



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



**MONDAY, SEPTEMBER 28, 2020  
PENDING APPROVAL**

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

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

The Middleburg Planning Commission held their work session and regular meeting on Monday, September 28, 2020. Due to Governor Northam's executive order requiring that people social distance, the meeting was held remotely with most members of the Commission participating from their respective homes/offices.

Chair Cooke explained for the viewing audience that it was the Commission's responsibility to conduct essential public business despite the COVID-19 pandemic; however, it recognized the need to do so safely, not only for its members but also for the Town staff and members of the public. He further explained that to that end, in accordance with the Council's resolution declaring a local emergency and ordinance implementing emergency procedures and effectuating temporary changes to address the continuity of governmental operations, the Commission would hold its meetings via remote access until such time as the Governor rescinded his executive orders. Mr. Cooke advised the viewing audience that copies of the agendas were available on the Town's website and that the meetings would be livestreamed and recorded for viewing on the website. He explained that anyone wishing to participate in the meetings during the public comment periods or the public hearings, if applicable, could do so by dialing (540) 339-6355. Mr. Cooke reviewed the process that would be utilized for the remote meetings. He called the work session to order.

Town Clerk North called the roll at 6:30 p.m.

**Discussion Item**

**ZMA 20-01:** Rezone .5153 acres from R-1 Single-Family Residential to C-2 Commercial District – 10 W. Marshall Street – Town of Middleburg

**Pending Application:** Proffer Amendment Associated with R-1 Single-Family Residential, R-3 Residential, MUV District & 500 North Pendleton Street - Salamander

Deputy Town Manager Moore advised the Commission that both items were related to the new Town Hall building. He explained that last year, the Town acquired a portion of the Nathalie Kaye property and incorporated it into the Town's existing property via a boundary line adjustment. Mr. Moore reported that the Town also issued a Letter of Interest, which was accepted by Salamander MUV, LLC to acquire some

land from them, which would also be incorporated into the Town's property. Mr. Moore advised that the new Town Hall would be located on the property currently owned by the Town, with the parking lot to be located on the property to be acquired from Salamander. He explained that the purpose of the rezoning was to rezone the Kaye property that was acquired and the Salamander property to be acquired to C-2 Commercial to match the zoning of the existing Town property.

Deputy Town Manager Moore reported that related to this was a proffer amendment, which the Town would file for on behalf of Salamander once a sales agreement was executed. He explained that the proffer amendment would address the proffer to dedicate land to the Town for a Town Office and the proffer related to the location of the Village Green in order to relocate both to a different site than shown in the proffers. Mr. Moore advised that there were also some proffer conditions that have already been met, which could be addressed at this time. He reminded the Commission that Salamander indicated it was no longer interested in pursuing the MUV development; however, that would be addressed later by an application that Salamander would file. Mr. Moore reiterated that this proffer amendment was only related to the Town Office and Village Green proffers. He noted that the amendment would give the Commissioners an opportunity to review the Salamander proffers, as many of them were not on the Commission when they were approved.

Vice Chair Woodruff noted that the proffers included provisions for the construction of workforce housing and commercial operations. He questioned whether those would go away with this amendment.

Deputy Town Manager Moore confirmed they would not, as they were related to the MUV District. He noted that the location of the Village Green was just a small part of that. Mr. Moore advised that if Salamander wished to change the proffers related to the workforce housing and commercial development, they would have to apply for a proffer amendment apart from this one.

Some members of the Commission expressed concern regarding the proposed location of the new Town Hall, as well as the conceptual design. They opined that it looked suburban in nature and suggested the location put it in an area where it would no longer be prominent. They suggested the Town Hall should represent Middleburg. The Commission recommended the existing structure be protected and added onto.

Deputy Town Manager Moore noted that the concept design was very preliminary. He reviewed the history of the project and advised that the Town hired an architect to conduct a space needs study to identify the amount of space needed for the Town staff, including the Police Department, which drove the need for a larger building. Mr. Moore explained that the architect then worked with the Town and Salamander as they negotiated the amount of property that would need to be acquired.

Deputy Town Manager Moore reminded the Commission that Salamander owed the Town property for a Town Hall under their proffers; however, that was not due until they pursued their site plan for the MUV District. He reported that the Council negotiated to relocate the property so it could move forward with its acquisition. Mr. Moore reiterated that the design was not set and explained that the architect worked with the staff only to develop a conceptual model. He reported that Requests for Proposals were recently issued for architect/engineering services to develop the final design and construction plans for the project. Mr. Moore noted that once the architect was on board, they would work with the HDRC to modify the design.

