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**PLANNING COMMISSION
Regular Meeting
Monday, April 24, 2023**

The Planning Commission met in public session on Monday, April 24, 2023, at 7:00 p.m. in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Vice Chair George Burke and Commissioners Jay Donahue, Mike McFarlane, Kevin Moses, and Meron Yohannes. Chair Michael Romeo and Commissioner Dua'a Elbarasse were absent.

Others present during the meeting: Lisa Gilleran, Director of Community Development; Lesa Yeatts, Town Attorney; 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

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

2. Approval of Minutes

- a. February 13, 2023, Planning Commission Work Session
- b. February 16, 2023, Town Council/Planning Commission, Special Joint Work Session
- c. February 27, 2023, Planning Commission Regular Meeting

The minutes for the February 13, 2023, Planning Commission Work Session, the February 16, 2023, Town Council/Planning Commission, Special Joint Work Session, and the February 27, 2023, Planning Commission Regular Meeting were approved on the motion of Commissioner McFarlane, seconded by Commissioner Moses. The vote carried 5-0. The vote was: Commissioners Donahue, McFarlane, Moses, Yohannes, and Vice Chair Burke voting "Aye."

3. Comments

- a. Comments from the Staff Members

There were no comments from the staff members.

- 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

Vice Chair Burke asked Mr. Stromberg if the public hearing item on the agenda was properly advertised.

Mr. Stromberg stated that the application was properly advertised with notices of the public hearing having been duly advertised in the April 7 and April 14, 2023, issues of

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the Fairfax County Times Newspapers. Certificates of Publication from the Editor will be entered into the record upon receipt.

- a. **SPECIAL EXCEPTION AMENDMENT - SE #20-01, 1131 Elden Street, Pollo Campero**, to amend the conditions associated with a drive-through use accessory to an eating establishment. The proposed amendment would revise the condition related to trash collection and update the site plan. The property is zoned CS, Commercial Services and is designated in the Herndon 2030 Comprehensive Plan Land Use Map as "Adaptive" and is located in the South Elden Street Small Area Plan. The property is approximately 0.66 acres in area and is located on the east side of Elden Street, approximately 260 feet south of the intersection with Alabama Drive. Fairfax County Tax Map Number: 0161 04050009B. Agent: Kelly Posusney, Walsh Colucci Lubeley & Walsh, PC. Applicant: Pollo Campero of Virginia, LLC. Property owner: BXA LLC.

Vice Chair Burke asked Mr. Zoellick if any disclosures were filed regarding Special Exception Amendment, SE #20-01.

Mr. Zoellick stated that Chair Romeo filed a Transactional Disclosure Statement. The statement indicates that Chair Romeo's employer, Walsh, Colucci, Lubeley & Walsh PC is the agent for applicant for SE #20-01. While Chair Romeo believes that he would be able to participate in the transaction fairly, objectively, and in the public interest, he nonetheless recused and disqualified himself from discussion and voting on this transaction.

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

Mr. Stromberg delivered the staff presentation dated April 24, 2023, which is on file in the Department of Community Development. Staff is encouraging the Planning Commission to recommend the Special Exception Amendment, SE #20-01 to Town Council in accordance with the draft resolution.

Vice Chair Burke recognized the Planning Commission for questions of Mr. Stromberg.

Commissioners asked questions regarding changes since the original application was approved that warranted the amendment, options available if traffic problems arise on Elden St., and the process for bringing an item back before the Planning Commission and Town Council.

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

Vice Chair Burke recognized the applicant for comment.

The applicant's representative, Kelly Posusney, was present and provided brief comments.

Vice Chair Burke recognized the Planning Commission for questions of the applicant.

Commissioners asked questions regarding available remedies if the applicant violated the Special Exception, the process for revoking a Special Exception, and possible traffic concerns.

Mr. Stromberg and Ms. Posusney responded to the Commissioners' questions and concerns.

Vice Chair Burke recognized members of the audience for comments on this item.

There were no comments from the audience.

Vice Chair Burke closed the public hearing.

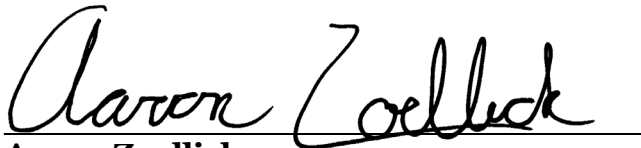
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Following the public hearing, Commissioner McFarlane made a motion to recommend the Special Exception Amendment, SE #20-01 to Town Council in accordance with the draft resolution. The motion was seconded by Commissioner Yohannes.

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

5. Adjournment

There being no further business, and without objection, the April 24, 2023, Planning Commission regular meeting was adjourned at 7:19 p.m. on the motion of Commissioner Moses, seconded by Commissioner Donahue.

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: May 22, 2023