



## PLANNING COMMISSION REGULAR MEETING AGENDA

Town Council Chambers  
765 Lynn Street, Herndon, VA 20170

Monday, August 26, 2024 | 7:00 PM

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**1. Call to Order**

**2. Recognition of Mike McFarlane**

**3. Approval of Minutes**

- a. April 8, 2024, Planning Commission Work Session Minutes
- b. April 22, 2024, Planning Commission Regular Meeting Minutes

**4. Comments**

- a. Comments from the Staff Members
- b. Comments from the Commissioners
- c. Comments from Citizens

*Members of the public may, for one 3-minute period, provide public comments, requests, consent or general item comments, and comments on matters not included on the agenda.*

**5. Public Hearings**

- a. APPLICATION FOR A SPECIAL EXCEPTION AMENDMENT – SE #24-02, 1031 Sterling Road, Suite 104, to consider an amendment to the previously approved CU#89-11 associated with a restaurant use to expand the hours of operations and the number of seats.

**6. Adjournment**



## Planning Commission Regular Meeting

### Agenda Item 3.a.

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**Agenda Item:** April 8, 2024, Planning Commission Work Session Minutes

**Meeting Date:** August 26, 2024

**Category:** Approval of Minutes

**Prepared by:** Aaron Zoellick, Clerk of Boards and Commissions

**Description:**

This is a request to approve the April 8, 2024, Planning Commission work session minutes.

**Background:**

N/A

**Budget Impact:**

N/A

**Recommendation:**

Recommend approval, as presented.

**Attachments:**

1. 04.08.2024 Planning Commission Work Session Minutes



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**HERNDON PLANNING COMMISSION  
Work Session Minutes  
Monday, April 8, 2024**

**1. Call to Order**

Chair Romeo called the April 8, 2024, Planning Commission work session to order at 7:00 p.m. in the Town of Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Commissioners: Jay Donahue, Dua'a Elbarasse, Mike McFarlane, Kevin Moses, Meron Yohannes, Vice Chair Burke, and Chair Mike Romeo.

Staff present during the meeting: Lisa Gilleran, Director of Community Development; Lesa Yeatts, Town Attorney; Bryce Perry, Deputy Director of Community Development; and Collin Okoniewski, Planning Operations Manager.

Chair Romeo determined there was a quorum of seven members present.

**2. Public Hearings**

**a. Zoning Ordinance Text Amendment ZOTA #24-01 - Development Application Fees**

Chair Romeo opened the work session and called on Bryce Perry, Deputy Director of Community Development, for the staff presentation.

Mr. Perry delivered the staff report dated April 8, 2024, which is on file with the Department of Community Development.

Staff recommends that the Planning Commission approve ZOTA #24-01.

Chair Romeo recognized the commissioners for questions.

Commissioner McFarlane inquired as to why the numbers in the budget were not rounded off. Staff advised that the number was rounded to the nearest dollar to keep the narrative inflationary and not visit the idea of rounding numbers one way or the other. Staff also advised that the town is fairly behind on their fees in the grand scheme and this is a minimized effort to raise fees across the Board in

coordination with neighboring jurisdictions who are raising their fees with inflation cited as the cost.

Commissioner Elbarasse inquired as to why there were two fees, a fee for administrative adjustment and a fee for short term rentals that were remaining unchanged. Staff advised that the administrative adjustment fee was a capped fee and the short term rental fee was very recently added to the ordinance and was already in line with inflation.

Staff also provided clarification on the removal of the \$1 fee for Historic District Review Board applications for certificates of appropriateness for certain residential projects being eliminated all together.

Chair Romeo advised staff that when a more comprehensive examination of the fees takes place a lower single lot development plan fee should be looked at due to the fact that they are typically initiated by a homeowner rather than a developer.

Staff advised that they do plan to take a look at all the fees and do indeed anticipate raised and discounted fees as part of the process.

**b. Special Exception SE #24-01 - Hunters Creek Bridge Floodplain Overlay**

Chair Romeo opened the work session and called on Bryce Perry, Deputy Director of Community Development for the staff presentation.

Mr. Perry delivered the staff report and staff presentation dated April 8, 2024, which are on file with the Department of Community Development.

Staff recommends that the Planning Commission approve of SE #24-01.

Chair Romeo recognized the commissioners for questions.

Commissioners asked several questions about the durability and cost-effectiveness of the polymer material relative to that of wood. Staff responded that it is more durable and it is more cost-effective.

Vice Chair Burke asked staff about the decision to double the size of the bridge. Staff advised that the additional lengthening of the bridge needed to be done to manage flooding and the stream restoration project.

Commissioners also inquired of staff as to whether or not the Architectural Review Board (ARB) would be reviewing this application for design. Staff believed that due to its lack of visibility the ARB would not be reviewing an application for the bridge.

Chair Romeo inquired about the cost of bridge and stream restoration project, and further inquired as to where the money for the projects would be coming from (CIP, General Fund-Budget, etc.). Staff was unsure at the time of the work session but

advised that they would provide an answer at the public hearing.

Chair Romeo also asked if staff had heard from residents in Hunters Creek regarding the project. Staff advised that the Department of Public Works is handling most of the outreach associated with this project. Staff further advised that they would provide a summary of public comments at the public hearing.

Lastly, Chair Romeo inquired where this project stood as part of a larger stream restoration project, and where this particular project falls on that timeline. Staff advised that they will provide further comment at the public hearing.

### **3. Comments**

#### **a. Comments from the Staff Members**

Chair Romeo recognized staff members for additional comments. No comments were provided.

#### **b. Comments from the Commissioners**

Chair Romeo recognized the Commissioners for additional comments.

Commissioner McFarlane inquired as to the status of the downtown redevelopment project.

Lesa Yeatts, Town Attorney, advised that the public should stay tuned for a message from the Town Manager hopefully by the end of the month.

Chair Romeo addressed the commissioners regarding the attendance policy and stressed that although everyone misses meetings, all members should do their best to attend every meeting.

### **4. Adjournment**

There being no further business, and without objection Chair Romeo adjourned the April 8, 2024, Planning Commission Work Session at 7:26 p.m. .



## Planning Commission Regular Meeting

### Agenda Item 3.b.

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**Agenda Item:** April 22, 2024, Planning Commission Regular Meeting Minutes

**Meeting Date:** August 26, 2024

**Category:** Approval of Minutes

**Prepared by:** Aaron Zoellick, Clerk of Boards and Commissions

**Description:**

This is a request to approve the April 22, 2024, Planning Commission regular meeting minutes.

**Background:**

N/A

**Budget Impact:**

N/A

**Recommendation:**

Recommend approval, as presented.

**Attachments:**

1. 04.22.2024 Planning Commission Regular Meeting Minutes



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**HERNDON PLANNING COMMISSION  
Regular Meeting Minutes  
Monday, April 22, 2024**

**1. Call to Order**

Chair Romeo called the April 22, 2024, Planning Commission regular meeting to order at 7:00 p.m. in the Town of Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Commissioners Jay Donahue, Dua'a Elbarasse, Mike McFarlane, Kevin Moses, Vice Chair George Burke, and Chair Mike Romeo. Commissioner Meron Yohannes was absent.

Staff present: Lisa Gilleran, Director of Community Development; Lesa Yeatts, Town Attorney; David Stromberg, Zoning Administrator; Mike Shindledecker, Transportation Engineer; and Aaron Zoellick, Clerk of Boards and Commissions.

Chair Romeo determined there was a quorum of six members present.

**2. Approval of Minutes**

**a. March 11, 2024, Planning Commission Work Session**

**b. March 25, 2024, Planning Commission Regular Meeting**

Vice Chair George Burke motioned to approve the March 11, 2024, Planning Commission work session minutes, and the March 25, 2024, Planning Commission regular meeting minutes.

Motion seconded by Commissioner Mike McFarlane.

The question was called on the motion, which was carried by a 6-0 roll call vote. Commissioners Donahue, Elbarasse, McFarlane, Moses, Vice Chair Burke, and Chair Romeo voted "Aye."

Commissioner Yohannes was absent.

**3. Comments**

**a. Comments from the Staff Members**

No comments were offered.

