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PLANNING COMMISSION
January 28, 2019

The Planning Commission of the Town of Herndon, Virginia, met in public hearing on Monday, January 28, 2019 at 7:00 p.m. in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Chair Melissa Jonas, Vice Chair George Burke and Commissioners Marcia Bouchard, Paul LeReche, Kevin Moses, Sean Regan.

Commissioner Romeo was absent.

Others present during the meeting: Lesa Yeatts, Town Attorney, Elizabeth Gilleran, Director of Community Development; David Stromberg, Zoning Administrator, Michael Wallick, Transportation Planner; and Lisa Webster, Clerk to the Herndon Planning Commission.

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

1. DETERMINATION OF QUORUM

Chair Jonas stated that there were six members present, which constituted a quorum.

2. APPROVAL OF AGENDA

Chair Jonas called to modify the agenda to address new business on tonight's agenda.

On the motion of Commissioner LeReche, amended that tonight's agenda change to move New Business; Election of Offices as the next item; seconded by Commissioner Moses and carried by a vote of 6-0. The agenda for January 28, 2018 public hearing meeting was **APPROVED**.

The vote was: Commissioners: Bouchard, LeReche, Moses, Regan; and Vice Chair Burke and Chair Jonas voting "Aye". Commissioner Romeo was absent.

3. NEW BUSINESS

➤ **Election of Officers (Chair to the Planning Commission)**

On motion of Commissioner Bouchard, seconded by Commissioner Moses, and

APPROVED by a 5-0 vote, **C. Melissa Jonas was elected Chair to the Planning Commission** for the calendar year 2019.

The vote was: Commissioners Bouchard, Regan; and Vice Chair Burke voting “Aye.” Chair Jonas abstained. Commissioner Romeo was absent.

➤ **Election of Officers (Vice Chair of the Planning Commission)**

On motion of Commissioner Regan, seconded by Commissioner Bouchard, and **APPROVED** by a 5-0 vote, **George Burke was elected Vice Chair to the Planning Commission** for the calendar year 2019.

The vote was: Commissioners Bouchard, Regan; and Chair Jonas voting “Aye.” Vice Chair Burke abstained. Commissioner Romeo was absent.

4. APPROVAL OF MINUTES

**Vote on December 3, 2018
Public Hearing Minutes**

On the motion of Commissioner Moses, seconded by Commissioner LeReche and carried by a vote of 6-0 The minutes for December 3, 2018 public hearing meeting was **APPROVED**. The vote was: Commissioners: Bouchard, LeReche, Moses, Regan; and Vice Chair Burke and Chair Jonas voting “Aye”.

Commissioner Romeo was absent.

5. COMMENTS FROM STAFF

Elizabeth Gilleran, Director of Community Development stated that Fairfax County Connector Bus Service was scheduled to have a meeting on January 29, 2019 but this meeting will be cancelled due to the upcoming inclement weather forecast and the new date is to be determined and keep the public updated on the Town’s website.

6. COMMENTS FROM COMMISSIONERS

Chair Jonas stated that the Fairfax County Housing Authority; Affordable Housing Resource Panel Meeting scheduled for January 29, 2019 at the Fairfax County

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Government Center would also be cancelled due to pending inclement weather and new date will to be determined and posted on the Fairfax County's website.

7. COMMENTS FROM AUDIENCE

No comments from the audience.

PUBLIC HEARINGS

8. APPLICATION FOR A SPECIAL EXCEPTION – SE #19-01, 767 Monroe Street, to consider a special exception to increase the number of nonresident persons permitted in a home-based business from a maximum of four in a 24-hour period to seven in a 24-hour period. Fairfax County Tax Map Reference Number: 0162 02 0265A. Applicant: Heather Kepshire.

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, December 4, 2018 and December 11, 2018 issues.

Chair Jonas opened the public hearing. David Stromberg, Zoning Administrator provided a summarization of the staff report dated January 14, 2019.

