only such public business matters as were identified in the motion by which the closed session was convened were heard, discussed or considered in the closed session, which each member so did. He reminded those present for the closed session that any discussion that occurred within it should be treated as confidential.

Chair Cooke adjourned the work session and called the regular meeting to order at 7:08 p.m. He announced that due to an error with the advertisement of the public hearings for the special use permit applications for short-term rental uses in the Residences at Salamander, the public hearings could not be held during this meeting. Mr. Cooke further announced that the public hearings would be rescheduled for the March 25th meeting. He advised that the Commission would, however, accept public input on the applications during this meeting, which would be taken into consideration when the Commission deliberated on the applications. Mr. Cooke noted that comments could also be submitted to Town Clerk North or Town Manager Davis via email.

Disclosure of Meetings with Applicants

Vice Chair Woodruff reported that he had a conversation with an individual who was interested in serving on the Planning Commission when a vacancy occurred.

Public Comment

Will McCullough, 202 Sycamore Street, expressed concern that the lights that were installed at the mailboxes located at the intersection of Stonewall Avenue and Sycamore Street for the Residences at Salamander were too bright.

Approval of Meeting Minutes

Vice Chair Woodruff moved, seconded by Councilmember Jacobs, that the Planning Commission accept the January 22, 2024 Work Session & Regular Meeting Minutes as presented.

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

Discussion Items/Public Input

Chair Cooke advised the audience that each application would be considered separately. He reviewed the meeting procedures that were to be followed.

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

Town Manager Davis noted that one of the key items identified during the staff’s review of the application pertained to the requirement related to the use of the dwelling. He reminded the Commission that the intent of the ordinance was to ensure the primary use of dwellings would remain as residential. Mr. Davis reiterated that this was an item that was noted with this application and suggested it be a topic of conversation with the applicant. He reminded the Commission that no action could be taken at this time on this or the other two applications.

Scott Little, Managing Director of the Salamander Resort, appeared before the Commission representing this application on behalf of Sheila Johnson, as well as SUP 24-02 on behalf of Alex Perdikis. He advised that the intent of the two property owners was to use their homes as often as possible by themselves, family members, friends, and acquaintances. Mr. Little advised that Ms. Johnson and others bought their homes to enjoy, fill with personal selections and personal effects and to live in as often as possible. He noted that the only thing they asked was that they be allowed to rent them when they were not using them in order to help offset some of the carrying costs of the homes. Mr. Little opined that special use permits for short-term rentals impacted numerous property owners, both current and future, depending on how personal situations evolved over time with regard to real estate. He advised that he carefully studied the special use permit that was approved for the property located on Jay Street, which included a stipulation that the property owner would be a part-time resident of Middleburg, as this was his second home. Mr. Little noted that the application stated that the property owner would “occupy the home as often as possible when it’s not rented.” He opined that the applications he represented identically mirrored the Jay Street application in many ways and fulfilled the minimum standards set forth in the Jay Street application. Mr. Little advised that the applications he represented vastly exceeded the minimum standards, while delivering a higher level of structure and management standards to the community. He opined that these applications were more in conformance and more appealing in favor of the statutes. Mr. Little further opined that the applications exceeded the minimum standards in that the rentals would not be for less than two nights each and advised that Salamander’s technology and operating protocols would yield longer term stays in the houses. He opined that long stay guests would benefit the community. Mr. Little advised that the two applications exceeded the minimum lot size requirement. He noted that as to the requirement that

the houses be used primarily as a residential use for one hundred eighty-three days per year, it was the intent of Ms. Johnson and Mr. Perdakis to use the houses as often as possible personally and by family and friends. Mr. Little advised that he could not definitely state that they would be occupied for one hundred eighty-three days, despite their best intentions, nor could he state that they would not.

Chair Cooke questioned whether the applicant understood that in order to qualify for a special use permit for short-term rental use, the home must be a place of primary residence for half a year. He further questioned whether Ms. Johnson intended to comply with this requirement.

Mr. Little confirmed she understood the one hundred eighty-three-day requirement and she intended to comply in the greatest way possible, considering the personal use of the house would involve family and friends.

Chair Cooke encouraged that the applicant supplement her application before the public hearing next month.

Will McCullough, 202 Sycamore Street, opined that if the applicant had any interest in occupying the home more than one day a year, she would have already stayed in it. He expressed concern that the Salamander Resort drew on emergency services on a nightly basis, with multiple calls being received. Mr. McCullough questioned how that would be magnified if the Planning Commission allowed “party houses for the rich” for one hundred eighty-three days a year. He also expressed concern about traffic and the pull on the Town’s limited infrastructure. Mr. McCullough questioned what allowing short-term rentals would do to the perfect little place that was Middleburg. He questioned whether the people who bought the homes in the Residences at Salamander were planning to subvert the actual use to “prosper off paradise” and opined that it was “sucking the vibe” out of it. Mr. McCullough opined that Salamander was trying to skew the metrics for short-term rentals and noted that three applications out of twelve houses was 25%. He reminded the Commission that the subdivision had not yet been built out. Mr. McCullough opined that Salamander was opening up investor grade properties to people who would buy them and see returns because they were vacant. Mr. McCullough opined that they were buying them as permanent primary residences; however, they were not moving into them and were then asking to do something else with them. He suggested there was no need to offset the cost of ownership for houses owned by billionaires when there was a workforce housing crisis in the country and in the town.

Megan Gallagher, 214 E. Marshall Street, opined that contrary to Mr. Little’s comments, nothing in the applications before the Commission were equivalent to the approved special use permit on Jay Street. She noted that she could see that house from her window and advised that it only allowed for a single couple to stay there. Ms. Gallagher noted that it was a historic structure that was located across the street from a gas station and office building. She advised that it had a fenced yard and lots of parking. Ms. Gallagher reiterated that it only allowed for a single couple to occupy it. She advised that she did not speak during the public hearing on that application, as she did not see the use as creating an impact. Ms. Gallagher noted that she spoke with the owner and asked him to turn off his outdoor light, which he did. She reiterated her opinion that these applications could not be compared to that one and suggested they needed to stand on their own.

Karen Jackson, 500 Stonewall Drive, noted that her comments were directed at all three applications. She advised that she was opposed to them and noted that she had already endured a lot over the last two years due to their construction. Ms. Jackson advised that she tried to be positive about it and embraced them as a neighborhood of neighbors. She noted that she knew every neighbor she had ever had and opined that she would not know who would be staying in these houses, as it would be a different person each week. Ms. Jackson advised that a home in her neighborhood was operated as a short-term rental for six months and reported that it contained a felon, a pedophile, and a drug dealer. She acknowledged that these may not be type of people that would rent the applicants’ homes; however, she noted that it was unknown as to who would. Ms. Jackson advised that when she came home from work, she wanted to enjoy her home and property and opined that this would be difficult if people were partying next door until 11:00 p.m. each night. She noted that she interacted with visitors to Middleburg in her shop, who she embraced; however, she opined that offering them a house with a pool, barbeque and sound system would not be something she would want in her backyard. Ms. Jackson reiterated that she wanted to know who would be living there. She opined that using the houses as short-term rentals was not a neighborly thing to do. Ms. Jackson noted that there were families with children and elderly people living in the neighborhood.

Mr. Little noted that he had a great admiration and respect for those who spoke candidly during the meeting to present their positions. He advised that the management of activities around the hotel was something they did every day and noted that they had a robust workforce that included managers and employees. Mr. Little advised that the short-term rentals would fall under the same high standards of Forbes Travel Guide. He noted Salamander's protocols for arrivals and departures and advised that they knew their guests. Mr. Little advised that in his experience, single or double occupancy was not uncommon in the short-term rental business associated with hotels and explained that even though there were other rooms in the house, it was very common that people just wanted privacy. He advised that as to security and the resort's taxing of services in the community, the resort had their own security force that consisted of DCJS licensed security officers, who mitigated the drain on services. Mr. Little opined that there was no reason to believe this would change with the short-term rentals.