**b. Comments from the Commissioners**

Commissioner McFarlane commented about a recent stabbing and police shooting that occurred and zoning's purpose in protecting the health, safety, and welfare of the citizens of a community.

**c. Comments from Citizens**

No comments were offered.

**4. Public Hearings**

Ms. Gilleran stated that notices of the public hearing for the application were duly advertised in the April 12 and April 19, 2024, issues of the Fairfax County Times Newspapers. Certificates of Publication from the Editor of the Fairfax County Times Newspapers will be entered into the record upon receipt.

**a. Zoning Ordinance Text Amendment ZOTA #24-01 - Development Application Fees**

Chair Romeo opened the public hearing and called on Mr. Stromberg for the staff presentation.

Mr. Stromberg delivered the staff report dated April 22, 2024, which is on file with the Department of Community Development. Staff recommends that the Planning Commission recommend approval of ZOTA #24-01 to the Town Council.

Commissioners and staff discussed this item, including whether single-lot development plans are primarily for residential lots. Responding to Chair Romeo, Mr. Stromberg stated that single-lot development plans are for residential uses. Chair Romeo stated that he would prefer that the amount for residential site plans remain the same, if not reduced, in the future.

Chair Romeo recognized members of the public for comment.

No comments were offered.

Chair Romeo closed the public hearing and moved to the commission level for discussion.

Vice Chair Burke motioned to approve ZOTA #24-01, in accordance with the proposed ordinance.

Motion seconded by Commissioner Moses.

Commissioner McFarlane stated that he was inclined not to approve the filing fees after the work session. Commissioner McFarlane looked at the Town of Vienna and the Town of Leesburg and found that their fees are significantly more than the

Town of Herndon's. Commissioner McFarlane encourages the town to look at the issue more seriously, to be consistent, and still deliver for the citizens. The question was called on the motion, which was carried by a 6-0 roll call vote. Commissioners Donahue, Elbarasse, McFarlane, Moses, Vice Chair Burke, and Chair Romeo voted "Aye." Commissioner Yohannes was absent.

**b. Special Exception SE #24-01 - Hunters Creek Bridge Floodplain Overlay**

Chair Romeo opened the public hearing and called on Mr. Stromberg for the staff presentation.

Mr. Stromberg delivered the staff report and staff presentation dated April 22, 2024, which are on file with the Department of Community Development. Staff recommends that the Planning Commission recommend SE #24-01 for approval to the Town Council, in accordance with the proposed resolution.

Chair Romeo recognized the commissioners for questions of staff.

No comments were offered.

Chair Romeo recognized members of the public for comment.

Kathryn Wolff commented that she missed the bridge and supported the application.

Alex Williams commented about limited access to the park, and safety, and supported the application.

Tracy Molito commented on safety concerns, and urgency for the project completion, and supported the application.

Hallie Giuliano commented on access to the park and Hunters Creek pool, the slow process to replace the bridge, the desire to see more collaboration between the Town of Herndon and Fairfax County, and supported the application.

Marcello Mejia commented on the potential hazards of accessing the Hunters Creek pool along Herndon Parkway while the bridge was out and supported the application.

Ryan Schupp commented on the state of the paths leading to the bridge and supported the application.

Chair Romeo asked if staff had any closing remarks.

Mr. Shindledecker stated that staff is continuing to work with the Army Corps of Engineers on moving this project forward as soon as possible.

Chair Romeo closed the public hearing and moved to the commission level for discussion.

Commissioner McFarlane motioned to approve SE #24-01, in accordance with the proposed resolution.

Motion seconded by Vice Chair Burke.

Commissioner Donahue asked for clarification on the timeline for the completion of the bridge.

Responding to Commissioner Donahue, Mr. Shindledecker stated that construction should be complete by the end of the current calendar year.

Commissioner McFarlane stated that he will bring this item up with the Pedestrian and Bicycle Advisory Committee, and believes that the town needs to do better in evaluating pedestrian bridges.

Chair Romeo stated that the path leading up to the bridge near the swim and racket club needs to be addressed.

Responding to Chair Romeo, Mr. Shindledecker stated that the town is looking at repairing the paths adjacent to the bridge but does not want to lump that into and potentially complicate the current application. Responding to Commissioner McFarlane, Mr. Shindledecker stated that the town has developed a pedestrian bridge inspection process.

The question was called on the motion, which was carried by a 6-0 roll call vote. Commissioners Donahue, Elbarasse, McFarlane, Moses, Vice Chair Burke, and Chair Romeo voted "Aye." Commissioner Yohannes was absent.

## **5. Adjournment**

There being no further business, and without objection, the April 22, 2024, Planning Commission regular meeting adjourned at 7:31 p.m.

**Agenda Item:** APPLICATION FOR A SPECIAL EXCEPTION AMENDMENT – SE #24-02, 1031 Sterling Road, Suite 104, to consider an amendment to the previously approved CU#89-11 associated with a restaurant use to expand the hours of operations and the number of seats.

**Meeting Date:** August 26, 2024

**Category:** Public Hearings

**Prepared by:** Fadrique Iglesias, Community Planner, David Stromberg, Zoning Administrator

**Description:**

This application is to consider an amendment to the previously approved CU#89-11 associated with a restaurant use to expand the hours of operations and number of seats within the Commercial Office Zoning District. The property is located within the Crossroads of Dulles Office Condominium and is located at the southwest corner of the intersection of Sterling Road and Elden Street. Suite 104 consists of approximately 950 square feet and is in a multi-unit building.

The applicant proposes to operate an ice cream parlor. The proposed space, located in suite 104, consists of five rooms: a back-of-house service kitchen, a janitor's room, a service area, a restroom, and a dining room open to the public. The special exception request is to expand the hours of operation and increase the number of seats. The applicant anticipates having a maximum of six employees.

**Background:**

The property is designated in the Herndon 2030 Comprehensive Plan as a "Business Corridor" and is located in Tier 1 of the South Elden Area Plan.

The property is located within the Crossroads of Dulles Office Condominium development and is located at the southwest corner of Sterling Road and Elden Street. Suite 104 consists of approximately 950 square feet and is on the first floor of a multi-unit building that fronts Sterling Road. The building has surface parking on the Sterling Road side and along the internal drive. The development has a cluster of eight office buildings and a freestanding restaurant. The portion of the freestanding restaurant is zoned CS, Commercial Services. These buildings, parking, and surrounding site features compose what is known as Crossroads of Dulles office park, and its site plan was approved in 1986.

The CO zoning district is intended to function as a transitional area between higher-intensity commercial uses and neighborhood residential uses. The Crossroads at Dulles Shopping Center is to the south, and residential uses are to the west, east, and north.

A previous Conditional Use permit (CU#89-11) was granted on February 13, 1990, to allow a restaurant in this suite. The first business was under the name Deli Licious and the next business was Italia's Deli & Pizzeria. The conditional use permit runs with the land and a restaurant is allowed to operate in this suite under the existing, approved conditions. The conditions limit the hours of operation to 5 pm and the number of seats to 12.

**Budget Impact:**

None

**Recommendation:**

Staff recommends the Planning Commission approve the amended conditions. A restaurant use has been operating intermittently at this location since 1990 without any negative impacts to the adjacent units or surrounding neighborhood. The expansion of the hours and number of seats are minor enough to not generate negative impacts and the demand for office condominiums has decreased since 1990.

