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PLANNING COMMISSION

Monday

October 25, 2021

The Planning Commission met in public session on Monday, October 25, 2021, at 7:00 p.m. in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Chairman Michael Romeo, Vice Chair George Burke and Commissioners Jay Donahue, Mike McFarlane, Kevin Moses and Meron Yohannes. Commissioner Paul LeReche was absent.

Others present during the meeting: Lesa Yeatts, Town Attorney; Elizabeth Gilleran, Director of Community Development; Chris Garcia, Development Program Planner; David Stromberg, Zoning Administrator and Erika Orellana, Clerk of Boards and Commissions.

Chairman Romeo called the meeting to order at 7:00 p.m., with six Commissioners present, and with Chairman Romeo 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 Commissioner Yohannes and carried by a vote of 6-0, the agenda for the October 25, 2021 Planning Commission Public Hearing meeting was approved. The vote was: Commissioners Donahue, McFarlane, Moses, Yohannes, Vice Chair Burke and Chairman Romeo voting "Aye." Commissioner LeReche was absent.

3. APPROVAL OF MINUTES

Vote on September 13, 2021 Work Session Minutes

On the motion of Vice Chair Burke, seconded by Commissioner McFarlane and carried by a vote of 6-0, the minutes for the September 13, 2021, Planning Commission Work Session were approved. The vote was: Commissioners Donahue, McFarlane, Moses,

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Yohannes, Vice Chair Burke and Chairman Romeo voting “Aye.” Commissioner LeReche was absent.

**Vote on September 27, 2021
Public Hearing Minutes**

On the motion of Commissioner Yohannes, seconded by Vice Chair Burke and carried by a vote of 6-0, the minutes for the September 27, 2021, Planning Commission Public Hearing were approved. The vote was: Commissioners Donahue, McFarlane, Moses, Yohannes, Vice Chair Burke and Chairman Romeo voting “Aye.” Commissioner LeReche was absent.

4. COMMENTS FROM THE STAFF

Lisa Gilleran, Director of Community Development, stated that the November Planning Commission’s work session will be held, and the public hearing will be cancelled due to the lack of items on the agenda. Ms. Gilleran introduced Chris Garcia, Development Program Planner, to the Commissioners.

5. COMMENTS FROM THE COMMISSIONERS

There were no comments from the Commissioners.

6. COMMENTS FROM THE AUDIENCE

There were no comments from the audience.

PUBLIC HEARINGS

- 7. SPECIAL EXCEPTION - SE #21-04, 148 Herndon Mill Circle**, to consider a special exception to permit an accessory dwelling unit through addition of a secondary kitchen within the first floor of the attached primary dwelling structure. The property is zoned RTC, Residential Townhouse Cluster. The property is designated in the Herndon 2030 Comprehensive Plan as “Neighborhood Conservation”. The property is located on the east side of Herndon Mill Circle, approximately 700 feet from its intersection with Jonquil Lane, and is approximately 2,000 square feet in land area. Fairfax County Tax Map Number: 0171-27-0074. Applicants/Owners: Tara M. Woodruff and Daniel W. Dukes.

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 8, 2021 and October 15, 2021 issues.

Chairman Romeo opened the public hearing and called on Chris Garcia, Development Program Planner, for the staff memo and updates.

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Mr. Garcia presented the staff report dated October 18, 2021 and staff update memo dated October 20, 2021, which are on file in the Department of Community Development.

Staff recommended approval of SE#21-04, in accordance with the resolution and the revised conditions as presented.

Chairman Romeo recognized the applicants, Tara M. Woodruff and Daniel W. Dukes, to provide comments. Mr. Dukes provided his brief comments.

Chairman Romeo called on the Planning Commission individually for questions of Mr. Garcia. There were no questions for staff by the Commissioners.

Chairman Romeo recognized the members of the audience for comments on this item. There were no audience members present to speak on this item. Chairman Romeo closed the public hearing of the item.

