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**PLANNING COMMISSION
Public Hearing
July 26, 2021**

Pursuant to Virginia Code Section 2.2-3708.2, 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during Pandemic Disaster (COVID-19), as amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments, Chairman Romeo has stated that the July 26, 2026 Planning Commission Public Hearing will be by electronic means.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, July 21, 2021. In attendance were: Chairman Michael Romeo, Vice Chair George Burke and Commissioners Jay Donahue, Paul LeReche, Michael McFarlane, Kevin Moses and Meron Yohannes.

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

STAFF ANNOUNCEMENTS

Erika Orellana, Clerk of Boards & Commissions, stated that the Planning Commission public hearing was held as a virtual meeting. The Planning Operations Manager 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; 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during Pandemic Disaster (COVID-19), as amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments.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, were by roll call vote.

1. CALL TO ORDER

Roll Call

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

DETERMINATION OF QUORUM

Chairman Romeo stated, for the record, that there was a quorum present, virtually, that evening. Chairman Romeo stated that tonight's public hearing was conducted by electronic means pursuant to the appropriate laws.

APPROVAL OF AGENDA

On the motion of Vice Chair Burke, seconded by Commissioner LeReche and carried by a vote of 7-0, the approval of agenda. The vote was: Commissioners Donahue, LeReche, McFarlane, Moses, Yohannes, Vice Chair Burke and Chairman Romeo voting "Aye."

APPROVAL OF MINUTES

**2. Vote on June 14, 2021
Work Session Minutes**

On the motion of Commissioner McFarlane, seconded by Commissioner LeReche and carried by a vote of 7-0, the minutes for the June 14, 2021 work session were approved. The vote was: Commissioners Donahue, LeReche, McFarlane, Moses, Yohannes, Vice Chair Burke and Chairman Romeo voting "Aye."

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**3. Vote on June 21, 2021
Public Hearing Minutes**

On the motion of Commissioner Moses seconded by Vice Chair Burke and carried by a vote of 7-0, the minutes for the June 28, 2021 public hearing were approved. The vote was: Commissioners Donahue, LeReche, McFarlane, Moses, Yohannes, Vice Chair Burke and Chairman Romeo voting “Aye.”

4. COMMENTS BY THE STAFF

Lisa Gilleran, Director of Community Development stated that the August Planning Commission meetings will be in person. Ms. Gilleran stated that the work sessions will be located in the Herndon Municipal Center, in the large conference room on the 2nd floor and the public hearings would be located in the Herndon Council Chambers Building.

5. COMMENTS BY THE COMMISSIONERS

There were no comments by the Commissioners.

PUBLIC HEARING

6. **ZONING ORDINANCE TEXT AMENDMENT, ZOTA #21-03**, to revise regulations governing accessory dwelling units. This zoning ordinance text amendment is being considered pursuant to Virginia Code §§ 15.2-2204, 15.2-2285, 15.2-2286, and an Initiating Resolution adopted by the Town Council on June 8, 2021. 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 amend the regulation of accessory dwelling units. The proposed amendments under consideration include, without limitation: Chapter 78 (ZONING), Article VII (Use Regulations), Article VIII (Accessory Uses) and other articles as deemed necessary to revise the regulations.

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, July 9, 2021 and July 16, 2021 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 July 12, 2021 and staff memo dated July 21, 2021, which are on file in the Department of Community Development.

Mr. Stromberg discussed the nine points that the Planning Commission had provided feedback.

