



**TOWN OF MIDDLEBURG
PLANNING COMMISSION
REGULAR MEETING MINUTES**



**MONDAY, FEBRUARY 24, 2020
PENDING APPROVAL**

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

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

The Middleburg Planning Commission held their work session and regular meeting on Monday, February 24, 2020 in the Town Hall Council Chambers, located at 10 W. Marshall Street in Middleburg, Virginia. Chair Cooke called the work session to order at 6:30 p.m.

Appointed Officials Training

Town Clerk North provided the members with training on the Virginia Freedom of Information Act, Virginia Conflict of Interests Act, the Town's Appointed Officials Handbook, the Town's Code of Ethics/Standards of Conduct, the Council's Attendance Policy and the Town's gift ordinance. She explained that the members were not expected to be experts as a result of the training and advised that it was offered to make them aware of the regulations so that in the event something arose, they would know there was a regulation that applied and could ask the staff for assistance. Following the conclusion of the training, the members acknowledged in writing that they received the documents and training; and, agreed to abide by the regulations. (Vice Chair Woodruff arrived at the meeting at 6:35 p.m.)

Chair Cooke adjourned the work session and called the regular meeting to order at 7:00 p.m. He welcomed Commissioner Roszel back to the Planning Commission.

Disclosure of Meetings with Applicants

The members reported that they had no meetings with applicants.

Public Comment

Steven Price, an attorney with McCandlish & Lillard, advised the Commission that he was representing the owners of the Smithwyck Farm with regard to the Banberry Cross Reserve application. He reported that they retained experts to review the application and would submit comments on whether they believed the subdivision regulations had been met. Mr. Price presented the members with copies of a preliminary report prepared by aquaFUSION.

Approval of Meeting Minutes

Vice Chair Woodruff moved, seconded by Commissioner Fleischman, that the Planning Commission approve the January 27, 2020 minutes as presented.

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

No – N/A

Abstain – N/A

Absent – N/A

Discussion Items

Deputy Town Administrator Moore asked that a discussion item, which was being added to the agenda at the last minute, be taken up by the Commission.

Request of Ridgeside K9, LLC

Deputy Town Administrator Moore advised the Commission that Erin Taylor, of Ridgeside K9, met with the staff to discuss his proposal for the possible reuse of the former Southern States building. He noted that the proposed use was not allowed in that zoning district and would require a zoning text amendment.

Mr. Taylor noted that he, his business partner and Mike Sawyer, his attorney, were present to discuss their request. He explained that they had been in business for five years and were in Middleburg almost daily as many of their clients were located in the greater Middleburg area. Mr. Taylor further explained that they wanted to make improvements to the former Southern States building so they could use it primarily for the training of house pets, as well as for doggy daycare and retail activities. He advised that they had a strong social media presence and opined that this would help Middleburg and its businesses as they would encourage people to stay and shop in the area. Mr. Taylor advised that they would also encourage their clients who participated in their two-day training events to stay in Middleburg, which could bring up to thirty people. He noted that they were big on education and would encourage school field trips to their facilities.

Mr. Taylor noted the concerns regarding zoning. He advised that this would not be a kennel and explained that if someone did not pick their dog up at the end of the day, it would be taken to another location. Mr. Taylor reported that they would insulate the building and would not operate after 8:00 p.m. to address any noise concerns. He opined that given its location, customers would have easy access to drop off their dogs at the door and noted that the building was close to one of the Town’s public parking lots. Mr. Taylor advised that as to dog waste, they would install a dog specific AstroTurf that would allow urine to run off when it was washed. He noted that they would also collect and remove any solid waste on a daily basis.

Mr. Taylor reiterated that the building needed a great deal of work and advised that they planned to paint the exterior to match other existing buildings in town and would construct an overhang. He noted that he would also replace the doors and windows. Mr. Taylor opined that the reason the building was vacant was because it would cost \$100,000 to make it habitable. He advised that he was ready to advance this project, as he wanted his business to locate here. Mr. Taylor noted the need to determine the next steps. He advised that he asked for a lease term; however, the owner was not willing to enter into negotiations until the Town approved the location of his business. He advised that he would like to enter into a two-year lease, with an option to buy the property.

In response to an inquiry from the Commission, Mr. Taylor reported that 90% of his clients were homeowners with pets. He acknowledged that he had contracts to train police, therapy and service dogs; however, he advised that this occurred under a separate business, which was located in Bluemont. Mr. Taylor confirmed he also imported dogs and advised that this would not be a part of his Middleburg location.

In response to an inquiry from the Commission, Mr. Taylor advised that his goal was to have a capacity of fifteen to twenty dogs at the Middleburg facility for doggy day care. He reiterated that he currently had three hundred clients in the greater Middleburg area. Mr. Taylor advised that they made their money on the weekends through seminars. He explained that his goal was to serve residents only through doggy daycare. Mr. Taylor noted that they would also offer a dog walking service.

In response to an inquiry from the Commission, Deputy Town Administrator Moore reiterated that the proposed use was not currently allowed and would require a zoning text amendment. He noted that only the Planning Commission or Town Council could initiate such an amendment and advised that it would take two to three months in a best-case scenario. Mr. Moore reminded the Commission that even if they initiated the amendment, it would still require Council approval. He advised that it could be done as a by-right or special exception use; however, if it was a special exception use, it would require more time to get through the process. Mr. Moore noted that the zoning text amendment and special exception application could run concurrently if the Commission was comfortable with that; however, the applicant would have no guarantee of approval.

The Commission noted that the building was located in the Historic District; therefore, any exterior changes would have to go before the HDRC for approval.

Mr. Taylor opined that his proposed use fell under the category of a professional service, which was an allowed use in this zoning district. He advised that three months was too long a process.

The Commission explained to Mr. Taylor that they must look at the whole of Middleburg and noted that this building was located in the middle of town. They further noted that this was the first they had heard of this request and must discuss it.

In response to an inquiry from the applicant's attorney, Deputy Town Administrator Moore noted that it was up to the Commission as to whether they wished to initiate a zoning text amendment; however, in the best case scenario, it could be started in March. He suggested that if the Commission was open to considering an amendment, the members send him any questions they may have over the next month so he could send them to Mr. Taylor for a response.

In response to an inquiry from the Commission, Mr. Taylor advised that the grade of the property was perfect for the installation of Astroturf, which would provide a location to walk the dogs. He advised that they would construct an extension on the building that would provide shade for them. Mr. Taylor acknowledged the need to mitigate the water issues on the property.

In response to an inquiry from the Commission, Mr. Taylor reiterated that he had different companies for his corporate and government contracts. He advised that those would have nothing to do with his Middleburg location. Mr. Taylor reiterated that it would be strictly for house pets.

In response to an inquiry from the Commission, Mr. Taylor confirmed that what he was proposing for Middleburg was a new business model for him.

In response to an inquiry from the Commission as to the number of dogs at the facility on a given day, Mr. Taylor advised that he anticipated fifteen to twenty dogs per day for training. He noted that many owners had custom dog trailers that were capable of holding multiple dogs and advised that the dogs

would be brought into the facility one at a time, with the remainder staying in the trailer in the parking lot. Mr. Taylor advised that they would do as many daily training sessions as possible. He confirmed they would not do dog grooming nor would they sell dog food that was already sold in Middleburg, as they did not want to compete with the existing businesses.

In response to an inquiry from Mr. Sawyer, Chair Cooke expressed appreciation for Mr. Taylor's enthusiasm; however, he advised that it would take ninety days at best even if the Commission agreed to initiate a zoning text amendment immediately. He noted that the proposed use was not currently permitted and could not occur without a change in the zoning regulations. Mr. Cooke advised that this was something the Commission needed to discuss.

Mr. Taylor advised that he would contact the staff on the next steps. He and his associates left the meeting.

Chair Cooke recessed the meeting at 7:50 p.m. for a brief break. He called the meeting back to order at 7:53 p.m.

Deputy Town Administrator Moore suggested the Commission could take a poll to determine whether they wished to pursue a zoning text amendment. He reiterated that the members could send him any questions they may have over the next month so he could try to get answers from Mr. Taylor. Mr. Moore suggested the Commission could hold a discussion in March as to whether they wished to advance it. He advised that another option was to look at this use as a part of the larger zoning ordinance re-write. Mr. Moore expressed an understanding of Mr. Taylor's frustrations; however, he advised that dog training and dog daycare were not permitted uses in the C-2 Commercial District, which was where this property was located.

In response to an inquiry from the Commission as to the potential problems associated with the proposed use, Deputy Town Administrator Moore advised that, while not a complete list, noise, sanitation and off-site parking would all be issues that would need to be addressed.

The Commission expressed concern about the nuisance factor, sanitation issues, drainage issues and what could occur in that location in the future if this business left. They noted that they were not fans of doing one item approvals.

Commissioner Roszel, who is also Chair of the Economic Development Advisory Committee, opined that this business may not be the right business for the main street nor would it fit within the long-term economic development plan for Middleburg. He expressed concern about having twenty-five dogs in this location on a hot day.

The Commission also expressed concern about the amount of traffic that would be created and suggested parking could be an issue. They noted that walking the dogs on the street could be an issue. The members suggested there were a lot of items that needed to be considered.

Deputy Town Administrator Moore acknowledged that there were a lot of items to consider; however, he noted that Ridgeside K9 was already in Middleburg on a regular basis.

The Commission advised that while they loved the concept, they had concerns about this use being on the main street. It was noted that generally such businesses were located in industrial parks. They agreed, however, to have a conversation with Mr. Taylor.

New Business

Initiation of Zoning Text Amendment 20-01 regarding penalties and remedies for zoning violations

Deputy Town Administrator Moore reminded the Commission that they discussed this amendment a couple of months ago. He further reminded them that it was an issue that was raised by the Council, as they want the staff to have all of the tools that were available for addressing zoning violations. Mr. Moore noted that he reconstructed the language to match the enabling State legislation and revised the penalties that would be imposed in the event the Town reached the point of assessing them. He advised that he was advocating for the amendment as drafted.

The Commission opined that what was proposed was fair and noted that violators would have been given many opportunities to abide by the ordinance before the penalties would be imposed.

Councilmember Jacobs moved, seconded by Commissioner Roszel, that the Planning Commission initiate Zoning Text Amendment 20-01 pertaining to penalties and remedies for violations and schedule a public hearing on the draft amendment for the March 23 regular meeting.

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

No – N/A
Abstain – N/A
Absent – N/A

Initiation of Zoning Text Amendment 20-02 to repeal and reenact Article XIV pertaining to signs

Deputy Town Administrator Moore advised the Commission that they would receive another draft of this ordinance next month, as he still needed to incorporate some of their previous comments. He noted the need to discuss the tables further, particularly with regard to the flag allotments and whether the Commission wished to include a maximum limitation. Mr. Moore reminded the Commission of the history of that discussion. In response to an inquiry from the Commission, Mr. Moore suggested a maximum limitation of sixty-four square feet be imposed. He noted that this would allow for the display of four 3’x5’ flags; however, he acknowledged that it would not allow an individual to display a flag of all of the branches of the military should they wish to do so.

Deputy Town Administrator Moore reminded the Commission that they could move at their own pace on this amendment. He suggested they hold the public hearing next month; however, he advised that they would not need to take action at that time.

In response to the Commission’s inquiries regarding offensive flags, Deputy Town Administrator Moore reminded the members that the Town could not regulate signs or flags based on content. He noted that it could only limit their proliferation.

Commissioner Minchew moved, seconded by Vice Chair Woodruff, that the Planning Commission initiate Zoning Text Amendment 20-02 to repeal and reenact Article XIV of the Zoning Ordinance pertaining to signs and schedule a public hearing on the draft amendment for the March 23 regular meeting.

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

No – N/A

Abstain – N/A

Absent – N/A

Council Representative's Report

Councilmember Jacobs advised that he had nothing to report at this time.

Discussion Items (continued)

Status Update – The Residences at Salamander and Banbury Cross Reserve Applications

Deputy Town Administrator Moore reminded the Commission that the Town received the second iteration of the Salamander construction plans and reported that they were undergoing agency reviews. He advised that based upon the review comments received to date, he anticipated a third iteration would be necessary. Mr. Moore noted that he would provide the members with the agency comments.

