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**PLANNING COMMISSION
Regular Meeting
Monday, May 22, 2023**

The Planning Commission met in public session on Monday, May 22, 2023, at 7:00 p.m. in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Chair Michael Romeo, Vice Chair George Burke, and Commissioners Jay Donahue, Mike McFarlane, and Meron Yohannes. Commissioners Dua’a Elbarasse and Kevin Moses were absent.

Others present during the meeting: Lisa Gilleran, Director of Community Development; Lesa Yeatts, Town Attorney; Bryce Perry, Deputy Director of Community Development; David Stromberg, Zoning Administrator; Ben Schitter, Development Program Planner; Fadrique Iglesias, Community Planner; and Aaron Zoellick, Clerk of Boards and Commissions.

1. Call to Order

Chair Romeo called the meeting to order at 7:00 p.m. and stated that there were five members present, which constituted a quorum.

2. Approval of Minutes

- a. April 10, 2023, Planning Commission Work Session
- b. April 24, 2023, Planning Commission Regular Meeting

Chair Romeo asked Ms. Yeatts to clarify the purpose of the April 10, 2023, work session minutes.

Ms. Yeatts responded.

The minutes for the April 10, 2023, Planning Commission Work Session, and the April 24, 2023, regular meeting were approved on the motion of Vice Chair Burke, seconded by Commissioner Yohannes. The vote carried 4-0-1. The vote was: Commissioners McFarlane, Yohannes, Vice Chair Burke, and Chair Romeo voting “Aye.” Commissioner Donahue abstained.

3. Comments

May 22, 2023
Regular Meeting

a. Comments from the Staff Members

Ms. Gilleran stated that on May 24, 2023, at 7:00 p.m. there will be a public session regarding the Transit-Related Growth (TRG) area redevelopment. The consultants will be present and will explain the TRG options and listen to the insights of the attendees. The session will be broadcast on HCTV and a recording will be available on the town's website. A new survey regarding the TRG will be available.

b. Comments from the Commissioners

There were no comments from the Commissioners.

c. Comments from Citizens

There were no comments from citizens.

4. Public Hearing

Chair Romeo asked Ms. Gilleran if the public hearing items on the agenda were properly advertised.

Ms. Gilleran stated that the application was properly advertised with notices of the public hearing having been duly advertised in the May 5 and May 12, 2023, issues of the Fairfax County Times Newspapers. Certificates of Publication from the Editor will be entered into the record upon receipt.

- a. **APPLICATION FOR A SPECIAL EXCEPTION AMENDMENT – SE #21-05, 299 Herndon Parkway, Suite 107 and 108, Fancy Lashes and Beyond, LLC**, to consider an amendment to a special exception approved by Town Council on November 16, 2021, to allow an expansion of personal service use consisting of cosmetics and aesthetic services, from unit 108 to include unit 107. The property is zoned CO, Commercial Office. The property is designated in the Herndon 2030 Comprehensive Plan as "Business Corridor Use". The property is located within the Herndon Park Condominium office building and is located at the northeast corner of the intersection Herndon Parkway and Elden Street. Unit 108 consists of approximately 966 square feet and Unit 107 consists of approximately 933 square feet. Both units are within a multi-unit building (Building 2). Fairfax County Tax Map Reference Number: 0171 13 0108 and 0171 13 0107. Applicant: Fancy Lashes and Beyond, LLC. Property Owners: Tommy Nguyen and Phuong Thuy Le Tran.

Chair Romeo opened the public hearing and called on Mr. Iglesias for the staff report and updates.

Mr. Iglesias delivered the staff presentation dated May 22, 2023, which is on file in the Department of Community Development.

May 22, 2023
Regular Meeting

Staff is encouraging the Planning Commission to recommend the Special Exception Amendment, SE #21-05, with conditions and in accordance with the draft resolution, to Town Council.

Chair Romeo recognized the Planning Commission for questions of Mr. Iglesias.

Commissioners offered questions and comments regarding clarification of the three staff to three clients formula and the twelve total people limit in the staff report and its impact on congestion.

Mr. Iglesias and Mr. Stromberg responded to the Commissioners' questions and concerns.

Chair Romeo recognized the applicant for comment.

Applicant Tommy Nguyen was present and provided brief comments.

Chair Romeo recognized the Planning Commission for questions of the applicant.

No questions were provided.

Chair Romeo recognized citizens for comment.

No citizen comments were provided.

Chair Romeo closed the public hearing.

Following the public hearing, Commissioner McFarlane made a motion to recommend the Special Exception Amendment, SE #21-05 to Town Council with conditions in accordance with the draft resolution. The motion was seconded by Vice Chair Burke.

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

- b. **ZONING MAP AMENDMENT – ZMA #22-001, 500, 555, and 585 Grove Street**, a zoning map amendment from CS, Commercial Services, to PD-B, Planned Development - Business District, with proffered conditions to permit a new post-secondary education use within vacant office space. The site consists of three existing office buildings on two different parcels. The first parcel, Fairfax County Tax Map No. 0162 02 0203D with an address of 500 Grove Street, Herndon, Virginia 20170; is approximately 1.187 acres, and is currently improved with an existing office building with a density of 0.60 FAR (Floor Area Ratio). The second parcel, Fairfax County Tax Map No. 0162 02 0190C with an address of 555 and 585 Grove Street, Herndon, Virginia 20170; is approximately 3.266 acres, and is currently improved with two existing office buildings with a density of 0.52 FAR.

