



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



**MONDAY, MARCH 25, 2024  
PENDING APPROVAL**

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

**STAFF:** Danny Davis, Town Manager  
Martin Crim, Town Attorney  
Rhonda S. North, MMC, Town Clerk  
Erick Moore, Planning & Project Associate

The Middleburg Planning Commission held their work session and regular monthly meeting on Monday, March 25, 2024 in the Town Hall Council Chambers. Chair Cooke called the work session to order at 6:30 p.m. Town Clerk North called the roll.

Deputy Town Manager Moore introduced Erick Moore, the Town’s new Planning & Project Associate. He advised that Mr. Moore had over twenty years’ experience in four Virginia jurisdictions.

**Discussion Items**

**Special Use Permit 24-04:** Short-term Rental Use – 700 W. Washington Street – Daree Goodman

Deputy Town Manager Moore noted the three other special use permit applications for short-term rental use and encouraged the Commission to consider each on its own individual merits. He reported that this application was for property located in the R-2 Residential District at the intersection of West Washington and Locust Streets. Mr. Moore further reported that the application conformed to the minimum ordinance requirements. He advised that unique to this application was that the applicant was very specific about declaring this to be her primary residence. Mr. Moore further advised that due to the nature of her employment, she traveled a maximum of eighty-seven days per year and would like the opportunity to use the home as a short-term rental when she was not in town. He reported that the applicant would have a local person serve as the contact for the management entity and that she would be using the Airbnb platform to manage the bookings. Mr. Moore noted that she, as the owner, would be required to approve the bookings. He advised that the applicant did not voluntarily offer to limit the number of nights of short-term rental use; however, through her statement that she traveled a maximum of eighty-seven days per year, this could be used as a basis if the Commission was considering a favorable recommendation. Mr. Moore reported that the applicant had not voluntarily offered to surrender the permit upon a change of ownership of the property. In response to an inquiry from the Commission, he confirmed a public hearing would be held on the application during the regular meeting.

There being no further business, Chair Cooke adjourned the work session at 6:37 p.m. He called the regular meeting to order at 7:00 p.m.

**Disclosure of Meetings with Applicants**

No meetings with applicants were reported.

## **Approval of Meeting Minutes**

*Vice Chair Woodruff moved, seconded by Councilmember Jacobs, that the Planning Commission accept the February 26, 2024 Work Session & Regular Meeting Minutes as presented.*

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

No – N/A

Abstain – N/A

Absent – N/A

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

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## **Public Hearings**

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

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

Scott Little, Managing Director of the Salamander Resort, appeared before the Commission representing this application on behalf of Sheila Johnson, as well as SUP 24-02. He asked that they approve the application and opined that both applications far exceeded the minimum standards set by the statutes. Mr. Little advised that the homeowners' intentions were to live in the homes as much as possible. He compared their applications to one that was approved on Jay Street and asked that they be treated the same as everyone else in the community. Mr. Little reiterated that the residents planned to use the homes as often as possible and to rent them to defer some of the costs of ownership. He advised that as a manager of the Salamander Resort and these residences, any occupants would undergo the same careful scrutiny as hotel guests. Mr. Little further advised that the homes would also receive around-the-clock security coverage. He noted that the Town adopted rigorous standards for short-term rentals and opined that the applications exceeded them. Mr. Little suggested the property owners' caring attitude toward Middleburg would be amplified and that the dwellings could benefit from the services and robust management of the resort.

Megan Gallagher, 214 East Marshall Street, expressed appreciation for the questions the Commission previously asked and noted that special use permits required a great deal of thought. She advised that her comments were applicable to the other applications as well. Ms. Gallagher opined that this applicant had not convinced anyone that this would be a permanent primary residence and suggested its primary purpose was for short-term rental use. She opined that the use as described would not pass the test of being used as a primary residence for one hundred eighty days. Ms. Gallagher suggested the application did not conform to the Comprehensive Plan, in particular the section related to harmonious neighborhoods and the traditions of the community. She noted that Middleburg was largely a community of permanent residents who engaged throughout the year. Ms. Gallagher advised that it was not a resort community. She opined that what was being proposed was resort housing, with resort amenities, which did not reflect the fabric of the community. Ms. Gallagher reminded the Commission of her previous comments in that this application was nothing like the one that was approved on Jay Street. She noted that the Jay Street application was for a vintage building, with a single bedroom that only allowed for two people, and was located across from an office building and a gas station. Ms. Gallagher opined that having eight guests in four bedrooms would add to the capacity of the Salamander Resort, was not in keeping with the intent of the Comprehensive Plan, and would change the tenor of the town.

John Ross, 1 Orange Drive, suggested that if a residence in the R-1 Zoning District could be used for one hundred eighty-two days for short-term rental use and enjoyed the amenities of the Salamander Resort, it would likely be used as a venue for group parties. He further suggested that increasing the number of tourists who selected Middleburg as their destination for partying would foster an increase in the number of breweries and distilleries surrounding the town. Mr. Ross questioned whether the Commission wished to maintain the current balance of commerce and civility for which Middleburg was known, or whether they wanted it to gain a reputation of being a "party burg."

Bonnie Burns, 106 Walnut Street, advised that she reviewed past meeting videos during which the Commission discussed the short-term rental regulations. She noted that after months of deliberation, a public hearing was held on proposed amendments; however, no one appeared who was opposed to that use. Ms. Burns expressed concern that short-term rentals could be locations of potential disturbances and result in noise, traffic, parties, and the potential for greedy investors. She noted that the regulations required the short-term rental use to be in harmony with the area in which it was located. Ms. Burns further noted the section regarding investors and opined that no one would make money beyond covering some of their expenses. She advised the Commission that the Town's residents have dealt with construction noise for a few years now, yet the only sign of life in the Residences at Salamander was the construction workers. Ms. Burns advised that the houses seemed to be empty and noted that she would rather they be occupied. She opined that it was idealistic to think there would be no adverse consequences to short-term rental use; however, she suggested the special use permit could be voided if there were any. Ms. Burns advised that she did not see the risks that were being raised if the permits were approved.

Mr. Little reminded the Commission that all the Residences at Salamander enjoyed the amenities and services of the resort.

Vice Chair Woodruff opined that a great deal of the opposition to the application was related to the idea of a party concept. He further opined that the intent was that the Salamander Resort would screen the individuals who would rent the short-term rentals and that its security team would be involved in addressing any disturbances that occurred in them.

Mr. Little confirmed this was correct. He noted that Salamander had an around-the-clock security team and a robust management team that managed both the resort and the residences – all of which were under the same set of standards. Mr. Little advised that there would be regular patrols and that the guests would be required to abide by the resort's standards of conduct or their rights as guests would be revoked by the hotel. In response to an inquiry from the Commission, he explained that if a member of the Middleburg community needed to reach out about a noise or other nuisance issue, they could call the hotel at any time.

Prem Devadas, President of Salamander Hospitality, advised the Commission that the Salamander Resort had a long-standing relationship with the Town, specifically with the Police Department. He further advised that if a resident called them with a noise complaint, there would be an instant connection between the Police Department and the resort's security team. Mr. Devadas noted that three residences, out of the ten they had sold, were interested in short-term rental use. He further noted that there would be another thirty-nine homes. Mr. Devadas advised that they would never allow conduct or behavior in the Salamander Residences neighborhood that may inconvenience their other residents or impair their ability to sell the homes. He stressed that safety, security, and compliance were of ultimate importance to Salamander in their rental program.

Commissioner Fleischman noted that he had heard a lot of comments and that there had been a lot of discussion of short-term rentals in the community. He opined that the short-term rental ordinance was adopted quickly, without some of the right questions being asked. Mr. Fleischman noted the one hundred eighty-day residency requirement, which he thought was hard to establish. He advised that he originally thought that people were more likely to stay in a home if it was very expensive; however, the fact was that a person who owned an expensive home was likely to own multiple homes and would not live in this one all the time. Mr. Fleischman opined that it would be difficult to establish residency for one hundred eighty days in a high-end residence. He noted that he lived in the area and hardly ever saw lights on in the homes. Mr. Fleischman opined that the way to control the things that people have talked about was to control the number of rental nights. He questioned the applicant's thoughts if the Commission included a condition that reduced the number of rental nights to ninety.

Mr. Little asked that the property owner be treated like everyone else. He advised that if the condition was imposed, he would have to take it back to the applicant. Mr. Little opined that the statute already contained a compromise in that it only allowed for short-term rental use for one hundred eighty-two days.

Mr. Devadas concurred that Mr. Little would have to check with the property owner if such a condition was imposed. He expressed a desire to be consistent with the ordinance and advised that they would comply if the Town amended the ordinance to reduce the number of days. Mr. Devadas noted the additional layers of protection the resort afforded to the community in the form of security and guest control and asked that they not be treated differently.

Deputy Town Manager Moore explained for the benefit of the audience that one hundred eighty days per calendar year was the maximum allowable for consideration; however, it did not mean that any application that came before the Commission would be approved for that number. He further explained that there was nothing to prohibit the Commission, if they otherwise gave a favorable consideration of an application, from recommending a cap that was set at a lower number. Mr. Moore noted that there would be nothing to prevent the Town Council from imposing a lower cap if it approved an application. He advised that the lower number should be based on the individual circumstances of an application; however, it was not an issue of one hundred eighty days or nothing.

Commissioner Roszel acknowledged that the Commission could impose restrictions on a special use permit. He noted that the representatives for the applicant stated that the house would be inhabited by friends and family and that they wanted to use it as a short-term rental to help pay the bills. Mr. Roszel opined that anyone who could afford a \$2 million home could afford to pay their bills. He noted the need to demonstrate that the home would be used primarily as a residence and opined that having family and friends staying off and on did not necessarily meet the requirements of the ordinance. Mr. Roszel explained that the Commission must apply the criteria to the application and that the applicant's representative had stated that the property owner would not be living there. He noted that the representatives also asked that the applicant not be treated differently; however, everyone else was not doing this but rather were following the rules in the ordinance. Mr. Roszel questioned why the applicant believed this was allowable. He advised that he was not concerned about parties and opined that no one would ransack the houses at Salamander. Mr. Roszel noted that the house had enough bedrooms to sleep eight people and opined that this was not an issue. He advised that the Commission needed to look at whether the applicant met the criteria to allow them to approve the short-term rental use.

Mr. Devadas confirmed that Sheila Johnson had another home that was only five miles from this one and that she would not stay in the house for a long time. He advised that Ms. Johnson had a dream that her son would live in the area one day and bought the house. Mr. Devadas noted that during the holidays, she asked that the family stay with her. He expressed an understanding of the distinction between living in a house; however, he expressed hope that the Commission would understand what family and friends meant. In response to an inquiry as to why the applicant just didn't allow family and friends to use it year-round, he explained that there was an interest in offsetting the costs associated with owning a house in the Residences at Salamander, such as the HOA and utility fees. He described his experience with short-term rentals at the Kiawah Island Resort and advised that they cared about two things – offsetting certain costs and making sure the homes were being cared for. Mr. Devadas further advised that Salamander's team would be in the house all the time, making sure it was maintained and cleaned.

In response to inquiries from the Commission, Deputy Town Manager Moore read the definition of "primary residence" from the Zoning Ordinance. He advised that if a house was sitting vacant, it did not meet the definition of residential occupancy. Mr. Moore further advised that if family members of the property owner used the house for one hundred eighty-two days without remuneration, it would meet the definition of residential occupancy.

Chair Cooke noted that the ordinance did not require the property owner to personally reside in the home – only that the property must be used primarily for residential use for half the year. He opined that this did not mean that someone had to be living there and turning on the lights, only that it would not be used for short-term rental use during that time.

Commissioner Stein questioned whether, during the design of the house, there was an anticipation that the house would be rented out on weekends or for a full week.

Mr. Devadas confirmed there was no model. He advised that the Salamander Resort was unique and opined that the short-term rental use would be for people who were generally interested in nicer weather and that were family oriented. Mr. Devadas opined that this was about family gatherings, which would happen on weekends or long weekends and for week-long family vacations. He advised that, right or wrong, Salamander interpreted the ordinance

to mean that the short-term rental use could be one hundred eighty-three days per year, which it didn't have a problem with. Mr. Devadas noted that they were happy to comply with the terms of the ordinance. He advised that there was no history to say how much the property would be rented. Mr. Devadas opined that people bought the homes because they wanted to use them. He reiterated that of the ten homes that have been sold, three have asked for a special use permit for short-term rental use and seven have not. Mr. Devadas noted that he previously met with the Town staff and in response to an inquiry, opined that he did not anticipate more than half of the property owners would request a special use permit. He advised that during that discussion, he even agreed to limit the number to half because short-term rentals were not what the resort was there for. Mr. Devadas opined that the number would be a lot less than half.

There being no further comments, the public hearing was closed.

Commissioner Fleischman noted that however the Commission voted, it would set a precedent. He suggested the Commission add a condition limiting the number of short-term rental nights to ninety.

Councilmember Jacobs noted that the Commission previously discussed the desire that special use permits not convey with a property, including imposing a condition that the owner surrender the permit upon the sale of the property. He reminded the Commission that the individual on North Jay Street included this condition in his application.

Chair Cooke agreed there was some merit to that and noted that this use required a certain commitment on the part of the property owner regarding the management of the home. He advised that this could change from owner to owner. Mr. Cooke opined that it was not inappropriate for the Town to say a subsequent owner needed to apply for a permit and provide the information required under the ordinance. He suggested the only exception would be for those applicants who elected to have Salamander manage their short-term rental operations.

Deputy Town Manager Moore suggested the Town Attorney expand upon this. He reminded the members that the condition on the one approved special use permit was voluntarily offered by the applicant, which was based on the advice of the Town Attorney at that time. Mr. Moore opined that the Commission could not unilaterally impose such a condition; however, the applicant could voluntarily offer it. He advised that if this was a concern, it could be a basis for denial of the application. Mr. Moore reminded the Commission that the ordinance required the management plan to be updated annually and, if it was not in conformance with the one that was approved, it could be a basis to void the special use permit. He explained that if someone purchased the property and proposed a different management plan that was out of compliance with the approved permit, it would void the permit. Mr. Moore opined that Town Attorney Crim's advice would be that the Commission could not impose the expiration of the permit upon the transfer of the land unless the owner voluntarily offered it.

Chair Cooke questioned how the Town would know this and suggested it was a legal issue. He noted that there was language in the ordinance that specifically allowed a limit in duration for the special use permit.

Deputy Town Manager Moore acknowledged the language in the ordinance; however, he advised that there was some question as to whether it could be an enforceable condition. In response to an inquiry from the Commission, he confirmed it could impose a lesser number of days on the short-term rental use without the need to change the ordinance. Mr. Moore reminded the Commission that the ordinance set the maximum number of days at one hundred eighty; however, they could impose reasonable conditions, such as a lower number of days.

Chair Cooke asked that the Commission offer a motion and noted that they were only making a recommendation to the Council. He further noted that the Council would make a final decision on the special use permit and any conditions that may be attached.

