HERNDON PLANNING COMMISSION
Regular Meeting Minutes
Monday, March 24, 2025

1. Call to Order

Chair Romeo called the March 24, 2025, Planning Commission regular meeting to order at 7:00 p.m. in the Town of Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Commissioners Jay Donahue, Dua'a Elbarasse, Yung Kim, Samuel Richardson, Vice Chair Meron Yohannes and Chair Michael Romeo.

Staff present during the meeting: Lesa Yeatts, Town Attorney; Lisa Gilleran, Director of Community Development; David Stromberg, Zoning Administrator; and Collin Okoniewski, Planning Operations Manager.

Chair Romeo determined there was a quorum with six members present.

2. Approval of Minutes

a. February 10, 2025, Planning Commission Work Session Minutes

b. February 24, 2025, Planning Commission Regular Meeting Minutes

Commissioner Yohannes motioned to approve the February 10, 2025, Planning Commission work session minutes and the February 24, 2025, Planning Commission regular meeting minutes. Motion seconded by Commissioner Elbarasse. The question was called on the motion which was carried by a 6 - 0 roll call vote. Commissioners Donahue, Elbarasse, Kim, Richardson, Vice Chair Yohannes, and Chair Romeo voted "Aye."

3. Comments

a. Comments from the Staff Members

No comments were offered.

b. Comments from the Commissioners

Commissioner Kim provided a report that he successfully completed his Planning Commissioner certification.

c. Comments from Citizens

No comments were offered.

4. <u>Public Hearings</u>

a. Application for a Special Exception – SE #24-03, 1402 Winterland Ct., to consider a special exception to permit a home-based child daycare use within the PD-R, Planned Development-Residential, zoning district.

Chair Romeo opened the public hearing and called on Mr. Stromberg for the staff presentation.

Mr. Stromberg delivered the staff presentation dated March 24, 2025, which is on file with the Department of Community Development. Mr. Stromberg stated this is an application for a Special Exception to increase the number of children permitted in a home-based childcare business to a max of 12. Staff recommended the Planning Commission recommend Town Council approve the Special Exception with conditions.

There was a discussion among the Planning Commission and staff on this item

Commissioner Donahue requested clarification regarding the amount of children that could attend the daycare, versus be enrolled. The Mr. Stromberg provided clarification that the maximum number of children over the course of one day could not exceed 12.

Vice Chair Yohannes requested clarification on the proposed pick-up and drop-off points. Mr. Stromberg stated that pick-up and drop-off should occur at the curb and not in the driveway.

Chair Romeo recognized the applicant for comments.

The applicant, Nidia Retamal was present and provided a statement through her interpreter.

There was a discussion among the Planning Commission and the applicant on this item.

Commissioner Kim inquired of the applicant if they had met with and/or addressed any of the Four Seasons Recreation Association concerns since the last regular meeting. The applicant responded that she hadn't met with them.

Chair Romeo recognized members of the audience for comment.

There were comments received via email for this application prior to the regular meeting, and those comments were forwarded to the Planning Commission and staff shortly following receipt.

Mark Byrd**,** president of the Four Seasons Recreation Association, provided comments opposing the application.

Commissioner Donahue asked a follow-up question to Mr. Burd about the HOAs available courses of action. Mr. Burd responded.

George Verd provided comments opposing the application.

Harold Booshada provided comments opposing the application.

Tao Allen provided comments opposing the application.

Walter Shorter provided comments opposing the application.

Alvin Kumar provided comments opposing the application.

Chair Romeo asked the applicant, Nidia Retamal if she wished to address the Planning Commission to address any of the public comments. Ms. Retamal and her interpreter provided additional comments to the Planning Commission.

Chair Romeo closed the public hearing open and moved to the Commission level for discussion and possible action.

Commissioner Richardson motioned to approve SE #24-03 in accordance with the draft resolution dated March 24, 2025. Motion seconded by Commissioner Donahue.

Chair Romeo opened the floor do discussion on the motion on the table.

Commissioner Kim voiced his continued concern with the traffic and hours of operation. Commissioner Kim felt that those issues were not adequately addressed and stated that he felt concerned about the impact to neighbors.

Commissioner Donahue stated that his main concern continues to be the traffic and that the Commission should really evaluate when a home-based business, like this on boarders on a violation of neighborhood conservation.

Commissioner Kim requested to address the applicant, and the action was allowed by the Chair. Commissioner Kim inquired of the applicant as to where the base of

her clients were located in the Herndon community, and asked specifically how many were located within the Four Season community. The applicant provided a response.

Commission Richardson also inquired of the applicant as to the earliest time of drop-off in the morning, and asked which door they used to access the daycare. The applicant provided a response.

Vice Chair Yohannes stated that the Commission needed to be very mindful of community concerns, and further stated that she felt the business as proposed would not create an issue in the community and trusted the enforcement practices of the town to enforce the terms of the special exception.

Chair Romeo stated that he was troubled by the interactions that are occurring between community members and the applicant. He further stated that everyone involved should be respectful of one another. He further took the opportunity to clarify that the HOA does have authority here, and their own covenant to enforce. He encouraged the applicant to work with the HOA to address concerns.

The question was called on the motion which was approved by a 4 - 2 roll call vote. Commissioners Elbarasse, Richardson, Vice Chair Yohannes and Chair Romeo voted "Aye." Commissioners Donahue and Kim voted "No".

b. ZONING ORDINANCE TEXT AMENDMENT – ZOTA #25-03, to amend Chapter 78 (ZONING), Article IV (Business Districts), by amending Section 78-40.4, O&LI – Office and Light Industrial District; and amending Article VII (Use Regulations), by amending Section 78-70.2, Table of permitted and allowed uses, and Section 78-71.18, Warehousing use category, to update regulations related to the Electronic Warehousing use type.

Chair Romeo opened the public hearing and called on Mr. Stromberg for the staff presentation.

Mr. Stromberg delivered the staff presentation dated March 24, 2025, which is on file with the Department of Community Development. Mr. Stromberg stated this was a proposed text amendment to amend Chapter 78 (ZONING), Article IV (Business Districts), by amending Section 78-40.4, O&LI – Office and Light Industrial District; and amending Article VII (Use Regulations), by amending Section 78-70.2, Table of permitted and allowed uses, and Section 78-71.18, Warehousing use category, to update regulations related to the Electronic Warehousing use type. Staff recommended the Planning Commission recommend Town Council approve the draft ordinance.

Chair Romeo called on Commissioners for questions of staff. There was a brief discussion between members of the Planning Commission and staff.

Chair Romeo called on comments from the audience.

No comments were offered.

Chair Romeo asked staff as to if there were any existing data centers close to 40,000 sq ft. in the town. Mr. Stromberg stated that he believed there was one around 24,000 sq ft., and maybe one additional that was even larger, but that structure that would be considered non-conforming.

Chair Romeo closed the public hearing and moved to the Commission level for discussion and possible action.

Commissioner Kim motioned to recommend approval of ZOTA #25-03 to Town Council as presented. Motion seconded by Commissioner Elbarasse. The question was called on the motion, which was carried by a 6 - 0 roll call vote. Commissioners Donahue, Elbarasse, Kim, Richardson, Vice Chair Yohannes and Chair Romeo voted "Aye."

5. Adjournment

There being no further business, and without objection, the March 24, 2025, Planning Commission regular meeting was adjourned at 8:04pm.