



PLANNING COMMISSION WORK SESSION AGENDA

Town Council Chambers Building
765 Lynn Street, Herndon, VA 20170

Monday, March 10, 2025 | 7:00 PM

1. Call to Order

2. Public Hearings

- a. Application for a Special Exception – SE #24-03, 1402 Winterland Ct., to consider a special exception to permit a home-based child daycare use within the PD-R, Planned Development-Residential, zoning district.
- b. ZONING ORDINANCE TEXT AMENDMENT – ZOTA #25-03, to amend Chapter 78 (ZONING), Article IV (Business Districts), by amending Section 78-40.4, O&LI – Office and Light Industrial District; and amending Article VII (Use Regulations), by amending Section 78-70.2, Table of permitted and allowed uses, and Section 78-71.18, Warehousing use category, to update regulations related to the Electronic Warehousing use type.

3. Comments

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

4. Adjournment

Agenda Item: Application for a Special Exception – SE #24-03, 1402 Winterland Ct., to consider a special exception to permit a home-based child daycare use within the PD-R, Planned Development-Residential, zoning district.

Meeting Date: March 10, 2025

Category: Public Hearings

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

Description:

This application is to consider a Special Exception to permit a home-based child daycare use within the PD-R, Planned Development-Residential, zoning district. The proposed use will increase the maximum number of children permitted at one time from 7 to 12. The property is zoned PD-R, Planned-Development Residential District. The property is designated in the Herndon 2030 Comprehensive Plan as "Neighborhood Conservation." The 11,959 square-foot lot is located on the north side of Winterland Court, west of its intersection with Tamani Drive. The single-family detached dwelling consists of approximately 3,450 square feet (above-grade living area).

Background:

The applicant applied for and received approval of a Zoning Inspection Permit (ZIP#24-026) to operate a child daycare use with a maximum of seven clients at one time as a home-based business at the subject property. ZIP#24-026 was issued on 09/30/2024 and the town has not received any complaints for this address.

The property is located near the intersection of Tamani Drive and Winterland Court, within the Four Seasons neighborhood. It is designated as "Neighborhood Conservation" in the Herndon 2030 Comprehensive Plan. The designation underscores the town's commitment to preserving and maintaining the character and quality of existing residential areas.

The subject property is a PD-R, 11,959 square feet residential lot featuring a primary dwelling unit with approximately 3,450 square feet of above-grade living area. This planned development residential zoning district is characterized by a mix of housing types designed to promote cohesive residential communities with convenient access to shared amenities.

The property's land use designation as a "Neighborhood Conservation" area

emphasizes compatibility with surrounding residential uses. The proximity to Tamani Drive and Winterland Court provides convenient access for families utilizing the childcare service while maintaining the residential character of the area.

The zoning ordinance standards seek to balance the increased capacity for childcare services with considerations for traffic management, neighborhood compatibility, and adherence to zoning and planning regulations in the Town of Herndon.

UPDATE: Since the Planning Commission public hearing (February 24, 2025), staff have conducted site observations and further evaluated concerns regarding the proposed home-based childcare business. Particular attention was given to traffic impacts in the cul-de-sac and entrance and the applicant's plan to operate in two shifts. Commissioners suggested actions for both the applicant and the association, including opportunities for dialogue and consideration of any private agreements or Recreation Association bylaws that may influence the business. These considerations have informed the staff's final analysis and recommendation on the special exception request.

Fiscal Impact:

None

Staff Recommendation/Next Steps:

Staff recommends the Planning Commission approve the Special Exception with conditions. After analyzing the concerns raised by Planning Commission members, the staff believes that enforcing the conditions based on observations will mitigate these concerns. A home-based business, childcare use has operated in similar locations since 2010 without relevant negative impacts on the adjacent units or surrounding neighborhood. The expansion of the number of children is minor enough not to generate potential negative impacts expressed in the Town Ordinance; however, failure to comply with the conditions may result in potential zoning violations.

Attachments:

1. Staff Report
2. Resolution (Proposed)
3. Plan, plat, and fence location, submitted by the applicant, on November 26, 2024.
4. Applicant's Statement and Application

STAFF REPORT

Agenda Item: Special Exception – SE #24-03, 1402 Winterland Ct. - Application for a Special Exception to Permit a Home-Based Child Daycare Use

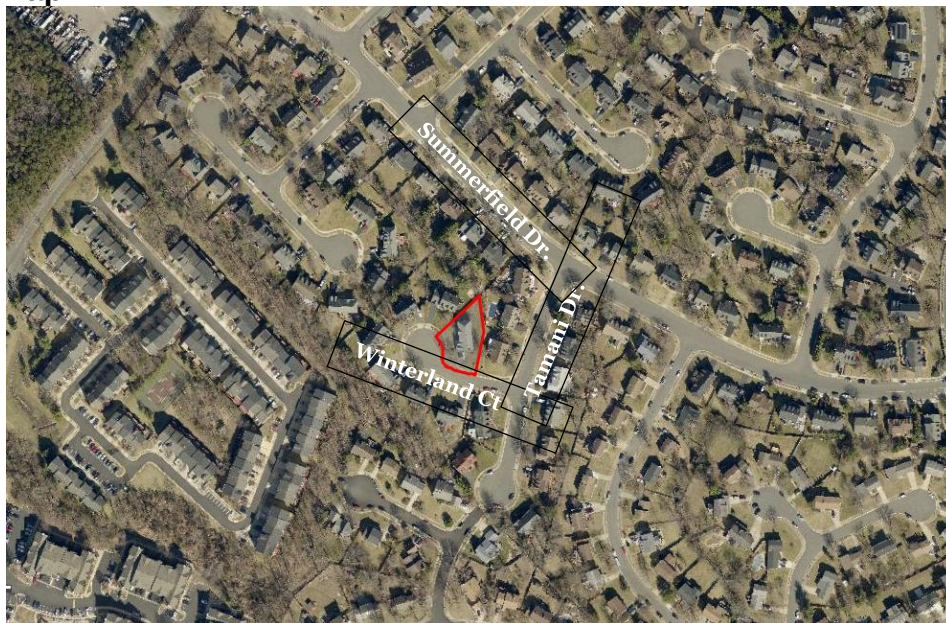
Meeting Date: February 10, 2025.

