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**PLANNING COMMISSION
Public Hearing
Monday, October 26, 2020**

Pursuant to Virginia Code Section 2.2-3708.2, as amended; the Governor’s Executive Orders, as amended; and in accordance with Ordinance 20-O-23, Continuity of Governmental Operations during Pandemic Disaster (COVID-19), as amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments, Chairman Romeo has stated that the October 26 2020, Planning Commission Public Hearing will be by electronic means. The meeting was broadcast and recorded through Cisco WebEx and details for the meeting were made available to the public on Wednesday, October 21, 2020. In attendance were: Chairman Michael Romeo, Vice Chair George Burke and Commissioners Marcia Bouchard, Paul LeReche, Kevin Moses, Sean Regan and Meron Yohannes.

Staff present during the meeting: Lesa Yeatts, Town Attorney; Elizabeth Gilleran, Director of Community Development; Bryce Perry, Deputy Director of Community Development, David Stromberg; Zoning Administrator, Dana Heiberg; Senior Planner and Erika Orellana, Clerk to Boards and Commissions.

STAFF ANNOUNCEMENTS

Erika Orellana, Clerk to Boards and Commissions, stated that the Planning Commission public hearing was held as a virtual meeting. The Clerk to the Boards and Commissions welcomed those listening and encouraged the public to provide comments for the record at planning.commission@herndon-va.gov.

Ms. Orellana stated, for the record, that:

- The Planning Commission public hearing that evening was conducted electronically Pursuant to Virginia Code Section 2.2-3708.2, as amended; the Governor’s Executive Orders, as amended; and in accordance with Ordinance 20-O-23, Continuity of Governmental Operations during Pandemic Disaster (COVID-19), as amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments.

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- Proper notice of the electronic meeting was provided in accordance with Section 2.2-3708.2 of the Code of Virginia, along with information for viewing the meeting and submitting comments for the record;
- The agenda and meeting materials are available on the town's website;
- Electronic meetings will begin with a roll call and determination of quorum; and
- All votes, including adjournment, were by roll call vote.

ANNOUNCEMENT BY CHAIRMAN ROMEO

Chairman Romeo stated that Commissioner Moses was absent for the public hearing that evening. Chairman Romeo also announced the resignation of Commissioner Bouchard.

1. CALL TO ORDER

Roll Call

Chairman Romeo called the virtual public hearing to order at 7:00p.m. and asked Ms. Orellana to call the roll for attendance. All members were present, electronically, with Chairman Romeo presiding.

2. DETERMINATION OF QUORUM/ ANNOUNCEMENT

Chairman Romeo stated, for the record, that there was a quorum present, virtually, that evening. Chairman Romeo stated that Lesa Yeatts, Town Attorney; Elizabeth Gilleran, Director of Community Development; Bryce Perry; Deputy Director of Community Development, David Stromberg; Zoning Administrator and Dana Heiberg; Senior Planner were also present.

Chairman Romeo stated that tonight's public hearing was conducted by electronic means pursuant to the appropriate laws.

APPROVAL OF MINUTES

**3. Vote on September 14, 2020
Work Session Minutes**

On the motion of Commissioner Bouchard, seconded by Vice Chair Burke and carried by a vote of 6-0, the minutes for the September 14, 2020 work session were approved. The

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vote was: Commissioners Bouchard, LeReche, Regan, Yohannes, Vice Chair Burke and Chairman Romeo voting “Aye.” Commissioner Moses was absent.

**4. Vote on September 28, 2020
Public Hearing Minutes**

On the motion of Commissioner Bouchard, seconded by Chairman Romeo and carried by a vote of 6-0, the minutes for the September 28, 2020 public hearing were approved. The vote was: Commissioners Bouchard, LeReche, Regan, Yohannes, Vice Chair Burke and Chairman Romeo voting “Aye.” Commissioner Moses was absent.

5. COMMENTS BY THE BOARD MEMBERS

Commissioner Regan commented on the metro area and suggested having a work session to discuss ideas that would differentiate the Herndon metro area from other Silver Line stations such as a museum, university or other public attraction. Commissioners agreed to such a discussion at a future work session.

