



## PLANNING COMMISSION REGULAR MEETING AGENDA

Herndon Council Chambers Building  
765 Lynn Street, Herndon, VA 20170

Monday, May 18, 2026 | 7:00 PM

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### 1. Call to Order

### 2. Approval of Minutes

- a. i. April 13, 2026, Planning Commission Work Session Draft Minutes
- ii. April 27, 2026, Planning Commission Regular Meeting Draft Minutes

### 3. Comments

- a. Comments from the Staff Members
- b. Comments from the Commissioners
- c. Comments from the Public  
*Members of the public may, for one 3-minute period, provide public comments, requests, consent or general item comments, and comments on matters not included on the agenda.*

### 4. Public Hearings

- a. Zoning Ordinance Text Amendment ZOTA #26-03 to amend Chapter 78 (ZONING), Article V (Planned Development Districts), by amending Section 78-50.8 (PD-TOC – Planned development – transit-oriented core district), Article VII (Use Regulations), Section 78-71.8 (Indoor entertainment use category), and amending Article XVIII (Definitions), Section 78-180 (Definitions) to define casino related terms and establish land use provisions for casino establishments
- b. Zoning Ordinance Text Amendment – ZOTA #26-04 to amend Chapter 78 (ZONING), Article IV (Business Districts), Section 78-40.3 (CO – Commercial office district) and Article VII (Use Regulations), Section 78-70.2 (Table of permitted and allowed uses), to remove the special exception requirement for personal service uses in the CO zoning district
- c. Application for a Special Exception, SE #26-02, 1001 Jeff Ryan Drive, to consider a special exception to permit a home-based child daycare use within the R-10, Residential single-family district (continued from April 27, 2026)

## 5. Adjournment



## Planning Commission Regular Meeting Agenda Item 2.a.

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**Agenda Item:** April 13, 2026, Planning Commission Work Session Draft Minutes  
April 27, 2026, Planning Commission Regular Meeting Draft Minutes

**Meeting Date:** May 18, 2026

**Category:** Approval of Minutes

**Prepared by:** Amanda Kertz, Town Clerk

**Description:**

This is a request to approve the April 13, 2026, Planning Commission Work Session Draft Minutes and the April 27, 2026, Planning Commission Regular Meeting Draft Minutes.

**Background/Timing Impact:**

Planning Commission minutes are typically presented for approval in chronological order. Action on the minutes is an important function of the Planning Commission.

**Fiscal Impact:**

N/A

**Legal Impact:**

Code of Virginia Section 2.2-3707 outlines the requirements for the recording of minutes for all public bodies.

**Staff Recommendation/Next Steps:**

Recommend approval as presented.

**Attachments:**

1. 04.13.26 PCWS Draft Minutes
2. 04.27.26 PCRM Draft Minutes

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**HERNDON PLANNING COMMISSION**

**Work Session Minutes  
Monday, April 13, 2026**

**1. Call to Order**

Chair Romeo called the Planning Commission Work Session to order on Monday, April 13, 2026, at 7:00 p.m. in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Commissioners Andrew Beatty; Yung C. Kim; Samuel F. Richardson II; Brenda Wichman; Vice Chair Meron Yohannes; and Chair Michael G. Romeo.

Commissioner Steven Mundt was absent.

Staff present during the meeting: Lesa Yeatts, Town Attorney; Kirstyn Jovanovich, Deputy Town Manager; Lisa Gilleran, Director of Community Development; Bryce Perry, Deputy Director of Community Development; Dave Stromberg, Zoning Administrator; Fadrique Iglesias, Community Planner; Angelina Jones, Lead Planner; and Amanda Kertz, Town Clerk.

Chair Romeo stated that a quorum was present.

**Amend Agenda**

Chair Romeo stated that staff will withdraw Public Hearing Item 2(e), Zoning Ordinance Text Amendment ZOTA #26-03 to amend Chapter 78 (ZONING), Article VII (Use Regulations), Section 78-71.1 (Indoor Entertainment Use Category), and Article XVIII (Definitions), Section 78-180 (Definitions) to define casino-related terms and establish land use provisions for casino establishments. The item will be removed from the agenda.

**2. Public Hearings**

**a. Application for a Special Exception, SE #26-02, 1001 Jeff Ryan Drive, to consider a special exception to permit a home-based child daycare use within the R-10, Residential single-family district**

Chair Romeo recognized Fadrique Iglesias, Community Planner, for the staff presentation. Mr. Iglesias provided an overview of the application to consider a special exception to permit a home-based child daycare use within the R-10, Residential Single-Family district. He stated that the proposal would increase the

maximum number of children from seven to twelve, consistent with allowances under Virginia law.

Mr. Iglesias described the property and noted that similar applications have been reviewed in recent months. He stated that the applicant recently received approval for a zoning permit and that no complaints have been received from adjacent properties. He reviewed the proposed conditions of approval, including requirements for drop-off and pick-up within the driveway, employee parking on-site, and compliance with applicable zoning and operational standards. Staff recommends approval with conditions.

There was discussion between staff and the Commission on this item, including:

1. Fencing requirements and safety considerations, including the adequacy of existing fencing, potential need for more durable materials, and impacts of prior vehicle accidents at the site.
2. Timing and enforcement of fencing improvements, including whether fencing should be repaired or upgraded prior to operation or as a condition of approval.
3. Outdoor play area requirements, including location, required square footage per child, and whether additional internal fencing may be needed.
4. Site layout and proximity to the right-of-way, including the need for additional mapping or visual information.
5. Parking and staffing, including number of employees and adequacy of on-site parking.
6. Applicability of state licensing requirements, including coordination with state review and any additional requirements related to the operation.
7. Hours of operation and consistency with previous approvals for similar uses.

During the discussion, staff was asked to follow up on the following items:

1. Confirm the operational status of the facility and whether the use is currently active due to the potential hole in the fence (Chair Romeo).
2. Provide information showing the location of fencing, outdoor play areas, and distance to the right-of-way (Chair Romeo).
3. Verify applicable state requirements, including any regulations related to pets and licensing conditions (Vice Chair Yohannes).
4. Confirm details of employee count and parking arrangements for the proposed use (Commissioner Kim).

Following discussion, staff stated that they would provide additional information on fencing requirements, including the required materials, repair expectations, and inspection procedures, at a future meeting.

**b. Zoning Map Amendment—ZMA #24-01, 250 Exchange Place, a zoning map amendment from O&LI, Office & Light Industrial district, to PD-TRG1 & PD-TRG2, Planned Development—Transit Related Growth mixed use, medium density residential, and office, and Planned Development—low density residential and low impact commercial zoning districts with proffered conditions, to allow the redevelopment of the site with single family attached and multi-family residential uses**

Chair Romeo recognized Bryce Perry, Deputy Director of Community Development, for the staff presentation. Mr. Perry stated that this item is a continuation of the application previously reviewed by the Commission and that staff does not have new information to present at this time. He noted that staff continues to work with the applicant to address outstanding comments and is not yet prepared to issue a recommendation or draft resolution.

Mr. Perry provided an overview of the application to rezone the property at 250 Exchange Place to allow redevelopment with a mix of multifamily, stacked, and single-family attached residential uses. He described the existing conditions and proposed redevelopment, including demolition of the current office buildings, phased construction of infrastructure and residential uses, development of public and private streets, structured parking, and the inclusion of both private and publicly accessible open space. Mr. Perry stated that the application has undergone multiple staff reviews and is generally compliant, with remaining issues related to project phasing, timing of public improvements, utility coordination, and refinement of proffer language. He noted that staff expects additional revisions from the applicant and anticipates providing a full staff report for the Planning Commission's April 27, 2026, regular meeting. Mr. Perry stated that while staff is recommending continuing the item due to the outstanding issues previously stated, if the remaining issues are satisfactorily resolved prior to the April 27 regular meeting, staff will consider recommending approval.

Lisa Gilleran, Director of Community Development, stated that the applicant has indicated potential challenges with constructing the park during early phases due to construction staging needs.

There was discussion between staff and the Commission on this item, including:

1. Project phasing, including sequencing of residential components and any potential risks if portions of the development are delayed or constructed by different developers.
2. Timing and construction of open space and park areas, including coordination with development phases and construction staging needs.
3. Utility infrastructure, including sewer capacity, stormwater considerations, and coordination with existing and proposed systems.
4. Transmission line constraints, such as safety considerations and development limitations related to vertical clearance.

5. Use of open space areas for construction staging versus long-term public or private amenities.
6. Market conditions and feasibility of different residential product types within the proposed development.
7. Bonding and implementation of phased improvements, including how obligations may be structured across phases.

During the discussion, staff was asked to follow up on the following items:

1. Provide additional information regarding transmission line constraints and safety considerations (Commissioner Kim).
2. Clarification on the timing of park construction relative to development phases and occupancy requirements (Chair Romeo).
3. Staff will evaluate the timing and coordination of open space and construction staging and provide additional detail at a future meeting (Chair Romeo).

Following discussion, staff advised that they will continue to work with the applicant to refine language related to phasing, public improvements, and enforceability.