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

Summary Information:

Proposed Modification	This application is to consider special exception to permit a home-based child daycare use within the PD-R, Planned Development-Residential, zoning district. The proposed use will provide care for a maximum of 12 children at one time.
Address	1402 Winterland Ct.
Fairfax County Tax Map Number	0161 18 0154
Owners	Ms. Nidia Retamal
Applicant	Ms. Nidia Retamal
Business/Organization	Anbada Childcare, LLC
Property Use	Residential
Zoning District	PDR, Planned-Development Residential District – Four Seasons
Lot Size	11,959 square feet
Building Size	3,450 square feet of above-grade living area
Adjacent Zoning	North, South, East, West: PD-R, Residential – Single Family Detached.
Date of Construction:	1986
Comprehensive Plan Land Use Designation	Neighborhood Conservation

Location Map:



Background & Site Description:

The applicant applied for and received approval of a Zoning Inspection Permit (ZIP#24-026) to operate a child daycare use with a maximum of seven clients at one time as a home-based business at the subject property. ZIP#24-026 was issued on 09/30/2024 and the town has not received any complaints for this address.

The property is located near the intersection of Tamani Drive and Winterland Court, within the Four Seasons neighborhood. It is designated as “Neighborhood Conservation” in the Herndon 2030 Comprehensive Plan¹. The designation underscores the town's commitment to preserving and maintaining the character and quality of existing residential areas.

The subject property is a PD-R, 11,959 square feet residential lot featuring a primary dwelling unit with approximately 3,450 square feet of above-grade living area. This planned development residential zoning district is characterized by a mix of housing types designed to promote cohesive residential communities with convenient access to shared amenities.

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

The property's land use designation as a “Neighborhood Conservation” area emphasizes compatibility with surrounding residential uses. The proximity to Tamani Drive and Winterland Court provides convenient access for families utilizing the childcare service while maintaining the residential character of the area.

The zoning ordinance standards seek to balance the increased capacity for childcare services with considerations for traffic management, neighborhood compatibility, and adherence to zoning and planning regulations in the Town of Herndon.

Case Details & Proposal:

The applicant seeks approval to increase the number of children permitted in their home-based childcare business to a maximum of twelve (12). The proposed use will provide care for children in two shifts, operating between 5:00 AM and 11:00 PM, with staggered pick-up and drop-off schedules.

A Family Day Home, licensed by the Virginia Office of Child Care Health and Safety, allows up to 12 children, exclusive of the providers own children or children residing at the home, to be cared for in a single-family residence. The zoning ordinance allows up to 7 children, exclusive of the providers own children and children residing at the home, to be care for in a single-family residence with the approval of a Zoning Inspection Permit. A maximum of 12 children may be cared for with the approval of a Special Exception. The applicant is requesting 12 children to be cared for, as allowed by the Commonwealth of Virginia.

Proposed Operations:

The home-based childcare business operates in two shifts to accommodate families with diverse needs, Monday to Friday:

- First Shift: 5:00 AM to 3:00 PM
- Second Shift: 4:30 PM to 11:00 PM

The childcare business is supported by a schedule that includes one employee working from 8:00 AM to 5:00 PM. Additionally, two assistants reside on-site and contribute to the daycare operations, ensuring continuous supervision and care for the children.

The property is located on a cul-de-sac. To ensure smooth transitions for families, the applicant has implemented a staggered pick-up and drop-off schedule:

- Morning Drop-Off: 5:00 AM to 7:30 AM
- Afternoon Pick-Up: 2:00 PM to 4:00 PM

- Afternoon Drop-Off: 4:30 PM to 5:00 PM
- Night Pick-Up: 10:00 PM to 11:00 PM

Additionally, the childcare business serves a disabled child, providing transportation. A bus arrives at the property at 9:05 AM and 4:40 PM to accommodate this need.

Staff Analysis:

Zoning Ordinance Compliance

The zoning ordinance allows a home-based daycare for up to 12 children at one time with the granting of a special exception permit. The use will operate under its current conditions in terms of space occupied by the business, facilities provided, and general operation. The exterior appearance of the building and the existing fenced playground area in the rear yard will not be altered. No additional impervious area or land disturbance is proposed.

Special exceptions may be approved provided they comply with the following standards. Staff evaluated the criteria for review of special exceptions found in Zoning Ordinance Section 78-153.3(e):

Criteria from Section 78-153.3(e)(1)	Meets/ Does Not Meet	Why the application meets or does not meet the criteria of Section 78-153.3(e)
a. Is consistent with the Comprehensive Plan.	Meets	The Comprehensive Plan Land Use Section provides policies 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 Planned Development, Residential 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) 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 PD-R 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, drop-off/pickup, 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, and the natural functioning of the environment.	Meets	The proposed changes to the conditions will not involve any expansion of floor area or conversion of pervious area to impervious area.
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.