Chair Cooke reminded the audience that no decision would be made on any of the applications during this meeting due to the advertising error. He noted that the comments received would be taken into consideration. Mr. Cooke reiterated that the Commission would hold a public hearing on each application during their March meeting and invited those who spoke to return then if they desired.

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

Scott Little, Managing Director of the Salamander Resort, noted that the Town adopted a rigorous set of standards for short-term rentals and opined that the applications he represented exceeded the minimum standards. He advised that Ms. Johnson and Mr. Perdikis (the applicants) had a deep, caring attitude toward the Middleburg community and noted that this attitude would continue at the highest standards. Mr. Little advised that the short-term rentals would operate in a safe manner. He opined that the applications exceeded the Jay Street application that was approved by the Commission. Mr. Little expressed hope that given that Salamander would manage the properties, the Commission would look favorably upon the applications.

Alethea McCullough, 207 Chestnut Street, noted that Mr. Little spoke about the relationship between Salamander and the community. She reminded the Commission that there were a lot of meetings and hearings held on how the residential area would be developed and advised that it was agreed that only seven of the units would be allowed to be used as short-term rentals. Ms. McCullough questioned whether the three being presented before the Commission were a part of the seven or whether all the homes would be used as rentals. She noted the impact in terms of daily car trips on a town of only six hundred eighty-five residents. Ms. McCullough questioned how short-term rentals would impact the town and what it brought to the town and its residents.

Prem Devadas, President of Salamander Hotels and Resorts, advised the Commission that Salamander agreed to limit the resort to one hundred sixty-eight rooms and noted that this was what they did. He asked that the property owners in the Residences at Salamander be treated the same as any other resident in Middleburg who had the right to rent their homes on a short-term basis. Mr. Devadas noted that Salamander only happened to be the agent for the homes in the Residences at Salamander and advised that the property owners entrusted them with their homes. He noted that they set a high-quality standard that exceeded the standards, particularly from a security standpoint. Mr. Devadas advised that Salamander would require the short-term rental guests to check-in in the same manner as the guests at the resort. He noted that they would have to sign a registration card, which allowed Salamander to ask them to leave if they did not comply with their standards, which included the Town's ordinances. Mr. Devadas further noted that when Mr. Little referred to their exceeding the minimum standards, he was referring to the high level of security Salamander practiced each day at the resort. He advised that from a functional standpoint, they would serve as an agent like any other agent or owner who intended to rent out their properties. Mr. Devadas stressed that they were not expanding the resort through short-term rentals.

William McCullough, 202 Sycamore Street, questioned the truthfulness of some of the applicants and their representatives. He begged the Commission to do the right thing for the town; otherwise, it would start to see a divestment of its legacy residents and would lose the intangible nature of Middleburg.

Councilmember Jacobs noted the personal attacks that occurred during the public input and advised that not much was gained by them. He advised that they did not help him as he tried to figure out the way forward. Mr. Jacobs opined that this only confused the issue and contributed to the increasing divisiveness in the community. He asked that speakers be civil, make their points and not engage in personal attacks.

Vice Chair Woodruff agreed and noted that he reacted negatively to that kind of language.

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

Town Manager Davis reported that this application was slightly different than the previous two in that the property owners were representing themselves. He advised that the Commission had their plan for the management of their property and the short-term rental process. Mr. Davis noted that this application was for property located on the Stonewall Avenue side of Martingale Ridge Drive, whereas the other two were on the resort side. He reported that the applicant's home was more than two hundred feet from the nearest residential structure in the existing portion of the town; therefore, it was quite a distance away. Mr. Davis reported that the application met the minimum lot size and separation requirements. He advised that the topic of conversation came down to whether it would primarily be used as a residential use. Mr. Davis noted that he forwarded some additional information from the property owners to the Commission, which the owners would speak to during their presentation.

Tom and Mary Gillespie, 601 Martingale Ridge Drive, appeared before the Commission representing their application. Mrs. Gillespie advised the Commission that they started this process in 2020, when they put a deposit down with Salamander, and received their certificate of occupancy in June of 2023. She noted that they continued with their contract, even after Salamander raised their prices, because they loved Middleburg. Mrs. Gillespie advised that they planned to move here once their youngest child was out of high school. She noted that her son attended school in Oakton, Virginia and advised that they could meet the one hundred eighty-three day residency requirement if they needed to; however, they would like to share their house with their extended family and friends. Mrs. Gillespie further advised that while they would use the residence as their home, she could not guarantee it would be used as a residence for one hundred eighty-three days per year. She noted that a speaker on a previous application said that these applications were nothing like the Jay Street one and opined that hers was actually better since they owned a single-family home, as opposed to a duplex. Mrs. Gillespie advised the Commission that they were partnering with Loudoun Stay, who would perform background checks on their renters, check people in and manage the rental. She noted that Loudoun Stay not only met the requirements of the Town's ordinance, but also met Salamander's requirements. Mrs. Gillespie reported that they invested \$30,000 to create parking on their property to ensure they were not impacting their neighbors by having cars in the street. She advised that she and her husband were waiving their right to have the special use permit pass to a subsequent property owner. Mrs. Gillespie reiterated that they intended to move to Middleburg on a full-time basis.

Tom Gillespie reviewed their residency history and noted that they came to Middleburg all the time as they liked being here. He advised that he wanted everyone to understand that they were not just passing through.

Mrs. Gillespie advised that they spent a lot of time in Middleburg over the last nine months. She noted that they had met many of their neighbors, had been invited to their homes and were not strangers.

Chair Cooke advised that he was interested in the Gillespie's condition on the special use permit that would limit the permit to their ownership of the home so it would not carry forward to a subsequent owner. He questioned whether they were amenable to that being a condition of the special use permit.

Mrs. Gillespie confirmed they were, even though it was not in their best interest from a property value perspective. She advised that they did not intend to move any time soon and wanted to address any concerns the Commission may have. Mrs. Gillespie reiterated that they would waive their right to have the permit run with the property.

Pam Snyder, of Loudoun Stays, advised the Commission that unlike a hotel, they did not accept instant bookings and would not do so for the Gillespie property. She further advised that they would have a good understanding of the purpose for the short-term rental before a guest put a deposit down, not only for their sake, but so the homeowners would be comfortable knowing who was going to be in their home. Ms. Snyder advised that with respect to noise, they

used technology that monitored the noise levels and alerted her immediately if they exceeded a set decibel. She noted that they performed background checks on all their guests and if they had a criminal history, would cancel the booking.

Scott Little, Managing Director of the Salamander Resort, acknowledged the Gillespie's willingness to terminate the special use permit upon the conveyance of their property. He reported that the Residence at Salamander's homeowners association required that their rental agreements terminate upon the sale of a property and advised that any new homeowner would have to opt into the rental program. Mr. Little further advised that this homeowner's association requirement ran with the land. He explained that this would not result in the diminution of the property value based on the sale.

Chair Cooke questioned whether Mr. Little was saying that if a property owner retained Salamander as the management agency for their short-term rental and if they sold their home, the new homeowner would have to start over again and apply for a new special use permit.

Mr. Little advised that the new property owner would have to opt into the homeowners association's rental program, which ran with the land. He confirmed that opting into that program only meant they were retaining Salamander's services to manage the rental and did not speak to the issue of whether the special use permit would continue.

Prem Devadas, President of Salamander Hotels & Resorts, advised the Commission that this application had nothing to do with the Salamander Resort's rental program. He further advised that they would not derive any revenue from it. Mr. Devadas noted that they were happy for the Gillespie's. He advised that the property owners in the Residences at Salamander had the choice of who they selected to manage their rental program. Mr. Devadas advised that it was not accurate to characterize any home within the Salamander Residences as being a part of the resort. He noted that the resort had conversations with every resident of the Residences at Salamander and advised that they were not opposed to the idea of property owners seeking to rent their properties, as they understood they would have to meet the Town's ordinances. He opined that like many residents in Middleburg, the homeowners in their subdivision wanted to have the option of someday having short-term rentals as a part of their options. Mr. Devadas reiterated that there were no concerns among the present residents of the Residences at Salamander about the potential for their neighbors to do short-term rentals in accordance with the ordinances.

