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**PLANNING COMMISSION
Public Hearing
March 22, 2021**

Pursuant to Virginia Code Section 2.2-3708.2, as amended; the Governor’s Executive Orders, 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during Pandemic Disaster (COVID-19), as amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments, Chairman Romeo has stated that the March 22, 2021 Planning Commission Public Hearing will be by electronic means.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, March 17, 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; Michael Wallick, Transportation Planner, Bryce Perry, Deputy Director of Community Development; 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; the Governor’s Executive Orders, as amended; and in accordance with Ordinance 20-O-23, Continuity of Governmental Operations during Pandemic Disaster (COVID-19), as

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amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments.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;
- 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.

ANNOUNCEMENT BY CHAIRMAN ROMEO

Chairman Romeo welcomed newly appointed member, Michael McFarlane to the Planning Commission.

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. Four 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 6-0-1, the approval of agenda. The vote was: Commissioners Donahue, LeReche, Moses, Yohannes, Vice Chair Burke and Chairman Romeo voting "Aye." Commissioner McFarlane abstained.

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APPROVAL OF MINUTES

**2. Vote on February 8, 2021
Work Session Minutes**

On the motion of Commissioner Donahue, seconded by Commissioner Moses and carried by a vote of 6-0-1, the minutes for the February 8, 2021 work session were approved. The vote was: Commissioners Donahue, LeReche, Moses, Yohannes, Vice Chair Burke and Chairman Romeo voting “Aye.” Chairman Romeo was absent for this vote. Commissioner McFarlane abstained.

**3. Vote on February 22, 2021
Public Hearing Minutes**

On the motion of Commissioner LeReche seconded by Vice Chair Burke and carried by a vote of 6-0-1, the minutes for the February 22, 2021 public hearing were approved. The vote was: Commissioners Donahue, LeReche, Moses, Yohannes, Vice Chair Burke and Chairman Romeo voting “Aye.” Chairman Romeo was absent for this vote. Commissioner McFarlane abstained.

4. COMMENTS BY THE STAFF

Lisa Gilleran, Director of Community Development, stated that there will be information provided for the Accessory Dwelling Units at the April 12th Planning Commission work session. Ms. Gilleran informed that the Planning Commissioners would see a difference in the resolutions for special exception items on the agenda that evening and in the future. Ms. Gilleran provided details on the changes to the staff reports, based on feedback from the town council, and stated the staff would be soliciting the planning commission for requested changes to staff reports.

5. COMMENTS BY THE COMMISSIONERS

Commissioner McFarlane stated that he was glad to be part of the Planning Commission and serve.

PUBLIC HEARINGS

- 6. SPECIAL EXCEPTION AMENDMENT, SE #19-02, 525 Grove Street, Virginia Dominion Energy Substation, to amend the conditions associated with the construction of a new telecommunications facility that includes a monopole. Fairfax County Tax Map Reference Number: 0162-02-0190E. Applicant: Vertical Bridge. Representative: Tessia Knight, Network Building & Consulting Solutions. Property Owner: Virginia Electric and Power Company.**

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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, March 5, 2021 and March 12, 2021 issues.

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 report dated March 8, 2021, which is on file in the Department of Community Development.

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

Commissioner Donahue asked Mr. Perry if the applicant could request an extension in five years. Mr. Perry responded in the negative and stated they would need to apply for a new special exception.

Chairman Romeo recognized Tessia Knight, applicant's representative for comments.

Ms. Knight provided her comments in response to the Planning Commission's concerns raised.

Chairman Romeo called on the Planning Commissioners individually for questions to Ms. Knight, applicant's representative.

The Planning Commissioners asked for clarification on the change on the proposal of the application and the time needed to complete the proposed application. Ms. Tessia stated that the change was due to the easement of the property and that it would be under the 5 year time frame.

Chairman Romeo recognized the public for comments on this item. No public was present to speak on this item.

Following the public hearing, Vice Chair Burke moved approval of SE#19-02 resolution dated March 22, 2021 as presented by staff recommendation. This motion was 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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[Note: Below is the approved resolution for the SE#19-02.]