Deputy Town Manager Moore advised the Commission that the decision was made to keep the building on Marshall Street, as residents have said they did not want the office to be located further back. He reported that the parking would be in the rear and advised that there would also be an entrance off the parking lot.

Councilmember Jacobs advised the Commission that there would be an opportunity for public comment on the design. He noted that the project was in the early stage and suggested the Commission not get wrapped up in the design at this time.

It was noted that the new building would give the Town staff the room they needed to work. It was further noted that it would also be nice for the staff to live in a building that would not require mold remediation every three to four years.

In response to an inquiry from the Commission, Deputy Town Manager Moore explained that the proffers required Salamander to work with the Historic District Review Committee to develop guidelines that would apply to the R-1 and R-3 sections of their residential development. He noted that the R-1 section would contain twenty-one larger lots and was located on the west side of the property. Mr. Moore reported that guidelines were developed and adopted that were appropriate for the R-1 area, as well as some general guidelines that would apply to all parcels. He noted that the Historic District Guidelines would not apply to it. Mr. Moore advised that the guidelines have not yet been developed for the R-3 property. He opined that the R-1 area guidelines may be revisited based on a design refinement by Salamander.

Commissioner Fleischman requested a copy of the Salamander design guidelines.

Chair Cooke adjourned the work session and called the regular meeting to order at 7:01 p.m.

**Disclosure of Meetings with Applicants**

The members reported that they had no meetings with applicants.

**Approval of Meeting Minutes**

*Councilmember Jacobs moved, seconded by Commissioner Fleischman, that the Planning Commission approve the July 27, 2020 Regular Meeting and the August 10, 2020 Special Meeting minutes as drafted.*

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

No – N/A

Abstain – N/A

Absent – N/A

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

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**Unfinished Business**

ZTA 20-01: Amendments to Town Code pertaining to Penalties and Remedies for Zoning Violations

ZTA 20-02: Repeal & Re-enact Article XIV of the Zoning Ordinance pertaining to Signage

Chair Cooke reminded the Commission that they were supposed to hold public hearings on these ordinance amendments in March; however, they were cancelled due to the COVID pandemic.

*Vice Chair Woodruff moved, seconded by Commissioner Fleischman, that the Planning Commission approve moving ZTA 20-01 and ZTA 20-02 to a public hearing.*

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

No – N/A

Abstain – N/A

Absent – N/A

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

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### **Council Representative's Report**

Councilmember Jacobs reported that during their last meeting, the Council spent time considering how the Town could support the restaurants, retail establishments and citizens during the coming change of seasons in a COVID environment. He noted that the Town could not continue to offer the subsidies that it previously provided. Mr. Jacobs asked the Commission to share any ideas they may have with him.

Councilmember Jacobs reported that the 2020 Christmas in Middleburg parades had been cancelled, as it was not wise to host events that would draw a crowd at this time. He further reported that the Middleburg Business & Professional Association was leading the development of activities, which would echo the spirit of Christmas in Middleburg, that could be held throughout the month of December. Mr. Jacobs expressed hope that Virginia would remain in Phase 3 and opined that things were trending in the right direction.

### **Discussion Items**

In response to an inquiry from the Commission, Deputy Town Manager Moore reported that the starting prices for the Salamander houses was reported to be \$1.9 million. He confirmed that the house that was under construction at the intersection of Walnut and Martin Streets was equal in size to the proposed Salamander houses. Mr. Moore advised that the Walnut/Martin Street property was zoned R-2 Residential, which allowed for a maximum of two-stories. He explained that the height limit was thirty feet, measured at the peak. Mr. Moore noted that the builder was constructing a sub-grade finished basement. He advised that the owner purchased two lots, one of which contained an existing home, and combined them into one. Mr. Moore further advised that he then torn down the house in order to build the new one. He reminded the Commission that there was no maximum lot size limitation in the R-2 District, only a minimum lot size requirement.

### **Quorum of October Meeting**

The members reported that they would be present during the October 26<sup>th</sup> meeting.

There being no further business, Chair Cooke adjourned the meeting at 7:17 p.m.