6. COMMENTS BY THE STAFF

Elizabeth Gilleran, Director of Community Development stated that staff has enjoyed working with Commissioner Bouchard and that she will be missed.

PUBLIC HEARINGS

7. **Comprehensive Plan Amendment – CPA #20-01, 315 Elden Street.** Pursuant to Section 15.2-2229 of the Code of Virginia, notice is hereby given of a Comprehensive Plan Amendment to amend the Town of Herndon 2030 Comprehensive Plan adopted August 12, 2008, as amended through February 26, 2019, in order to by change the 2030 Land Use Plan map for the approximately 6.48 acre parcel known as the Residence Inn property at 315 Elden Street, Herndon, Virginia, developed with 168 hotel units owned by Elden Street Owner LLC. from Business Corridor to Adaptive Area-Residential, a category which supports redevelopment and residential land use including multifamily. The property is located in the southwest quadrant of the Elden Street and Herndon Parkway intersection, Fairfax County Tax Map Reference Number: 0171-02-0007 and is zoned CS-Commercial Services. The existing density is 25.9 units per acre and the proposed amendment is the same or similar, based on adaptive reuse of the existing buildings. The Planning Commission will consider a resolution recommending the plan amendment to the Town Council for adoption.

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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 2, 2020, October 9, 2020 and October 16, 2020 issues.

Chairman Romeo opened the public hearing and called on Dana Heiberg, Senior Planner, for the staff report and updates.

Mr. Heiberg presented the staff report dated October 5, 2020 and staff memo dated October 23, 2020, which are on file in the Department of Community Development.

Chairman Romeo called on the Planning Commission individually for questions to Mr. Heiberg.

Ms. Gilleran responded to questions from Commissioner LeReche regarding future details such as parking policies, outdoor amenities and trash removal. Vice Chair Burke asked about the workforce housing aspect of this property, and further inquired upon the price point of such housing. Ms. Gilleran explained that those matter would be defined during the zoning map amendment process most likely in a manner similar to how it is done in Alexandria.

Chairman Romeo recognized the public for comments on this item.

The following individual provided comments:

- Ken Wire provided his comments to clarify the workforce housing process.

Following the public hearing, Vice Chair Burke moved approval of the resolution dated October 26, as presented by staff recommending and certifying approval of CPA#20-01. This motion was seconded by Commissioner Regan.

There was a brief discussion from the Commissioners on this item.

The question was called on the motion, which carried by a vote of 6-0, the vote was: The vote was: Commissioners Bouchard, LeReche, Regan, Yohannes, Vice Chair Burke and Chairman Romeo voting “Aye.” Commissioner Moses was absent.

8. **APPLICATION FOR A ZONING MAP AMENDMENT – ZMA #19-02, 1145 Herndon Parkway, Park Place Residential Development**, to consider a zoning map amendment from C-O, Commercial Office, to PD-UR, Planned Development-Urban Residential with proffered conditions to allow the redevelopment of the site with townhouses and multi-family residential uses. The site is approximately 8.8 acres and is currently improved with four, one-story office buildings. The new development would have 85 three-story townhouses and 56 two-over-two multi-family units at a density of 16 units per acre. The property is located on the south side of Herndon Parkway

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approximately 520 feet west from its intersection with Elden Street. Fairfax County Tax Map Reference Number: 0161-02-0015G. Agent: Brian Winterhalter, Cooley, LLP. Applicant: Stanley Martin Companies, LLC. Property Owner: FMI Herndon Corporate Center, LLC.

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 2, 2020, October 9, 2020 and October 16, 2020 issues.

Chairman Romeo informed that comments were received for this item and have been entered into the record by the clerk.

Chairman Romeo opened the public hearing and called on Bryce Perry, Deputy Director of Community Development, for the staff report and updates.

Mr. Perry presented the staff report dated October 5, 2020 and staff memo dated October 23, 2020, which are on file in the Department of Community Development.

Chairman Romeo called on the Planning Commission individually for questions to Mr. Perry.

Mr. Perry provided answers and clarification of questions raised by the Commissioners regarding the disposition of the existing office building to remain in Phase 1, the findings of the traffic impact analysis, the future pedestrian connections, the allowance for minor modifications to the project, and the housing typology and intended market for housing types proposed.