- Proposed Condition D limits the total nonresident vehicles at any one time to two vehicles.
- If the owner's vehicle is parked there then one of the two nonresident vehicles would need to utilize a portion of the adjacent driveway to turn around.
- Given the time-of-day limitations and other proposed conditions there would not be any negative impacts generated to the adjacent property provided none of the vehicles travel beyond the extents of the Ingress/Egress Easement.
- The owners of 765 Monroe who share the easement provided a letter that they were not opposed to the expansion of the home-based business.

The staff recommends approval of Special Exception #19-01 with the conditions set forth in the staff recommendation to achieve compliance with the standards found in Section 78-155.3.

9. COMMENTS FROM APPLICANT

The applicant thanked the Planning Commission and staff for assistance and consideration of the special exception application.

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10. COMMENTS FROM AUDIENCE

No comments from the audience.

11. COMMENTS FROM THE PLANNING COMISSIONERS

Commissioner LeReche inquired about exterior signage and if it was allowed? David Stromberg, Zoning Administrator indicated no signage was purposed or permit for homebased businesses.

Commissioner Bouchard commended that applicant for following the Town's special exception procedures correctly even with the likelihood for her not being detected.

Commissioner LeReche also added that he was very please applicant had such a great relationship with her neighbors.

On the motion of Commissioner Regan, seconded by Vice Chair Burke and carried by a vote of 6-0. The applicant for SE #19-01, 767 Monroe Street, to consider a special exception to increase the number of nonresident persons permitted in a home-based business from a maximum of four in a 24-hour period to seven in a 24-hour period was **APPROVED** with the conditions set forth in the staff recommendation to achieve compliance with the standards found in Section 78-155.3.

The vote was: Commissioners: Bouchard, LeReche, Moses, Regan; and Vice Chair Burke and Chair Jonas voting "Aye". Commissioner Romeo was absent.

12. DEVELOPMENT PLAN - DP #17-01, 555 Herndon Parkway. Descriptive Summary of Proposed Action: An application for a Herndon Transit-Oriented Core (HTOC) Development Plan with proffered conditions to allow a mixed-use development located at 555 Herndon Parkway. The plan also includes the establishment of a private road network, streetscape improvements along Herndon Parkway, and a plaza area at the center of the site. Owner: 555 Herndon LLC. Representative: Frank J. Poli, Senior Vice President, Penzance Management, LLC. Agent: Kenneth W. Wire, Esq. Wire Gill, LLP.

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, December 4, 2018 and December 11, 2018 issues.

Chair Jonas opened the public hearing. Elizabeth Gilleran, Director of Community Development provided a summarization of the staff report dated January 14, 2019 and PowerPoint dated January 28, 2019.

Ms. Gilleran stated applicant requested additional review by the Architectural Review

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Board (ARB) on February 6, 2019 and is requesting continuing to the Planning Commission February 25, 2019 public hearing.

Ms. Gilleran also discussed the community meeting held by the developers on January 23, 2019; in which over 200 property owners were invited by mailed invitation. Ms. Gilleran expressed to the Commissioners that (*some*) staff did attend but for observation purposes only, since this was not a Town organized meeting.

Ms. Gilleran provided proposal details and timelines of the following items listed in the staff report;

- Development Plan
- Transportation
- Architecture & Urban Design
- Proffer Statement
- Modification
- Fiscal Impact
- Adherence to Comprehensive Plan & Transit-Oriented Core Plan
- Compliance with Standards for Increased Density
- Transportation Analysis
- Building Design Issues
- Open Space Design Issues

Staff recommends item be **CONTINUED** until February 5, 2019 public hearing. A continuance will allow the applicant additional time to respond to the issues raised in the staff report and provide staff the necessary time to evaluate any revisions and new information submitted.