**Attachments:**

1. Staff Report
2. Resolution (Proposed)
3. Ice Ice Cream Zoning Plan
4. Conditional Use #89-11
5. Applicant Statement
6. Staff Presentation

## STAFF REPORT

**Agenda Item: Special Exception Amendment – SE #24-02, 1031 Sterling Rd. Suite 104**

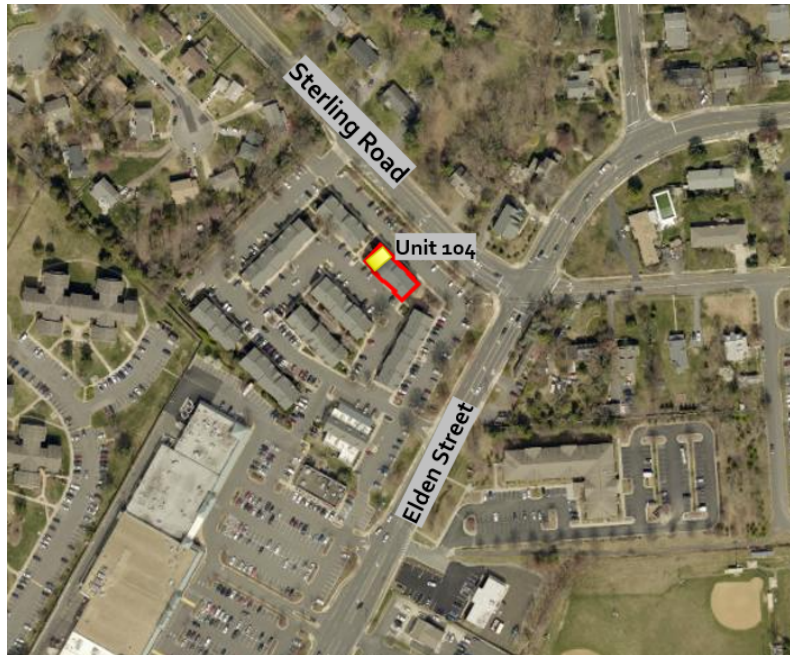
**Meeting Date: August 26, 2024**

**Staff Contact:** Fadrique Iglesias, Community Planner  
[fadrique.iglesias@herndon-va.gov](mailto:fadrique.iglesias@herndon-va.gov) (703) 787-7380  
 David Stromberg, AICP, Zoning Administrator  
[david.stromberg@herndon-va.gov](mailto:david.stromberg@herndon-va.gov) (703) 787-7380

### Summary Information:

|                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                           |
|-----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| Proposed Modification                   | This application is to consider an amendment to the previously approved CU#89-11 associated with a restaurant use to expand the hours of operations and number of seats within the Commercial Office Zoning District. The property is located within the Crossroads of Dulles Office Condominium and is located at the southwest corner of the intersection of Sterling Road and Elden Street. Unit 104 consists of approximately 950 square feet and is in a multi-unit building. |                                                                                                                           |
| Address                                 | 1031 Sterling Road, Suite 104                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                           |
| Fairfax County Tax Map Number           | 0161 22 0010G                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                           |
| Owners                                  | Mr. Spiro Souliotis                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                           |
| Applicant                               | KARPENISSI LLC and Mr. Spiro Souliotis                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                           |
| Business/Organization                   | Ice Ice Ice Cream, LLC                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                           |
| Property Use                            | Restaurant                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                           |
| Zoning District                         | CO, Commercial Office                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                           |
| HDO Designation                         | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                           |
| Adjacent Zoning                         | <b>North:</b> Residential Single-Family - 10 District<br><b>South:</b> Commercial Services District                                                                                                                                                                                                                                                                                                                                                                                | <b>East:</b> Residential Single-Family - 10 District. Historic Overlay District.<br><b>West:</b> Residential Multi-Family |
| <b>Date of Construction:</b>            | 1986                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                           |
| Comprehensive Plan Land Use Designation | Business Corridor Use. South Elden Area Plan Tier 1                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                           |

### Location Map:



### Background & Site Description:

The property is designated in the Herndon 2030 Comprehensive Plan<sup>1</sup> as a “Business Corridor” and is located in Tier 1 of the South Elden Area Plan<sup>2</sup>.

The property is located within the Crossroads of Dulles Office Condominium development and is located at the southwest corner of Sterling Road and Elden Street. Unit 104 consists of approximately 950 square feet and is on the first floor of a multi-unit building that fronts Sterling Road. The building has surface parking on the Sterling Road side and along the internal drive. The development has a cluster of eight office buildings and a freestanding restaurant. The portion of the freestanding restaurant is zoned CS, Commercial Services. These buildings, parking, and surrounding site features comprise what is known as Crossroads of Dulles office park, and its site plan was approved in 1986.

The CO zoning district is intended to function as a transitional area between higher-intensity commercial uses and neighborhood residential uses. The Crossroads at Dulles

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<sup>1</sup> Herndon 2030 Comprehensive Plan <https://www.herndon-va.gov/home/showpublisheddocument/17554/638247637418370000>

<sup>2</sup> South Elden Area Plan & Street Improvement Plan <https://www.herndon-va.gov/home/showpublisheddocument/10222/636866224841200000>

Shopping Center is to the south, and residential uses are to the west, east, and north. A previous Conditional Use permit (CU#89-11) was granted on February 13, 1990, to allow restaurant in this suite. The first business was under the name Deli Licious and the next business was Italia's Deli & Pizzeria. The conditional use permit runs with the land and a restaurant is allowed to operate in this suite under the existing, approved conditions. The conditions limit the hours of operation to 5 PM and the number of seats to 12.

### **Case Details & Proposal:**

The applicant proposes to operate an ice cream parlor. The proposed space, located in unit 104, consists of five rooms: a back of house service kitchen, a janitor's room, service area, and a dining room open for the public. The special exception request is to expand the hours of operation and increase the number of seats. The applicant anticipates having a maximum of six (6) employees.

### **Staff Analysis:**

#### Zoning Ordinance Compliance

The proposed restaurant use (ice cream shop) is only allowed by special exception in accordance with the Town's Zoning Ordinance 78-40.3 - *CO – Commercial office district*, Table 78-40.3(c)(3).

The zoning ordinance allows for flexibility for instances like this, when a specific use may be appropriate in a particular location, provided there are adequate development and land use controls. In this case, the additional seating and hours of operation for the Restaurant Uses are still consistent with the purpose and intent of the Commercial Office Zoning District and the additional controls that can be implemented through the special exception process.

Staff evaluated the criteria for review of special exceptions found in Zoning Ordinance Section 78-153.3(e):

| <b>Criteria from Section 78-153.3(e)(1)</b>   | <b>Meets/ Does Not Meet</b> | <b>Why the application meets or does not meet the criteria of Section 78-153.3(e)</b>                                                     |
|-----------------------------------------------|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| a. Is consistent with the Comprehensive Plan. | Meets                       | The Comprehensive Plan Land Use Section provides polices for provision of goods and services to the local community and positive economic |

|                                                                                                                                                                                                                      |                       |                                                                                                                                                                                                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                      |                       | benefits of new businesses. The proposed uses will be in conformance with the comprehensive plan policies.                                                                                                                                                                                                                 |
| b. Is free of conflict with any provision of this chapter and related regulations or any other applicable local, state, or federal laws and regulations.                                                             | Meets                 | The proposed special exception uses are provisioned with the base zoning district and do not create any substantial conflicts with other regulatory requirements. The use and business operations will be conditioned to ensure the use continually meets the purpose and intent of the Commercial Office Zoning District. |
| c. Does not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use.                                                                                            | Meets with conditions | The proposed uses are generally compatible to the site / neighborhood. The proposed amended conditions will expand the hours of operation (non-business hours and weekends) but will limit the impact to parking and vehicle trips by restricting maximum number of clients.                                               |
| d. Consistent with the purpose and intent of the zoning district in which it is located or will improve compatibility among uses and will ensure efficient development within the town.                              | Meets                 | The proposed changes to the conditions will remain compatible with the intent of the uses of the CO district.                                                                                                                                                                                                              |
| e. Minimizes adverse visual impact of the proposed use on adjacent lands.                                                                                                                                            | Meets                 | The proposed changes to the conditions will not generate visual changes to the site.                                                                                                                                                                                                                                       |
| f. Contributes to a logical and orderly development pattern consistent with accepted or emerging planning practices.                                                                                                 | Not Applicable        | No physical alterations of the structure expected and thus not subject to this criterion.                                                                                                                                                                                                                                  |
| g. Minimizes adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration, and should not create a nuisance.                                              | Meets with conditions | Staff recommended the revised conditions to limit the overall capacity and distribution of customers in order to prevent negative impacts to parking, loading, and noise.                                                                                                                                                  |
| h. Avoids significant adverse impacts on the property values of surrounding lands or substantially and permanently injures the use of neighboring property for those uses that are permitted in the zoning district. | Meets                 | The proposed use has virtually no external impacts and provides needed space utilization for the new business owners.                                                                                                                                                                                                      |
| i. Does not significantly and adversely impact the natural environment, including but not limited to, air, noise, stormwater management, wildlife, vegetation, wetlands,                                             | Meets                 | The proposed changes to the conditions will not involve any expansion of floor area or conversion of pervious area to impervious area.                                                                                                                                                                                     |