- c. **Zoning Ordinance Text Amendment ZOTA #26-01, to amend Chapter 78 (ZONING), ARTICLE XIV (Signs), Section 78-140.4 (Prohibited signs), Section 78-140.6 (General standards for all signs), Section 78-141.8 (Sign Standards for Planned Development—Transit Related Growth Districts), and Article XVIII (Definitions), Section 78-180 (Definitions) to update sections to include standards for signage in the Herndon Transit-Oriented Core (HTOC), provide a nit limit for signage, and include definitions pertinent to signage in the HTOC**

Chair Romeo recognized Angelina Jones, Lead Planner, for the staff presentation. Ms. Jones provided an overview of the staff report and stated that staff is proposing to update sign standards within the Herndon Transit-Oriented Core (HTOC), including revisions to existing regulations and the introduction of new standards informed by the Urban Design and Architectural Guidelines for the Herndon Transit-Oriented Core.

Ms. Jones explained that the proposed amendments will allow painted signs within the HTOC, establish illumination (nit) limits for signage, and limit the number and types of signs permitted, including band, awning, and canopy signs. She noted that the proposal also reorganizes existing standards and clarifies language to group similar sign types and improve usability. Staff recommends approval as presented, and the proposed ordinance amendment will be forwarded to the Town Council for review and adoption.

There was discussion between the Commission and staff on the following:

1. Sign illumination, including LED standards, illumination limits (nits), and alignment with regional standards.
2. Permitted sign types, quantity, and visual impact within the HTOC.
3. Application of standards to building types and consistency between ground-floor and upper-level signage placement.
4. Sign placement, orientation, and vertical limitations on signage.
5. Policy context and comparison to nearby jurisdictions.
6. Appropriateness of standards in more urban versus suburban contexts.
7. Public outreach and notification process.

During the discussion, staff was asked to follow up on the following items:

1. Provide a comparison to Fairfax County and other Metro-area signage standards to provide additional context (Chair Romeo).
2. Evaluate and consider additional public outreach, including notification to affected HTOC and Transit-Related Growth (TRG) property owners prior to the public hearing (Chair Romeo).
3. Include visual examples of proposed sign types in the presentation materials for the regular meeting (Vice Chair Yohannes).
4. Further clarify how signage standards apply to multi-tenant buildings and tower signage (Vice Chair Yohannes).

**d. Zoning Ordinance Text Amendment ZOTA #26-02 to amend Chapter 78 (ZONING) Section 78-80.4 (Standards for Specific Accessory Uses and Structures by Use Type), and amending Article XVIII (Definitions) to update the provisions regarding caretaker and security guard residences and to add a definition of caretaker and security residence**

Chair Romeo recognized David Stromberg, Zoning Administrator, for the staff presentation. Mr. Stromberg presented the proposed Zoning Ordinance Text Amendment (ZOTA) submitted by the applicant's agent, Wire/Gill, on behalf of Extra Space Storage. Mr. Stromberg provided an overview of the existing regulations for caretaker or security residences as accessory uses, including key characteristics related to location, size, and relationship to the principal use. He explained that the proposed amendment is being presented in conjunction with Special Exception SE #25-02 for the expansion of an existing self-service storage facility located at 250 Spring Street, which is expected to be brought before the Commission in the coming months. He noted that approval of the ZOTA is required prior to consideration of SE #25-02.

Mr. Stromberg stated that the proposed amendment would increase the allowable size of caretaker units from 1,000 square feet to 1,400 square feet without requiring a special exception. He noted that the increase is considered de minimis relative to the scale of typical principal uses and that many surrounding localities do not regulate the size of caretaker units. Staff recommends approval of the

proposed amendment, which will be forwarded to the Town Council for review and adoption.

There was discussion between the Commission and staff on the following:

1. Potential increase to a 1,500 square foot threshold and whether units exceeding that size should require a special exception to allow flexibility.
2. Limitations on building configuration, including whether caretaker units should be restricted to single-story or permitted as multi-story units.
3. Clarification of the relationship between “premises” and “parcel,” particularly in the context of multi-parcel developments.
4. Applicability of the regulations to existing and future self-storage facilities and facilities that currently include caretaker residences.
5. Requirements that caretaker units remain accessory to a principal use and maintain consistency with the principal structure.

**Staff provided the following clarifications in response to Commission questions:**

Responding to Commissioner Wichman, Mr. Stromberg stated that the ordinance does not limit the configuration of caretaker units but restricts the use to one unit per principal use and requires consistency with the principal structure.

Responding to Commissioner Beatty, Mr. Stromberg clarified that caretaker units are tied to the principal use rather than individual parcels and cannot be established independently of a principal use.

Responding to Chair Romeo, Mr. Stromberg stated that the proposal includes modifications to an existing facility that currently contains a caretaker residence.

- e. **Zoning Ordinance Text Amendment ZOTA #26-03 to amend Chapter 78 (ZONING), Article VII (Use Regulations), Section 78-71.1 (Indoor Entertainment Use Category), and Article XVIII (Definitions), Section 78-180 (Definitions) to define casino related terms and establish land use provisions for casino establishments (item withdrawn from agenda during the meeting)**

There was no staff report or discussion on this item, as the agenda was amended to remove the item at the beginning of the meeting.

**3. Comments**

**a. Comments from the Staff Members**

Chair Romeo recognized staff members for additional comments.

Lisa Gilleran, Director of Community Development, provided an update on the Comprehensive Plan process. She stated that the Town is currently in Phase 2 of the update. Ms. Gilleran explained that two committees have been formed to support Small Area Plan updates for the Metro area and Downtown. She stated that the Downtown committee is larger and includes business and property owners, as well as nearby residents. She noted that the Metro area committee is smaller and includes nearby residents and individuals who have been active in the Herndon Transit-Oriented Core (HTOC) and Transit-Related Growth (TRG) areas.

There was discussion between the Commission and staff on the composition and size of the Downtown and Metro area committees.

Responding to Chair Romeo, Ms. Gilleran stated that the Downtown committee includes approximately 17 members and the Metro area committee includes approximately 12 members.

**b. Comments from the Commissioners**

Chair Romeo: stated that he will be absent from the next meeting and that the Vice Chair Yohannes will preside.

Commissioner Wichman: stated that she would like to share photos related to the W&OD Trail. Staff advised that the photos may be submitted to the Clerk for distribution to the Planning Commission.

Commissioner Beatty: asked about Planning Commission interaction with the Comprehensive Plan committees.

Ms. Gilleran stated that updates will be provided to the Commission and noted that representation includes the Planning Commission Chair and Vice Chair, as well as Mayor LeBlanc, Councilmember del Aguila, and Councilmember Lloyd, across the two committees. She stated that meetings will be open to the public and can be added to the Town's website calendar. She further noted that meetings are anticipated to occur on the fourth Wednesday of each month, with Downtown meetings held in the afternoon to accommodate local businesses, and Metro area meetings held in the evening.

**4. Adjournment**

There being no further business, and without objection, Chair Romeo adjourned the April 13, 2026, Planning Commission Work Session at 8:21 p.m.

**Amanda E.M. Kertz**  
**Town Clerk**

Minutes approved by Planning Commission: \_\_\_\_\_

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**HERNDON PLANNING COMMISSION**  
**Regular Meeting Minutes**  
**Monday, April 27, 2026**

**1. Call to Order**

Vice Chair Yohannes called the Planning Commission Regular Meeting to order on Monday, April 27, 2026, at 7:00 p.m. in the Herndon Council Chambers Building, 765 Lynn Street, Herndon. In attendance were: Commissioners Andrew Beatty; Yung C. Kim; Stephen Mundt; Samuel F. Richardson II; Brenda Wichman; and Vice Chair Meron Yohannes.

Chair Michael Romeo was absent.

Staff present during the meeting: Lesa Yeatts, Town Attorney; Lisa Gilleran, Director of Community Development; John Irish, Deputy Director of Public Works; Dave Stromberg, Zoning Administrator; Fadrique Iglesias, Community Planner; Ben Schitter, Development Program Planner; and Amanda Kertz, Town Clerk.

Vice Chair Yohannes stated that six Planning Commissioners were present, which constituted a quorum. She indicated that since Chair Romeo was absent, she will be chairing the meeting that evening.

**2. Approval of Minutes**

**a. February 9, 2026 Planning Commission Work Session Meeting Minutes**

Commissioner Mundt moved to approve the February 9, 2026, Planning Commission Work Session Meeting Minutes as presented. Motion seconded by Vice Chair Yohannes. The question was called on the motion, which was carried by a 6-0 roll call vote. The vote was: Commissioners Beatty, Kim, Mundt, Richardson, Wichman, and Vice Chair Yohannes. Chair Romeo was absent.

**b. March 23, 2026, Planning Commission Regular Meeting Minutes**

Commissioner Mundt moved to approve the March 23, 2026, Planning Commission Regular Meeting Minutes as presented. Motion seconded by Commissioner Kim. The question was called on the motion, which was carried by a 6-0 roll call vote. The vote was: Commissioners Beatty, Kim, Mundt, Richardson, Wichman, and Vice Chair Yohannes. Chair Romeo was absent.

### **3. Comments**

#### **a. Comments from the Staff Members**

Lisa Gilleran, Director of Community Development, stated that the first two small area plan meetings have been held for the Downtown and Metro areas. She noted that the public engagement phase of the Comprehensive Plan has begun and that staff will be present at several key locations to gather input. She also stated that the survey is now live on the Town's website and encouraged those interested to fill it out to provide valuable input to the Town.

#### **b. Comments from the Commissioners**

Commissioner Mundt: stated that he had heard several residents talking about a comprehensive plan committee and asked staff for clarification.