Following the public hearing, Vice Chair Burke moved approval of the resolution for SE#21-04, with the revised conditions dated October 25, 2021, as presented and recommended by staff. This motion was seconded by Commissioner McFarlane.

There was no 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: Commissioners Donahue, McFarlane, Moses, Yohannes, Vice Chair Burke and Chairman Romeo voting "Aye." Commissioner LeReche was absent.

[Note: Below is the approved resolution and conditions for SE#21-04.]

TOWN OF HERNDON, VIRGINIA

PLANNING COMMISSION

RESOLUTION

OCTOBER 25, 2021

Resolution- to consider Special Exception Application SE #21-04, to permit an accessory dwelling unit through addition of a secondary kitchen within the first floor of the attached primary dwelling structure in a Residential Townhouse Cluster, RTC, zoning district.

WHEREAS, the applicant, Daniel Dukes, has submitted a request for a special exception to permit an accessory dwelling unit through addition of a

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secondary kitchen within the first floor of the attached primary dwelling structure at 148 Herndon Mill Circle and identified as Fairfax County Tax Map #0171-27-0074; and

WHEREAS, the Planning Commission has reviewed this application and has held a public hearing in accordance with the provisions of §15.2-2204 of the State Code; and

WHEREAS, the Planning Commission has found that the application, SE #21-04 with conditions, meets the purpose and intent of the Zoning Ordinance, in particular, Sections 78-80.4 and 78-155.3; and

WHEREAS, the property and associated accessory dwelling unit shall be regulated under any future amendments to Section 78-80.4 and is not limited in perpetuity to the language in effect on the date of this resolution; and

WHEREAS, if granted, the uses permitted under the special exception are pursuant to the Zoning Ordinance and this resolution; and

WHEREAS, if granted, the special exception may expire pursuant to Sections 78-155.3(f)(3) or Section 78-155.3(g) of the Zoning Ordinance; and

WHEREAS, if granted, the special exception may be amended pursuant to Section 78-155.3(j) of the Zoning Ordinance; and

WHEREAS, if granted, special exception may be revoked pursuant to Section 78-155.3(h) of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the Town of Herndon, Virginia, hereby:

Recommends approval of Special Exception Application SE #21-04, that shall run with the land and not be voided or extinguished from a change in ownership in accordance with the conditions set forth below to achieve compliance with the standards found in Sections 78-80.4 and 78-155.3;

1. The accessory dwelling unit shall be constructed and utilized in substantial conformance with the original application and updated first floor plan received on October 12, 2021;
2. The site shall maintain a minimum of three standard vehicle parking spaces measuring 8.5' by 18'. Use of garage or driveway space for any use other than parking shall not be considered maintaining a space.

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8. **SPECIAL EXCEPTION – SE #21-05, 299 Herndon Parkway, Suite 108, Fancy Lashes and Beyond, LLC, to consider a special exception to permit a personal service use consisting of cosmetics and aesthetic services. The property is zoned CO, Commercial Office. The property is designated in the Herndon 2030 Comprehensive Plan as "Business Corridor Use". The property is located within the Herndon Park Condominium office building and is located at the northeast corner of the intersection Herndon Parkway and Elden Street. The property consists of approximately 966 square feet of floor area within a multi-unit building. Fairfax County Tax Map Reference Number: 0171-13-0108. Applicant: Fancy Lashes and Beyond, LLC. Owners: Tommy Nguyen and Phuong Le Tran.**

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 8, 2021 and October 15, 2021 issues.

Chairman Romeo opened the public hearing and called on Chris Garcia, Development Program Planner, for the staff report and updates.

Mr. Garcia presented the staff report dated October 18, 2021, which is on file in the Department of Community Development.

Staff recommended approval of SE#21-05, in accordance with the resolution and conditions as presented.

Chairman Romeo recognized the applicants, Tommy Nguyen and Phuong Le Tran, to provide comments. Mr. Nguyen provided his brief comments.