**TOWN OF HERNDON, VIRGINIA
PLANNING COMMISSION
RESOLUTION**

March 22, 2021

Resolution- to consider an amendment to Special Exception, SE#19-02, 525 Grove Street, to change the condition for SE expiration.

WHEREAS, Network Building & Consulting, LLC, the applicant, has submitted an Special Exception amendment application to alter the conditions of the approved Special Exception, SE#19-02, which allows a telecommunications facility on the parcel identified as Fairfax County Tax Map Reference Number 0162-02-0190E; and

WHEREAS, the proposed amendment changes Condition H to allow for a longer period of time prior to final building inspection in which the SE would remain active; and

WHEREAS, the Planning Commission has reviewed this application and has held a public hearing, in accordance with the provisions of §15.2-2204 of the State Code, on March 22, 2021 and continued; and

WHEREAS, the Planning Commission has found that the proposed amendment meets the purpose and intent of the Zoning Ordinance, in particular Section 78-71.13(d) and 78-155.3; and

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the Town of Herndon, Virginia hereby:

Recommends approval of the amendment to Special Exception SE#19-02, as proposed, and in accordance with the following conditions:

- A. **Substantial Conformity.** The site shall be developed and maintained in substantial conformance with the NB+C/Vertical Bridge plan exhibit, dated March 19, 2019, except where modified by these conditions and with the removal of the modification requests #2 and #3 listed on the cover sheet of the plan exhibit.
- B. **Permitted use.** The use shall be limited to one 125-foot telecommunications monopole and associated ground equipment and enclosure.

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- C. **Site Plan Revision.** A site plan revision indicating all proposed modifications to the site shall be submitted to the Town of Herndon for administrative staff review.
- D. **Stormwater Management.** The proposed improvements shall not negatively impact the existing stormwater BMP. The applicant shall include an analysis with the site plan submission and, if required, associated site improvements demonstrating that the proposed project will not negatively impact the existing stormwater BMP.
- E. **Architectural Review Board (ARB).** An application for the proposed new construction, to include the required screening and access barriers, shall be submitted for review by the Architectural Review Board (ARB.) All permits and construction must comply with the ARB approval.
- F. **Access to the Site.** The telecommunications facility compound shall not be accessed from the existing trail near the western property boundary. A physical barrier shall be installed preventing any vehicular access from the private access road off-site. The design of the barrier shall be submitted to the ARB in accordance with Condition E. Access into the enclosure shall be limited to a single gate as shown in the referenced plan unless provided along the enclosure's eastern side adjacent to the substation.
- G. **Inspection.** The property owner and tenant shall allow Town officials to inspect the property during reasonable hours upon prior notice
- H. **Expiration.** This Special Exception shall run with the land except under the following condition(s):
 - i. A discontinuance of the use for which the special exception was granted for a continuous 12-month period;
 - ii. Failure to obtain a final building inspection for the monopole within ~~eighteen (18) months~~ three (3) years of approval of the special exception.
- I. **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.

7. **SPECIAL EXCEPTION, SE #21-01, 400 Herndon Parkway, Peppertree Montessori**, to permit a private school/daycare within an existing building. The property is zoned O&LI, Office and Light Industrial. Fairfax County Tax Map Reference

**March 22, 2021
(public hearing)**

Number: 0171 06 F3. Applicant: Gwendolyn Dozier, Managing Member, Peppertree Montessori, LLC. Property Owner: DK Herndon Parkway, LLC.

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, March 5, 2021 and March 12, 2021 issues.

Chairman Romeo opened the public hearing and called on Michael Wallick, Transportation Planner, for the staff report and updates.

Mr. Wallick presented the staff report dated March 8, 2021 and staff memo dated March 17, 2021, which are on file in the Department of Community Development.

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

The Planning Commissioners asked for clarification for the amount of work that will be put into the playground, the responsibility for the final inspection process, whether improvements related to the Americans with Disabilities Act will be made, and details on how the children will get to and from the play area. Mr. Wallick and Mr. Stromberg provided responses.

Chairman Romeo recognized Gwendolyn Dozier, applicant for comments.

Ms. Dozier provided her comments in response to the Planning Commission's concerns raised.

Chairman Romeo called on the Planning Commissioners individually for questions to Ms. Dozier, applicant.