May 22, 2023
Regular Meeting

The total land area between the two sites is approximately 4.453 acres, with a total density of 0.54 FAR between the two parcels. Site developments are proposed to enhance pedestrian circulation, address accessibility concerns, and provide landscape improvements with no proposed increase to the current FAR. The maximum permitted density in the PD-B zoning district is up to 0.8 FAR. The parcels are designated as Business Corridor in the Comprehensive Plan. The parcels are located at the northwest and southwest corners of the intersection of Grant Street and Grove Street. Applicant / Agent: Mark M. Viani, Bean, Kinney & Korman, P.C. Property owners: HERITAGE EDUCATION TRUST LLC (Tax Map No. 0162 02 0190C) and SAFA TRUST INC. (Tax Map No. 0162 02 0203D).

Chair Romeo opened the public hearing and called on Mr. Schitter for the staff report and updates.

Mr. Schitter delivered the staff presentation dated May 22, 2023, which is on file in the Department of Community Development.

Staff is recommending that the Planning Commission continue ZMA #22-001 to the June 26, 2023, regular meeting and requesting Planning Commission feedback on the voluntary proffer commitments and proposed site improvements.

Chair Romeo recognized the Planning Commission for questions of Mr. Schitter.

Commissioners offered questions and comments regarding the presentation planned for the June 26, 2023, regular meeting.

Mr. Schitter responded to the Commissioners' questions and concerns.

Chair Romeo recognized the applicant for comment.

Applicant Mark M. Viani was present and provided brief comments.

Chair Romeo recognized the Planning Commission for questions of the applicant.

No questions were provided.

Chair Romeo recognized citizens for comment.

No citizen comments were provided.

Chair Romeo left the public hearing open.

Vice Chair Burke made a motion to continue the Zoning Map Amendment, ZMA #22-001 the June 23, 2023, Planning Commission regular meeting. The motion was seconded by Commissioner Yohannes.

May 22, 2023
Regular Meeting

The question was called on the motion, which was carried by a vote of 5-0. The vote was Commissioners Donahue, McFarlane, Yohannes, Vice Chair Burke, and Chair Romeo voting “Aye.”

- c. **ZONING ORDINANCE TEXT AMENDMENT, ZOTA #23-02**, to amend Chapter 78 (ZONING), Section 78-150.3 (Board of Zoning Appeals), and Section 78-155.4 (Variances), to make housekeeping amendments aligning the zoning ordinance with the Code of Virginia and to consider adopting a time limit of up to one year before the Board of Zoning Appeals will consider substantially the same application on the same property.

Chair Romeo opened the public hearing and called on Mr. Stromberg for the staff report and updates.

Mr. Stromberg delivered the staff presentation dated May 22, 2023, which is on file in the Department of Community Development.

Staff is encouraging the Planning Commission to recommend the required housekeeping amendments in ZOTA #23-02 to the Town Council.

Chair Romeo recognized the Planning Commission for questions of Mr. Stromberg.

Commissioners offered questions and comments regarding clarification on the staff recommendation, clarification on the procedure for making a motion, the proposed re-application time limit, the impact of repeat applications on adjacent property owners, the reasoning for the Board of Zoning Appeals to hear variances and not special exceptions, current time limits on special exception re-applications, and clarification on why re-application time limits may not be appropriate for variances.

Mr. Stromberg and Ms. Yeatts responded to the Commissioners’ questions and concerns.

Chair Romeo recognized citizens for comment.

Steve Mitchell provided comments supporting the housekeeping amendments and opposing the re-application time limit.

Chair Romeo recognized Mr. Stromberg for any concluding comments.

No concluding comments were provided.

Chair Romeo closed the public hearing.

Following the public hearing, Commissioner Yohannes made a motion to recommend the Zoning Ordinance Text Amendment, ZOTA #23-02 to Town Council with the

**May 22, 2023
Regular Meeting**

housekeeping amendments but without the re-application time limit in lines 95-97 of the draft ordinance. The motion was seconded by Vice Chair Burke.

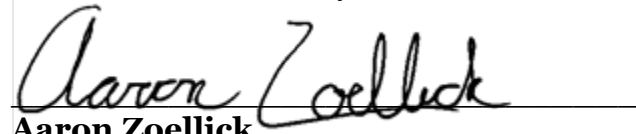
Chair Romeo recognized the Planning Commission for discussion.

Commissioner McFarlane provided comments regarding possible re-application time limits to consider in the future and stated his belief that property owners be afforded the opportunity to come before the Board of Zoning Appeals.

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

5. Adjournment

There being no further business, and without objection, the May 22, 2023, Planning Commission regular meeting was adjourned at 8:02 p.m. on the motion of Commissioner McFarlane, seconded by Vice Chair Burke.

A handwritten signature in black ink, reading "Aaron Zoellick", written over a horizontal line.

Aaron Zoellick
Clerk of Boards and Commissions

Minutes approved by the Planning Commission: June 26, 2023

A handwritten signature in black ink, reading "Aaron Zoellick", written without a line underneath.