Responding, Lisa Gilleran, Director of Community Development, stated that members of the business and organizational community are participating in the two early action committees for the Downtown and Metro small area plans, which are the only committees connected to the Comprehensive Plan process. She noted that meetings were held the previous week.

Commissioner Mundt stated that, following that year's past winter, he thought the Town may want to revisit ordinances related to sidewalk setbacks, noting concerns around Town and the impacts of snow piling up from plowing. He offered suggestions for plowing heavy amounts of snow he has observed elsewhere.

Vice Chair Yohannes: thanked staff for the kickoff of the Downtown and Metro small area plan meetings and noted that she is participating in the Downtown group, while Chair Romeo is participating in the Metro group. She stated that updates will be provided during work sessions as needed. She also recognized an email submitted on behalf of Commissioner Wichman regarding the Fishers, Indiana area, which included sample photos she thought were helpful examples to consider for Herndon's downtown.

#### **c. Comments from the Public**

There were no comments from the public.

### **4. Public Hearings**

- a. Zoning Map Amendment - ZMA #24-01, 250 Exchange Place, a zoning map amendment from O&LI, Office & Light Industrial district, to PD-TRG1 & PD-TRG2, Planned Development—Transit Related Growth mixed use, medium**

**density residential, and office, and Planned Development—low density residential and low impact commercial zoning districts with proffered conditions, to allow the redevelopment of the site with single family attached and multifamily residential uses**

Certifications of Publication from the Editor of the *Fairfax County Times* newspaper were filed, showing that notices of the following public hearing items were duly advertised in the April 10, 2026, and April 17, 2026, issues.

Vice Chair Yohannes opened the public hearing and recognized Bryce Perry, Deputy Director of Community Development, for the staff report. Mr. Perry provided an overview of the application, noting that this is the first rezoning in the Transit Related Growth (TRG) area. A resubmission was received from the applicant on April 21, 2026, which is being reviewed by staff. He reviewed the proposed development, location, requested modifications, and proposed proffers, noting that the staff report includes a fiscal analysis prepared by the Finance Department. No commercial development is being proposed with this application.

Mr. Perry stated that staff continues to work with the applicant on several outstanding items and has not completed its full review. He highlighted the primary outstanding issue related to the timing of park improvements in relation to the townhouse phase of the project. He noted staff's concern that the townhouse component could be constructed without a park being provided for an extended period and that interim park provisions are still under review. Mr. Perry noted that the Architectural Review Board reviewed the application and provided comments to the Planning Commission.

Due to the remaining work, staff recommended continuance to the May Planning Commission meeting. However, Mr. Perry stated that staff prepared a draft resolution for the Commission's consideration that evening, which includes conditions reflecting items still under review.

Vice Chair Yohannes recognized the applicant or applicant's agent for comments. She stated that the civil engineer for the applicant was available via telephone if there were any questions that he needed to answer.

Ken Wire, Principal, Wire Gill LLP, the applicant's agent, stated that the project at 250 Exchange Place has been under development for approximately 18 months and reviewed the proposed phasing plan. He noted that the applicant is requesting modifications related to site constraints and indicated that one previously requested modification related to parking deck trees has been withdrawn.

Mr. Wire discussed the proposed approach to park space, stating that the applicant intends to provide an interim condition, such as a graded open space with basic amenities, until the full park is constructed. He expressed concern about constructing temporary improvements that would later be removed. Mr. Wire also

reviewed site constraints, including stormwater infrastructure, and stated that while the project is intended to be constructed as a coordinated development, phasing may be required depending on market conditions.

The Planning Commission, staff, and the applicant discussed the application and proposed resolution, including:

1. Timing and adequacy of interim park provisions.
2. Project phasing and coordination of infrastructure improvements.
3. Requested modifications and site constraints, including stormwater and utilities.
4. Building height, layout, and design considerations.
5. Process and timing for completing staff review prior to Town Council consideration.

Ms. Gilleran reviewed the draft resolution dated April 27, highlighting the conditional language that was included to allow refinement of proffer language and outstanding items. Staff indicated that the resolution provides a reasonable path forward and that the application would not be scheduled for Town Council review until outstanding issues are resolved.

Vice Chair Yohannes reviewed the comment process and called for comments from the public. Seeing none, she moved to Council level for discussion and action.

Vice Chair Yohannes asked for a motion to continue the public hearing on Zoning Map Amendment ZMA #24-01, 250 Exchange Place, for a zoning map amendment from O&LI (Office & Light Industrial) to PD-TRG1 and PD-TRG2 (Planned Development—Transit Related Growth and low-density residential), with proffered conditions, to allow redevelopment of the site with single-family attached and multifamily residential uses, to the May 18 Planning Commission meeting. The motion died on the floor for lack of a motion maker and a second.

Commissioner Mundt moved to approve Zoning Map Amendment ZMA #24-01, 250 Exchange Place, for a zoning map amendment from O&LI (Office & Light Industrial) to PD-TRG1 and PD-TRG2 (Planned Development—Transit Related Growth and low-density residential), with proffered conditions, to allow redevelopment of the site with single-family attached and multifamily residential uses, pursuant to the conditions outlined in the draft resolution dated April 27, 2026. Motion seconded by Commissioner Richardson.

Following clarification from Lesa Yeatts, Town Attorney, Commissioners Mundt and Richardson agreed it was their intent to move approval pursuant to the conditions listed in the draft resolution distributed by staff.

Commissioners provided comments on the motion to recommend the item for

approval, emphasizing the need to address the outstanding issues, particularly related to the interim park, prior to Town Council consideration.

The question was called on the motion which carried by a 5-0 roll call vote. The vote was: Commissioners Beatty, Mundt, Richardson, Wichman, and Vice Chair Yohannes voting "Aye." Commissioner Kim abstained from the vote. Chair Romeo was absent.

**b. Application for a Special Exception, SE #26-02, 1001 Jeff Ryan Drive, to consider a special exception to permit a home-based child daycare use within the R-10, Residential single-family district**

Certifications of Publication from the Editor of the *Fairfax County Times* newspaper were filed, showing that notices of the following public hearing items were duly advertised in the April 10, 2026, and April 17, 2026, issues.

Vice Chair Yohannes recognized Fadrique Iglesias, Community Planner, for comments.

Following clarification from the Town Attorney about staff's recommendation, Mr. Iglesias stated that staff is recommending the Planning Commission continue the public hearing that evening, due to information determined from the work session. He stated that more information is included in the staff report, primarily focusing on fencing requirements and additional concerns raised by the Commission related to safety.

Vice Chair Yohannes invited the applicant or applicant's agent to speak on the application.

Sarita Del Pilar, the applicant, provided comments (through an interpreter) on the application. She discussed her existing business, located in Loudoun County, and her plans for the home-based daycare operation in Herndon. She stated that she has addressed the requirements, including fixing the hole in the fence, and she is amenable to the proposed conditions. She asked the Commission to approve her application.

There was discussion among the Commission, staff, and applicant (through an interpreter), about the special exception, including:

1. Applicant's request to recommend approval versus staff's recommendation to continue the public hearing.
2. Unintended consequences of providing the recommendation to the Town Council before all the issues are resolved.
3. Requirement to wait a year to reapply if the Town Council denies the application.
4. Clarification on the status of the home-based daycare business application

and if the applicant could operate while the special exception was being reviewed.

5. Status of the zoning permit and the applicant's current operation in Loudoun County.
6. Staff's request to continue the public hearing to work through issues related to the request for a special exception, particularly the fence and play area in the back of the home.

Vice Chair Yohannes reviewed the process for providing comments and recognized members of the public for comment. There were no comments from the public.

Ms. Del Pilar provided closing comments, asking the Planning Commission to approve a permit to allow her to operate a home-based daycare in Herndon.

In response to Commissioner Kim, David Stromberg, Zoning Administrator, stated that the applicant can apply for the zoning permit to operate the home-based business while the special exception application is being considered. Lisa Gilleran, Director of Community Development, confirmed that staff will work with the applicant to move forward in the process.

Chair Yohannes stated that the public hearing remained open and moved to Commission level for discussion and action.

Commissioner Beatty moved to continue the public hearing on the Application for a Special Exception, SE #26-02, 1001 Jeff Ryan Drive, to consider a special exception to permit a home-based child daycare use within the R-10, Residential single-family district to the May 18, 2026, Planning Commission meeting. Motion seconded by Commissioner Kim.

There were comments from the Planning Commission.

The question was called on the motion, which was carried by a 6-0 roll call vote. The vote was: Commissioners Beatty, Kim, Mundt, Richardson, Wichman, and Vice Chair Yohannes. Chair Romeo was absent.

- c. **Zoning Ordinance Text Amendment ZOTA #26-01, to amend Chapter 78 (ZONING), ARTICLE XIV (Signs), Section 78-140.4 (Prohibited signs), Section 78-140.6 (General standards for all signs), Section 78-141.8 (Sign Standards for Planned Development—Transit Related Growth Districts), and Article XVIII (Definitions), Section 78-180 (Definitions) to update sections to include standards for signage in the Herndon Transit-Oriented Core (HTOC), provide a nit limit for signage, and include definitions pertinent to signage in the HTOC**

Certifications of Publication from the Editor of the *Fairfax County Times* newspaper

were filed, showing that notices of the following public hearing items were duly advertised in the April 10, 2026, and April 17, 2026, issues.

