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PLANNING COMMISSION

Monday

May 20, 2018

The Planning Commission met in public session on Monday, May 20, 2019, at 7:00 p.m. in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Chair C. Melissa Jonas, Vice Chair George Burke, and Commissioners Marcia Bouchard, Paul LeReche, Kevin Moses and Michael Romeo. Commissioner Sean Regan was absent.

Others 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.

Chair Jonas called the meeting to order at 7:00 p.m., six Commissioners present, and with Chair Jonas presiding.

1. DETERMINATION OF QUORUM

For the record, Ms. Orellana, Clerk to Boards and Commissions, called the roll, with six members present, which constituted a quorum.

2. APPROVAL OF AGENDA

On the motion of Vice Chair Burke seconded by Commissioner Moses and carried by a vote of 6-0 The agenda for May 20, 2019 public hearing meeting was approved. The vote was: Commissioners: Bouchard, LeReche, Moses and Romeo; and Vice Chair Burke and Chair Jonas voting "Aye." Commissioner Regan was absent.

3. APPROVAL OF MINUTES

Vote on April 8, 2019 **Work Session Minutes**

On the motion of Commissioner Moses, seconded by Commissioner Romeo and carried by a vote of 6-0. The minutes for April 8, 2019 work session meeting was approved. The vote was: Commissioners: Bouchard, LeReche, Moses and Romeo; and Vice Chair Burke and Chair Jonas voting "Aye." Commissioner Regan was absent

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April 22, 2019
Public Hearing Minutes

On the motion of Vice Chair Burke, seconded by Commissioner Romeo and carried by a vote of 6-0. The minutes for April 22, 2019 public hearing meeting was approved. The vote was: Commissioners: Bouchard, LeReche, Moses and Romeo; and Vice Chair Burke and Chair Jonas voting "Aye. Commissioner Regan was absent.

4. COMMENTS FROM THE STAFF

Elizabeth Gilleran, Director of Community Development stated that the Heritage Preservation Review Board voted approved Certificates of Appropriateness for demolition of the Artspace and Ashwell Subaru dealership buildings, and for the new construction for the Comstock Downtown Development project.

5. COMMENTS FROM THE PLANNING COMMISSIONERS

Commissioner Marcia Bouchard invited the public to congratulate Chair Melissa Jonas as she had received the Highest Honor bestowed upon a Fairfax County citizen. Commissioner Bouchard stated that Chair Jonas was nominated by Supervisor John Foust for the Lord and Lady Fairfax honor for her exceptional volunteer service. Commissioner Bouchard stated that examples of Chair Jonas' community service include her current role as Vice Chairman of the Fairfax County Redevelopment and Housing Authority, Chair of the Town of Herndon Planning Commission and Co-chair of the Affordable Housing Resource Panel. Commissioner Bouchard mentioned that Chair Jonas' prior work includes Chair of the Innovation Center (North) Task Force, member of the Herndon Town Council and a member of the Dranesville District Area Plan Review Task Force.

6. COMMENTS FROM THE AUDIENCE

There were no comments from the audience.

PUBLIC HEARINGS

- 7. APPLICATION FOR A SPECIAL EXCEPTION – SE #19-04, 1037 Sterling Road, Suite 101, to consider a special exception to allow a vocational school. Vocational schools may be permitted in this zoning district subject to the approval of a special exception. The property is zoned CO, Commercial Office. Fairfax County Tax Map Reference Number: 0161 22 0028G. Applicant: Rev. Leonard Chukwujiokwe. Business Entity: Divine Healthtech Institute. Property Owner: Ferhan C Ege.**

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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, May 3, 2019 and May 10, 2019 issues.

Chair Jonas opened the public hearing and called on David Stromberg, Zoning Administrator to provide the memo updates.

Mr. Stromberg presented the memo updates dated May 20, 2019, which is on file in the Department of Community Development.

Mr. Stromberg described the site and applicable zoning. Mr. Stromberg went into detail on the parking requirements and existing parking of the site.

Mr. Stromberg stated that the staff informed the Commission that the applicant only has a lease for one of the spaces in the office suite instead of the two office spaces as indicated on attachment #5 of the staff report. The Commission indicated their concern was more in the total number of students rather than the number of spaces within the suite.