Chairman Romeo recognized the applicant and agent for comments.

Brian Winterhalter, the agent, and Maria Lashinger, the traffic consultant, and Truett Young, the applicant from Stanley Martin, provided their comments to support their proposed application.

Chairman Romeo asked the Planning Commission for questions to Mr. Winterhalter, Ms. Lashinger, and Mr. Young

Mr. Winterhalter, Ms. Lashinger, and Mr. Young, responded to the Commissioners' questions.

Chairman Romeo recognized the public for comments on this item.

The following individuals provided comments:

- Jeff Hoverson-Four Season Rec. Association
- Walter Shorter-Four Season HOA

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Chairman Romeo offered Mr. Winterhalter, Ms. Lashinger, and Mr. Young, the opportunity for rebuttal.

Mr. Winterhalter provided additional comments in support of the applicant.

Following the public hearing, Commissioner Bouchard moved approval of the resolution dated October 26 and the accompanying proffers, as presented by staff, recommending approval of ZMA#19-02 to the Town Council. This motion was seconded by Commissioner LeReche.

There was brief discussion from the Commissioners on this item. Commissioner Regan voiced concern that a pedestrian connection to the shopping center property to the east was not proposed to be physically constructed with the proposed redevelopment, and stressed the importance of pedestrian connection in this area for improved access to Metrorail.

The question was called on the motion, which carried by a vote of 5-1. The vote was: Commissioners Bouchard, LeReche, Yohannes, Vice Chair Burke and Chairman Romeo voting "Aye." Commissioner Regan voting "Nay." Commissioner Moses was absent.

9. **ZONING ORDINANCE TEXT AMENDMENT – ZOTA #20-01**, pursuant to Virginia Code §§ 15.2-2204, 15.2-2285, 15.2-2286, and an Initiating Resolution adopted by the Town Council on September 22, 2020, notice is hereby given to consider zoning text amendments to establish new, and clarify, revise and/or delete existing, regulations and definitions in order to change the name of the Heritage Preservation Overlay district to the Historic District Overlay and to allow for the administrative review of certain types of certificates of appropriateness. The proposed amendments under consideration include multiple sections of Chapter 78 (ZONING) and a new Section 78-155.10 (Certificates of Appropriateness).

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 2, 2020, October 9, 2020 and October 16, 2020 issues.

Chairman Romeo opened the public hearing and called on David Stromberg, Zoning Administrator, for the staff report and updates.

Mr. Stromberg presented the staff report dated October 5, 2020 and staff memo dated October 23, 2020, which are on file in the Department of Community Development.

Chairman Romeo called on the Planning Commission individually for questions to Mr. Stromberg.

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Commissioner Regan asked for clarification on this item and asked if the guidelines were available for viewing. Ms. Gilleran explained that the guidelines were being finalized and confirmed that there will be a meeting on Thursday, October 29, 2020. Ms. Gilleran stated that the guidelines would be finalized for the meeting on Thursday. Vice Chair Burke asked if this will result in more or less work for staff. Ms. Gilleran informed that the work would be less because more applications could be reviewed administratively, and staff reports would not be necessary.

Chairman Romeo recognized the public for comments on this item.

There were no comments by the public.

Following the public hearing, Commissioner Regan moved a recommendation of approval of ZOTA#20-01, as presented by staff, to the Town Council. This motion was seconded by Commissioner LeReche.

There was no discussion on the motion.

The question was called on the motion, which carried by a vote of 6-0, the vote was: The vote was: Commissioners Bouchard, LeReche, Regan, Yohannes, Vice Chair Burke and Chairman Romeo voting "Aye." Commissioner Moses was absent.

Disclosure-Chairman Romeo

Chairman Romeo stated the following for the record; that he is employed by Walsh, Colucci, Lubeley & Walsh, PC, agent for the applicant. Although he has not personally worked on the SE#17-13, SE#19-05 and RPA#17-01 applications and he believes that he would be able to participate in the transaction fairly, objectively, and in the public interest he nonetheless recuse and disqualify myself from discussion and voting on this transaction.

Vice Chair Burke conducted the work session from this point, 9:36pm.