Vice Chair Yohannes opened the public hearing and recognized Angelina Jones, Lead Planner, Design and Development, for the staff report. Ms. Jones provided background on the item, which was initiated by the Town Council on February 26, and will create sign standards for the Herndon Transit Oriented Core (HTOC) by amending the zoning ordinance. Language has been updated to include clarification for the nighttime nit (luminance) limit for electronic displays, which does not currently exist in the zoning ordinance. The types of signs are limited per entrance to limit the number of signs per development.

Ms. Jones reviewed the new definitions proposed in the ZOTA and provided updates from the work session, stating that letters were sent out to the nearby property owners according to the Commission's request. Ms. Jones also provided information about Fairfax County's sign standards and stated that moving LED displays should be considered under a separate ZOTA and are currently prohibited. If adopted by the Town Council, the amendment will be effective on or after the date of adoption.

After a short discussion, Commissioner Beatty and staff agreed that the difference between parapet signs and tower signs should be clarified in the proposed ZOTA language. The Zoning Administrator stated that the change was a minor point of clarification and could be made by staff prior to bringing the ZOTA for consideration by Town Council without the need for additional review by the Planning Commission. Staff will update the proposed ZOTA language at the top of Sec. 78-141.8 to clarify that a parapet sign may not be installed on the same elevation as a tower sign as these two sign types are mutually exclusive (lines 58-60).

Vice Chair Yohannes reviewed the process for providing comments and recognized members of the public for comment. There were no comments from the public.

Commissioner Mundt moved to approve Zoning Ordinance Text Amendment ZOTA #26-01, to amend Chapter 78 (ZONING), ARTICLE XIV (Signs), Section 78-140.4 (Prohibited signs), Section 78-140.6 (General standards for all signs), Section 78-141.8 (Sign Standards for Planned Development—Transit Related Growth Districts), and Article XVIII (Definitions), Section 78-180 (Definitions) to update sections to include standards for signage in the Herndon Transit-Oriented Core (HTOC), provide a nit limit for signage, and include definitions pertinent to signage in the HTOC to the Town Council, as amended to include the clarification discussed by Commissioner Beatty. Commissioner Richardson seconded the motion.

There were comments from the Planning Commission.

The question was called on the motion, which was approved by a 6-0 roll call vote. The vote was: Commissioners Beatty, Kim, Mundt, Richardson, Wichman, and Vice Chair Yohannes. Chair Romeo was absent.

**d. Zoning Ordinance Text Amendment ZOTA #26-02 to amend Chapter 78 (ZONING) Section 78-80.4 (Standards for Specific Accessory Uses and Structures by Use Type), and amending Article XVIII (Definitions) to update the provisions regarding caretaker and security guard residences and to add a definition of caretaker and security residence**

Certifications of Publication from the Editor of the *Fairfax County Times* newspaper were filed, showing that notices of the following public hearing items were duly advertised in the April 10, 2026, and April 17, 2026, issues.

Vice Chair Yohannes opened the public hearing and recognized David Stromberg, Zoning Administrator, for the staff report. Mr. Stromberg stated that this item was initiated by an applicant, which is related to a forthcoming special exception request by a self-storage facility. Currently, the caretaker residence associated with the use is 1,000 square feet. While the applicant requested approximately 1,200 square feet, following the Planning Commission's work session, staff has increased the square footage recommendation from 1,400 to 1,500. Mr. Stromberg stated that this accessory use has to be requested in the context of the larger project for the storage unit.

Vice Chair Yohannes invited the applicant or applicant's agent to speak on the application.

Faheem Darab, Wire Gill, applicant's agent, provided comments supporting the application moving forward.

Vice Chair Yohannes reviewed the process for public comment and called for comments from the audience. There were no comments from the public.

Vice Chair Yohannes closed the public hearing and moved to Commission level for discussion and action.

Commissioner Kim moved to approve Zoning Ordinance Text Amendment ZOTA #26-02 to amend Chapter 78 (ZONING) Section 78-80.4 (Standards for Specific Accessory Uses and Structures by Use Type), and amending Article XVIII (Definitions) to update the provisions regarding caretaker and security guard residences and to add a definition of caretaker and security residence to the Town Council, as presented. Motion seconded by Commissioner Beatty.

The question was called on the motion, which was approved by a 6-0 roll call vote. The vote was: Commissioners Beatty, Kim, Mundt, Richardson, Wichman, and Vice Chair Yohannes. Chair Romeo was absent.

**5. Adjournment**

There being no further business, and without objection, Vice Chair Yohannes adjourned the April 27, 2026, Planning Commission Regular Meeting at 8:57 p.m.

**Amanda E.M. Kertz**  
**Town Clerk**

Minutes approved by Planning Commission: \_\_\_\_\_

[Note: Approved resolutions and ordinances are on file in the Town Clerk's office.]

DRAFT

**Agenda Item:** Zoning Ordinance Text Amendment ZOTA #26-03 to amend Chapter 78 (ZONING), Article V (Planned Development Districts), by amending Section 78-50.8 (PD-TOC – Planned development – transit-oriented core district), Article VII (Use Regulations), Section 78-71.8 (Indoor entertainment use category), and amending Article XVIII (Definitions), Section 78-180 (Definitions) to define casino related terms and establish land use provisions for casino establishments

**Meeting Date:** May 18, 2026

**Category:** Public Hearings

**Prepared by:** David Stromberg, Zoning Administrator

**Description:**

\*Staff is recommending the Planning Commission recommend denial of this zoning ordinance text amendment.\* The Governor vetoed casino legislation on April 9, 2026.

This zoning ordinance text amendment would have added a definition for "Casino Gaming Establishment" that is consistent with the definition in the Code of Virginia. The draft language included amendments to PD-TOC, Planned Development - Transit Oriented Core, a zoning district that is only permitted on those properties closest to the metro station. This amendment would not have allowed a casino gaming establishment in downtown Herndon, or any other place in town other than the nine parcels zoned PD-TOC.

The draft included minimum provisions for community uses that must be included in a casino gaming establishment mixed-use development. Those uses included the following:

- A hotel with at least 225 guest rooms
- A minimum of 34,000 square feet of retail space
- A minimum of 11,000 square feet of conference or ballroom space
- A minimum of 20,000 square feet of retail grocery space

A proposed casino development would need to submit a legislative Development Plan and Special Exception review before the Planning Commission and Town Council.

**Background/Timing Impact:**

This zoning ordinance text amendment was initiated March 24, 2026, in response to the General Assembly passage of Senate Bill SB 756. This bill amended the Code of Virginia Title 58.1 (Taxation), Chapter 41 (Casino Gaming). The Governor vetoed this bill on April 9, 2026.

**Timing Impact:**

Zoning ordinance text amendments may be considered in the future in response to General Assembly bills passed in future legislative sessions.

**Fiscal Impact:**

Recommending denial of this zoning ordinance text amendment will not have a fiscal impact on the town.

**Legal Impact:**

This zoning ordinance text amendment is no longer necessary due to Governor Spanberger's veto.

**Staff Recommendation/Next Steps:**

Staff recommends the Planning Commission recommend denial of ZOTA #26-03 to the Town Council.

**Attachments:**

- 1. Draft Ordinance Associated with ZOTA #26-03
- 2. Legal Ad

**TOWN OF HERNDON, VIRGINIA**

**TOWN COUNCIL**

**ORDINANCE**

\_\_\_\_\_, 2026

**Ordinance-** to adopt Zoning Ordinance Text Amendment ZOTA #26-03 to amend Chapter 78 (ZONING), Article V (Planned Development Districts), by amending Section 78-50.8 (PD-TOC – Planned Development – Transit-oriented Core), Article VII (Use Regulations), Section 78-71.8 (Indoor Entertainment Use Category), and amending Article XVIII (Definitions), Section 78-180 (Definitions) to define casino related terms and establish land use provisions for casino establishments.

**BE IT ORDAINED** by the Town Council of the Town of Herndon, Virginia that:

1. The following sections or provisions of the Herndon Town Code (2000), as amended, are amended and re-ordained as follows:

**CHAPTER 78 (ZONING)**

**Article V – PLANNED DEVELOPMENT DISTRICTS**

\*\*\*

**Sec. 78-50.8 – PD-TOC – Planned Development transit-oriented core district.**

\*\*\*

(4) Table of Permitted uses in PD-TOC.

