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**PLANNING COMMISSION
Public Hearing
January 25, 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during Pandemic Disaster (COVID-19), as amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments, Chairman Romeo has stated that the October 26 2020, Planning Commission Public Hearing will be by electronic means.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, January 20, 2021. In attendance were: Chairman Michael Romeo, Vice Chair George Burke and Commissioners Jay Donahue, Paul LeReche, Kevin Moses and Meron Yohannes.

Staff present during the meeting: Lesa Yeatts, Town Attorney; Lisa Gilleran, Director of Community Development; and Michael Wallick, Transportation Planner.

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during Pandemic Disaster (COVID-19), as amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments.

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- 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.

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. All 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.

ANNOUNCEMENT BY CHAIRMAN

Chairman Romeo stated that Lesa Yeatts, Town Attorney; Lisa Gilleran, Director of Community Development; and Michael Wallick, Transportation Planner were also present.

APPROVAL OF AGENDA

On the motion of Commissioner LeReche, seconded by Vice Chair Burke and carried by a vote of 6-0, the approval of agenda. The vote was: Commissioners Donahue, LeReche, Moses, Yohannes, Vice Chair Burke and Chairman Romeo voting "Aye."

NEW BUSINESS

2. 2021 Election of Officers

- **Election of Chair to the Planning Commission for the 2021 Term.**

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Vice Chair Burke moved to nominate and elect Michael Romeo for the position of Chair of the Planning Commission 2021 term. Seconded by Commissioner LeReche.

There were no other nominations, so the nominations were closed. The vote carried unanimously, 6-0 the vote was: Commissioners Donahue, LeReche, Moses, Romeo, Vice Chair Burke and Chairman Romeo voting "Aye."

Michael Romeo was elected Chair of the Planning Commission for the 2021 term.

➤ **Election of Vice Chair of the Planning Commission for the 2021 term.**

Chairman Romeo moved to nominate and elect George Burke for the position of Vice Chair of the Planning Commission 2021 term. Seconded by Commissioner Moses.

There were no other nominations, so the nominations were closed. The vote carried unanimously, 6-0 the vote was: Commissioners Donahue, LeReche, Moses, Romeo, Vice Chair Burke and Chairman Romeo voting "Aye."

George Burke was elected Vice Chair of the Planning Commission for the 2021 term.

APPROVAL OF MINUTES

**3. Vote on December 7, 2020
Work Session Minutes**

On the motion of Vice Chair Burke, seconded by Commissioner LeReche and carried by a vote of 6-0, the minutes for the December 7, 2020 work session were approved. The vote was: Commissioners Donahue, LeReche, Moses, Yohannes, Vice Chair Burke and Chairman Romeo voting "Aye."

**4. Vote on December 14, 2020
Public Hearing Minutes**

On the motion of Commissioner Donahue seconded by Vice Chair Burke and carried by a vote of 7-0, the minutes for the December 14, 2020 public hearing were approved. The vote was: Commissioners Donahue, LeReche, Moses, Yohannes, Vice Chair Burke and Chairman Romeo voting "Aye."

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5. COMMENTS BY THE STAFF

Ms. Lisa Gilleran, Director of Community Development informed the Planning Commissioners that there will be an accessory dwelling unit presentation at the February work session.

6. COMMENTS BY THE COMMISSIONERS

Commissioner Yohannes asked about the background of Aslin and the color of the building within the Historic District. Ms. Gilleran informed that there will be an email that will be shared with the Planning Commissioners. Commissioner Moses asked if there was a permit for the food truck at the Aslin location. Ms. Gilleran stated that she would look into that matter.