Deputy Town Administrator Moore advised the Commission that he was awaiting the Loudoun County review agencies comments with regard to the Banbury Cross Reserve application. He reported that there were no outstanding comments from VDOT on the preliminary plat; however, they would have them on the construction plans. Mr. Moore reminded the Commission that when they held their public hearing, they needed to reiterate for the audience that this was a multi-phase review process, as the schematic plans would not contain all of the answers to their questions. He reported that the Town Engineer's review revealed only two minor outstanding comments and opined that a lot of progress had been made on the plans. Mr. Moore advised that he was not sure how well Loudoun County's comments from the previous plan submission were resolved.

Deputy Town Administrator Moore reported that he reached out to the applicant to determine whether he would waive the State mandated timeline. He advised that if he was not willing to waive it, the Commission would be forced to deny the application, as it was dependent on a boundary line adjustment in Loudoun County. Mr. Moore opined that the boundary line adjustment could not be completed within the required timeline. He advised that if the applicant did not waive the timeline within the next week, he would have to schedule the public hearing for the March meeting. Mr. Moore reiterated that the Commission would likely have to deny the application. He recommended that if the applicant waived the timeline, the Commission delay scheduling the public hearing until all review comments were received so the public and the Commission would have the benefit of them. Mr. Moore noted that he expected the County's review comments by the end of the month.

The Commission held some discussion on the boundary line adjustment process and its effect on the preliminary subdivision plat. They asked that they be notified as to the response on the waiver request as soon as the staff received it.

There being no further business, Chair Cooke adjourned the meeting at 8:45 p.m.

RESPECTFULLY SUBMITTED:

Rhonda S. North, MMC, Town Clerk

Middleburg Planning Commission Transcript
February 24, 2020

(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: All right ladies and gentlemen, good evening. We'll get started with our work session. I'll just mention for the benefit the folks who are members of the public who are attending the first half hour or so is gonna be our work session. You're welcome to stay and sit through it, if you like. We will be included in that work session. We're gonna have a training session, I think, led by Rhonda North for the benefit of the commission members on some of the FOIA rules and code of ethics issues that we as commissioners have to be aware of. So bear with us while we go through that. And then as soon as we conclude that, we will convene the regularly scheduled meeting. Having said that, I guess the first order of business is to do our roll call. Rhonda start us off.

Rhonda North: Rhonda North Town Clerk.

Will Moore: Will Moore, Deputy Town Administrator.

Ed Fleischman: Ed Fleischman, planning commissioner.

Mimi Stein: Mimi Stein Planning Commissioner,

Terry Cooke: Terry Cooke.

Dev Roszel: Dev Roszel Planning Commissioner.

Rachel Minchew: Rachel Minchew Planning Commission.

Bud Jacobs: Bud Jacobs Council liaison with the Planning Commission.

Terry Cooke: Thank you all. Next order of business is the appointed officials training I referred to a moment ago. And Rhonda are you going to lead us through that?

Rhonda North: We will. So thank you.

Terry Cooke: I'm very excited about it.

Rhonda North: OK. Great. Thank you, Mr. Chairman. We give this training to newly appointed members. So, Dev, will be getting it. Since this is his first meeting. But then we also give annual training to all of our boards and commissions. Some of it is just sort of a reminder refresher. But some of it things like FOIA. There can be changes from year to year. So we try to keep you all informed as to those. We're not intending to make you all experts this evening. The thought is just to give you information so that if something comes up, you can, you know, say, hey, wait a minute. I think there's some rule about that. And maybe I need to ask the staff about it. So with that said, the council has adopted good governance as one of their strategic initiatives. And in doing so, they adopted a number of booklets and policies for the appointed officials, the elected officials and the staff to follow. And part of that is what you'll be trained on this evening. In addition to FOIA, the Freedom of Information Act and COIA Conflict of Information Act, which are state regulations. So some of the documents that you need to be aware of are the ordinance

that establishes the Planning Commission. The Handbook for Appointed Officials for FOIA COIA and the Public Records Act. The Code of Ethics and Standards of Conduct. An ordinance pertaining to the acceptance of gifts and the attendance policy. And I'll go through each of these just as quickly as I can, but I'm gonna concentrate mostly on FOIA this evening. So the Virginia Freedom of Information Act, or FOIA, entitles the people of the Commonwealth of Virginia access to public records as well as free entry into public meetings. So unless there is some type of an exemption that applies, meetings must be open to the public and records must be available for public inspection. So what is a public meeting under FOIA? A public meeting is any gathering or meeting of three members that can be a lesser number if the committee is, say, three people and then it can be two but for y'all's case it's a meeting of three members regardless of the location in which public business is conducted. When we have a public meeting, we must give notice of the meeting, date, time and location, at least three working days in advance of a meeting. So what is not a public meeting? Two members do not constitute a public meeting even if they're conducting public business, unless the committee is three people. For you all two members is not a public meeting. If you're at a social or other type of function where public business is not being conducted, that is not a public meeting. Candidates forums are also not considered to be public meetings under FOIA. Other provisions under FOIA are that minutes are required to be taken of the meeting, any voting must be conducted in open session. You cannot have secret or written ballots. Polling is allowed. If you do polling, say electronically and we'll get into this a little more later on, email. You cannot do it simultaneously, but polling cannot be done in lieu of a public meeting. So again, we'll get a little bit into the email piece a little later into the presentation. So close meetings are allowed under the Freedom of Information Act. It requires a motion. The motion has to have three specific items within it. The purpose subject and state code section is probably about the only time you all go into FOIA or into closed session are for appointments and legal advice of counsel. The staff does try to provide you all with motions in advance of the meetings so that we make sure all of the requirements are met in doing that. So again, the most likely reasons are legal advice of counsel and personnel. In order to once the closed session is held, you have to certify the closed session and each member has to certify that only public business matters exempted from the open meeting requirements were discussed. That only the public business matters that were announced in the motion to go into closed session were discussed and that those are items that were appropriate for closed session. So generally what happens is that the chairman will read the certification and each member will be asked to certify. If there was any type of deviation during the closed session from that, the members need to so state at the time of the certification and you have to be specific as to what deviation occurs. And the reason that this is important is last July the rules did change and there are some pretty substantial fines if you certify a closed session and later on it's disclosed that something else was discussed and you did not make note of that during your certification of the closed session. So participation in meetings long held that that was not allowed. But the last few years, the state code has changed and members can participate in meetings electronically. First of all, there has to be a procedure in place that conforms with state code requirements and the Planning Commission has adopted. adopted those procedures. So they are in place. A quorum must already be present at the meeting in order for a member to participate electronically. And he or she has to have the chairman's advance approval to participate electronically before doing so. It can only be done due to personnel matters or medical reasons. And you can only do two or up to 25 percent of the meetings per individual per year. When members participate electronically their participation has to be noted in the minutes, including the reason they're participating electronically and the location from which they are participating. And then we have to set it up in such a way that the members voice can be heard by everyone in the room and that the member can hear everyone who is speaking in the room. So generally what we do is we'll put the telephone in the middle of the the table on speaker phone so everyone can hear both ways. Emails and meetings. So the Supreme Court has upheld that emails can constitute a meeting if they occur simultaneously between three members. To avoid ever creating a situation like that and you'll notice that Will does it with you all when he sends you an email rather than sending it to everyone. You get it as a blind carbon copy. So that way if somebody accidentally hits reply all. The only person who's gonna get the reply is the originator of the email. It's not going to go to all of the members and you won't have the opportunity for there to be a simultaneous communication. So along with the meeting requirements, you've got the public records requirements. And that is governed not only by FOIA, but the Public

Records Act and a public record is all writings or recording consisting of letters, words, numbers or the equivalent. [Inaudible] whether it's in handwriting type writing, printing, photography, etc. doesn't matter the means in which it's stored, but it has to be in the possession of the public body, an officer or employee or agent. So any of you in the transaction of public business. So, again, public records are required to be open to the public unless there's a specific exemption that would protect them. To avoid making your personal emails open to public inspection, should there be a FOIA request and it should be contested. What we recommend is when you're sending out emails related to public business that you either copy Will or myself so that we are actually the holder of those public records and then you don't have to worry about that. Same thing with, you know, minutes, correspondence, any type of thing that that you may find that you have to create as a result of your public service. Send us a copy and then we service the holder of the records. So if you take notes during the meeting, handwritten or typewritten notes, those notes are public records and as such are open to public inspection. Should someone make a FOIA request for them what we recommend for folks who handwrite notes is that you have a notebook specifically for in this case the planning commission that you record all your notes in. So if someone makes a FOIA request for them, you can just say, here, here's my notebook and and you know, everything's there in one location and you're not digging through all your paperwork to find everything. Same thing if you do typewritten notes, you may want to save them in one location. You may want to periodically send them to us. So, again, we're the keeper of those as opposed to your having to keep track of them. So public records have to be retained for a certain period of time. And there are lots of retention schedules that apply to different documents. Generally, most things related to committees is a three-year retention period. But if you have something that you think you're ready to destroy, please come see me. I'm also the records officer for the town and I can look and determine whether they're eligible for destruction. And there is a process that you go through in order to destroy public records. Again, emails are considered public records, but something that most folks don't think about is social media. Social media posts regarding town business are also public records. So if you make a post on your personal social media account about, you know, we're having a planning commission meeting on such and such a night, you have created a public record and should someone make a FOIA request for it. You have to produce it if people comment on that post. You also have to be able to produce their comments even if they later on delete their comments. You still have to be able to retrieve those. So we really recommend that you not use your personal social media for the posting of town business. The town has its own social media accounts. If something needs to be posted, we recommend it be done that way. We have software that archives all of the town's social media posts. So if we do receive a FOIA request, we have the ability to go back and retrieve those. OK, so that completes FOIA. I'm going to move on to the handbook if unless anyone has any questions.

Terry Cooke: Couple of quick questions. Going back to what you said about if three or more commission members happened to get together at a social event and something comes up in the conversation that has to do with commission business.

Rhonda North: You need to stop it. As soon as someone says that, you need to say stop. We cannot discuss this. That would create a meeting. In fact, if you notice, there's a sign at the back of the room reminding staff that if three members of the council or a committee happened to come in here and they start to talk business, you have to immediately put a stop to it and send them on their way, because we don't want to have a meeting that's not been properly noticed.

Terry Cooke: My other question, this may seem a little off the wall, but going back to what you said about if you're using social media, which I do not do and will never do, what if you were to use social media and reference something regarding a matter that's before the commission, coming before the commission. Do you need to give any notice that, oh, by the way, if you comment or respond to this, it becomes a part of public record because most people would never know that.

Rhonda North: Most people would never know that. I think for the sake of your friends on your social media account, it would be very nice for you to notify them so that they have the option of knowing that and whether they want to reply or not. Again, we just strongly recommend folks do not use their personal

social media accounts for town business. We have our own social media and we can be that person that promotes town activities, town meetings, town events through our own social media account.

Terry Cooke: Thank you.