| and the natural functioning of the environment.                                                                                                                                                                                                                                                                                                                  |                |                                                                                           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------------------------------------------------------------------------------|
| j. Results in development that is adequately served by transportation facilities, including whether or not a substantial deterioration of the level of service on the town's transportation network would occur and whether or not the proposed use is designed to ensure safe ingress and egress onto the site and safe road conditions on and around the site. | Not Applicable | No physical alterations of the structure expected and thus not subject to this criterion. |
| k. Results in development that is adequately served by public facilities (roads, potable water and sewage, schools, parks, police, and fire and emergency medical facilities).                                                                                                                                                                                   | Not Applicable | No physical alterations of the structure expected and thus not subject to this criterion. |
| l. If infill and redevelopment is consistent with the redevelopment criteria and other applicable guidelines as stated in the Herndon 2030 Comprehensive Plan (adopted August 12, 2008), as amended.                                                                                                                                                             | Not Applicable | No physical alterations of the structure expected and thus not subject to this criterion. |
| m. If located in the floodplain overlay district, meets floodplain overlay standards.                                                                                                                                                                                                                                                                            | Not Applicable | The building is not located within the FPO.                                               |

### Comprehensive Plan Adherence

The proposal is consistent with the Herndon 2030 Comprehensive Plan Business Corridor Land Use Policies and encourage uses that provide a variety of goods and services as well as promote economic development that helps increase employment and add to the community tax base. Most particularly, the proposal aligns with Land Use Policies for Business Corridor #1 and #3 (Herndon 2030 Comprehensive Plan, pages III- 11 through III-12<sup>3</sup>). The site is also designated Tier 1 – North End Transitional in the South Elden Area Plan. The plan does not recommend changes to the existing densities and uses to Tier 1 areas.

### Parking

The property contains a parking lot with 335 spaces. The parking lot and all common areas are owned by the condominium association. The tenant space for Unit 104 consists of 950 square feet. Parking provided is undesignated shared surface parking with front-loaded spaces along the building frontage and rear within the office condominium. The requirement is one space per 200 Gross Floor Area which totals 5 spaces. The Town

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<sup>3</sup> Herndon 2030 Comprehensive Plan (ibid.)

Ordinance limits the parking area to 1 space per 4 seats, according to the Minimum Off-Street Parking Standards<sup>4</sup>, which will limit the total to 20 spaces.

### Analysis of Conditions

Staff is recommending changes to five of the existing six conditions for this special exception, listed in the following conditions analysis table. Three are proposed to be amended and two are proposed to be deleted so that the conditions are consistent with recently approved special exceptions. Staff believes these conditions provide reasonable ways in which the existing restaurant use can be expanded while properly mitigating potential impacts, as well as achieving the purpose and intent of the applicable zoning district.

| # | Condition                                                                                                                                                         | Covered by language in the Zoning Code | Reason for Condition                                                                                                                                                                                  |
|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Substantial conformance with the submitted application and plan submitted by Mark R. Yoo architect in June 26, 2024 and for the purpose of a restaurant use only. | No                                     | Existing condition amended. This condition is what gives the town the authority to ensure the proposed use is developed in the way that is presented to the Planning Commission and the Town Council. |
| 2 | The restaurant shall have a maximum of 20 seats or as determined by the Building Officer determination, whichever is less.                                        | No                                     | Existing condition amended from a maximum of 12 seats.                                                                                                                                                |
| 3 | The total floor area for the use shall not exceed 950 square feet.                                                                                                | No                                     | Existing condition.                                                                                                                                                                                   |
| 4 | The hours of operation shall be limited to:<br>Monday - Thursday: 11 AM – 9 PM; Friday - Saturday: 11 AM – 10 PM; and Sunday: 11 AM – 9 PM                        | No                                     | Existing condition amended from 7 AM to 5 PM.                                                                                                                                                         |
| 5 | The staff shall review the SE permit on an annual basis, and the SE may be revoked if the                                                                         | No                                     | Existing condition to be deleted because the zoning ordinance already specifies the procedure for zoning enforcement.                                                                                 |

<sup>4</sup> Restaurant: 1 space per 4 seats, plus 1 per each 2 employees on duty during peak shift.  
 Zoning Administrator  
 TABLE 78-100.2(a): MINIMUM OFF-STREET PARKING STANDARDS FOR R-15, R-10, RTC, RM, CS, CO, O&LI, PD-R, PD-B, PD-V, PD-UR ZONING DISTRICTS.

|   |                                                                                           |    |                                                                                                                                                                               |
|---|-------------------------------------------------------------------------------------------|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   | violating one or more of these conditions.                                                |    |                                                                                                                                                                               |
| 6 | A Zoning Inspection Permit shall be issued prior to conducting business at this location. | No | Existing condition to be deleted because the zoning ordinance already specifies the procedure for obtaining additional required permits after approval of a special exception |

Any violation of the aforementioned conditions or other sections of the Herndon Town Code shall be grounds for revoking the special exception pursuant to the manner described in Section 78-155.3(h).

### **Fiscal Impact:**

The town can collect meals taxes from restaurants.

### **Planning Commission Alternatives:**

The following alternatives are available to the Planning Commission for its decision on SE#24-02.

1. Recommendation for approval.
2. Recommendation for approval with amended conditions.
3. Recommendation for denial.
4. Continuance of the application to September 23, 2024.

### **Staff Recommendation:**

Staff recommends the Planning Commission approve the amended conditions. A restaurant use has been operating intermittently at this location since 1990 without any negative impacts to the adjacent units or surrounding neighborhood. The expansion of the hours and number of seats are minor enough to not generate negative impacts and the demand for office condominiums has decreased since 1990.

**TOWN OF HERNDON, VIRGINIA  
PLANNING COMMISSION**

**RESOLUTION**

**AUGUST 26, 2024**

**Resolution- to approve an amendment to Special Exception SE #24-02, previously identified as Conditional Use permit CU#89-11.**

The applicant, Mr. Spiro Souliotis and Ice Ice Ice Cream Inc., have submitted a request for a special exception amendment to permit an expansion of the hours of operation and number of seats for a restaurant use of Suite 104 within the multi-tenant commercial office building at 1031 Sterling Road, identified as Fairfax County Tax Map # 0161 22 0010G.

Conditional Use permit CU #89-11 was approved by the Town Council on February 13, 1990, for restaurant use in the CO, Commercial Office, zoning district.

The Planning Commission has reviewed this application and held a public hearing in accordance with the provisions of §15.2-2204 of the State Code and recommended that the application be approved with amended conditions based upon the finding that the amended conditions still meet the purpose and intent of the Zoning Ordinance, in particular Section 78-155.3(f)(3).