The staff recommends approval of Special Exception, SE #19-04 by the Planning Commission with the following conditions:

- A. **Substantial conformity.** The site shall be developed and maintained in substantial conformance with the special exception plan dated March 19, 2019 and March 29, 2019.
- B. **Permitted use.** The use shall be limited to a vocational school and the existing by-right office use.
- C. **Number of students.** The number of students at the site shall not exceed five students at any one time.
- D. **Hours of operation.** Classes shall not be held before 8 a.m. or after 10 p.m. on any day of the week.
- E. **Occupancy.** A new occupancy permit issued by the Building Official and reviewed based on the two uses must be obtained prior to the start of any classes. The total number of people in all offices of Suite 101 may not exceed that which is shown on the occupancy permit.
- F. **Inspection.** The property owner and tenant shall allow Town officials to inspect the property during reasonable hours upon prior notice.

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- G. **Expiration.** This Special Exception shall not run with the land and shall expire under the following conditions(s):
- i. A discontinuance of the use for which the special exception was granted for a continuous 12-month period;
 - ii. Failure to commence operation of the use within 12 months of approval of the special exception;
 - iii. A change in substantial ownership of possession of the subject land.
- H. **Revocation.** Any violation of the aforementioned conditions or other sections of the Herndon Town Code shall be grounds for revoking the special exception pursuant to the manner described in Section 78-155.3(h) of the zoning ordinance.

Chair Jonas called upon the applicant to provide comments. The applicant did not provide comments on the item at this time.

Chair Jonas called on the audience to come forward to provide their comments.

The following individual came forward:

- Tom Page

Rev. Leonard Chukwujiokwe, applicant, provided a brief comment.

Following the public hearing, Commissioner Bouchard moved approval of SE #19-04 in accordance with the conditions recommended by staff. This motion was seconded by Commissioner Romeo.

Following brief comments by Vice Chair Burke and Chair Jonas, the question was called on the motion, which was carried by a vote of 6-0. The vote was: Commissioners: Bouchard, LeReche, Moses and Romeo, Vice Chair Burke and Chair Jonas voting "Aye." Commissioner Regan was absent.

8. **ZONING ORDINANCE TEXT AMENDMENT – ZOTA #19-01, to consider amending Chapter 78 (ZONING), Article V (Planned Development Districts), by adding Section 78-51.1, entitled PD-UR (Planned Development – Urban Residential), and amending Article VII (Use Regulations), Section 78-70.2 (Table of Permitted and Allowed Uses), Article VIII (Accessory Uses), Section 78-80.2 (Table of Permitted and Allowed Accessory Uses and Structures), Article X (Parking, Loading, and Circulation), Section 78-100.2 (Minimum Off-Street Parking and Loading Standards), Article XI (Development Standards), Section 78-110.4 (Perimeter Buffer Strip Landscaping Requirements), Article XIV (Signs), adding a new Section 78-141.7 (Sign Standards for**

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Planned Development – Urban Residential District) to create a new residential zoning district to implement the recommendations and standards of the “Adaptive Areas – Residential” land use category as identified in the Herndon 2030 Comprehensive Plan.

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, May 3, 2019 and May 10, 2019 issues.

Chair Jonas opened the public hearing and called on David Stromberg, Zoning Administrator to provide the memo updates.

Mr. Stromberg presented the memo updates dated May 20, 2019, which is on file in the Department of Community Development.

Mr. Stromberg stated that the purpose of this zoning ordinance text amendment is to create a new zoning district to accommodate redevelopment of some areas designated as Residential – Adaptive in the Town of Herndon 2030 Comprehensive Plan. Appropriate properties for this zoning district will be further refined by the adoption of small area plans. The recently adopted South Elden Area Plan (Comprehensive Plan Amendment, CPA #18-01) identifies properties where and under what circumstances residential redevelopment would be appropriate. This zoning district is intended to implement the goals of that plan.

Staff is recommending the Commission continue the public hearing on this item until the June 24, 2019 meeting. This will allow staff to incorporate feedback from the public hearing into the edits and to produce an alternate option with retail as a potential use.

There were no comments from the audience.

Following the public hearing, Vice Chair Burke moved to **CONTINUE** ZOTA #19-01 to the June 24, 2019 public hearing. This motion was seconded by Commissioner Romeo.

Following a brief comment by Commissioner Romeo, the question was called on the motion, which was carried by a vote of 6-0. The vote was: Commissioners: Bouchard, LeReche, Moses and Romeo; and Vice Chair Burke and Chair Jonas voting “Aye.” Commissioner Regan was absent.

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9. ADJOURNMENT

There being no further business, the meeting adjourned at 7:24 p.m.



**C. Melissa Jonas, Chair
Planning Commission**



**Erika Orellana
Clerk to Boards and Commissions**

Minutes approved by the Planning Commission: June 24, 2019