



PLANNING COMMISSION REGULAR MEETING AGENDA

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

Monday, March 24, 2025 | 7:00 PM

1. Call to Order

2. Approval of Minutes

- a. February 10, 2025, Planning Commission Work Session Minutes
- b. February 24, 2025, Planning Commission Regular Meeting Minutes

3. 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.

4. 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.

5. Adjournment



Planning Commission Regular Meeting

Agenda Item 2.a.

Agenda Item: February 10, 2025, Planning Commission Work Session Minutes

Meeting Date: March 24, 2025

Category: Approval of Minutes

Prepared by: Collin Okoniewski, Planning Operations Manager

Description:

This is a request to approve the February 10, 2025, Planning Commission work session minutes.

Background:

N/A

Fiscal Impact:

N/A

Staff Recommendation/Next Steps:

Recommend approval, as presented.

Attachments:

1. 02.10.2025 Planning Commission Work Session Minutes



**HERNDON PLANNING COMMISSION
Work Session Minutes
Monday, February 10, 2025**

1. Call to Order

Chair Romeo called the February 10, 2025, 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, Yung Kim, Kevin Moses, Samuel Richardson, Meron Yohannes, and Chair Michael Romeo.

Staff present during the meeting: Lesa Yeatts, Town Attorney; Lisa Gilleran, Director of Community Development; David Stromberg, Zoning Administrator; Fadrique Iglesias, Community Planner; Collin Okoniewski, Planning Operations Manager; Aaron Zoellick, Clerk of Boards and Commissions

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

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.

Chair Romeo opened the work session and called on Mr. Iglesias for the staff report.

Mr. Iglesias delivered the staff report and presentation dated February 10, 2025, which are on file with the Department of Community Development. Mr. Iglesias stated that this is an application for a Special Exception to permit a home-based child daycare use within the PD-R, Planned Development-Residential, zoning district at 1402 Winterland Ct. Staff supports the Planning Commission recommending approval with conditions of the Special Exception to the Town Council.

There was a discussion among the Planning Commission and staff on this item, including: (1) clarification on why drop off is limited to the curbside and does not include the driveway; (2) clarification on the proposed and existing hours of

operation; (3) the number of staff that are required; (4) clarification if the applicant is included in the staff count; (5) the amount of parking available in the driveway; (6) and clarification on the number of allowed offsite staff members.

- b. Zoning Ordinance Text Amendment ZOTA #25-02, to amend Chapter 78 (ZONING), Article XV (Decision-Making Authorities, Application Review, and Permitting), Table 78-152.2(b)(3) (Fees for Development Applications) to adjust development fees in accordance with a comprehensive fee evaluation.**

Chair Romeo opened the work session and called on Mr. Okoniewski for the staff report.

Mr. Okoniewski delivered the staff report and presentation dated February 10, 2025, which are on file with the Department of Community Development. Mr. Okoniewski stated this is a proposal to adjust development application fees to account for the increased cost of staff review times and to bring fees in line with neighboring jurisdictions. Staff supports the Planning Commission recommending approval of the draft ordinance to the Town Council.

There was a discussion among the Planning Commission and staff on this item, including: (1) whether staff sought or received input from people that would be paying the proposed fees; (2) clarification on how often the fees are reviewed; (3) clarification on the process for updating the fees; (4) whether the Town has a process for reviewing bond estimates; (5) recommendation to update fees every five years; (6) a request for a comparison of fee costs compared to other jurisdictions; (7) suggestion that some of the larger fees for zoning or redevelopment seem low - consultant fees beyond \$10,000 should be paid for by the applicant; and (8) a request for a breakdown of how many of the HDRB/ARB applications are from homeowners.

3. Comments

a. Comments from the Staff Members

Ms. Gilleran stated that the Town Council had a retreat where they reviewed the strategic plan and set priorities. Staff is still working to secure federal funding for the comprehensive plan.

b. Comments from the Commissioners

No comments were offered.