Mrs. Gillespie opined that short-term rentals were something the community could think about collaboratively. She reminded the Commission that she could rent out her house for thirty days, which was not something she wanted to do. Mrs. Gillespie reiterated that they only wanted to cover some of their carrying costs and did not want this to be a business venture. She advised that they did not want the wear and tear on their house. Mrs. Gillespie reiterated that she could rent out her house for a month; however, she advised that she would like to be in Middleburg on weekends. She questioned how renting it out for thirty days would address the concerns that were raised. Mrs. Gillespie noted that Salamander had strict HOA guidelines that they must follow regardless of whether they used Salamander as the management agency or not.

Chair Cooke reminded the audience that a public hearing would be held on the applications during next month's meeting and invited anyone who wished to return to speak to do so. He explained that given that people were aware of this meeting, the Commission wanted to give people the opportunity to address the applications.

Council Representative's Report

Councilmember Jacobs reported that the Council would hold its annual Volunteer Appreciation Reception on March 18th. He asked that the members RSVP to Town Clerk North if they had not already done so. Mr. Jacobs reported that the Council's Strategic Planning Retreat was rescheduled to April 2-3 due to the Mayor's scheduling conflict. He noted that the retreat would be held in Culpeper, Virginia. Mr. Jacobs advised that the Town issued a Boil Water Notice earlier in the day for those parts of the town that were affected by a water main break, which required the Town to turn off the water for a period of time while repairs were being made. He reported that the Town was watching some legislation before the General Assembly that could affect local zoning authorities and asked Town Manager Davis to explain them.

With regard to the boil water notice, Town Manager Davis explained that the Town experienced a main break on Washington Avenue, just past the fire department, which required the Town to shut off the water at Windy Hill Road. He explained that it affected customers on the main headed west up to Virginia Lane. Mr. Davis noted that the water customers were sent boil water notices out of an abundance of caution,

Town Manager Davis reported that there were two bills before the General Assembly that would strip local governments of their zoning authority. He further reported that it was the Town and Virginia Municipal League's position, as well as other localities', that any removal of local zoning authority was something that would be fought vehemently, as localities preferred to control zoning issues at the local level. Mr. Davis noted that localities were able to hear from the public, which helped inform their comprehensive plans and zoning ordinances. He reported that the first bills of concern were HB 900 and SB 304, which would prohibit localities from restricting accessory dwelling units on a single-family zoned parcel. Mr. Davis explained that this would essentially mean that such units would be allowed by-right, with a very limited ability of the locality to mitigate their impacts. He noted that the challenge was that this would effectively double the density of a single-family neighborhood, including the doubling of traffic, stormwater runoff, parking issues, and the consumption of water and sewer, without the mitigation of those impacts by the property owners. Mr. Davis reported that both bills were set aside for the year and would be forwarded for additional study with the Virginia Housing Commission. He noted that such mandates were well received in some urban areas; however, they were concerning for small communities. Mr. Davis reported that the other bill of concern was related to short-term rentals, which would prohibit a locality from enacting ordinances after December 31, 2023 that would place a special use permit condition on any property owner who legally occupied their home as a primary residence. He noted the lack of clarity in the bill. Mr. Davis acknowledged the Town's ordinance was already in place; however, he advised that this bill was one more step toward potentially limiting a locality's ability to review and consider regulations pertaining to short-term rentals. He reported that the Town opposed the bill. Mr. Davis advised that the bill passed the Senate and was slightly amended in the House. He further advised that it passed the House Committee on Cities, Counties and Towns earlier in the day and would be up for a floor vote in the next day or two. Mr. Davis reiterated that the Town was keeping an eye on the bill. He advised that it could have some legal ramifications and noted that the Town needed to understand what it meant in the long term if passed. Mr. Davis advised that from a big picture perspective, the concern was that the State continued to step into local zoning issues. He noted that the staff continued to keep the Council informed of legislation and would be happy to keep the Commission informed as well.

Quorum for March Meeting

Those members who were present advised that they would be present for the March 25th meeting.

There being no further business, Chair Cooke adjourned the meeting at 8:16 p.m.

RESPECTFULLY SUBMITTED:

Rhonda S. North, MMC, Town Clerk

Middleburg Planning Commission Transcript
February 26, 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: Good evening, everyone. We will convene the work session of the Planning Commission meeting of February 26th. The work session will be followed by the regular meeting. Tonight, we are going to be going into closed session during the work session. So, we're going to move from this dais into one of the meeting rooms next door, because we have some matters to discuss with the town attorney. When that concludes, we'll come back in here and at 7:00 or later by that time. Will convene the regular meeting. Okay. And let's see Rhonda, I guess we need to call the roll before we do anything else.

Rhonda North: Chair Cooke.

Terry Cooke: Present.

Rhonda North: Vice Chair Woodruff is not here. Commissioner Fleischman is absent. Commissioner Minchew is absent. Commissioner Roszel.

Dev Roszel: Here.

Rhonda North: Commissioner Stein.

Mimi Stein: Here.

Rhonda North: Council Member Jacobs.

Bud Jacobs: Here.

Terry Cooke: Very good. Thank you all. As I mentioned, we're going to be going into closed session for the work session. Could we please have an appropriate motion? Go ahead, Bud.

Bud Jacobs: I move that the Commission go into closed session as allowed under the Virginia Freedom of Information Act, Section 2.2-3711A8 for consultation with legal counsel regarding the Commission's pending consideration of Special Use Permit applications for short term rentals. I further move that the Commission thereafter reconvene in open session for action as appropriate. Do we have a second, please?

Dev Roszel: I second?

Terry Cooke: Motion and a second. Any discussion? Hearing none. The motion carries. Let's see. We need a roll call vote to go into closed session.

Rhonda North: Yeah, we do need to vote to go into closed session.

Terry Cooke: Please call the roll.

Rhonda North: Vice Chair Woodruff. Vice Chair Woodruff on the motion to go into closed session. [off mic].

Don Woodruff: Yes. Whatever you say.

Rhonda North: Commissioner Roszel.

Dev Roszel: Yes.

Rhonda North: Commissioner Stein.

Mimi Stein: Yes.

Rhonda North: Council Member Jacobs.

Bud Jacobs: Yes.

Terry Cooke: Very good. Thank you all. We will now convene. Okay. Before we conclude our work session tonight. And I ask that the commission certify that to the best of each members knowledge. One only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act. [off mic] Really?

Rhonda North: Try again.

Danny Davis: Okay we should be better.

Terry Cooke: Shall I begin again? I asked if the Commission certify that, to the best of each members knowledge one only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act. And two, only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed, or considered in the closed session. I would like to remind those present for the closed session that any discussion that occurred within it should be treated as confidential. And Rhonda, I think we need another roll call.

Rhonda North: Chair Cooke.

Terry Cooke: Agree.

Rhonda North: Vice Chair Woodruff.

Don Woodruff: Agree.

Rhonda North: Commissioner Roszel.

Dev Roszel: Agree.

Rhonda North: Commissioner Stein.

Mimi Stein: Agree.

Rhonda North: Council Member Jacobs.

Bud Jacobs: Yes.

