



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, January 11, 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during Pandemic Disaster (COVID-19), as amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments.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, January 6, 2021. In attendance electronically were: Chairman 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; David Stromberg, Zoning Administrator; 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 January 25, 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during Pandemic Disaster (COVID-19), as amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments.

January 11, 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.

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

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

PUBLIC HEARING

- 2. 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.*****

January 11, 2021

Work Session

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

Comments were received for this item and entered into the record by the Clerk.

Chairman Romeo stated that comments were received and entered into the record by the clerk for this item.

Chairman Romeo called on Michael Wallick, Transportation Planner, for the staff memo. Mr. Wallick presented the staff memo dated January 7, 2021, which is on file in the office of Community Development.

Mr. Wallick, Transportation Planner, explained that since the December 14, 2020 Planning Commission public hearing, the applicant has informed staff that he met with the attorney representing the Parkway Crossing Condominium Unit Owners Association Board of Directors on December 22, 2020 to discuss the parking conflict. Mr. Wallick stated that the Parkway Crossing Condominium Unit Owners Association Board of Directors held a special meeting on January 5, 2021 to further discuss the pending special exception application for a religious institution at suites 7 and 8. Staff has spoken with the attorney representing the association, but at this time no formal statements have been submitted beyond the letter on November 16, 2020.

Staff recommends approval of SE #20-04 with the proposed conditions (attachment #2).

[Note: Below are the conditions recommended by staff.]

1. Substantial conformity. The site shall be operated in substantial conformance with these conditions and the floor plan received by staff on January 5, 2020.
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.

January 11, 2021

Work Session

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.
 - d. Notwithstanding the foregoing, the transfer in ownership from the current owner, HLI Group, LLC, to the prospective purchaser, Christ Fellowship Church/Pastor Walter Hamilton III 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.

Chairman Romeo called on the Commissioners to address comments or questions to staff. There was a brief discussion amongst the Commissioners.

DISCUSSIONS

3. **Items of Interest**

Lisa Gilleran, Director of Community Development informed the Commissioners that the 2021 election of officers would take place at the January 25, 2021 public hearing.

4. **COMMENTS FROM THE STAFF**

There were no comments from the staff.

5. **COMMENTS FROM THE COMMISSIONERS**

Chairman Romeo asked if there was any update on the vacancy for the member on the Planning Commission. Ms. Gilleran informed that staff expects to hear an update in the near future, however, as of now, there is no information to provide in reference to the vacancy.

January 11, 2021

Work Session

ADJOURNMENT

There being no further business, the meeting adjourned at 7:27 p.m.

**George Burke, Vice Chair
Planning Commission**



**Erika Orellana
Clerk to Boards & Commissions**

Minutes approved by the Planning Commission: February 22, 2021