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1. Distinguishing between internal/attached and detached accessory dwelling units. The commission supported this change.
2. Special exception requirement. The commission is still evaluating the staff proposal of by-right internal, attached, and detached accessory dwelling units associated with a single detached residence and a special exception requirement for an internal accessory dwelling unit within a townhouse.
3. Accessory food preparation areas. The commission generally agreed that a second kitchen should not need a special exception when located on the same floor as the main kitchen. The draft language has been revised to clarify that a second kitchen as a component of an accessory dwelling unit is regulated under Section 78-80.4(a).
4. Size limit. The commission expressed concerns with the maximum size allowed for an accessory dwelling unit. The language has been revised to reduce the maximum size allowed for a detached accessory dwelling unit to 800 square feet for all lots, regardless of lot size. No changes have been made to the maximum size for internal or attached accessory dwelling units. Staff is requesting additional feedback on this provision.
5. Location. The proposed setbacks of 10 feet from the side and rear property line for a detached accessory dwelling unit remain in the current draft. This is a greater setback requirement than nearby localities but the current draft language allows larger accessory dwelling units than nearby localities. There is also an option to include a provision that a detached accessory dwelling unit may be constructed on top of an accessory structure that has existed on the date the ordinance is adopted. Staff is requesting additional feedback on this item.
6. Entrances. The current draft language includes a prohibition on sliding glass doors as the primary entrance to an accessory dwelling unit. The language prohibiting exterior stairs is not in this version of the draft. Staff is requesting additional feedback on this item.
7. Occupancy requirements. The commission unanimously agreed with staff to remove the age and disability requirement from the draft ordinance. The decision on whether to limit the number of occupants to two adults or three persons requires additional discussion. "Three persons" will limit the occupancy of the accessory dwelling unit to three individuals, regardless of whether they are adults or children. "Two adults" will limit the adults but will not limit the number of children allowed in an accessory dwelling unit.
8. Parking. The commission had questions on how many lots would qualify for the exemption of the required, additional off-street parking space for being within 0.25

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miles of the Herndon Metro Station. Staff will provide additional information to include maps at the public hearing.

9. Utilities. The commission appeared to be in agreement with the draft requirements that utilities are not allowed to be separately metered.

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

Commissioner Donahue provided his comments and asked for clarification regarding the number of adults allowed in each accessory dwelling unit. Commissioner Donahue commented that he wants more time to consider the parking requirements and maximum size of accessory dwelling units.

Commissioner LeReche asked if the allowed covered decks would need to meet setback requirements. Vice Chair Burke followed up asking if covered decks count towards the maximum size allowed for an accessory dwelling unit. Mr. Stromberg responded that covered decks must comply with setbacks, building coverage limits, impervious coverage limits, but do not count towards the maximum size of an accessory dwelling unit.

Commissioner Yohannes asked for clarification on “Not allowed to be separated by lockable doors” in regards to accessory food preparation areas. Mr. Stromberg explained the specifics.

Vice Chair Burke requested staff determine why Fairfax County limited the number of persons in accessory dwelling units to two people.

Chairman Romeo recognized the public for comments on this item.

The following individual provided his comments on item ZOTA#21-03:

- Gordon Dean

Following the public hearing, Vice Chair Burke moved **CONTINUANCE** of ZOTA#21-03 to the August 23, 2021 Planning Commission public hearing. Seconded by Commissioner LeReche.

The question was called on the motion, which carried by a vote of 7-0, The vote was: Commissioners Donahue, LeReche, McFarlane, Moses, Yohannes, Vice Chair Burke and Chairman Romeo voting “Aye.”

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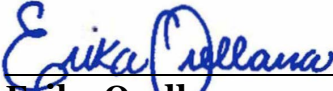
ADJOURNMENT

There being no further business, the meeting adjourned at 8:10 p.m.

On the motion of Commissioner LeReche seconded by Vice Chair Burke and carried by a vote of 7-0, the July 26, 2021 Planning Commission Public Hearing was adjourned. The vote was: Commissioners Donahue, LeReche, McFarlane, Moses, Yohannes, Vice Chair Burke and Chairman Romeo voting "Aye."



**Michael Romeo, Chairman
Planning Commission**



**Erika Orellana
Clerk to Boards & Commissions**

Minutes approved by the Planning Commission: August 23, 2021