Table 78-50.8.D - Principal Permitted Uses in PD-TOC

KEY: P = Use Permitted By Right; S=Use Permitted Subject to Special Exception Approval; D = Use Permitted Subject to Develop Plan Approval

Uses may be subject to use specific standards as noted in the last column

USE CATEGORY	USE TYPE	PD- TOC	See Supplemental Regulations
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Residential	Stacked Townhouse (rental, condominium, or fee-simple) when no more than 400 linear feet from property used for SFD residential on January 1, 2018.	P	§78-71.1
	Multi-Family (rental or condominium)	D	§78-71.1
	Elderly and/or Persons with disabilities Assisted Living Housing (rental or condominium)	D	§78-71.1
Education	Childcare Center, Daycare Center, Preschool,	S, D	§78-71.2
	K-12 schools (public or private)	D	§78-71.2
	Career School or School of Special Instruction	P	§78-71.2
	Post-Secondary School (public or private)	P	§78-71.2
Institutional and Community Service Uses	Community Center	S, D	§78-71.4
	Library	S, D	§78-71.4
	Museum	S, D	§78-71.4
	Police Substation	S, D	§78-71.3
	Places of Worship (accommodating 300 or fewer individuals at any one time)	S, D	§78-71.4
Alcohol Production Facilities, Small	Craft Breweries, Micro-Distilleries, Micro-Cideries, Micro wineries (without on-site vineyard)	S, D	§78-71.5
	Brewpubs	S, D	§78-71.5
Eating Establishments	Restaurant	S, D	§78-71.6
Entertainment; Indoor	Theater (Live, electronic and film presentations, with or without food and beverage service)	S, D	§78-71.8
	<b><i>Casino gaming establishments as part of a mixed-use development</i></b>	<b><i>S, D</i></b>	<b><i>§78-71.8</i></b>

Lodging Businesses	Conference Center or Hotel	S, D	§78-71.12
Offices	All Office Uses (including healthcare offices and outpatient healthcare facilities)	P	§78-71.7
Personal Services and Retail Sales	Artist's Studio or Gallery	P	§78-71.10
	Financial Institution	P	§78-71.10
	Printing, Mailing, Packing Service	P	§78-71.10
	Personal Services; General	S, D	§78-71.10
	Veterinarian, Animal Daycare & Grooming	S, D	§78-71.10
	Indoor Recreation, Health & Sports Facilities (public or private)	S, D	§78-71.10
	Outdoor Passive or Active Recreation Facilities (public or private)	S, D	§78-71.10
	Retail	S, D	§78-71.10

## Article VII. – USE REGULATIONS

\*\*\*

### Sec. 78-71.8 – Indoor entertainment use category

\*\*\*

- (a) *Characteristics.* This indoor entertainment use category is characterized by commercial uses that provide recreation or entertainment activities in an enclosed structure or structures. Accessory uses may include concessions, snack bars, restaurants, parking, and maintenance facilities.
- (b) *Examples.* Example use types include private clubs, amusement arcades, billiards parlors, bowling alleys, dance floors, indoor skating rinks, commercial swimming pools (indoor), enclosed skating rinks, racquet and tennis club facilities (indoor), health clubs, auditoriums and theaters for live performances or pre-recorded performances.
- (c) *Similar use types, accessory uses, and prohibited use types*

- (1) *Private clubs.* A private club in which the principal use is a restaurant is in the category of eating establishment.
  - (2) *Restricted facilities.* Indoor recreation facilities that are reserved for use by residents of particular residential developments and their guests are accessory to those residential use types.
- (d) *Indoor entertainment category specific use standards.* All indoor entertainment uses shall comply with all applicable standards in this chapter and the following specific standards:
- (1) *Indoor entertainment uses in the Herndon Downtown.* Indoor entertainment uses in the Herndon Downtown (designated in the downtown overlay as shown in the Herndon 2030 Comprehensive Plan (adopted August 12, 2008), as may be amended) shall be of a scale and impact harmonious with existing development and planning policy for the Herndon Downtown. Factors to be considered include traffic impact, parking availability, pedestrian access, peak period visitation for the proposed use and positive economic multipliers for existing downtown businesses.
- (e) *Casino gaming establishment. Casino gaming establishments may only be established when part of a mixed-use development containing a minimum of all of the following***
- (1) *A hotel with at least 225 guest rooms***
  - (2) *A minimum of 34,000 square feet of retail space***
  - (3) *A minimum of 11,000 square feet of conference or ballroom space***
  - (4) *A minimum of 20,000 square feet of retail grocery***

\*\*\*

**Sec. 78-180. – Definitions.**

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***Casino gaming establishment.*** Casino gaming establishment means the premises, including the entire property located at the address of the licensed casino, upon which lawful casino gaming is authorized and licensed by the Virginia Lottery Board.

\*\*\*

- 2. This ordinance shall be effective on and after the date of its adoption.

**Town of Herndon, Virginia  
Notice of Public Hearing**

Notice is hereby given that the Planning Commission of the Town of Herndon, Virginia, will hold a public hearing on Monday, May 18, 2026, at 7:00 p.m. in the Herndon Council Chambers Building, located at 765 Lynn Street, Herndon, on the following items:

**ZONING ORDINANCE TEXT AMENDMENT – ZOTA #26-03** to amend Chapter 78 (ZONING), Article V (Planned Development Districts), by amending Section 78-50.8 (PD-TOC – Planned development – transit-oriented core district), Article VII (Use Regulations), Section 78-71.8 (Indoor entertainment use category), and amending Article XVIII (Definitions), Section 78-180 (Definitions) to define casino related terms and establish land use provisions for casino establishments.

**ZONING ORDINANCE TEXT AMENDMENT – ZOTA #26-04** to amend Chapter 78 (ZONING), Article IV (Business Districts), Section 78-40.3 (CO – Commercial office district) and Article VII (Use Regulations), Section 78-70.2 (Table of permitted and allowed uses), to remove the special exception requirement for personal service uses in the CO zoning district.

The public is encouraged to participate in the town’s public hearing process. Individuals having an interest in the above items are invited to attend the public hearing and state their opinions. Individuals may also submit comments to [town.clerk@herndon-va.gov](mailto:town.clerk@herndon-va.gov).

The proposed items are available for examination by the public at the 2<sup>nd</sup> floor counter of the Herndon Municipal Center, 777 Lynn Street, Herndon, during normal business hours (Monday – Friday) and also available for review on the town’s website [www.herndon-va.gov](http://www.herndon-va.gov).

The Town of Herndon supports the Americans with Disabilities Act by making reasonable accommodations for persons with disabilities so that they may participate in services, programs, or activities, offered by the town. Please call (703) 435-6804 to arrange for any accommodation that may be necessary to allow for participation.

Amanda Morrow Kertz, Town Clerk

Note to Publisher:

Publish on May 1, 2026/May 8, 2026

**Agenda Item:** Zoning Ordinance Text Amendment – ZOTA #26-04 to amend Chapter 78 (ZONING), Article IV (Business Districts), Section 78-40.3 (CO – Commercial office district) and Article VII (Use Regulations), Section 78-70.2 (Table of permitted and allowed uses), to remove the special exception requirement for personal service uses in the CO zoning district

**Meeting Date:** May 18, 2026

**Category:** Public Hearings

**Prepared by:** David Stromberg, Zoning Administrator

**Description:**

This zoning ordinance text amendment will remove the special exception requirement for general personal services uses in the CO, Commercial Office, zoning district. Land uses in the zoning ordinance are organized into groups called "use categories" which then list specific "use types." Article VII (Use Regulations) contains the "Table of permitted and allowed uses," which contains the full list of use categories and use types, as well as all zoning districts. This table provides every type of classified use that could be allowed within the town and provides for comparison of uses between zoning districts. The table identifies which uses are: (1) allowed by-right, (2) by special exception, (3) subject to proffers of a rezoning application, and (4) prohibited for each zoning district. Each zoning district also contains a simplified use table that lists only the uses allowed by-right, by special exception, or by proffered rezoning (planned development districts only). Implementing this text amendment requires a change to both the full use table and the CO district use table.

Hair, tanning, personal care, esthetician, photography studio and manicure/pedicure businesses all fall into the "personal services, general" use type. This use type is allowed by-right in the Central Commercial (CC), Commercial Services (CS), and most Planned Development-Business (PD-B), zoning districts. Review and approval of a by-right use is administrative and consists of obtaining a Zoning Appropriateness Permit (ZAP) and a business license, which typically takes two to four business days. Review and approval of a special exception usually takes four to five months, including legal advertisements and Planning Commission and Town Council public hearings. Special exception review also requires more staff involvement than administrative review.

**Background/Timing Impact:**

One of the recommendations of the Small Business Process Improvement Committee was to, "conduct a comprehensive review of the zoning ordinance use tables and

Special Exception process, with the goal of expanding by-right uses in appropriate zoning districts and streamlining approval pathways for commonly approved uses, thereby reducing regulatory barriers for small businesses." This ZOTA is one of potentially multiple amendments to further this goal.

This zoning ordinance text amendment is in alignment with Focus Area 3, Objective 4.1 of the Town of Herndon Strategic Plan, which states: Institute policies and practices that improve the permitting process for new businesses. The Town Council initiated a resolution for ZOTA #26-04 during their April 28, 2026, public hearing.

**Fiscal Impact:**

If adopted, this zoning ordinance text amendment will result in shorter review times, allowing for approved businesses to obtain a business license and begin paying BPOL (business, professional, and occupational license) fees. Additionally, staff time could be reallocated to other large development projects which may provide revenue for the Town.

**Legal Impact:**

If adopted by the Town Council, this amendment will be effective on and after its date of adoption.

**Staff Recommendation/Next Steps:**

Staff recommends the Planning Commission recommend approval of ZOTA #26-04 to the Town Council.

**Attachments:**

- 1. Draft Ordinance
- 2. Legal Ad

**TOWN OF HERNDON, VIRGINIA**

**TOWN COUNCIL**

**ORDINANCE**

\_\_\_\_\_, 2026

**Ordinance-** to adopt Zoning Ordinance Text Amendment ZOTA #26-04 to amend Chapter 78 (ZONING), Article IV (Business Districts), Section 78-40.3 (CO – Commercial Office) and Article VII (Use Regulations), Section 78-70.2 (Table of Permitted and Allowed Uses), to remove the special exception requirement for personal service uses in the CO zoning district.

**BE IT ORDAINED** by the Town Council of the Town of Herndon, Virginia that:

1. The following sections or provisions of the Herndon Town Code (2000), as amended, are amended and re-ordained as follows:

**CHAPTER 78 (ZONING)**

**Article IV – BUSINESS DISTRICTS**

\*\*\*

**Sec. 78-40.3 – CO – Commercial office district.**

\*\*\*

(3) Table of Permitted uses in the CO district.

