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**PLANNING COMMISSION
Monday
October 28, 2019**

The Planning Commission met in public session on Monday, October 28, 2019, at 7:00 p.m. in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Chair C. Melissa Jonas, Vice Chair George Burke, and Commissioners Marcia Bouchard, Paul LeReche, Kevin Moses, and Michael Romeo. Commissioner Sean Regan was absent.

Others present during the meeting: Lesa Yeatts, Town Attorney; Elizabeth Gilleran, Director of Community Development; David Stromberg, Zoning Administrator; Lauri Sigler, Deputy Town Attorney; and Erika Orellana, Clerk to Boards and Commissions.

Chair Jonas called the meeting to order at 7:00 p.m., six Commissioners present, and with Chair Jonas presiding.

1. **DETERMINATION OF QUORUM**

For the record, Ms. Orellana, Clerk to Boards and Commissions, called the roll, with six members present, which constituted a quorum.

2. **APPROVAL OF AGENDA**

On the motion of Commissioner Moses, seconded by Vice Chair Burke and carried by a vote of 6-0, the agenda for the October 28, 2019 public hearing meeting was approved. The vote was: Commissioners Bouchard, LeReche, Moses, Romeo, Vice Chair Burke and Chair Jonas voting "Aye." Commissioner Regan was absent.

3. **APPROVAL OF MINUTES**

**Vote on September 9, 2019
Work Session Minutes**

On the motion of Vice Chair Burke, seconded by Commissioner Romeo and carried by a vote of 6-0, the minutes for the September 9, 2019 work session meeting were approved.

**October 28, 2019
(public hearing)**

The vote was: Commissioners Bouchard, LeReche, Moses, Romeo, Vice Chair Burke and Chair Jonas voting "Aye." Commissioner Regan was absent.

September 23, 2019
Public Hearing Minutes

On the motion of Vice Chair Burke, seconded by Commissioner Romeo and carried by a vote of 6-0. The minutes for September 23, 2019 public hearing meeting were approved. The vote was: Commissioners Bouchard, LeReche, Moses, Romeo, Vice Chair Burke and Chair Jonas voting "Aye." Commissioner Regan was absent.

4. COMMENTS FROM THE STAFF

Elizabeth Gilleran, Director of Community Development, stated that the Fairfax Connector is soliciting public comment on three alternatives for future bus services. Ms. Gilleran stated the public can provide their input at a local public meeting or through an online survey. Ms. Gilleran encouraged the public to go on to the website www.fairfaxcounty.gov/connector to look at the information that is being provided for the proposed bus routes and to fill out the survey.

Chair Jonas emphasized the importance of looking at the map with the bus schedules in order to get a better understanding of the three alternatives.

5. COMMENTS FROM THE PLANNING COMMISSIONERS

Commissioner Marcia Bouchard commented that while the Commission's focus falls mostly in the part of planning, the end and tangible results are shown with the completion of various ventures that take time, talent and investment. She noted three examples of recent projects that have helped to enhance the Town. These examples include the shops located at Spring Street and Victory Drive that are a part of the Reston-Herndon Business Park, the opening of the Virginia Tire and Auto at 199 Elden Street and the evolution of the former K-Mart site. She notes that all of these projects took a great amount of time and effort, and she was very impressed with the wonderful renovation, design, and overall success of each project. Lastly, she commented on how they all contribute to enhancing the downtown area, and give her great pride to be a part of the Planning Commission.

6. COMMENTS FROM THE AUDIENCE

There were no comments from the audience.

**October 28, 2019
(public hearing)**

PUBLIC HEARING

7. **ZONING ORDINANCE TEXT AMENDMENT – ZOTA #18-03**, to consider amending Chapter 78 (ZONING), Article III (Residential Districts), Section 78-30.1 (R-15 - Residential Single-Family District), Section 78-30.2 (R-10 - Residential Single-Family District), Section 78-30.3 (RTC - Residential Townhouse Cluster District), Section 78-30.4 (RM - Residential Multi-Family District), Article V (Planned Development Districts), Section 78-50.4 (PD-R - Planned Development-Residential District), Section 78-50.6 (PD-D - Planned Development-Downtown District), Section 78-50.7 (PD-TD - Planned Development-Traditional Downtown District), Section 78-50.8 (PD-TOC - Planned Development Transit-Oriented Core District), Section 78-50.9 (PD-W - Planned Development-Worldgate District), Section 78-51.1 (PD-UR - Planned Development-Urban Residential District), Article VIII (Accessory Uses), Section 78-80.4 (Standards for Specific Accessory Uses and Structures by Use Type), by adding subsection 78-80.4(u), to permit and establish limitations on short-term rentals as an accessory use to residential dwelling units provided certain standards are met, whereas they are currently not permitted, and Section 78-180, (Definitions) to define the term. A maximum fee of \$200 will be established in Section 78-152.2(b)(3) (Fees), for a two-year permit and inspection for short-term rental establishments pursuant to Virginia Code 15.2-2286(A)(6). **(Continued from September 23, 2019 Planning Commission public hearing).**

Note: This item was continued from the September 23, 2019 Planning Commission public hearing.

