



This does not represent a verbatim transcript of the Planning Commission meeting. Visit www.herndon-va.gov "agendas & minutes" to view agendas and videos. Copies of videotapes of the public hearing meetings are available on request by contacting HCTV at 703-689-2323.

PLANNING COMMISSION
Work Session
Monday, March 8, 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during Pandemic Disaster (COVID-19), as amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments. The meeting was broadcast and recorded through Cisco WebEx and details for the meeting were made available to the public on Wednesday, March 3, 2021. In attendance electronically were: Chairman Romeo, Vice Chair George Burke and Commissioners: Jay Donahue, Paul LeReche, Michael McFarlane, Kevin Moses, and Meron Yohannes. Commission Yohannes joined the meeting at 7:11 p.m.

Staff present during the meeting: Lesa Yeatts, Town Attorney and Parliamentarian, Lisa Gilleran, Director of Community Development, and David Stromberg, Zoning Administrator, Bryce Perry, Deputy Director of Community Development and Michael Wallick, Transportation Planner and Erika Orellana, Clerk to Boards and Commissions.

STAFF ANNOUNCEMENTS

Erika Orellana, Clerk to Boards and Commissions, stated that the Planning Commission work session will be held electronically. Individuals are encouraged to participate and to provide comments for the record at planning.commission@herndon-va.gov. Ms. Orellana informed that the next scheduled meeting for the Planning Commission would be a public hearing to be held on March 22, 2021.

Ms. Orellana stated, for the record, that:

The Planning Commission work session held that evening was being 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during Pandemic Disaster (COVID-19), as amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments.

March 8, 2021

Work Session

- 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 begin with a roll call and determination of quorum; and
- All votes, including adjournment, will be by roll call vote.

ANNOUNCEMENT BY CHAIRMAN

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

1. ROLL CALL /DETERMINATION OF QUORUM

Chairman Romeo called the work session to order at 7:00 p.m. and asked the Clerk to call roll call.

Ms. Orellana called roll call.

Chairman Romeo stated, for the record, that there was a quorum present, electronically, that evening.

ANNOUNCEMENT BY CHAIRMAN

Chairman Romeo announced that Lesa Yeatts, Town Attorney and Parliamentarian, Lisa Gilleran, Director of Community Development, and David Stromberg, Zoning Administrator, Bryce Perry, Deputy Director of Community Development and Michael Wallick, Transportation Planner were also present.

PUBLIC HEARINGS

- 2. 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.**

March 8, 2021

Work Session

Chairman Romeo called on Bryce Perry, Deputy Director of Community Development, for the staff report. Mr. Perry presented the staff report dated March 8, 2021, which is on file in the office of Community Development.

Mr. Perry informed the commission that the applicant proposed to amend the conditions associated with a previously approved Special Exception to allow the construction of a telecommunications facility that includes a monopole and associated ground equipment. Mr. Perry informed that the proposed amendment would increase the amount of time allowed to construct the telecommunications facility before the approval expires.

Mr. Perry provided the background for the proposed application:

- Rezoned to allow telecommunications facility (PCA#19-01, #19-02)
- Special Exception #19-02 approved concurrently
 - Included a condition that expired the special exception if final building inspection did not occur within 18 months of approval
- Applicant experienced unexpected delays
- Special Exception extended for six months by Town Council
- Applicant pursued and received site plan approval and ARB approval but requires additional time for project completion
- Special Exception amendment requested to further extend expiration trigger tied to final building inspection by an additional 18 months

Mr. Perry stated that staff recommended approval of the amendment as proposed in accordance with the draft resolution.

[Note: Below is the draft resolution with conditions recommended by staff.]

**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

March 8, 2021

Work Session

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:

SE#19-02 Approved Conditions with proposed amendment:

- 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.
- 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

March 8, 2021

Work Session

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.

Commissioner Yohannes joined the meeting at 7:11 p.m.

Chairman Romeo called on the Commissioners to address comments or questions to staff. The Planning Commissioners asked for clarification of the proposed application, specifically related to the final inspection requirement, concerns on public safety, the 3 years' time to meet the final inspection, etc. Mr. Perry provided responses.

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

Chairman Romeo called on Michael Wallick, Transportation Planner, for the staff report. Mr. Wallick presented the staff report dated March 8, 2021, which is on file in the office of Community Development.

March 8, 2021

Work Session

Mr. Wallick provided the background of the proposed application. Mr. Wallick informed that the applicant is projecting up to 50 children divided among 8 classes. The proposal includes three shifts between the hours of 8:00 AM through 5:30 PM with various options for starting and stopping times. Children have the option of being on a part-time or full-time schedule, where children are at the Montessori and preschool three, four, or five days per week. The applicant had proposed to have up to eight classes running concurrently and no individual class will exceed 10 children. Up to eight teachers, one per class, would be on site simultaneously.

Mr. Wallick stated that the proposed Montessori and preschool is 4,951 square feet. The proposed floor plan layout included a large open classroom area, two proposed infant rooms, botany room, library, kitchen, utility closet, staff lounge, conference room, and restrooms for boys and girls. Access to the suite is achieved by entering the door which leads from the porch into a foyer. A second door from the foyer leads into the open classroom area. A proposed new door at the rear of the suite, located within proposed infant room #1, would lead to the fenced in playground area.

Mr. Wallick informed that staff is withholding a recommendation while awaiting minor clarifications by applicant. However, conditions will likely pertain to the following:

- Substantial conformance with application materials
- Outdoor fenced play area details
- Total available parking spaces available to applicant
- Hours of operation
- Maximum enrollment of students

Chairman Romeo called on the Commissioners to address comments or questions to staff. The Planning Commissioners asked for clarification of the proposed application, specifically related to the door exit of the location, restroom requirements, confirmation on the play area safety, and for recreations square feet requirements, etc. Mr. Wallick provided responses.

DISCUSSIONS

4. Items of Interest

Chairman Romeo called on Lisa Gilleran to provide items of interest. Ms. Gilleran informed the Planning Commissioners that there were no items of interest for the work session.

5. Accessory Dwelling Unit presentation

March 8, 2021

Work Session

Chairman Romeo called on Lisa Gilleran to provide the presentation on the discussion item, Accessory Dwelling Units. Ms. Gilleran provided an introduction of the accessory dwelling unit presentation, the housing challenge, Herndon's current regulations, changes in accessory dwelling unit legislation and current public attitudes.

Chairman Romeo called on the Commissioners to address comments or questions to staff. The Planning Commissioners asked for the discussion to be provided with time in order to have the information processed and be able to provide feedback for the Town Council.

6. COMMENTS FROM THE STAFF

There were no comments from the staff.

7. COMMENTS FROM THE COMMISSIONERS

There were no comments from the Commissioners.

ADJOURNMENT

On the motion of Vice Chair Burke, seconded by Commissioner LeReche and carried by a vote of 7-0, the March 8, 2021 Planning Commission work session was adjourned. The vote was: Commissioners Donahue, LeReche, McFarlane, Moses, Yohannes, Vice Chair Burke and Chairman Romeo voting "Aye."

There being no further business, the meeting adjourned at 8:54 p.m.



**Michael Romeo, Chairman
Planning Commission**



**Erika Orellana
Clerk to Boards & Commissions**

Minutes approved by the Planning Commission: June 28, 2021