**THEREFORE, BE IT RESOLVED** by the Planning Commission of the Town of Herndon, Virginia, that:

1. The Planning Commission recommends approval of Special Exception SE #24-02, by amending the conditions of Conditional Use CU#89-11, that shall run with the land and not be voided or extinguished from a change in ownership of the property in accordance with the conditions set forth below to achieve compliance with the standards found in Section 78-155.3;
  - a. Substantial conformance with the submitted application and plan submitted by Mark R. Yoo, architect, on June 26, 2024, and for the purpose of a restaurant use only.
  - b. The restaurant shall have a maximum of 20 seats or as determined by the Building Official, whichever is less.
  - c. The total floor area for the use shall not exceed 950 square feet.
  - d. The hours of operation shall be limited to: Monday - Thursday: 11 AM – 9 PM; Friday - Saturday: 11 AM – 10 PM; and Sunday: 11 AM – 9 PM.

|         |                        |           |                                                   |
|---------|------------------------|-----------|---------------------------------------------------|
| L       | ANGLE                  | I.D.      | INSIDE DIAMETER (DIM.)                            |
| @       | AT                     | INSUL.    | INSULATION                                        |
| Q       | CENTERLINE             | INT.      | INTERIOR                                          |
| Ø       | DIAMETER               | JAN.      | JANITOR                                           |
| ⊥       | PERPENDICULAR          | JT.       | JOINT                                             |
| ▬       | CHANNEL                | KIT.      | KITCHEN                                           |
| #       | POUND or NUMBER        | LAB.      | LABORATORY                                        |
| (E)     | EXISTING               | LAM.      | LAMINATE                                          |
| ACOUS.  | ACOUSTICAL             | LAV.      | LAVATORY                                          |
| A.D.    | AREA DRAIN             | LKR.      | LOCKER                                            |
| ADJ.    | ADJUSTABLE             | LT.       | LIGHT                                             |
| A.F.F.  | ABOVE FINISH FLOOR     | MAX.      | MAXIMUM                                           |
| AGGR.   | AGGREGATE              | M.C.      | MEDICINE CABINET                                  |
| AL.     | ALUMINUM               | MECH.     | MECHANICAL                                        |
| APPROX. | APPROXIMATE            | MEMB.     | MEMBRANE                                          |
| ARCH.   | ARCHITECTURAL          | MTL.      | METAL                                             |
| ASB.    | ASBESTOS               | MFR.      | MANUFACTURER                                      |
| ASPH.   | ASPHALT                | MH.       | MANHOLE                                           |
| BD.     | BOARD                  | MIN.      | MINIMUM                                           |
| BITUM.  | BITUMINOUS             | MIR.      | MIRROR                                            |
| BLDG.   | BUILDING               | MISC.     | MISCELLANEOUS                                     |
| BLK.    | BLOCK                  | M.O.      | MASONRY OPENING                                   |
| BLKG.   | BLOCKING               | MTD.      | MOUNTED                                           |
| BM.     | BEAM                   | MUL.      | MULLION                                           |
| BOT.    | BOTTOM                 | N.        | NEW                                               |
| B.T.B.  | BACK TO BACK           | N.I.C.    | NOT IN CONTRACT                                   |
| CAB.    | CABINET                | N.O. or # | NUMBER                                            |
| C.B.    | CATCH BASIN            | NOM.      | NOMINAL                                           |
| CEM.    | CEMENT                 | N.T.S.    | NOT TO SCALE                                      |
| CER.    | CERAMIC                | OA.       | OVERALL                                           |
| C.I.    | CAST IRON              | OBS.      | OBSCURE                                           |
| CLG.    | CEILING                | O.C.      | ON CENTER                                         |
| CLO.    | CLOSET                 | O.D.      | OUTSIDE DIAMETER (DIM.)                           |
| CLR.    | CLEAR                  | OFF.      | OFFICE                                            |
| COL.    | COLUMN                 | OPNG.     | OPENING                                           |
| CONC.   | CONCRETE               | OPP.      | OPPOSITE                                          |
| CONSTR. | CONSTRUCTION           | PRCST.    | PRECAST                                           |
| CONT.   | CONTINUOUS             | PL.       | PLATE                                             |
| CORR.   | CORRIDOR               | PLAM.     | PLASTIC LAMINATE                                  |
| CTSK.   | COUNTERSUNK            | PLAS.     | PLASTER                                           |
| CNTR.   | COUNTER                | PLYWD.    | PLYWOOD                                           |
| CTR.    | CENTER                 | PR.       | PAIR                                              |
| DBL.    | DOUBLE                 | PIR.      | POINT                                             |
| DEPT.   | DEPARTMENT             | P.T.D.    | PAPER TOWEL DISPENSER                             |
| D.F.    | DRINKING FOUNTAIN      | P.T.D/R   | COMBINATION PAPER TOWEL<br>DISPENSER & RECEPTACLE |
| DET.    | DETAIL                 | Q.T.      | QUARRY TILE                                       |
| DIA.    | DIAMETER               | R         | RELOCATE                                          |
| DIM.    | DIMENSION              | RAD.      | RADIUS                                            |
| DISP.   | DISPENSER              | R.D.      | ROOF DRAIN                                        |
| DN.     | DOWN                   | REF.      | REFERENCE                                         |
| D.O.    | DOOR OPENING           | REF.      | REFRIGERATOR                                      |
| DR.     | DOOR                   | REG.      | REGISTER                                          |
| DWR.    | DRAWER                 | REINF.    | REINFORCED                                        |
| DS.     | DOWNSPOUT              | REQD.     | REQUIRED                                          |
| D.S.P.  | DRY STANDPIPE          | RESIL.    | RESILIENT                                         |
| DWG.    | DRAWINGS               | RM.       | ROOM                                              |
| E       | EAST                   | R.O.      | ROUGH OPENING                                     |
| EA.     | EACH                   | R.W.D.    | REDWOOD                                           |
| E.J.    | EXPANSION JOINT        | R.W.L.    | RAIN WATER LEADER                                 |
| EL.     | ELEVATION              | S.        | SOUTH                                             |
| ELEC.   | ELECTRICAL             | S.C.      | SOLID CORE                                        |
| ELEV.   | ELEVATOR               | S.C.D.    | SEAT COVER DISPENSER                              |
| EMER.   | EMERGENCY              | SCHED.    | SCHEDULE                                          |
| ENCL.   | ENCLOSURE              | S.O.D.    | SOAP DISPENSER                                    |
| E.P.    | ELECTRICAL PANEL       | SECT.     | SECTION                                           |
| EQ.     | EQUAL                  | SH.       | SHELF                                             |
| EQPT.   | EQUIPMENT              | SHR.      | SHOWER                                            |
| E.W.C.  | ELECTRIC WATER COOLER  | SHT.      | SHEET                                             |
| EF.     | EACH FACE              | SIM.      | SIMILAR                                           |
| EXIST.  | EXISTING               | S.N.D.    | SANITARY NAPKIN DISPENSER                         |
| EXP.    | EXPOSED                | S.N.R.    | SANITARY NAPKIN RECEPTACLE                        |
| EXP.    | EXPANSION              | SLNT.     | SEALANT                                           |
| EXT.    | EXTERIOR               | SPEC.     | SPECIFICATION                                     |
| F.A.    | FIRE ALARM             | SQ.       | SQUARE                                            |
| F.B.    | FLAT BAR               | S.S.      | STAINLESS STEEL                                   |
| F.D.    | FLOOR DRAIN            | S.SK.     | SERVICE SINK                                      |
| FDN.    | FOUNDATION             | STA.      | STATION                                           |
| F.E.    | FIRE EXTINGUISHER      | STD.      | STANDARD                                          |
| F.E.C.  | FIRE EXTINGUISHER CAB. | STL.      | STEEL                                             |
| F.H.C.  | FIRE HOSE CABINET      | STOR.     | STORAGE                                           |
| FIN.    | FINISH                 | STRL.     | STRUCTURAL                                        |
| FL.     | FLOOR                  | SUSP.     | SUSPENDED                                         |
| FLASH.  | FLASHING               | SYM.      | SYMMETRICAL                                       |
| FLUOR.  | FLUORESCENT            | TRD.      | TREAD                                             |
| F.O.C.  | FACE OF CONCRETE       | T.B.      | TOWEL BAR                                         |
| F.O.F.  | FACE OF FINISH         | T.C.      | TOP OF CURB                                       |
| F.O.S.  | FACE OF STUDS          | TEL.      | TELEPHONE                                         |
| FP.     | FIREPROOF              | TER.      | TERRAZZO                                          |
| F.S.    | FULL SIZE              | T.G.      | TONGUE AND GROOVE                                 |
| FT.     | FOOT or FEET           | THK.      | THICKNESS                                         |
| F.T.    | FIRE TREATED           | T.P.      | TOP OF PAVEMENT                                   |
| FTG.    | FOOTING                | T.P.D.    | TOILET PAPER DISPENSER                            |
| FURR.   | FURRING                | T.V.      | TELEVISION                                        |
| F&I.    | FINISH AND INSTALL.    | T.W.      | TOP OF WALL                                       |
| FUT.    | FUTURE                 | TYP.      | TYPICAL                                           |
| F.W.P.  | FABRIC WRAPPED PANEL   | UNF.      | UNFINISHED                                        |
| GA.     | GAUGE                  | U.O.N.    | UNLESS OTHERWISE NOTED                            |
| GALV.   | GALVANIZED             | UR.       | URINAL                                            |
| G.B.    | GRAB BAR               | V.C.T.    | VINYL COMPOSITION TILE                            |
| G.C.    | GENERAL CONTRACTOR     | VERT.     | VERTICAL                                          |
| GL.     | GLASS/GLAZING          | VEST.     | VESTIBULE                                         |
| G.      | GROUND                 | V.I.F.    | VERIFY IN FIELD                                   |
| GR.     | GRADE                  | W.        | WEST                                              |
| GYP.    | GYPSPUM                | W/        | WITH                                              |
| GWB     | GYPSPUM WALL BOARD     | W.C.      | WATER CLOSET                                      |
| H.B.    | HOME BID               | WD.       | WOOD                                              |
| H.C.    | HOSE CABINET           | W/O       | WITHOUT                                           |
| HDWD.   | HARDWOOD               | WP.       | WATERPROOF                                        |
| HDW.    | HARDWARE               | WSC.      | WAINSCOT                                          |
| H.M.    | HOLLOW METAL           |           |                                                   |
| HORIZ.  | HORIZONTAL             |           |                                                   |
| HR.     | HOUR                   |           |                                                   |
| HT.     | HEIGHT                 |           |                                                   |