*Vice Chair Woodruff moved, seconded by Commissioner Roszel, that SUP 24-01 concerning the residence in Salamander be accepted.*

In response to an inquiry from the Commission, Vice Chair Woodruff confirmed his motion did not include any conditions.

*Commissioner Fleischman moved, seconded by Councilmember Jacobs, to amend the recommendation to add a special condition that the maximum number of days for rental nights be ninety days, ninety nights.*

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

No – Commissioners Woodruff, Roszel, and Stein

No – Chair Cooke (to break the tie)

Abstain – N/A

Absent – N/A

(on amendment)

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Vote: Yes – Commissioners Woodruff, Roszel, and Stein

No – Commissioners Fleischman, Minchew, and Councilmember Jacobs

Yes – Chair Cooke (to break the tie)

Abstain – N/A

Absent – N/A

(on original motion)

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

Scott Little, Managing Director of the Salamander Resort, opined that this application was no different in terms of excessive compliance with the statute and noted that it was only in a slightly different location. He advised that it was in closer proximity to the outer boundaries of the hotel property and the Residences at Salamander.

William McCullough, 202 Sycamore Street, spoke to the precedent that approving another application would set. He noted the overwhelming opposition present and suggested there was disjointedness between the Town, the stakeholders and the Planning Commission as a whole. Mr. McCullough begged the Commission to thoroughly consider the precedent of approving the permits with no special conditions.

Mary Wright, 2 Chinn Lane, noted that when she bought her house four years ago, Middleburg was a quiet village. She opined that the Commission was destroying it and advised that she would sell her house. Ms. Wright expressed disappointment that the Commission was making Ms. Johnson's application personal and noted that the members were supposed to represent the entire village.

Karen Jackson, 500 Stonewall Avenue, noted that she had lived in Middleburg for thirty-four years and had a business in town for more than thirty. She opined that the short-term rental use would change her nice, quiet neighborhood where everyone knew each other. Ms. Jackson noted that there would be new people in every weekend and opined that they did not know who they were going to get. She further opined that Salamander would rent to whomever could pay the bill. Ms. Jackson acknowledged Salamander's contributions to the town; however, she advised that she saw the people who traveled here on the weekends in her shop and noted that they were here to party. She noted that the houses had pools, hot tubs, and barbecues. Ms. Jackson reminded the Commission that Mr. Devadas said it was only three houses out of ten; however, another forty would be built. She noted that they could not say how many more people would want a special use permit. Ms. Jackson opined that if the Commission broke the rules for Salamander, it would not be able to change them again. She suggested it was wrong to set this precedent. Ms. Jackson noted that Salamander had signs that stated they were private residences and questioned whether the whole town would have to put up such signs so people would not knock on their doors thinking they were rentals. She opined that to approve the application would change the town and that it would be unknown as to who would be walking around town. Ms. Jackson opined that Salamander could not be available at all times to watch. She advised that she was opposed to the request.

Liz White, 708 Stonewall Avenue, opined that the Commission would set a precedent with this application. She noted that she resided at the intersection of Chestnut and Stonewall Avenue and advised that she frequently saw people going into the new neighborhood. Ms. White advised that she liked seeing people she knew, who were kind to each other,

and that she did not want to have to worry about safety issues. She expressed concern about the impact to the Police Department of calls about disturbances. Ms. White questioned whether Salamander's security team was equipped to handle what the police were asked to handle. She noted that Middleburg was fortunate not to have the safety issues that other towns experienced and advised that she would like to keep it that way. Ms. White further advised that she did not want to worry about the on-duty police officer having to cover multiple items at once. She asked that the Commission be mindful in their deliberations and take pride in the town.

Alethea McCullough, 207 Chestnut Street, opined that the issue was that there would be a total of forty-nine homes in the Residences at Salamander and noted that not everyone was living there yet. She questioned the amount of Town resources that would be needed if there were different occupants of forty-nine homes for one hundred eighty-two days per year. Ms. McCullough opined that if the three applicants were entitled to a special use permit, they all would be. She suggested it would be difficult for the Town to have the resources to manage this. Ms. McCullough expressed concern about the traffic that would be generated. She suggested the need to consider the likelihood that more temporary rentals would grow, which would not make Middleburg a place where people would want to live.

Donna Strama, 10 Orange Drive, expressed concern about setting a precedent. She advised that Middleburg was a wonderful town and expressed concern about the people who lived here. Ms. Strama noted that they did not rent their homes out and would be a neighbor to whomever rented it every weekend. She opined that this was an opportunity for Salamander to sell homes because they could be rented.

Richard Riventrop, 608 Stonewall Avenue, appeared before the Commission in opposition to the application. He advised that for him, the decision was whether the Town wanted to change the fundamental nature of Middleburg and what it has been for two hundred years. Mr. Riventrop noted that Mr. Little spoke of scrutinizing the renters and questioned the criteria that would be used.

Megan Gallagher, 214 E. Marshall Street, requested the Commission reject this application and opined that it was fundamentally different from the intent of the ordinance. She further opined that when the ordinance was written, no one imagined it would be used to support commercial scale tourism in single-family residences. Ms. Gallagher advised that this would be different than her experiences with short-term rentals that provided an authentic, historic, and reflective experience in a community. She noted that every town was different and opined that this application would allow for a wholesale conversion of Middleburg to resort living. Ms. Gallagher requested the Commission reject the application and noted that the owner was not a resident, and that the application was not in compliance with the Comprehensive Plan.

Mr. Little advised the Commission that the Perdikis family lived in Northern Virginia and hoped to rent this house from time to time. He noted that they expected to live there several weeks a month, depending on their family's schedule. Mr. Little advised that this was an example of a property owner looking to defray some of the carrying costs of the property. He noted that as to safety, he had met with Police Chief Jones about how Salamander could be part of the solution for threat assessment programming, which was one of the Chief's priorities. Mr. Little advised that he had also been meeting with Loudoun County regarding the same topic. He noted that all of Salamander's security guards were DCJS (Department of Criminal Justice Services) licensed. Mr. Little reiterated that they worked with the Town to help it expand its law enforcement capabilities. In response to an inquiry from the Commission as to whether the property owner would be averse to a ninety-day limit on the short-term rental use, he advised that the Perdikis' had a desire to start using their home as soon as possible; however, this was subject to the needs of their children. Mr. Little advised that the applicants would follow the statute.

There being no further comments, the public hearing was closed.

Deputy Town Manager Moore noted the use of the term "precedent" and advised that the Commission did not set a precedent based on its action on a previous application. He reminded the Commission of the importance of considering each application individually. Mr. Moore noted that the previous application was for a property located in the R-1 District, which contained larger lots. He advised that this application and the one to follow were on smaller lots. Mr. Moore suggested the Commission consider this. He further suggested they be judicious in the use of the term "precedent" and that they evaluate each application on its individual merits.

Chair Cooke reminded the members that one of the big considerations was the location of the property involved in the application.

Commissioner Roszel noted that originally, it was unclear as to how the applicant intended to live in the property and whether the application met the criteria set forth in the ordinance. He advised those present that it was difficult for the Commission to deny something that was set out in an ordinance. Mr. Roszel opined that the application met the criteria of the ordinance and advised that it was now incumbent upon the Commission to review the application and to follow the ordinance. He acknowledged that people were upset about the use; however, he advised that the Commission could not arbitrarily say “no” to something if it met the criteria in the ordinance. Mr. Roszel noted the need to make sure the application coincided with the rest of the town. He opined that the use would not substantially injure the values of adjoining properties. Mr. Roszel suggested, based on what the applicant’s representative said, that the applicant planned to live in the house on a regular basis and, if that was the case, the application met the requirements of the ordinance.

Commissioner Fleischman noted that this application was different from the previous one in that it was closer to the adjoining houses. He suggested a condition be placed on the recommendation capping the number of rental nights to ninety.

*Commissioner Fleischman moved, seconded by Councilmember Jacobs, that the Planning Commission recommend approval to the Council of this particular application, with a special condition that caps the rental nights at ninety (90) nights per calendar year.*

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

No – N/A

Abstain – N/A

Absent – N/A

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

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

Deputy Town Manager Moore noted that this application had some distinguishing features from the previous two. He advised that it was in the R-3 District, which was a smaller lot section. Mr. Moore reminded the Commission that the applicants were proposing to use a different management entity, Loudoun Stay, as opposed to using Salamander Middleburg. He noted that the Town staff had discussions with the applicants and advised that they have amended their application. Mr. Moore noted that the most noteworthy change was that they provided clarity on their commitment to use the home for residential occupancy as required under the ordinance.

Tom and Mary Gillespie, 601 Martingale Ridge Drive, appeared before the Commission representing their application. Mrs. Gillespie reviewed the history of their decision to purchase a home in the Residences at Salamander. She reminded the Commission that their lot was 0.57 acres, which was a very large lot in Middleburg. Mrs. Gillespie advised that their house was seventy-five feet away from the house behind it, which was more than other homes in the neighborhood. She noted that they invested in three additional parking spaces, as well as drainage. Mrs. Gillespie explained that they purchased the home with the intention of renting it out in order to help defray some of the costs while they transitioned from their home in Great Falls. She stressed that this was not a money-making venture for them and reiterated their desire to defray some of their costs.

Mr. Gillespie noted the ninety-day limitation question and advised that they did not know what the market was at this point. He asked for permission to run their home on occasion for short-term rental use and to use it as much as they could personally. Mr. Gillespie noted that they loved the town and looked forward to being here as much as they could.



Mrs. Gillespie advised that in addition to using Loudoun Stay, they were partnering with Salamander Middleburg. She advised that they were not open to using Airbnb or VRBO, as they did not offer concierge level services. Mrs. Gillespie further advised that Loudoun Stay offered boutique, feet-on-the-ground, concierge level services. She noted that only a few people live in the Residences at Salamander; however, they have made friends in the neighborhood.

Megan Gallagher, 214 E. Marshall Street, noted that the applicants planned to live in this house. She further noted that ten people renting it for ninety days equated to nine hundred different people per year. Ms. Gallagher opined that this was a lot. She advised that she liked the conditions that were imposed on the last application and asked that the Commission scale back this use either in terms of number of rooms available or number of nights the use was allowed.

Mike Welch, 105 South Madison Street, opined that this was about whether the application complied with the ordinance or not. He noted that everyone had an opinion and a special relationship with Middleburg. Mr. Welch acknowledged the concerns about the community. He noted that there was an ordinance in place and opined that the Council had the ability to make changes to it. Mr. Welch suggested it was easy to judge the applicants and expressed hope that there was no bias against them. He noted the need to abide by the ordinance.

Prem Devadas, President of Salamander Hospitality, spoke in support of the application and noted that the Gillespie's were wonderful people who cared about the community. He opined that they would be very careful about who stayed in their house. Mr. Devadas noted that he met with the rental management person and opined that she was very competent. He acknowledged the comments about short-term rentals changing the community. Mr. Devadas noted that fifteen years ago when Salamander was approved, there were concerns about it changing the town and opined that they have lived up to their commitment to be good trustees of the land, to open the resort to the community, to control the people who stayed there, and to provide security. He expressed an understanding of the concern about the unknown and change; however, he opined that the Gillespie's were the kind of family the community wanted.

There being no further comments, the public hearing was closed.

*Commissioner Fleischman moved, seconded by Councilmember Jacobs, that the Commission recommend to the Council the approval of the application, with the maximum number of rental nights of ninety (90) nights per calendar year.*

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

No – N/A

Abstain – N/A

Absent – N/A

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

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SUP 24-04: Short-term Rental – 700 W. Washington Street – Doree Goodman

Deputy Town Manager Moore reported that the distinguishing item of this application from the others was that it was not located within the Residences at Salamander. He reported that it was located along Route 50, at the corner of Washington and Locust Streets. Mr. Moore noted that it was located in the R-2 District, which was the older established neighborhood. He reported that the applicant lived in the house full-time, and explained that she wanted to supplement the mortgage by renting it out on the weekdays when she travelled for work, which was a maximum of eighty-seven days per year. Mr. Moore suggested the Commission may wish to recommend including a limit on the number of short-term rental nights if they were inclined to grant a favorable recommendation. He noted that the members had correspondence that was received earlier in the day from the resident at 5 Locust Street.

Linda McKenna, 105 S. Madison Street, appeared before the Commission representing the applicant. She advised that Ms. Goodman looked at the criteria in the ordinance closely and believed her application met them. Ms. McKenna noted that Ms. Goodman was a full-time resident of the property. In response to an inquiry from the Commission about limiting the number of nights the property would be used for short-term rental use, she questioned why the first application was approved without such a condition.

Chair Cooke explained that the difference between this application and the first one was the location of the property. He noted that the first application was located in a different residential district and was some distance away from other properties in Middleburg. Mr. Cooke advised that there were distinguishing factors, which made the decision on the second and third applications go a little differently. He noted that the applicant stated in the application that she was only going to be away from the home for eighty-seven days a year and opined that a ninety-day limit would not be an imposition.

Ms. McKenna questioned whether the Commission would split the difference and allow for the short-term rental use for one hundred twenty-five days. She noted that Ms. Goodman was trying to offset her high mortgage. Ms. McKenna acknowledged the fear of short-term rentals; however, she opined that an empty home was not good either.

Megan Gallagher, 214 E. Marshall Street, appeared before the Commission in support of the application, but with a reduction in the number of days to eighty-three. She noted that other places limited the number of days a home could be used as a short-term rental use. Ms. Gallagher acknowledged that the applicant would live in the house and that the home was located on Washington Street, which meant that visitors would not be wandering the neighborhood at night trying to find their way back. She suggested a condition be imposed to limit the number of bedrooms that could be used as short-term rental use to two. Ms. Gallagher noted that the house may be close to the neighbors, who may feel six people and three cars were too much.

There being no further public comments, the public hearing was closed.

*Commissioner Fleischman moved, seconded by Councilmember Jacobs, that the Commission recommend to Council approval of this application, with the special condition of a maximum of ninety (90) nights rental in one calendar year.*

*Chair Cooke offered a friendly amendment to the motion that if the applicant ever transferred ownership of the property, the special use permit would not transfer with the home. He noted that this applicant had already agreed to this condition. Commissioner Fleischman agreed with the friendly amendment.*

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

No – N/A

Abstain – N/A

Absent – N/A

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

(on motion as amended)

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

Councilmember Jacobs reported that the Council would hold its Strategic Planning Retreat on April 2-3 in Culpeper. He noted that short-term rentals would be a topic of discussion during the retreat.

### **R-2 Zoning District Regulations**

Town Manager Davis reminded the Commission that in October, a community input session was held regarding the R-2 Zoning District and the changes that were happening within it. He noted that the draft report had been received from the Berkley Group and explained that he wanted to take the opportunity to review it with the Commission. Mr. Davis advised that some final edits were being made, at which point, it would be distributed. He opined that this would be a topic of conversation during the Council's strategic planning retreat.