Certificates of Publication were filed from the Editor of the *Fairfax County Times Newspapers*, showing that notices of said public hearing had been duly advertised in the Friday, October 11, 2019 and October 18, 2019 issues.

Chair Jonas stated that comments had been received and entered into the record.

Chair Jonas opened the public hearing and called on David Stromberg, Zoning Administrator, to provide staff updates.

Mr. Stromberg presented the staff memo dated October 28, 2019, which is on the file in the Department of Community Development.

Staff recommended approval of ZOTA #18-03.

There were no questions of staff by the Commissioners at this time.

There was no discussion on this item by the Commissioners.

Chair Jonas asked for comments from the audience.

**October 28, 2019
(public hearing)**

There were comments provided by the following individual:

- Sarah Snyder

Motions

Main Motion

(SUBSEQUENTLY APPROVED)

Following the public hearing, Vice Chair Burke moved approval of ZOTA #18-03 in accordance with the draft resolution on Attachment #1.

This motion was seconded by Commissioner Romeo.

There were brief comments by Vice Chair Burke and Commissioner Romeo in support of the motion.

Commissioners provided comments.

**Substitute Motion &
Vote on Substitute Motion**

(FAILED)

Commissioner Bouchard moved a substitute motion to modify the standards in ZOTA #18-03 to limit short-term rentals to the following: owner-occupied single-family homes and only when the owner is present.

This motion was seconded by Commissioner LeReche for purposes of discussion.

Following a brief discussion amongst the Commissioners and staff, the question was called on the substitute motion, which failed by a vote of 1-5. The vote was: Commissioner Bouchard voting "Aye." Commissioners LeReche, Moses, Romeo, Vice Chair Burke and Chair Jonas voting "No." Commissioner Regan was absent.

**Substitute to the
Substitute Motion & Vote**

(SUBSEQUENTLY FAILED)

Commissioner LeReche moved a second substitute motion to reduce the number of nights to be rented from 90 days to 60 days for whole house rentals where the owner is not present.

This motion was seconded by Vice Chair Burke.

**October 28, 2019
(public hearing)**

Following brief discussion amongst the Commissioners and staff, the question was called on the motion, which failed by a vote of 3-3. The vote was: Commissioners LeReche, Moses and Romeo voting "Aye." Commissioner Bouchard, Vice Chair Burke and Chair Jonas voting "No." Commissioner Regan was absent.

Vote on (APPROVED)
Main Motion

Clarification on the main motion, Vice Chair Burke moved approval of ZOTA #18-03 in accordance with the draft resolution on Attachment #1. This motion was seconded by Commissioner Romeo.

There was no further discussion.

The question was called on the motion, which carried by a vote of 5-1. The vote was: Commissioners LeReche, Moses, Romeo, Vice Chair Burke and Chair Jonas voting "Aye." Commissioner Bouchard voting "No." Commissioner Regan was absent.

[Note: Attachment #1]

Resolution – to recommend approval of Zoning Ordinance Text Amendment ZOTA #18-03, to the Town Council of the Town of Herndon.

WHEREAS, the Planning Commission of the Town of Herndon, Virginia began holding public hearings on this zoning ordinance text amendment on June 12, 2018; and

WHEREAS, the proposed language has been revised based on resident input and several work session and public hearing discussions; and

WHEREAS, the Planning Commission has considered the appropriateness and benefits of the proposed text amendment compared to a no-action alternative and found the proposal to further promote the health, safety, and welfare of the residents of the town.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission for the Town of Herndon, Virginia that the Planning Commission hereby recommends approval of zoning ordinance text amendment ZOTA #18-03 to the Town Council of the Town of Herndon.

BE IT FURTHER RESOLVED that the Planning Commission recommends the Town Council direct staff to reevaluate the standards for short-term rentals with the Planning Commission within 24 months from the effective date of the ordinance.

**October 28, 2019
(public hearing)**

8. ADJOURNMENT

There being no further business, the meeting adjourned at 7:29 p.m.



**C. Melissa Jonas, Chair
Planning Commission**



**Erika Orellana
Clerk to Boards and Commissions**

Minutes approved by the Planning Commission: November 25, 2019