4. Adjournment

There being no further business, and without objection, the February 10, 2025, Planning Commission work session adjourned at 7:43 p.m.

Agenda Item: February 24, 2025, Planning Commission Regular Meeting Minutes

Meeting Date: March 24, 2025

Category: Approval of Minutes

Prepared by: Collin Okoniewski, Planning Operations Manager

Description:

This is a request to approve the February 24, 2025, Planning Commission regular meeting minutes.

Background:

N/A

Fiscal Impact:

N/A

Staff Recommendation/Next Steps:

Recommend approval, as presented.

Attachments:

1. 02.24.2025 Planning Commission Regular Meeting Minutes



**HERNDON PLANNING COMMISSION
Regular Meeting Minutes
Monday, February 24, 2025**

1. Call to Order

Chair Romeo called the February 24, 2025, 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, Yung Kim, Kevin Moses, Samuel Richardson, and Chair Michael Romeo.

Commissioners Dua'a Elbarasse and Vice Chair Meron Yohannes were absent.

Staff present during the meeting: Lesa Yeatts, Town Attorney; Lisa Gilleran, Director of Community Development; Collin Okoniewski, Planning Operations Manager; Fadrique Iglesias, Community Planner; and Aaron Zoellick, Clerk of Boards and Commissions.

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

2. Approval of Minutes

a. January 13, 2025, Planning Commission Work Session

b. January 27, 2025, Planning Commission Regular Meeting

Commissioner Moses motioned to approve the January 13, 2025, Planning Commission work session minutes and the January 27, 2025, Planning Commission regular meeting minutes. Motion seconded by Commissioner Kim. The question was called on the motion which was carried by a 5 - 0 roll call vote. Commissioners Donahue, Kim, Moses, Richardson, Chair Romeo voted "Aye."

3. Comments

a. Comments from the Staff Members

No comments were offered.

b. Comments from the Commissioners

Chair Romeo recognized Commissioner Moses for his years of service to the Planning Commission and the Town of Herndon.

Commissioner Moses provided brief comments and thanked the Chair Romeo, the Planning Commission, and the Town of Herndon staff.

c. Comments from Citizens

No comments were offered.

4. Public Hearings

Certifications of Publication from the Editor of the Fairfax County Times Newspapers were filed, showing that notices of the following public hearing items were duly advertised in the February 7 and February 14, 2025, issues.

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.

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

Mr. Iglesias delivered the staff presentation dated February 24, 2025, which is on file with the Department of Community Development. Mr. Iglesias stated this is an application for a Special Exception to increase the number of children permitted in a home-based childcare business to a max of 12. Staff recommended the Planning Commission recommend Town Council approve the Special Exception with conditions.

There was a discussion among the Planning Commission and staff on this item, including: (1) clarification regarding the gap in time between the first and second shift.

Chair Romeo recognized the applicant for comments.

The applicant, Nidia Retamal was present and provided brief comments through their interpreter.

There was a discussion among the Planning Commission, staff, and the applicant on this item, including: (1) clarification regarding the gap in time between the first and second shift.

Chair Romeo recognized members of the audience for comment.

Mark Byrd, president of the Four Seasons Recreation Association, provided comments opposing the application.

Commissioner Donahue asked for clarification regarding HOA rules requiring home-based businesses to limit hours between 8am and 8pm. Mr. Byrd responded. Commissioner Kim asked for clarification regarding Four Season's status as a homeowners association. Mr. Byrd responded.

Harold Booshada provided comments opposing the application.

Commissioner Donahue asked for clarification regarding if citizen concerns impact staff analysis.
Ms. Gilleran responded.

George Verd provided comments opposing the application.

Margarette Booshada provided comments opposing the application.

Chair Romeo left the public hearing open and moved to the Commission level for discussion and possible action.