Town Manager Davis reminded the Commission that the purpose of the community meeting was to hear input from the community, including whether there were any concerns about development that had been occurring in the R-2 District and whether any potential land use regulation changes should be considered. He reminded the Commission that some of the recent changes in the R-2 District included infill development and teardowns/rebuilds. Mr. Davis noted that the

frequency with which this had been happening had increased over the past few years. He reminded the Commission that they reviewed possible zoning ordinance changes on a couple of occasions, including in conjunction with the Berkley Group. Mr. Davis advised that the Town still heard feedback from the community, which led to the community workshop in October. He reminded the Commission that approximately fifty-six individuals were in attendance and were divided into groups to perform various exercises. Mr. Davis advised that the first set of exercises was a preference one related to development patterns. He reported that the participants indicated they like diversity; however, one of the homes presented as an example was too large. Mr. Davis further reported that they did not like front facing garages. He noted that this latter point was raised often during the workshop, as the community thought they did not fit within the development patterns in Ridgeview. Mr. Davis reported that the second exercise was intended to gain feedback on examples of houses and advised that the participants did not like ones that were similar, or very much cookie cutter. He noted that they also commented on the small front and side yards. Mr. Davis reported that the third exercise was related to front-facing garages, building height and architecture, and noted that the examples that were undesirable were commented upon. He advised that the fourth exercise, which was intended to look at variations and setbacks from the street elicited a positive response to the idea of a home being closer to the sidewalk and street and one being further back. Mr. Davis noted that positive feedback was also received about landscaping in the front. He opined that the idea was to have some diversity in both setbacks and style. Mr. Davis advised that the staff asked the Berkley Group to clarify the statement that consistent feedback was received about the need for greater regulation and advised that they were not sure if there was a desire for greater regulation, not for greater regulation, or that there was just general talk about regulations. He noted the comments related to the desire to keep the town's historic charm and feel and to maintain the development patterns in Ridgeview as much as possible.

Town Manager Davis noted that another set of exercises occurred during the community workshop, in which three options were provided, with comments solicited on what the participants liked the best. He advised that the first exercise was where most of the comments were in agreement, with the traditional neighborhood design being the most desired. Mr. Davis advised that the second exercise elicited responses to front-facing garages, with the preference being for a large yard with no front-loading garage. He reported that the final exercise showed structures, rather than pictures, in relation to the street and sidewalk, with a preference being expressed for the option that had some variation.

Town Manager Davis reported that at the end of the meeting, the community raised the idea of the establishment of an architectural control district, which would give the Town additional authority to control certain aspects that zoning may not be able to manage.

Town Manager Davis reported that in total, one hundred twenty comments were received, with one-third indicating they would prefer to see no changes in the R-2 District and one-third saying that would like to see some change. He advised that there was a two-to-one preference for continuing to look at potential changes to the zoning requirements and standards because the community wanted additional changes or restrictions in the zoning standards for the R-2 District. Mr. Davis further advised that some of the changes could be zoning related and accomplished through zoning standard changes or design standards. He noted that this would be determined at a later date. Mr. Davis opined that the question was whether there was a desire from the community to see changes made and advised that the answer from the community was "yes."

Commissioner Fleischman noted that he was in attendance during the community workshop. He advised that there were a lot of different concerns; however, he opined that a number of those in attendance did not even live in Middleburg. Mr. Fleischman further advised that a large number of people that he spoke with said they felt the Town should take a break to see how the changes that had already been approved by the Planning Commission over the past four years worked. He opined that the feeling he got was that they did not want to move forward with any changes right now. Mr. Fleischman suggested that before anything occurred, the consultant needed to say change was necessary and that this needed to be studied further.

Town Manager Davis advised that based on what he saw during the meeting, while there were people who said that the Town should wait to see what occurred, there were a sizeable number of people who said they were concerned about what was happening. He opined that the loudest comment was related to the aversion to front-loading garages. Mr. Davis further opined that two-thirds of those present suggested the Town should implement an architectural control

district. He advised that there were also some recommendations presented regarding potential steps to consider in the future. Mr. Davis noted the need to review this in more detail. He reported that the options consisted of: (1) no change; (2) implementing specific district standards for the R-2 District; (3) implementing some zoning changes and implementing supplementary use restrictions; and (4) implementing an architectural control district. He advised that the latter option would place additional burdens on the Town staff and community, including the need to develop a new committee.

Town Manager Davis reviewed the next steps, which included convening a meeting between the Council and Planning Commission. He advised that the Council would hold a broad discussion about what they wanted to focus on over the next two years during their strategic planning retreat and opined that this would be part of that discussion.

### **Short-Term Rental Ordinance**

Chair Cooke opined that based on the comments the Commission heard, it was appropriate to take another look at the short-term rental ordinance. He noted that the last time the Commission reviewed it, it had virtually no comments from the community; however, it was now getting plenty of them. Mr. Cooke opined that the comments had merit. He noted that it was not a question of whether to allow short-term rentals, but rather was how to control them. He asked Councilmember Jacobs to alert the Council that at least one member of the Commission would like to take another look at that ordinance.

Councilmember Jacobs, Commissioner Fleischman and Vice Chair Woodruff also expressed an interest in taking another look at the short-term rental ordinance.

### **Quorum for April Meeting**

Commissioner Fleischman advised that he would participate in the meeting remotely as he would be traveling. The remainder of the members advised that they would be present for the April 22<sup>nd</sup> meeting.

There being no further business, Chair Cooke adjourned the meeting at 9:16 p.m.

RESPECTFULLY SUBMITTED:

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Rhonda S. North, MMC, Town Clerk

**Middleburg Planning Commission Transcript**  
**March 25, 2024**

**(Note: This is a transcript prepared by a Town contractor based on the video of the meeting. It may not be entirely accurate. For greater accuracy, we encourage you to review the video that is on the Town's website – [www.middleburgva.gov](http://www.middleburgva.gov))**

**Terry Cooke:** Good evening, everyone, and welcome to the work session of the Middleburg Planning Commission. We will commence the work session at the conclusion of the work session. If it's after 7:00 we'll go right into the regular meeting. If it's before 7:00, we will adjourn for whatever few minutes remain before we convene the regular meeting at 7. That being said, we will call the work session to order and ask the town clerk to call the roll, please.

**Rhonda North:** Chair Cooke.

**Terry Cooke:** Present.

**Rhonda North:** Vice Chair Woodruff is absent. Commissioner Fleischman.

**Ed Fleischman:** Yes. I'm here. Thank you.

**Rhonda North:** Commissioner Minchew.

**Rachel Minchew:** Here.

**Rhonda North:** Commissioner Roszel is absent. Commissioner Stein.

**Mimi Stein:** Excuse me. I'm here.

**Rhonda North:** Council Member Jacobs.

**Bud Jacobs:** Present.

**Terry Cooke:** Thank you all. We have just one item up for discussion during the work session. It is Special Use Permit application 24-04 request of Daree Goodman for a Special Use Permit for a Short-Term Rental at 700 West Washington Street, zoned R2 single family residential. Will, I know we have a memo on this. Do you want to give us the highlights of that?

**Will Moore:** Certainly. Thank you, Mr. Cooke. If I might take just one moment of privilege, I would like to introduce the Commission to Eric Moore. No relation. Eric is our new planning and project associate. So, filling the position that Estee used to fill. So, you will be seeing him in Commission meetings, Historic District meetings, and as we do here in Middleburg wearing many hats, whatever special projects get thrown his way. So, this is Eric. Yeah, yeah, I'll be here. Eric comes with over 20 years of experience in zoning and planning with four previous Virginia jurisdictions. So very, very glad to have him. In terms of this application, we wanted to take the work session to just give you a brief introduction to it. You, of course, are already somewhat familiar, at least with the three applications that are the other subjects of public hearing at your regular meeting. But this one was one that came in just shortly after your last meeting. During my absence Mr. Davis worked with the applicant to receive these materials and went ahead and just he proactively scheduled this item for public hearing as well. A few kinds of distinguishing things about this application, of course, we encourage you to view all of them on their individual merits. This one is located in the R2 district right along Washington Street at the corner of Washington and Locust. You have some aerial photos within your packet to kind of familiarize. I think most will be familiar with the property from that view. We give you kind of the rundown in the memo of how the application conforms with the different minimum requirements that are contained in the ordinance kind of unique maybe to this application, but worthy of pointing out this applicant is very specific about declaring that this is her primary residence her one and only home. However, the nature of her employment is

that she travels a maximum of 87 days per year. And she would like the opportunity to use it for a Short-Term Rental on occasion when she is not in town. She would have a local contact person along South Madison Street would be the point of contact the management entity. If there are any issues that arise during a stay, she would be using the Airbnb platform to manage the bookings. But of course, that requires her to approve those bookings as the owner. The other thing to point out is that while she does not offer up a voluntarily offer up a number of nights maximum per calendar year, that is fewer than the 180 days, which is the maximum allowable for consideration in the ordinance. Through her own statement that she travels a maximum of 87 days per year, you could use that as a more objective basis to potentially, if you're giving it favorable consideration to recommend a condition that would limit the number of nights per calendar year. She actually further states in here that many of those days that she is traveling are weekdays, which would not be probably subject to rental either. So, she anticipates, at least in this case, that the maximum number of days per year would be even fewer than that 87. And the other thing to point out, which is similar to some applications but not all that you have seen, is this particular applicant does also offer up voluntarily the condition that if the ownership of the property would change, she would surrender the Special Use Permit so that it wouldn't by right, transfer to a subsequent owner. So those are kind of the highlights happy to answer any questions or simply of course, discuss among yourselves.

**Terry Cooke:** Thank you, Will. Invite my fellow Commissioners any questions for Will on this application? This is coming up later in the regular meeting, is it not?

**Will Moore:** Yes, sir. It is advertised for public hearing this evening. All right.

**Terry Cooke:** Okay. Well, nobody has any questions with regard to this application? All right. Well, that concludes the agenda items for the work session. So, we are adjourned until. Yes.

**Ed Fleischman:** Excuse me, Mr. Chairman.

**Terry Cooke:** Yes, sir.

**Ed Fleischman:** If it's still the discussion, items are open, I would like to talk. Not about that specific item, but something in general. If I might.

**Terry Cooke:** Does it pertain to this application?

**Ed Fleischman:** No, it doesn't.

**Terry Cooke:** There is a provision in the during the regular meeting for discussion items. I think we need to stick to the agenda, Ed.

**Ed Fleischman:** Okay, Mr. Chairman.

**Terry Cooke:** We'll get to that one later. Okay. Thank you. With that, folks we are, believe it or not, adjourned on the work session. And we have enough time for anyone who wants to order a pizza or something to do so. [laughter] Oh. Before the regular meeting convenes at 7 p.m. Thank you.

**Danny Davis:** Mr. Chairman. [off mic]

**Dev Roszel:** Hold that to another time. [laughter]

**Terry Cooke:** First of all, thank you. First of all. [multiple speakers]

**Don Woodruff:** It's a voice from above. Wow.

**Terry Cooke:** First order of business is going to be an opportunity for Commission Members to disclose any meetings or conversations, frankly, they've had with applicants having matters before the Commission. Anyone have anything to

disclose at this time? Hearing none. That item is closed. Next item is public comment. This is an opportunity for folks who want to address us on any issue other than one of the matters scheduled for public hearing this evening. So, if there's anyone who wishes to address any matter other than a matter scheduled for public hearing, now is your opportunity to do so. [off mic] Anyone. With applicants having matters before the Commission.

**Audience Member 1:** What is the public hearing to disclose? [off mic]

**Terry Cooke:** The public hearing is we have a series of Special Use Permit applications.

**Audience Member 1:** Permit Applications.

**Terry Cooke:** Yes. Yes. Okay.

**Audience Member 1:** How many of those are [off mic]?

**Terry Cooke:** Four. All right. Thank you. Yes, ma'am.

**Audience Member 2:** These are for the rentals that people in [off mic].

**Terry Cooke:** Short-Term Rentals. Short-Term Rentals. Yes, yes. Okay. All right. Hearing no or seeing no speakers wishing to address us on matters other than public hearing matters. We will close that agenda item and move on to.

**Audience Member 2:** We can't hear you.

**Terry Cooke:** Yeah. [off mic] You can't hear me?

**Audience Member 2:** You have to speak in your microphone. Yeah. Let me turn my hearing aid.

**Terry Cooke:** Okay. Okay. Next item is approval of minutes from our last meeting. Does anyone have a motion on the minutes, please?

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

**Terry Cooke:** And those are minutes for the work session and the regular meeting. Okay. Thank you.

**Bud Jacobs:** Second.

**Terry Cooke:** Motion and a second. Any discussions?

**Terry Cooke:** Hearing none. Rhonda. You want to call roll on the meeting minutes?

**Rhonda North:** Vice Chair Woodruff.

**Don Woodruff:** Yes.

**Rhonda North:** Commissioner Fleischman.

**Ed Fleischman:** Yes, I vote to approve.

**Rhonda North:** Commissioner Minchew.

**Rachel Minchew:** Yes.

**Rhonda North:** Commissioner Roszel.

**Dev Roszel:** Yes.

**Rhonda North:** Commissioner Stein.

**Mimi Stein:** Approve.

**Rhonda North:** Council Member Jacobs.

**Bud Jacobs:** Aye.

**Terry Cooke:** Thank you all. Moving on. Next item on the agenda are the public hearings. We have four public hearings scheduled this evening. They all involve applications for Special Use Permit to allow Short-Term Rentals in the applicant's property. We will go through each of those applications separately and act on each one separately. A couple of announcements with respect to the meeting and the protocol. We will not tolerate profanity. We will not tolerate uncivil behavior or name calling. I regret I have to mention that, but based upon last week, last month's meeting apparently some folks don't understand that. So, anyone who does choose to engage in that, they will be gavelled down, and their testimony will end right there. So forewarned is forearmed and appreciate your cooperation. The other item has to do with the speakers. Each applicant will have an opportunity to address the Commission. They will have five minutes to express their views. After that, other folks who wish to address that item may have an opportunity to address the Commission. They will be limited to three minutes. I intend to enforce those time limits. There are buttons on the speaker's platform. Green, yellow, red, green means you're good to go. Yellow means time to wrap up. Red means time to stop. Red does not mean time to wrap up. Yellow means wrap up. You get to red, your testimony is over, and I'll gavel you down. So please observe those time limits. After the applicant and members of the public who have an interest in that applicant have addressed the Commission, the applicant will have another opportunity to come back up three minutes and speak to matters that they wish to address that other members of the public may have raised. And we will then close that meeting and the Commission will engage in discussion as to the application. We will have an opportunity, if we wish to address questions to the applicant, to the applicant. And the applicant will have an opportunity to respond to those questions. Okay. I think I made myself clear on that, and we'll move on. The first public hearing is Special Use 24-01 request of Salamander Farms, LLC for a Special Use Permit for Short-Term Rental at 800 Old Saddle Drive, zoned R-1 single family residential district. Do we have an applicant or applicant representative present? Please. Welcome. State your name and your address.

**Scott Little:** Good evening. My name is Scott Little. And I'm at 500 North Pendleton Street here in Middleburg. Tonight, I'm representing the 606 and the 800 Old Saddle. But I'll address the first one, as we said. Yes.