13. COMMENTS FROM PLANNING COMMISSION

Commissioners Bouchard, LeReche, Regan inquired about updates and/or changes to pedestrian and traffic lights signal, (between Van Buren/Spring Streets), traffic impact study effecting Worldgate, Fairbrook and Sunset Business Park. All addressed by staff in referencing staff report and PowerPoint presentation.

14. COMMENTS FROM APPLICANT

Kenneth Wire, Esq., Agent stated that approximately 40 people attending the community meeting on January 25, 2019; 300 notices were mailed to various property/business owners. Mr. Wire provided a PowerPoint presentation to the Commissioners and requested a continuation to provide additional information requested by staff.

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15. COMMENTS FROM AUDIENCE

Mr. Downer applauded the commissioners on progress in the HTOC district.

16. COMMENTS FROM THE PLANNING COMMISSIONERS

On the motion of Commissioner Bouchard, seconded by Commissioner LeReche and carried by a vote of 6-0. An application for a Herndon Transit-Oriented Core (HTOC) Development Plan with proffered conditions to allow a mixed-use development located at 555 Herndon Parkway. The plan also includes the establishment of a private road network, streetscape improvements along Herndon Parkway, and a plaza area at the center of the site was **CONTINUED** until February 25, 2019 public hearing.

The vote was: Commissioners: Bouchard, LeReche, Moses, Regan; and Vice Chair Burke and Chair Jonas voting "Aye". Commissioner Romeo was absent.

17. ZONING ORDINANCE TEXT AMENDMENT - ZOTA #18-06, to amend Chapter 78 (Zoning), Article V, (Planned Development Districts), Section 78-50.7, (Planned Development-Traditional Downtown District), Article VII, (Use Regulations), Section 78-71.6, (Eating Establishments Use Category), Article XI, (Development Standards), and Section 78-110.2, (Planting Standards for Landscaping), to make housekeeping changes for internal consistency.

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, December 4, 2018 and December 11, 2018 issues.

Chair Jonas opened the public hearing. David Stromberg, Zoning Administrator provided a summarization of the staff report dated January 14, 2019.

Staff recommends approval.

18. COMMENTS FROM AUDIENCE

No comments from the audience.

19. COMMENTS FROM PLANNING COMMISSION

On the motion of Commissioner LeReche, seconded by Vice Chair Burke and carried by a vote of 6-0. **ZONING ORDINANCE TEXT AMENDMENT - ZOTA #18-06**, to amend Chapter 78 (Zoning), Article V, (Planned Development Districts), Section 78-50.7, (Planned Development-Traditional Downtown District), Article VII, (Use Regulations), Section 78-71.6, (Eating Establishments Use Category), Article XI, (Development Standards), and Section 78-110.2, (Planting Standards for Landscaping),

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to make housekeeping changes for internal consistency was **APPROVED** as presented by staff.

20. COMPREHENSIVE PLAN AMENDMENT CPA #18-02 – Establish a Design Concept for Street Improvements on Elden Street, between Sterling Road and Herndon Parkway.

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, December 4, 2018 and December 11, 2018 issues.

Chair Jonas opened the public hearing. Michael Wallick, Transportation Planner provided updated summarization of the staff report dated January 14, 2019 and PowerPoint presentation with summary.

The staff recommends that the Planning Commission approve the attached resolution for CPA #18-02, recommending this minor plan amendment to the Town Council.

Attachment #2

**TOWN OF HERNDON,
VIRGINIA RESOLUTION**

January 28, 2019

Resolution - CPA #18-02. Recommending and Certifying Comprehensive Plan Amendment #18-02 Establish a Design Concept for Street Improvements on Elden Street, between Sterling Road and Herndon Parkway, to the Town Council of the Town of Herndon, Virginia.

