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PLANNING COMMISSION

Monday

June 27, 2022

The Planning Commission met in public session on Monday, June 27, 2022, 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, Kevin Moses, and Meron Yohannes. Commissioners Paul LeReche, and Mike McFarlane were absent.

Others present during the meeting: Lauri Sigler, Deputy Town Attorney; Lisa Gilleran, Director of Community Development; Bryce Perry, Deputy Director of Community Development; Erika Orellana, Clerk of Boards and Commissions; and Aaron Zoellick, Assistant Town Clerk.

Chairman Romeo called the meeting to order at 7:00 p.m., with five Commissioners present, and with Chairman Romeo presiding.

1. ROLL CALL/DETERMINATION OF QUORUM

For the record, Ms. Orellana, Clerk to Boards and Commissions, called the roll with five members present, which constituted a quorum. Commissioners Paul LeReche, and Mike McFarlane were absent.

2. APPROVAL OF AGENDA

On the motion of Vice Chair Burke, seconded by Commissioner Yohannes and carried by a vote of 5-0, the agenda for the June 27, 2022, Planning Commission Public Hearing meeting was approved. The vote was: Commissioners Donahue, Moses, Yohannes, Vice Chair Burke and Chairman Romeo voting "Aye." Commissioners LeReche and McFarlane were absent.

APPROVAL OF MINUTES

3. Vote on May 9, 2022 **Work Session Minutes**

On the motion of Vice Chair Burke, seconded by Commissioner Moses and carried by a vote of 5-0, the minutes for the May 9, 2022, Planning Commission Work Session were

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approved. The vote was: Commissioners Donahue, Moses, Yohannes, Vice Chair Burke and Chairman Romeo voting “Aye.” Commissioners LeReche and McFarlane were absent.

**4. Vote on May 23, 2022
Public Hearing Minutes**

On the motion of Commissioner Donahue, seconded by Vice Chair Burke and carried by a vote of 4-1-0, the minutes for the May 23, 2022, Planning Commission Public Hearing were approved. The vote was: Commissioners Donahue, Moses, Yohannes, and Vice Chair Burke voting “Aye.” Chairman Romeo abstained. Commissioners LeReche and McFarlane were absent.

5. COMMENTS FROM THE STAFF

Ms. Gilleran provided the Commissioners with an update on the (TRG) Transit-Related Growth Small Area Plan.

6. COMMENTS FROM THE COMMISSIONERS

There were no comments from the Commissioners.

7. COMMENTS FROM THE AUDIENCE

Chairman Romeo recognized members of the public for comments.

The following individual provided comments:

- Charles Williams (421 Queens Row Street, Herndon, VA) offered comments towards an increased social media presence to better notify citizens of public meetings.

PUBLIC HEARING

8. DEVELOPMENT PLAN – DP #19-01, 593 Herndon Parkway, Parkview, a development plan in the Planned Development-Transit Oriented Core zoning district with proffered conditions to allow the redevelopment of the site with mixed office, retail, and multi-family residential uses. Fairfax County Tax Map Reference Number: 0164-10-0007C. Agents: Greg Riegler and Lori Greenlief, McGuireWoods, LLP. Applicant/Property Owner: Parkview Executive Center, Joint Venture, RLLP. (Continued from the May 23, 2022 Planning Commission public hearing.)

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, June 10, and June 17, 2022, issues.

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Note: This case was continued from the May 23, 2022, Planning Commission public hearing.

Chairman Romeo provided a disclosure:

In the course of his employment, he represents the parent company of the owner, Lerner, in other matters and in another jurisdictions, but he had no knowledge or involvement in this project or application. He stated that he is able to participate in the transaction fairly, objectively, and in the public interest.

Chairman Romeo opened the public hearing and called on Bryce Perry, Deputy Director of Community Development, for the staff report and updates.

Mr. Perry presented the staff memos dated June 13, 2022, and June 24, 2022, and the PowerPoint dated June 27, 2022. which are on file in the Department of Community Development. Mr. Perry provided information on case updates since the May 23, 2022 Planning Commission public hearing and the June 13, 2022 Planning Commission work session.

Staff recommended approval of DP #19-01, in accordance with the resolution presented by staff.

Chairman Romeo called on the Planning Commission individually for questions of Mr. Perry. Commissioner Moses asked for the definition of a proffer. Deputy Town Attorney Lauri Sigler provided a definition. Vice Chair Burke asked questions regarding proffers and development options proposed by the applicant. Mr. Perry provided responses.

Chairman Romeo recognized the agent to provide comments. Lori Greenlief of McGuire Woods LLP, Agent was present. Ms. Greenlief provided a presentation to the Commission.

Chairman Romeo called on the Planning Commission individually for questions of Ms. Greenlief. Commissioner Yohannes asked if there was further consideration given to security and emergency access. Vice Chair Burke inquired to a commitment to revise the proffer language to better indicate no cost easements for Town. Ms. Greenlief responded to the Commissioners questions and concerns.

Chairman Romeo recognized members of the public for comments on this item.