Rhonda North: So there are other aspects of FOIA, too. And I will note that I just pick on you pick those items that mostly relate to you all. I had a teacher the other night say I didn't know about this. There are exemptions for teachers and things that teachers do. I don't teach that because that doesn't apply to town business. So just just to note many other aspects of FOIA I'm just dealing with the part that deals with us. So handbook for appointed officials. So one of the principal functions of an advisory group, which in some respects you're an advisory group. In some respects your decision-making group, depending on what's before them, is to help increase community input to the council and staff so we can focus more clearly on the community's needs and problems. So advisory groups' roles are to recommend new programs or revisions to existing ones to the town council to identify policy decisions that need to be made. To provide your individual expertise. To encourage communication between the town and the residents and to provide creative ideas. So how advisory committees operate is that they elect a chair and officers annually. You're also expected to make an annual report to the council. You must adhere to state and local rules and regulations. And with regard to the advisory aspect, you know, obviously as an advisory committee. Anything is subject to the approval of the council. But again, I note in some respects you all are also a decision-making authority. So roles and responsibilities. Appointed members are appointed to be part of a group to advise the Council on issues policy-making Project Development and implementation. There are a number of things that are expected. One is to know the reason for your committee's existence, to be aware of the time, energy and commitment serving as an appointed official brings to notify in the case of the Planning Commission, to notify me if you cannot attend the meetings. I tract those to make sure that we have a quorum for meetings to complete any task that may be assigned to you to vote unless you have a conflict of interest. To know your legal obligations and to operate within legal constraints. And to work in the spirit of cooperation and negotiation to reach a consensus. All of our boards and commissions have a council representative and a staff liaison assigned to them. Obviously, in your case, Council Member Jacobs is your council representative and Will Moore is your staff representative. So when it comes to communications, the chair works with the staff liaison to set up meetings, prepare the agendas. That type of thing. If correspondence needs to be sent out from the committee to work on those. And if there are any questions with regard to the town or state policies, legislative matters, you're asked to communicate those with me. If there are questions regarding council policy, you're asked to communicate. Those with the town administrator Will can definitely help with those items as well. If you have any inquiries from the media with regard to town policy, you're asked to refer them to the town administrator. The town administrator is the individual who serves as the town's representative with the media with regard to town policies. So you may contact any member of the council to discuss the committee issue. However, we strongly suggest you start with the council liaison because that individual's probably going to be in a better position to be able to respond to your questions. If you need legal advice you just need to let we'll know and he'll coordinate that through the town administrator if appropriate. So now I'm going to move into the conflict of interest section unless you have any questions on the handbook. And this one we're going to go through really quickly, because a great deal of the Virginia Conflict of Interest Act does not apply to Middleburg because of the size of the community. There are the population. There are some sections that do apply. Generally what we say is if you think you have a conflict, please contact myself or Will and give us the details and we can help determine whether a conflict exists. If one does exist, then you may be have to declare a conflict, but could still vote. Or you may be in a situation where you declare a conflict and you're prohibited from voting. We'll decide once we hear the details of the conflict. Which of those apply get the appropriate forms to you so that they can be completed and signed. Then you turn those into me. Yes, sir.

Don Woodruff: May a member recuse themselves from participation in voting?

Rhonda North: If you don't have a conflict of interest.

Don Woodruff: Well, I think the only reason you would recuse yourself would be. That you deem there is a conflict of interest.

Rhonda North: So one of the things that you're expected to do is to vote unless you do have a conflict of interest. That's why we suggest that if you think you may, that you contact us, we can get the details and determine whether you actually have a conflict of interest. There is nothing that mandates you must vote. You could recuse yourself if you have some reason that you think, you know, you may need to recuse yourself. But, you know, it is requested that unless you have a conflict, that you do vote.

Don Woodruff: Thank you.

Rhonda North: Ok, so with that, I'm going to move into the code of ethics and standards of conduct unless there are any questions about conflicts of interest. So the mayor and council have adopted a set of code of ethics and standards of conduct, and they did so because they believe the citizens and the businesses deserve fair ethical treatment and an accountable local government. So some of the things that I'm going to highlight for you that's in that document and you I should have received all of these documents in your agenda packet are that you're expected to uphold the Constitution. Any laws and regulations related to your service on the Planning Commission. That you're asked to display the highest moral principles and that you're to expose corruption or misconduct, should you see it. That you give your full dedication and service to the position of trust that you hold. That you try to be as equitable, efficient, effective, in accomplishing your tasks and that you support the rights of citizens, that you avoid discrimination or dispensing of special favors to anyone as a result of your service on the planning commission, that you identify any association or interest group of which you're a member of that may represent a application before the committee. Again, that's a little bit of the conflict of interest item. That you conduct all public business in the public view. Again, that goes back to the FOIA item. I'm not sure you all get too much confidential information here. But if you were for some reason to receive confidential information, then obviously you're not allowed to disclose that to the public. And we ask that you not use public resources that aren't already available to the public. So you're expected to support a positive environment where the staff, the citizens and the businesses who appear before you to avoid the use of abusive, threatening, intimidating language to adhere to the attendance policy, which I'll get into a little later in this presentation. Big one, to be prepared for the meetings so you can read your agenda packets and come prepared. To respect the right of your colleagues to have differing opinions. To be courteous and considerate towards others. Be open minded and patient and be concise. Sometimes the meetings last a long time and consulting, you know, being concise helps everyone to move through all of the agenda items as quickly as possible. So on the attendance policy that the council has adopted. Appointments are automatically rescinded if a member has three consecutive unexcused absences. The chair determines whether an absence is excused or unexcused. Appointments are also automatically rescinded if you miss more than one half of the committee meetings within a year, regardless of whether they are excused or unexcused. There is a process that takes place when this happens. When you've had two unexcused absences, the chairman will send you an email reminding you of the attendance policy and he will copy me on that email and just remind you that if you have a third unexcused absence, then your appointment is automatically rescinded. So what happens in that case you know, once you have a third one or you've missed more than half is, I will send you a letter notifying you that your appointment has been automatically rescinded and there is an appeal process to the council, should you wish to appeal that? And now we'll move into the acceptance of gifts and donations and lists or any questions about the attendance policy. Ok. So the council has adopted an ordinance with regard to the acceptance of gifts. And essentially it prohibits any of us appointed officials, elected official staff from soliciting gifts for ourselves or any members of our family. As a result of our town positions. Now, there are some exceptions to accepting gifts. You know, if you exchange gifts because of a personal friendship, you've got folks that you exchanged birthday gifts with Christmas gifts. That type of thing. You go to an event. I know some of you are going to the planning commissioners training and somebody may have, you know, provided food or something like that as a part of that training session, you are allowed to to accept those

types of things and gifts under \$10. And I don't have one of my little pins. But normally I show a pin that a consultant, you know, has given us less than \$10 swag that they give out. All of those things are OK for accepting. Donations to the town. There's a process to accept donations to the town. I doubt this committee will get much into that. Usually that is related to like Arts Council, things like that, who are putting on events. But if someone does wish to make a donation to the town, the donations have to be accepted by the council. There are no anonymous donations. They have to be done publicly and we acknowledge those. If it's in the form of cash, it goes into the general fund unless it's specifically earmarked for something. And this applies to cash, real or personal property or services. So I think I got it done in a half an hour. Do you have any questions about anything? [applause]

Terry Cooke: Thank you very much, Rhonda. Any other questions before we move on?

Rhonda North: Well, like that one more piece I need to get each of you to acknowledge your training this evening, that you've received all the documents and that you agreed to abide by them. So I'll pass those down to the members and I'll collect those at the end of the evening [off mic] No, sir.

Terry Cooke: Ok, Rhonda, thank you once again. We'll now move into the regular meeting of the Planning Commission. And before we get into anything, I want to just officially recognize and welcome back. Dev Roszel, [applause] who has returned to the fold. Good to have you back.

Dev Roszel: Thank you.

Terry Cooke: I'll first ask the members of the commission to disclose whether any of them have had any discussions with members of the public or other parties who might have matters before the commission. Ed.

Ed Fleischman: No, I did not.

Mimi Stein: No, I have not.

Terry Cooke: I have not.

Dev Roszel: I have not.

Rachel Minchew: I have not.

Bud Jacobs: No.

Don Woodruff: No.

Terry Cooke: Thank you all. Our next item on the agenda is the public comment period. This is an opportunity for anyone attending the meeting who has something they want to bring to the commission's attention or make comments on. You are welcome to do that at this time. If you do choose to do that, I ask that you begin first by you speaking in the microphone, but then stating your name and your address. Thank you. Any one. Please.

Steven Price: Good evening, I'm Steven Price. I'm with a law firm of McCandlish and Lillard in Leesburg, specifically 201 Loudoun Street Southeast. And I'm here tonight on behalf of my client, Smithwick Farm LLC. And I have Ms. Eva Smithwick of Smithwick Farm here tonight. I'm here to speak just to basically introduce myself and indicate that before it's all over, you'll be hearing more from us concerning subdivision application 20- 01, which is the Banbury Cross Reserve application. Just to let you know that we've retained several different experts, professional engineer and a hydrologist to take a look at it. And we'll be submitting sort of independent reports to you all, which we hope that you will

consider as you evaluate whether or not the requirements for the subdivision have been met. I do have tonight a copy of a preliminary report based upon preliminary examination by the hydrologist, Mr. David R. Bus of Acqua Fusion Inc. And I'd like to just pass. I have copies for everyone and make that part of the file if I could. Thank you. So thank you for your time and I won't take my full three minutes.

Terry Cooke: Thank you. Anyone else care to speak on any issue? Thank you, all of you all very much. We will now move on to the next item on the agenda. Next item on the agenda is approval of the minutes of our last meeting. The minutes have been distributed. Thank you, Rhonda, for the minutes. I'll entertain a motion.

Don Woodruff: [off mic].

Ed Fleischman: I second the motion.

Terry Cooke: Motion is made to accept the minutes as presented. All in favor, say aye.

Everyone: Aye.

Terry Cooke: Hearing no opposition. The minutes are approved.

Will Moore: Mr. Chairman, if you wanted to move a discussion item up for a newly added one that we discussed prior to the meeting, now might be an appropriate time.

Terry Cooke: Think you Will. I understand that we have someone here who wishes to speak to a matter that is not officially on the agenda, but I understand it has to do with the southern states property.

Will Moore: Correct. So I'll invite Mr. Taylor and his folks to join. So Erin Taylor is of Ridgeside K9, and he'll tell you a little more about his business. But he met recently with our business economic development director, Jamie Gaucher, myself, Estee to discuss a possible use. And he specifically looking at the former southern states building, I'll allow him to introduce his business his idea, the genesis of this is that what he would want to do with the property would not be allowed under our current zoning provision. So it would require an amendment. We let him know that there is a process involved there, but invited him as we do anybody to give an opportunity to speak with you. So as much time as you're willing to give Mr. Taylor and his his folks here. I'm sure he'd appreciate it.

Terry Cooke: Well, welcome, gentlemen. And as I said before, please begin by giving us your name and address and then saying anything you'd like us to hear.

Erin Taylor: Absolutely, sir. Good evening, guys. We're passing around a pile. [off mic] Good evening. We're past one a pile of PowerPoint presentations right now as can be real short. We'll try to stick to that. My name is Erin Taylor. I live in Bluemont. Right where Middleburg and Bluemont touch up. I own Ridgeside K9 which is about a five year established business in Loudoun County. One of my business partners is Jeff. He's here as well. Jeff lives right on the border of Purcellville and Middleburg. And our business attorney, Mike Sawyer with Levay Law Group in Leesburg is also here with us just because he's involved in everything that we do. We are trying to get into the Southern States building a Middleburg. We've been trying for quite a while. It's very difficult. We have money in hand. We are ready to go. We are ready for the town to approve it. What is our draw to Middleburg? We are in Middleburg almost every day. We are in Middleburg every morning. We train in Middleburg around the clock. We spend a tremendous amount of money in Middleburg. We have a tremendous amount of clients in Middleburg. We bring a large value to the town as far as first off, getting this building back up to where it's a good looking building and ready to go and not a vacant eyesore for the town. We have contractors and engineers ready to go to immediately go on that building, make it amazing, make it one of the best looking mill buildings in Middleburg, keeping with the historical aspect of Middleburg and then get into