RESPECTFULLY SUBMITTED:

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Rhonda S. North, MMC, Town Clerk

**Middleburg Planning Commission Transcript**  
**September 28, 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](http://www.middleburgva.gov))**

**Terry Cooke:** Good evening, everybody. Look forward to seeing all your smiling faces again before too much longer, but tonight it's just yours truly. And Rachel here in person. I hope everybody continues to do well. It is 6:30. So we will convene the. Work session. And we call that session to order. I have, as per our recent practice, a. announcement regarding remote participation in the meeting, so I will now review that for the benefit of the record. It is the Planning Commission's responsibility to conduct essential public business despite the covid-19 pandemic. However, it recognizes the need to do so safely for not only its membership, but also for the town staff and members of the public. To that end, in accordance with the resolution confirming the declaration of a local emergency and the ordinance to implement emergency procedures and effective temporary changes to address continuity of governmental operations during covid-19 as adopted by the Middleburg Town Council, the Planning Commission will hold its meetings via a hybrid system of in-person for those commissioners who feel safe doing so and remote access participation for the public and those commissioners who prefer remote access until such time as the governor rescinds his emergency order mandating social distancing. To ensure adequate social distancing, a maximum of 10 individuals will be allowed in the council chambers at any given time. Copies of the previously referenced documents are available on the town's website for those who wish to view them. The town will continue to live stream and record its public meetings, which are available for viewing along with the meeting agenda packet on our web site at [www.MiddleburgVA.gov](http://www.MiddleburgVA.gov). Members of the public who wish to participate in the planning commission meeting during the public comment period and or public hearings if applicable, and or applicants who are speaking on behalf of their application may do so by dialing (540) 339-6355. You will be placed on mute until such time as the public comment or public hearing is opened or your application is heard. To ensure trust in the process, the town clerk will do a roll call of the Planning Commission members at the beginning of the meeting and at least once an hour. In addition, I will ask each member by name if they have any comments or questions related to each item as we proceed. When anyone speaks, he or she is asked to first state his or her name for the benefit of an audience, all votes of the planning commission will be taken by roll call. The town clerk will announce the member's name with the individual, then stating how they are voted. With that said, will now proceed to the agenda for the for the work session and our first item will be a roll call, so, Rhonda, if you would, please.

**Rhonda North:** Chair Cooke.

**Terry Cooke:** Present.

**Rhonda North:** Vice Chair Woodruff.

**Don Woodruff:** Present.

**Rhonda North:** Commissioner Fleischman.

**Ed Fleischman:** I'm present remotely.

**Rhonda North:** Commissioner Minchew.

**Rachel Minchew:** Here I am.

**Rhonda North:** Commissioner Roszel.

**Dev Roszel:** I'm present.

**Rhonda North:** Commissioner Stein.

**Mimi Stein:** I'm here in cyberspace.

**Rhonda North:** Council Member Jacobs.

**Bud Jacobs:** Present.

**Terry Cooke:** Thank you all. We'll now proceed to the discussion items and the issue should be familiar to everyone on the commission. It's been some time since we visited these. But the first of our discussion items has to do with the zoning amendments relating to the future construction of a new town office. So Will [inaudible].

**Will Moore:** Oh, yes. Thank you, Mr. Chairman. And members of the commission. It's good to be back together, even though remotely and moving along on a different topic than our last couple of meetings. So these two discussion items for your work session are somewhat inter related, as you undoubtedly are aware of I did send you some information in the middle of August at the time that the town did a new news release regarding the acquisition of land before a potential new town hall building. So a little background. Last year we acquired we the town acquired a piece of land directly behind that is to the north of the existing town, offers a sliver of residentially zoned land that was part of Mrs. Kaye's property. So we acquired that via a boundary line adjustment and incorporated that into our existing property here fronting on West Marshall Street. That piece of land that we acquired and incorporated is residentially zoned the remainder of the town of this property on which the building currently sits is C2. As you learned in that news release, we have since issued a letter of interest that was accepted by Salamander MUV LLC, which owns essentially the land on the Salamander tract that is zoned MUV. And we are in negotiations to acquire a piece of land that we would incorporate with our existing land holdings into a new town office site. That portion of the land that we would acquire would essentially be to locate the parking lot facilities for the new town office. We would be able to build the new town office itself, the building on the property that we already own, including the piece that we acquired from Mrs. Kaye. So the purpose of the zoning map Amendment 20-01 would be to proceed with rezoning of the land that the town owns currently and the piece that we would acquire from Salamander to bring that all in to C2 zoning. So again, to match the existing zoning of the town office building, as well as the other properties that surround us along the West Marshall Street. And the other related part of this is the proffer amendment application, which is pending at this time. Again, we are still in negotiations with Salamander over the ultimate purchase and sale agreement. We hope to have a resolution to that very soon during the month of October is our goal. And once we have that purchase and sale agreement executed, we will then the town be filing this proffer amendment on behalf of Salamander. And the purpose of that proffer amendment is to clean up some items in the proffer statement that relate to dedication of land for town hall and also relate to land for a village green or a town green. So essentially during our negotiations with Salamander, we have relocated the site of where the town office would be, the new town hall that is as well as relocated the location of the village green. So they're not exactly as we're shown on the illustrative plan that was part of the proffer statement. So the proffer amendment would be to clean up those items in the proffer statement, essentially to remove the town hall from the proffer statement and to relocate the village green. There are a few other things within the draft amendment that we're proposing, which are really housekeeping items. There are some proffer that have since been satisfied that we could remove some things related to just basic language in there that needs cleaning up. But the purpose of the proffer amendment is solely to to address those items that are related to the town office site and then to clean up things. Again, those housekeeping items, we're not pursuing any proffer amendments that the owner