The following individuals provided their comments on this item:

- Rory Spencer (620 Worchester Street, Herndon, VA) provided comment concerning the public school contribution proffer. Chairman Romeo asked for clarification from Mr. Perry on the calculation of public school funding as related to the proffer proposed. Mr. Perry provided a response.

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- Charles Williams (421 Queens Row Street, Herndon, VA) provided comments expressing a preference for the development to be the all commercial development option proposed by applicant. Mr. Williams also spoke to the need for generational thinking when Town makes development decisions.
- Mark Urbanski (350 Sugarland Meadow Drive, Herndon, VA) provided comments on the possible visual impact of the development on surrounding neighborhoods. He also voiced a concern about the increased possibility of trespassing due to increased pedestrian and cycle traffic as a result of the development.

Following the public hearing, Commissioner Yohannes moved the recommendation for **approval** of DP #19-01. Chairman Romeo asked Ms. Sigler if the motion by Commissioner Yohannes was sufficient. Ms. Sigler clarified with Commissioner Yohannes that the motion was to approve the Resolution as presented. Commissioner Yohannes confirmed. The motion was seconded by Commissioner Moses.

Chairman Romeo called on the Commission for comments. Commissioner Moses stated that the development proposal is in line with the expectations of the HTOC. Vice Chair Burke stated that he is uncomfortable with the proposals that are open ended but will be supporting approval based on efforts of the staff and the applicant to address concerns. Chairman Romeo thanked the applicant and staff for their work on the project, expressed belief that the proposal is in conformance with the Town's plans, and voiced support for the commercial only option in the proposal. Commissioner Yohannes expressed excitement for the proposal, and acknowledged the belief that this proposal has generational longevity.

The question was called on the motion, which carried by a vote of 5-0. The vote was: Commissioners Donahue, Moses, Yohannes, Vice Chair Burke and Chairman Romeo voting "Aye." Commissioners LeReche and McFarlane were absent.

[Note: Below is the approved resolution for DP #19-01.]

TOWN OF HERNDON, VIRGINIA

PLANNING COMMISSION

RESOLUTION

June 27, 2022

Resolution- to recommend APPROVAL of Development Plan DP#19-01, 593 Herndon Parkway, with proffered conditions.

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WHEREAS, the applicant, Parkview Executive Center, Joint Venture, RLLP, has submitted a Development Plan, DP #19-01, on land identified as Fairfax County Tax Map Number 0164-10-0007C, to allow a mixed-use development with a maximum 4.3 FAR; and

WHEREAS, the request includes a proffer statement dated June 21, 2022 and a generalized development plan dated June 21, 2022; and

WHEREAS, the request conforms to the Town of Herndon 2030 Comprehensive Plan; and

WHEREAS, the applicant is requesting a zoning ordinance modification to Section 78-100.2D of the zoning ordinance regarding the minimum required number of loading spaces; and

WHEREAS on May 23, 2022 and June 27, 2022, the Planning Commission held public hearings to consider DP #19-01; and

WHEREAS, the Planning Commission has determined that the above referenced proffer statement and generalized development plan conforms to Section 78-50.8(m) of the zoning ordinance and Section 15.2-2284 of the Code of Virginia; and

WHEREAS, the Planning Commission has determined that the applicant has demonstrated that the requested modification affords equal or greater assurances of meeting the applicable goals of the zoning ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the Town of Herndon, Virginia, that the Commission hereby recommends that the Town Council approve DP #19-01, to include the modification to Section 78-100.2D of the zoning ordinance regarding the minimum required number of loading space, with the following considerations:

1. Further coordination between staff and the applicant should be conducted to refine the proffer language and ensure clarity that the conveyance of easements and dedications will be at no cost to the town, that the provision of public pedestrian access through the site will be permitted, and that the timing of the Worldgate Drive dedication will be at a defined period approaching but prior to construction.
2. Additional review and consideration of the proffers regarding the status of existing conditions in the event transportation improvements are completed by others prior to redevelopment of the site and the need to

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ensure the Worldgate Drive extension does not hinder the redevelopment if built prior to the redevelopment should occur.

3. Further attention to the design of the garage facades should be made by the applicant and Architectural Review Board (ARB) during the project's formal ARB review to include, but not limited to, the opaqueness of the screens during daylight and nighttime conditions.

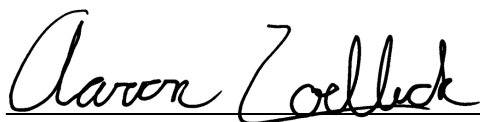
ADJOURNMENT

On the motion of Commissioner Moses, seconded by Vice Chair Burke and carried by a vote of 5-0, the June 27, 2022, Planning Commission Public Hearing was adjourned. The vote was: Commissioners Donahue, Moses, Yohannes, Vice Chair Burke and Chairman Romeo voting "Aye." Commissioners LeReche and McFarlane were absent.

There being no further business, the meeting adjourned at 8:15 p.m.



**Michael Romeo, Chairman
Planning Commission**



**Aaron Zoellick
Assistant Town Clerk**

Minutes approved by the Planning Commission: September 26, 2022