PUBLIC HEARING

7. **APPLICATION FOR A SPECIAL EXCEPTION – SE #20-04, 459 Herndon Parkway, suites 7 & 8, Christ Fellowship Church**, to consider a special exception to permit a religious institution with a capacity of 300 or fewer persons. The property is zoned O&LI, Office & Light Industrial, and is designated in the Herndon 2030 Comprehensive Plan as "Regional Corridor Mixed Use". The property is located within the Parkway Crossing Condominiums and on the southeast side of Herndon Parkway approximately 350 feet from its intersection with Spring Street. Fairfax County Tax Map Reference Numbers: 0164-22-0007 and 0164-22-0008A. Applicant: George Churchwell. Property Owner: HLI Group LLC. Prospective Purchaser: Walter Hamilton, III, Christ Fellowship Church. **Continued from December 14, 2020 Planning Commission public hearing.**

Note: This item was continued from the December 14, 2020 Planning Commission public hearing.

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, January 8, 2021 and January 15, 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 memo dated January 7, 2021 and staff memo dated January 20, 2021, which are on file in the Department of Community Development.

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

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Commissioner LeReche asked for clarification for the parking area of the proposed application. Vice Chair Burke asked for clarification regarding the memo from the Attorney from the Condo association. Ms. Gilleran provided clarification.

Chairman Romeo recognized the property owner, George Churchwell, applicant, to provide comments.

Mr. Churchwell, applicant, provided his comments to the Planning Commission.

Chairman Romeo called on the Planning Commissioners individually for questions to the applicant, Mr. Churchwell.

There were no questions for the applicant by the Planning Commissioners.

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#20-04 resolution with the conditions dated January 25, 2021 as presented by staff recommendation. This motion was seconded by Chairman Romeo.

There was a brief discussion from the Commissioners on this item.

The question was called on the motion, which carried by a vote of 6-0, The vote was: Commissioners Donahue, LeReche, Moses, Yohannes, Vice Chair Burke and Chairman Romeo voting "Aye."

[Note: Below is the approved resolution and conditions for SE#20-04.]

TOWN OF HERNDON, VIRGINIA

PLANNING COMMISSION

RESOLUTION

JANUARY 25, 2021

Resolution- to consider Special Exception Application SE #20-04, to permit a religious institution with a capacity of 300 or fewer persons.

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WHEREAS, the applicant, HLI Group, LLC, has submitted a request for a special exception to permit a religious institution with capacity of 300 or fewer persons on a property located at 459 Herndon Parkway, suites 7 and 8, and identified as Fairfax County Tax Map # 0164 22 0007, # 0164 22 0008A; 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 #20-04 with conditions meets the purpose and intent of the Zoning Ordinance, in particular Sections 78-71.4(3) and 78-155.3.

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

Recommends approval of Special Exception Application SE #20-04, in accordance with the conditions set forth below to achieve compliance with the standards found in Sections 78-71.4(3) and 78-155.3;

1. Substantial conformity. The site shall be operated in substantial conformance with these conditions and the floor plan received by staff on January 5, 2021.
2. Permitted Use. This special exception is granted to allow a religious institution at 459 Herndon Parkway, Suites 7 and 8.
3. Prohibited Accessory Uses. This special exception prohibits a daycare or school accessory use. A daycare or school accessory use may be granted through an additional special exception application.
4. Occupancy. The number of church attendees at any one time, exclusive of staff and volunteers, shall be limited to 44.
5. Inspection. The premises shall be made available for inspection by authorized representatives of the town upon reasonable notice.
6. Expiration. This special exception does not run with the land and shall expire under the following condition(s):
 - a. A discontinuation of the use for which the special exception was granted for a continuous twelve-month period;
 - b. Failure to commence operation of the use within twenty-four months of approval of the special exception;
 - c. A change in substantial ownership or possession of the subject land.

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- d. Notwithstanding the foregoing, the transfer in ownership from the current owner, HLI Group, LLC, to the prospective purchaser, Christ Fellowship Church, shall not cause this special exception to be void.
7. 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.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:37 p.m.

**George Burke, Vice Chair
Planning Commission**



Erika Orellana

Clerk to Boards & Commissions

Minutes approved by the Planning Commission: February 22, 2021