might be interested in. And as I reference in my staff report, we know from public statements by the owner that in the MUV section in particular, they have no intent on pursuing the development of the MUV as it is currently proffered. We're not touching that at this time. That would have to be a later application and discussion that would be initiated solely on their behalf. Nothing as it relates to the MUV, except for the relocation of the town hall and the village green would be included in that proffer amendment. And I also just thought it would be helpful. I know probably most of the members here are not familiar with the complete set of proffers that apply to the Salamander properties, in particular the R-1, R-3 and the MUV zoning sections. So I just wanted to kind of introduce you to those properties so you can understand what is on the table currently. And if and when there are future amendments that are applied for by the owner, you would have some good background. But as far as our discussion, as it relates to the proffer amendment that the town will be filing once the purchase and sale agreement is executed, it's solely going to be related to those items related to the town hall, the village green. And again, those minor housekeeping items. I think with that, Mr. Chairman, it might be a good time to open up for any particular discussion.

**Terry Cooke:** Very well, thank you, Will. And I will give each commissioner an opportunity to express any comments or concerns or questions they might have, beginning with Vice Chair Woodruff, Don.

**Don Woodruff:** Well, I was present during the discussions when Salamander was created originally, and it seemed to me that the village green concept had workforce housing of, let's call it middle income housing for teachers, etc., and some potential commercial operations like clothing stores, etc.. Did those go away with this or they still in effect?

**Will Moore:** Those do not go away Mr. Woodruff. And just to clarify in language, those relate to the MUV zone exception, the village green is just a small portion of that MUV. The Village Green is essentially kind of a small piece of land to serve as a town square or an area where citizens can congregate. So this is solely relocating that. The proffers that you mentioned related to housing and who that housing would be for and to allocations of commercial space those would remain. And if the if the owner wanted to change those, they would need to apply for an amendment in the future.

**Don Woodruff:** Well, thank you very much. I just keep remembering those things that we went through weeks and months of arguing or not arguing, discussing, I should say, and it was very important to the planning commission and to those people who came to the public session that what the Salamander ownership had agreed to was still in effect. So thank you very much.

**Will Moore:** Yes, sir.

**Terry Cooke:** Thank you, Don. Anything further Don at this time?

**Don Woodruff:** Nothing further at this time. Thank you, Mr. Chairman.

**Terry Cooke:** Commissioner Fleischman.

**Ed Fleischman:** Thank you, Mr. Chairman. I know a lot of effort goes into this proffer behind the scenes, I'm sure, with the city council and with the owners of the property and the planning staff. But I just have a general comment on the location of the town hall and some of the early designs that have been put forward. And I don't know how to remedy it, but I just wanted to go on record that the existing Middleburg town hall looks like a town hall for a small town with a [inaudible] background. When I look at the location of the proposed town hall and some of the designs that have been on the website, I must say it looks very suburban with a parking lot in front and the town hall behind. And I just think the location that the Salamander owners have given is sort of puts the city hall in the back and doesn't give it

a prominent sidewalk space. It's just a typical suburban view. That's my comment on that. Any reaction Will?

**Don Woodruff:** Yes, Don Woodruff here, thank you, Ed, very much because I think that one of the things that has always stood in my mind over my 15 plus years on the Planning Commission has been that the town hall should represent what Middleburg is and that protecting this rather unique structure, but adding on to it to include all of the services that Middleburg provide would be a wonderful way of doing it. And I would stand foursquare with Ed on his belief that we don't want a suburban structure, we don't want [inaudible] that looks like [inaudible] or something. What we want is something that is in keeping with Middleburg. Thank you very much Ed.