In addition to these standards, the zoning ordinance has established additional standards for childcare or daycare uses as a home-based business. These standards identified in section 78-80.5 (b) provide the requirements for all home-based businesses.

Home-based business, childcare or daycare—Additional standards. In addition to the standards of section 78-80.5, a home-based childcare or daycare shall be subject to the following additional standards. In accordance with the Herndon Zoning Ordinance standards for home-based businesses, the application complies with the requirements concerning the number of children and nonresident employees. As stipulated under section 78-80.5 and the additional standards for home-based childcare or daycare businesses, the proposed use ensures adherence to the limits on enrollment and staffing, thereby meeting the applicable zoning regulations.

Play area. The proposed application satisfies the minimum requirement of 75 square feet of outdoor play area per child enrolled in the childcare business (900 sq. ft.). A scaled plat demonstrating the designated outdoor play area, which is fully enclosed by a four-foot fence to ensure safety, will be submitted with the application (see annex 2).

Comprehensive Plan Adherence

The proposal is consistent with the Herndon 2030 Comprehensive Plan Neighborhood Conservation Land Use Policies and encourages uses that provide a variety of goods and services as well as promotes economic development that helps increase employment and add to the community tax base.

Parking

The zoning ordinance does not require additional parking for a home-based daycare.

Analysis of Conditions

Staff are recommending six conditions for this special exception, listed in the following conditions analysis table, consistent with previously approved special exceptions. Staff believe these conditions provide reasonable ways in which the existing childcare 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	<u>Substantial conformance</u> with the submitted application and plan submitted by applicant on November 26, 2024 and for the purpose of a daycare use only.	No	The site shall be developed and maintained in substantial conformance with a submitted special exception plan that is 33 percent or less of the gross floor area and in conformance with section 78-80.5. of the zoning ordinance.
2	<u>Hours of Operation.</u>	No	The permitted hours of operation shall be 5:00 a.m. until 11:00 p.m. Monday through Friday.

3	<u>Number of Permitted Children.</u>	No	The total number of children present on site for home-based child daycare use shall not exceed 12 at any one time. The ratio of employees to children as required by the state shall be maintained.
4	<u>On-Site Play Area.</u>	No	When playing outside all children shall be within the fenced playground area.
5	<u>Child Drop-off and Pick-up.</u>	No	Child drop-off and pick-up shall be limited to the curbside on the street adjacent to the subject property on Winterland
6	<u>Signage.</u>	No	No signage shall be permitted.

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 taxes from home-based businesses.

Planning Commission Alternatives:

The following alternatives are available to the Planning Commission for its decision on SE#24-03.

1. Recommendation for approval.
2. Recommendation for denial. The daycare continues its operations with seven children as a by-right use.
3. Continuance of the application to March 2025.

Staff Recommendation:

Staff recommend the Planning Commission approve the Special Exception with conditions. A home-based business, childcare use has been operating in similar locations since 2010 without negative impacts to the adjacent units or surrounding neighborhood. The expansion of the number of children is minor enough to not generate negative impacts.

**TOWN OF HERNDON, VIRGINIA
PLANNING COMMISSION**

RESOLUTION

FEBRUARY 24, 2025

Resolution- to approve Special Exception – SE #24-03, 1402 Winterland Ct. to allow a home-based child daycare Use.

The applicant, Ms. Nidia Retamal and Anbada Childcare, LLC, have submitted a request for a special exception to consider special exception to permit a home-based child daycare use within the PD-R, Planned Development-Residential, zoning district. The proposed use will provide care for a maximum of 12 children at one time, identified as Fairfax County Tax Map Number 0161 18 0154.

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 conditions based upon the finding that the 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 #24-03 with conditions that shall not run with the land 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 applicant on November 26, 2024, and for the purpose of a daycare use only.
 - b. The permitted hours of operation shall be 5:00 a.m. until 11:00 p.m. Monday through Friday.
 - c. The total number of children present on site for home-based child daycare use shall not exceed 12 at any one time. The ratio of employees to children as required by the state shall be maintained.
 - d. When playing outside all children shall be within the fenced playground area.
 - e. Child drop-off and pick-up shall be limited to the curbside on the street adjacent to the subject property on Winterland.
 - f. No signage shall be permitted.

DRIVEWAY ADDED 3-12-1989
 DEMOTES LOT COMMENS TO BE SET AT
 COMPLETION OF SUBDIVISION CONSTRUCTION.

HERNDON D.P.W.