There was discussion among the Planning Commissioners and staff on this item, including: (1) clarification regarding any communication with the homeowner's association regarding the application; (2) clarification regarding whether there would be an issue if the Planning Commission approved the expanded business hours that would conflict with the HOA rules; (3) clarification regarding when the applicants began operating the business from the home; (4) clarification regarding state requirements on home-based daycares; and (5) whether any zoning violations have been issued to this home-based daycare.

Commissioner Donahue motioned to continue SE #24-03 to the March 24, 2025, Planning Commission regular meeting. Motion seconded by Chair Romeo.

Commissioner Donahue provided comments regarding their concerns with the application.

Commissioner Kim provided comments regarding their concerns with the application.

Chair Romeo provided comments regarding their concerns with the application and requested staff provide responses to public comments provided, specifically traffic and parking impacts.

The question was called on the motion which was approved by a 5 - 0 roll call vote. Commissioners Donahue, Kim, Moses, Richardson, and Chair Romeo voted "Aye."

b. Zoning Ordinance Text Amendment ZOTA #25-02, to amend Chapter 78

(ZONING), Article XV (Decision-Making Authorities, Application Review, and Permitting), Table 78-152.2(b)(3) (Fees for Development Applications) to adjust development fees in accordance with a comprehensive fee evaluation.

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

Mr. Okoniewski delivered the staff presentation dated February 24, 2025, which is on file with the Department of Community Development. Mr. Okoniewski stated this was a proposed text amendment to adjust development application fees to account for increased costs of staff review times and to bring fees in line with neighboring jurisdictions. Staff recommended the Planning Commission recommend Town Council approve the draft ordinance.

There was a discussion among the Planning Commission and staff on this item, including: (1) clarification regarding discrepancies between the presentation and the draft ordinance; (2) clarification regarding the justification for the Proffer Condition Amendment fee increase from \$455 to \$7,500; (3) clarification regarding the justification for the Special Exception fee increases.

Chair Romeo called on comments from the audience.

No comments were offered.

Chair Romeo closed the public hearing and moved to the Commission level for discussion and possible action.

Chair Romeo motioned to approve ZOTA #25-02 and the recommended fees for development applications as listed in the staff report dated February 24, 2025. Motion seconded by Commissioner Moses. The question was called on the motion, which was carried by a 5 - 0 roll call vote. Commissioners Donahue, Kim, Moses, Richardson, and Chair Romeo voted "Aye."

5. Adjournment

There being no further business, and without objection, the February 24, 2025, Planning Commission regular meeting was adjourned at 8:03 pm.

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 24, 2025

Category: Public Hearings

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

Description:

Update for March 24 meeting: Upon further review of the zoning ordinance, staff confirms that the town council has the authority to grant a home-based business daycare accessory use that is not consistent with the standards of Section 78-80.5(b), Home-based business, childcare or daycare - Additional standards. The town council does not have the authority to increase the number of children enrolled per day, pursuant to Section 78-50.5(c)(b). Condition #3 has been changed to reflect the zoning ordinance limitations. Staff remains in support of the proposed hours of 5 AM to 11 PM,