10. **APPLICATION FOR A SPECIAL EXCEPTION – SE #17-03, 100, 150, 200 Fairbrook Drive, Fairbrook Business Park, to consider a special exception under the Landmark Business Alternative Option to allow the redevelopment of these parcels with two office buildings, a residential building, and a mixed use building. The total site is approximately 28 acres and is improved with an 80,000SF office building and surface parking on one parcel. The other two parcels are comprised of natural areas. This case is also subject to SE#19-05 for development within a floodplain and RPA#17-01 for encroachment into a resource protection area, both of which will be reviewed concurrently with this case. The total proposed density is 1.25 FAR (floor area ratio). Access to the site is gained off Herndon Parkway, an internal private street network, and**

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the extension of Fairbrook Drive. The property is zoned O&LI, Office & Light Industrial and is designated in the Comprehensive Plan as "Regional Corridor Mixed Use". The property is on the southeast side of Herndon Parkway approximately 1,200 feet from its intersection with Spring Street. Fairfax County Tax Map Reference Numbers: 0164-10-0005A, 0164-25-H, 0164-25-O. Agent: Elizabeth Baker, Walsh, Colucci, Lubeley & Walsh, PC. Applicant/Owner: Fairbrook Business Park Associates, LP and Fairbrook Business Park Associates II, LP.

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 2, 2020, October 9, 2020 and October 16, 2020 issues.

Vice Chair Burke stated that comments were received for this item and have been entered into the record by the clerk.

Vice Chair Burke opened the public hearing and called on Bryce Perry, Deputy Director of Community Development, for the staff report and updates.

Mr. Perry presented the staff report dated October 5, 2020 and staff memo dated October 23, 2020, which are on file in the Department of Community Development.

Vice Chair Burke called on the Planning Commission individually for comments or questions to Mr. Perry.

Commissioner LeReche asked for clarification on the height of the office building. Commissioner Regan asked for clarification about the northern access point and the adjacent property to it. Vice Chair Burke asked for clarification EV charging stations in the garages, the ultimate use of the proposed indoor space available of lease to the town. Mr. Perry provided the information to the Commissioners.

Vice Chair Burke recognized the agent of the applicant for comments.

Mr. Elizabeth Baker, the agent, provided comments in support to this application. Jacob Bennet, landscape architect, provided his comments in support to this application.

Vice Chair Burke asked the Planning Commission for questions of Ms. Baker or Mr. Bennet.

Commissioners provided questions to the applicants and asked for additional information about traffic.

Ms. Baker provided responded to the commissioners questions.

Vice Chair Burke recognized the public for comments on this item.

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The following individual provided comments:

- Meredith Clement

Vice Chair Burke asked applicants for the opportunity for rebuttal. Ms. Baker provided her comments.

Following the public hearing, Commissioner Bouchard moved approval of the resolution dated October 26, recommending approval of SE#17-03 and the accompanying conditions, as presented by staff, to the Town Council. This motion was seconded by Commissioner Regan.

Commissioner Regan provided comments for this application.

The question was called on the motion, which carried by a vote of 5-0. The vote was: Commissioners Bouchard, LeReche, Regan, Yohannes and Vice Chair Burke voting "Aye." Commissioner Moses and Chairman Romeo were absent.

11. **APPLICATION FOR A SPECIAL EXCEPTION – SE #19-05, 100, 150, 200 Fairbrook Drive, Fairbrook Business Park**, to consider a special exception to allow for development within the FPO, Floodplain Overlay district. The project consists of two office buildings, a residential building, and a mixed use building. This case is also subject to SE#17-03 for development under the O&LI, Office and Light Industrial – Landmark Business Alternative Option, and RPA#17-01 for encroachment into a resource protection area, both of which will be reviewed concurrently with this case. Agent: Elizabeth Baker, Walsh, Colucci, Lubeley & Walsh, PC. Applicant/Owner: Fairbrook Business Park Associates, LP and Fairbrook Business Park Associates II, LP.

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 2, 2020, October 9, 2020 and October 16, 2020 issues.

Vice Chair Burke opened the public hearing and called on David Stromberg, Zoning Administrator, for the staff report and updates.

Mr. Stromberg presented the staff report dated October 5, 2020 and staff memo dated October 23, 2020, which are on file in the Department of Community Development.

