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**PLANNING COMMISSION
Work Session
Monday, October 5, 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during Pandemic Disaster (COVID-19), as amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments. The meeting was broadcast and recorded through Cisco WebEx and details for the meeting were made available to the public on Wednesday, September 30, 2020. In attendance electronically were: Chairman 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 work session will be an electronic meeting. Individuals are encouraged to participate and to provide comments for the record at planning.commission@herndon-va.gov. Ms. Orellana informed that the next scheduled meeting for the Planning Commission is a public hearing to be held on October 26, 2020.

Ms. Orellana stated, for the record, that:

The Planning Commission work session held this evening is being 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during Pandemic Disaster (COVID-19), as amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments.

- 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;

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- 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, will be by roll call vote.

1. ROLL CALL /DETERMINATION OF QUORUM

Chairman Romeo called the work session to order at 7:00 p.m. and asked the Clerk to call roll call.

Ms. Orellana called roll call.

Chairman Romeo stated, for the record, that there was a quorum present, electronically, that evening.

ANNOUNCEMENTS

Chairman Romeo announced that Lesa Yeatts, Town Attorney and Parliamentarian, Lisa Gilleran, Director of Community Development, Bryce Perry, Deputy Director of Community Development, David Stromberg, Zoning Administrator and Dana Heiberg, Senior Planner were also present.

PUBLIC HEARINGS

- 2. 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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Chairman Romeo called on Dana Heiberg, Senior Planner, for the staff report. Mr. Heiberg presented the staff report dated October 5, 2020, which is on file in the office of Community Development.

Mr. Heiberg provided the proposal of CPA #20-01 to amend the comprehensive plan for the Residence Inn property on the east side of town at 315 Elden Street. The Planning Commission will make a recommendation to the Town Council concerning the comprehensive plan designation for the property.

Staff recommended approval to the Town Council public hearing of October 26, 2020 of the following resolution:

TOWN OF HERNDON, VIRGINIA

PLANNING COMMISSION

**RESOLUTION
OCTOBER 26, 2020**

Resolution – Recommending and certifying a copy of Comprehensive Plan Amendment CPA #20-01, 315 Elden Street, to the Town Council.

WHEREAS, On September 22, 2020 the Town Council initiated consideration of a comprehensive plan amendment for 315 Elden Street, also known as the Residence Inn property located at the southwest quadrant of Elden Street and Herndon Parkway and just north of Grove Street, for consideration as a possible amendment to the Herndon 2030 Comprehensive Plan as adopted August 12, 2008 and as amended through February 26, 2019; and

WHEREAS, On September 22, 2020, the Town Council approved Resolution 20-G-45 to formally authorize consideration of the plan amendment and refer the amendment to the Planning Commission for study and recommendation; and

WHEREAS, The Planning Commission held a public hearing on October 26, 2020 with due notice as required under Section 15.2-2225 of the Code of Virginia.

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

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1. The Planning Commission recommends Comprehensive Plan Amendment CPA #20-01 for adoption by the Town Council as an amendment to the Herndon 2030 Comprehensive Plan as adopted August 12, 2008 and as amended through February 26, 2019; and
2. The Planning Commission certifies a copy of the amendment to the Town Council as shown on the attached Herndon 2030 Comprehensive Plan, Chapter III 2030 Land Use Plan, with change to property at 315 Elden Street from Business Corridor to Adaptive Area-Residential.

Chairman Romeo called on the commissioners to address comments or questions to staff.

Commissioners provided their comments and questions for item CPA #20-01. Commissioner Regan asked for clarification of the affordable housing language and further inquired as to which stage of the process would the language for work force specific housing be addressed.

3. **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 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.

Chairman Romeo called on Bryce Perry, Deputy Director of Community Development, for the staff report. Mr. Perry presented the staff report dated October 5, 2020, which is on file in the office of Community Development.

Mr. Perry provided the application's case summary, proposed program, staff analysis and staff recommendation.