the building and start to generate revenue for ourselves. Thus revenue for the town. What we do. We train dogs. We specifically train house pets. That's a crutch of our business. We have other aspects of the business with police dogs and military contracts, et cetera. But that has nothing to do with the town location. The purpose of the town location is so that we can expand what we are already doing now. This is not a business idea. We do millions of dollars a year in dog training as it is, we are just looking to have a new base hub in Middleburg. We love the town. Again, we're here every morning. So we would love to get into the Southern States building and occupy that. Our mission statement is to provide state of the art affordable, reliable options for dog owners and able then the proper knowledge and tools to a more harmonious life with their dog. On the side of that. We also believe in community education and community outreach. We do a tremendous amount of seminars now already, but we want to bring it to a hub location. And for our opinion, Middleburg right there is a great location for us to continue this. As far as doing seminars for school kids, local schools, Boy Scout groups, et cetera, that's a really big thing for us. Our vision, complete remodel of the exterior of that building. You'll see some pictures in the back there were joined by an engineer forced to really tie the building to the town and maintain the historical relevance of Main Street. Again, we are ready to go tonight. If you gave me the green light, which I'm sure is not going to happen, we're ready to go immediately. As far as what the building is going to do, the building needs a tremendous amount of work. That's why it sat vacant for almost 18 months. It is difficult when we had an engineer and a contractor going there with us. There are major issues from mold and water and leakage and there's a lot of issues. We're prepared to tackle all that. As far as what the building is going to provide to the community, all kinds of facets from one on one private dog training lessons, day training lessons, group lessons, doggie daycare from 6 a.m. to 7 p.m.. This is not a kennel. We will not keep dogs overnight in any capacity for any reason this is not a dog kennel. Weekend seminar's field trips from local schools. We're also going to have a large retail area where we sell a lot of custom-made dog equipment. We're gonna work with a lot of the local leather workers who sell custom made leather leashes, custom make collars, etc. We also do a tremendous amount of business in t shirts, sweatshirts, hoodies, all kinds. If it's dogs, we sell it already. We're just gonna move it into that building so we can kind of get it from my basement for the most part. Benefits to Middleburg. We are already established business. Again, we do a multimillion dollar a year in dog training for Loudoun County as it is. This is not an idea. We're not a small business that's going to come in and fail in six months or one year and leave the building vacant again. We were rebranded in 2014 and we now call ourselves Ridgeside K9 LLC. That's because right now we're based on Ridgeside Road, which is off Trap Road in Bluemont. That's a pretty original name. one on one group lessons when it comes to group lessons. Owners attending the lessons are going to want to have coffee. They're going to want to eat food. We have a massive social media following a very large following. Some of you guys may have seen us training in Middleburg before. We are 50, 75 dogs walking down a sidewalk on random Saturday or Sunday nights when we choose to do group training a Middleburg, the gravel lot on the edge of town. It overflows the last couple of times we've done group training here as soon as good training is done. Everybody goes to buy coffee. They go to eat food. We meet with 20 or 30 people at the Red Fox. One of the last times we did it, the waitress like said, oh, my gosh, thank you so much. I'm literally gonna make more money tonight then I've made all week right now in tips. So she was very happy. But that's what we're going to bring to the town on an almost daily basis. When it comes to social media. Our platform on Facebook does more and I have it all pulled up if you guys want to look at it. We do more engagement right now in a 28-day period than the Salamander Inn, Loudoun County government, town of Leesburg, town of Middleburg, town of Purcellville, town or Round Hill combined. We do more engagement on all that. OK, we get on average, a million hits a month on our Facebook page. The reason why I say that is so that when we do local seminars, normally we do them out at our covered arena in Bluemont. We're gonna do them right here in the town. OK, so that way we can bring 20 to 30 people a day that would have never normally driven into Middleburg. They're going to come to the seminar for lunch. They're going to obviously go to Middleburg for their coffee. They're going to stay in Middleburg and for dinner they're going to stay in Middleburg. And because all of our seminars are a two-day seminar, we're going to highly encourage to stay at the lodge, to stay at a bed and breakfast. To stay right there on Main Street somewhere [inaudible] that to the Salamander most likely. But the money will stay in the town. And that's an important thing for us, is to bring it back to the town. We're gonna have to hire staff. Day one, minute one. Our goal is to hire people

that can actually walk to the Southern State. So our goal is going to be to recruit very heavily from the Middleburg area so we can find local people, preferably like retired school teachers, stuff like that they can walk to Southern States building so that we wouldn't have to worry about transportation, have reliable employees, etc. Weekend seminars again. Clients from around Nova will come. They come to us now, but they drive all the way up to the mountain to our covered arena. So they would love to just stay on Route 50 and come right to Middleburg. We will push all that. We can drive social media traffic tremendously to bring people into the town. And again, we're not going to bring in a heavy influence of like, you know, hundreds of cars. But if we're bringing in 30 people per seminar per Saturday and Sunday, these are people that can afford to pay thousands of dollars for dog training to walk down and spend money in shops and buy food. It just goes hand-in-hand. Benefits to Middleburg, some of the things that we're gonna offer, stay and shop. We're gonna do a pretty big social media campaign with a lot of the wineries and some of the breweries and restaurants right here in town to include pretty much any business owner that wants to jump on board with us at our expense to say, if you come to Middleburg and you want to shop, bring your dog. Your dog can jump into our facility, hang out for the day while you walk and shop, eat wine and dine. And when you're ready to go home, grab your dog and go Middleburg is already a very dog, social dog friendly town. You can't walk up Main Street at any point time without seeing dogs going up and down the sidewalk. Many of those dogs we've trained. So as far as stay and shop for us. I know it's gonna be a popular option. It will also be a good option if somebody comes here to town and realizes maybe the town's too overwhelming for their dog. They think it's a small little town on Saturday afternoon. It can be pretty busy. No problem. Jump down to Ridgeside leave your dog here for 30 bucks. Shop for the rest of the day. Pick him up before you go home. Field trips from local schools. We're really big on education and given back to the community. Okay, so we're really big on dealing with civic groups. Boy Scouts. Local schools and saying, hey, let's do a puppy awareness class. Dog awareness class. Dog behavior class. Come in. Let's talk dogs for a couple hours. Show some demo dogs, things like that and go back out. So that's going to be a big part of that building as well. Retail shop for custom made dog equipment. We sell a lot of stuff now we're gonna continue that, but we're gonna use that facility as our retail hub. So when people come in, look at dogs, they can have their stuff set up there on shelves. Custom collars, custom leashes, all kinds of stuff that we already are a vendor for now. And social media campaign like we talked about, we dwarf everybody in this county when it comes to social media. We just do. These are very easy numbers for anybody to pull up and look. We can give a big boost to Middleburg on any kind of function. OK, so whether that's for the town specifically or for the other business owners as they're doing things, there's not a business on the strip that does more social media engagement than we do. So we're gonna really plan on working with the restaurants, the other shop owner, stuff like that to see if we can do social media blasts to where we pull people in to use the small shops, but also, you know, push that off our platform to bring us business as well. So it's a little more harmonious. We can bring a lot to the table as far as that goes. Owners. Some of the town concerns, some of the concerns we spoke about with zoning and economic developer a couple times and things like this. This is not our first meeting with Middleburg. Owners not showing up at closing time. So when we first pitched this one of the big concerns was we wanted to put a kennel here again. Kennel involves a lot of licensing from the county's [inaudible]. We don't want to kennel in any capacity. This is not going to be a kennel, zero kennel. If owners do not show up when dogs are left there. I own I don't own I have 15 full time trainers. Each Full-Time trainer has a kennel of about 10 kennels on their property or in a house. So we have at any one time capacity to house 100 to 150 dogs with a phone call. There will be no dogs left in the facility at night for any reason. The dogs will be taken to one of our other locations stored and that's between us and the owner to get it back to the owner's house has nothing to do. There will be no dogs overnight. Noise. We are going to insulate the interior of the building. That's one of the first things we're doing, because there's really zero insulation at all in their building right now. But we're going to insulate the building, use a lot of sound dating material, caulk insulation, spray foam, etc. to really make it a lot tighter. However, there'll be nothing happening there past 7:00 or 8:00 pm and in the summertime you have street music that goes on much later than that. So it won't be an impact to the town in any capacity. Traffic. It's the best building we could ever ask for believe or not has very easy entry and access. Pull right through, drop a dog and pull right back out. So traffic should not be an issue. It's also less than a three-minute walk to the traffic overflow lot in Middleburg. So it's a perfect location for us as far as not impeding or stacking Main Street

with a bunch of cars for someone or something, that's not going to be our goal. If we do have a seminar, we're going to instruct attendees to park in the gravel lot to keep the main street parking open. So that won't be an issue. Waste should be a big question. What do you do about waste and the back of the building there in the back of the southern states lot. You'll notice that there's two parking lots there and you can kind of see on some of the rear photos, the backlot already has kind of the structure of a fence. Obviously, there's a tremendous amount of issues back there if you haven't walked back there, it hasn't been updated for probably 60 some years. So we're gonna clean all that up. Fence the whole thing off with a beautiful fence. And then there's a company right out of north Maryland, right out of north Maryland that makes a very specific Astroturf specific for dogs. So we're gonna cover the entire thing right there. It's a process. It's like a tri layer process, but we're gonna cover it with the Astroturf. Now, the grading is already perfect. It's already at a slant. There's already a drain. Literally all you do is wash it off once a day. In a way, the urine just runs right out. No harm, no foul. The Astroturf is specifically designed for dog urine, so it holds all odor, all bacteria, etc, etc.. As far as solid waste, it's going to be immediately collected and all solid waste will be removed from the premises every single night when we leave. So it'll be bagged, tagged and taken off site every night. That's gonna be a very expensive investment for us to do because the stuff's not cheap to turf out that parking lot behind the fence. However, it's going to happen as far as a build out process and you can see that some of the rear pictures. So that will be addressed immediately if you look at the real pictures that's going back there in the end. The first page you have a picture. Our vision, first off is to immediately paint the exterior of that building to match some of the other buildings right there. So there's a big mix in town, tans, greens, browns over the brick. The brick has iron stains all over it. And according to the engineer and a contractor, this is a major process to try to get that off. It's a much better bang for our buck just to paint the building, to match the other buildings that are next to it and fix that problem immediately. We're going to do an overhang on the front of that building pending, of course, the town historic review and all that good stuff. The overhang is gonna go corner to corner. It's gonna make the front of that building really pop. We're gonna use a lot of stone, a lot of thick wood to really make it like a period matching visual experience when you walking. For us, this is gonna be our headquarters. It's gonna be the hub. So we're gonna make it look amazing. You can see kind of the fencing there. If you can visualize how that parking lot is setup, where you see the vans parked, the rear fence area with a turf next to that sliding door that's there. Our vision again with this. We're gonna have to replace the doors, replace the windows, I mean there's so much that has to be done in that building at a huge economic investment for us. But it's gonna really make the building look incredible. It's gonna bring a value to the town and we can day one minute one increase the residential aspect as far as meals tax, sales tax, etc. Nobody is gonna come to us and not go buy coffee, not go buy food, not go shop in the town. And that is kind of it in a nutshell without one to waste a lot of time. And I have a lot more I could go over in detail, but that's it in a nutshell.

Terry Cooke: Thank you.

Erin Taylor: Sometimes I talk too fast. I do apologize.

Terry Cooke: We're all anxious to see something good happen at that structure. I'm sure it will. As you know, you've talked to Will and you've got a few hurdles to overcome. Few things to take care of. I'm sure we'll be happy to have conversations with you going forward and see where see where it goes.

Erin Taylor: [multiple speakers] Yes, sir. Right. Now, that's one of our big concerns right now. You know, when it comes to small business, speed is success. We've got a verbal no on the building about a year ago and kind of stopped dead in the water just on a verbal, not the vision of the town conversation that we had. However, the building is sitting vacant. It's literally deteriorating every day. If you actually walk through there, it's in bad shape. There's a reason why it's vacant, right? The price is high. The lease is high. There's a lot of issues with it and going in we have to drop one hundred thousand dollars day one to make the building basically habitable as well as for human and dog. We're ready to go. We're motivated. We love this town. The reason why I said where I live in Bluemont, where Jeff lives in Purcellville. While we don't live in Middleburg town limits. We spend our money in Middleburg every

day. We feel like we're a part of the town. We really want to come into the town and do business. And we really want to help the town to grow as far as their revenue base. Right now we just have to try to figure out what step two is. You know, when we open different stuff with Loudoun County, oftentimes Loudoun County will kind of hold your hand and walk you through the process. Very expedited rate. They kind of do this form, do this form, do this form. That's not so much the case in Middleburg. So we are motivated and ready to go. So if you guys have any other questions, concerns. Anything we can vet and answer really quick from planning to legal to whatever. We'd love to clear the table.

