HERNDON PLANNING COMMISSION
Regular Meeting Minutes
Monday, May 18, 2026

1. Call to Order

Chair Romeo called the Planning Commission Regular Meeting to order on Monday, May 18, 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; Vice Chair Meron Yohannes; and Chair Michael G. Romeo.

Staff present during the meeting: Lesa Yeatts, Town Attorney; Lisa Gilleran, Director of Community Development; Amanda Kertz, Town Clerk; and Becky Skillin, Deputy Town Clerk.

Chair Romeo stated that seven Planning Commissioners were present, which constituted a quorum.

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

Commissioner Mundt moved the following sets of minutes for approval, as presented:

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

Commissioner Richardson seconded the motion. The question was called on the motion, which was carried by unanimous roll call vote. The vote was: Commissioners Beatty, Kim, Mundt, Richardson, Wichman, Vice Chair Yohannes, and Chair Romeo.

Chair Romeo welcomed four seniors from Herndon High School who were in attendance as part of an externship program with the Town to learn about local government.

3. Comments

a. Comments from the Staff Members

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Lisa Gilleran, Director of Community Development, stated that staff is scheduling a special work session for the Planning Commission on Thursday, May 28, 2026, to review updates on the Comprehensive Plan update process. She noted that the Herndon 2050 interactive map and related materials at Herndon2050.org closed that evening.

In response to Chair Romeo's question about attendance for the special work session, Commissioners Kim and Beatty stated that they would not be able to attend.

Responding to Chair Romeo, Ms. Gilleran stated that the work session is open to the public but will not be recorded. Commissioners were invited to submit comments or questions to staff ahead of the meeting.

Responding to Commissioner Beatty, Ms. Gilleran stated that some of the materials that will be presented at the special work session will be available in advance of the meeting. She stated that the meeting will be held in the Hoover Conference Room in the Herndon Council Chambers.

b. Comments from the Commissioners

Commissioner Beatty: expressed appreciation to Town staff for their work on the recent Polar Heat event. He was glad to see community engagement with staff on the Comprehensive Plan.

c. Comments from the Public

There were no comments from the public.

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

Certificates of Publication from the Editor of the *Fairfax County Times* newspaper were filed, showing that notice of the following public hearing item was duly advertised in the May 1, 2026, and May 8, 2026, issues.

Chair Romeo opened the public hearing and recognized Lisa Gilleran, Director of Community Development, for the staff report. Ms. Gilleran stated that the

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proposed zoning ordinance text amendment would have defined casino-related terms and established land use provisions for casino establishments. Ms. Gilleran noted that this zoning ordinance text amendment was initiated March 24, 2026, to be ahead of the proposed General Assembly passage of Senate Bill SB 756. However, since the Governor vetoed the related legislation on April 9, 2026, staff recommends that the Planning Commission recommend denial of the zoning ordinance text amendment, since it is no longer needed at this time.

Chair Romeo called for public comment. Seeing no speakers, Chair Romeo closed the public hearing and moved the item to the Commission for discussion and action.

Commissioners discussed the item, including:

1. The value of providing comparable examples and scale illustrations in future presentations.

2. The possibility that future state legislation related to casino gaming could differ from the proposal considered at the 2026 General Assembly.

3. Whether future zoning regulations should be developed proactively to protect the Town's interests should similar legislation be proposed again.

4. Concerns that some of the thresholds and standards contained in the proposed amendment may have been achievable and could have allowed unintended outcomes.

Chair Romeo moved to recommend denial of Zoning Ordinance Text Amendment (ZOTA) #26-03 to amend Chapter 78 (Zoning), Article V, Section 78-50.8; Article VII (Use Regulations); and Article XVIII (Definitions), Section 78-180, to define casino-related terms and establish land use provisions for casino establishments. Motion seconded by Commissioner Beatty.

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

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

Certificates of Publication from the Editor of the *Fairfax County Times* newspaper were filed, showing that notice of the following public hearing item was duly

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advertised in the May 1, 2026, and May 8, 2026, issues.

Chair Romeo opened the public hearing and recognized Lisa Gilleran, Director of Community Development, for the staff report. Ms. Gilleran stated that the proposed amendment would remove the special exception requirement for general personal service uses in the CO, Commercial Office, district. Recently, staff has observed an increase in special exception applications for personal service uses in the CO district, while office uses in this district have declined. The proposed changes, which were also suggested by the Small Business Process Improvement Committee, will ease the approval process for small businesses. Staff recommends approval of the proposed ordinance, as presented.

There was discussion between the Commission and staff regarding the impact of the proposed changes on: the cost of the special exception process, staff review time, and the anticipated reduction in fees and processing requirements for businesses.

Chair Romeo called for comments from the public. Seeing no speakers, Chair Romeo closed the public hearing and moved to the Commission for discussion and action.

Vice Chair Yohannes moved to recommend approval of 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 to the Town Council, as presented. Motion seconded by Commissioner Mundt.

There were comments from the Planning Commission.

The question was called on the motion and was carried by unanimous roll call vote. The vote was: Commissioners Beatty, Kim, Mundt, Richardson, Wichman, Vice Chair Yohannes, and Chair Romeo voting “Aye.”