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
5. Legal Ad

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

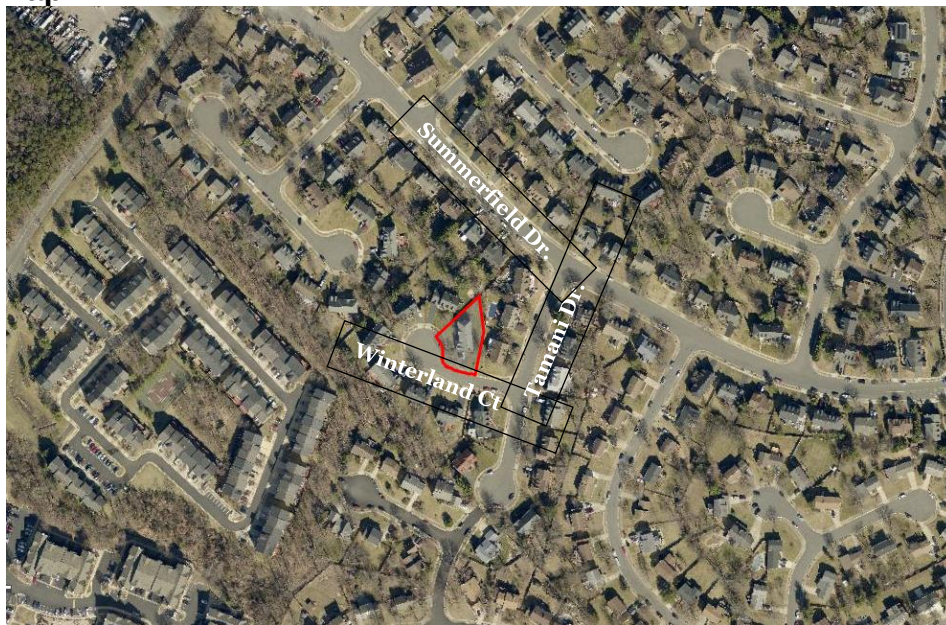
Meeting Date: February 10, 2025.

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

March 24, 2025

Resolution to approve the 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 # 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:

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;

1. Substantial conformance with the submitted application and plan submitted by applicant on November 26, 2024, and for the purpose of a daycare use only.
2. Hours of Operation. The permitted hours of operation shall be 5:00 a.m. until 11:00 p.m. Monday through Friday.
3. Number of Permitted Children. The total number of children present on site for home-based child daycare use shall not exceed 12 enrolled children per day. The ratio of employees to children as required by the state shall be maintained.
4. On-Site Play Area. When playing outside all children shall be within the fenced playground area.
5. Child Drop-off and Pick-up. Child drop-off and pick-up shall be limited to the curbside on the street adjacent to the subject property on Winterland. Double parking on Winterland Ct. is prohibited at all times.
6. Signage. 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.