MAR 29 1989

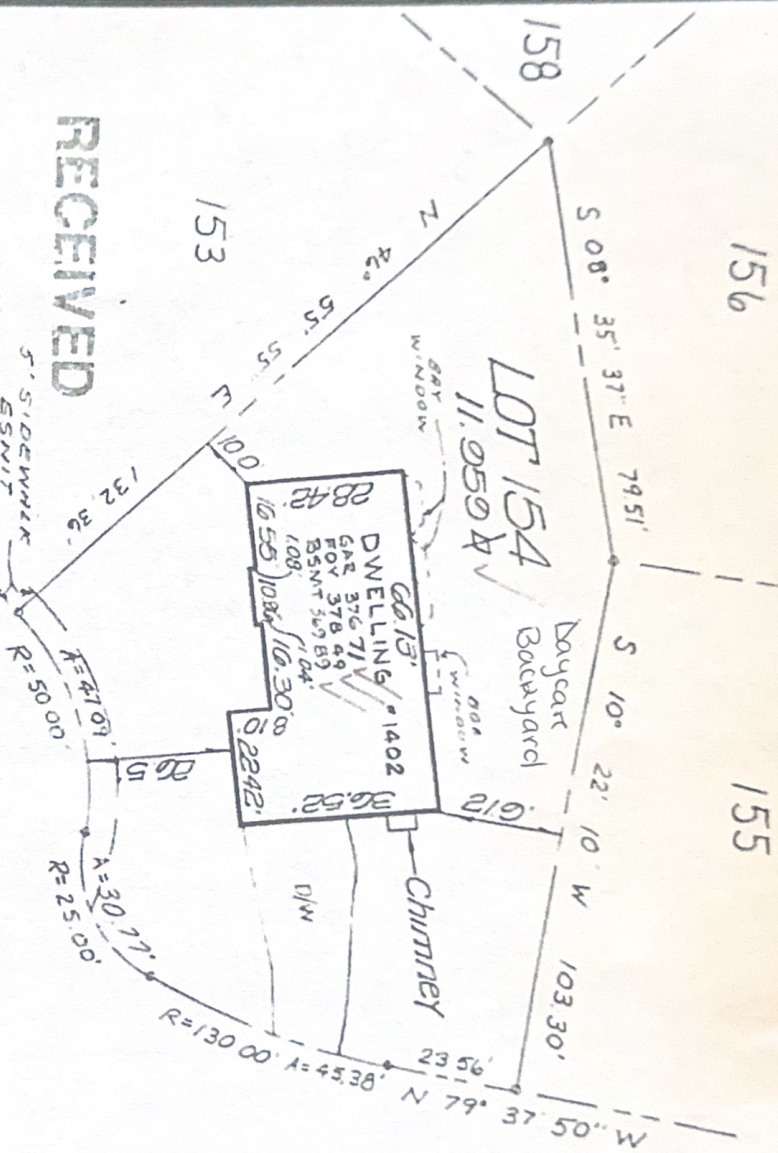
RECEIVED

OK

WINTERLAND
 COURT

ZONING APPROVED
 MARCH 29, 1989 E.C.S.

THIS LOT IS NOT IN A HUD IDENTIFIED
 "SPECIAL FLOOD HAZARD" AREA AS PER
 THE FLOOD INSURANCE RATE MAP OF
 FAIRFAX COUNTY VIRGINIA, DATED
 MAY 14, 1976.



LOT	WALL CHECK	DR BY/CH BY	INT	FINAL	DR BY/CH BY	RECEIPT	DR BY/CH BY
154	1-4-89	MMH/CA		1-25-89	MMH/CA		

HOUSE LOCATION
 LOT 154 PHASE 2A SECTION 2

FOUR SEASONS

TOWN OF HERNDON

DRANESVILLE DISTRICT FAIRFAX COUNTY, VIRGINIA

SCALE: 1" = 30'

Dewberry & Davis

Architects Engineers Planners Surveyors

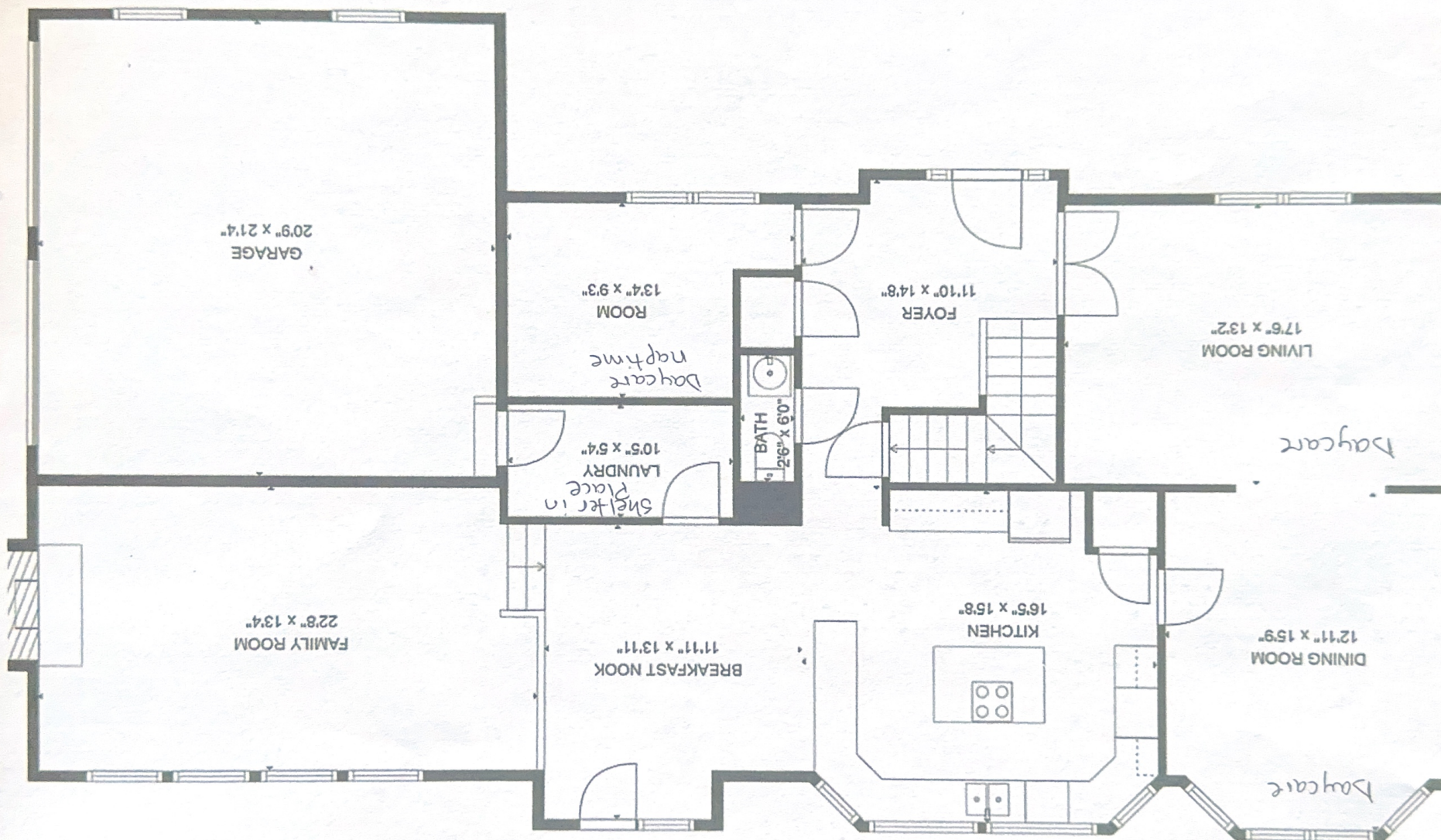
8401 Arlington Boulevard Fairfax Virginia 22031 849 0100