Chairman Romeo recognized the public for comments on this item. No public was present to speak on this item.

Following the public hearing, Commissioner LeReche moved approval of SE#21-01 resolution dated March 22, 2021 as presented by staff recommendation. This motion was seconded by Vice Chair Burke.

There was a brief discussion from the Commissioners on this item. Specifically, the Commissioners recommended staff work with the applicant to ensure a door is added to allow for direct access to the play area without needing to walk around the front of the building.

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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.”

[Note: Below is the approved resolution for the SE#21-01.]

TOWN OF HERNDON, VIRGINIA

PLANNING COMMISSION

RESOLUTION

MARCH 22, 2021

Resolution- to consider Special Exception Application SE #21-01, to permit a private school/daycare within an existing building in an Office & Light Industrial, O&LI, zoning district.

WHEREAS, the applicant, Gwendolyn Dozier, has submitted a request for a special exception to permit a private school/daycare located at 400 Herndon Parkway and identified as Fairfax County Tax Map #0171-06-F3; and

WHEREAS, the Planning Commission has reviewed this application and has held a public hearing in accordance with the provisions of §15.2-2204 of the State Code; and

WHEREAS, the Planning Commission has found that the application, SE #21-01 with conditions, meets the purpose and intent of the Zoning Ordinance, in particular, Sections 78-71.2 and 78-155.3; and

WHEREAS, if granted, the uses permitted under the special exception are pursuant to this resolution; and

WHEREAS, if granted, the special exception may expire pursuant to Sections 78-155.3(f)(3) or Section 78-155.3(g) of the Zoning Ordinance; and

WHEREAS, if granted, the special exception may be amended pursuant to Section 78-155.3(j) of the Zoning Ordinance; and

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WHEREAS, if granted, special exception may be revoked pursuant to Section 78-155.3(h) of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the Town of Herndon, Virginia, hereby:

Recommends approval of Special Exception Application SE #21-01, in accordance with the conditions set forth below to achieve compliance with the standards found in Sections 78-71.2 and 78-155.3;

1. Substantial Conformity. The development and maintenance of the special exception use for a Montessori school and daycare pursuant to Section 78-71.2 of the Herndon Zoning Ordinance (the “Zoning Ordinance”) shall be in substantial conformance with the SE #21-01 application materials submitted January 22, 2021 and concept plan dated March 5, 2021 (the “Concept Plan”). Approval of this application on the parcel identified as Fairfax County Tax Map Number 0171-06-F3, known as 400 Herndon Parkway, Herndon, Virginia (the “Property”), shall not relieve the applicant or the owners of the Property, or their successors or parties developing, establishing, or operating the approved special exception, from the obligation to comply with and conform to any other Zoning Ordinance, codified ordinance, or regulatory requirement.
2. Child Pick-Up & Drop-Off. Child pick-up and drop-off shall occur in the 10 marked parking spaces located in front of the entrance to the Montessori & preschool, as shown on the special exception plan dated March 5, 2021.
3. Number of Permitted Children. The number of children present on site shall not exceed 50 at any one time.
4. Outdoor Recreation Area. An outdoor, fenced playground area, no less than 1,000 square feet, shall be constructed in the approximate location as shown on the Concept Plan, prior to the issuance of a business license. When playing outside, all children shall be within the fenced playground area.
5. Number of Permitted Children in Outdoor Recreation Area. The maximum number of children permitted in the outdoor recreation area at any one time shall comply with Section 78-71.2(d)(2)(b) of the zoning ordinance, which requires 100 square feet for per child.
6. Zoning Inspection Permit and Inspections. A Zoning Inspection Permit is required prior to issuance of the business license. Following the business license, the use shall be inspected by zoning and building officials during reasonable hours and upon reasonable prior notice.

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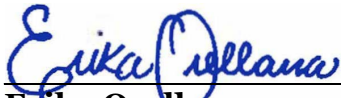
ADJOURNMENT

There being no further business, the meeting adjourned at 8:21 p.m.

On the motion of Commissioner McFarlane seconded by Commissioner Moses and carried by a vote of 7-0, the March 22, 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: June 28, 2021