**Terry Cooke:** Let's deal with those separately not as a combination.

**Scott Little:** Understood Sir.

**Terry Cooke:** Okay.

**Scott Little:** And we want these residences to be beneficial, just like everyone else. Tonight, I do ask the commission that you would consider approving this application on 800 Old Saddle. We think that these applications far exceed the minimum standards set by the statutes. The applicants are homeowners in the community who state their intentions are to from live in use for themselves, their family, their close friends as much as possible to fill the homes with their personal possessions and design choices so that their friends and family can use them. Very much like the Jay Street application stated. The Planning Commission unanimously approved the Jay Street application on October 22nd, 2022 that contains statements that the owner was a part time planning on being a part time resident of Middleburg. Stating that this is a second home and he'll occupy it only when it's not being rented. We'd like to be treated like everyone else in the community as the managers of the application and this residence. We'd like to be treated just like that application. The standard reads clearly in front of you. Our residents plan to use them as often as possible and rent them to defer a fraction of their costs of ownership and support the local economy at the same time. As managers of the resort and these residences they will undergo any occupants of these homes under Short-Term Rental programing



would receive very careful scrutiny as the hotel guests do as well. And along with our robust resort management and our security, our 24 seven 365 security. We ask that also that these applications be given the same rights as any local homeowner might receive. It helps the property owners pay their bills. And in conclusion Mr. Chairman, Commission Members the town has passed a rigorous set of standards. It has adopted through the ordinance and the statute. And on balance, these applications at 800 Old Saddle that are present tonight far exceed those minimum standards. In fact, these applications exceed the standards that were described in the approved Jay Street application. The property owners have a deep and caring attitude towards Middleburg and have so for many years and we expect that to only grow and amplify these dwellings could fully plan to benefit from the services and the robust management of the resort. And with that, Mr. Chairman, I take any questions in due course.

**Terry Cooke:** We'll address any questions we may have at a very good time. Thank you for observing the time. I appreciate it.

**Scott Little:** Thank you. Of course.

**Terry Cooke:** Okay, that concludes the applicant's remarks. Is there anyone here who wishes to address this particular application? Now is your opportunity to do so. Yes, sir.

**Rhonda North:** Mr. Chairman, I do have a sign-up sheet that folks have signed up to speak.

**Terry Cooke:** Okay. I understand that, Rhonda. I think the folks who are here in person should have the opportunity to go first.

**Rhonda North:** They are here in person.

**Terry Cooke:** Oh. You haven't. Oh. I'm sorry.

**Rhonda North:** I have a sign-up sheet that some folks have already signed up. [multiple speakers]

**Terry Cooke:** I thought you were referring to telephone.

**Rhonda North:** Yes.

**Terry Cooke:** Okay. All right. Very good.

**Rhonda North:** Megan Gallagher.

**Megan Gallagher:** The new town hall. Hi, my name is Megan Gallagher. I live at 214 East Marshall Street down the street. And I wanted to say first, I've read the minutes from two meetings ago, and I attended your meeting last month. And the Planning Commission has asked a lot of questions about this. I really appreciate it, because Special Use Permits are the rare and extraordinary, and they require a great degree of thought. And so let me jump right in on this application. Much of what I have to say is actually applicable to others. Not all. I actually recommend disapproval of this permit on two bases. One, I don't think the applicant, or her representative has actually convinced anyone that this is a permanent primary residence. That would be being used by friends and family who aren't even identified. And we don't know it's not the kid's house. It's not. It's amorphous. It seems to surface. Its primary purpose is for Short-Term Rental. I don't know how with 180 days of one and unknown family friends in the other, that it meets that test. Secondly, I do not think that it conforms with the comprehensive plan and maybe mainly the harmonious neighborhood and or the traditions of the community. And we are a community of largely permanent residents who engage all through the year. We are not a resort community we aren't Hilton Head or the Outer Banks or Aspen the folks that would come in on Short-Term Rentals would be managed by the resort. It would be resort housing with resort amenities, and that isn't necessarily part of the fabric. That brings me back to the point I raised last meeting. This is nothing like Jay Street, and I think we need to all stop saying treat us like Jay Street. It is a vintage building with a single bedroom that allows two people. It's across from an office building at a gas station. So, I strongly encourage you to understand to me, this reads as eight guests in four bedrooms added to the capacity at Salamander Resort. And that's

not what I thought the intent of comprehensive plan for these uses are. It will change the tenor of the town. Thank you very much.

**Terry Cooke:** Thank you. Next speaker, Rhonda.

**Rhonda North:** John Ross.

**Terry Cooke:** Please begin with your name and address, please.

**John Ross:** Mr. Chairman, my name is John Ross. I live at 1 Orange Drive, and I appreciate the opportunity to address the Commissioners and the work that you all are doing to preserve our community. If a residence in a one are sorry. If a residence in an R1 zone can be used for 182 days per year as a Short-Term Rental, particularly adjacent to amenities of Salamander and the core of Middleburg, it seems highly likely that the property will be used significantly as a venue for group parties. Increasing the number of tourists selecting Middleburg as their destination for partying seems highly likely to foster a paralleling increase in the number of craft breweries and craft distilleries surrounding the town. So, the question facing the Planning Commission as it considers this and other applications for Short-Term Rental use of R-1 properties, is this. Do Commissioners wish to maintain the current balance of commerce and civility, known widely to be associated with the Town of Middleburg? Or are you comfortable fostering a new reputation for Middleburg as party burg? Thank you very much.

**Terry Cooke:** Anyone else signed up Rhonda?

**Rhonda North:** No one else has signed up, Mr. Chair.

**Terry Cooke:** Very good. Any other members here this evening wish to address the Commission on this application? Yes, sir.

**Audience Member 3:** The gentleman that just spoke had a really good point.

**Terry Cooke:** Sir, if you wish to address the commission, please step up. Okay. Very good. Anyone else?

**Bonnie Burns:** Hi, Bonnie Burns, 106 Walnut Street. Our lot is under 10,000ft<sup>2</sup>, so these comments are not based on any future hope of renting to short termers. I'd like to thank the Commissioners and town staff for all the consideration that went into writing the amendments regarding Short-Term Rentals. To prepare for this evening, I went back and listened to the past meetings discussing these changes. I believe I haven't run across a group who are more long suffering than you. For months and months, you, the Commissioners, discussed and considered all the ramifications. After months of deliberation and staff rewrites, you even held a special meeting on September 12th, 2022 encouraging the public to come and comment. No one came opposed to Short-Term Rentals. It seems to be a potential disturbance; traffic, parties [inaudible] and potential for greedy investors are the greatest concerns. Regarding disturbance you have in multiple places in the ordinance covering noise and other disruptions. Most importantly for me, article five, section 58C3 and again in 59A3 be in harmony with the area in which it is to be located, meaning harmony will be maintained. Regarding investors, you have written into article five, etc. so many restrictions that I can't imagine anyone making a buck beyond maybe covering some of their expenses. We've dealt with nonstop construction noise for a few years now. Yet really, construction workers are mostly the only sign of life so far. Most houses seem empty and conclusion I'd rather see homes occupied than sitting empty. I'd rather hear laughter and fun than silence. Perhaps it is idealistic to think there will be no adverse consequences, yet you have that covered as well. If the party doesn't abide by the conditions of approval of the permit, the permit will be voided. I'm not seeing the risks that are being spoken about in approving the Special Use Permits. Thank you.

**Terry Cooke:** Thank you, ma'am. Anyone else on this application? Rhonda, do we have anybody signed up to speak remotely on this?

**Rhonda North:** No, sir.

**Terry Cooke:** Okay. Thank you. This item. Well, no. I'm sorry. The applicant wish to make any concluding remarks? Brief.

**Scott Little:** Just briefly, Mr. Chairman just to be clear, all of the residences of Salamander enjoy the amenities and services of the resort. Not just the Short-Term Rental residences or ones that would be there are just three of those that are in application while there are ten vertical houses over there. The Yeah. That's all I wanted to make clear.

**Terry Cooke:** Thank you.

**Scott Little:** You're welcome.

**Terry Cooke:** All right, I'll invite the Commissioners at this point to address any questions they might have to the applicant. Anyone? Commissioner Woodruff.

**Don Woodruff:** Yes. Don Woodruff. To the applicants, it seems to me that a great deal of the opposition, if I may use that term to this application and probably any others, is the party concept. Now it's my understanding from what has been said before, that it is your intent to not only screen the individuals who might be renting these places, but if there are disturbances that your security team would be involved in amending the situation. Am I correct on that?

**Scott Little:** Thanks, Mr. Chairman. Yes. Excuse me, Commissioner. We do have 24 seven, 365 security and a robust management team that manages both the resort and the residences, all under the same set of standards. So, this includes regular local patrols standards of conduct that they all agree to on arrival and sign for and their rights as guests can be revoked at any time by the hotel. And if such an occasion were to arise, we would know about it. We all get alerts on our phones the moment the wind is blowing the wrong way on any particular guest. So, you're absolutely correct that that would be addressed by the resort.

**Don Woodruff:** Thank you.

**Scott Little:** Yes, sir.

**Terry Cooke:** Excuse me, if I may. I have a follow up question. Following up, Commissioner Woodruff's question. How would a member of the Middleburg community reach you if they felt that there was a problem with noise or whatever nuisance? Is there. How would they go about asking you for help on that?

**Scott Little:** Our reception and security are monitored on site with people 24/7 by calling the hotel at any time, there's a dispatch center right there in the front office, just inside the entry that manages the connectivity with all the management team. Yeah. So that's the best way.

**Prem Devadas:** And if I may add. Prem Devadas. Sorry, Salamander. Yeah. Just to add a couple of things. We have a long-standing relationship with the Town of Middleburg and specifically the police department of Middleburg. And if any resident calls Middleburg police as some do. We have instant connection from Middleburg police to our security 24/7 once again. And we work very, very well together. One other thing that Scott mentioned is that we have a total of three residences that are interested in rental out of the ten that we've sold. We have another 39 homes that we're selling. The 39 and the seven who are not interested in renting today we care about as much as the three that may be renting. And so, we would never allow conduct or behavior in the Salamander Residences neighborhood that might inconvenience currently the other seven residences and then more long term that would impair our ability to sell the residences. So, safety, security, compliance is ultimate importance to us in the rental program.

**Terry Cooke:** Any other? Yes, Commissioner Fleischman.

**Ed Fleischman:** Thank you, Mr. Chairman. I have a question, of course, for you. And just like to introduce why I'm asking the question. I've listened to a lot of comments that have come through verbally here and previous meetings. I've also received a lot of written comments that we have on the docket. And there's been a lot of discussion within the community on Short-Term Rentals. So, I went back and reviewed the initial ordinance that was passed, and it was

passed eight years ago, and we really didn't have as many comments and people in the audience and community really interested in it at that time. So, it sort of went through, I think quickly without asking some of the right questions. But when I look at it, it talks about residency requiring 180 days residency. And I always thought to myself, that's really hard to establish. And as a home becomes more expensive, you would think that because it's a very expensive home, the people would buy it and then they would stay in it. But the fact is that the more expensive the home is the more likely the person owns multiple homes and doesn't live in the house all the time. So, to establish residency of 180 days, I think sometimes is going to be hard to do for a high-end residence. And, you know, I live in areas where I look down on townhomes that are five, \$6 million. I hardly ever see the lights on because they're traveling. They're doing other things. So really, the way to control people talked about parties and a lot of traffic is, I don't think, the requirement to have 180 days residents, but really to control the number of rental nights. And I think that's something that we as a planning commission should address itself. But what we're dealing with here is an individual application. So, we should deal with your application. And I think to come up with some kind of compromise that a lot of other cities and I know some big cities. Paris has 180 limit on Airbnb or Short-Term Rentals. And other towns around the country and the world have other Restrictions on the number of nights for rentals. It's a big issue. It's just not a Middleburg issue. It's an issue around the world, actually. So, what would you think if the Commission put forward a special condition that would reduce the 180 days rental to say, to 90 days, in other words, trying to provide something to the residents saying it's not going to be rented 180 days, but it's going to be rented less. It would still allow, I believe, this particular property to be used by family and friends because that would not be a rental. So, it would be just a limit on the number of rental nights. So, what would you think about reducing the number of rental nights as a special condition?

**Scott Little:** As I said earlier, we'd just like to be treated like everyone else. And if a condition of this permit were suggested, we'd have to take it back to the applicants that I represent. Knowing that the occupancy on in residences, if you know, I think you suggested that is there some midway point, I think, when I suppose that when the town passed the ordinance, that was the compromise that was met, instead of there being 365 days of availability, there's 182 days of availability. And that is what informed the statute at the time. Yeah.

**Prem Devadas:** Prem Devadas. Yeah, to just amplify on what Scott had said. I think that we, absolutely he needs to check with the owners because he's acting as their agent. But I think, more importantly, we really do want to be consistent with whatever the ordinance are for everybody. And if this Commission and the Town Council were to change the ordinance to be 100 days, we'll comply to the fullest. But especially considering the fact that we offer these additional layers of protection to the community in the form of security and guest control, we certainly wouldn't want to be treated differently. We wouldn't think that we should have less. That's our feeling about it. But if you decide to change the ordinance. Absolutely. We understand.

**Terry Cooke:** Thank you.

**Will Moore:** Mr. Chairman. Could I add something to that?

**Terry Cooke:** Oh, yes, please Will.

**Will Moore:** Yeah. Just to be clear, on the ordinance provision and I addressed this in an email to the Commissioners earlier this week, but just for the benefit of everyone here. The maximum of 180 days cumulative per calendar year for Short-Term Rental use is the maximum allowable for consideration. And that does not mean that any application that comes before you is approved. And if it's approved, you get up to 180 days or it's otherwise denied. That's just the maximum that can be allowed for consideration. There is nothing that would prohibit the Commission from recommending, if you otherwise gave favorable consideration to an application, there's nothing that would prohibit you, and this would be in compliance with the ordinance to recommend the condition that caps that at a lower number. And likewise, there would be nothing that would prohibit the Council in ultimately approving an application to approve it, but to cap it at a lower number. Now, lowering that number should be based upon the individual circumstances of the application. Is it in close proximity to our older residential neighborhoods? Is it on a much smaller lot? Is it in really close proximity to a neighboring residence or those kinds of things? So, you would need to have some sort of justification for recommending a lower number, but it's not 180 days or nothing. So, I hope that's helpful.