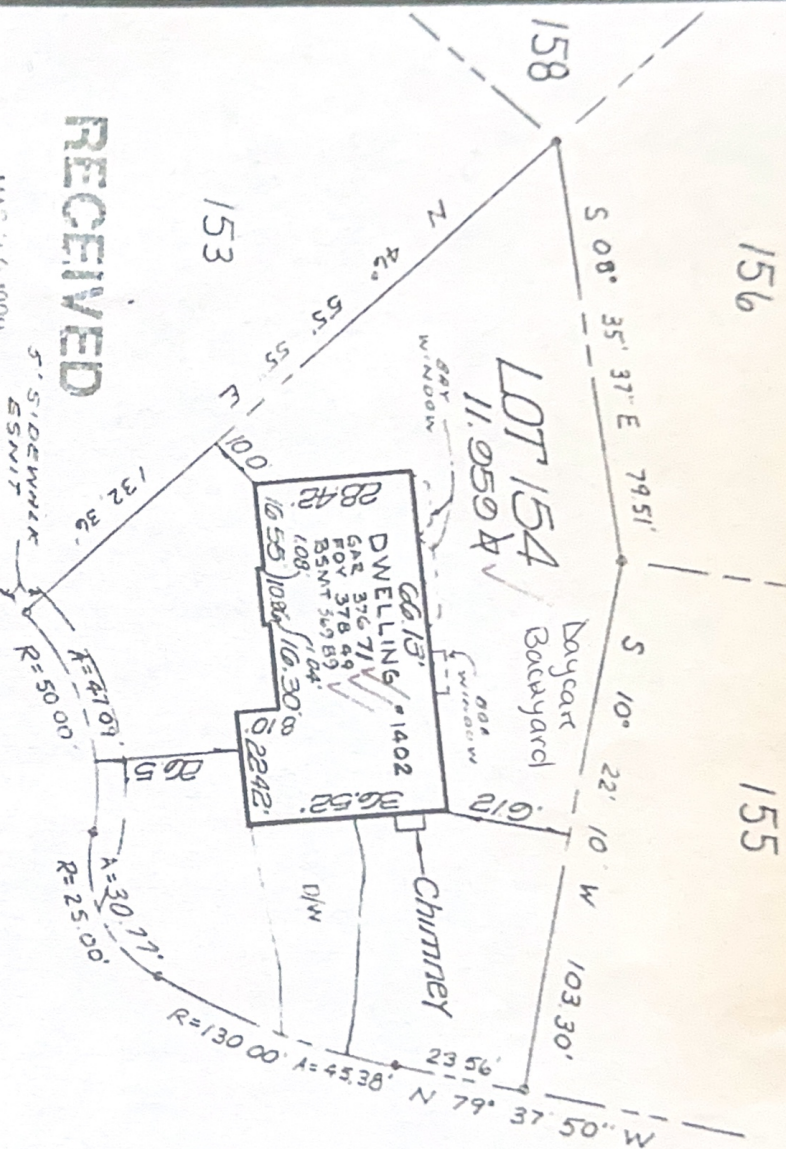
MAR 29 1989

RECEIVED

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.