Terry Cooke: One question we are is the lease term that you're looking at.

Erin Taylor: So we're gonna do what we're gonna ask for. And we've already been in unofficial talks with Tim and Ms. Crickett down there. But right now everything relies on a town, right? So nobody is willing to agree to anything until the town says yes. And it's basically negotiations are dead, not happening until the town says yes. And it's very frustrating as a business owner with money in hand trying to get into a vacant building that's been vacant for 18 months. And we can't it's a difficult process. What we're looking at immediately doing is two years upfront, six months cash upfront on the lease with an option to buy at any point time and first right to refusal at the end of two years. Everybody on the other end is basically, from what I've been told by Ms. Cricket ready to sign a paper immediately. We're here to discuss that. So as soon as it's ready, we're ready.

Terry Cooke: Ed.

Ed Fleischman: Just a question I'm not familiar at all with your business. So I just couple of questions popped in my mind. So who are your clients? Are they just individuals or do you have corporate clients? Do you do training for guard dogs or drug sniffing dogs?

Erin Taylor: So that's a great question, and to answer your question openly, we do it all. However, 90 percent of our clients are what you're looking at right here. It's homeowners with house pets. So if you go to our Facebook page, Ridgeside K9 LLC, you'll see on there thousands of local Loudoun County residents. Yes, I have a different LLC under the umbrella that's government contracts for bomb dogs. I'm a retired police canine handler. All my trainers are retired government, retired military, retired police canine handlers. We have a different part of the business that does that. But that will have nothing to do with the Middleburg house pet retail location.

Ed Fleischman: And another question. I noticed on your seal. It says training, which you discussed, boarding, you said there would be no boarding. So what is the importing part of your business?

Erin Taylor: We sell a lot of imported dogs. So we do import dogs out of Holland, Belgium, Germany, all from all over Europe for different purposes, from drugs to guide dogs to PTSD service dogs to police apprehension dogs, you name it, we do it. But that has nothing to do with the Middleburg location. Middleburg location is 100 percent house pets and obedience training, teaching you know, Fido, how to sit. Lucy how to not jump. Timmy how to not counter [inaudible]. Things like that.

Ed Fleischman: So where is the location where you do your bomb detection and police dog training?

Erin Taylor: In Bluemont.

Ed Fleischman: Ok. Thank you very much.

Erin Taylor: Yes, sir.

Terry Cooke: About therapy animals.

Erin Taylor: We do it all. So we work hand-in-hand with the Boulder Crest Retreat in Bluemont not sure if you guys are familiar with that facility. We actually board all their dogs for free when their veterans come in their PTSD service dogs, we board them so they can focus strictly on therapy. We do a lot of therapy dogs. We don't do service dogs. There is a big misunderstanding between working dogs, service dogs, therapy dogs, etcetera. We do the obedience for all dogs, but we will not certify a service dog because most service dogs people don't understand the cost that goes into it. You know, sometimes look at a quarter million dollars for a dog when you got to pay somebody for three years of training, therapy dogs. Yes. Yes, sir. Therapy dogs are different ballparks when it comes like emotional support dogs, PTSD service dogs, things of this. That is nature that we do around the clock. Yes.

Terry Cooke: And you would do that as part of your service here in town if you.

Erin Taylor: So that would be part of obedience. So this obedience aspect of it. Absolutely correct. Yes, sir. [off mic] Yes, ma'am.

Rachel Minchew: How many dogs do you expect like or what's your maximum capacity of dogs?
[multiple speakers]

Erin Taylor: Yeah, that's a great question. So we have a whole layout for the building. Our goal is to have somewhere between 15 to 20 day it's not daycare isn't the right word, but doggie daycare, what they call it, as well as stay and train, which means like people will come drop the dog off at 6:00 or 7:00 a.m. We train a dog during the day. They pick the dog back up between 5 and 6 p.m. in the course of that. Right now, we have well over 300, 330 Middleburg clients already established Middleburg clients. So once our location opens, I have no doubt that people kind of dropping in and popping out. And I mean, our business goes to Middleburg, shake a hand and dog stays. And that's kind of how that happens. But we have a lot of Middleburg clients as it is. So we're gonna have to really find a hard number where we say no more. We're in is to not get ourselves into trouble right that's why we have our attorney that oversees everything we do. So when it comes to numbers, last thing, we're not in this like stock, the building full of dogs. That's never going to happen. I would never allow that. It's going to be slow and controlled. Where we're gonna make money on the building is all we can seminars not on \$20 a dog coming in there. That's just a service to the community. You are coming to Middleburg with your dog here. Go shop. We'll help you out. Our money is on the weekends where we can have a seminar. And, you know, 20 or 30 people sit in front of a board. And that's where you make your money on a building like this, not on a whole bunch of dogs. This is not like a dog topia or something like that. The other thing for us is that to make a viable revenue during the week, Monday through Friday, we have to be teaching lessons. So if we have a bunch of dogs running around, that takes away from lesson space. So it's a fine mix. Our goal is to service Middleburg client Middleburg residents only when it comes to doggie daycare so that we people that live specifically in a town, they can pop in in the morning, go do their job. Come back when they get home and do that. Now, as that location grows, we're also going to offer a dog walking service in Middleburg where we can pay somebody to, you know, find 15 to 20 residents of Middleburg that wants a dog walker to come for a cheaper rate than doggie daycare. You know, we'll be able to facilitate all that. The last thing we want is everybody coming you know, east in the morning on 50, to be dropping their dog. That's not going to happen. Great question.

Bud Jacobs: This is actually a question for Will. What would the zoning requirement be to house this kind of activity in that building?

Will Moore: Right. So the use, as I understand it and as Erin has laid out for you, is not provided for currently in the zoning ordinance. So it would require at a minimum, a zoning text amendment. So that's on the fastest of tracks about the two-month process. Again, that's the fastest of tracks, depending on, you know. So a zoning text amendment can only be initiated by the planning commission or by the council. So it would be in your court as to whether or not you would want to initiate an amendment. And that amendment would ultimately have to be approved by the council to allow for the use. Now, depending on

how you structured that amendment, whether it was a permitted use by right or whether it was a special use, that could potentially require additional time. So if you structured it as a special use permit, that's another couple month process. Now, again, depending on comfort level, it is not unheard of to have applications go on concurrent tracks. So if you had a certain comfort level with Mr. Taylor's proposal, you could process a special use permit and a zoning text amendment on a concurrent track. But understanding that that comes at some additional expense to the applicant to file the special use permit with no guarantee for the zoning text amendments approval by council or for the special use permit approval by council. So there are some options. Best case scenario you're probably looking at and that again, this is very hypothetical if you had an extreme level of comfort with his proposal. Best case scenario, you're looking at two, probably three months and that would be with those on a concurrent track.

Dev Roszel: I have another question primarily for Will is if one is the building in the historic district?

Will Moore: It is.

Dev Roszel: And 2 that has to go through for the painting of the building and all the structure. How does that fit into the overall?

Will Moore: Correct. So that the same thing that is something that requires a process, an appearance before the historic district review committee at least once.

Dev Roszel: Has that happened yet?

Will Moore: It has not. It has not. But again, that is something that could be occurring concurrently with other processes.

Dev Roszel: [off mic]

Will Moore: Correct. Correct.

Erin Taylor: So in our opinion and I appreciate everything Will says, it isn't the first time we've talked. We're professional service and professional services zoned for that building right off the top. This is uncharted territory, right. So a lot of this is very subjective and we're kind of throwing out. So I have a little bit of hypothetical here where professional service and we're professional business, we are not a boarding kennel or a boarding facility. So for me, I find it hard to say that there is a dog food store, a doggie groomer, all this stuff in the town. And there's a hundred I mean, there's a lot of dogs in this town every day. You can go to any restaurant in this town and there's dogs in the restaurant, which is actually a violation code for most, but not big deal. But there's dogs all over the town. We're not talking about putting a kennel here. We're talking about training dogs. Nothing we already don't do. So we do it now as it is, you know what I mean? So I appreciate everything that the town says. But you can also kind of envision in your head as a business owner that's ready to invest a lot of money in this town tomorrow. Just hearing maybe three months best case scenario. And it's like, well, why would we sit on money? We've already been sitting on it for months on end right now. Why would we continue to sit on money and then the building is still vacant. And I know there's been other businesses that try to go into that building that were ready and then just threw their hands up in the air, walked away. We don't want to do that because we consider this our town. We shop at the Safeway. We get coffee every morning. We're here every day. We love the town. We want to stay in the town. But to say I have to sit on a tremendous amount of money for basically another three to four months, it gets to a point where it says what business in their right mind would do that? When I can go right into, you know, somewhere else and get a building within literally two phone calls. Not that I want to do that because I don't. I want to stay in Middleburg. That's where we want to be. It just becomes very difficult to put money into Middleburg when Middleburg kind of from the outside looking in, throws up a lot of barriers to where you can't even come here and put money into it. And I'm not saying that disrespectfully at all. It's just that's how it feels a lot of times.

Dev Roszel: Well, I would say we don't necessarily question the fact that it's a viable business. But when we look at the whole of Middleburg and through EDAC all the other committees that we have, the historic district, it's hard to even put a picket fence up without having to go through historic district. So, the commissions.. So that's just one of the things that that's a fact of life when you come into Middleburg and you want to change a building on Main Street. So I just think that's something that, you know, it's not something we're trying to force you into waiting for three months and putting your money on the shelf. That's just that's what happens when you're trying to change a building in the middle of Middleburg.

Erin Taylor: And we would even say we wouldn't change a brick on that place if you guys said you could occupy tomorrow and start working. OK, we would follow any guidance the town gives us. We will obviously want the building to represent a professional brand, which we bring to the table. So when we say the paint and an overhang, that's just to make it match the other pretty buildings on Main Street. But we'll obviously follow whatever the historical review committee suggests.

Michael Sawyer: [off mic]

Will Moore: Again, it would be up to this body to initiate the zoning text amendment to allow for this use. So that's a best-case scenario you could start that process in March. And again, that's purely hypothetical, that's if you're even open to the concept. But that's when it could start.

Michael Sawyer: And if that was the case, if we could start that in March, is there a process by where we can answer any questions that may come up during that period of time so that we're addressing these issues? We understand that you only meet a certain amount of time. [inaudible] We want to cooperate with you. We want to give you any information that you may need. Is there a process by which we can do this so we don't, we don't want to ruffle any feathers, but we do want to be persistent and get what we need to do.

Will Moore: I don't know if there's an initial temperature read that's worth taking, but I think the response to that is if if you were open to giving it further consideration, what I would suggest is in between this meeting and the next, if commissioners, you know, you're caught very cold with this lot of information to take in, you have some material that Mr. Taylor was provided maybe between now and next month. As questions arise, send those to me as they arise. Instead of holding them until next month. And I could relay those on to Erin immediately and then we could start getting that information and gathering, gathering those responses. If those kinds of questions came up.

Dev Roszel: I'd like to say it's not that we're I don't think we're opposed to having the conversation, but you're like three months ahead of us. So we have to get up speed to what you're doing.

Erin Taylor: I'm trying to be a buffer.

Dev Roszel: Right and I get that. You know, I'm just back on the commission. So after being off it. So this is the first I've heard about it. And you're talking about having you know, you've spent a lot of time studying it, and I don't think anyone else has really heard about it. So we haven't heard about it. So we're three months behind you in trying to get up to speed to where you are. So. That's all. I'm laying it out there. It's not that we're trying to be negative or, you know, standoffish. I just think that we have to have a minute to where it can be discussed and laid out.

Erin Taylor: Oh, absolutely. Yes, sir, absolutely. I'm glad we started the process.

Terry Cooke: And that's what this is. It's a start.

Erin Taylor: Yes, sir.

Mimi Stein: I have a quick question.

Erin Taylor: Yes, ma'am.

Mimi Stein: You describe the turf area in the back and then the interior of the building. The turf area in the back is not for any of the training exercises. That's, I guess, just to walk the dogs.