Terry Cooke: Very good. Thank you. And with that, the work session for this evening is adjourned. And we will move right into the regular meeting of the Planning Commission for February 26th, 2024. Thank you all for your patience while we did some housekeeping during the work session. Before we begin this portion of the meeting, I'd like to make a statement about the public hearings plan for tonight's agenda. The Code of Virginia and Middleburg Zoning Ordinance have legal requirements for advertising public hearings of zoning changes, including Special Use Permit applications. Regrettably, the town's newspaper advertisement did not meet the legal requirements. We will still hold tonight's meeting and discuss the three Special Use Permit applications, but the legally required public hearing for each of those will be re-advertised and will occur at the Planning Commission's March 25th meeting. Now, we know that probably most of the folks here tonight are here for consideration of one of the three special use permits. And for

that reason, we want to go ahead and conduct an unofficial public hearing. I would say that anyone who's who wishes to comment tonight obviously is free to do so. Their thoughts and concerns will be taken into consideration if they choose not to come back next month. They don't have to, but we will still consider their whatever comments or concerns they want to express tonight. We will still hold the meeting tonight as if it were a public hearing. Staff will give a brief presentation on the application. The application or the applicant will have an opportunity to present their request. And then we will be open for public comment on each application. Please note that the public comments given tonight will be taken into account and be part of the public record. Members of the public may still speak at the March 25th public hearing, but you would not be required to for your comments to be taken into consideration. You may also submit public comments to the town by emailing the Town Clerk, Rhonda North at Town Clerk at Middleburg Va.gov [TownClerk@MiddleburgVA.gov] or the Town Manager, Danny Davis at D Davis at Middleburg Va.gov. [DDavis@MiddleburgVA.gov] Thank you. Yes.

Dev Roszel: Take a deep breath.

Terry Cooke: We'll now go into recess. [laughter] There we go. All right. We will call the regular meeting to order. First order of business is disclosure by the Commission Members of any meetings or discussions they may have had with applicants or persons having matters before the Commission. Do any of the members of the Commission have anything to disclose in that regard?

Don Woodruff: Yes, I do. Very good. I have had a discussion with my neighbor who happens to be present, Linda Welsh and about if an opening came up or if we needed another member. She would like to be considered.

Terry Cooke: Very good. That time will inevitably come. Thank you, Don. Anyone else? Okay. Hearing nothing further that agenda item is closed. We'll proceed to the next agenda item, which is public comment. This is an opportunity for any members of the public who wish to address the Commission on any matter other than one of the matters scheduled for public hearing. If anyone wishes to address the Commission on any matter, now's your opportunity. [off mic] Please. Yes, sir. Please state your name and your address.

Will McCullough: Is it on? Okay. William McCullough, 202 Sycamore Street. My one comment or concern has to do with the extremely intrusive light coming from the Stonewall and Sycamore intersection. I guess they have plans to put their forced mailbox there. So, they've grouped a large grouping of LED whatever streetlights there, and it's like the [expletive] sun is just beaming down from, like, 7 to, like, 6 a.m. It's radiating.

Terry Cooke: That's it. Thank you, sir. Anyone else have any comments? Seeing none. We will close that agenda item. Thank you. Next item approval of the minutes for the Commission's January 22, 2024, work session and regular meeting. May we have a motion on the minutes?

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

Terry Cooke: Thank you. Is there a second? Second? We have a motion and a second. Any discussion? All in favor say aye.

All of Council: Aye.

Terry Cooke: Opposed? Hearing none. Motion carries. The minutes are approved. Thank you. We now turn to the Special Use Permit applications that are before us this evening. We have three of them. We will consider each individually. The applicant or an applicant's representative will be allowed five minutes to make any comments following that, any members of the public who have thoughts one way or another on the application will be allowed three minutes. All people are asked to identify themselves by name and address before they begin their comments. Once your comments are concluded, your comments are concluded. No second bites at the apple, please. So please say your piece when you have your opportunity. The one exception will be we will allow the applicant at the end of everyone else's comments to come forward if they wish and have three minutes to respond to matters that other parties may have been brought. May [inaudible] may have raised for our consideration. With that being said, we'll turn first to Special Use Permit 24-01 request by Salamander Farms, LLC for a Special Use Permit for a short-term rental at 800

Old Saddle Drive. Zoned R1 Residential Family District. The staff have any comments they would like to make to lead us into this? Danny.

Danny Davis: Thank you, Mr. Chairman. And thank you, Commissioners, and I appreciate your patience with me, as I am not a planner or a zoning administrator. But thankful for Will putting this memo together before he went out on his leave. I also want to note, just for your sake and also for the public that we have brought on Martha Semmes to be Interim Zoning Administrator to provide zoning support to the town for a few months and appreciate her stepping up and being with us also this evening. As you noted, Mr. Chairman, and for the Commissioners while we have three Special Use Permits for short term rentals on the agenda tonight. We do ask that you consider them individually and for their own particular purposes and also for the information provided individually, with each one. You have the report before you. So, I don't intend to go over that in particular detail for this or the other two applications. However, to note for your benefit and for also the public that one of the key items noted in staff's review specifically pertains to item number A of the requirements for a special use permit for short term rentals related to the use of the dwelling and how the applicant or property owner intends to use that dwelling. As noted for your sake, as well as for the public that these are still in residential neighborhoods. And so, the intent of the zoning ordinance here is to ensure that the primary use of these dwellings is still for residential use and residential occupancy. So that's an item that we've noted in this particular application and maybe a topic of conversation when the applicant presents their request to you. With that, Mr. Chairman no other particular comments to be made except as noted, no action can be taken at this time for this item or the other two. And if there are any particular questions for staff before the applicants present, we're happy to try to answer those for you.

Terry Cooke: Thank you, Danny. Folks if there's a representative for the applicant or the applicant would like to address this. Name and address, please.

Scott Little: Yes, indeed. Good evening. My name is Scott Little, and I'm at 500 North Pendleton as the Managing Director of the resort. I'm speaking tonight in support of the two special use permits. One at Martingale Ridge and the other at Saddlebrook Drive. But more importantly for Miss Sheila Johnson, who has asked me to represent her here in this application. And also Mr. Alex Perdikis, who is also an owner of a home. Firstly, I think it's very good. I'd like to just reiterate the intention here that these owners would want to use these homes as often as possible for themselves and close family, their closest friends and their closest acquaintances. Miss Johnson and others bought these homes to enjoy them, fill them with personal selections and personal effects, which is what we see happening there. Live in them as often as possible. So that family and close friends can enjoy the Middleburg community, the beautiful horse country way of life. And both Miss Johnson and others will be the only thing that they ask is that they be allowed to rent them when they're not using them. To help defer and offset some of the costs of carrying those homes. To that end, I make this appeal on behalf of Miss Johnson and Mr. Perdikis. I'll approach these applications, which I'm happy to speak about this twice, but at your pleasure, Mr. Chairman. We also believe that the Middleburg property owners should be also interested, not just those seeking a Special Use Permit today. The subject impacts numerous current owners and may well affect owners in the future. Depending on how personal situations evolve over time with real estate. First, we've studied very carefully the short-term rental permit that the Planning Commission unanimously approved on October 22nd, 2022. We approved that seven zero. For the Jay Street property. That application, among other statements, included stipulations such as that the owner was a part-time resident of Middleburg. And then in section A that it as it referred to the minimum standards required that this was his second home. And he'll occupy the home as often as possible when it's not rented. Those words are right out of the approved special use permit. And on the record for that Jay Street permit. Our applications tonight do two things when compared to the Special Use Permit for the Jay Street property. Number one, it mirrors identically in many and most ways, and fulfills the minimum standards set forth by the Special Use Permit on Jay Street. Number two, these applications vastly exceed the minimum standards while delivering a higher level of structure and management standard to the community, making this application more in conformance and more, and we think, more appealing towards in favor of the statutes. Next, I'd like to highlight our application's conformance to the standards. By the way these applications exceed these minimum standards. Firstly, and I'll just mention the standards briefly. There's some of them are lengthy, so I'll just mention them for a frame of reference. Each occurrence is required. No less than two nights occupancy. As manager our business and managing these short-term rentals we use highly sophisticated technology and operational protocols that not only prevent single night occupancies, but actually yield guests towards staying longer term to the houses, which makes for a much more residential experience as a guest for the resort and also for the community. Long stay guests benefit the community more so. Then minimum lot size are two applications tonight exceed the 10,000 square foot minimum.