DATE BLOCK				
LOT	WALL CHECK	DR BY/CH BY	INT	FINAL
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

THIS HOUSE LOCATION SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT

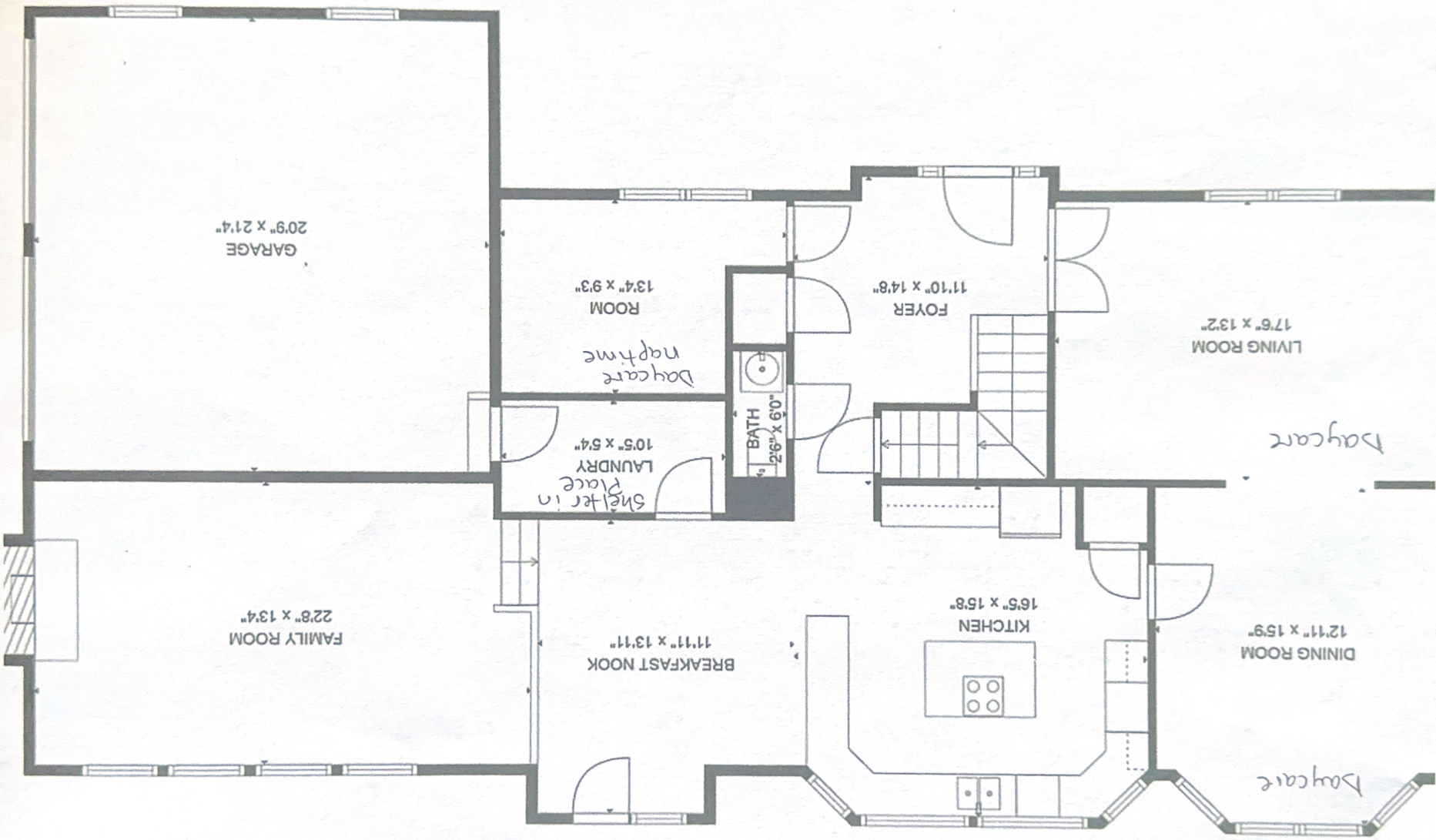
NOTES

RECEIVED OF

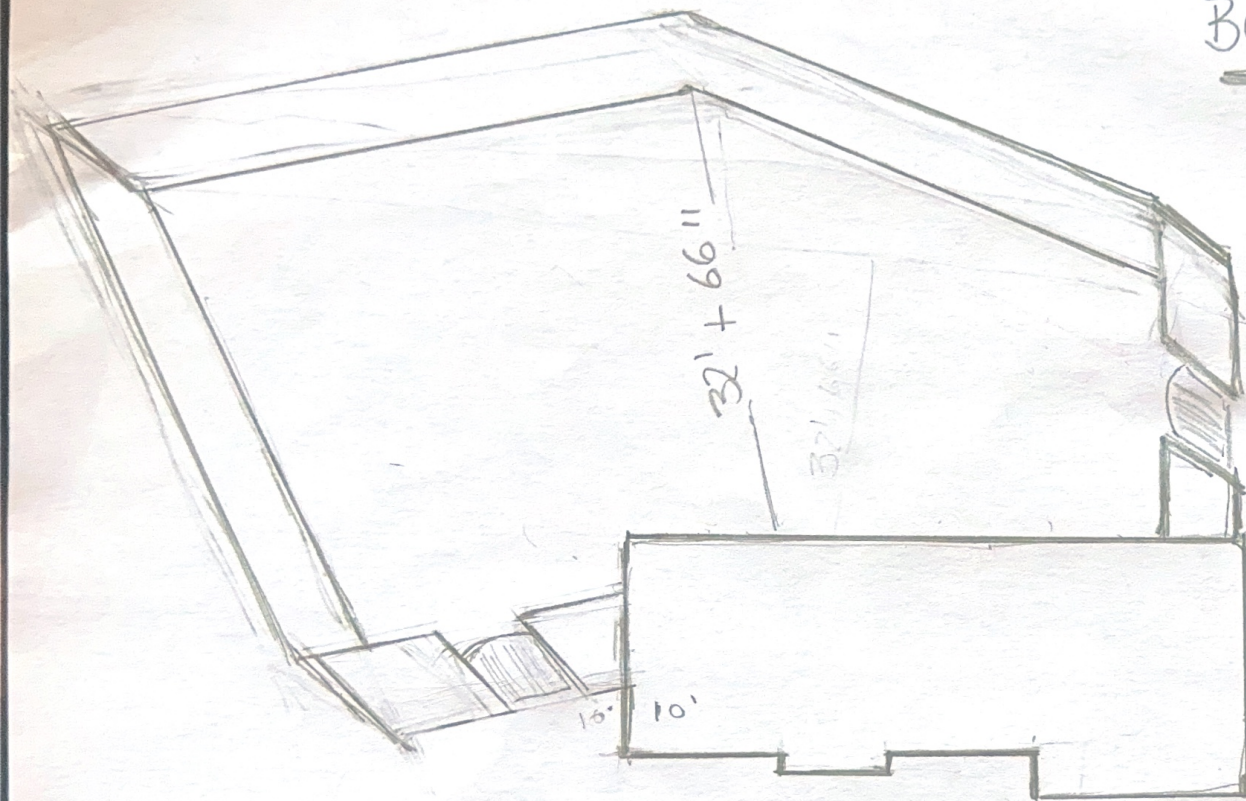
MAR 29 1989

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 Anbada 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

11/26/24

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 Winteland 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](#)

Disclaimer/Privacy Policy

Under Virginia State law these records are public information. Display of this information on the Internet is specifically authorized by Va. Code 58.1-3122.2 (1998). See the Virginia State Code to read the pertinent enabling statute.

If you believe any data provided is inaccurate or if you have any comments about this site, we would like to hear from you. Owner names will be withheld from the Internet record upon request. Comments or requests may be made via e-mail to the Real Estate Division at Real Estate Division or by phone at (703) 222-8234.

While Fairfax County has attempted to ensure that the data contained in this file is accurate and reflects the property's characteristics, Fairfax County makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability, or suitability of this data. Fairfax County does not assume any liability associated with the use or misuse of this data.

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

Printable page

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.

Town of Herndon, Virginia
Notice of Public Hearing

Notice is hereby given that the Planning Commission of the Town of Herndon, Virginia, will hold a public hearing on Monday, March 24, 2025, at 7:00 p.m. in the Herndon Council Chambers Building, located at 765 Lynn Street, Herndon, Virginia on the following items:

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, amending Article VII (Use Regulations), Section 78-70.2 (Table of Permitted and Allowed uses) and Section 78-71.18. Warehousing use category, and other articles as deemed necessary and appropriate to update standards for the Electronic Warehousing use category.

The public is encouraged to participate in the town's public hearing process. Individuals having an interest in the above items are invited to attend the public hearing and state their opinions. Individuals may also submit comments to planning.commission@herndon-va.gov.

The proposed items are available for review by the public on the town's website www.herndon-va.gov.

The Town of Herndon supports the Americans with Disabilities Act by making reasonable accommodations for persons with disabilities so that they may participate in services, programs, or activities, offered by the town. Please call (703) 435-6804 to arrange for any accommodation that may be necessary to allow for participation.

Amanda Morrow Kertz, Acting Town Clerk

Note to Publisher:

Publish on March 7/March 14, 2025

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 24, 2025

Category: Public Hearings

Prepared by: David Stromberg, Zoning Administrator

Description:

March 28 update: The draft ordinance has been revised to include a special exception in the PD-B, Planned Development - Business district, to provide an allowance of up to 55,000 square feet of gross floor area for adaptive reuse of existing buildings, and to fix existing clerical errors in the zoning ordinance.

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. Revised Ordinance (Proposed)
2. Legal Ad
3. Presentation

**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 V (Planned Development Districts), by amending Section 78-50.5, PD-B – Planned Development – Business; 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 O&LI	Supplemental Use Regulations

Warehousing	Electronic Warehousing	P S	§78-71.18
	Warehouse (storage)	S	§78-71.18

ARTICLE V. – PLANNED DEVELOPMENT DISTRICTS

Section 78-50.5. – PD-B – Planned development business district.