1. GENERAL PERMIT AND INSPECTION NOTES:  
CONTRACTOR IS RESPONSIBLE FOR OBTAINING AND SECURING OF ALL PERMITS.  
CONTRACTOR TO BE PRESENT AT FINAL INSPECTIONS WITH THE BUILDING DEPARTMENT OFFICIAL.

2. APPLICABLE REGULATIONS:  
THE DESIGN OF THE BUILDING CONFORMS TO ALL THE APPLICABLE CODES FOR COUNTY OF CITY OF ALEXANDRIA THE FOLLOWING ARE  
THE CURRENT APPLICABLE CODES AND WHERE APPROPRIATE INCLUDE LOCAL AMENDMENTS TO THESE CODES:

- 2018 INTERNATIONAL BUILDING CODE
- 2018 INTERNATIONAL ENERGY CONSERVATION CODE
- 2018 INTERNATIONAL FIRE PREVENTION CODE
- 2018 INTERNATIONAL FUEL GAS CODE
- 2018 INTERNATIONAL PLUMBING CODE
- 2018 INTERNATIONAL MECHANICAL CODE
- 2011 NATIONAL ELECTRIC CODE
- ICC ANS A - 117.1-2009
- 2018 INTERNATIONAL RESIDENTIAL CODE
- 2018 VBOC - LEVEL 3 ALTERATION

3. GENERAL BUILDING DATA:

- a. GROSS BUILDING FLOOR AREA : 1901 GSF
- b. EXISTING BUILDING HEIGHT ABOVE GRADE : 2 STORY
- c. BUILDING HEIGHT ABOVE GRADE : 24 FEET
  - SPRINKLER : NO
  - AREA INCREASE FOR FRONTAGE : N
  - AREA INCREASE FOR SPRINKLER : N
  - EXISTING BUILDING CONSTRUCTION TYPE : V B
  - EXISTING BUILDING OCCUPANCY CLASS : B - (Business) Ref. Sec.
  - HIGH RISE : N

4. INTERNATIONAL BUILDING CODE REQUIREMENTS:

A. REQUIRED FIRE RESISTANCE RATINGS OF ELEMENTS:

- MECHANICAL SHAFTS : (SECTION 713.4) - N/A
- EXIT ENCLOSURES : (SECTION 1023.2) - N/A
- CORRIDORS : (NON-SPRINKLED FLOOR(TABLE 1020.1) - 0 HOUR
- STRUCTURAL FLOOR CONSTRUCTION : BEAMS, GIRDERS AND JOIST : 0 HOURS, (TABLE 601)
- STRUCTURAL ROOF CONSTRUCTION : BEAMS, GIRDERS AND JOISTS 0 HOURS, (TABLE 601)
- STRUCTURAL BEARING WALLS : 0 HOURS (TABLE 601)
- GARAGE WALL 1 HOUR, EX. 2 HOUR, UL 1801. DOOR 20 MIN WITH SELF CLOSING HINGES

B. ALTERATIONS, COMPLY WITH THE APPLICABLE FEDERAL LAWS, RULES AND REGULATIONS LOCAL, STATE AND PERTAINING TO THE FOLLOWING:

- DEMOLITION AND ALTERATION WORK, INCLUDING BUT NOT LIMITED TO THE FOLLOWING: O.S.H.A., C.S.A., AND THE IBC-CHAPTER 33.
- NONCOMBUSTIBLE TYPE CONSTRUCTION CONFORMING TO EXISTING STRUCTURE AND TO REQUIREMENTS OF NEW STRUCTURES.
- MEANS OF EGRESS: IBC-CHAPTER 10
- INTERIOR FLAME SPREAD RATING: CHAPTER 8

EXIT ENCLOSURES: CLASS C TABLE 803.3 NOTE: D.

CORRIDORS: CLASS C TABLE 803.3

ROOMS AND ENCLOSED SPACES : CLASS C TABLE 803.3 (TO INCLUDE DRAPERIES AND WALL HANGINGS)

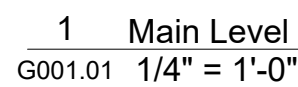
- GLASS & GLAZING: IBC-CHAPTER 24.
- SUSPENDED GYPSUM BOARD AND PLASTER CEILING SYSTEM: IBC-CHAPTER 25.
- SUSPENDED ACOUSTICAL CEILING SYSTEMS: IBC SECTION 803.9.1

E. LIFE SAFETY HARDWARE REQUIREMENTS:

- ALL DOOR HARDWARE SHALL BE READILY OPENABLE FROM THE EGRESS SIDE WITHOUT THE USE OF A KEY.
- PANIC HARDWARE IS PROVIDE ON ALL DOORS IN MEANS OF EGRESS IN AN ASSEMBLY OCCUPANCY WITH 50 OCCUPANTS OR MORE IN ACCORDANCE WITH SECTION 1008.1.10.
- UNLATCHING OF ANY DOOR OR LEAVE SHALL NOT REQUIRE MORE THAN ONE OPERATION.

1031 STERLING BLVD.  
UNIT 104

Google Earth

25 OCCUPANTS

# G001.01

**TOWN OF HERNDON, VIRGINIA**

**RESOLUTION**

**FEBRUARY 13, 1990**

**Resolution - Conditional Use Permit Application - Deli-Licious - Lorraine Harte, Daniel Harte, and Cara Bowler, Applicants**

**WHEREAS,** an application, Conditional Use Permit, CU #89-22, has been submitted to operate a restaurant with 950 square feet of gross floor area; and

**WHEREAS,** the Planning Commission has reviewed said application and held a public hearing in accordance with the provisions of Section 15.1-431 of the State Code; and

**WHEREAS,** the Town Council has reviewed the application and the conditions recommended by the Planning Commission; and

**WHEREAS,** the Town Council has determined that the restaurant will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use; and

**WHEREAS,** the Town Council has determined that the operation of said activity will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood; and

**WHEREAS,** the Town Council has determined that the operation of said activity will not be in conflict with the purposes of the Comprehensive Plan of the Town of Herndon; and

**WHEREAS,** the applicant has requested that the site plan requirements be waived because the Elden Park site plan includes the restaurant location.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Herndon that Conditional Use Permit application, CU #89-11 is hereby approved and that the site plan waiver request is hereby approved subject to the following conditions:

1. That the Use Permit shall be issued for the purpose of operating a restaurant use only.

90-G-26

2. That total floor area for the use shall not exceed 950 square feet.
3. The restaurant shall have a maximum of 12 seats.
4. The hours of operation shall be between 7:00 a.m. and 7:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. on Saturdays.
5. The staff shall review the Use Permit on an annual basis, and the Use Permit may be revoked if the Zoning Administrator determines that the use is violating one or more of these conditions.
6. A Zoning Inspection Permit shall be issued prior to conducting business at this location.