Erin Taylor: It's just to have another area, right? So would the town actually presented to Ms. [Inaudible]? I forget her first name, it's not important. The town actually presented drawings where they were going to allow an extension be built on that building. So we have all the blueprints for that to were provided so there could be an extension built there for more seating, etc. For us right now, it's a waste of space. You can't park a vehicle there because the grade is kind of off. You can't pull a big truck in there or a van like we are because you might roll the thing, but it is a perfect grade to turf it all the way over. One. It looks visually impressive, you know, to have some shade cover their nice turf area. Nice open front. I mean, it's going to look beautiful. It's not so much for training as it is just a place we can walk. There's a big metal slide door in the rear of that building. We can slide that door up and then the turf will go right up to that door. And the dogs, you know, come in. Go out. It's just gonna be a nice additional it's basically increasing our square footage without actually building a new building on that little square right there, which according to engineers, will be quite difficult based on the stone walls that are there now between where the. It's a lot going on right there. I think people aren't quite aware of. The water's a big-time issue back there. We went there in a rainstorm. There's water coming in all over the place. So we had to mitigate all that. But we want to do it. I mean, we're not afraid of it. We're ready and we want to do it. So, yes, ma'am, does that answer your question?

Mimi Stein: More or less. Thank you.

Erin Taylor: Yes, ma'am.

Ed Fleischman: Just another question on your overall business. This seems to be. One component is working with individuals. Just wanted to get the scope of your entire business. How much your business is related to corporate and governmental work in training dogs for drug interdiction and security vis-a-vis this type of operation that you're planning in Middleburg? Was this just a small part or is this a major part of your business?

Erin Taylor: So without being too by no means evasive of any kind. We have different facets in the in the company, different LLCs that operate under for different contracts that we do have and providing different government agencies with dogs that go overseas. That has nothing to do with [Inaudible] academy in Middleburg in any capacity. The crutch of our business, the highest revenue generation for us is house pets. And I think if you look at our Facebook page, [Inaudible] LLC we have thousands of clients on there, with thousands of Labradors and poodles and cocker spaniels, you name it, we train it. But we do have government contracts that are under [Inaudible]. They're a veteran preference contracts for us to provide dogs to, but that will have nothing to do with a Middleburg Main Street location in any capacity whatsoever. Ever.

Ed Fleischman: Thank you.

Erin Taylor: Yes, sir.

Dev Roszel: One last question.

Erin Taylor: Yes, sir.

Dev Roszel: Your facility in Bluemont or Purcellville. Is it similar to what you're doing here?

Erin Taylor: No. So this is a new thing for us as far as opening basically a resident or not a residential, but a commercial location. Everything is private for us. Everything. So Bluemont, I own a farm on a mountain. We have a big kennel there, an actual kennel. All my other partners all have basically farms and have kennels on the farm. This is a residential location for us. It's an opportunity for us to do something new. It's an opportunity for us to actually serve our clients. We have a tremendous amount of people that want to do a little follow ups, little touch up lessons. Hey, Foo Foo is not sitting right anymore. And, you know, coming out to my farm is just there's a lot going on out there. This is where it's gonna be. We also have, again, well over 300 Middleburg proper clients. When I say proper, I'm kind of between like the Marshall Middleburg Upperville corridor. But they're always asking about, can you recommend a dog walker? Can you recommend a daycare? Because that's part of their life. They travel for work and have nowhere to put their dogs. So for us, we know day one when the engineers and the contractors clear that building and turn it back over to us. We're gonna be busy. And that's just with our Middleburg clients. That will pay the bills. But there's very little profit in that model. The profit for us comes from the weekend seminars, day training, one on one lessons. Stuff like that. But our clients would kill us all if we had that building and we didn't serve some of the needs they already have.

Michael Sawyer: [Off mic]. You have a very unique community. You have a very unique population that can afford it. And it has this appreciation. This wouldn't fly down in Birmingham. I mean, it's a different type of business. And that's one of the keys to getting in here, into Middleburg. We're looking at the summer already. We want to get this up and going and be, you know, full speed by the fall and the beautiful leaves and the pretty dogs and the whole bit. Because we do have that invasion of having more of a service to the. And that's going to make it's going to grow in other areas whether it's into pet food, whether it's in accessories or the retail. We're gonna get money out of it, you can only get so much money, only so many dogs in a day, but there have to be other ways to generate income. Retail. Whether it's pet food, whether it's these other items and pet food's not cheap anymore. I mean, there's margins there. So there's ways that he can utilize this space and grow and develop his business that were affected in a much larger scale than what this small square would do.

Terry Cooke: Don. You had a question.

Don Woodruff: Yes. How many dogs would you envision being comfortable with on a given day, not your weekends. I assume that you're talking about more people coming in, are they bringing their dogs in on weekends?

Erin Taylor: Typically for seminars if they do bring a dog, most dog people that would come to us are what we call a higher end dog person. So they have custom vehicles, custom vans, custom trucks that keep the dogs. The dogs will most likely stay in the vehicles. And they come in on their own and they bring like one dog at a time, actually for a seminar where you can work with that dog. Then it gets a break and he goes back into the custom vehicle. I know that people can't wrap their head around that, but a lot of people that come does have custom vehicles, custom vans, custom trailers, all kinds of stuff. As far as a daily operation for us, you know, fifteen to twenty dogs is kind of where we're comfortable just due to the cost of staff to supervise those dogs. I mean, there's a lot that goes on. We had this worked out to where we know it'll be smooth. Once we start getting over fifteen or twenty dogs, we start to need three people instead of two people. Now we start to cut into is it even a profitable business model at that point? Or are we just paying to break even? For us, it's 15 to 20 dogs. As far as lessons, I mean, we'll stack lessons back to back to back all day. But that's one person for one trainer. That's just one on one private lessons. And God willing, if we can stack those on top of one another all day long, it'd be great.

Ed Fleischman: Do you do grooming as well?

Erin Taylor: No. So we're not going to do anything that steps on town business. So right now, you have a full-time groomer in the town right there behind it. So grooming is a niche business. If she were to give up and go out of business, then we would hire somebody to do that. [Off mic]. Yeah, for sure. So you could throw a rock and that's not too far of a walk. So we're not going to step on town business. Mr. Sawyer had mentioned the dog food aspect. If we do get into dog food, like we have a lot of vendors for raw food, some of the local farms, we're not going to sell anything that the pet store sells in any capacity because I'm not going to step on their business. And for us, that would just be a way, honestly, to pay more tax, which we'll do and just kind of offer something to our clients. But we're not going to step on them in any capacity. If anything, we want to partner up with them and sell their stuff for them.

Michael Sawyer: So you think we can get on the agenda for the next month?

Terry Cooke: Well, I think ultimately it's up to us to see whether or not we as a commission feel.

Michael Sawyer: I mean, we could if we put this on the agenda we could do. You could do a lot of things. It wouldn't necessarily be for that specific thing. I mean, it may turn out that we may comply with the zoning regulations. We don't know.

Terry Cooke: You know, I think if we make a decision that this is something that we think warrants or is appropriate for a text amendment, we want to go forward with it. You'd certainly have every opportunity to comment on that text amendment when it's when it's drafted. But you know and I appreciate it. We all appreciate your enthusiasm and your anxiety to get things going. But the reality, the hard reality, the fact is as Dev alluded to is that it's going to take 90 days, in all likelihood, under the best of circumstances for this to happen. If we all sat here tonight and said, let's flash a green light and go with this. You're still looking at 90 days.

Erin Taylor: Let's flash that light.

Terry Cooke: That's just that's just a reality. And it's not we're not being obstructionists. We don't want to be obstructionist. But it's just I mean, this is the first time we're hearing this. This is a business that isn't currently permitted under the zoning regulations. And it can't occur unless we change the zoning regulations to accommodate it. And that's what we have to discuss among ourselves.

Erin Taylor: Yes, sir. Well, we appreciate your time tremendously. Thank you for hearing us. And I'll just be in direct e-mail contact with Will as far as next steps. And we're ready as far as running three tracks and the expense. We're ready to pay whatever. I mean, whatever we have to do.

Terry Cooke: I'm going to call a two-minute recess so I can get a drink of water. Going to come back in session and resume our discussions. Will, where do we go from here on this proposal regarding the dog training facility?

Will Moore: Right. So. So I think the commission needs to have some discussion, whether it's amongst yourselves now or next month or even in between. You could individually provide feedback to say myself and the chairman at the same time. So that's not, it's a discussion between only two members of the commission. And we could kind of get a temperature read. Maybe you have more questions that come up. Again, you've just been presented with this this evening. So maybe the best thing that I could suggest is between now and next month, send me your questions as they come up. Provide me your thoughts if you already have thoughts on whether or not you think this might be an appropriate business to consider. Or it may. You may not be there yet. You may need to have more questions answered. Send those to me. I can try to get those answers between now and next month. And then next month we can sit down as a body in this format and collectively come to a decision. Is this something that you're interested in pursuing? Or is this something that you're not really interested in pursuing. Individually is it something maybe we look at as part of the larger ordinance rewrite that we're going to start to embark on this year and maybe that

doesn't help out this particular applicant in terms of timeframe. But, you know, I just want to say, you know, I feel the frustration that he has, but these timeframes are not necessarily mandated by us. We would not treat this any different than Loudoun County would treat this or the town of Purcellville.

Terry Cooke: I'm sure that if they went to any jurisdiction around here. If this was not a by right use, they would have the same.

Will Moore: Correct. So unless the use is already provided for and it's not to be clear on that they I think you might have heard his attorney say, well, you know, we might decide that this is already allowed. It's not I've made that determination. This does not. Mr. Taylor referenced professional service we're a professional service. Well, there's a use not called professional called personal service business, but that has a definition. And this use does not fall within that definition.

Terry Cooke: You anticipated my question which was I assume this is not a use permitted by right anywhere in the town right now.

Will Moore: Correct. And it's unique. It's based on the combination of all the different aspects that he's talking about. Having the training, having retail on it's own, of course, would be allowable. But having the training, having the the daycare aspect that the combination of uses, just it's not something that's contemplated anywhere in our ordinance.

Terry Cooke: How do we distinguish he brought up the dog groomer, how do we distinguish grooming business from what he's proposing? Obviously, grooming and training are two different things. I understand that. But is dog grooming permitted?

Will Moore: Well, so it depends where the groomer is on in in a different zoning district. So there are differentiations between between the two. So he is looking at C2, which is town commercial. The groomer that is currently here is located in an C1 zoning and the grooming aspect, a decision was made previously that that fell under a used allowable in C1. But he's looking in the C2 zoning district. So we can't compare apples and oranges when, you know, each zoning district has its own set of allowable uses both permitted uses and specially uses that can be considered.

Bud Jacobs: Terry, would you consider just a brief informal poll tonight to see if in the first instance there's enough interest in moving forward with this, because if there isn't, we can save you a lot of work. And if there is, then we can go ahead and have Will start moving on it.

Terry Cooke: Before I answer that question, let me see what Ed's question is.

Ed Fleischman: Before we take a poll, my question to Will would be, as we look at this poll in the next month, what are the disadvantages, the problem with this proposal to the town that you see early. What would be the reasons why we say no.

Will Moore: Well, it's difficult to give you a complete answer on that. I think some of the potential issues would be potentially noise with that concentration of animals all in one space, whether it's enclosed or the outdoor space in proximity to other types of businesses. That's a possibility. I think some of the possible issues with the sanitary conditions could be a concern. You know, he's talking about using a type of product I'm not that familiar with. But basically that you could do a wash out into a drain. Well, I think the drain. I know the drain on the property that he's speaking with. And I think that is goes into storm sewer rather than sanitary sewer. And we don't want to be washing anything other than storm water into a storm sewer. So those are just a couple of things right off the bat. I think off street parking is would probably be a big issue. You know, we would have to determine what an appropriate off-street parking requirement, if any, for this type of business would be. So that could create some issues as well.

Terry Cooke: Thank you. Well, I'm certainly open to Bud's suggestion. I mean, sort of take the temperature of the commission and to see whether we feel that this is something that we want to give consideration to seeing go forward. So we invite anybody who has any thoughts or opinions to address those.