**Will Moore:** This is Will. A couple of things towards Ed's comments as far as the design that you have seen, I would just stress that this is very, very, very preliminary. So the town had conducted a space needs study to essentially decide how big of a building do we need? And one thing to note here is that this facility would bring our police department under the same roof as the town hall staff. So it's going to be larger, just out of necessity to house more people. The architecture firm that conducted the space needs study for us, worked with the town and with Salamander as we went through this negotiation process of how to best locate the building. And one factor that we were dealing with and I touched on this in my staff report, is that while the owner did, I'll say, quote, owe us a proffer for a town office [inaudible] due that lands dedication was not due until if and when they pursued their first site plan for development on Mixed-Use village, some portion of the land. And that is very low priority for them right now. So this could have been five years, 10 years, 15 years from now. I'm not sure until they would have us owed us the dedication of that land of the town council was very set on moving forward with our planning process. And it was through that negotiation process that we did this relocation, relocating the town green so that we could acquire the land that we need from them and be able to move forward at this time. But as far as the design of the building, that is something that is not set in stone by any means. The architecture firm that did the space needs study worked again with us and with Salamander through this land acquisition process and just came up with this conceptual model that we have just recently gone out, issued a request for proposals for architectural and engineering services. And if you were on early, Mr. Woodruff was touching on that is there is still one potential proposal that he is familiar with. So we are going to be bringing on board designers to work through design process. They'll be working with our historic district review committee. There will be modifications, refinement, et cetera, to the design of the building. As far as the siting of the parking, we have chosen to keep the building fronting and available to pedestrian walk in traffic all the way up to Marshall Street, which I think is a good thing. We heard that a lot from residents in the past that they did not want the office located further back on the Salamander property. But it would have a rear load parking area, but there would be an entrance from that side as well. So basically two entrances, two main entrances into the building that would fit into one common reception desk. So there's going to be a lot of design refinement coming forward. But I definitely appreciate Ed's comments about not wanting a suburban style of development. I think we all agree with that.

**Terry Cooke:** Thank you, Will. Ed unless you have an additional comment, I will move on.

**Ed Fleischman:** Just the final comment, it's a very difficult site to deal with the way the village green is situated. I mean, the village green actually is the best site for a building because it's right down the street. So I just wish good luck to the designers and site planners to put something together that represents the town of Middleburg. Thank you.

**Terry Cooke:** And I'm sure as this goes along, we're all going to have many more opportunities to express our views regarding design. So thank you. Commissioner Minchew.

**Rachel Minchew:** I appreciate all the information because I was late coming into this whole process. So it's been good to read through it and to read the proffers and to see what was done with Salamander in the



town. So I appreciate that. And I just enjoyed being able to gather all the information and just look forward to that and discussing it as well. That's it.

**Terry Cooke:** Thank you. Commissioner Roszel.

**Dev Roszel:** No, I have no comment at this time. Thank you.

**Terry Cooke:** Commissioner Stein.

**Mimi Stein:** Well, my only comment really had was to agree with Ed. The designs originally. I know we're not talking about the design tonight, but it looks to me like it was kind of backwards, even the frontage on Marshall Street so, I guess incidental where the main entrance was towards the back, [inaudible] upside down, but that's it. And I know that's not what we're talking about tonight. And I'm going to proffers, I have no other comment. Thank you.

**Terry Cooke:** Thank you. Council Member Jacobs.

**Bud Jacobs:** Thank you, Excellency. I agree with the philosophy behind Ed's remark, if not necessarily with some of the detail. I'd like to offer just a couple of quick, quick comments will refer to the design or the draft design of the town hall as preliminary. I think for our purposes, a better description might be that it's a notional design more than anything else. I'm sure that the architectural design firm that ultimately wins the RFP competition will bring its own tweaks and ideas. I know for a fact that there will be numerous opportunities for the public to comment and provide insight on different aspects of the design. And I have to I have to stress that we are in with respect to this entire practice. We're in early, early, early days. And I would suggest that as the commission will not get wrapped too tightly around [inaudible] with regard to specific details of the design of the building or the site plan or anything else, and focus our efforts on what [inaudible] mentioned on the zoning amendments.

**Terry Cooke:** Thank you Bud. As chair, I will hold my fire on this until we get further into the process. I'll only say I'm delighted and very happy that we have at least initiated the process and we look forward to what I'm sure will be a multiyear process but looking forward ultimately seeing a much nicer facility where the staff has an opportunity to perhaps spread their wings a bit and not be quite as jammed in as they as they are and have been for many, many years. So it's good to see to see that things are moving along.

**Bud Jacobs:** Mr. Chairman?

**Terry Cooke:** Yes,

**Bud Jacobs:** It's Bud again, just one more comment. The your remarks about the staff being able to accomplish its work in a more suitable facility are right on the mark. I'd like to see a facility that we don't have to subject to mold remediation every three or four years, as we do with the current building.

