

**TOWN OF HERNDON, VIRGINIA
PLANNING COMMISSION PUBLIC HEARING AGENDA
SEPTEMBER 23, 2019
HERNDON COUNCIL CHAMBERS BUILDING
765 LYNN STREET
7:00 P.M.**

CALL TO ORDER

1. Roll Call

APPROVAL OF AGENDA

APPROVAL OF MINUTES

2. August 12, 2019, Planning Commission Work Session Draft Minutes
3. August 26, 2019, Planning Commission Public Hearing Draft Minutes

COMMENTS

4. Comments from the Staff Members
5. Comments from the Commissioners
6. Comments from the Audience

PUBLIC HEARINGS

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 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 April 22, 2019 Planning Commission public hearing).**

8. **HERNDON PEDESTRIAN PLAN** – to consider resolution to recommend adoption of the Herndon Pedestrian Plan. This plan provides a report on existing pedestrian infrastructure and policy, recommends measures and solutions for improvements, includes a framework for short term actions and long term strategies for pedestrian safety and mobility, and serves as an educational tool and guidebook for creating a walkable community. Following Planning Commission review, this plan will be scheduled for Town Council review and final action. If adopted, it would be used as a long-range planning document focused on improving pedestrian service levels within the Town.

ADJOURNMENT

Future Planning Commission Meetings:

October 21, 2019	Planning Commission work session	7:00 p.m.
October 28, 2019	Planning Commission public hearing	7:00 p.m.



MEMORANDUM

To: Chairman Jonas and Members of the Planning Commission

From: David Stromberg, Zoning Administrator DS

Date: September 23, 2019

Subject: ZOTA #18-03 Short-term rental update

During the Planning Commission work session on September 9, 2019, the Commission and staff had additional conversations regarding the proposed ordinance. Topics discussed include the following:

- Whether or not there should be a pilot program that limits the use of short-term rentals to specific zoning districts or dwelling types.
- Further details regarding enforcement processes.
- How to best reach the public regarding the proposed language.
- Additional details regarding the proposed fee for the zoning permit.
- Whether or not short-term rentals should be permitted in legally permitted accessory dwelling units.

The initial draft proposal includes a cost of \$200 for the required zoning permit, which would be valid for two years after issuance. The estimated base cost to the town to administer and inspect each short-term rental zoning permit has an approximate range between \$68 and \$142. This cost estimate is limited to staff time only and assumes no further inspections or evaluations for the two-year life of the permit beyond the initial administration and evaluation. The cost to the town for enforcement can vary widely depending on the nature of the complaint, the availability of information, the cooperativeness of the permit applicant, and whether or not appeals are filed to the BZA or Fairfax County Circuit Court.

The initial pricing of \$200 is a way to average out the known administration costs with the costs of enforcement which will vary on a case-by-case basis.

Town staff is intending to move forward with an overhaul of the entire fee structure for all zoning applications in the upcoming year. It is likely that similar zoning inspection permits will be adjusted in cost.

Additional comments on this text amendment were submitted on September 19, 2019 and have been provided to the Commission and entered into the record. One of the comments requested assurance that the property owner be notified if the applicant for a short-term rental permit is not the property owner.

Owner signatures are typically a requirement on all zoning applications and the intent is to require an owner signature on the short-term rental permit application. Staff has no objection to this requirement and will make this change to the ordinance language itself to ensure there is always an owner signature in the event the applicant is a long-term renter of the property.

The Commission has requested additional time to further discuss this text amendment. Staff is recommending the public hearing be continued to the October 28, 2019 or November 25, 2019 Planning Commission public hearing.

Attachment:

1. Sample motions for the Planning Commission

**TOWN OF HERNDON, VIRGINIA
PLANNING COMMISSION**

Motion

September 24, 2019

Motion – To continue ZOTA #18-03 to a date certain

I move to continue ZOTA #18-03, 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 regulated and to establish a fee of \$200 for a two-year permit and inspection for short-term rental establishments pursuant to Virginia Code 15.2-2286(A)(6) until **October 28, 2019 (CHOOSE ONE) **November 25, 2019.****



MEMORANDUM

To: Chair Jonas & Members of the Planning Commission

From: Bryce A. Perry, Deputy Director of Community Development 

Date: September 23, 2019

Subject: Herndon Pedestrian Plan

This memo serves as an addendum to the Planning Commission staff report, dated September 9, 2019.

In response to Commissioner Burke's questions regarding conflicts between cyclists and pedestrians on sidewalks, the following text was added on page 21 in the Safe and Accessible Pedestrian Path Design section of the Walkability Strategies Chapter:

Pedestrian path design should be sensitive to the service levels of other modes of travel and must coordinate with safe bicycle and transit planning and design practices in order to avoid conflict to the greatest extent possible.

To address Commissioner Regan's request to formally provide the Planning Commission's support of the projects included in the Pedestrian Facility Network Action Plan, the draft Planning Commission resolution, which is attached, has been changed to include the following:

BE IT FURTHER RESOLVED that, the Planning Commission endorses the projects listed in the Action Plan Chapter of the Pedestrian Plan and supports an increased emphasis on improving alternative modes of transportation in Herndon.

Attachment:

1. Revised Planning Commission draft Resolution, Dated September 23, 2019

TOWN OF HERNDON, VIRGINIA

PLANNING COMMISSION

RESOLUTION

September 23, 2019

Resolution- Town of Herndon Pedestrian Plan.

WHEREAS, in 2008 the Town Council adopted the 2030 Comprehensive Plan which guides the town to *facilitate alternative modes of transportation within the town and provide safe streets that are friendly to pedestrians and bicyclists and continue to integrate pedestrian and bicycle facilities with the street and transit network*; and

WHEREAS, the Town Council's adopted 2035 Vision Statement expresses that *Residents walk, cycle, drive, or use public transit to their jobs, restaurants, and cultural events and Through thoughtful planning, the town has a network of sidewalks, trails, streets and connections to public transportation that provides residents the opportunity for one-car or no-car living*; and

WHEREAS, the Town Council appointed Pedestrian & Bicycle Advisory Committee steered the development of the plan at several meetings and recommends its adoption; and

WHEREAS, the Planning Commission has considered the appropriateness and benefits of the Town of Herndon Pedestrian Plan at its public hearing of September 23, 2019.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the Town of Herndon, Virginia that the Planning Commission hereby recommends approval of Town of Herndon Pedestrian Plan.

BE IT FURTHER RESOLVED that, the Planning Commission recommends that the Town Council authorize staff to make certain revisions to the Pedestrian Plan, without prior Town Council approval, for correction of clerical and administrative errors, updates of an administrative nature, excluding substantive changes.

BE IT FURTHER RESOLVED that, the Planning Commission endorses the projects listed in the Action Plan Chapter of the Pedestrian Plan and supports an increased emphasis on improving alternative modes of transportation in Herndon.

BE IT FURTHER RESOLVED that, the Planning Commission directs staff to include updates to the 2030 Comprehensive Plan transportation chapter to reference the Pedestrian Plan and reinforce its content during the on-going 5-Year review process.