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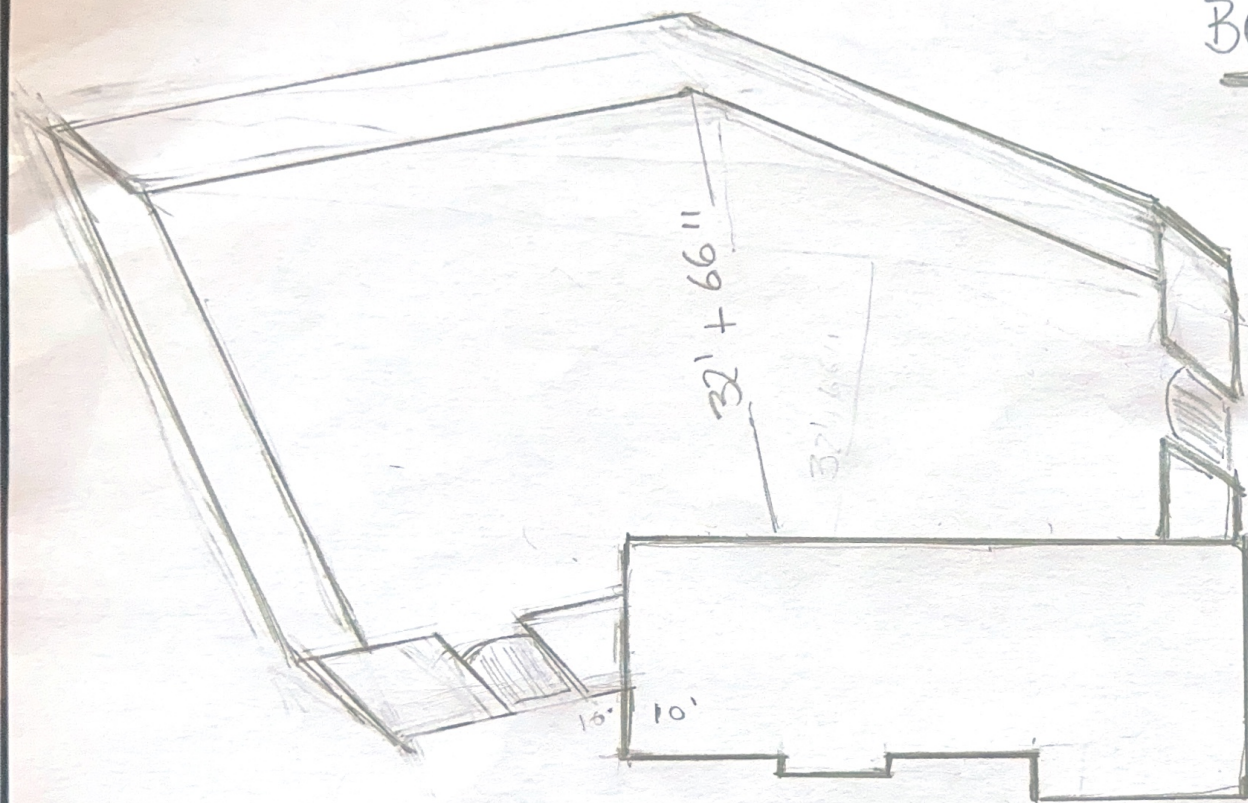
MAR 29 1989

HERNDON PLANNING





BACK YARD



D.W.

WOOD FENCE
6' TALL

DEPARTMENT OF COMMUNITY DEVELOPMENT
Instructions: Complete this form and submit to community.development@herndon-va.gov. Typed signatures will be accepted.