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)

[Note: this item was continued from the April 27, 2026, meeting.]

Certificates of Publication from the Editor of the *Fairfax County Times* newspaper were filed, showing that notice of the following public hearing item was duly advertised in the May 1, 2026, and May 8, 2026, issues.

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Chair Romeo resumed the public hearing and called on Lisa Gilleran, Director of Community Development, for the staff report. Ms. Gilleran stated the application was continued from the April 27, 2026, meeting. She reviewed the application, which included requests to increase the number of children from seven to 12, an increase in the area devoted to home-based business, and up to two off-site employees. Ms. Gilleran discussed the concerns the Planning Commission raised at previous meetings about site safety related to the perimeter fence and accidents that have occurred at the intersection of Herndon Parkway and Sterling Road. Staff has discussed these concerns with the applicant. Ms. Gilleran stated that staff prepared three resolutions for the Commission's consideration, which included: (a) approval; (b) approval with a change to condition d related to the fence; and (c) resolution for denial. Staff recommends approval in accordance with Resolution B, which requires a secondary fenced-in play area located away from the property's perimeter fencing and road frontages.

There was discussion between staff and the Commission, including:

1. The size and location of a potential secondary fenced play area that is included in proposed Resolution B.
2. Inspection and zoning enforcement procedures for home-based daycare uses.
3. Traffic safety concerns associated with the nearby intersection of Herndon Parkway and Sterling Road.
4. Existing fencing, guardrails, drainage areas, and site topography.
5. Potential modifications to the proposed conditions.

Chair Romeo invited the applicant or applicant's agent to provide comments to the Planning Commission.

Sarita del Pilar Abad Moretti, applicant, provided comments on the application, which focused on the following:

1. Nearby traffic and safety concerns on Herndon Parkway and Sterling Road, especially during the nighttime hours.
2. Prior communication with Town staff, and the process of obtaining approvals for the home-based daycare.
3. Letter that she submitted to the Town concerning the safety of the Herndon Parkway and Sterling Road intersection prior to this application.
4. Her intent to relocate her daycare operation from Sterling to the subject property in Herndon.
5. Fencing options that would meet safety requirements while accommodating site conditions and reducing construction costs.

Deyvis Placencia Elguera, co-owner of the property, discussed the site's

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topography, drainage conditions, and construction challenges associated with installing fencing and playground improvements. He proposed an alternative fenced play area configuration that would utilize flatter portions of the property while remaining separated from the intersection.

There was discussion among the Commission, applicant, and staff, centering on the following topics:

1. Zoning requirements and safety constraints on the property.
2. The letter Ms. Moretti submitted on January 22, 2025, which listed multiple safety concerns associated with the property.
3. The location of flatter areas of the property that are suitable for outdoor play.
4. Existing guardrails on Sterling Road and their relationship to the safety of the proposed play area.
5. Previous traffic incidents near the intersection of Herndon Parkway and Sterling Road.
6. The applicant's existing daycare operation in Sterling, Loudoun County, and plans to move her operations to the Herndon property.
7. Possible revisions to the proposed approval conditions.

Following discussion between the applicant, staff, and the Commission, the applicant identified areas of flat and sloping terrain on a site diagram. Staff and the applicant worked collaboratively to evaluate potential locations for a fenced play area and developed a conceptual fence configuration for Commission consideration. The diagram was entered into the record.

Chair Romeo asked for clarification on the boundaries, noting it cannot exceed the 12-foot buffer easement and wanted to ensure that they knew it needs to fall within the orange area. The applicant confirmed they understood the area could be smaller than what was drawn.

Chair Romeo asked the public for comments. Seeing none, he closed the public hearing and moved to Commission level for discussion and action.

Commissioner Mundt moved to approve Application for a Special Exception, SE #26-02, 1001 Jeff Ryan Drive, to approve a special exception to permit a home-based child daycare use within the R-10, Residential single-family district, in accordance with Resolution B, amended as follows:

- Under THEREFORE BE IT RESOLVED, item 1, condition (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 fenced playground area~~ **in accordance with the diagram drawn by the**

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applicants, showing the fenced area in orange, reviewed and approved by the zoning administrator prior to fence installation. When playing outside all children shall be within the inner fenced playground area.

Motion seconded by Commissioner Kim.

There were comments from Commissioners about the site's existing guardrails and wooded areas, traffic considerations during pick-up and drop off, the applicant's participation throughout the review process, and the broader oversight of home-based childcare operations.

The question was called on the motion, which carried by a 6-1 roll call vote. Commissioners Beatty, Kim, Mundt, Richardson, Wichman, and Vice Chair Yohannes voting “Aye,” with Chair Romeo voting “No.”

5. Adjournment

There being no further business, and without objection, Chair Romeo adjourned the May 18, 2026, Planning Commission Regular Meeting at 8:29 p.m.

Amanda E.M. Kertz
Town Clerk

Minutes approved by the Planning Commission: _____

[Note: Approved resolutions and ordinances are on file in the Department of Community Development.]

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