Mimi Stein: Now, I am concerned of the nuisance factor and I love animals and I love to see us have as many animal centric businesses as possible, but seems nothing added up quite. And the drainage thing was my concern. There could be a lot of dogs outside. I don't know, all my friends that spend money on taking care of the dogs. Nobody has a specialized van to take them around and so he was talking about a lot of different things that didn't quite end up. But anyway, I think there's a nuisance factor here that's to be considered.

Bud Jacobs: I guess I have two concerns. One is that, as I understand it, if we do a ZTA or a special use permit for this property, it runs with the property. And what happens in two years time of these folks figure out that they're not making a go of it and they and they move on. What are we saddling ourselves with for the future? And the second concern is really just a I don't know, a bias, I guess. But I'm not a big fan in doing these one off approvals, particularly since we haven't completed the work we need to do to reconcile our zoning ordinances with the comprehensive plan and so on. So it's unfortunate for them, but this is probably not the best time to be coming before us with this kind of request.

Terry Cooke: Thank you.

Dev Roszel: Yeah, I would definitely agree with Mimi about the nuisance. What I don't want to do is be pushed into a corner because we're not acting fast enough for them. I think you make rash decisions when you're not when you're pushed into a corner. I think that I have no problems discussing it and seeing how it fits. I don't think it's the right business for our main street and Middleburg. That's my personal opinion. I also am not convinced that it fits into our long-term comp plan, economic development that we're trying to deploy for the town. I don't know that it presents the right face. I also think with the historic district issues, not necessarily issues, but you know, they're wanting to change the face of the building, repaint it, do things that I just think are going to take an inordinate amount of time. And again, being pushed into that, I'm just not sure it's the right fit, but I think twenty-five dogs in that space on a hot summer day is not the right spot to have it. That's my own personal opinion. But I'm open to discussing and I certainly, you know, if somebody can convince me that, you know, our long-term plan includes having a dog training business in town, I don't have a problem listening to it.

Rachel Minchew: Do we know if they've looked at any other spaces within our town for the business or are they set on this Main Street business?

Will Moore: I don't know the answer to the first question, but I think the answer to the second is they are set on this location.

Rachel Minchew: And I guess to me, it to me it seems like I mean, when it was southern states, you drove and you'd got your mulch, you drove out. So I feel like it's a drive through a doggy drop off of traffic and doing all this, you know, training sessions on the weekend, people, you know, even though they say park in the gravel lot, we all know where people park the closest place. And I feel like parking is a big concern as well as just that whole, it gets kind of hairy around that intersection. And if people are driving in and dropping off. I just I think the traffic is another real big concern. And then walking the dogs around. I mean, you know, there's dogfights out there. I don't know if you've noticed any, but sometimes these get kind of mean to each other. So that's my other concern. And I like dogs, but.

Don Woodruff: They're not taking dogs outside the building.

Rachel Minchew: Well, there'll be dog walking services.

Don Woodruff: But that's totally different.

Rachel Minchew: But that's part of their service. So if they're, you know, doing that as well, I just that's a lot more dog walking out there that I just think on the sidewalks and and all of that. I think they're just a lot of things that need to be considered.

Will Moore: I agree 100 percent. There's so many things that need to be considered. I will, not advocate for him, but just in terms of the dogs being present here in town and walking around town. He's he's very he's not being disingenuous when he says they are here all the time. They have a presence here on a regular basis. They bring dogs here to train them. They have some cooperation with some local businesses to, you know, let them use the back steps of their building or something to go up and down or something along that line to use their property. And yeah, they have found a way with their existing structure to fit in that way.

Terry Cooke: My view is I love the concept of what they're doing. I think it's a great type of business. As I said, I could have used their business 18 months ago, but I'm concerned about the character of the use at that location, and I just don't see the character of that use being one that fits with our main street and what we hope Main Street to be. Frankly, I was never crazy about Southern States for the same reason, for the same reason. But it's. I know the building's a challenge and it's. I'm as anxious as anyone up here to see something good.

Dev Roszel: [Off mic].

Terry Cooke: Yeah. And I've used a facility like theirs. And but it's in an industrial area where you would frankly expect something like this to be not on the main street of a small town. So. I'm concerned about the character of the use.

Bud Jacobs: Just a thought about the time element. They were concerned about moving ahead really fast because they had money in the bank. But it's not a case and a lot of other businesses would say we lost our lease and now we have to come in immediately and move in. So really, it's not like they're transferring the business from another location. They really could wait, you know, another month or two until they go through the work. They have their one hundred thousand dollars in the stock market. Not today, but other days. So I don't think we ought to be rushed.

Terry Cooke: Any other thoughts? Well, what I'm hearing, just to sum up, is there's a lack of enthusiasm among the commission for this, not for this applicant for the particular proposal that they're suggesting at that particular location. And I think in view of what we all know will be the timeline associated with this. If we were excited and ready to move forward with it is substantial, probably not one that they're comfortable with living with. That being said, I think the message that we want to convey to these folks is that why were we appreciate their interest in putting a facility in town, we just don't believe that this is the right place for it.

Will Moore: Yes. I will pass that on.

Don Woodruff: [Off mic]. I said with one dissenting vote. Because I don't think it's a bad thing to look at it further, given the lack of giving the economics of the town with so many empty and others about to be empty. So something needs to be done to get businesses into town. And maybe it's not that horrible.

Terry Cooke: Thank you.

Dev Roszel: I would suggest that we do as Will suggested and send questions or comments to him to review so that we can actually get a better idea of what really is the concerns and whether or not there is

something that we really don't want to do. I don't think it's. I don't think it's a bad idea to have the conversation, not to put you through a lot of work, Will. But I think to say tonight, no, we're not going to do it when we don't have answers to some of the things that we've brought up here. I think we need to find out how the painting of the building is going to go over, how that how it fits in with the, you know, the overall business plan for the town. I don't have a problem with discussing it. So I'm on the same page. I don't I don't have a problem with discussing it.

Terry Cooke: Is this something that Jamie went out and sort of beat the bushes on, do we know?

Will Moore: And he did not. He was approached. This was not ,as opposed to sometimes he makes proactive outreach to certain business segments to try to draw some interest. This was not one. This was the applicant coming forward to him expressing interest.

Ed Fleischman: So what was his thoughts about it?

Will Moore: I think I would rather Mr. Gaucher answer that question rather than trying to. He was making the connection that that's pretty much it. He understands that this body has a certain role and he's was not trying to supplant himself in or push for or against. He was very upfront with Mr. Taylor that there's a process involved and it could be a long road ahead and it might not be the outcome that he wanted. So he gave him that information. But I don't know that he had a strong opinion one way or the other.

Dev Roszel: Is there another building for them to use in the town?

Will Moore: I don't know the answer to that question. Their intent and that's certainly something we can discuss with them further. But their hope and intent was for this particular building.

Bud Jacobs: I think to address the concerns that Mimi raised about the nuisance issue as you engage with them. Seems to me those are going to be really important questions. And I don't know that we can necessarily take their assurances that they're these kinds of problems are not going to occur. It may well be that they're not going to occur and these guys are all over their business. But it's a risk. And I just I don't know myself how I feel about taking that risk or assuming it.

Terry Cooke: Anything else before we move on? Thank you all for your thoughts. Now move on to new business. And we have a proposed zoning tax amendment that has been before us a couple of times over the last several months. And I think Will you are suggesting that we consider moving us along and moving it onto council.

Will Moore: Absolutely. So the first one here, which we've now assigned a number to assuming that you were to initiate it, is zoning text amendment 20 - 0 1. We haven't talked about this for a couple of months. This arose out of the mayor and council wanting to ensure that we had all of the tools available if we needed to pursue zoning violations, essentially beyond the point where we have pursued them to this point. So if we got if we if I issued a violation notice and it was not complied with and we needed to move forward to enforcement through the courts, that we would have all the tools available in terms of maximum penalties as enabled by the code of Virginia and and such. So we discussed this back in both October and November. This is essentially doing two things. One is kind of restructuring the language in within two to better match the language in the enabling legislation. And it's also revising the certain penalties that might be available to us. Again, should we reach that, they need to get to the point where assessing penalties so that we had the maximum penalties as allowed by the code of Virginia available to us. So this is unaltered from the versions that you've seen previously. I included some notes in. In case you this wasn't fresh in your mind because we hadn't looked at it for a couple of months, but I am strongly advocating for this as drafted. Again, it's mirroring the updated version of the Code of Virginia better and then again enabling those penalties should we need to assess.

Terry Cooke: Thank you, Will. Anyone have any comments or questions about the proposed text amendment, we have been through this.

Don Woodruff: Well, my only comment would be I looked it over and I thought it was extremely fair. And generous and gave every opportunity for people to abide by them. The zoning ordinances.

Terry Cooke: Anyone else? We will entertain, the chair will entertain a motion. We have a draft motion, Will?

Will Moore: We do in the memo. Page two under recommendation.

Bud Jacobs: I move the commission, initiate zoning text amendment 20 - 0 1 pertaining to penalties and remedies for violations and schedule a public hearing on the draft amendment for the March 23rd regular meeting.

Terry Cooke: Excuse me. Is it 20 - 0 1 or 20 - 0 2?

Will Moore: This one is 0 1.

Terry Cooke: I'm sorry. Clarification. It's 0 1 or 0 2?

Will Moore: This one is 0 1.

Terry Cooke: All in favor say aye.

Everyone: Aye.

Terry Cooke: Hearing no opposition, the motion carries. Thank you. Spontaneous combustion. All right. We also have a zoning text amendment [off mic]. The signs. Been through several iterations of this one over the last several meetings. Does anyone have any further comments or questions regarding proposed text amendment pertaining to this sign ordinance?

Will Moore: So welcome back, Dev, with this one. I think the town attorney, Martin Crim once said, you know, when somebody brings up rewriting the sign, ordinances run the other way. So you're coming in late on this one Dev. I will note that there's you you will see yet another draft of this next month if you choose to initiate this and scheduled a public hearing. There were a couple of comments from your last meeting that have yet to be incorporated into the draft. So, for example, Estee reminded me one of them was there is a provision in here that if a if a user goes away, that within a certain length of time the sign should be must be replaced with a blank face. Well, somebody said, well, why don't we say remove or replace? So we I just updated that earlier today. But didn't include it here, but a couple of other minor modifications. And then the one thing that we wanted to talk a little bit more about and whether you've given that thought for this month or want to continue discussion next month was in the tables of sign allotments. We were considering the allotment area for flags and whether or not particularly I think it was in the residential districts if we wanted to include a total square foot limitation for flags, if we wanted the current draft says a 16 square foot aggregate limit and a town attorney had suggested that either there should be no limit or it should be probably a good bit higher than that. So if somebody wanted to display multiple flags on the residential property, they could. We talked about that a little bit last month, but we never settled on an answer for that. So whether or not you wanted to continue to discuss it tonight or continue that discussion next month is up to you.

Dev Roszel: [off mic] The flags and the signs or is that all right.

Will Moore: So they're being regulated together. But a flag is being treated different from other types of signs.

Dev Roszel: I thought I read some of that.

Will Moore: Yes, sir.

Bud Jacobs: But did someone propose 64 square feet as the [inaudible] allowed for flags [off mic].

Will Moore: No there's actually a note that says staff suggests possibly 64 square feet. The idea there was that one of the most common sizes is a 3 by 5, which is 15 square feet. Well, we're headed at 16. Give a little flexibility. If you wanted to allow somebody to have four of those. What I'll say is a typical size flags flying. That would be 64, 60 to 64 somewhere in that area. But again, that comes down to do you want to place that limitation or if somebody is feeling like they really want to go overboard and maybe display the five flags depicting the five branches of military or six, as it may be now with space force, because I think that exists now. So that probably wouldn't be allowed if we had the 64 limit. So, again, something to think about whether or not you wanted to limit proliferation of flags on a residential property.

Terry Cooke: Well, this is a draft.