Project Name: Nidia Retamal d.b.a Ambada Childcare LLC

For the purpose of
operating/conducting (type
of business):

Description of Proposed Use: childcare and Virginia Preschool Initiative Provider
to increase the number of children to 12

As provided for in Town
Code Section:

Subject Property Address(es): 1402 Winterland Ct, Herndon, VA 20170

Zoning of Subject Property: Residential

Lot area (site area):

Are any site alterations or any alterations to the building's exterior or interior planned or underway in connection with this use (or were any alterations already completed)? ☒ NO ☐ YES (Please Describe)

Application is a request to
develop in the Floodplain
Overlay District

☒ No
☐ Yes

Applicant Name/Role: Nidia Retamal / Childcare and Property Owner

Applicant Information: Email: anbadachildcare@gmail.com

Phone: 571 283 3365

Mailing Address: 1402 Winterland Ct Herndon VA 20170

Property Owner Name: Nidia Retamal

Property Owner Information: Email: anbadachildcare@gmail.com

Phone: 571 283 3365

Mailing Address: 1402 Winterland Ct Herndon VA 20170

The undersigned hereby applies for a Special Exception under the provisions of § 78-155.3 of the Herndon Town Code.

I hereby affirm and certify that:

- The information provided on this form is true and correct to the best of my knowledge.
- The requirements associated with this application have been read and are understood.

• The use and occupancy of buildings and/or the use of land noted above is proposed in conformance with all provisions of the Town of Herndon, Virginia Zoning Ordinance regulations to the best of my knowledge.

Applicant Signature:



Date: 11 / 25 / 2024

Property Owner Signature:



Date: 11 / 25 / 2024

REQUIREMENTS FOR ALL APPLICATIONS (Zoning Ordinance § 78-152.2)

☐

A letter signed by the business owner or owner's agent consenting to the application for the Special Exception Use;

☐

A statement from the landowner(s) authorizing an agent to act on their behalf (if applicable);

☐

If a pre-application conference took place, a statement indicating the date and time a pre-application conference was held with the Town, as well as a list of participants in the conference;

☐

If a neighborhood meeting was held prior to application submittal, a statement indicating the date, time, location, invitation list, number of attendees, and outcome of the meeting;

☐

A receipt or other documentation indicating that taxes have been paid on lands subject to the application (may be obtained when application is filed);

☐

If the application requires a plan or drawing, three physical sets, and one electronic set of plans or drawings prepared in accordance with the standards specified in the Zoning Ordinance;

☐

All other items listed in Zoning Ordinance § 78-152.2;

☐

Application Fee;

Certification, in a form prescribed by the Zoning Administrator, that public notification regarding a public hearing has been given in accordance with § 78-153.2.H, Public Notification, shall be submitted upon completion of proper notification by the applicant.

FOR SPECIAL EXCEPTIONS TO DEVELOP IN THE FLOODPLAIN OVERLAY DISTRICT

Notice from the Zoning Administrator: The issuance of a Special Exception to develop a structure within the Floodplain Overlay District may increase the risks to life and property and will result in increased premium rates for flood insurance.

☐

A floodplain study (if the use is located in the Floodplain Overlay District) and fee;

☐

If the purpose of the Special Exception is to allow a use in the Floodplain Overlay District, the application materials shall include information requested in Zoning Ordinance § 78-60.2 and the proposal must meet the standards in the Floodplain Overlay District in Zoning Ordinance § 78-155.3(e)(2);

Acknowledged:

Signature of Property Owner & Date

Signature of Business Owner (if different than
Property Owner) & Date

If you have additional questions or to arrange for an appointment, please contact the Town of Herndon Department of Community Development by calling (703) 787-7380 or by e-mail at community.development@herndon-va.gov. Town offices are located at 777 Lynn Street and are open from 8:00 a.m. to 5:00 p.m., Monday through Friday.

For TOH-CD Office Use Only - Pre-Submission Review

Pre-Application
Meeting Date (if
applicable):

Date Reviewed: _____ Staff Name: _____ ☐ Incomplete ☐ Complete

For TOH-CD Office Use Only - Submission Review

Application Fee: ☐ ~~\$300~~ Residential ☐ ~~\$300~~ Education, Government, Institutional, and Community Service Use ☐ ~~\$300~~ All Other Non-Residential Uses with no site alterations or building additions **\$455.00**

☐ ~~\$1,500~~ All Other Non-Residential Uses with no site alterations or building additions

Taxes Status: ☐ Paid ☐ Delinquent

Received By: _____ Date Received: _____

Case #: _____ Tax Map Reference #: _____

Assigned To: _____ Date Assigned: _____

Associated Applications: _____

For TOH-CD Office Use Only – Final Review and Applicable Approval Information

Decision: ☐ Resubmission Necessary ☐ Approved as submitted ☐ Approved with conditions ☐ Denied

Resubmission Number: _____

Date Reviewed: _____ Staff Name: _____

Date of public hearing at which Town Council approved the Special Exception, if approved:	
Date of expiration of Special Exception: (a) as specified by Town Council, or (b) resulting date if a Building Permit for the development approved by the Special Exception is not issued within one year from date of approval by the Town Council or the development is not completed within the time allowed under the Town's Building Regulations.	
Deadline for applicant to make a written request for an extension not to exceed six months (30 days prior to date of expiration):	

November 25, 2024

Mr. Dave Stronger, Zoning Administrator
Town of Herndon
Herndon, VA 20170

Dear Mr. Stronger and Town of Herndon officials:

Attached is the Department of Community Development Application Form for Special Exception for my home business Anbada Childcare, 1402 Winterland Court, Herndon, VA, 20170.

I am requesting a Special Exception that allows me to provide childcare services for up to twelve children. On 11/21/24, we had a pre-application meeting at the Town of Herndon attended by Mr. John Orrison, Mr. Ben Schitter, and Mr. Fadrique Iglesias representing the TOH, my administrative assistant, Lourdes D. Sleem, and me.