- (c) *Principal uses.* Table 78-50.5(c)(4) lists uses permitted and allowed in the PD-B 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 PD-B district. It is the applicant's responsibility to ensure that all published rules, regulations and standards have been addressed in any application submitted for 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 PD-B 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).

Table 78-50.5(c)(4): Principal Permitted and Allowed Uses PD-B

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

Uses may be subject to use specific standards as noted in the last column

USE CATEGORY	USE TYPE	PD-B	See Supplemental Regulations

Warehousing	Electronic Warehouse	Z, S	§78-71.18

* See also section XVIII, Definitions. Drive-in (not drive-through) window service is a term used to describe an establishment designed to be operated to serve a patron while seated in an automobile parked in an off-street parking space.

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, S			**	§78-71.18
	Warehouse (storage)								S					**	§78-71.18

39

40 Section 78-71.18 – Warehousing use category.

41

42

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

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

50 (a) Equipment area. The area for equipment shall be designated on a site plan and
51 shall occupy at least 2,000 square feet and no more than 40,000 gross square
52 feet of floor area within a single building. A maximum of 55,000 gross square
53 feet may be permitted for adaptive reuse of a principle structure existing on April
54 8, 2025.

55

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

Town of Herndon, Virginia
Notice of Public Hearing

Notice is hereby given that the Planning Commission of the Town of Herndon, Virginia, will hold a public hearing on Monday, March 24, 2025, at 7:00 p.m. in the Herndon Council Chambers Building, located at 765 Lynn Street, Herndon, Virginia on the following items:

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, amending Article VII (Use Regulations), Section 78-70.2 (Table of Permitted and Allowed uses) and Section 78-71.18. Warehousing use category, and other articles as deemed necessary and appropriate to update standards for the Electronic Warehousing use category.

The public is encouraged to participate in the town's public hearing process. Individuals having an interest in the above items are invited to attend the public hearing and state their opinions. Individuals may also submit comments to planning.commission@herndon-va.gov.

The proposed items are available for review by the public on the town's website www.herndon-va.gov.

The Town of Herndon supports the Americans with Disabilities Act by making reasonable accommodations for persons with disabilities so that they may participate in services, programs, or activities, offered by the town. Please call (703) 435-6804 to arrange for any accommodation that may be necessary to allow for participation.

Amanda Morrow Kertz, Acting Town Clerk

Note to Publisher:

Publish on March 7/March 14, 2025

Zoning Ordinance Text Amendment ZOTA #25-03 - Revisions to the electronic warehousing use type

Planning Commission Regular Meeting
March 24, 2025

David Stromberg, AICP
Zoning Administrator

Current Allowable Districts

		Zoning Districts		
Use Category	Use Type	CS, Commercial Services	O&LI, Office & Light Industrial	PD-B
Warehousing	Electronic Warehousing	S	P	Z
	Warehouse (storage)		S	

- 3 of 16 zoning districts
- S = Special Exception
- P = Permitted by-right
- Z = Depends on proffered uses
- Blank = not permitted

Proposed Allowable Districts

		Zoning Districts		
Use Category	Use Type	CS, Commercial Services	O&LI, Office & Light Industrial	PD-B
Warehousing	Electronic Warehousing	S	P S	Z,S
	Warehouse (storage)		S	

- 3 of 16 zoning districts
- S = Special Exception
- P = Permitted by-right
- Z = Depends on proffered uses
- Blank = not permitted

Proposed Amendment to Use Standards

Section 78-71.18 – Warehousing use category

(d) Warehousing

(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~~. **A maximum of 55,000 gross square feet may be permitted for adaptive reuse of a principle structure existing on April 8, 2025.**

Rationale for the Amendment

- Updates outdated language from 2007
 - ZOTA #06-03
- Provides consistency across zoning districts
- Consistent with the Transit Related Growth Small Area Plan
 - CPA #23-01

Recommendation

- Recommend *approval* of Zoning Ordinance Text Amendment ZOTA #25-03.