Chairman Romeo called on the Planning Commission individually for questions of Mr. Garcia. Commissioners asked for clarification and discussed the recommended conditions for the business operations to ensure compliance with the ordinance intent and standards for the CO zoning district and special exceptions. Both the applicant and staff responded to Commissioners' questions and requested clarifications.

Chairman Romeo recognized the audience for comments on this item. There were no audience members present to speak on this item. Chairman Romeo closed the public hearing of the item.

Following the public hearing, Vice Chair Burke moved approval of the resolution for SE#21-05, with the conditions dated October 25, 2021, as presented and recommended by staff. This motion was seconded by Commissioner Moses.

There was no discussion by the Commissioners on this item.

The question was called on the motion, which carried by a vote of 6-0-1, The vote was: Commissioners Donahue, McFarlane, Moses, Yohannes, Vice Chair Burke and Chairman Romeo voting "Aye." Commissioner LeReche was absent.

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[Note: Below is the approved resolution and conditions for SE#21-05.]

TOWN OF HERNDON, VIRGINIA

PLANNING COMMISSION

RESOLUTION

OCTOBER 25, 2021

Resolution- to consider Special Exception Application SE #21-05, to permit a personal service use consisting of cosmetics and aesthetic services within the multi-tenant commercial office building in a Commercial Office, CO, zoning district.

WHEREAS, the applicants, Phuong Le Tran and Tommy Nguyen, have submitted a request for a special exception to permit a personal service use consisting of cosmetics and aesthetic services within the multi-tenant commercial office building at 299 Herndon Parkway, Suite 108, and identified as Fairfax County Tax Map #0171-13-0108; and

WHEREAS, the Planning Commission has reviewed this application and has held a public hearing in accordance with the provisions of §15.2-2204 of the State Code; and

WHEREAS, the Planning Commission has found that the application, SE #21-05 with conditions, meets the purpose and intent of the Zoning Ordinance, in particular, Sections 78-40.3 and 78-155.3; and

WHEREAS, the property and special exception shall be regulated under any future amendments to Section 78-40.3 and is not limited in perpetuity to the language in effect on the date of this resolution; and

WHEREAS, if granted, the uses permitted under the special exception are pursuant to the Zoning Ordinance and this resolution; and

WHEREAS, if granted, the special exception may expire pursuant to Sections 78-155.3(f)(3) or Section 78-155.3(g) of the Zoning Ordinance; and

WHEREAS, if granted, the special exception may be amended pursuant to Section 78-155.3(j) of the Zoning Ordinance; and

WHEREAS, if granted, special exception may be revoked pursuant to Section 78-155.3(h) of the Zoning Ordinance.

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NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the Town of Herndon, Virginia, hereby:

Recommends approval of Special Exception Application SE #21-05, in accordance with the conditions set forth below to achieve compliance with the standards found in 78-155.3;

1. The personal services business space shall be constructed and utilized in substantial conformance with the original application and updated first floor plan received on August 17, 2021;
2. The business operations shall be conducted by appointment only and limited to 6 total people, to include employees, occupying the space at any given time; and
3. The allocation of retail sales floor space shall be limited to not more than 50 square feet within the tenant space.

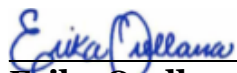
ADJOURNMENT

On the motion of Commissioner Moses seconded by Vice Chair Burke and carried by a vote of 6-0, the October 25, 2021 Planning Commission Public Hearing was adjourned. The vote was: Commissioners Donahue, McFarlane, Moses, Yohannes, Vice Chair Burke and Chairman Romeo voting "Aye." Commissioner LeReche was absent.

There being no further business, the meeting adjourned at 7:27 p.m.



**Michael Romeo, Chairman
Planning Commission**



**Erika Orellana
Clerk of Boards and Commissions**

Minutes approved by the Planning Commission: December 13, 2021