Table 78-40.3(c)(3): Principal Permitted and Allowed Uses CO			
KEY: P = Use Permitted By Right; S=Use Allowed Subject to Special Exception Approval;			
Uses may be subject to use specific standards as noted in the last column			
USE CATEGORY	USE TYPE	CO	See Supplemental Regulations
	***		

Personal Services and Retail Sales	Animal Hospital, Kennel, Pet Daycare, Animal Shelter, and Veterinary Clinic	S	§78-71.10
	Artist's Studio or Gallery	P	§78-71.10
	Dry-Cleaning/Laundry, Laundromats	S	§78-71.10
	Financial Institution	P	§78-71.10
	Health Care Facility	P	§78-71.10
	Health Care Laboratory	P	§78-71.10
	Mailing and Packing Service	S	§78-71.10
	Personal Services, General	SP	§78-71.10
	Pharmacy	P	§78-71.10
	Product Repair and Services	S	§78-71.10
	Retail Sales	S	§78-71.10
	School of Special Instruction	S	§78-71.10
	Other Personal Services and Retail Sales Uses	S	§78-71.10
Commercial Utilities	***		

**Article VII. – USE REGULATIONS**

\*\*\*

**Sec. 78-70.2 – Table of permitted and allowed uses**

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	Residential Districts	Business Districts	Planned Development District	Suppl Reqs.
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USE CATEGORY	USE TYPE	R15	R10	R TC	RM	CC	CS	CO	O& LI	PD-R	PD-B	PD-TD PD-D	PD-UR	PD-TOC PD-W	See Section
Offices									***						
	Animal Hospital, Kennel, Pet Daycare, Animal Shelter, and Veterinary Clinic						P	S	S	Z	Z			**	§78-71.10
	Artist's Studio or Gallery					P	P	P	P	Z	Z	Z*		**	§78-71.10
	Dry-Cleaning/Laundry, Laundromats					S	P	S	P	Z	Z	Z*		**	§78-71.10
	Durable Goods Sales						P		S		Z			**	§78-71.10
Personal Services and Retail Sales	Financial Institution					P	P	P	P		Z	Z*		**	§78-71.10
	Funeral Home					P								**	§78-71.10
	Health Care Facility					P	P	P	P	Z	Z	Z*		**	§78-71.10
	Health Care Laboratory					P	P	P	P		Z			**	§78-71.10

	Mailing and Packing Service					S	P	S	P		Z	Z*	**	\$78-71.10	
	Personal Services, General					P	P	S P		Z	Z	Z*	**	\$78-71.10	
	Pharmacy					P	P	P			Z	Z*	**	\$78-71.10	
	Product Repair and Services					P	P	S	P		Z	Z*	**	\$78-71.10	
	Retail Sales					P	P	S			Z	Z*	Z	**	\$78-71.10
	School of Special Instruction					S	P	S	P	Z	Z	Z*	**	\$78-71.10	
	Other Personal Services and Retail Sales Uses					P	P	S			Z	Z*	**	\$78-71.10	
Vehicle Sales and Services	***														

\*\*\*

2. This ordinance shall be effective on and after the date of its adoption.

**Town of Herndon, Virginia  
Notice of Public Hearing**

Notice is hereby given that the Planning Commission of the Town of Herndon, Virginia, will hold a public hearing on Monday, May 18, 2026, at 7:00 p.m. in the Herndon Council Chambers Building, located at 765 Lynn Street, Herndon, on the following items:

**ZONING ORDINANCE TEXT AMENDMENT – ZOTA #26-03** to amend Chapter 78 (ZONING), Article V (Planned Development Districts), by amending Section 78-50.8 (PD-TOC – Planned development – transit-oriented core district), Article VII (Use Regulations), Section 78-71.8 (Indoor entertainment use category), and amending Article XVIII (Definitions), Section 78-180 (Definitions) to define casino related terms and establish land use provisions for casino establishments.

**ZONING ORDINANCE TEXT AMENDMENT – ZOTA #26-04** to amend Chapter 78 (ZONING), Article IV (Business Districts), Section 78-40.3 (CO – Commercial office district) and Article VII (Use Regulations), Section 78-70.2 (Table of permitted and allowed uses), to remove the special exception requirement for personal service uses in the CO zoning district.

The public is encouraged to participate in the town’s public hearing process. Individuals having an interest in the above items are invited to attend the public hearing and state their opinions. Individuals may also submit comments to [town.clerk@herndon-va.gov](mailto:town.clerk@herndon-va.gov).

The proposed items are available for examination by the public at the 2<sup>nd</sup> floor counter of the Herndon Municipal Center, 777 Lynn Street, Herndon, during normal business hours (Monday – Friday) and also available for review on the town’s website [www.herndon-va.gov](http://www.herndon-va.gov).

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Amanda Morrow Kertz, Town Clerk

Note to Publisher:

Publish on May 1, 2026/May 8, 2026

**Agenda Item:** Application for a Special Exception, SE #26-02, 1001 Jeff Ryan Drive, to consider a special exception to permit a home-based child daycare use within the R-10, Residential single-family district (continued from April 27, 2026)

**Meeting Date:** May 18, 2026

**Category:** Public Hearings

**Prepared by:** David Stromberg, Zoning Administrator

**Description:**

This special exception application is a request to allow a home-based business daycare, which was continued from the April 27, 2026, meeting. Home-based business uses, including daycare, are allowed as an accessory use to residential primary uses, provided they comply with the provisions of Section 78-80.5 of the Herndon Zoning Ordinance. A home-based business, including a daycare, is allowed by-right (reviewed administratively by staff) if it complies with the following:

1. The number of clients (children, not including the providers' own children) does not exceed seven per day.
2. The number of off-site employees does not exceed one.
3. The area of the home-based business does not exceed 33 percent of the principal dwelling, up to a maximum of 1,000 square feet.
4. The hours of operation are between 6 AM and 9 PM.
5. For daycare, there is an outdoor play area of at least 75 square feet per child.
6. Outdoor play areas must be enclosed by a fence of at least four feet, unless the applicant can demonstrate that the area provides adequate protection from traffic, neighboring yards or other hazards.

If an applicant is requesting to deviate from the above standards, they may do so by submitting a special exception application for greater review by the Planning Commission and Town Council. In this instance, the applicant is requesting to deviate from the following three standards:

1. Requesting to have 12 clients (children) enrolled per day.
2. Increase the area of the home-based business beyond 1,000 square feet to 1,103 square feet.
3. Have up to two off-site employees per day.

Staff has revised the language of Condition "d" based on feedback from the Planning Commission:

- "On-Site Play Area. The applicant shall install a second, permanent fence at least 50 feet away from the property boundaries abutting Herndon Parkway and Sterling Road. When playing outside all children shall be within the inner fenced playground area."

**Background/Timing Impact:**

During the April 13 and May 4, 2026, work sessions, several Planning Commissioners raised concerns about the safety of the property as a daycare due to the fact that sections of the perimeter fence were missing and covered with a tarp. The applicant has since repaired the fence. The Commission recommended requiring a second fence as a condition of approval for the expansion of this daycare, to ensure the outdoor play area is located away from the boundaries of the property. A resolution requiring a second fence is included as an option for the Planning Commission.

After the April 13, 2026, work session, staff became aware of a complaint submitted by the applicant to the traffic engineering department where the applicant alleged that the property is unsafe due to traffic accidents at that intersection. This complaint was provided to the Planning Commission. The applicant should state at the public hearing whether or not she believes this to be an unsafe property.

**Fiscal Impact:**

BPOL (business, professional, occupational, and license) fees can be collected on home-based businesses.

**Legal Impact:**

The Planning Commission may recommend conditional approval based on the standards of Section 78-155.3(e), Review Standards for Special Exceptions, of the Herndon Zoning Ordinance.

**Staff Recommendation/Next Steps:**

Staff recommends the Planning Commission recommend approval of the proposed resolution with the fence condition, in accordance with Resolution B.

**Attachments:**

1. Draft Resolution A Approval (Proposed)
2. Draft Resolution B Approval with Fence (Proposed)
3. Draft Resolution C Denial (Proposed)
4. Description of Business
5. Floor plan
6. Property Distances
7. Fence Image 1
8. Fence Image 2

9. Legal Ad

TOWN OF HERNDON, VIRGINIA  
PLANNING COMMISSION

RESOLUTION

MAY 18, 2026

**Resolution-** to approve Special Exception – SE #26-02, 1001 Jeff Ryan Drive, to allow a home-based child daycare use. The proposed use would increase the maximum number of children enrolled from seven to 12.

The applicant, Ms. Sarita del Pilar Abad Moretti, had submitted a request to consider a special exception to permit a home-based child daycare use within the R-10 residential zoning district. The proposed use will provide care for a maximum of 12 children enrolled per day, increase the number of nonresident employees from one to two, and increase the allowed floor area of a home-based business beyond 1,000 square feet. The property is identified as Fairfax County Tax Map # 0103 14 0073.

The Planning Commission has reviewed this application and held a public hearing in accordance with the provisions of §15.2-2204 of the State Code and recommends that the application be approved with conditions based upon the finding that the conditions meet the purpose and intent of the Zoning Ordinance, in particular Section 78-155.3(e)(1).