Staff is in general support of this application and should be able to generate a recommendation of approval with certain considerations however an official staff recommendation is being withheld at this point, given that the staff evaluation of the engineering elements of the submission and the Traffic Impact Analysis remain on-going.

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Chairman Romeo called on the commissioners to address comments or questions to staff.

Commissioners provided their comments and questions for the proposed application. The applicant was present for the electronic work session.

4. **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).

Chairman Romeo called on David Stromberg, Zoning Administrator, for the staff report. Mr. Stromberg presented the staff report dated October 5, 2020, which is on file in the office of Community Development.

Mr. Stromberg presented the amendment proposal.

Staff recommended approval of ZOTA #20-01 in accordance with of the draft ordinance.

Chairman Romeo called on the commissioners to address comments or questions to staff.

Commissioners provided their comments and questions for the proposed application. Applicant was present for the electronic work session.

Chairman's Announcement

Chairman Romeo announced Commissioner Bouchard's resignation and informed her that she will be missed.

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, and 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 himself from discussion and voting on this transaction.

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Vice Chair Burke conducted the work session from this point.

5. **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 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.

Vice Chair Burke called on Bryce Perry, Deputy Director of Community Development, for the staff report. Mr. Perry presented the staff report dated October 5, 2020, which is on file in the office of Community Development.

Mr. Perry provided the application's case summary, proposed program, staff analysis and staff recommendation.

Staff's recommendation was withheld until a few of the issues referenced in the staff report above have been discussed with the applicant. Staff noted that a recommendation would be provided in the October 26 Planning Commission public hearing dispatch.

Vice Chair Burke called on the commissioners to address comments or questions to staff.

Commissioners provided their comments and questions for the proposed application. Ms. Gilleran provided information of the traffic impact study to update the Commissioners. The applicant was present for the electronic work session.

6. **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

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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.

Vice Chair Burke called on David Stromberg, Zoning Administrator for the staff report. Mr. Stromberg presented the staff report dated October 5, 2020, which is on file in the office of Community Development.

Mr. Stromberg provided the application's proposal to allow Floodplain overlay district.

Staff recommended approval of SE #19-05 with the following conditions:

1. Substantial Conformance. The development of the Special Exception use described in Condition 2 below shall be in substantial conformance with Sheets 01.01 through 12.02 of the plan entitled "Fairbrook Business Park Floodplain Study" sealed September 28, 2020 by Kyle M. O'Connor, prepared by VIKA Virginia, LLC (the "**Plan**"), incorporated by reference and the Town of Herndon Zoning Ordinance (the "**Zoning Ordinance**"). Approval of this application for the approximately 4.60-acre parcel identified as Fairfax County Tax Map Reference Number 0164-10-0005A, the 2.52-acre parcel identified as Fairfax County Tax Map Reference Number 0164-25-H, and the 20.44-acre parcel identified as Fairfax County Tax Map Reference Number 0164-25-O and the 5.14-acre parcel identified as Fairfax County Tax Map Reference Number 0173-02-0004A1, (the "**Property**") shall not relieve the applicant or the owners of the Property their successors or parties developing, establishing or operating the approved Special Exception use (the "**Applicant**") from the obligation to comply with and conform to an Zoning Ordinance, the Town of Herndon Codified Ordinance or regulatory Requirement.
2. Use Permitted. This Special Exception grants approval to permit development within the FPO, Floodplain Overlay district pursuant to Section 78-60.2 of the Zoning Ordinance.
3. Development. Development within the Floodplain on the Property includes constructing a portion of Fairbrook Drive, outdoor recreation facilities, and associated grading within the Floodplain Overlay district.
4. Sanitary Sewer Metering Station. The relocation of the town sanitary sewer meter station, and all support appurtenances and access to the meter for maintenance, as determined by the Department of Public Works, shall be

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incorporated into the modeling calculations and shall not result in an adverse impact to the extent or elevations of the floodplain.

