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**PLANNING COMMISSION
Public Hearing
Monday, September 28, 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during Pandemic Disaster (COVID-19), as amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments, Chairman Romeo has stated that the September 28, 2020, Planning Commission Public Hearing will be by electronic means.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, September 23, 2020. In attendance were: Chairman Michael Romeo, Vice Chair George Burke and Commissioners Marcia Bouchard, Paul LeReche, Kevin Moses, Sean Regan and Meron Yohannes. Due to technical issues, Vice Chair Burke joined the meeting at 7:08 PM.

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

STAFF ANNOUNCEMENTS

Erika Orellana, Clerk to Boards and Commissions, stated that the Planning Commission public hearing will be 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during Pandemic Disaster (COVID-19), as amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments.

**September 28, 2020
(public hearing)**

- 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, was by roll call vote.

1. CALL TO ORDER

Roll Call

Chairman Romeo called the public hearing by electronic means to order at 7:02 p.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 Town Attorney, Lesa Yeatts Elizabeth Gilleran, Director of Community Development; and David Stromberg; Zoning Administrator were also present.

Chairman Romeo welcomed newly appointed Commissioner, Meron Yohannes.

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

APPROVAL OF AGENDA

On the motion of Commissioner Regan, seconded by Commissioner Bouchard and carried by a vote of 7-0, the agenda for the September 28, 2020 public hearing meeting was approved. The vote was: Commissioners Bouchard, LeReche, Moses, Regan, Yohannes, and Chairman Romeo voting "Aye." Due to technical issues, Vice Chair Burke was absent.

Vice Chair Burke joined the meeting at 7:08 PM.

**September 28, 2020
(public hearing)**

APPROVAL OF MINUTES

**3. Vote on February 10, 2020
Work Session Minutes**

On the motion of Commissioner Bouchard, seconded by Commissioner Moses and carried by a vote of 6-0, the agenda for the February 10, 2020 work session minutes was approved. The vote was: Commissioners Bouchard, LeReche, Moses, Regan, Yohannes, Vice Chair Burke and Chairman Romeo voting "Aye."

**4. Vote on February 24, 2020
Public Hearing Minutes**

On the motion of Commissioner LeReche, seconded by Chairman Romeo and carried by a vote of 7-0, the agenda for the February 24, 2020 public hearing minutes was approved. The vote was: Commissioners Bouchard, LeReche, Moses, Regan, Yohannes, Vice Chair Burke and Chairman Romeo voting "Aye."

5. Chairman Romeo announced that there were no minutes for the regularly scheduled meetings March 9, 2020 through July 27, 2020 as the meetings were cancelled due to the Covid -19 Emergency.

**6. Vote on August 10, 2020
Work Session Minutes**

On the motion of Chairman Romeo, seconded by Commissioner Moses and carried by a vote of 6-0, the agenda for the August 10, 2020 work session minutes was approved with amendment by Commissioner Regan. The vote was: Commissioners Bouchard, LeReche, Moses, Regan, Yohannes, Vice Chair Burke and Chairman Romeo voting "Aye."

7. Chairman Romeo announced that there are no minutes for the August 24, 2020 Public Hearing, as the meeting was cancelled.

8. COMMENTS BY THE COMMISSIONERS

There were no comments by the Commissioners.

9. COMMENTS BY THE STAFF

Elizabeth Gilleran, Director of Community Development informed the Planning Commissioner that there will be a physical dispatch this week for the October meetings. Ms. Gilleran informed the Planning Commissioners that for the October meetings, the agenda includes the Park Place rezoning and three applications for the Development of

**September 28, 2020
(public hearing)**

Fairbrook, a Zoning Ordinance Text Amendment and the Comprehensive Plan Amendment.

PUBLIC HEARING

10. **ZONING MAP AMENDMENT – ZMA #20-01, 450, 455, 460, 465, 470, 475, 480, and 485 Springpark Place**, to consider a zoning map amendment from PD-B, Planned Development – Business, to PD-B with proffered conditions to allow a Unified Commercial Subdivision. The proposed rezoning would allow for the subdivision of four parcels into eight parcels with each parcel containing a building and associated improvements. Proffers are proposed to allow continued functioning as one cohesive development regardless of future ownership regimes of individual parcels. No changes to existing uses or overall allowed density are proposed with this rezoning. The properties are located at the northeast and northwest corners of the intersection of Springpark Place and Spring Street and extend along Springpark Place to its terminus. The property is designated in the Comprehensive Plan as “Office Parks and Flexible Space.” The application includes requests for zoning ordinance modifications to the following sections of the zoning ordinance: Section 78-50.5(f)(2) regarding density/floor area ratio in PD-B, Section 78-50.5(g) regarding open space in PD-B, Section 78-100.2 regarding minimum parking, Section 78-100.5 regarding dimensional requirements for parking, and Section 78-130.9 regarding exterior lighting. Fairfax County Tax Map Reference Numbers: 0162-02-0164B, 0162-02-0164C, 0162-02-0164D, and 0162-02-0164E. Agent: Wire Gill, LLP. Applicant: Penzance. Property Owner: Springpark Place, 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, September 11, 2020 and September 18, 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 September 14, 2020 and staff memo dated September 23, 2020, which are on file in the Department of Community Development.

Staff is recommending that the planning commission recommend approval of ZMA #20-01 with the revised proffer statement dated September 23, 2020 to the town council.

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

Commissioner Regan asked about the enforcement procedure by the town if there is a problem at this property. Mr. Stromberg stated that the town could pursue the property owner or owners and association. Town Attorney Yeatts explained the difference

**September 28, 2020
(public hearing)**

between Civil and Injunctive litigation. Commissioner Yohannes asked if the property had an association before tonight's meeting. Mr. Stromberg explained there is no association currently because the property is under one singular ownership.

Chairman Romeo recognized the applicant for comments.

Mr. Ken Wire, the applicant's agent, provided his comments.

Chairman Romeo asked the Board Members for questions to the applicant's agent, Mr. Wire.

Commissioner Regan asked the applicant's agent if the open space was concentrated on two or three parcels. Mr. Wire explained the open space is not proposed to change.

Chairman Romeo recognized the public for comments on this item.

There were no comments by the public.

Following the public hearing, Commissioner Bouchard moved approval of ZMA #20-01 the recommendation with the revised proffer statement dated September 23, 2020 to the town council. This motion was seconded by Vice Chair Burke.

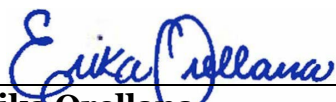
Following brief comments by the Commissioners, the question was called on the motion, which carried by a vote of 7-0, the vote was: The vote was: Commissioners Bouchard, LeReche, Moses, Regan, Yohannes, Vice Chair Burke and Chairman Romeo voting "Aye."

ADJOURNMENT

There being no further business, the meeting adjourned at 7:50 p.m.



**Michael Romeo, Chairman
Planning Commission**



**Erika Orellana
Clerk to Boards and Commissions**

Minutes approved by the Planning Commission: October 26, 2020