**THEREFORE, BE IT RESOLVED** by the Planning Commission of the Town of Herndon, Virginia, that:

1. The Planning Commission recommends approval of Special Exception SE #26-02, which shall not run with the land (§78-155.3(f)(3)), and in accordance with the conditions set forth below to achieve compliance with the standards found in Section 78-155.3(e)(1):
  - a. Substantial Conformity. Substantial conformance with the submitted application and plan submitted by applicant on February 25, 2026, and for the purpose of a daycare use only.
  - b. Hours of Operation. The permitted hours of operation shall be no earlier than 6:00 a.m. and no later than 9:00 p.m. Monday through Friday.
  - c. Number of Permitted Children. The total number of children present on site for home-based child daycare use shall not exceed 12 enrolled children per day. The ratio of employees to children as required by the Commonwealth of Virginia shall be maintained.
  - d. On-Site Play Area. When playing outside all children shall be within the fenced playground area.

## **Proposed Resolution A**

- e. Child Drop-off and Pick-up. Child drop-off and pick-up are preferred to occur in the driveway. Double parking on Jeff Ryan Drive is prohibited.
- f. Employees and Parking. The home-based child daycare shall be limited to a maximum of two (2) non-resident employees. Employees shall not park in the driveway.
- g. Signage. No signage shall be permitted.

**TOWN OF HERNDON, VIRGINIA  
PLANNING COMMISSION**

**RESOLUTION**

**MAY 18, 2026**

**Resolution-** to approve Special Exception – SE #26-02, 1001 Jeff Ryan Drive, to allow a home-based child daycare use. The proposed use would increase the maximum number of children enrolled from seven to 12.

The applicant, Ms. Sarita del Pilar Abad Moretti, had submitted a request to consider a special exception to permit a home-based child daycare use within the R-10 residential zoning district. The proposed use will provide care for a maximum of 12 children enrolled per day, increase the number of nonresident employees from one to two, and increase the allowed floor area of a home-based business beyond 1,000 square feet. The property is identified as Fairfax County Tax Map # 0103 14 0073.

The Planning Commission has reviewed this application and held a public hearing in accordance with the provisions of §15.2-2204 of the State Code and recommends that the application be approved with conditions based upon the finding that the conditions meet the purpose and intent of the Zoning Ordinance, in particular Section 78-155.3(e)(1).

**THEREFORE, BE IT RESOLVED** by the Planning Commission of the Town of Herndon, Virginia, that:

1. The Planning Commission recommends approval of Special Exception SE #26-02, which shall not run with the land (§78-155.3(f)(3)), and in accordance with the conditions set forth below to achieve compliance with the standards found in Section 78-155.3(e)(1):
  - a. Substantial Conformity. Substantial conformance with the submitted application and plan submitted by applicant on February 25, 2026, and for the purpose of a daycare use only.
  - b. Hours of Operation. The permitted hours of operation shall be no earlier than 6:00 a.m. and no later than 9:00 p.m. Monday through Friday.
  - c. Number of Permitted Children. The total number of children present on site for home-based child daycare use shall not exceed 12 enrolled children per day. The ratio of employees to children as required by the Commonwealth of Virginia shall be maintained.
  - d. On-Site Play Area. The applicant shall install a second, permanent fence at least 50 feet away from the property boundaries abutting Herndon Parkway and Sterling Road. When playing outside all children shall be within the inner

## **Proposed Resolution B**

- fenced playground area.
- e. Child Drop-off and Pick-up. Child drop-off and pick-up are preferred to occur in the driveway. Double parking on Jeff Ryan Drive is prohibited.
  - f. Employees and Parking. The home-based child daycare shall be limited to a maximum of two (2) non-resident employees. Employees shall not park in the driveway.
  - g. Signage. No signage shall be permitted.

**TOWN OF HERNDON, VIRGINIA  
PLANNING COMMISSION**

**RESOLUTION**

**MAY 18, 2026**

**Resolution- to deny Special Exception – SE #26-02, 1001 Jeff Ryan Drive, to allow a home-based child daycare use. The proposed use would increase the maximum number of children enrolled from seven to 12.**

The applicant, Ms. Sarita del Pilar Abad Moretti, had submitted a request to consider a special exception to permit a home-based child daycare use within the R-10 residential zoning district. The proposed use will provide care for a maximum of 12 children enrolled and increase the number of nonresident employees from one to two, and increase the area of a home-based business beyond 1,000 square feet. The property is identified as Fairfax County Tax Map # 0103 14 0073.

The Planning Commission has reviewed this application and held a public hearing in accordance with the provisions of §15.2-2204 of the State Code and recommends that the application be denied based upon the finding that the conditions have not met the purpose and intent of the Zoning Ordinance, in particular Section 78-155.3(e)(1) and Section 78-80.5(b)(3)b.

**THEREFORE, BE IT RESOLVED** by the Planning Commission of the Town of Herndon, Virginia, that:

1. The Planning Commission recommends denial of Special Exception SE #26-02, based on the finding that the application does not satisfy the standards set forth in Section 78-155.3(e)(1) of the Zoning Ordinance, including concerns related to the adequacy and safety of the proposed outdoor play area and compliance with applicable requirements.



EMPLOYER IDENTIFICATION NUMBER: 37-2060850

OWNER: Sarita del Pilar Abad Moretti

ADDRESS: 1001 Jeff ryan drive – Herndon -20170

Objective:

We are a state-licensed early learning and childcare center with a top-tier Spanish language program. We use the appropriate methodology to ensure your child learns Spanish gradually. Immersion, adaptation, and care are our priorities.

Integrantes:

- 1.- Sarita Abad Moretti – Primary Caregiver
- 2.- Gaby Buud – Assistant
- 3.- Yovanna Clemente – Assistant

All staff have up to date documentation for wor at Baby Buu Daycare

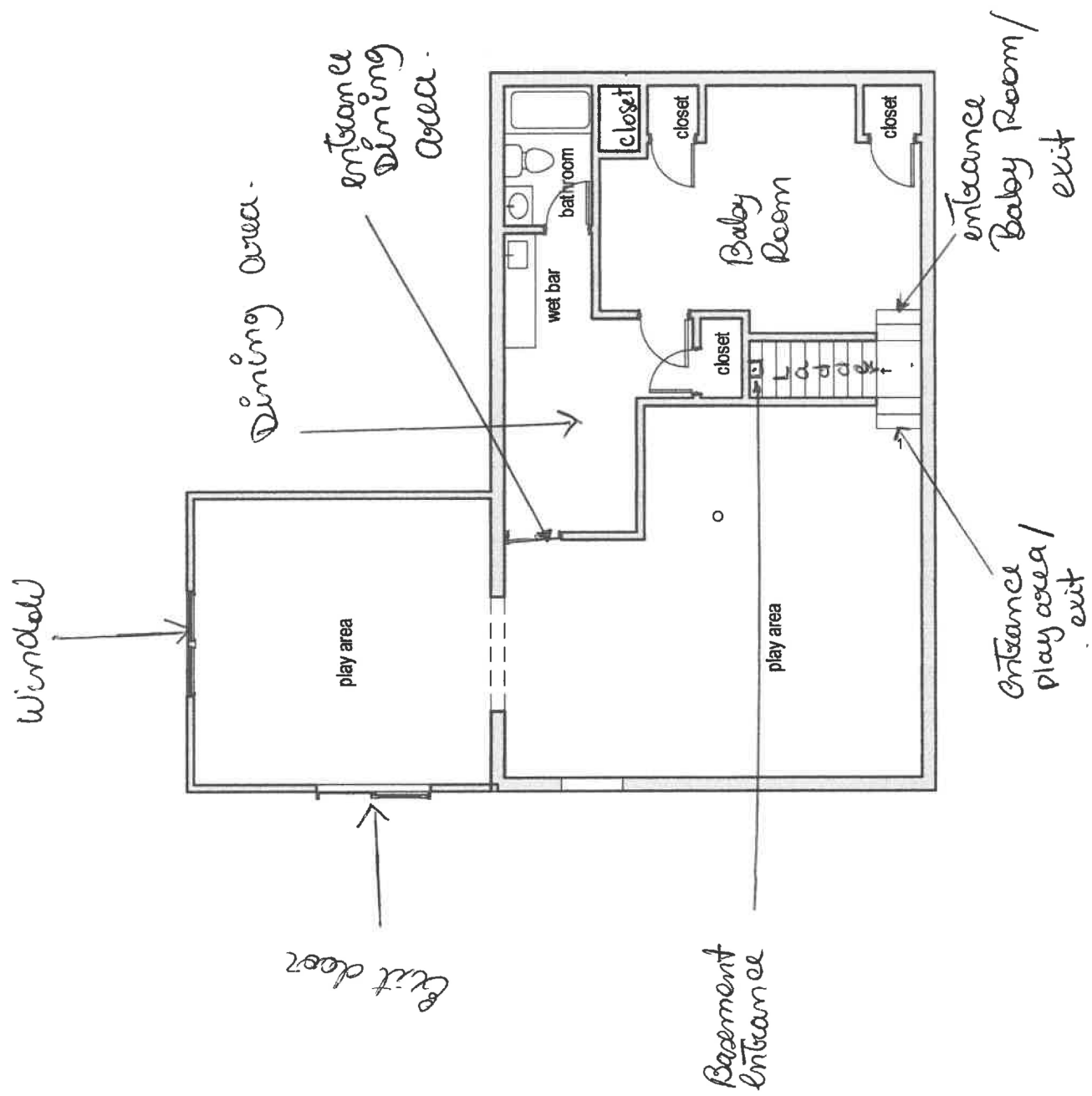
Operating Hours:

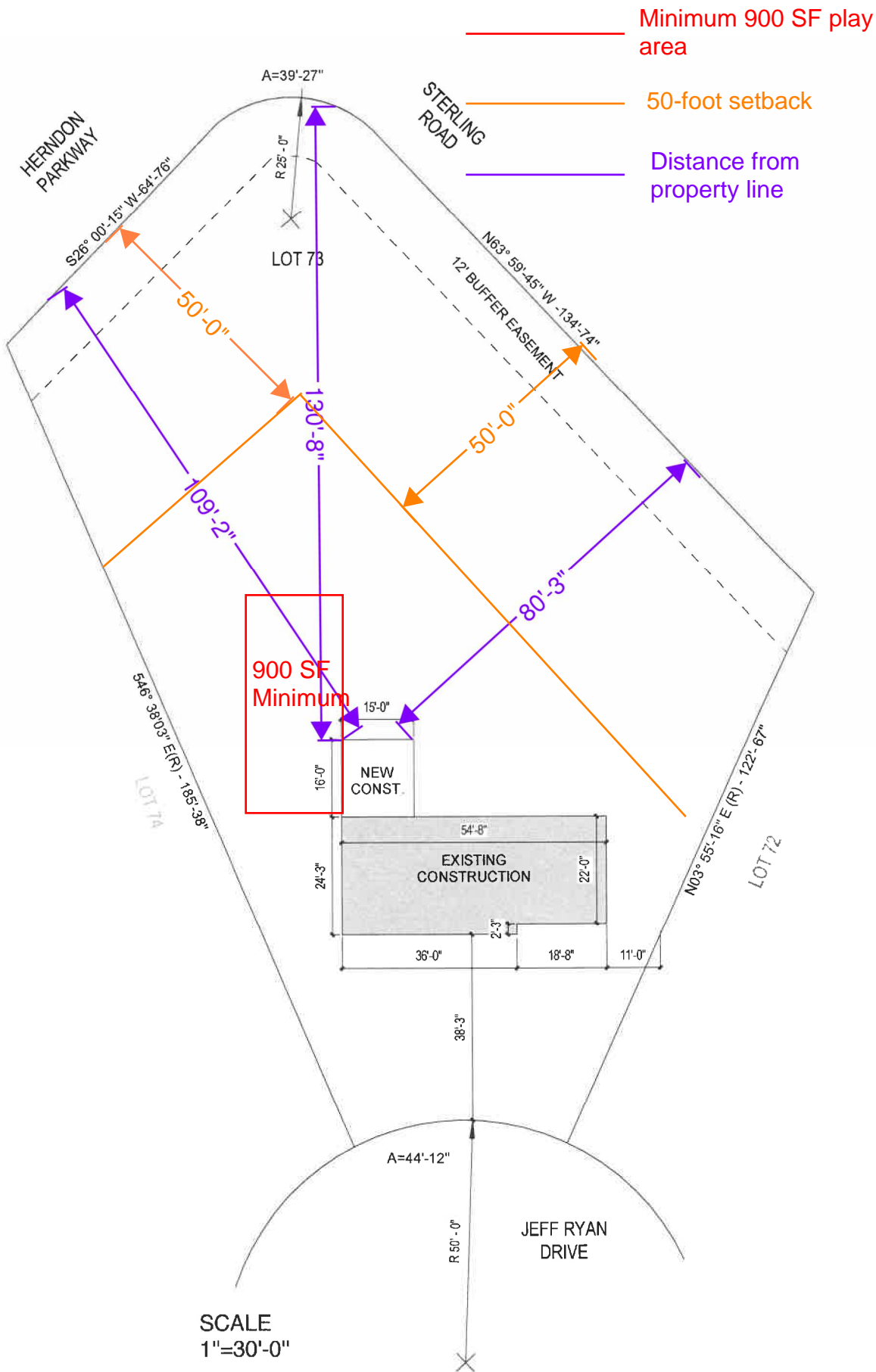
Monday to Friday 7:00 am – 6:00 pm

7:00 - 9:00 Breakfast  
9:00 - 9:30 Diaper Change  
9:30 - 10:00 Cicle Time/Alpha/Theater  
10:00 - 10:40 Playground / Cicle Time  
10:40 - 11:00 Fine Motor activities/Crafts  
11:00. - 12:00 Lunch Time  
12:00 - 12:15 Diaper Change  
12:15 - 2:45 Nap Time  
2:45 - 3:00 Diaper Time  
3:00 - 4:00 Snack Time  
4:00 - 4:45 Fine motor activies/Crafts  
4:45 - 5:00 Diaper Change  
5:00 - 5:30 Free Play / Dismissal  
5:30 - 6:00 Dismissal

*Schedule Baby Bum*

# Basement Plan for Daycare









**Town of Herndon, Virginia  
Notice of Public Hearing**

Notice is hereby given that the Planning Commission of the Town of Herndon, Virginia, will hold a public hearing on Monday, April 27, 2026, at 7:00 p.m. in the Herndon Council Chambers Building, located at 765 Lynn Street, Herndon, on the following items:

**ZONING MAP AMENDMENT – ZMA #24-01, 250 Exchange Place**, a zoning map amendment from O&LI, Office & Light Industrial district, to PD-TRG1 & PD-TRG2, Planned Development—Transit Related Growth mixed use, medium density residential, and office and Planned development—low density residential and low impact commercial zoning districts with proffered conditions to allow the redevelopment of the site with single family attached and multi-family residential uses. The parcel area 410,221 square feet (SF) is currently improved with five one-story office buildings and a surface parking lot. The proposed redevelopment requires demolition of all existing improvements. New uses proposed include 400 multi-family residential units in a seven-story residential building located in the PD-TRG1 zoning district and 62 stacked townhouse units within the PD-TRG2 zoning district. The project proposes a density of 1.49 floor area ratio (FAR). Parking for the development would be provided on-site in a parking garage for the multi-family building as well as garage, driveway, and surface parking for the townhouse units. The site would also be improved with two public streets, publicly-accessible private streets, sidewalks and streetscapes, and would construct two publicly accessible open spaces. The property is designated as Regional Corridor Mixed Use in the Comprehensive Plan and is located in the Transit Related Growth small area plan. The application includes requests for the following zoning modifications: landscape requirements for parking structures (Section 78-51.2(l)(1)); non-standard private amenity space width (Section 78-51.2(f)(4)); non-standard building setback (Section 78-51.3(f)(5)); non-standard landscaped area (Section 78-51.3(j)(1)). The property is located on the northeast corner of Herndon Parkway and Exchange Place. Fairfax County Tax Map Reference Number: 0164-10-0001B. Applicant: Rooney Properties LLC. Agent: Ken Wire, Wire Gill LLP. Property Owner: Herndon Van Buren, LLC.

**ZONING ORDINANCE TEXT AMENDMENT – ZOTA #26-01** to amend Chapter 78 (ZONING), Article XIV (Signs), by amending Section 78-140.4. (Prohibited signs), Section 78-140.6. (General standards for all signs), Section 78-141.8 (Sign Standards for Planned Development—Transit Related Growth Districts), and amending Article XVIII (Definitions), Section 78-180 (Definitions) to update sections to include standards for signage in the Herndon Transit-Oriented Core (HTOC), provide a nit limit for signage, and include definitions pertinent to signage in the HTOC.

**ZONING ORDINANCE TEXT AMENDMENT – ZOTA #26-02** to amend Chapter 78 (ZONING), Article VIII (Accessory Uses), by amending Section 78-80.4 (Standards for Specific Accessory Uses and Structures by Use Type), and amending Article XVIII (Definitions) to update the provisions regarding caretaker and security guard residences and to add a definition of caretaker and security residence.

**APPLICATION FOR A SPECIAL EXCEPTION – SE #26-02, 1001 Jeff Ryan Drive,** to consider a special exception to permit a home-based child daycare use within the R-10, Residential single-family district. The proposed use will increase the maximum number of children enrolled per day from 7 to 12. The property is zoned R-10, Residential single-family district. The property is designated in the Herndon 2030 Comprehensive Plan as "Neighborhood Conservation." The 21,625 square-foot lot is located on the northwest corner of Herndon Parkway and Sterling Road. Fairfax County Tax Map Reference Number: 0103 14 0073. Applicant and owner: Sarita Del Pilar Abad Moretti.

The public is encouraged to participate in the town's public hearing process. Individuals having an interest in the above items are invited to attend the public hearing and state their opinions. Individuals may also submit comments to [planning.commission@herndon-va.gov](mailto:planning.commission@herndon-va.gov).

The proposed items are available for examination by the public at the 2<sup>nd</sup> floor counter of the Herndon Municipal Center, 777 Lynn Street, Herndon, during normal business hours (Monday – Friday) and also available for review on the town's website [www.herndon-va.gov](http://www.herndon-va.gov).

The Town of Herndon supports the Americans with Disabilities Act by making reasonable accommodations for persons with disabilities so that they may participate in services, programs, or activities, offered by the town. Please call (703) 435-6804 to arrange for any accommodation that may be necessary to allow for participation.

Amanda Morrow Kertz, Town Clerk

Note to Publisher:

Publish on April 10, 2026/April 17, 2026