**Terry Cooke:** Thank you. Any other questions or comments? Okay. Commissioner Roszel.

**Dev Roszel:** Yeah. Commissioner Roszel. Thanks for presenting. I appreciate that, I do have. I'm glad that Will clarified the little piece about the ordinance is being changed because we do have the ability to not necessarily change the ordinance but put restrictions on it. You all continue to say that you want to be treated like everyone else. However, one of the issues that I have is that Mark, Scott, you had actually said that it's going to be this particular residence is going to be inhabited or been to be lived in by friends and family so that, you know, they can enjoy the property and to help pay their bills. So first I find that rather I don't want to say disingenuous, but if they own that \$2 million home, I would hope they can afford to pay their bills. So that doesn't bother me as much as being treated like everyone else. The application clearly you need to demonstrate that the home was to be used primarily as a residence, and I find that having family members and friends staying off and on for 180 days does not necessarily because we all know I mean, the elephant's in the room, we know where she lives. She doesn't live on the property. So that kind of doesn't go with what the ordinance states. So, in looking at how we have to apply those that criteria to the ordinance, you have to look at what that says. And you all have clearly stated that it's not going to be her, that's going to be living there. So, my question is, how do we you know, really you want to be treated like everyone else, but everyone else is not doing that. They're actually following the set of rules that were put into the ordinance. So, I think that's something that we really need to have a clear understanding on as to why you believe that that's allowable. As far as parties, I'm not concerned. I don't believe that that's personally that people are going to ransack their houses there at salamander because they want to allow bachelor parties and that kind of stuff. I may be naïve on that, but that's just where I come from. The house has enough bedrooms to sleep eight people. I don't see that as an issue because that's the house was built for that. I just think we need to look at whether or not you are meeting the criteria that allows us to approve this property as a Short-Term Rental. Yeah. Thank you.

**Prem Devadas:** Thank you for that clear clarity on that issue. I think we've said from the beginning, Sheila Johnson, and I'm sure there will be other owners who would like to rent Salamander residences will be in the same place. She has another home, and it happens to be five miles from here. And so, she's not going to stay herself in this home for a long time. Maybe it doesn't matter to you, but actually, her son was going to buy a home out here and had looked through the design, gone through the whole process, and had made a decision to buy. And then he and his wife, starting a young family at the last minute, decided that it was too remote. And so, they bought a house a little closer to town and yet they had gone so far. And Sheila has such a dream of them living out here once one day, which is really a possibility that she went ahead and bought the house. I mean, maybe it doesn't matter that Thanksgiving week is coming up and she's asked the family to come and stay out with her. And they are. And they're going to have a great time. And that's sort of entering into the community. So, I understand the distinction between saying, I'm going to live there when I don't live there, I'll do this. But I also would love for you to understand what friends and family really means. It's not just, you know, saying something, it's really using it for family, which a lot of people do.

**Terry Cooke:** Thank you. Yeah, yeah. Commissioner Roszel again.

**Dev Roszel:** I appreciate your comments. So, if that's the case, then why didn't you just have friends and family all year? What's the necessity to turn it into an Airbnb?

**Prem Devadas:** Yeah. Well, it's not an Airbnb. I want to make sure. All right. But yeah. You know if we said that it had anything to do with affordability. That's not the case. And we don't say that to anybody. But believe it or not, there is a real interest in offsetting costs. I mean, there are a number of costs associated way past just buying a home when you're at Salamander Residences. There's HOA fees that are actually pretty high for every owner. And now I'm speaking for every owner and not just one. But there are utility fees that are heavy. There's a lot of other fees. And the idea of being able to offset some of those fees is really helpful. You know, as some of you know, before I came here, I was Managing Director for Kiawah Island Resort for many years. And we had owners of homes on the ocean. They were \$15 million homes, and yet they put them into the rental program. I couldn't fathom somebody paying \$15 million home and doing that. But believe it or not, they cared about two things. One is offsetting certain costs that are there. And the second thing was making sure that the homes were being cared for when they weren't there. And that is another thing that we offer is that you're in our rental program. Scott's team is in the house all the time, making sure that it's being kept up, maintained properly, cleaned. So once again, this applicant is no different than the others in that regard. Thank you.

**Terry Cooke:** Anyone else on the Commission have a comment or a question?

**Don Woodruff:** Yes, I have a question of Will.

**Terry Cooke:** Commissioner Woodruff.

**Don Woodruff:** For Will to answer. Will what is the definition of residence with regard to the 182 versus 183 days. I mean, if you left your home, lie fallow for 183 days does that satisfy the requirements for residence?

**Will Moore:** I would say no. So, the language in the ordinance and I would just read it because I think it is what it is on its face is that any such use that is a Short-Term Rental shall only be established in a single family detached dwelling, used primarily for residential use and in parentheses. It expands on primarily for residential use and that is used for residential occupancy 183 days or more per calendar year. If it's sitting vacant 183 days, that's not residential occupancy.

**Don Woodruff:** So, to hypothesize a little more, if Brett Johnson was to use it 60 days, Sheila's son. Excuse me, I happened to have taught him a few years ago. Very nice young man. If she allowed him to use it and she allowed other family members Page whatever to come and use it for a total, along with her use of 182 days or 183 days. Would that satisfy the requirement?

**Will Moore:** As long as she is not receiving remuneration for that, because part of the definition of Short-Term Rental is you're getting paid for the rental. So, letting someone else use your home that can be residential occupancy. Sure.

**Don Woodruff:** Thank you very much. That makes it very clear.

**Terry Cooke:** Yes, if I may, this is the Chairman. And I think it's important that we all remember that the ordinance does not require that the applicant personally reside in the home, right, for half the year. It is written in such a way that it says the property must be used primarily for a residential use for half the year. It doesn't speak to who lives in it. It says the property has to be used primarily for residential purposes for 182, 183 days a year, I think. Yes. Does that literally mean that someone has to be there, turning on the heat and the air conditioning and the lights? 183 days? I don't think so. No, I don't think so. It just means that that property isn't being rented out for Short-Term Rentals during that 183-day period.

**Don Woodruff:** So, thank you, Mr. Chairman. I think that makes. [multiple speakers].

**Terry Cooke:** That's the way I see it.

**Don Woodruff:** Will made it pretty clear.

**Terry Cooke:** Thank you.

**Mimi Stein:** Commissioner Stein. Thank you. I have a question. I'm not sure that there's really an answer to it, but in your planning or in the planning for Sheila's house, is there any sort of anticipation of is this going to be rented out weekends or they're full week rentals? Is there a model for? [multiple speakers] will look like?

**Prem Devadas:** Yeah. You know. There's no exact model. Salamander Resort is unique. But as somebody pointed out, you know there are other places, other destinations that do this around the world. But I think that we do believe that it'll be people that are generally interested in nicer weather. So spring, summer, fall and probably not as much winter except holidays. And we also anticipate that it is very family oriented. That's so those are the two things are important because it really is about family gatherings. And that can happen in two different ways. It can happen primarily on weekends, but maybe longer weekends, three nights. And then there are families, like all of us that go away for a week-long stay a family vacation, and they go to places where, you know, generationally everybody can enjoy something. So, we do see that occurring. The ordinance as we understood it, as we were developing and discussing

these things. We interpreted it right or wrong as 183 days maximum you could run. And we really didn't have a problem with that because we really didn't anticipate that it was going to be it's not a primary rental. That's I guess, the point. That's not the way we looked at it. And so, we were happy to comply with that particular ordinance as long as well as all of the other aspects of the ordinance that we do very well or, and, you know, we do at a high level. So just back to your question. There is no history. And I think history, of course, will tell everybody that any of the owners, any one of them that have asked us the question, how much do you think that it would be rented if I rented it? Our answer is always the same. There's no history. We make, you know, we don't promise anything. But everybody's been okay because they're buying it primarily because they want to use it. That's the most important thing. And obviously, having sold ten, three of them have asked about rentals and seven of them, haven't I? I think I had meetings with some, you know, town staff early on before we started building. And the question was, how many do you think how many of these houses, Salamander Residences do you think will want to be in the rental program? And at that time, I said, you know what? We have no history. I don't know for sure, but I said, I don't anticipate more than half. And we even said in some discussions and I don't want to put us in a further box, but we even said, you know what if a requirement was that no more than half of the salamander residences may be rental I said, I'll agree to that because that's not what they're for. As it's turning out so far, it's a lot less than that. And I think it's going to continue to be less. Okay.

**Mimi Stein:** Thank you.

**Terry Cooke:** Any other questions for the applicant? If not, we will conclude the public hearing on this application and invite discussion among the Commissioners as to this application. Anyone have any thoughts as to the Commission's recommendations with respect to this SUP application? Commissioner Fleischman.

**Ed Fleischman:** Given that it would seem that this particular house is going to be used by family and friends for a number of nights. I think that I wouldn't expect it to be actually rented for money for a lot of nights. But I think it's a precedent that we establish because as the team from Salamander mentioned, the one-bedroom house opposite the gasoline station they're using as a precedent. So, what we do here tonight if we vote on it, it establishes a precedent. So, I think that we should add a special condition and say the maximum number of Short-Term Rental nights would be 90 days.

**Terry Cooke:** And this is in addition to any other conditions attached to the Special Use Permit.

**Ed Fleischman:** Well, if someone else has any other special conditions they can bring it up. [off mic]

**Bud Jacobs:** Yes. Thank you. We also discussed some time ago the desirability from the town standpoint that the SUPs not convey with properties. And we did discuss, I think unless I am not recalling this properly. We did discuss the possibility of a special condition requiring the owner to surrender the SUP when they sell the property. And that led to, I believe, the individual on North Jay Street. Before we took any action, he voluntarily said, I'll surrender the SUP. And I mention all this only to suggest that this might be an opportune time to have that part of the discussion too.

**Terry Cooke:** Thank you. I think there's I think there's some merit to that because unlike perhaps many other categories of Special Use Permit. This use requires a certain commitment on the part of the property owner to provide information regarding the management of the home. Certain steps they have to go through in terms of providing contact information for contractors and service people. They have to provide information as to the management team that they're going to have in place to deal with. And that can change from owner to owner. And I think it's I don't think it's inappropriate for the town to say we need to have a subsequent owner come in. And provide us with that information that's required under the ordinance. You just don't buy buying a house assume that you have that SUP because you may not be doing what the previous owner did. In fact, you probably are not. Except with respect to the folks in Salamander, perhaps, who elect to have salamander manage the operation. So, I think that's a legitimate issue for consideration and perhaps for a condition. Will, yes.

**Will Moore:** So, if I may, two things. The first is with regard to that provision, and the Town Attorney is here, and he can expand on this if, if you would like. But that condition that is, on that one approved permit that we have so far was voluntarily offered, and it was the advice of the Town Attorney at that time and please Martin, correct me if I misspeak, that actually could not be imposed unilaterally as a condition. But if the applicant were willing to voluntarily

offer that just because of the nature of Special Use Permit is once it is approved, it does run with the land. That being said absent that kind of voluntarily, offered kind of condition. If that is a concern, it could be basis for denial of a permit. The other thing I'll add is that our ordinance does require that management plan is updated annually. So, if at some point in time the management plan did not comport with, you know, in general conformance with the previous, with the one that was attached to the approval, then that could void the Special Use Permit. So, if somebody transferred the property and they said, we're going to use a completely different management entity, that could be out of compliance with the approved permit. So, it could void the permit just in itself. But sorry, a little long-winded point being, I think Mr. Crim's advice would be that you could not impose the expiration of that upon transfer as a condition unless the owner volunteered that and then it could be offered.

**Terry Cooke:** Well, I just as to your point about the need to update information if a subsequent owner acquires the property, I don't know how we would know whether a person did that. I'm not going to ask the Town Attorney to expand on his thoughts. That's a legal issue. And I don't want to open that up to discussion in a public meeting. But there is language in the ordinance, if I can recall, that specifically says it can be limited in duration. The Special Use Permit may be limited in duration. And I'm sorry I didn't highlight the language, but if you can take a quick look at the ordinance. I think it may be in the bullet points that set out the conditions.

**Danny Davis:** Section 59 B.

**Terry Cooke:** And what does that say?

**Will Moore:** So, the language in the ordinance does state that the Council may limit a permit to a certain duration. There is some question as to whether or not that it could be an enforceable condition.

**Terry Cooke:** Interesting. Thank you. Commissioner Woodruff.

**Don Woodruff:** Yes. One thing that kind of bothers me about what we're talking about is that we passed an ordinance, and the Council approved it that said 182 days or limited to in that fashion. May we impose a different stipulation without changing the ordinance?

**Will Moore:** Yes, yes. The ordinance again says the maximum allowable days for consideration is 180. So, they can ask for up to 180. But you may impose reasonable conditions, which may include the number of days that is lower than that number. Not higher, but lower.

**Don Woodruff:** Thank you.

**Terry Cooke:** I would ask that Commission offer a motion. This is an action item for a motion on this matter so that we can move on. We are. Our action tonight is only a recommendation to the Town Council. It is up to the Town Council to make a final decision on approving or denying or a Special Use Permit or the conditions attached to the permit. So, there will be another go round on this at some point. But our job tonight is to give the Council our best thoughts and recommendation as to how we think this should proceed. So, I invite anyone to make a motion for consideration.

**Don Woodruff:** Mr. Chairman, I move that SUP 24-01 concerning the residence in Salamander be accepted.

**Dev Roszel:** I'll second that.

**Terry Cooke:** And there are no conditions associated with that?

**Don Woodruff:** I have no conditions.

**Terry Cooke:** I just wanted to clarify. Very good. We have a motion and a second. Discussion. Commissioner Fleischman.



**Ed Fleischman:** I'd like to amend proposed amending the recommendation to add a special condition that says the maximum number of rental nights would be 90 days, 90 nights. [off mic]

**Terry Cooke:** Excuse me. We do have to vote on that amended motion first. Is there a second for the amended motion?

**Bud Jacobs:** I second the amendment motion.

**Terry Cooke:** I have a motion and a second. Any discussion before we vote? Seeing none. Rhonda, would you please call the roll on the amended motion?

**Rhonda North:** Vice Chair Woodruff.

**Don Woodruff:** No.

**Rhonda North:** Commissioner Fleischman.

**Ed Fleischman:** I vote yes since I proposed it. [laughter]

**Rhonda North:** Commissioner Minchew.

**Rachel Minchew:** Yes.

**Rhonda North:** Commissioner Roszel.

**Dev Roszel:** I vote no.

**Rhonda North:** Commissioner Stein.

**Mimi Stein:** No.

**Rhonda North:** Council Member Jacobs?

**Bud Jacobs:** Yes.

**Rhonda North:** Chair Woodruff. [off mic] It's a tie vote.

**Terry Cooke:** It's a tie vote.

**Rhonda North:** Chair Cooke. It's a tie vote. [off mic]

**Terry Cooke:** Thank you. With all due respect, I vote no on the amended motion.

**Will Moore:** Okay, so to be clear, that was the motion to amend the original motion. So, the original motion still stands to recommend approval with no conditions and requires action.

**Terry Cooke:** Correct. Any further discussion on the original motion? Hearing none. Rhonda, would you please call the roll?