90-G-26

This is certified to be a true and accurate copy of Resolution 90-G-26 adopted at a legally convened meeting of the Town Council of the Town of Herndon on February 13, 1990.

  
Mary E. Ingram, Town Clerk

## Iglesias, Fadrique

---

**From:** spiro souliotis <spirosouliotis@hotmail.com>  
**Sent:** Monday, August 5, 2024 3:53 AM  
**To:** Iglesias, Fadrique  
**Cc:** Community Development; spiro souliotis  
**Subject:** SE#24-02 for 1031 Sterling Road, Suite 104  
**Attachments:** BE19586302-20361720-MISC.pdf; CP575Notice\_1717773277195.pdf; BE19586302-20361720-CERT.pdf

**CAUTION:** This email originated outside the Town of Herndon email system.

**Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hello Fadrique,

I am following up on your email regarding my special exception. The use of the space will be for an ice cream parlor. The reason for the special exception is for the hours of operation and # of persons in the space per the CU-89-11. The current hours outlined under CU-89-11 would make this business type difficult to provide the services to the community and allow it to succeed. The hours we are requesting would also have little impact to the community and its neighbors within the complex. The vast majority of businesses in the complex are operational during business hours from 9am to 5pm Monday to Friday. Although our business would provide services to many of the neighboring businesses during this time frame, the bulk of our operations would be after business hours, weekends and holidays when families are able to come home and enjoy a nice treat after getting home from a long day at work/school. The business hours we are requesting be amended are daily from 11am to 11pm.

We would also like to amend the # of seats and occupants in the unit per the original CU-89-11. The original tenant use was a restaurant space which did require significantly more equipment than what we would be using. We would like to amend this to 30 clients in the space along with approximately 6 employees in the space. From speaking with the Town in our initial meeting it sounds like the space based on sq footage would allow up to 50 persons. We would like to maximize the # of individuals in the space that we can allow per Town guidelines.

Regarding the Virginia State Corporation documentation, Karpenissi LLC is our real estate holding company for the unit that purchased the property. Mr. Pikrallidas that you see listed is my attorney and registered representative for Karpenissi LLC. Our business for the ice cream parlor will be under a different corporate name, Ice Ice Ice Cream Inc. Again, Mr. Pikrallidas will be our registered agent for this corporation as well. I will email over the documents for your reference.

If there is anything additional you may need, please don't hesitate to reach out and I will gladly assist. Thank you so much for your assistance and have a wonderful week!

Spiro

Get [Outlook for iOS](#)

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**From:** Souliotis, Spiro <Souliotis@allstate.com>  
**Sent:** Monday, August 5, 2024 10:38:25 AM  
**To:** 'spiro souliotis' <spirosouliotis@hotmail.com>  
**Subject:** SE#24-02 for 1031 Sterling Road, Suite 104