Will Moore: It is, it is. And what I envisioned. Again, we're moving at our own pace on this and that's OK. We want to make sure that you get this right as whatever that might mean. We want to make sure that you have time. There is no major rush over this. So we would schedule the public hearing for next month. That does not necessarily mean that you would need to take action on a recommendation to council next month. If you still had a few other details that needed to be worked out, the action could take place in April, it could take place in May. So we definitely you know, we're getting very close, I think, on this. But, yeah. So there's still time to work it out, though.

Terry Cooke: But we can still proceed with public hearing.

Will Moore: Absolutely. Absolutely.

Terry Cooke: Right. Does the commission feel about a motion to schedule a public hearing?

Don Woodruff: The only concern I had was are there flags or things of that nature that are considered offensive? And how do you determine that?

Will Moore: Essentially, we don't. That again, one of the major contributors issue,[off mic] right. The major a major thing that spurred the Supreme Court decision that includes it hasn't. Well, it's not so much just First Amendment, but it's content based regulation. So it's the town or the local government has a compelling interest to regulate proliferation of signs and flags and sorts for various reasons. It might be aesthetics, it might be a distraction to motorists, but there's no link necessarily between content and the other aspects that make that compelling interest. So we have to avoid the content-based regulation.

Terry Cooke: [off mic]

Rachel Minchew: I can make the motion. To move the commission, initiate zoning text amendment 20-02 to repeal and reenact Article 16 of the zoning ordinance pertaining to signs and schedule a public hearing on the draft amendment for the March 23rd regular meeting.

Don Woodruff: Second.

Terry Cooke: All in favor, say aye.

Everyone: Aye.

Terry Cooke: Hearing no opposition, the motion carries. Thank you. Thank you. Bud you're up with the council representative report.

Bud Jacobs: I got nothing.

Terry Cooke: All right. [inaudible].

Bud Jacobs: That's right. Any questions? [off mic]

Will Moore: Yes. Mr. Jacobs will be away attending the certified planning commissioner training. [off mic]

Bud Jacobs: [off mic]

Will Moore: [off mic] Yes. Yes. But maybe no. So it's the same program. The program has been since transferred from Virginia Tech to Virginia Commonwealth University is now overseeing the program. And as I understand it, Estee went through it in the fall. And you've probably not met Estee yet, have you? But so she's a fairly she's not new, but she's been on staff. It was newly created position. She's been on staff since June of last year. And she attended the commissioner training in this newer format. Her sessions were in Richmond. But so it has been revamped a little bit, I think. I think for the better. [off mic] So a different group, the. It was a staff member from Virginia Tech, Dr. [Inaudible], who led part of it. And then Dr. Chandler, who was part of the initial right. So Dr. Channeler was not part of Estee's group. He was, I think, doing dealing with some personal issues, health issues at the time. But I think he's still involved in the program.

Terry Cooke: Ok. Next item is one near and dear to all our hearts. Discussion item. Will going to give us a status update on the residences at Salamander and the Banbury Cross Reserve application.

Will Moore: Yes. So very brief on both the residences at Salamander. It's again, this is the construction plan and profile stage. So this is the engineering and all the technical phase. So we have the second iteration of those plans were submitted to us nearly two months ago now. They're still undergoing review, but we're getting very close on wrapping up this round of review. I anticipate at least another iteration will be necessary, but I will certainly keep you up to date as we get the agency comments. And so that you can review those. We can maybe have a session where you step out from the diese and gather around the big table here and look at a full set of plans together. And we can kind of go over some of the comments once they're issued. In terms of Banbury Cross Reserve. We are still awaiting the agency comments from the various Loudoun County referral agents' agencies. I will tell you that we have received comments from VDOT and they have no outstanding comments on, again, the preliminary plat stage. But they have noted that there will be additional review at the construction plan stage. Something that we're going to have to, again, when we hold the public hearing on the subdivision, kind of reiterate for the public that this is a multi-phase process. The subdivision of lands. So the preliminary plat, by definition is a schematic. It does not have all of the answers that many people are looking for. And we understand that not everybody comprehends that. Not everybody likes that. You know, we want answers, but because of the way the process is set up. So VDOT has already responded. They have no comments at this stage. The town engineer has completed his review of the kind of massing of comments that he had from the previous application that had been submitted. He has only two minor outstanding comments remaining. So a lot of progress, at least in terms of what the town engineer was reviewing, which is only the area that's within our subdivision control area. Most of those comments were successfully addressed. But again, we're still

awaiting the Loudoun Agency referral comments. And there were many outstanding comments there. So we're not sure how well they have been resolved with this submission.

Terry Cooke: How does that affect the timeline that we're under, though, if we don't get the county's comment?

Will Moore: Right. So I have reached out to the applicant as recently as Friday and not heard back in terms of whether or not the applicant would be willing to waive the state-mandated timelines for review and action. Quite frankly, they are going to need to waive that if they do not we will likely be forced to disapprove the plat. And the reason that is trying not to go too far into the weeds, but this subdivision, the preliminary plat of subdivision as it has been presented to us, is dependent on another action taking place. So there is a boundary line adjustment between three parcels of land. Those three parcels of land, much like this larger subdivision, also straddle that that line that we have outside of our corporate boundaries. So we have this one mile extraterritorial subdivision control area. So this line, those three parcels also straddle that line. So we are an approving authority on the boundary line adjustment as well as the county. When I say we boundary line adjustments are administratively approved. So that's not something that would come before you. I would report to you if one were approved. So the preliminary plat that has been submitted and is being reviewed concurrently, much like we were talking about, possibility of a zoning tax amendment and special use permit could be reviewed concurrently. These two are being reviewed concurrently, but you could not act to approve the preliminary plat without the boundary line adjustment already having been approved. That is probably not going to happen within the timeline to act on the preliminary plat. So they're going to need to either waive the timeline or if I don't get that waiver within the next week or two or whatever our timeline is for scheduling a public hearing for your March meeting, we would be forced to schedule the public hearing and act and that action would have to be a disapproval at that stage. So likelihood that waiver will be granted. But we need to ensure that. And once that happens, then we can pace ourselves better. We can get in comments. You can have time to digest those referral agency comments without necessarily having to take an action the same month that you're giving those comments. So that's the way that we anticipate this working out. So still a lot that needs to happen in between now and when there would be a public hearing, when you would take action. But I think the need to act within a constrained timeline is going to go away. It's in the applicant's best interest for it to go away.

Terry Cooke: Thank you Will. Bud.

Bud Jacobs. As I understand it, part of the boundary line adjustment issue is bound up in the fact that there is a bank holds note on some portion of the property that's involved in the BLA.

Will Moore: That could be correct that the town or not town, the county attorney attorney's office review the associated deed that went along with the boundary line adjustment and had voluminous comments about the state of the draft deed as it were submitted. I can't remember if that was specifically one of the issues involved. But anytime that there is a lien or a deed of trust on a property, those lien holders or the trustees, they have to also be signatories on associated deeds that alter boundary lines and such.

Bud Jacobs: That I know we can't predict the future, but that suggests that the timelines for that approval if in fact, the approval ever occurs, are pretty drawn out. I mean, we're looking at weeks and weeks probably at this point.

Will Moore: It's hard for me to. I think your gut feeling is probably correct. Yes.

Bud Jacobs: Is there any reason that we couldn't go ahead and schedule the public hearing sometime in March? It seems to me that the two issues are not necessarily linked.

Will Moore: Correct. There's no reason you couldn't. Staff's suggestion would be to and feel free to you can direct the hearing to be scheduled when you want it to be. I would suggest to you that you wait until we get at least the first full round of referral comments in so that those are not only available to you, but they're available to the public as well. So they can digest the first round of referral comments that come in and you can digest them. And then that gives the public a little more information, a little more background, because we know from our previous discussions, subdivision of land is a ministerial act. It's not a discretionary one. Meaning if they check all the boxes, there are a lot of boxes to check. But if they check all the boxes, you're obligated to approve. And if we can at least give this information to the public so that it doesn't come across so much as a I just don't want this not in my backyard kind of thing, which you can't I mean, you can listen to those and you do listen to those and you will listen to those if you hold a public hearing. And that's you know, sometimes people need to say how they feel about proposals, but you need to be able to parse the you know, I have read this and here's an issue that you shouldn't approve it because of this. And it's a technical requirement, those kinds of things. So if we can get those referral comments and allow the public a little time to digest that before having that public hearing, I would suggest that would be best.

Bud Jacobs: And you may have said this. When might we expect Loudoun County's cognizant agencies to have their responses, too?

Will Moore: I am expecting by the end of this calendar month, so. I'm not sure if my expectation will be met, but I'm going to follow up with the division manager who assured me a much more speedy turnaround than the previous iteration.

Bud Jacobs: But if the responses from Loudoun County are basically that the draft plat is technically adequate. If that's the term they use, I'm not sure. There is still the question of the BLA adjustment hanging over all of this. And that alone, it seems to me, would prevent us from approving the plat anytime in the foreseeable future unless and until that BLA is resolved.

Will Moore: Correct. Correct.

Bud Jacobs: And so what you're suggesting is that we let that process unfold completely.

Will Moore: You wouldn't let that process unfold completely before you would take action on the plat. But I think once we have referral comments and we could then invite the public into to have the public hearing portion. So it's hard to predict. Again, we don't know when those issues are going to be resolved regarding the boundary line adjustment.

Bud Jacobs: I guess what I'm grappling with here is the. We all know what the what seems to be the public view with regard to this particular subdivision. And I don't know what interest is served by drawing this process out unduly. And what I'm thinking about, Will, is a situation in which basically the the plan is approved or it's deemed adequate by the county and by our town engineer. But that's not really the relevant concern. The concern that's relevant in the first instance is the boundary line adjustment. And I guess in the back of my mind, the question is if quite and apart from whatever Loudoun County is going to do, if this proposal came to us today with that BLA outstanding and we were asked to vote, we would have to vote to disapprove it.

Will Moore: Yes. In its current format, yes. Now, there may be opportunities. And I don't know that if the boundary line, excuse me, adjustment hits a roadblock, there may be an opportunity to redraw the overall boundary of the preliminary plat to exclude some of this land and maybe that makes the issue go away. So, yeah, it's \a difficult situation there. There are many moving parts and it's hard to predict how they're all going to align. So we're kind of in a waiting game right now as we're awaiting them to resubmit the boundary line adjustment based on the first set of comments that were issued. And then we're waiting on the referral comments on the preliminary plan right now.

Terry Cooke: Ed.

Ed Fleischman: Will when we had the first preliminary plat submission, there still was a boundary line problem then, so why didn't we delay the public hearing or review until that was resolved?

Will Moore: So two things there. The applicant was not willing to waive the required timeline to take action. So you were forced to act. And what was a possibility was what we called conditional approval. And that still remains out there. I am less inclined to recommend conditional approval. That would include the condition that the boundary line adjustment be resolved. I think that has become a larger issue than we realized that it was back in the timeframe that you previously saw the preliminary plat. So I would but that could always be an option and you could take action to recommend without the boundary line adjustment being resolved. But conditioned upon once that's resolved, we'll sign the plat. I would not recommend that action. I think that action. I think the boundary line adjustment needs to be resolved before you would take action.

Ed Fleischman: But Will. So why didn't we have that information like, you know, five months ago and just turn it down based upon that reason.

Will Moore: It's a good question. The information was there. It was in the stack of the multitude of comments that were there, but it was not highlighted. It was not understood to be as complicated as the issue of an issue as it is turning out to be.

Ed Fleischman: Okay. Thank you.

Will Moore: [off mic] Absolutely. Absolutely.

Bud Jacobs: You've asked them once whether they wish to give us a waiver on the or extend the timeline, correct?

Will Moore: Yes, I've not received a response.

Bud Jacobs: And how long ago were those conversations?

Will Moore: Well, the second time was not an ask. It was a request for a phone call to discuss which and that second request was Friday. So.

Terry Cooke: Any further questions, comments regarding Banbury Cross or Salamander? Thank you. Thank you, Will.

Will Moore: Thank you.

Terry Cooke: [off mic]

Will Moore: You always say that. [multiple speakers]

Terry Cooke: Anyone else have any final comments? Thoughts? Hearing none. Thank you.

Will Moore: Thank you.