Vice Chair Burke called on the Planning Commission individually for questions to Mr. Stromberg.

Commissioner Yohannes asked for clarification regarding the floodplain analysis procedure.

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Mr. Stromberg responded to Commissioner Yohannes' question.

Vice Chair Burke recognized the agent for comments.

Elizabeth Baker, the agent, provided comments in support to this application.

Vice Chair Burke asked the Planning Commission if they had questions for the agent, Elizabeth Baker.

There were no questions for the agent from the Planning Commission.

Vice Chair Burke recognized the public for comments on this item.

There were no comments by the public.

Following the public hearing, Commissioner Bouchard moved approval of the resolution dated October 26, recommending approval of SE#19-05 with conditions, as presented by staff, to the Town Council. This motion was seconded by Commissioner LeReche.

There was no discussion on this item.

The question was called on the motion, which carried by a vote of 5-0. The vote was: Commissioners Bouchard, LeReche, Regan, Yohannes and Vice Chair Burke voting "Aye." Commissioner Moses and Chairman Romeo were absent.

12. **APPLICATION FOR AN EXCEPTION TO THE CHESAPEAKE BAY PROTECTION AREAS – RPA #17-01, 100, 150, 200 Fairbrook Drive, Fairbrook Business Park**, to consider an exception to encroach into the RPA, Resource Protection Area, component of the CBPAO, Chesapeake Bay Preservation Area Overlay district. The project consists of two office buildings, a residential building, and a mixed use building. The total site is approximately 28 acres and is improved with an 80,000SF office building and surface parking on one parcel. The other two parcels are comprised of natural areas. This case is also subject to SE#17-03 for development under the O&LI, Office and Light Industrial – Landmark Business Alternative Option, and SE #19-05 for development within a floodplain, both of which will be reviewed concurrently with this case. Agent: Elizabeth Baker, Walsh, Colucci, Lubeley & Walsh, PC. Applicant/Owner: Fairbrook Business Park Associates, LP and Fairbrook Business Park Associates II, LP.

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 2, 2020, October 9, 2020 and October 16, 2020 issues.

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Vice Chair Burke opened the public hearing and called on David Stromberg, Zoning Administrator, for the staff report and updates.

Mr. Stromberg presented the staff report dated October 5, 2020 and staff memo dated October 23, 2020, which are on file in the Department of Community Development.

Vice Chair Burke called on the Planning Commission individually for questions of Mr. Stromberg.

Commissioner Bouchard and Commissioner Yohannes provided brief comments on this item.

Vice Chair Burke recognized the agent for comments.

Elizabeth Baker, the agent, provided comments in support for this application.

Vice Chair Burke asked if the Commissioners had questions for the agent, Elizabeth Baker.

There were no questions for the agent from the Planning Commission.

Vice Chair Burke recognized the public for comments on this item.

There were no comments by the public.

Following the public hearing, Commissioner Regan moved approval of the resolution dated October 26, recommending approval of RPA#17-01 with conditions, as presented by staff, to the Town Council. This motion was seconded by Commissioner LeReche.

There was no discussion on this item.

The question was called on the motion, which carried by a vote of 5-0. The vote was: Commissioners Bouchard, LeReche, Regan, Yohannes and Vice Chair Burke voting "Aye." Commissioner Moses and Chairman Romeo were absent.

Closing Comments by Commissioner Bouchard

Commissioner Bouchard stated the following, "The Town of Herndon is a thriving, diverse and inclusive community. This is a reflection of careful, deliberate and professional planning. My sincere thank you to fellow commissioners, who serve as a model for civil discourse, where a difference of opinion is welcome, insights garnered through various lenses are part of the discussion, and with one objective 'to do what is in the best interest of the community.' My thanks to our professional Town of Herndon

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staff — it has been a pleasure working with you. I consider it an honor to have served on the Planning Commission. Know that there will always be a part of me that considers Herndon home. “

ADJOURNMENT

There being no further business, the meeting adjourned at 11:54 p.m.



**Michael Romeo, Chairman
Planning Commission**



**George Burke, Vice Chair
Planning Commission**



**Erika Orellana
Clerk to Boards and Commissions**

Minutes approved by the Planning Commission: November 16, 2020