Since February 2002, I have been a childcare provider in Herndon, VA for up to five children. In 2008, I obtained a Virginia state license as childcare provider that has allowed me to work as provider for Fairfax County and Loudoun County with a maximum of twelve children. This is the number of children to which childcare was provided in my previous address at 12495 Cliff Edge Drive, Herndon, VA.

We provide services to newborns and infants, toddlers and preschoolers, and school aged children. Children ages three and four participate in the Virginia Preschool Initiative approved in 2021 which allows us to teach them the Virginia preschool curriculum. Currently, there are only two childcare providers in Herndon approved for the Virginia Preschool Initiative.

For years, Dranesville Elementary and Clearview Elementary teachers have referred children with special needs to my childcare due to the excellence in services provided to this group of children. We participate in the USDA food program and provide before and after school transportation to school aged children. We support our families with documentation, forms, and paperwork for programs such as Medicaid, food stamps, school registration, medical appointments, and sports. There are two assistants who live in my home and work in the childcare and one who comes to work five days a week.

We provide childcare services in two shifts: from 5am to 3pm and from 4:30pm to 11pm. Our services are a model to other

childcare providers, and we always have a waiting list. Since we had twelve children in the previous address and the TOH allows us to have only seven children in the new address, we currently have several children waiting for the approval of the special exception so they can rejoin the childcare.

Thank you for considering the application and please let me know if additional information is needed.

Sincerely,

Nidia Retamal, owner
Anbada Childcare
1402 Winterland Court
Herndon, VA. 20170

NIDIA RETAMAL
SERGIO RETAMAL
12495 Cliff Edge Dr
HERNDON, VA 20170

3086
65-270559
8

11/26/2024

PAY TO THE ORDER OF Town of Herndon \$ 455.00

Four hundred fifty five DOLLARS

FOR Special Exception

[Signature]

RECEIPT

Town of Herndon
Department of Community Development
777 Lynn Street
Herndon, Virginia 20170-4602

3099

DATE 11/26/24

RECEIVED FROM Anbada Chivacore \$ 455.00
four hundred and fifty five dollars and 00/100 DOLLARS
FOR SE 24-03 - 1402 Winterland Drive

AMOUNT OF ACCOUNT	<u>455</u>	☒	CASH
THIS PAYMENT	<u>455</u>	☐	CHECK
BALANCE DUE	<u>0</u>	☐	CREDIT CARD
		☐	MONEY ORDER

BY [Signature]

THANK YOU

Printable page

MAP #: 0161 18 0154
RETAMAL NIDIA

1402 WINTERLAND CT

Owner

Name	RETAMAL NIDIA,
Mailing Address	1402 WINTERLAND CT HERNDON VA 20170 3905
Book	28203
Page	1777

Co-Owners

RETAMAL PIZZARO SERGIO

Parcel

Property Location	1402 WINTERLAND CT HERNDON VA 20170 3905
Map #	0161 18 0154
Tax District	H0000
District Name	DRANESVILLE TOWN OF HERNDON
Land Use Code	Single-family, Detached
Land Area (acreage)	
Land Area (SQFT)	11,959
Zoning Description	PD-R(Planned Dev-Residential)
Utilities	WATER CONNECTED SEWER CONNECTED GAS CONNECTED
County Inventory of Historic Sites	NO
County Historic Overlay District	NO For further information about the Fairfax County Historic Overlay Districts, CLICK HERE For properties within the towns of Herndon, Vienna or Clifton please contact the town to determine if the property is within a town historic district.
Street/Road	PAVED
Site Description	BUILDABLE-AVERAGE LOT

Stub Number

411010851

Legal Description

Last Refresh

Date

Data last refreshed: November 25, 2024

General Information

Need Help?

For questions and requests for information about the Real Estate site, call 703-222-8234 or [CLICK HERE](#)

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MAP #: 0161 18 0154
RETAMAL NIDIA

1402 WINTERLAND CT

Stub Number

411010851

Summary of 2024 Taxes

Year	General Fund Net Taxes	Special Tax District	Service Charges	Interest	Penalty	Other Charges	Amount Paid	Balance Due
2024 1ST HALF DUE	\$4,320.51	\$1,127.18	\$0.00	\$0.00	\$0.00	\$0.00	-\$5,447.69	\$0.00
2024 2ND HALF DUE	\$4,320.50	\$1,127.16	\$0.00	\$0.00	\$0.00	\$0.00	-\$5,447.66	\$0.00
Total:	\$8,641.01	\$2,254.34	\$0.00	\$0.00	\$0.00	\$0.00	-\$10,895.35	\$0.00

Prepays and Refunds

Prepays	\$0.00
Pending Refunds	\$0.00
GRAND TOTAL	\$0.00

Special tax districts include levies for pest infestation control (i.e. gypsy moth, mosquitoes), Community Center taxes, and Transportation Districts. For more information see <http://www.fairfaxcounty.gov/taxes/real-estate/tax-rates>.

Source: Fairfax County Department
of Tax Administration, Real Estate Division.