5. Floodplain Easement. The Applicant shall dedicate to the Town from the Property, at no public cost, a restrictive floodplain easement. Said easement shall be submitted to the Town for review and approval, and the approved easement shall be recorded in the Fairfax County land records prior to the approval of a site plan for the Property.
6. Revised Flood Insurance Rate Maps (FIRMs). The applicant shall perform new hydraulic and hydrodynamic analysis using the most recent flood insurance rate map issued by FEMA. In the event the draft FIRM maps have not yet been finalized by FEMA and adopted by the town, the applicant shall use the draft FIRM maps.

Vice Chair Burke called on the commissioners to address comments or questions to staff.

Commissioners provided their comments and questions for the proposed application. Applicant was present for the electronic work session.

7. **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.

Vice Chair Burke called on David Stromberg, Zoning Administrator for the staff report. Mr. Stromberg presented the staff report dated October 5, 2020, which is on file in the office of Community Development.

Mr. Stromberg provided the applicant's proposal to consider an exception to encroach into the RPA, Resource Protection Area, component of the Chesapeake Bay Preservation Overlay district.

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Staff recommended approval of RPA #17-01 with the following conditions:

1. Substantial Conformance. The development of the Chesapeake Bay Resource Protection Area (“**RPA**”) described in Condition 2 and 3 below shall be in substantial conformance with Sheets 1-18 of the plan entitled “Fairbrook Water Quality Impact Assessment & Resource Protection Area Exception Request” sealed on September 28, 2020, prepared by Wetland Studies and Solutions, Inc. (the “**Plan**”), incorporated by reference and the Town of Herndon Zoning Ordinance (the “**Zoning Ordinance**”). Approval of this application for the approximately 4.60-acre parcel identified as Fairfax County Tax Map Reference Number 0164-10-0005A, the 2.52-acre parcel identified as Fairfax County Tax Map Reference Number 0164-25-H, the 20.44-acre parcel identified as Fairfax County Tax Map Reference Number 0164-25-O, and the 5.14-acre parcel identified as Fairfax County Tax Map Reference Number 0173-02-0004A1, (the “**Property**”) shall not relieve the applicant or the owners of the Property their successors or parties developing, establishing or operating the approved Special Exception use (the “**Applicant**”) from the obligation to comply with and conform to an Zoning Ordinance, the Town of Herndon Codified Ordinance or regulatory Requirement.
2. Use Permitted. This RPA Exception grants approval to permit development within the CBPAO, Chesapeake Bay Preservation Area Overlay district pursuant to Section 78-60.4 of the Zoning Ordinance.
3. Development. Development within the Resource Protection Area on the Property includes constructing a portion of Fairbrook Drive, outdoor recreation facilities, private drive aisles and associated grading within the RPA.
4. RPA Enhancement and Revegetation. The Applicant shall incorporate the mitigation measures proposed on Sheets 10-12 of the Plan and any other mitigation measures required from Conditional Use Permit CU #00-07. Minor alterations due to final engineering may be authorized by the zoning administrator during site plan review.

Vice Chair Burke called on the commissioners to address comments or questions to staff.

Commissioners provided their comments and questions for the proposed application. The applicant was present for the electronic work session.

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DISCUSSIONS

8. Items of Interest

There were no items of interest.

9. COMMENTS FROM THE STAFF

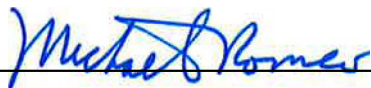
There were no additional comments from staff.

10. COMMENTS FROM THE COMMISSIONERS

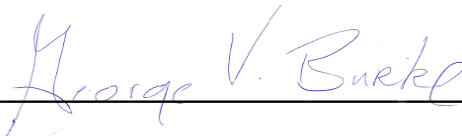
There were no comments by the Commissioners.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:25 p.m.



**Michael Romeo, Chairman
Planning Commission**



**George Burke, Vice Chair
Planning Commission**



**Erika Orellana
Clerk to Boards & Commissions**

Minutes approved by the Planning Commission: November 16, 2020