**Terry Cooke:** Very good. Thank you all.

**Ed Fleischman:** Mr. Chairman.

**Terry Cooke:** Yes.

**Ed Fleischman:** If I may I just have another item comment.

**Terry Cooke:** OK, go ahead.

**Ed Fleischman:** Sort of an informational question to Will on proffer number 14, the Historic District Review. The proffer says that the applicant and the HDRC shall develop and adopt supplemental design guidelines. I just want to know that's been done or is in development or what the status of that is please.

**Will Moore:** Yes, very good question. So the applicant has worked with the HDRC a couple of years ago to come up with a set of guidelines for the R1 section. So those are the larger lots. Twenty-one larger lots on the west end of the residential development. So when we say developing the guidelines, the properties that they subject themselves to a review process, but not the same, not based on the same historic district design guidelines that we have. Basically, they need to work with the review committee to come up with guidelines that are appropriate for this new development. So they did develop guidelines for the R1 section. They developed some general guidelines that would apply to everything, but they have not yet returned to us with proposed guidelines for the R3 sections, which will be necessary for them to continue with their plans for their residential development. So, yes, we have some guidelines in place that have been adopted. We anticipate more guidelines that will have to be developed and they may be revisiting some of the R1 guidelines that were previously developed based on design requirements that they've come up with over the last couple of years.

**Ed Fleischman:** Thank you Will. I wondered if you could send by email a copy of the R-1 guidelines for me.

**Will Moore:** Absolutely.

**Ed Fleischman:** Thank you, great.

**Terry Cooke:** Any other comments, commissioners, on this discussion item before we move along? Very well, we have a second discussion item that's related to the first regarding an ordinance to amend the proffers associated with conditionally zoned or one single family residential R3 residential and MUV mixed use village district properties. Will any briefing on that?

**Will Moore:** I think we pretty much handled that one with.

**Terry Cooke:** Yeah, I think so.

**Will Moore:** Again, there are so interrelated that I think we handled that already.

**Terry Cooke:** I agree with that. But I will just ask each commissioner to make sure nobody has any particular comments regarding this discussion item. Vice Chair Woodruff.

**Don Woodruff:** No comment. No comment on that.

**Terry Cooke:** All right, thank you, Don. Commissioner Fleischman.

**Ed Fleischman:** No additional comments. Thank you.

**Terry Cooke:** Commissioner Minchew.

**Rachel Minchew:** No additional comments. Thank you.

**Terry Cooke:** Commissioner Roszel.

**Dev Roszel:** No comment. Thank you.

**Terry Cooke:** Commissioner Stein.

**Mimi Stein:** No comments from me thanks.

**Terry Cooke:** And Council Member Jacobs.

**Bud Jacobs:** No comments from me. Thank you.

**Terry Cooke:** And the chair has no comments at this time. Thank you all very much. That will conclude the work session. We will now convene our regular meeting of September 28th, and we will call that meeting to order. First item of business would be to ask each of the commissioners if he or she has had any meetings with applicants or discussions with applicants. I'll call each of you individually to to answer that question, Commissioner Woodruff.

**Don Woodruff:** I have had no meeting pertinent to that issue. Thank you.

**Terry Cooke:** Commissioner Fleischman.

**Ed Fleischman:** I've had no communication with applicants.

**Terry Cooke:** Commissioner Minchew.

**Rachel Minchew:** I've had no communication with anyone.

**Terry Cooke:** Commissioner Roszel.

**Dev Roszel:** I've had no communication with anyone either. Thank you.

**Terry Cooke:** Commissioner Stein.

**Mimi Stein:** I have had no communication with anyone regarding Planning Commission business, although I did finally have to admit to the people working on the [inaudible] property that I'm on the planning commission. [laughter]

**Terry Cooke:** Thank you. And Council Member Jacobs.

**Bud Jacobs:** I've had no communication with any applicant having business before this commission.

**Terry Cooke:** Thank you. And for the record, the chair states that he has had no comments or discussions with folks who might have matters before the commission. Thank you all. We now come to the public comment period, if anyone has is online and wishes to address the commission with any concerns or comments. Now is your opportunity to do so. Rhonda, do we have anybody signed up?

**Rhonda North:** We do not, sir.

**Terry Cooke:** Ok, I'll just ask for the record. Is anybody online who wishes to make a public comment? Hearing none, we'll move on. Thank you. Next item, approval of minutes. Rhonda, that was a Herculean task on the minutes for our last work session and meeting, thank you so much for that.

