TOWN OF Herndon VIRGINIA

HERNDON PLANNING COMMISSION
Work Session Minutes
Monday, May 4, 2026

1. Call to Order

Chair Romeo called the Planning Commission Work Session to order on Monday, May 4, 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; Brenda Wichman; Vice Chair Meron Yohannes; and Chair Michael G. Romeo.

Commissioner Richardson was absent.

Staff present during the meeting: Lesa Yeatts, Town Attorney; Lisa Gilleran, Director of Community Development; Dave Stromberg, Zoning Administrator; and Margie Tacci, Deputy Town Clerk.

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

2. 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), Article VII (Use Regulations), Section 78-71.8 (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

Chair Romeo opened the work session and called on Dave Stromberg, Zoning Administrator, for the staff presentation. Mr. Stromberg stated that the item was rescheduled from April 27, 2026, and delivered the staff report dated May 4, 2026. He explained that the zoning ordinance text amendment (ZOTA) added a definition for “Casino Gaming Establishment” consistent with the definition in the Code of Virginia. He noted that the draft language included amendments to PD-TOC, Planned Development – Transit Oriented Core, to allow a casino gaming establishment that is part of a mixed-use development.

Mr. Stromberg stated that the Council requested that the ordinance proceed to the

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Planning Commission for review; however, because Governor Spanberger vetoed Virginia Senate Bill 756, staff would recommend denial at the public hearing on May 18, 2026.

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

1. The purpose of the proposed ordinance, and the timing of how it interacted with the Commonwealth.
2. Restrictions, height allowances, and impact on the community and quality of life.
3. Actions taken in other jurisdictions.
4. Permits, additional zoning text amendments, and types of follow-on businesses that often develop after casino and gaming establishments are constructed.
5. Changes to vehicular and foot traffic patterns in the town that would result from casino and gaming establishments.
6. The need to proactively impose new limits to prevent this type of development in Herndon.

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

Chair Romeo opened the work session and called on Dave Stromberg, Zoning Administrator, for the staff presentation. Mr. Stromberg delivered the staff report and presentation dated May 4, 2026, and stated that this zoning ordinance text amendment proposes to remove the special exception requirement for general personal services uses in the Commercial Office (CO) zoning district. He reviewed how zoning ordinances are organized and listed specific use types. He explained that implementing this text amendment required a change to both the full use table and the CO district use table and the difference in processing time between by-right uses (a few days) and special exception (several months). He noted that special exception review also utilizes more staff members and more staff time than administrative review and the presentation included costs of the permits, site plans, building and construction permits, and additional fees. If adopted, this zoning ordinance text amendment is expected to reduce review times, allowing approved businesses to obtain business licenses more quickly and begin remitting Business, Professional, and Occupational License (BPOL) fees sooner. If adopted by the Town Council, the amendment would take effect on the date of adoption.

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

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1. Identifying permitted uses within planned development and proffered uses.
2. Funding sources within the town, costs of staff time, and comparisons between jurisdictions.
3. The Town's website for zoning and use-type information.
4. The relationship between text amendments and the Comprehensive Plan.
5. The involvement and costs of consultants.

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)

Chair Romeo called on Dave Stromberg, Zoning Administrator, who stated this is a special exception application, which was continued from the April 27, 2026, meeting, requesting approval for a home-based daycare under Section 78-80.5 of the Herndon Zoning Ordinance. He outlined home-based business definitions in accordance with Article VII Use Regulations, stating that home-based businesses, including daycare, are permitted by-right if they comply with established standards, including no more than seven clients (children) per day, no more than one off-site employee, a maximum of 1,000 square feet or 33 percent of the dwelling devoted to the use, operating hours between 6:00 a.m. and 9:00 p.m., and outdoor play area requirements of at least 75 square feet per child with appropriate fencing or equivalent protection. Because the applicant proposes to exceed these standards, a special exception is required. The request includes increasing enrollment to 12 children per day, expanding the home-based business area to 1,103 square feet, and allowing up to two off-site employees per day, but not necessarily at the same time.

Mr. Stromberg stated that during the April 13, 2026, work session, the Planning Commission raised safety concerns regarding the property's use as a daycare, citing missing sections of perimeter fencing that were covered with a tarp. Mr. Stromberg stated that the applicant submitted a complaint to traffic engineering staff alleging unsafe conditions due to traffic accidents at the intersection, which was shared with the Planning Commission. At the April 27, 2026, meeting, Commissioners proposed a condition to relocate the outdoor play area away from the rear of the property, adjacent to Sterling Road and Herndon Parkway, and closer to the home, potentially with an additional protective barrier. The May 1, 2026, inspection verified that the outer fence was fixed and that the applicant, Ms. Sarita Abad Moretti, was residing at the residence. Ms. Moretti was reissued an administrative permit on May 1, 2026.

Commissioner Beatty left the meeting at 7:47 p.m.

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

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1. History of the case, including previous staff and committee reviews.
2. Timing constraints around issuing the special exception.
3. Home-based daycare regulation differences between the Town of Herndon and Loudoun County.
4. Location of a permanent secondary fence for a safe play area for the children away from the outer fence and closer to the home.
5. Past comparable cases.
6. Traffic patterns, including traffic accidents at this intersection.
7. Information Ms. Moretti has provided to the Town regarding safety concerns.

The Commission provided the Chair background information due to his absence at the previous meeting, stating that late in the application process, staff became aware that the applicant was not living in the home on Jeff Ryan Drive, and that the home-based daycare was currently located in Sterling, Loudoun County. The Commissioners noted the April 1, 2026, expiration of the Loudoun County permit. Commissioner Mundt also discussed the fence and raised safety concerns due to traffic accidents at the intersection of Sterling Road and Herndon Parkway.

Responding to Chair Romeo's questions about the permit, Mr. Stromberg and Ms. Gilleran stated that the Sterling residence allowed the applicant to have 12 children; however, for Ms. Moretti to move her business, she would have to close the Sterling location to move the business to Herndon and reopen. In order to qualify for a home-based business permit, the owner must live on the property full-time, and previous inspections indicated Jeff Ryan Drive was not Ms. Moretti's primary residence.

3. Comments

a. Comments from the Staff Members

Chair Romeo recognized staff members for additional comments.

Lisa Gilleran, Director of Community Development, made comments regarding:

1. A Comprehensive Plan consultant return visit during the last week of May 2026 and would be at the Polar Heat event to get community feedback.
2. Action Plan meetings and input from community stakeholders - Downtown Area Plan and Metro Area Plan.
3. Upcoming reports from the downtown and economic development surveys.
4. Tree giveaway was successful on April 25, 2026.

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There was discussion between staff and the Commissioners, including:

1. Feedback mechanisms.
2. Engagement measures with the community.
3. Frequency of contact with the consultants.

b. Comments from the Commissioners

Commissioners offered no additional comments.

4. <u>Adjournment</u>

There being no further business, and without objection, Chair Romeo adjourned the May 4, 2026, Planning Commission Work Session at 8:16 p.m.

Margie Tacci
Deputy Town Clerk

Minutes approved by the Planning Commission: _____

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

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