Rhonda North: Mr. Chair, I'm sorry the beeper's not going off, but the five minutes are up.

Terry Cooke: Okay, good. Please try to condense. [multiple speakers]

Scott Little: Tighten it up. Understood Mr. Chairman I was going to I think that there are a number of ways. And I will reiterate these to Danny in writing to update our application, which I think would be most helpful, but on the point that Danny spoke of in the beginning single family detached dwelling, primary residential use used for 183 days. We can state that the intention for Miss Johnson and Mr. Perdakis is to use the house as often as possible personally, for family, close friends. I mean, when they bought these homes, they bought it to enjoy it and as often as possible. And the Middleburg community as with Jay Street application, we can't definitively state that it would be occupied 183 days despite their best intentions. But in the same way, we can say that they cannot or that we can't say that they wouldn't be occupied for 183 days. The intentions of these owners is to live in these homes, filled with personal design choices that allow their families and closest friends to utilize them as much as possible. Begging your indulgence.

Terry Cooke: I have one question.

Scott Little: Yes.

Terry Cooke: Does the applicant understand that in order to qualify for a special use permit for short term rentals? The home must be a place of primary residence for half the year.

Scott Little: 183 days. Yes.

Terry Cooke: Okay. And is it her intent to comply with that requirement?

Scott Little: It is absolutely the intent to comply in the greatest way possible considering their personal use of the house, which could involve family, friends, etc.

Terry Cooke: Okay. Thank you. I would encourage you before the official public hearing next month to supplement your application with Danny. So, we all have the benefit of specifically. [multiple speakers] what you are proposing.

Scott Little: Yes, sir. Thank you, Mr. Chairman.

Terry Cooke: Thank you.

Scott Little: My pleasure.

Terry Cooke: Thank you. I will now invite any other members of the public who might wish to address us on this issue. Please come forward or. All right. Again, state your name and address.

Will McCullough: William McCullough, 202 Sycamore Street. I want to.

Terry Cooke: Confine your remarks to three minutes.

Will McCullough: Okay, I want to first off, apologize to everybody I know and love in this room and as well as the parties I'm growing to despise more and more at every second. But like as the youngest member of this community who bought in now three years ago at 31 next week, my heart is pounding out of my chest when I hear people just blatantly lie to you. If she had any interest in occupying the home more than one day a year, she would have already stayed in it. Okay, it's been finished. It's been done. That's concerned. My real concerns are the fact that the resort is an overwhelming draw on our EMS and fire services every night, that they have a party, wedding or gathering. We have, you know, multiple calls out there. And what does that magnify into if you allow them to just have party houses for the rich? 183 days a year. Beyond the concern of the car traffic and all of that, it's really what pulls on our infrastructure, our limited infrastructure that we have in the Golden Mile out here, as George Washington called it when he found it all these years ago, surveying. What does that do to this perfect little place? Now, onto my other concerns. To the

people who bought these properties and are planning to subvert the actual use or stipulations of them, stop trying to prosper off of Paradise because it's really sucking the vibe out. I'm like, you know, it's I don't know where else to go on that one, but we'll leave that there. My next comment goes to the fact that they're trying to skew the metrics, because 7 out of 52 is 12.5% and three out of 12 is 25. So, when you give a mouse a cookie, they're always going to ask for more. And they haven't even built out the neighborhood. If they continue this farce of what it is and this lie, they're opening up investor grade properties to their friends who can come in and buy at \$2 million and see returns because they're vacant. They buy them as permanent primary residences and then don't move into them and then say, well, can we do something else? And the last concern and this goes directly towards whatever the one is on the hill, I don't have the address, the one that Sheila Johnson owns. There is no reason to defer cost of ownership on properties for billionaires when we have a workforce housing crisis in this county and in this town, it's disgusting. It's disgusting to ask for. And there I've used my three minutes and I'll be respectful.

Terry Cooke: Thank you. Thank you. Anyone else? Yes, ma'am. Name and address, please.

Megan Gallagher: Hi, it's Megan Gallagher. I live at 214 East Marshall Street, and I'm just here to make a clarification both to Mr. Little's comments and what I saw and write ups from county staff in the minutes. Nothing about these applications is equivocal to the approved air of short-term rental on North Jay Street, because I can see it outside my bedroom window. It allows a single couple to stay. It is an ancient old building that is part of that academy complex of historic structures. It's across the street from a gas station and an office building. And it is. It's got a fenced yard with lots and lots of parking, but it's in a place in which a single couple coming in, whether it's for two nights or for the Upperville Horse Show week, we would never know. And we don't know. I went to the public hearing in which you approved that and never spoke because I didn't see it being an impact, and I was able to follow the owner out of the building. His granddaughter lives around the corner on Sanford Road, and he's as close as Fairfax, I think, and he was so nice. He said, were you going to speak? I said, no, I just wondered, could you turn that outdoor light off so it's not killing all the butterflies and maybe use an indoor light as your security and he said, yes. And he's done that ever since. So, what a neighbor. I just don't think that apples and oranges should be compared here. And each of these applications needs to stand on its own and not point to my neighborhood. Thank you.

Terry Cooke: Thank you, thank you. Anyone else on this application? Yes, ma'am.

Karen Jackson: Hi. My name is Karen Jackson and I live at 500 Stonewall, and I've lived there, I think, for 34 years I've lived in the town, 36 years, and I've had a business in town also for 34 years. And I'd just like to comment not only on this one, but all three, if I could. I just I'm kind of totally against it. I've endured a lot in the last two years with all the construction going on, and I've embraced it and tried to be positive about it. And I love Salamander. It's done great things for our town, but we're a neighborhood. And we embrace them as a neighborhood neighbors. I know every neighbor that I have and short, long and we know what's going on. You get a short-term rental in there. You don't I won't know who's in there. It'll be a different person every week. We had one in the last two years who had a short-term rental in our neighborhood in six months it's almost laughable. We had a felon, a pedophile, and a drug dealer. I'm not saying these are the type of people that would come there, but you don't know, I don't know. When I come home after working all day, I want to relax, be in my house, enjoy my backyard even though I've had a road put in next to it. So, it's going to be difficult. I don't want to have a group having a party till I don't know. They're allowed ten, 11:00 at night. And not that they'll be bad people, but in my shop every weekend, which I love, I embrace. I have groups of girls. They're having a great time. They come for bridal showers, all kinds of functions, and they all stay at Salamander. And they have a great time. And I think that's fabulous. But you give a group of girls a house with a pool of barbecue and a sound system. There you go. I mean, I can already when I go out on my deck at night, I hear Salamander over there, which it's fine, but I kind of don't want that in my backyard. And I want to know who's living there. Who you know, they won't know who's there if somebody can pay, they are in. It's just it's not a neighborly thing to do, and I can't imagine that they're doing this to these people who pay two, three, \$4 million for a house.

Rhonda North: Mr. Chair, time is up.

Karen Jackson: And then they're going to have a short-term rental next to it. There's people with children there. There's elderly people that have moved in there. It's not neighborly.

Terry Cooke: Thank you, ma'am.

Karen Jackson: Thank you.

Terry Cooke: Anyone else wish to speak on this application? Seeing none, I invite the applicant's representative if he wishes to make some closing remarks. Again, no more than three minutes, please.

Scott Little: Okay. Very good.

Terry Cooke: And again, I'm sorry, but for the record, it's name and address.