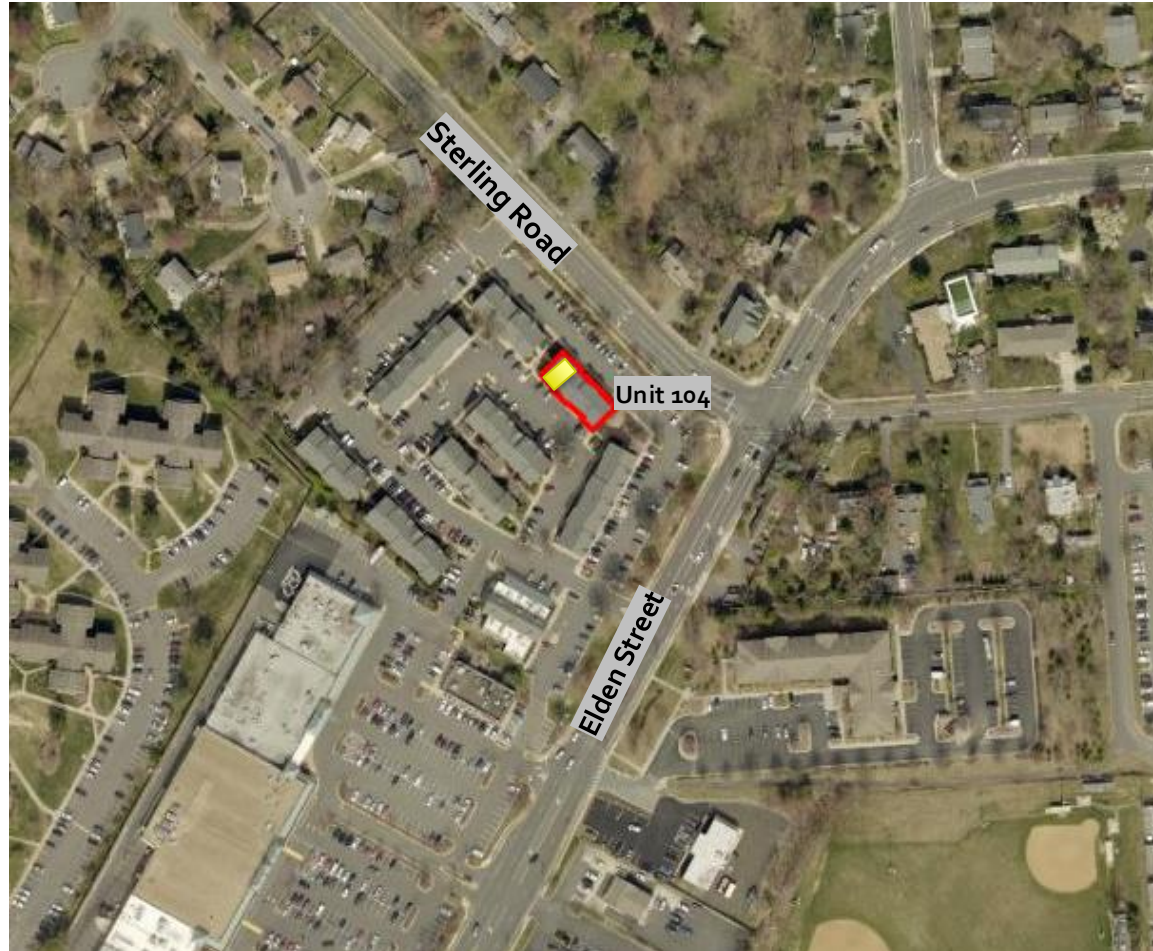
Hello Fadrique,

# Special Exception (SE) #24-02 1031 Sterling Road, Suite 104 Restaurant Use

Planning Commission Public Hearing  
August 26, 2024

Fadrique Iglesias  
Community Planner

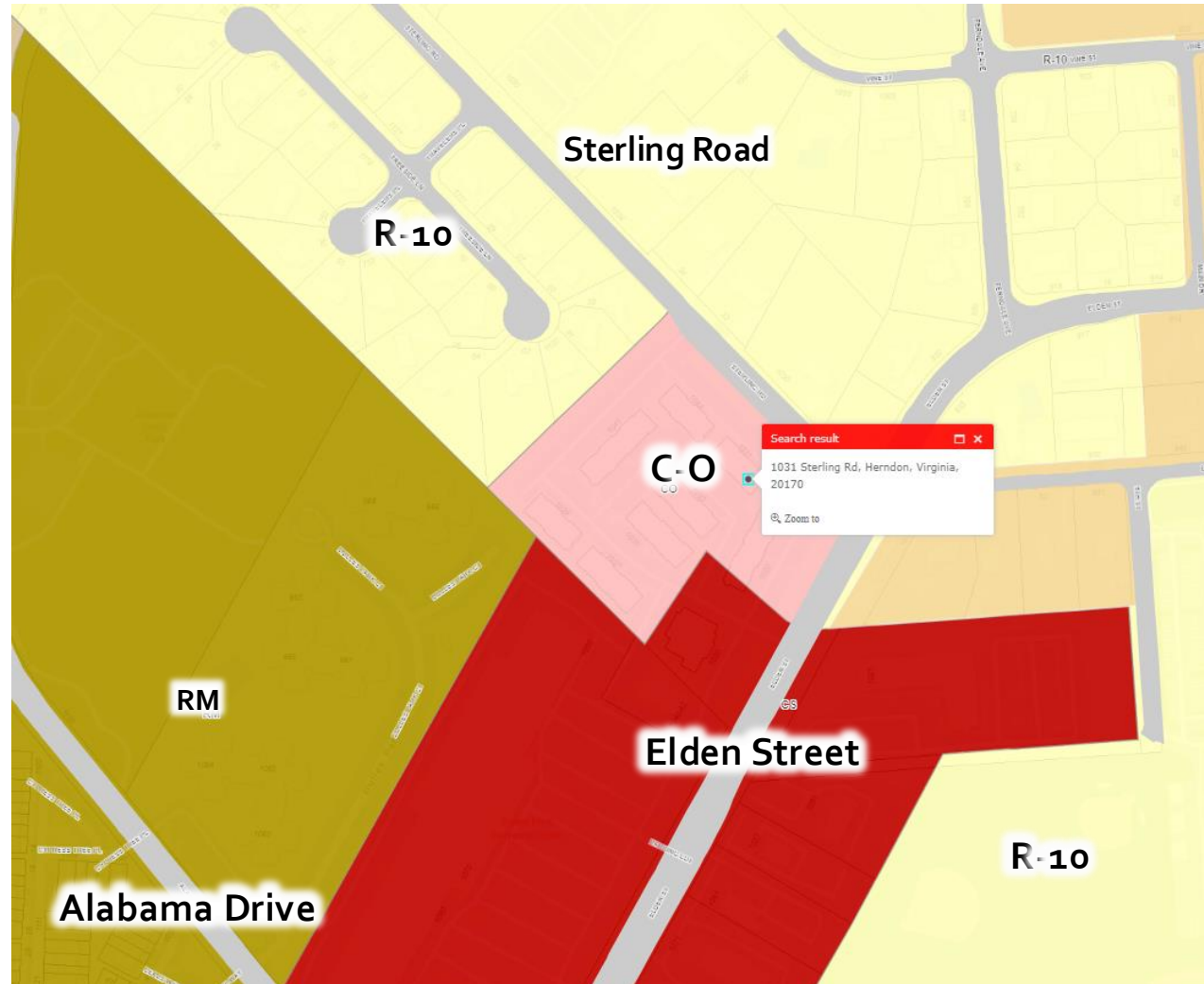
# Aerial Photograph



# Site Location



# Zoning Map



# 2030 Comprehensive Plan Land Use Map



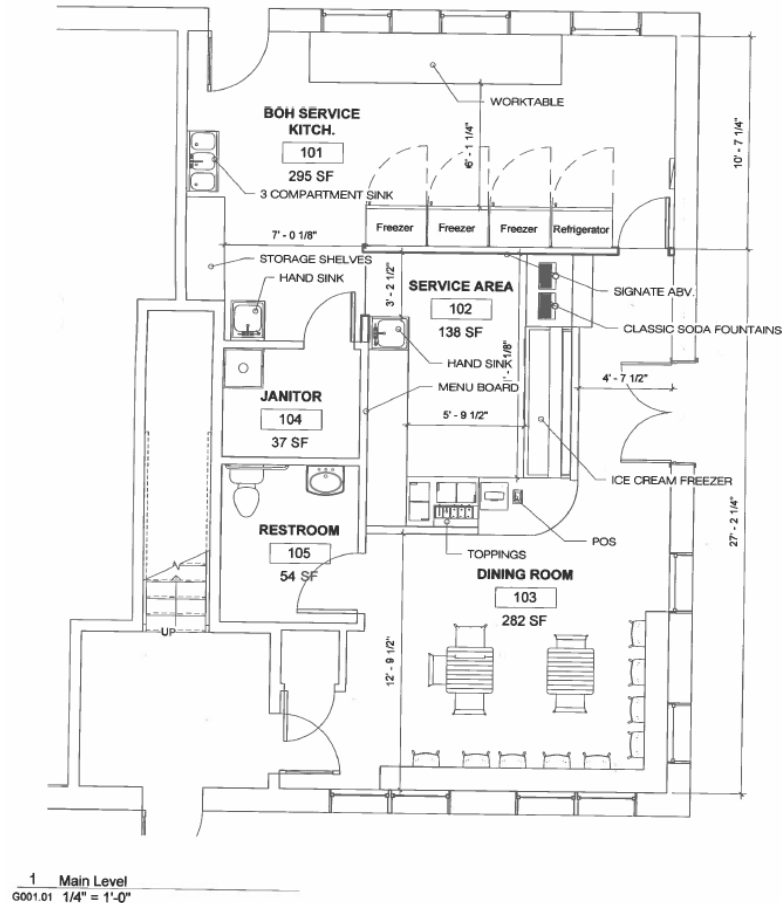
# Restaurant Use in CO Zoning District

- Not permitted by-right in CO Zoning District
- Permitted by Special Exception only
- Zoning Ordinance: flexibility for when a specific use may be appropriate in a particular location
  - Adequate development and land use controls are necessary
  - Additional seating and hours of operation for the Restaurant Uses are still consistent with the purpose and intent of the Commercial Office Zoning District

# Background

- The CO zoning district is intended to function as a transitional area between higher-intensity commercial uses and neighborhood residential uses.
- A previous **Conditional Use permit (CU#89-11)** was granted on February 13, 1990, to allow restaurant in this suite.
  - The first business was under the name Deli Licious and the next business was Italia's Deli & Pizzeria.
  - The conditional use permit runs with the land and a restaurant is allowed to operate in this suite under the existing, approved conditions.
  - The conditions limit the hours of operation to 5 PM and the number of seats to 12.

# Proposed Special Exception



- Applicant proposes to operate an ice cream parlor.
- The proposed space, located in suite 104, consists of five rooms: a back of house service kitchen, a janitor's room, service area, and a dining room open for the public.
- The special exception request is to expand the hours of operation and increase the number of seats.
- The applicant anticipates having a maximum of six employees.
- The tenant space for Unit 104 consists of 950 square feet.

# Parking & Transportation

- Property contains a parking lot with 335 spaces for 8 buildings and a free-standing restaurant.
  - Tenant space for suite 104 consists of 950 square feet.
  - Parking provided is undesignated shared surface parking with front-loaded spaces along the building frontage and rear within the office condominium.
  - The requirement is one space per 200 Gross Floor Area which totals 5 spaces. The Town Ordinance limits the parking area to 1 space per 4 seats, according to the Minimum Off-Street Parking Standards , which will limit the total to 20 seats.



# Staff Analysis

- Zoning Ordinance compliance & Comprehensive Plan adherence
  - Purpose and intent of the CO Zoning District
- By-right uses versus special exception uses
- Use compatibility
- Parking analysis
- Potential impacts
- What conditions may mitigate and/or manage impacts

# Impacts

- Denial of the Special Exception:
  - By-right uses (commercial office) remains
  - Proposed business (restaurant use) would be permitted at the subject property/location; however, the hours of operation are limited to 5 PM and the maximum capacity is 12 seats
  - CU#89-11 remains with its existing conditions
- Approval of the Special Exception:
  - By-right uses and land use compatibility remain
  - No anticipated negative impacts with attached conditions
  - Current local business will be ready to start operations, adding economic development and tax base

# Special Exception Conditions

1. Substantial conformance with the submitted application and plan submitted by Mark R. Yoo architect, in June 26, 2024 and for the purpose of a restaurant use only.
2. The restaurant shall have a maximum of 20 seats or as determined by the Building Officer determination, whichever is less.
3. The total floor area for the use shall not exceed 950 square feet.
4. The hours of operation shall be limited to:  
Monday - Thursday: 11 AM – 9 PM; Friday - Saturday: 11 AM – 10 PM;  
and Sunday: 11 AM – 9 PM

# Recommendations

- Staff recommends the Planning Commission approve the amended conditions. A restaurant use has been operating intermittently at this location since 1990 without any negative impacts to the adjacent units or surrounding neighborhood. The expansion of the hours and number of seats are minor enough to not generate negative impacts and the demand for office condominiums has decreased since 1990.

# Special Exception (SE) #24-02 1031 Sterling Road, Suite 104 Restaurant Use

Planning Commission Public Hearing  
August 26, 2024

Fadrique Iglesias  
Community Planner