**Rhonda North:** Thank you.

**Terry Cooke:** Happy to entertain a motion on the minutes. Anyone care to move, move an approval.

**Bud Jacobs:** I move we approve the minutes as drafted.

**Terry Cooke:** Just for the record those would include the minutes of the July 27, 2020 work session and regular meeting and the minutes of the August 10, 2020 special meeting minutes.

**Ed Fleischman:** Yeah, and the second was by Fleischman.

**Terry Cooke:** Thank you.

**Bud Jacobs:** Yes to both, Mr. Chairman.

**Terry Cooke:** Thank you, Rhonda. Will you do a roll call.

**Rhonda North:** Yes. Vice Chair Woodruff. Vice Chair Woodruff.

**Don Woodruff:** I'm sorry, I was muted. Yes.

**Rhonda North:** Commissioner Fleischman.

**Ed Fleischman:** Yes, I vote for the motion.

**Rhonda North:** Commissioner Minchew.

**Rachel Minchew:** Yes, for the vote motion.

**Rhonda North:** Commissioner Roszel.

**Dev Roszel:** I vote for the motion. Yes.

**Rhonda North:** Commissioner Stein.

**Mimi Stein:** Same I vote for it, thank you.

**Rhonda North:** Council Member Jacobs.

**Bud Jacobs:** Aye.

**Terry Cooke:** Thank you all, the minutes are approved. We next have we want to take up some unfinished business and everyone, I believe will remember way back in March. Uh, actually, I guess it was February that we proposed a public hearing on these matters. And obviously it has been deferred for some time. But we now have a zoning text amendment 20-01 pertaining to penalties and remedies for violations. And I will take that up first. Are there any comments on that matter? We do have, I believe, a suggested motion to schedule public hearings again on that, unless anyone has any comments. We would entertain a motion to schedule a public hearing. [inaudible]

**Will Moore:** The draft motion I prepared actually has both amendments in and oh OK. So if you wanted to discuss each amendment, first [inaudible].

**Terry Cooke:** We'll take them up together. That's fine. Thank you. Thank you. All right. Well, with that correction, we also have zoning text amendment 20-02 to repeal and reenact Article 14 of the zoning ordinance pertaining to signs. I'm sure we all remember our discussions regarding that matter. Again, if there are no additional comments on that, we will entertain a motion regarding both of those matters to schedule for a public hearing.

**Don Woodruff:** I do not have them. I do not have the exact numbers before me, but I believe that is proposed for the planning commission to approve both of these amendments.

**Terry Cooke:** Is that sufficiently clear for the record?

**Will Moore:** Just to be clear, that's to approve both of them moving to public hearing.

**Terry Cooke:** Correct.

**Don Woodruff:** Yeah, absolutely.

**Bud Jacobs:** ZTA 20-01 and 20-02. Correct?

**Terry Cooke:** Correct.

**Don Woodruff:** Yes. Thank you very much.

**Terry Cooke:** Is there a second to Don's motion?

**Ed Fleischman:** Second.

**Terry Cooke:** Thank you.

**Ed Fleischman:** This is Ed Fleischman second that motion.

**Terry Cooke:** Rhonda. Will you do the roll call.

**Rhonda North:** Vice Chair Woodruff.

**Don Woodruff:** Yeah.

**Rhonda North:** Commissioner Fleischman.

**Ed Fleischman:** Yes.

**Rhonda North:** Commissioner Minchew.

**Rachel Minchew:** Yes.

**Rhonda North:** Commissioner Roszel.

**Dev Roszel:** Yes.

**Rhonda North:** Commissioner Stein.

**Mimi Stein:** Yes. I think it should move along. I don't want to talk about those flags again. [laughter]

**Rhonda North:** Council Member Jacobs.

**Bud Jacobs:** Aye.

**Terry Cooke:** Motion is approved, thank you all. Bud, we now come to the council representative report anything to tell us about.

**Bud Jacobs:** I don't have much. Council has been spending a lot of time thinking about the fall and winter season and coronavirus and not really knowing what it's going to look like. We were sort of looking for ideas to continue providing some level of support for our retail establishments, our restaurants, and the citizens. It's clear we're not going to be able to continue the subsidies and vouchers and coupons that we undertook earlier this year. We're not really going to be able to do much to alleviate the pain of utilities bills, although there are some things we can do there and will. And if anybody has any great ideas or know something that other jurisdictions in the Commonwealth or elsewhere may be looking at, we would sure love to hear some suggestions. In that connection I'm sure you all know that there will not be a Christmas parade this year. And the Middleburg Business Professional Association has sort of taken the lead on looking at things, activities that could be done to echo the spirit, I guess, of the parade and surrounding activities and to try to carry them through most of the month of December. And I think those ideas are all out of the public domain. I frankly don't remember all of them, but, you know, free hot chocolate on Saturdays, Christmas tree decorating contest. Oh, I don't remember. Help me out here Will and Rhonda. Buggy rides and so forth. Say again.