Scott Little: Yes, indeed. Good evening again, Mr. Chairman. It's Scott Little from 500 North Pendleton Street in Middleburg. Just to politely address some of the comments that just were, were reiterated. And I have great admiration and respect for the ability to speak candidly in the meeting and all positions heard. The management of activities around the hotel is something we do every single day with a robust workforce of 65 managers and 450 employees. We do it today, and we've done it for ten years in Middleburg. These short-term rentals would fall under the same exact high standards of the Forbes Travel Guide and also our very robust protocols for arrival departure reservations. We do know these guests. They would typically reserve through travel advisors. Single or double occupancy is not uncommon in my experience in the short-term rental business associated with hotels. Not an uncommon at all. Even though there are other rooms in the house, it's very common that people want that kind of privacy. So just to I think that's really what I wanted to speak to in particular. Lastly, just on security, one of the citizens spoke about security and our and the potential for taxing services in the community. The hotel is operated 24 over seven, 365 with a security and management force. Those are DCJS licensed security officers who are already mitigating significant amounts of services or drain on services that the citizens supposed. That is typical every day here. And there's no reason that that would change with the short-term rentals. I think that's all, Mr. Chairman.

Terry Cooke: Thank you.

Scott Little: You're welcome.

Terry Cooke: Thank you. Before we move on to another application, I'll just remind everyone that we will make no decision tonight on any of these applications because of the advertising hiccup. But all of these comments will be taken into consideration, and we will have a formal and legally advertised public hearing next month, so anyone who wishes to come back and speak again is welcome to do so at that time. And we actually had one representative representing two applications. I don't think there's any need to. Does anyone want to speak specifically with respect to the application? I thought not. Okay. Thank you. Our last special use permit application is. Yes. [off mic] You can. I'm sorry, say that again.

Don Woodruff: [inaudible] wants to speak to the second part.

Terry Cooke: Oh, okay. All right. Go ahead. Yep. Same rules, please.

Scott Little: Yes. Thank you. Good evening again. It's Scott Little from 500 North Pendleton, Pendleton Street. And Mr. Chairman and Commission Members, the town has passed a very rigorous set of standards encumbering short term rentals. It's adopted these parameters through rigorous statutes and ordinances. And on balance, these applications that I am presenting tonight far exceed what I believe are what I read as the minimum standards. In fact, the applications exceed them, and they exceed the standards outlined in the body of the permit that was approved by this body in October 22nd on [inaudible] property. Miss Johnson and Mr. Perdikis and the managers have a deep and caring attitude towards the Middleburg community, and they've demonstrated that for well over ten years. These dwellings would continue that out attitude at the highest standards, operating in very safe manner which not only mirrors the Jay Street application but, in most ways, exceeds it. With Salamander as manager of Miss Johnson and Mr. Perdikis' home I and the track record of Salamander in the community I hope that you would just look at favorably on this as we continue this discourse for another month or so. And I thank you again, Mr. Chairman, for your time.

Terry Cooke: Thank you, sir.

Scott Little: Yes.

Terry Cooke: I will ask again. Anyone have particular comments on this one?

Alethea McCullough: My name is Alethea McCullough. I'm 207 Chestnut Street. And Mr. Little was just talking about the relationship between Salamander and the community and how much they care about that. The question that I have is that we had a lot of hearings and plannings and everything else like that, about how that residential area was going to be developed. It was agreed on that 7 out of the 52 units would be allowed to have temporary rentals. So, are these three applicants' part of that 7? Are once we start to have applications, all 52 residents of Middleburg of those homes can rent them. And obviously the impact on that is huge in terms of how it affects the I mean, think of one that's an extra thousand car trips in and out every year, you know, and we're talking about a town of 685 residents. You know, you see two cars a week. It's a big deal, you know. How does that impact the town and what does it bring to the town and the residents here in Middleburg? So, thank you.

Terry Cooke: Anyone else on this application?

Prem Devadas: Yes. Prem Devadas with Salamander Hotels and Resorts. And may I respond to that comment? Because I just want to make sure that we tax rate haven't been here when approval was given for the resort. You are absolutely right. We agreed to 168 guest rooms for the resort. That's exactly what we're doing. And then at the same time, we only want to be true at the same as every everybody else. Any other resident that has the right to rent their home, short term rentals, having nothing to do with the resort. We happen to be an agent who they want to entrust with their home. Knowing the high-quality standard that we have set, understanding that we exceed the ordinances that have been set forth, in particular, from a security standpoint. One of the things Scott didn't mention was that we secure we have them and require them to check in in the same way as everybody else to give their credit card information and sign a registration card that, in effect, allows us to ask them to leave if they do not comply with our standards, which include in this case the ordinances. So, when Scott refers to our ability to exceed the minimum standards, it is the highest level of security that we have practiced day in and day out at the resort. But it is, from a functional standpoint, serving as an agent like any other agent or any other owner who intends to rent it themselves and comply with the ordinances. Not as part of expanding the resort. I just want to make that clear. Thank you.

Terry Cooke: Thank you Prem. Anyone else? Yes, sir.

Will McCullough: Will McCullough, 202 Sycamore. My comments just go to directly to Sheila Johnson, Prem, and Mr. Little. Their propensity to stand up here and use lawyer speak or.

Terry Cooke: Sir, I'm sorry we have concluded the hearing on Sheila Johnson.

Will McCullough: Okay, well, then it's to whoever owns the other one inside of the management group, which she owns. Okay, their propensity to sit here and lie to you guys about the use of these properties is disgusting. I'm going to have dinner. I wish you luck. The lighting in here is tough. I know the atmosphere is tough, but I beg of you guys to do the right thing for this town because you're going to start to see divestment from legacy individuals here, and you're going to lose the intangible nature of this place, and it's just going to be Disneyland if you let it continue.

Terry Cooke: Thank you, thank you. All right. We will close the hearing on the applications for Mr. and Mrs. Perdakis and Salamander Farms, LLC. Our final Special Use application is Special Use.

Bud Jacobs: Mr. Chairman.

Terry Cooke: Yes.

Bud Jacobs: Could I make a comment?

Terry Cooke: Yes. Go ahead, Bud.

Bud Jacobs: Council Member Jacobs on the Planning Commission. I don't think we gain much when our speakers come in here and accuse other speakers of being liars, disgusting, raising farce and lie. These are direct quotes. They don't help me, certainly, as I try to figure out how the way or what the way forward looks like. They confuse the issues for a lot of people, I'm sure. And they contribute, I think, horribly to increasing the divisiveness in our community, which we don't need, and we have so far managed to escape despite what's happening at the national level with our politics. So, I would very much appreciate it if speakers could be civil, make their points, and not engage in personal attacks.

Don Woodruff: Mr. Chairman, I'd like to second Bud's comments. I find negative reaction to that type of language. Thank you, Bud.

Terry Cooke: Thank you, Don. Anyone else? We will move on to Special Use application 24-03 Request by Mary and Thomas Gillespie for a Special Use Permit for short term rental at 601 Martindale Ridge Drive, zoned R3 Residential District. Mr. Davis, any preliminary comments?

Danny Davis: If I may, just briefly, Mr. Chairman, and thank you. This application is as you know, slightly different than the first two and that the property owners themselves are here and representing themselves. And they will discuss, and you have in your application materials their plan for management of the property and management of the short-term rental process. This application is also slightly different in that it is one that is on the Stonewall Avenue side of Martingale Ridge Drive. Compared to the other two, which were on the resort side, however, it is important to note that the distance from their structure to the nearest residential structure in the existing portion of town exceeds 200ft. So, it is quite a distance away. As noted in the report before you, they also meet the criteria listed for minimum lot size, separation from dwellings, etc. And again, the topic of conversation does come down to intended use as a primarily as a residential use. I did forward on to the Planning Commission some additional information from the property owners, and I know they'll be happy to speak to that as well when they bring forward their presentation. So just want to make sure for the Commission's purpose as well as for the public, that this is just a little bit different than the first two that you considered.

Terry Cooke: Thank you, Danny. The applicant will have five minutes, please be mindful of that. When you see that little yellow light come on, that means it's time to wrap up. Okay. All right. Thank you so much.

Mary Gillispie: I probably need that at home. My husband would say. Yeah. Yeah. Okay.

Terry Cooke: Name and address, please.