**Rhonda North:** Vice Chair Woodruff.

**Don Woodruff:** Yes.

**Rhonda North:** Commissioner Fleischman.

**Ed Fleischman:** I vote no.

**Rhonda North:** Commissioner Minchew.

**Rachel Minchew:** I vote no.

**Rhonda North:** Commissioner Roszel.

**Dev Roszel:** Yes.

**Rhonda North:** Commissioner Stein.

**Mimi Stein:** Yes.

**Rhonda North:** Council Member Jacobs.

**Bud Jacobs:** I vote no.

**Rhonda North:** Mr. Chair, you have a tie vote once again.

**Terry Cooke:** I vote yes.

**Rhonda North:** Motion passed. [off mic]

**Danny Davis:** Thank you. Mr. Chairman, I'm sorry. Could I ask you to turn your mic on, please? Thanks.

**Terry Cooke:** Some people just never learn. Special Use 2402 Request of Alexander Perdakis for a Special Use Permit for Short-Term Rental at 606 Martingale Ridge Drive, zoned R3 Residential District.

**Scott Little:** Thank you all so much for going through this again. And I will be super brief. This particular home and Special Use Permit is not that different in terms of the excessive compliance with the statute. It's a slightly different location. Closer proximity to the outer boundaries of the hotel property and the residences property. And yeah, I would ask that you I realize that you're considering it very carefully, and I know we've been talking about this for months, but I'm very thankful for the amount of time we're spending deliberating and discussing it as an important issue truly.

**Terry Cooke:** Thank you.

**Scott Little:** Yes. [off mic]

**William McCullough:** William McCullough, 202 Sycamore Street. I just want to speak to the further precedent that approving another application in this manner would set. I don't want to address the elephant in the room as to the overwhelming opposition and the disjointedness between town and stakeholders and the Planning Commission as a whole. But again, I feel like that we will rectify that in due time. I do beg with a better attitude and a bigger smile than last time. I really beg upon you guys to thoroughly consider the precedent that just passing these through with no special, you know, anything or just in general is really having. I'm going to hold all of my other comments because they may not be appropriate or in the best light, but there are some stakeholders that you guys have really alienated this evening. And I just think that that should be addressed.

**Terry Cooke:** Anyone else? Yes, ma'am.

**Mary Wright:** Hi, my name is Mary Wright. I live at 2 Chinn. I bought a house here on chin four years ago to move into a quiet village. You're destroying it. I'll sell my house. You're very disappointing. Should cheer Sheila as everyone

calls her. You've made this so personal. You're supposed to represent the village, not Mrs. Johnson. Next, you'll be changing the name to Johnson Town. It's awful. Unbelieving.

**Terry Cooke:** Anyone else wish to address us on this matter? Yes, please.

**Karen Jackson:** Karen Jackson, and I'm at 500 Stonewall Avenue, which I've been for 34 years, and I still feel like a new person. I also have a business in town, which I've had for over 30 years, and I feel like this is just going to change our nice little quiet neighborhood. We all know each other. We know what dogs we have, what cars we have. When you start getting new people in every weekend. In this climate today, you don't know who you're going to get. As much as they say they're going to scream this and that. If you can pay the bill, you're in. I mean. That's the way it is. And Salamander has done a lot for our town, but I see in my shop not only during the week, on the weekends, these groups of girls, perfectly nice girls, but they're out here to party, to have fun. I look out my back window of my house. I see a pool, a hot tub, a barbecue grill, and that's just with ten houses. He said there's only three houses that want to do this out of ten. Well, if there's going to be 40, you can't say how many more people will want to do this. And if you set the precedent that it's okay to break the rules for them one time, you can't change it the next time or you shouldn't. This Town is not Salamander. The town is part of. It just. I think it is very wrong just to start this precedent. When I drove up here tonight, they have to have signs out in front that say private residence. I mean, are we going to have a whole town that you have to put a sign in front of your house that it's a private residence, so you don't have somebody coming up knocking on your door thinking it's a rental. I just think it's very, very wrong. And it's just going to change the whole way. We know who's walking around our town in this country today they keep talking about the robberies, this and that. You don't know who's going to come in for the weekend. Good some, bad some who knows. But there is nobody that's going to be watching. You can't all the time. So, I'm against this. Thank you.

**Terry Cooke:** Thank you, ma'am. Next speaker. Anyone. Yes, ma'am.

**Liz White:** Hi, I'm Liz White. I live at 708 Stonewall. It's a pleasure to be here. I think this is a unique decision that you make, and you are setting a precedent as my residence is the corner of the new, Chestnut and Stonewall. So, I will see frequent people going into the new neighborhood in and out. What I don't want to see is see. What I like seeing is what was just talked about was cars that I know, people that I see them walking their dogs we wave. We are very kind to each other. What I don't want to have is an issue of any kind of safety worries. And one of the things I'm most concerned about, especially with our decrease in our police force at this present time, is how can we count on if there gets a phone call to our police department here that I would call them about a disturbance in the Salamander. They get that call over to their resource people. Are those people really, truly equipped to handle what our police are asked to handle? We are fortunate here in Middleburg not to have that, not to have the worries that many of the other cities or towns have. I'd like to keep it that way. And I know that there's a word about where there's vulnerability. I don't want our place to be known as a vulnerable place. I don't want the shops downtown to have to worry about our one police officer that's on duty for that 12-hour period to cover something there while simultaneously something going down over here or get distracted by something over here that has no value compared to what's going down over there. So let us be mindful. That's what we are. Take pride in our town. Thank you very much.

**Terry Cooke:** Thank you. Next speaker.

**Alethea McCullough:** Alethea McCullough 207 Chestnut Street, Middleburg, Virginia. Everybody's talking about precedent here, and I think the issue is, is that there is a total of 49 homes that are going to be built in Salamander. Currently, three people have chosen out of the ten that have been sold. Obviously not everybody is living there yet, but if we had 49 rentals, that could have different occupants 182 days of the year. Where are the resources for Salamander and where are the resources for the town to manage that? And if you say these three people are entitled to it, then everybody is entitled to it. And that would put very hard conditions on the people, not only the people that live here, but the resources that we have as a town to manage that. I mean, you know, do 49 times, 180 times, you know, six trips in and out of the, you know, that area every day, plus all the resort traffic. And you've got a lot going on, to say the least. I didn't prepare the math because I didn't think I was going to speak, but you know that if there can be no limitations in the amount of days and there can be no limitations in the number of people, than we have to consider that as a possibility and a likelihood, because one of the things that does happen when areas turn into more temporary rentals then it has a tendency to grow within that because it doesn't always make a place that people want to live and

stay. So, I don't know how many homes we have in Middleburg, but they literally all could be you know, rented 182 days a year. So, thank you.

**Terry Cooke:** Thank you. Next speaker.

**Donna Strama:** Hi. Yes, Donna Strama. I live at 10 Orange Drive. I do worry about setting a precedent. We have a wonderful town, but I worry about the people that actually live up there. And they don't want to rent their house out. They're going to be the neighbor to this person that might be able to rent it every single weekend. Gee, how fun is that to pay a million some odd for a house and your next-door neighbor is a renter every weekend for I don't know, it doesn't have to be consistently 180 days. Can it be a weekend, a weekend? I mean, I just feel sorry for them, you know? And maybe that's a great opportunity for Salamander to say, oh, buy this house that we're building because you can rent it. The precedents already been set. You can you know you can help pay for this by renting it. Anyway. Thank you.

**Terry Cooke:** Thank you, Donna. Anyone else. Yes, sir.

**Richard Riventrop:** Thank you, Richard Ribbentrop. 608 Stonewall. Proud two-month resident Middleburg. I oppose the motion. I don't think it's a decision on whether to approve Short-Term Rentals. I think for me, it's a question. The decision is, do we want to change the fundamental nature of Middleburg and what it's been for 200 years? So, the question tonight is more than a couple of Short-Term Rental issues. It's changing what Middleburg has been. The gentleman talked about scrutinizing those renters. What criteria would be used to say that, No you won't be able to rent. Thank you.

**Terry Cooke:** Thank you, sir. Anyone else? Yes, ma'am.

**Megan Gallagher:** Hi, I'm Megan Gallagher from 214 East Marshall Street, and I do plan to comment on each one, just as I hope that you take each application separately and seriously, I still would recommend complete rejection of this proposal, because I think this is fundamentally different from what was perhaps the intention of the ordinance. And we have an application tonight that, to me, reflects more of what it meant. I don't I mean, if you didn't have a lot of turnout when you were writing this eight years ago, it's probably because I don't think anyone in Middleburg ever imagined or to my knowledge, sought and supported commercial scale tourism in single family residences. It couldn't really be envisioned until you see houses go up and now requests for four bedrooms, eight people, four bedrooms, ten people. That is so different from my experience and delight in Short-Term Rentals that provide authentic and historic and reflective experiences in a community. I mean, even if you go to Saratoga Springs, New York, all the professors of that college town clear out for the season for the racing. One month they rent their houses for tons of money. Then they come back, and the community lives with it. It can't be any worse than college students. Every town is different, and this one is allowing the wholesale conversion to resort living. All you do respect [inaudible]. I used to be Executive Director of the Lowcountry Open Land Trust. I know exactly what it looked like before it was [inaudible]. That's not us. We have 200-year-old history. So, I again, I liked at least the conditions on the permit. I'm going to recommend the one for the one I support. And I think this I would hope you'd reject it. Not a resident and not in compliance with the comp plan.

**Terry Cooke:** Thank you. Anyone else wish to address this application? Hearing none. I'll invite the applicant if he wishes to make any concluding remarks before we take it up for consideration.

**Scott Little:** Thank you again, Mr. Chairman. The Perdakis family is a Northern Virginia family who planned to live in this house and hope to be able to rent it from time to time. This is different from the 800 Old Saddle, in that they fully expect to be there several weeks, a month, several, 2 to 3 weeks a month. And they're looking for pockets of rental availability. This is a family with kids and travel soccer who are determined to make their way here as often as they possibly can. And this is a very good example of where they're looking for an opportunity to defray some of the, the carrying costs. And I'll just address one point about safety. We've been proactively meeting with Chief Shaun recently. We took part in the threat assessment committee that included state police, local police from points in Virginia. And we have already begun talking with the chief about how we can outside of the Salamander, be a part of the solution for the threat assessment programing that the Chief has as a priority. And that is something that I'm engaging with him

regularly on. And we have a coming meeting with Loudoun on the same subject. All of our security guards are DCJS licensed and certified and trained very carefully by an ultra-professional organization that truly is best in class as far as in my career that I've ever seen. And I just wanted to reiterate that point that we're actually working very rigorously with the town to help the town expand their law enforcement capabilities. Thank you, sir.

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

**Ed Fleischman:** Let me ask a follow up question to your last statements. You said that this particular applicant plans to live in their house and would like to rent it for pockets of time. Would they be averse to a 90-day limit?

**Scott Little:** So, I think in the last meeting, I suggested that it's impossible for us to know what that maximum or minimum would be other than what the statute reads. And yeah. So, they have a real desire to, to start using their home as quickly as they can, but they're subject to the needs of their two teenage kids. So yeah, that's the best answer I have on that. We'll definitely follow whatever the statute requires. Yeah.

**Ed Fleischman:** I would hope so.

**Scott Little:** So. Yes, indeed.

**Ed Fleischman:** Thank you.

**Terry Cooke:** Any other comments or questions for the applicant from the Commission before we close this public hearing? Seeing none. This public hearing is closed, and I'll invite the. [inaudible] Will.

**Will Moore:** If I may, just for one second. Mr. Chairman, and if I sound like a broken record from previous meetings any time, I hear whether it's from audience members or applicants or Commission Members, the term precedent, it makes the hairs on the back of my neck bristle a lot. I don't think you set a precedent in your previous action on the previous application. I think it's important to consider each one of these individually. So, I just want to say that for the record I think it's important to distinguish this application from the previous one and all other applications. So, the previous application is in the R1 district, which is a lower density district. These are the larger lots that are to the west. That's the previous application. This application and the one to follow are on the smaller relatively. They're not small lots, but the smaller lot section. So, I only offer that to say, you should consider that in relation and I would have some comments when we get to the next application, how that one differs from these previous two as well. So please keep that in mind and just be judicious in your use of the term precedent. And just make sure you're evaluating each of these on their individual merits.

**Terry Cooke:** Thank you, Will. And I agree that, you know, one of the big considerations in any of these is the location of the property involved. And so that's something I would encourage everyone to keep in mind. Thank you. Anyone else. Any other comments? Okay. We'll entertain a motion. Anyone. Comment. Commissioner Roszel.

**Dev Roszel:** I do have you know I think originally this residence it was unclear on how they were going to live in the property. So, I was a little concerned about whether or not, again, we're meeting the criteria that the ordinance sets. You know, a lot of this, a lot of people in town we passed this ordinance in the town, and it's very hard for us up here to just arbitrarily say no to something that we've set out. We've taken time to set this ordinance. And if these applicants meet the criteria of the ordinance that we have developed. It's incumbent on us to review the application. But we really have to follow what that ordinance is. And I'm not arguing that people are upset about it, but we can't just arbitrarily say no to something that if somebody submits an application, correct me if I'm wrong, Will, if they meet that criteria of the application it's really not for us to say, no, you can't do it, because that's, in my opinion not doing the right thing. When we look at some of these the developments, we want to make sure that it does coincide with the rest of the town. It's not substantially going to injure the value of adjoining properties. I don't think that that's the issue. This applicant in the beginning did not state whether or not they were going to be using this property. And I think we had asked at the time, you know, what's your plan? Well, we're going to rent it out. That was a big negative for me, but I believe from what you're saying, if that is the actual case, it seems to me that they're going to be living in it on a more regular basis.

If that's what is going to be happening, then they fall within the ordinance. And so, I think we have to take that into consideration. Thank you.

**Scott Little:** May I say something related to that? Or no.

**Mimi Stein:** Sorry.

**Terry Cooke:** You've had your chance. Thank you. Any thoughts? Commissioner Fleischman.

**Ed Fleischman:** Thank you, Mr. Chairman. I just think that this is different than the previous as, Will said this house, it's a little bit closer to the adjoining houses. I think that makes a difference. And I think that in the spirit of compromise, I am going to, at the appropriate time, ask for a special condition to cap the rental nights at 90 days. And I think that would be a good thing to do for the community. And for Salamander that come up with a compromise. Thank you.

**Terry Cooke:** Thank you. And you're I mean, absent other recommendations or comments by the Commission. You can certainly make a motion. If you're prepared to do that. We have no other motions on the table.

**Ed Fleischman:** Okay, I can make a motion then if you're directing it to me, I move that we approve or recommend approval to the Council of this particular application with a special condition that caps the rental nights at 90 nights. Thank you.

**Terry Cooke:** We have a motion. Do we have a second?

**Bud Jacobs:** Second.

**Terry Cooke:** Any discussion?

**Will Moore:** And just to be clear, that's 90 nights per calendar year. Correct?

**Ed Fleischman:** Of course.

**Will Moore:** Thank you.

**Terry Cooke:** Motion and a second. [multiple speakers] Any discussion? Hearing none. Rhonda, would you please call the roll?