BE IT RESOLVED by the Planning Commission for the Town of Herndon that:

1. On November 13, 2018, the Town Council referred the proposed amendment to the Planning Commission for public hearing and recommendation in accordance with Code of Virginia § 15.2-2229. Amendments.
2. The Planning Commission has reviewed the plan amendment and after public hearing recommends CPA #18-02 to the Town Council. The amendment consists of the following text amendment to the Transportation Chapter, current Page IX-8, as well as supporting documents described below to be incorporated by reference into the comprehensive plan.

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6. South Elden Street: (Town Minor Arterial) Herndon Parkway to Sterling Road, improve to divided four lane section. Project study area to encompass Elden Street/Sterling Road and Elden Street/Ferndale Avenue intersections. (CIP) add a shared-use path of eight feet in width & improve the existing 5-lane section to be a 4-lane section with 11-foot-wide travel lanes and a raised median and protected turning lanes. To increase visibility and safety to pedestrian crossings, enhanced crosswalks are to be added at the intersections of Elden Street and Alabama Drive, the intersection at Dulles Park Shopping Center, and the intersection of Elden Street at Sterling Road. The eight-foot-wide shared- use path is to be located on the western side of Elden Street and is to run from Sterling Road to Herndon Parkway.
3. CPA #18-02 amends the Town of Herndon 2030 Comprehensive Plan adopted August 12, 2008, as amended through January 13, 2015 to establish a design concept for street improvements on Elden Street, between Sterling Road and Herndon Parkway, and incorporate by reference:
- a. The Design Concept by AECOM (dated November 30, 2017, revised June 15, 2018)
 - b. Traffic Operations Technical Memorandum South Elden Street Corridor Plan Existing and No Build Condition, prepared by AECOM and dated December 22, 2017
 - c. 2040 Build Scenario Traffic Operations Addendum South Elden Street Corridor Plan, prepared by AECOM and dated July 9, 2018
 - d. The conceptual access management plan prepared by the Department of Community Development and shown as attachment 7 to the staff report of January 14, 2019
4. Based upon outcomes of the OIPI (Grant Oversight Committee which met in 2018), the town shall pursue two separately funded initiatives related to this project within the study area:
- a. Signalize the intersection of Elden Street and the Dulles Park Shopping Center.
 - b. Improve the existing sidewalk on the east side of Elden Street, between Herndon Parkway and Sterling Road.
5. This resolution shall be effective on and after its date of adoption.

21. COMMENTS FROM THE PLANNING COMMISSIONERS

Commissioners thanked staff for clarity that was provided in dissecting all the information on CPA #18-02.

On the motion of Commissioner Bouchard seconded by Commissioner Regan and carried by a vote of 6-0. **COMPREHENSIVE PLAN AMENDMENT CPA #18-02 – Establish a Design Concept for Street Improvements on Elden Street, between Sterling Road and Herndon Parkway was APPROVED with the conditions set forth in the staff recommendation**

The vote was: Commissioners: Bouchard, LeReche, Moses, Regan; and Vice Chair Burke and Chair Jonas voting “Aye”. Commissioner Romeo was absent.

22. COMMENTS FROM AUDIENCE

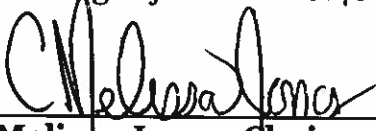
Richard Downer, Town resident provided comments about the ability to travel downtown to the Commissioners.

23. COMMENTS FROM PLANNING COMMISSION

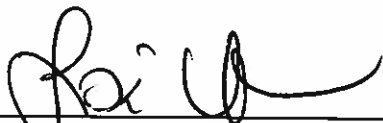
Chair Jonas thanked Commissioner Romeo and Town Council Member Friedrichs on their hard work on the Planning Commission -Town Council joint work session, the next upcoming meeting item for the CIP on February 5, 2019.

24. ADJOURMENT

There being no further business, the meeting adjourned at 8:46 p.m.



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



**Lisa Webster
Clerk to the Planning Commission**

Minutes approved by the Planning Commission: February 25, 2019