Agenda Item: **ZONING ORDINANCE TEXT AMENDMENT – ZOTA #25-03, to amend Chapter 78 (ZONING), Article IV (Business Districts), by amending Section 78-40.4, O&LI – Office and Light Industrial District; and amending Article VII (Use Regulations), by amending Section 78-70.2, Table of permitted and allowed uses, and Section 78-71.18, Warehousing use category, to update regulations related to the Electronic Warehousing use type.**

Meeting Date: March 10, 2025

Category: Public Hearings

Prepared by: David Stromberg, Zoning Administrator

Description:

This is one of a series of zoning ordinance text amendments to implement the recommendations of the Transit Related Growth Small Area Plan. This zoning ordinance text amendment will update the specific use provisions in the Warehousing use category and modify permitted principal and allowed uses in the zoning ordinance to be consistent with the Comprehensive Plan, consistent across zoning districts, and consistent with surrounding localities. Specific updates include adding a maximum gross floor area for electronic warehousing and adding special exception review for electronic warehousing in the O&LI, Office and Light Industrial district, as is the existing requirement for electronic warehousing in the CS, Commercial services district.

Background:

The use type of electronic warehousing was established during the rewrite of the zoning ordinance effective July 1, 2007 (ZOTA #06-03). The current use standards no longer align with the Transit Related Growth Small Area Plan, adopted April 23, 2024 (CPA #23-01). This zoning ordinance text amendment was initiated by the Town Council at their February 25, 2025 public meeting.

Fiscal Impact:

The TRG fiscal impact analysis estimates an increase in assessed value from \$215 million to \$1.77 billion at full plan build-out (FY 2023 dollars).

Staff Recommendation/Next Steps:

Recommend approval of Zoning Ordinance Text Amendment ZOTA #25-03 to the Town Council.

Attachments:

1. Ordinance (Proposed)

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL**

ORDINANCE

_____, 2025

Ordinance - to amend Chapter 78 (ZONING), Article IV (Business Districts), by amending Section 78-40.4, O&LI - Office and light industrial district; and Article VII (Use Regulations), by amending Section 78-70.2, Table of permitted and allowed uses, and Section 78-71.18, Warehousing use category, to update regulations related to the Electronic Warehousing use type.

BE IT ORDAINED by the Town Council for the Town of Herndon that:

1. Chapter 78, (ZONING) of the Herndon Town Code is amended and reenacted as follows.

ARTICLE IV. – BUSINESS DISTRICTS

Section 78-40.4. - O&LI - Office and light industrial district.

(c) *Principal uses.* Table 78-40.4(c)(3), lists uses permitted and allowed in the O&LI district as principal uses. There may be additional regulations in this chapter and in the Herndon Town Code that apply to specific principal uses in the O&LI district. It is the applicant's responsibility to ensure that all published rules, regulations and standards have been addressed in any application submitted development approval. Definitions for uses and terms in this section may be found in Article XVIII, Other uses not listed on the following table are not allowed in the O&LI district unless determined by the zoning administrator to be similar to a permitted use in accordance with provisions for unlisted uses, section 78-70.1(f).

(3) *Table of principal permitted and allowed uses in the O&LI district.*

Table 78-40.4(c)(3): Principal Permitted and Allowed Uses O&LI			
KEY: P = Use Permitted By Right; S=Use Allowed Subject to Special Exception Approval; Uses may be subject to use specific standards as noted in the last column			
USE CATEGORY	USE TYPE	R-10	Supplemental Use Regulations

Warehousing	Electronic Warehousing	P	§78-71.18

		S	
	Warehouse (storage)	S	§78-71.18

ARTICLE VII. - USE REGULATIONS

Section 78-70.2. - Table of permitted and allowed uses.

(d) *Table of permitted and allowed uses.* Table 78-70.2(d), Table of Principal Permitted and Allowed Uses, sets forth the uses permitted within the base zoning districts. See also Table 78-80.2, Accessory Use Table and Table 78-90.1(b) Temporary Uses and Structures.

Table 78-70.2(d): TABLE OF PERMITTED AND ALLOWED USES

KEY: P=Use Permitted By Right; S=Use Allowed Subject to Special Exception Approval;
Z=Use Allowed Subject to Zoning Map Amendment Approval

General Notes:

1. A blank cell means the use is prohibited in the district.
2. Uses may be subject to use specific standards as noted in the last column.
3. Any principal use allowed or permitted by right in this table is permitted by special exception in the Floodplain Overlay District, subject to section 78-60.2

District Specific Notes:

* Uses in the PD-TD and PD-D districts are subject to specific comprehensive plan policies, design objectives and/or site standards. See additional regulations in section 78-50.5 for the PD-D District and section 78-50.6 for the PD-TD District.

** For Permitted Uses in PD-TOC see section 78-50.7; For Permitted and Allowed Uses in PD-W see section 78-50.8

		Residential Districts				Business Districts				Planned Development District				Supp'l Reqs.	
USE CATEGORY	USE TYPE	R15	R10	R TC	RM	CC	CS	CO	O& LI	PD-R	PD-B	PD-TD PD-D	PD-UR	PD-TOC PD-W	See Section
***	***														
Warehousing	Electronic Warehousing						S		P S		Z			**	§78-71.18
	Warehouse (storage)								S					**	§78-71.18

Section 78-71.18 – Warehousing use category.

(d) Warehousing category specific use standards. All uses shall comply with all applicable standards in this chapter. In addition, the following standards shall apply.

(1) Electronic warehousing. For all electronic warehousing uses, exterior areas devoted to auxiliary generators shall be screened on all sides by a brick or block enclosure that matches the exterior color of the principal building. Telecommunications uses and related electronic and mechanical equipment are subject to the following standards:

(a) Equipment area. The area for equipment shall be designated on a site plan and shall occupy at least 2,000 square feet and no more than 40,000 gross square feet of floor area within a single building.

2. This ordinance shall be effective on and after the date of its adoption.