Mary Gillispie: Mary and Tom Gillespie, 601 Martingale Ridge Drive. And I'd like to thank Commissioner Jacobs and Commissioner Woodruff for your comments about keeping things civil, because as a new homeowner in Middleburg we have felt very welcome here. We got a certificate of occupancy last June. We started this process three and a half years ago, in October of 2020. We were one of the first to put a deposit down at Salamander. And when they raised their prices, not Salamander, but the developer we stuck with it. And why did we stick with it? Because we love Middleburg. We were engaged in L'Auberge Provencale and White Post 24 years ago. And we intend on moving to Middleburg as soon as we can get that last one out of high school. One of the things I noted in our email from the other day that Danny was kind enough to forward to you all is that our son goes to private school in Oakton, Virginia. And between, you know, the express lanes and things like that, we can meet the 183 days if we need to, and we will, but we would like to share it with my extended family, who lives in Richmond and D.C., and some friends. So, for example, we just had I had my college friends from Virginia Tech for a long weekend here, and they just had a ball. None of them ever spent time in Middleburg. Anyhow. So those are my comments that are more descriptive than than anything else. In the email that I sent to Danny the other day, I decided to address the things that I think came up in the meeting last month. And so one is, how are we going to use the residents? We're using the residents as our home. It just happens to be the home that we're not in every single night. But we will be there a lot. Can we guarantee 183 days? I'm an honest person I could tell you, yes, but I'm not sure that's the case. Are we going to use it primarily as a residence a lot? Absolutely. And, you know, I know that another speaker said that we're nothing like Jay Street application, but we're actually in some ways better than Jay Street application. We're a single-family home. Jay Street property is a duplex. We are partnering with Loudoun Stay. They do background checks. They check people in, feet on the street. They have a realty license. They have all the requirements that not only the town ordinances, but also Salamander. The

documents we signed with Salamander was if you don't go with Salamander, you may not go with Airbnb and Vrbo. Why does Salamander say that? Because they care about who is going to stay on their property. So, I know I'm missing a lot of points, but parking. We invested in \$30,000 worth of parking. I hesitate to use that amount because I don't want to be accused of being a rich person. But we did that because we want to make sure that we're not impacting our neighbors with having cars in the street. That was before we realized we can't park in the street. So lucky us on that. We're waiving our right to pass a Special Use Permit on to the next owner that can impact our property value. But we're willing to do that because we intend to stay here. We intend to move here full-time. Let's see what else. I guess the background check if you want to ask questions about that. We do have a representative from Loudoun Stay here. Who can answer that question? I'm sure I'm missing things.

Tom Gillispie: No, it's a good summary. I just wanted, I think, on a broader level, address the neighborly question. So, you mentioned we got engaged in White Post. We you know, we were the first check down, I think in the whole property. You know, when I moved to DC at age 22, I ended up coming out to Middleburg all that time ago and just fell in love with the place. You know, since 1987, 88. I moved to California. I came back in 1996. First place I come is here, come back and just, you know, look around the town. Just see what you know. I just like being here. Flash forward. Finally, we get a chance to put a check down in the Salamander. And, you know, this is where we're going to be talking about enjoying the place, this is where we're going to be. And so, I want to make sure that everybody understands that we're not just kind of passing through and running the place like, we like this place.

Mary Gillispie: And we've spent a lot of time in the last nine months here. The holidays, we had extended family, no parties. Just we're respectful of our neighbors. In fact, we've met many of our neighbors in Ridgeview and going on walks, and we've been invited to their homes for gatherings. So, we're not the strangers, the interlopers that were being made out to be. So, we just wanted to make sure that we told you that.

Terry Cooke: Thank you.

Mary Gillispie: Thank you.

Terry Cooke: Thank you. I have one question.

Mary Gillispie: Oh, sure.

Terry Cooke: And I did review your supplemental filing, and I am interested in your volunteering to limit your permit to your residency of the home and not have it carried forward to a subsequent owner when that day ever comes if you are amenable and receptive to that being a provision in your special use permit?

Mary Gillispie: We are we it's not in our best interest from a property value standpoint. But yes, we are, because we don't intend to move anytime soon. And it's also we want to address your concerns as much as we can. And if that's a concern you know, we don't know who's going to purchase our home when time comes. And we understand that concern. So, yes, we're willing to waive our right.

Terry Cooke: Thank you. Thank you very much.

Mary Gillispie: Thank you.

Terry Cooke: Anyone wish to speak to this application? Pam.

Pam Snyder: Hello. Hello Pam DL Snyder I actually live in Leesburg, but I am the representative with Loudoun Stay, which is the property management group that Tom and Mary are considering. And I'd just like to clarify a couple of things which might help some of the concerns. Unlike a hotel and no disrespect, we do not, although you can. We choose not on some of our properties to accept instant bookings, which means that they just press the button and boom, they're immediately booked in one of our properties. We have the ability, and we will for Tom and Mary's property, take that instant booking off of our ability to book so that they have to speak to us. And I do speak to everyone that we book into our property. So, I know who's coming. I have lengthy conversations quite often with our guests, knowing that they're coming for the bachelorette parties or they're coming for grandpa's 90th birthday. So, I have a very good

understanding before the guests even put their deposit down as to why they're going to be here. So not only for our sake, but for our homeowners so that they have a better comfort in who's going to be there. With respect to noise levels, we have technology in the homes that we can set, knowing how many guests are going to be in that particular party for that incoming weekend. Let's say if there's six people, we can set it to say, okay, the noise level at all times should never exceed however many decibels, so that we are monitoring that 24 seven. And we will know the minute that that noise level exceeds a certain volume. And then there are steps in place that we will take should it start to get louder and louder. So, we are monitoring it, not unlike what Salamander would do. And yes, we do have background checks done on all of our guests that are coming. So, we know whether or not there's a sorry a sex offender or, you know, a criminal that's going to be coming in, in which case then they would be canceled. And I think that's really about it. I hope that that helps eliminate some concerns. Thank you.

Terry Cooke: Thank you. Anyone else on this application? You're speaking on this application.

Scott Little: Yes, I am.

Terry Cooke: All right. Three minutes.

Scott Little: Scott Little from 500 Pendleton in Middleburg. Yes. I just wanted to amplify, and the Chairman noted the Gillispie's this applicant's willingness to terminate the permit upon conveyance. In actual fact, the homeowner's association, of which all of the residences are part all of those rental agreements that are associated with our documentation for the homeowner's association terminate on the sale. So, the rental agreement terminates upon any conveyance. So, a new owner would have to opt into the rental program and apply such as you stipulate that the only minor difference here is sounds like they're wanted to run on the record with the land. And this runs on the land with the homeowner's association. And it wouldn't. Then there wouldn't be diminution of value on prior to the sale in this case. And that is the only thing I wanted to remark on for this application.

Terry Cooke: Well, thank you. And that's an interesting thing to bring up. I just so. Sort of reading into what you're saying. I don't want to put words in your mouth, but is it your representation that those folks who retained Salamander as the management group for their short term rentals if those owners, home owners sold their home, it's sort of you start all over again, and whoever buys that home again would have to come into the town and apply for a new Special Use Permit. Or is it just the.

Scott Little: New owner must opt in to the in the homeowner's association, which runs with the land they must opt into the rental program. It's not implied. [off mic]

Terry Cooke: Okay, but opting into the rental program, just means that they were going to retain your services to manage the rentals. It doesn't really speak to the issue of whether the existing Special Use Permit continues. Is that, am I?

Scott Little: I think you said that accurately. Yes.

Terry Cooke: Okay. All right. Thank you.

Scott Little: You're welcome.

Terry Cooke: Prem.