**Estee LaClare:** This is Estee. I said window decorating contest.

**Bud Jacobs:** Yes, window decorating was the big one. And again, ideas more than welcome. And we'll see how we get through this. Everybody's fingers crossed that we are able to remain in phase three. And according to [inaudible] monitoring of the Commonwealth, it looks like we're trending in the right direction. And let's hope that [inaudible]. And I think for me that's it my dear colleagues, I don't want to take any more of your time. If you have any questions, happy to answer them.

**Terry Cooke:** This is the chair. Just one question I read a comment somewhere regarding this that the that the hunt folks would like to do some sort of horse and hounds parade. Has there been any discussion of that or how that might work or is that off the table now?

**Bud Jacobs:** Correct me if I'm wrong, Will and Rhonda, but I believe that's off the table, at least as far as the town is concerned. We're very hinky about hosting any events that are going to draw a crowd that makes social distancing difficult.

**Don Woodruff:** Good thinking Lincoln.

**Terry Cooke:** Yeah, no, I understand. Thank you. OK. Ah, the Grinch that stole Christmas.

**Bud Jacobs:** Yeah. It's awful.

**Terry Cooke:** Ok, are there any other discussion items. Will? Any commissioners have anything?

**Ed Fleischman:** Yeah, Mr. Chairman, this is Fleischman again. Just a general item question. When I read the Salamander promotional material, they're talking about 4500 square foot houses in R1 I believe, and thirty-five hundred square feet floor area in R3. And I noticed there's a large foundation that I mentioned to will be going up at Walnut and Martin. So the houses are getting bigger. Do we have any information, Will, when you've been dealing with the staff on what kind of prices Salamander is looking at for their development?

**Will Moore:** I think I saw something in the materials that it's starting at 1.9 something something something and going up from there.

**Ed Fleischman:** Ok,

**Will Moore:** Yeah, not in staff's price range. [laughter]

**Terry Cooke:** You want you want to get your offer in early before the prices escalate.

**Don Woodruff:** Maybe every commissioner will get a free one. [laughter]

**Ed Fleischman:** So a follow up, Will, on the house going up at Walnut and Martin, do you remember the approximate square footage of that particular house? Is that as large as the Salamander house?

**Will Moore:** In terms of finished square feet I think it probably will be. I'll have to look look out. It is definitely in excess of 5000 square feet in terms of the finished area.

**Ed Fleischman:** [multiple speakers] What's the zoning? Is it a maximum of two stories? Is that what zoning is?

**Will Moore:** That is correct. Just like all of the R2 zoning district, which is where that is located. The same is where you were located, Commissioner Fleischman. It's a 30-foot height limit to the peak. So in this case, they're going down and doing a submarine basement that's going to have finished area.

**Ed Fleischman:** Yeah, no, it has a huge basement, full basement. Thank you

**Will Moore:** So thank you. That's kind of a unique situation and for those of you who've maybe not seen it, if you want to take a drive through the area again, that's at Walnut and Martin. The owners did something that it was surprising to staff. But I guess when you know what you want and you have the funds to do it, you can. They purchased two lots. It had an existing house on one of those lots. So they had development potential for two new homes if they wanted. Instead, they chose to vacate the property line and consolidated into one property to tear down the existing house and then to build a much larger house. So, again, they knew what they wanted to do and they chose to do it. Somebody like me would probably have never consolidated those, just knowing I could have had the value two home lots. But that's what they chose to do. We don't have maximum lots size. We have minimums, but not maximums. You can do that and spread out horizontally and get a pretty big house.

**Terry Cooke:** And there are, in fact some very large lots in the Ridgeview subdivision, probably equal if not greater in size than that particular lot. But it's going to be interesting.

**Ed Fleischman:** Thank you Will.

**Terry Cooke:** Next item is to determine whether we have a quorum for our next meeting in October. And this is a meeting that will include a public hearing on the matter we just discussed, regarding the zoning text amendments. So is there anyone who does not believe will be available on the 26th? Good. Look forward to full attendance. There being nothing further on the agenda. I will declare this meeting adjourned. Thank you all again very much.

**Will Moore;** Thanks, everybody.