**Rhonda North:** Vice Chair Woodruff.

**Don Woodruff:** Yes.

**Rhonda North:** Commissioner Fleischman.

**Ed Fleischman:** I vote yes.

**Rhonda North:** Commissioner Minchew.

**Rachel Minchew:** I vote yes.

**Rhonda North:** Commissioner Roszel.

**Dev Roszel:** I vote yes.

**Rhonda North:** Commissioner Stein.

**Mimi Stein:** Yes.

**Rhonda North:** Council Member Jacobs.

**Bud Jacobs:** Yes.

**Terry Cooke:** Motion carries. Thank you. We will now proceed to the next application. Special Use 24-03 request of Mary and Thomas Gillespie for a Special Use Permit for a Short-Term Rental at 601 Martingale Ridge Drive, zoned R3 Residential District. Will, do you want to give us the highlights of the staff report?

**Will Moore:** Yes. I'll just give you a brief overview again. This particular application does have some distinguishing features from the previous two you've discussed. It, like the one you just voted on, is in the smaller lot section. Again, that's relatively smaller lot section, the R3 district. It is on the south side of Martingale Ridge Drive. Also distinguishing this particular application is that the Gillespie's are proposing using a different management entity that is Loudoun Stay, as opposed as opposed to using Salamander Middleburg as their management entity. We have had regular discussions at a staff level with the applicants, both on a pre-application basis. And as the previous Commission discussions have taken place, we've had follow up discussions with them. There are some amended materials submitted. And the Gillespie's can highlight their updates when they have a chance to speak. I think the most noteworthy thing is that kind of like some other applications that initially lacked clarity on the intended residential use. They have given more clarity to that and have included that commitment that it will be used for residential occupancy, as the ordinance requires.

**Terry Cooke:** Thank you Will. Any questions of staff before we move into the public hearing. Very good. Is there an applicant present on this application, please?

**Mary Gillespie:** Well, hello again.

**Terry Cooke:** Hello again.

**Mary Gillespie:** Mary Gillespie.

**Tom Gillespie:** Tom Gillespie.

**Mary Gillespie:** Thanks for having us. So, I guess we'll start by painting a picture. So, in October of 2020, Tom and I put a deposit down on a lot at Salamander Residences because we are excited about moving to Middleburg in a few years. We live in Great Falls, Virginia, and we come out to Middleburg a lot and we love it here and we are looking forward to moving here full time when our high school son graduate's sophomore. So, we have two college daughters as well. So, I guess a couple things. Our lot is 0.57 acres, so that's about 25,000ft<sup>2</sup>, which is a very large lot for the town of Middleburg. So, I just want to make sure we state that. Our structure is 75ft away from the structure behind us, so much more than other homes in the neighborhood, I guess you could say. We've invested in extra parking, and I say invested because we were charged a handsome amount to pave additional three parking spots as well as drainage. So, we've done that. When we bought it, we had the intention of renting it some to help us defer some costs. It wasn't to make money; it was just to help us defer costs while we transitioned from Great Falls to Middleburg. So, I think a speaker earlier mentioned that you know, it's not a money-making situation. So, I think some people were concerned about that. It's more deferred costs and not every buyer in Salamander has the same financial situation. I just wanted to because there does seem to be a little of a we versus they and the newcomers who seem to be all rich. And that mentality is a little bit disturbing because that's not how we perceived coming to Middleburg. We came to Middleburg because we love the community. We love the town. We've had great experiences at Salamander and it just yeah, I mean, we would like to defer some costs. That's really what we're asking to do. A couple other things I wanted to say. Well, Tom, go ahead. I'm kind of. Okay.

**Tom Gillespie:** Yeah, sure. So, it is partially about cost deferral, and I want to address the 90-day question, among other things, because I think and Prem said this earlier, we don't know what the market is at this point. We don't know,

you know, how often you're at these houses and for how much. And I mean, nobody has any idea. So, we're trying to figure that out. But ultimately, what we're asking for here is the permission to, you know, run our house on occasion for Short-Term Rentals and use it as much as we can personally. And that's what we're excited about. We've been out here a lot. We live in Great Falls. We come, it's not that far to get out here. And we, you know, we're out here with our family. We're out here with lots of friends. It's a great place. There's a reason we bought a house out here. And we're invested in it, and we, you know, we love this town. And we look forward to being here as much as we can. So, I'm looking for that. You know, a minute left.

**Mary Gillespie:** Yeah. I know we talked about Loudoun Stay before the partner that we're looking forward to working with. We also are open to working with Salamander two. We're not open to working with Airbnb or Vrbo because it doesn't offer concierge level service. So, for people in the audience, I'd encourage you to look at Loudoun Now.com. They are boutique feet on the ground, concierge level service.

**Tom Gillespie:** Loudoun Stay.

**Mary Gillespie:** Loudoun Stay. Sorry.com. And let me say LoudounStay.com and anyhow and their sole focus is to provide a place to stay for visitors and feed the business to Loudoun businesses. So, it's I don't know, I'm a little bit off tonight, I think because I'm kind of, frankly, a little beaten down with this whole thing. And I just wanted to say one other thing. We see so many people walking down Martingale Ridge with their dogs, and there's only a few of us that actually live there. Yet these are our neighbors behind us, and we've made friends in that neighborhood. So, I just want to mention that. Yeah.

**Terry Cooke:** Thank you very much. Thank you. Other folks here this evening who wish to speak to this application? Seeing. Oh. Well.

**Megan Gallagher:** Sorry. Well, you just. Each one is its hearing. [multiple speakers] good citizens think about them all. I would say for the same reason, however, these applicants actually are going to live there. So, we've seen them. No offense, gentlemen, but you are not the residents. And that does count for a lot. But I'm still overwhelmed. And 180 days at. Not that they rent them all for ten people. I mean, just 90 days for ten people is 900 different. It's just a lot. It's a whole lot. But I kind of liked the supplement, you know, the conditions you put on the last one. I didn't think I would not object if maybe you could scale this back a little. Either scale back the number of rooms available or scale back the number of nights. Whatever works. Thank you.

**Terry Cooke:** Thank you. Anyone else before we close the public hearing on this application? Seeing none.

**Rachel Minchew:** Terry.

**Mike Welch:** Mike Welch 105 South Madison. I'm not a great public speaker. Usually, it's my wife that does this stuff, so I apologize. This is really about one thing, and I really appreciate Dev you speaking up to it. This is about our ordinance. Do they comply with the ordinance or not? It's not much further. All of us have opinions, right? We all we all have our views in the world. We all have special relationship with Middleburg. Many of you lived here much longer than I did. And you have concerns about your community? Rightfully so. But whether we like the ordinance or not, no matter how long ago it was passed or not, matters not, there's an ordinance. I was privileged at the Pentagon to hear a comment, to say that our Constitution was passed over 200 years ago, and we still abide by it, right? We make changes to it over time. The Council has the ability to change that ordinance as well over time. My point is, it's easy to reflect on individuals and judge them or I hope there's no bias against the individuals based on the way they look like when they come up here and present themselves, right? That's what we leave ourselves open to when we judge people standing here at this podium. My whole point to you is this we abide by an ordinance, I expect, and hope the Commissioners and the Council abide by those ordinances that were passed for the greater part of the community. Thank you.

**Terry Cooke:** Thank you, sir. Prem.



**Prem Devadas:** Thank you. Prem Devadas. I just want to speak briefly in support of the Gillespie's application. We've gotten to know them as you know, members of our resort and friends. And they are wonderful people that care about this community as much as anybody else had fallen in love with it. And even though they're not renting through the resort I'm very supportive of that because we know they're going to take good care of the home. They're going to be very careful about who stays there and observing the ordinances. I did have a chance to meet the person who's in charge of their rental company. And I'm convinced that they're very competent and will be able to take good care of the homes and control the guests as well. So, I wanted to share that. And the other thing I just want to share is I think a lot of the different comments at the end of the day, have related to our community and changing our community. And I'm talking more about the general idea about Short-Term Rentals in this town, which for some reason seemed to be very directed towards the Salamander Residences, but at the end of the day are for our town. And I remember and some of you were here more than 15 years ago when we went through the approval process for the resort. And the big, big concern was about, and the objection stated was changing our town. And we never said that we didn't think that it would be a new thing in the town, but we said that we would be good trustees of the land, that we would open up the resort to the community rather than shutting it off, that we would control the people that stayed there and we would provide the right kind of security. And I think these many years later, we try every day to live up to that commitment. And I think for the most part we have. So, I understand when people are concerned about the unknown and what can happen and about change itself. But I think going back to the Gillespie's, they are exactly the kind of family that we would want in this community. Thank you.

**Terry Cooke:** Thank you. Anyone else before we close this public hearing? [off mic] Very good. This hearing is closed. Thank you. [off mic] of this application. [off mic] Commissioner Fleischman.

**Ed Fleischman:** Thank you. Mr. Chairman. I'd like to submit a motion in the spirit of compromise. And that motion would be that the Commission recommends to the Council that they approve the application with a maximum number of rental nights of 90 days per calendar year. Thank you.

**Bud Jacobs:** Second the motion.

**Terry Cooke:** Just to clarify as Will did a moment on the previous motion, 90 nights.

**Ed Fleischman:** Yes. I'm sorry, 90 nights per calendar year.

**Terry Cooke:** Thank you.

**Bud Jacobs:** Second.

**Terry Cooke:** Council Member Jacobs seconds the motion. Any discussion? Seeing none. We'll call the motion Rhonda. Would you call the roll, please?

**Rhonda North:** Vice Chair Woodruff.

**Don Woodruff:** Yes.

**Rhonda North:** Commissioner Fleischman.

**Ed Fleischman:** Yes.

**Rhonda North:** Commissioner Minchew.

**Rachel Minchew:** Yes.

**Rhonda North:** Commissioner Roszel.

**Dev Roszel:** Yes.

**Rhonda North:** Commissioner Stein.

**Mimi Stein:** Yes.

**Rhonda North:** Council Member Jacobs.

**Bud Jacobs:** Yes.

**Terry Cooke:** Motion carries. Thank you. Now move on to the last of our Special Use Permit applications. Special Use 24-04 request Daree Goodman. For a Special Use Permit for Short-Term Rental at 700 West Washington Street. Zoned R-2 single family residential district. Will.

**Will Moore:** Thank you, Mr. Chairman. The Commission had the benefit of a brief discussion of this in your work session earlier this evening. Just to recap, this is another application for a Short-Term Rental, again distinguishing this one from others that you have heard this evening. This one is not within the residences at Salamander Development. This is further south right along route 50. It's at the corner of Washington and Locust streets. This is the R-2 single family residential district which is our older established neighborhood district which is included in the intent for that district. In this particular case the applicant is clearly defining that she lives there full-time. This is her not only primary, it is her only residence. However, the nature of her employment is that she travels as a flight attendant on a contract for a maximum of 87 days per year. So, her intent is to try to supplement the mortgage by renting it out during certain periods in which she is not home. She does state within the application materials that a majority of those days that she is traveling are actually weekdays. So, they're probably less likely to be available or desirable for rental during that time. But that's something to keep in mind as you consider. If you were to give favorable consideration, would you want to recommend a certain number whether it's 87, which is the days she will travel per year or even lower based on the application materials? You do also have some correspondence that was received later today. I left a hard copy on your desk. It's from a resident along Locust Street. Just about a block away from this application. So, if you consider that in, in addition to any comments that you would receive this evening. That's all I really have to add for this application at this time.

**Terry Cooke:** Thank you Will.

**Ed Fleischman:** Will, I don't see that letter from you said Locust Street?

**Will Moore:** Is there a stapled? So, the.

**Ed Fleischman:** No, no. The letter from the citizen.

**Will Moore:** Yes. She does not identify her residence in her letter. It's from Miss [inaudible]. It's a stapled email printout. I can get you another copy if you need one.

**Ed Fleischman:** Okay, so she didn't state her address. Okay. That's fine. If you know her address, that's good.

**Will Moore:** Yes. It's 5 Locust Street.

**Terry Cooke:** Is there an applicant on this application, please?

**Linda McKenna:** I'm representing Ms. Goodman. She's halfway around the world and it is the middle of the night but knew this was important to all of you. So, she is with me on FaceTime. She says hello. So yeah, she's a full-time resident, as some of you know.

**Terry Cooke:** Please state your name.

**Linda McKenna:** Linda McKenna 105 South Madison Street, representing Miss Goodman. So, to the point about the criteria, I know when she applied for this, it was a \$2,000 check to write. So really looked at the criteria closely, and I believe that it has been met. I don't know if there's any questions for us, for her. But again, she's a full time resident so no other home.

**Ed Fleischman:** Question.

**Terry Cooke:** Yes, Commissioner Fleischman.

**Ed Fleischman:** Thank you, Mr. Chairman. Would the applicant, do you think, object to a 90-day Special Condition that the Planning Commission would recommend?

**Linda McKenna:** With all due respect, I'm confused. Part of me wanted to stand up as a not representing her, but as a citizen asking that question. Why on the first house, it was passed without a 90 day, but then the last two votes included a 90 day. And I guess the question is, when you decide to write a check for \$2,000 and you see the criteria, and then you come here, and you get this curveball thrown. With all due respect.

**Ed Fleischman:** In all due respect, we're not changing any criteria here. The ordinance says that there will be, could be special conditions placed. So, the Planning Commission is not making any change from the ordinance. Is that correct Will?

**Will Moore:** That is correct. Yes, sir.

**Linda McKenna:** But is there a change from the first vote?

**Terry Cooke:** Yes, there is. The difference is the location of the property. Right. The first home is located in a different residential district and is some distance away from properties along Stonewall Avenue and within Middleburg.

**Linda McKenna:** Okay.

**Terry Cooke:** So, there is a distinguishing factor. And that's why we made the decision to go a little bit different on the second one and the third one.

**Linda McKenna:** Okay.

**Terry Cooke:** And in this application the applicant herself has stated she's only going to be away 87 days a year. So, seems to me that 90 days wouldn't be an imposition for them.

**Linda McKenna:** Could we split the difference at 125? This is trying to help offset the really high mortgage. I mean, everything in [inaudible] is negotiable if you ask right? Commissioner Fleischman 125 call it a night?

**Ed Fleischman:** We're not negotiating. Yeah, we're not.

**Mimi Stein:** Yeah.

**Rachel Minchew:** Good try yeah.

**Linda McKenna:** All right. Well, Daree, 90 days? I think our connection broke. I will say this. I know there's a fear. Empty homes is not a good thing either. My husband and I lived in Old Town Alexandria, one block off King Street, beautiful townhouse, abandoned home next to us sat empty for two years. And it is not safe for the community to have empty homes. I can tell you that because a murder suspect broke into that house and stayed there for two and a half days, and we found out at three in the morning when the street was covered with Swat and police. So, you know, empty homes are not good for the community either. But so, to your point, sir. Yeah, if that's what it is, that's what it is.

**Terry Cooke:** Any other questions or comments by the Commission? Okay. Thank you. Ma'am.

**Linda McKenna:** Thank you for explaining. Thank you.

**Terry Cooke:** And we'll invite any other folks who are here this evening who have comments or questions about the application. Please come forward.