Prem Devadas: Prem Devadas, Salamander Hotels and Resorts. And I just wanted to point out the obvious, which is the Gillispie's application for a Salamander residence has nothing to do with the resort's rental program. We're not deriving any revenue from it, and we're happy for them. Owners have a choice of who they choose. And so, it's not accurate to characterize any home within Salamander Residences being a part of the resort. I think the other important thing I wanted to point out to you is that we have had numerous discussions, formal and informal, with Salamander Residences, some of them as groups recently. And I can tell you that every resident of Salamander has been interested and not opposed to the idea of applicants coming from Salamander Residences to rent there. And part of it is because whether somebody is going to rent through us or somebody else, they have always understood that there may be rentals

in accordance with the ordinances set forth by the town and our ability to deliver that. So that's always been part of the understanding. And second is, like many residences in Middleburg, there are those that want to have the option someday, not knowing what may happen in their lives to be able to have short term rentals as a part of it. Our residences are no different. So, I just wanted to make sure that you understood that we that there is no concern among present Salamander Residences about the potential of their neighbors doing short term rentals in accordance with the ordinances. Thank you.

Terry Cooke: Thank you. Anyone else? [off mic] Well, do you have a rebuttal to something that was said? Come on, come on. [off mic] Next month you won't get another bite at the apple. But if you want to do it tonight, go ahead.

Mary Gillispie: So, we can think about this collaboratively as a community, is my understanding. And Danny could correct me if I'm wrong, but tomorrow, Tom and I can rent our property on Martingale Ridge Drive for 30 days. Which I really don't want to do. But we would like to cover some of our costs. It's not a business making venture for us. We just would like to any property owner; we'd like to cover some of our costs when we're not there. And not all the time, because we don't want a lot of wear and tear on our new home that we so enjoy. But the question becomes. Okay. If we're doing 30 days here, 30 days there. I mean, we all know what happens in October between the film festival, the Upperville show, many it's just a wonderful time of the year to be in Middleburg. Sure. I can rent it for the month. I'd rather be here on the weekends, but I'll rent it for a month. But what? How does that address the concerns that we're all trying to figure out together? So that's all. I don't have the answer, but I do want to remind the community the people can rent their homes for 30 days. And I'm not sure that addresses their concerns versus people who are committed to working within the structure that you've set up. And that Salamander has HOA very strict guidelines for us, whether we went with salamander or someone else, well beyond the ordinances of the town. So, thank you.

Terry Cooke: Thank you. Thank you. Anyone else? Thank you all. We'll close the unofficial public hearing on these special use applications. We will, speaking for the Commission. We will all be here next month to do this again. Anybody who wishes to visit us again and address us on these special use applications are welcome to do so. It is not necessary that you do it. But because some people were aware of this meeting tonight and many others were not, we felt that appropriate to go ahead and give everybody an opportunity to, to address us on these applications. Thank you. Before I close the book on the Special Use Permit applications, does anyone on the Commission have any questions or comments that they wish to put forth right now, or shall we wait till next month? I take it we will wait till next month. Thank you all. Next item on the agenda is the Council representative report and Council Member Jacobs, please.

Bud Jacobs: It's no fun to do this when everybody's leaving the room while I speak, but I've gotten used to it. I have just a couple of things, Mr. Chairman. Want to remind everyone that we are doing our annual volunteer appreciation event on March 18th, and I'm reliably informed by the town clerk that RSVPs from invitees seem to be lagging. So please respond to the invitation. And if you haven't received the invitation, please speak with Miss North and she'll make sure you're aware of it. The only other item I have is to remind people that Town Council's Strategic Retreat has been postponed. The Mayor has to be elsewhere during the original dates we had at the end of this month, the new dates for anyone who's interested are April 2nd and third, and we'll be down in Culpeper, Virginia for that one. And we'll also be eating at the Culpeper Piedmont Steakhouse. So, we can give you a report on how the beef is.

Don Woodruff: Isn't that where Stonewall Jackson retreated to after losing at Gettysburg?

Bud Jacobs: I believe it is. [laughter] Oh, I'm sorry, I completely forgot a couple of other things. You may have seen the boil your tap water notice concerning events on what do you call it? Like West Washington and [off mic] Windy Hill. Thank you. So that's out there. I think the water crisis will be over if probably by now. No, it should be over. Although, because we had to suspend service, we were required to do a 48 hour boil your water notice for residents in that immediate area. And secondly, there have been a couple of initiatives in the state Assembly that I'd ask Danny to give us a quick update on that are of direct concern to this Commission.

Terry Cooke: Very good. Danny.

Danny Davis: Thank you, Mr. Chairman. And thank you. Council Member Jacobs. On the water issue just for the public's notice, we had a water main break just past the driveway to the fire station. And so, in repairing that, we did have to shut off water to Windy Hill Road. And that subsequently affected properties on West Washington, which is

primarily towards Virginia Lane. So, we have sent notice to those groups and the water should be back on but again, out of abundance of caution, have to ask people on that from Windy Hill Road West to boil their water before drinking just for safety. For legislation there were two primary issues that we've been tracking this session that would directly affect and really, frankly, directly strip away jurisdictions, local zoning authority. And as you can imagine that the town's position and VML's position and pretty much any most other towns and counties in Virginia, our position is that any removal of our local zoning authority is something that we fight vehemently. We prefer to be able to control zoning issues at a local level because of situations like this, we get to hear from the public, and the public helps inform our comprehensive plan and our zoning ordinance. The first bill of concern that we were tracking was House Bill 900 and Senate Bill 304. They were very similar bills that essentially would prohibit localities from restricting accessory dwelling units in a single-family zoned parcel. In other words, if you had a single-family zoned parcel then essentially by right, you could put an accessory dwelling unit on your property with very, very limited ability of the locality to restrict that condition, that or mitigate the impacts of that. The challenge with that is that when you effectively double the density of a single-family neighborhood, you're doubling the traffic, you're doubling the stormwater runoff, you're doubling the issues with parking that we already see. You're doubling, potentially the consumption of water and sewer, all without mitigation of those impacts by the property owners or by future builders. So thankfully, the good news is both of those companion bills were set aside for a year and are going forward to additional study with the Virginia Housing Commission. In some urban areas, primarily towards DC these types of mandates are actually very well received to address certain topics. But for small communities like us, it's concerning when you could have an additional influx of homes without any protections for the community, especially, again, as mentioned, where our comprehensive plan and our zoning ordinance have both been recently updated with the community's interests taken into consideration. The other bill, primarily that we've been tracking does relate to short term rentals, and it is a bill that would prohibit a locality from enacting ordinances after December 31st, 2023. So meaning basically any time further that would prohibit us from placing Conditional Use Permits, Special Exception Use Permits when a property owner who is legally occupying their home wishes to use it as a short term rental, or rent it out as a short term rental, there's a lot of lack of clarity, in our opinion, in that legislation about what some of those terminology and words mean. Now our ordinance is already in place, so we've already enacted that prior to this potential legislation. However, it's one more step into potentially limiting a localities ability to properly review and consider and, as appropriate, regulate short term rentals in this particular situation. So, we again have opposed this. It has passed the Senate, and the bill has been slightly amended in the House. But did pass the House Committee on Cities, counties and towns and will be up for a floor vote, if not today in the next day or two. So, we are keeping an eye on that. Again, there are some legal implications that I won't speak to, but. We will have to further understand what that may or may not mean for us in the long term if that does pass. But again, in a kind of big picture, our concern is when the state steps into local zoning issues. We're not a big fan of that. So, we will continue to keep the Council informed, and we're happy to keep you informed as these things progress forward. But those are the two primary issues from a zoning and planning standpoint that we've been tracking.

Terry Cooke: Thank you, Danny. Next agenda item is discussion items by any Members of the Commission. Anyone on the Commission have something they wish to bring to our attention? Hearing none. We will close that agenda item, leaving only the issue of a quorum for the March 25th meeting. Are all the Commissioners here tonight plan to be available next month?

Dev Roszel: Yes. [multiple speakers]

Terry Cooke: Very good. And with that, ladies, and gentlemen, we are adjourned. Thank you all so very much. Thank you.