

TOWN OF HERNDON, VIRGINIA
PLANNING COMMISSION PUBLIC HEARING MINUTES
AUGUST 3, 2015

The Planning Commission met for a public hearing on Monday, August 3, 2015, in the Ingram Council Chambers located at 765 Lynn Street, Herndon, Virginia. Chair C. Melissa Jonas called the meeting to order at 7:00 p.m.

ROLL CALL:

Chair Jonas asked the Recording Secretary to call the roll.

Ms. Tappan called the roll, as follows:

Commissioner Bouchard:	Present
Commissioner G. Burke:	Present
Commissioner LeReche:	Present
Commissioner Moses:	Present
Commissioner Regan:	Absent
Chair Jonas:	Present

Ms. Tappan turned the meeting over to Chair Jonas, who noted that Commissioner Regan was absent, but a quorum was present.

Staff Present:

Elizabeth M. Gilleran, Director of Community Development
 Mark R. Holland, Zoning Administrator
 Dana E. Heiberg, Senior Planner
 Lesa J. Yeatts, Town Attorney
 Lisa Webster, Administrative Assistant
 Patsy Tappan, Recording Secretary

APPROVAL OF MINUTES:

Chair Jonas presented the minutes from the public hearing of July 6, 2015, the work session of July 20, 2015, for review and approval:

MOTION: Commissioner LeReche moved to approve the public hearing minutes of July 6, 2015, as presented.

Commissioner G. Burke seconded the motion. The motion carried, 4-0-1 (Bouchard abstained).

MOTION: Commissioner LeReche moved to approve the work session minutes of July 20, 2015, as presented.

Commissioner G. Burke seconded the motion. The motion carried, 4-0-1 (Bouchard abstained).

APPROVAL OF AGENDA:

In the absence of a Vice Chairman, Chair Jonas called for changes to the agenda from the Commission.

MOTION: Commissioner Moses moved to amend the agenda to add an item of New Business to consider a Resolution to adopt Robert's Rules of Order and appoint the Town Attorney as the Parliamentarian for the Planning Commission.

Commissioner LeReche seconded the motion.

Chair Jonas called for a vote on the motion. The motion carried unanimously, 5-0.

MOTION: Commissioner LeReche moved to amend the agenda to change the order of General Item #12 to be heard prior to Public Hearing Item #11.

Commissioner Burke seconded the motion. The motion carried unanimously, 5-0.

COMMISSIONERS' COMMENTS:

Commissioner Bouchard commented, "First of all, I want to thank everyone for their great support bringing me on board, starting with Mayor Merkel and the Council members, Chair Jonas, Planning Commissioners, and a special thank you to Ms. Gilleran for your informative meeting. It was very professional and most beneficial. Thank you."

Chair Jonas offered Ms. Bouchard a warm welcome on behalf of all of the Planning Commissioners. She stated that they all look forward to being able to work with Commissioner Bouchard in the future.

Chair Jonas also announced the upcoming meetings for the Planning Commission:

August 24, 2015	Planning Commission work session	7:00 p.m.
September 14, 2015	Planning Commission public hearing	7:00 p.m.

STAFF COMMENTS:

There were no comments from staff.

CITIZENS' COMMENTS:

Richard Downer of 216 Herndon Station Square stated, "I'd like to welcome Chair Jonas and Commissioner Bouchard and I hope that you will have your seventh member soon. I know it hurts all committees to not be fully staffed and spread the work out. The next five years, in my opinion, are critical for the Town and you all are going to have a big part of that. Our Downtown redevelopment, which you have all been waiting for...I served on the Central Herndon Committee in the 1980's, when we were trying to plan our Downtown, that we all hope, will happen. I think we are finally getting close to that, and also with Metro coming in 2020 (hopefully), but we all know that could be pushed back. I just read today that they are studying the bats in that area, where the rail yard will be. In 2011, in attending the meetings that you all had, and the staff held, looking at the Metro plan, I starkly realized that we have no parking on our side, so if we were going to be relevant as a stop, we need to have some way for people to get to and from that area and to the Metro, without having to take their cars. Their only alternative is going to be to drive around to Sunrise Valley Drive and park over at the Park and Ride; which adds, probably, another 10 – 15 minutes to their already short commute. So, anyway, the idea of doing that, with the inspiration of Mr. Ed Stirewalt, who I assume you all know, is the father of the Herndon Parkway. I took ink and pen to paper, and drew up what I called the Herndon Internal Transit System, went to see the Mayor, and she has joined with me in that, and I would like to have that passed around, if you haven't already seen it. I know Chair Jonas has seen it. The concept of an internal transit system (the Herndon HITS is the name that we gave it), and it's hard to get people's attention when something is that far away, but we know that we really need to start looking at that. This has gone another step from there...the Town Council, February 24, 2015, adopted a Resolution asking the County to study this concept, because, obviously at this point, it's just an idea from two citizens, one who happens to be an elected official, of what could be done. Believe it or not, the County accepted that challenge and on June 2, 2015, released what they call "Fairfax County's Connections 2015." That is a Fairfax County Comprehensive Transit Plan and Transit Development Update and you can see that whole update on FairfaxCounty.gov/fcdot/connections2015. The part that really made me feel good, because I had gone to a lot of these County hearings and talked with the staff, is the

section #7.2, which is Herndon Area Services. Guess what? They have endorsed Route 1 of our little map there. That means the area that would run from the station at 575 Herndon Parkway, around to Elden Street, through the Downtown, and back around Worldgate Drive, and back to the station. The service is proposed to start at 5:15 in the morning and go until 11:00 at night. That means it will be bi-directional, now this is if they do what their staff is recommending. That means every 15 minutes you'll have a bus going one way or the other, so you can just walk from here, right over to the little bus stop at the corner of Fortnightly Boulevard and be able to hop on the bus and be over at the transit station...and off you go. So, anyway, I hope you'll take a look at that and the full report. We are trying to talk to the County, and I understand from the staff that they wouldn't mind doing that, is to have just a Herndon only presentation here, because this is everything (Vienna, etc., everything that will be impacted by the Silver Line Phase II). I think it would help us promote it with the citizenry and develop support and let people know how important this is, particularly to the Downtown, so the Downtown stays connected. The one request I have for you all, is that you have a very active committee called the Pedestrian and Bicycle Advisory Committee. I had lobbied with the Mayor to ask why they didn't add Transit to that. So, I'm hoping that you all, because I understand that it's officially the Planning Commission's committee, that you would consider adding transit to that. We have to find a way to get people there, even if you are using bicycles or walking, on bad days and snow days, you're not going to want to do that. We have to serve everybody. By the way, the County is also dealing with the other half of Herndon Parkway, and that's in that report. It just would be the morning (a.m.) and evening (p.m.) rush only, but still you would be able to, basically, only have one car in the Town, or no cars in Town. We are on the way, but we need to help everybody understand that and you all can be a big part of that...I hope. Thank you."

Chair Jonas thanked Mr. Downer for "always looking after the Town."

NEW BUSINESS:

Election of Vice Chairman:

MOTION: Commissioner LeReche moved to nominate George V. Burke for the position of Vice Chairman of the Planning Commission for term ending December 31, 2015.

Commissioner Moses seconded the nomination.

Mr. Burke accepted the nomination.

Hearing no other nominations, Chair Jonas closed the nominations and called for a vote on the motion. The motion carried, 4-0-1 (Mr. Burke abstained).

Resolution - to adopt Robert's Rules of Order Newly Revised (2000 - 10th edition) for the purpose of conducting meetings of the Planning Commission and to designate the Town Attorney as the Parliamentarian.

MOTION: Commissioner Moses moved to adopt Robert's Rules of Order Newly Revised (2000 - 10th edition) for the purpose of conducting meetings of the Planning Commission and to designate the Town Attorney as the Parliamentarian, as outlined in the following Resolution:

TOWN OF HERNDON, VIRGINIA

PLANNING COMMISSION

RESOLUTION

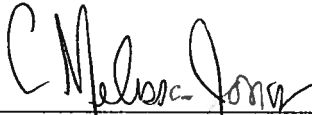
AUGUST 3, 2015

Resolution - to adopt Robert’s Rules of Order Newly Revised (2000 - 10th edition) for the purpose of conducting meetings of the Planning Commission and to designate the Town Attorney as the Parliamentarian.