**Megan Gallagher:** Oh, boy. [off mic]

**Terry Cooke:** Where have I seen you before? [laughter]

**Megan Gallagher:** All right. Hi, I'm Megan Gallagher, 214 East Marshall Street for the record. I actually supported this request, but with the reduction, I was going to say 80. I think it was 83 days is one week a month equivalent or, you know, as much as she's away, is how much? Because I don't understand why you'd need 180 days unless you're going to be there with your tenants. I mean, with your renters. I will say the Short-Term Rentals went in other places they go, notably Laren in North Holland, the Middleburg of the Netherlands. I am in a suite in a house with the residents. It's how they run it in that town, and they do limit the number. For on this one the resident, clearly the applicant lives there. No question. The location, much like North Jay, is right off of 50 on Locust. To get in that means you don't have the visitors wandering through the neighborhoods at night trying to find their way back or find the door. And I thought that was good. And I do believe in Short-Term Rentals as a tourism recess in the town. So, this one worked for me with a limitation. I was also going to say, how about two bedrooms? Not three. But if it's short term for 90 days and those are days, she isn't there, she might as well use the whole house. I'm not. I don't want to contravene what the neighbors say because I don't really know. I live in a townhouse, so this isn't an issue, but it may be very close to neighbors, and they may feel six people and three cars is too much. Thank you.

**Terry Cooke:** Thank you. Anyone else wish to speak to this application? Seeing none. We will close the public hearing on this application and invite the Commission if they have any questions to address to the applicant or any comments to make regarding this matter. Do we have a motion on this matter?

**Ed Fleischman:** Mr. Chairman.

**Terry Cooke:** Mr. Fleischman.

**Ed Fleischman:** I would like to make a motion in the spirit of compromise. I would recommend that, or I would have the motion that the Planning Commission recommend to the Council approval of this application, with the special condition that the maximum of 90 nights rental in one calendar year. Thank you.

**Terry Cooke:** Thank you. May I offer a friendly amendment to that motion?

**Ed Fleischman:** Of course, Mr. Chairman.

**Terry Cooke:** The applicant in this case has agreed and offered that in the event she were ever to transfer ownership of the property, Special Use Permit would not transfer with the home. Would you consider including that condition?

**Ed Fleischman:** I think that's a great condition. Let's include that in the motion.

**Terry Cooke:** Thank you. [off mic]

**Bud Jacobs:** Do you need a second, Mr.?

**Terry Cooke:** She offered. Okay. Do we? Yeah, we do need a second.

**Bud Jacobs:** Second.

**Terry Cooke:** Any discussion? We have a motion and a second. Rhonda, would you call the roll, please?

**Rhonda North:** Vice Chair Woodruff.

**Don Woodruff:** Yes.

**Rhonda North:** Commissioner Fleischman.

**Ed Fleischman:** Yes, to the motion.

**Rhonda North:** Commissioner Minchew.

**Rachel Minchew:** Yes.

**Rhonda North:** Commissioner Roszel.

**Dev Roszel:** I vote yes.

**Rhonda North:** Commissioner Stein.

**Mimi Stein:** I agree, yes.

**Rhonda North:** Council Member Jacobs.

**Bud Jacobs:** Yes.

**Terry Cooke:** Motion carries. Thank you. And that concludes our public hearings on all of the Special Use Permits. Thank you, folks, for your participation. Next item on the agenda is Council Representatives Report. Council Member Jacobs, anything to share?

**Bud Jacobs:** Nothing to share, Mr. Chairman. The Council will be out of town April 1st and second to our retreat. Second and third. Thank you, Danny.

**Don Woodruff:** Where's the retreat?

**Bud Jacobs:** Culpeper. The Virginia, sir. [inaudible] Yes. Yes. And I'm sure that Short-Term Rentals is going to be one of the discussion items for our retreat.

**Terry Cooke:** Thank you. Thank you. Next item on the agenda is discussion items. Anyone on the Commission have anything to raise? Danny, did you have something you wanted to bring up?

**Danny Davis:** If you're up for five minutes for me to run through.

**Terry Cooke:** Bring it on, please.

**Danny Davis:** I'm actually going to join you up here so I can present. So back in October we got to meet with the community to talk through the R-2 zoning district and to talk about the recent changes happening in R-2. TV's aren't on. We have a draft report from the Berkley Group that we are still finalizing, but we wanted to take the opportunity to walk through that with you and to be able to just give you a really quick, brief overview of some of the results of that community meeting and the recommendations of the report. And then to let you know that we'll be taking final just a few final edits to it and then distributing that out to you. This will also likely be part of a conversation with the Council at the Strategic Planning Retreat as well. So, before we distributed that out to them as well, we wanted to give you a chance just to for me to walk through it with you.

**Will Moore:** Just a second, Danny.

**Danny Davis:** Are they?

**Will Moore:** We don't have the monitors working yet.

**Rhonda North:** Yeah. I mean, the monitors are on. I'm not sure why it's not showing.

**Will Moore:** They were on initially when the TVs were not, but as soon as the first TV came on, the monitors went off.

**Danny Davis:** Technology is great when it works.

**Rhonda North:** They should be on.

**Danny Davis:** A different source. [off mic] It's fine. Okay. All right. Very good. Apologies for that. So, as you recall, we gathered with the community and as I'll run through these pretty quickly. But the purpose of that meeting really was to hear from the community and to hear whether there are concerns about development that's been happening in the R2 district and some of the recent changes that we've been seeing. And so, to hear that community sentiment and then also consider potential changes to land use regulations that might address any of those ongoing concerns. I'll skip through the outline. I'll skip through the existing conditions. You all are aware of the R2 district? And this is all part of the information you've seen multiple times before. But this is good for the public's just overall knowledge. You're very well of zoning district standards. And so, again, this is a bit of a just an information page for the public when they might be reading this. These are also pieces that we went over with the community during that meeting. We identified as you're aware there is recent development in the R2 district. Some of that is infill development. Some of that is teardown and rebuilds. And that's been increasing over the past few years. And so again, we wanted to hear from the community and know that we have heard at times concerns from residents in that district. As you know, we brought in the Berkley group a number of years ago. They did a few reports, or they did a primary report for us. The Planning Commission has reviewed that a couple of times, and a few different iterations of zoning changes have been adopted in terms of the interventions recommended by the Berkley Group. And yet we still heard some feedback from the community. And so that's what led to the community workshop that we held in October. I think many of you had a chance to be there. We did have about 56 residents present and we were spread across a number of tables and gave each table an opportunity to provide input at that meeting. The next section of the report takes portions of that discussion and breaks it down into the individual questions that were brought forward to the members of the public at that meeting. The first exercise was a preference discussion, and this discussion really showed various development patterns and pictures and asked the community to provide their input. And then we'll look through that quickly. So, exercise one again, the preference discussion, asking how do you feel about certain aspects of what you're seeing here. It might be height garage proximity to adjacent homes. So, this was the example one that were shown. Input from the workshop, participants like the diversity. And yet the home on the left seemed too big in contrast to the one on the right, the front facing garage. And you'll hear this a few times. Front facing garages were a comment, often brought up during the work session that the community thought maybe does not quite fit within the overall development patterns of Ridgeview. The second exercise, or question asked was to give feedback on this example and as no surprise comments came back that folks did not like the similarity in the houses very much cookie cutter, if you would, and also the small side yards and front yards, but primarily the side yards, how they are close to each other. Next example we received feedback on. As you can imagine, the front facing garage, the height, the kind of different architectural styles were just seen as undesirable by the comments. And then the fourth one. This was meant to look at various variations and setbacks from the street. There was actually a positive response to the idea of one home being closer to the sidewalk and street, and one being set further back. Also received some positive comments about the landscaping in front. And so, the idea of really just having some diversity in both setbacks, but also styles. So that oh and then at the end of this exercise, just additional comments. We're asking the Berkley Group to clarify this one statement, while consistent feedback was received about greater regulation. Not sure if they intended that to say about desiring greater regulation or not desiring greater regulation, or maybe just in general there was a lot of talk about regulation, but we want to get some clarity before we finalize this. But as also noted, comments were to keep the historic charm and feel

of the town and understand that there are development patterns here in Ridgeview, and we want to try to maintain that as much as possible. The second exercise was an exercise to look at kind of three options and provide maybe a what do you like best out of one of these, or also do a kind of compare and contrast. So, three kind of different development patterns of homes that were presented. And the comments here were that most agreed. The option two, with the traditional neighborhood design type house was more the most desirable of these options. Option three again has front facing garages. Option one were kind of two large scale and that wouldn't fit within the character of R-2. So, there was some preference to this type of style development. The next examples shown were again some just different style types. Again, responses related to front facing garages. There was a preference, more preference given to option three here. This was a larger front yard also showing no front-loading garages. But again, not quite as much consensus on this one. It was a little a little hard to maybe choose preference between them. Now example number three. And you can see this garage really juts out into the driveway. It's got to be from California. Another front facing garage here. There was a much more preference for option three. And this one a garage sits back behind the home. Also, with the front porch. And so again, a lot of input received on those particular items. And then the final when we looked at setbacks, instead of showing photographs of homes, we decided to show the structures vis a vis the street or the sidewalk. And generally, there was more preference for option two here, which has some slight variation. Option three had some support, but some thought maybe that variation was a little bit too drastic. One thing we did hear near the end of that meeting with the community was the idea of potentially an architectural review board or an architectural control district that would give the town some additional authority to control certain aspects that that gets into things that zoning itself may not be able to manage. And we'll talk about that in a brief second. During the meeting, or after the meeting, the consultants tallied the total input received, broke it generally down. We received in general about 120 comments. And you'll see in the breakdown about a third, give or take, said that they'd prefer to see no changes currently in the R-2 district, while two thirds or so said yeah, we do want to see some change. Now what that looks like may still vary and is still dependent on some further discussion, but one of the takeaways in this report and conclusions is there is about a 2 to 1 preference in saying, yeah, we should keep looking at potential changes in our current requirements and standards because we want to see some additional changes or restrictions in the zoning standards for the R-2 district. Some of these changes could be zoning related, and you can accomplish zoning district standards or design standards to a degree in zoning changes, perhaps through supplemental use. The kind of how we get to that at some point is to be determined at a later date. The question really right now is, are, is there a desire in the community to see changes made? And right now, we feel like we've heard from the community that, yes, they'd like to continue pursuing some additional changes.

**Ed Fleischman:** Danny, can I interrupt?

**Danny Davis:** Yes.

**Ed Fleischman:** It wasn't a vote. I mean, you put down the number of votes over there. There were a lot of different concerns. I was at that meeting. I spoke to a lot of different people, and a number of the people didn't even live in Middleburg, the town. And certainly, a large number of the people didn't live in Ridgeview. The people that I spoke to, a large number of them, said that the Planning Commission passed changes over the last four years in zoning and requirements, and that they felt that we should take a break and see how those zoning changes are and design guidelines change, and we shouldn't move ahead with any changes right now. So that's the feeling I got from it. I think that; I'm a consultant, and I know that when you're a consultant, you want to do what's right for the sponsor and also you want to continue getting billings. So, I would expect before this event occurred that the consultant would say change is necessary and let's study it further. So, I just be cautious about that. Thank you.

**Danny Davis:** I take the input, I do not believe there is any preconceived notions here, and I do believe my experience being at the meeting is that, while yes, there were a number of folks who said, let's wait it out and see what happens. There was a fairly sizable number of folks who said they were concerned with what's happening around. And they in fact, I would say probably the loudest thing we heard was people that have an aversion to front loaded garages and a number of folks that received applause from it felt like the two thirds majority said that we should do an architectural control district. I'm not saying we should. I'm just saying I felt that that in that meeting there was a fair response in that way. There are some potential or recommendations of potential steps to consider coming out of this. And again, I know you'll want to review this more in detail. Obviously, there's a no change option. Let's leave it as is. Let's let the recent ordinance changes play out. One is option two would be to do some specific district standards for R-2. And that would

be very the more technical zoning, specific pieces of heights and building ratios and setbacks. Option three could be also some zoning changes but getting more into the supplementary use restrictions. So, this gets into stuff about potentially where a garage can or can't be placed. Other aspects that we could placement of driveways, landscaping that might be able to be carried over in a zoning ordinance and not have to go all the way to an architectural control district. And then, of course, if desired. And at some point, moving forward, that could be an option of an architectural review board. But we all know that that's a pretty heavy lift and brings additional burdens on not just staff, but the overall community as well. We'd need to convene a new board and a new group of folks to be involved in that. Finally, just reviewing a proposed next steps. And this is something that I know Mr. Chairman, we had talked with you about leading up to this meeting is that after the public meeting, we would convene a joint meeting of the Council and the Planning Commission together. Then we consider what next steps are after that. And I think that would be a valuable conversation. Again, right now, our real next step is the Council is having their strategic planning retreat, their broad kind of discussions about what they want to focus on over the next two years. And I do believe this will continue to be a part of that discussion. So, I realize that's a really brief kind of fire hose for you. We will get this out to you shortly, but just wanted a chance to brief you on it. So, when we send it to Council and send it to you, we've at least had a quick chance to review it with you. Happy to answer any other questions.

**Terry Cooke:** Thank you so much Danny. Anyone have any quick questions for Danny at this time? Very good. Thanks again.

**Danny Davis:** Thank you.

**Terry Cooke:** While we're still on the discussion item on the agenda. And this is the Chairman speaking. I mean, the takeaway from all of the discussions we've had on Short-Term Rentals is that in my opinion. Speaking only for myself. It's appropriate that we take another look at the ordinance regulating Short-Term Rentals. I think it needs some fine tuning. When we went through this process two years or however long ago it was, as someone alluded to earlier, we had virtually no comment from the community on this, which surprised the heck out of me. But that's a fact. Very little comment on this. Now we're getting plenty of comment on it. So, and many of the comments have. Well, they all have merit of one type or another, but some have more merit than others. And it's not a question of do we have Short-Term Rentals? Do we allow Short-Term Rentals? I don't think that's the issue. But how best to control them. And so, I would I mean in relation Bud to your upcoming retreat I would ask that you would just alert the Council that at least one member of the Planning Commission thinks we ought to take another run at this going forward.

**Bud Jacobs:** Yes, sir. I think the number is two, actually.

**Terry Cooke:** Thank you. Okay.

**Ed Fleischman:** Make that three.

**Don Woodruff:** Four.

**Terry Cooke:** Thank you all. Any other discussion items by? Okay. That agenda item is closed. We come now to the quorum for the April 22nd meeting. Everyone who's here tonight going to be here for April 22nd?

**Don Woodruff:** Unless I get a better offer. [laughter]

**Terry Cooke:** Well, it's entirely possible. Okay. [multiple speakers] So it looks like.

**Ed Fleischman:** Mr. Chairman.

**Terry Cooke:** Ed.

**Ed Fleischman:** I'm going to be out of the country. I think I'll be able to do it by remote.

**Terry Cooke:** When are you in the country Ed?



**Don Woodruff:** Yeah. What's your residency? [laughter]

**Ed Fleischman:** Third of the time overseas. [laughter] But I hopefully, since it's going to be a similar time zone, I'm going to be able to do it remote, if that's allowable.

**Terry Cooke:** We'll see. We'll see if we can arrange that. Thank you. And with that, ladies and gentlemen, we are adjourned. Thank you.