BE IT RESOLVED that the Planning Commission of the Town of Herndon, Virginia, hereby:

1. Adopts Roberts Rules of Order, and
2. Designates the Town Attorney as the Parliamentarian for the Town of Herndon Planning Commission public hearings through December 31, 2015.

Certified Correct:



 C. Melissa Jonas
 Chair, Planning Commission

Commissioner LeReche seconded the motion.

Chair Jonas called for a vote on the motion. The motion carried unanimously, 5-0.

PUBLIC HEARING ITEMS:

1. **APPLICATION FOR A SPECIAL EXCEPTION – SE #15-03, 1175 Herndon Parkway, Suite 550.** Descriptive Summary of Proposed Action: Consideration of an application for a special exception to permit math and English educational services as a school of special instruction identified as Academy 4 Enrichment located at 1175 Herndon Parkway, Suite 550 of the Herndon Corporate Center development. The property is zoned C-O, Commercial Office, which permits a school of special instruction with the granting of a special exception. The subject property is identified as Fairfax County Tax Map Reference 0161-02-0015G. Owner: Herndon Corporate Center LLC. Representative: First Potomac Realty Trust. Applicant: Krishnaiah Pelleti. *Deferred from the July 6, 2015, Planning Commission public hearing.*

STAFF COMMENTS:

Mark R. Holland, Zoning Administrator, advised the Commission that the applicant for SE #15-03 had failed to properly notify the adjacent property owners for this application, and therefore the item must be deferred.

Staff recommended deferral of SE #15-03 until the Planning Commission public hearing of September 14, 2015.

QUESTIONS FOR STAFF:

There were no questions for staff.

COMMENTS FROM THE APPLICANT:

The applicant was not present.

CITIZENS’ COMMENTS:

There were no citizens’ comments.

Chair Jonas closed the public hearing.

COMMENTS FROM THE COMMISSION:

MOTION: Vice Chairman Burke moved to defer SE #15-03 until the Planning Commission public hearing of September 14, 2015, due to the applicant's failure to properly notify the adjacent property owners.

Commissioner Moses seconded the motion.

Chair Jonas called for a vote on the motion. The motion carried unanimously, 5-0.

2. **ZONING ORDINANCE TEXT AMENDMENT, ZOTA #15-02.**
Descriptive Summary of Proposed Action: Consideration of an amendment to the Town of Herndon Zoning Ordinance (2007), Herndon Town Code (2000), as amended, to revise § 78-303.2(d)(5)g., PD-W, planned development—Worldgate district, Use limitations, to provide language to permit an increase in the allowable square footage for major tenant wall signs permitted within the PD-W, Planned Development – Worldgate, zoning district.

COMMENTS FROM STAFF:

Mark R. Holland, Zoning Administrator, presented the staff report dated July 20, 2015, which is on file in the Department of Community Development.

Staff recommended approval of ZOTA #15-02 to the Town Council as amended.

QUESTIONS FOR STAFF:

There were no questions for staff.

COMMENTS FROM THE APPLICANT:

Inda Stagg, Senior Land Use Planner with Walsh Colucci Lubeley Walsh stated, "We represent Rappaport for this application. As you know, Rappaport is in the process of renovating and improving the Worldgate Center, and as part of those improvements, they are trying to ensure the vitality of the Sport and Health Club. Visibility has been somewhat of a challenge, particularly as you're going along the Toll Road (east and west), and so this is the reason why we are asking for the text amendment. Given the building layout and the parking configuration, the location and the speeds of people going by, we think that the text amendment is appropriate. Based on discussions with staff, we are seeking modifications to the PD-W district, just to accommodate sign areas for this district only. It's very specific to this district and would not apply to other areas of the Town. We are in agreement with staff's proposed draft text, which is not the text that we submitted, but it is appropriate and it does work for us. Again, there is not a major deviation from what is there now, except for the one sign that you see to the west on the Toll Road. We will have to go to the ARB if this is approved; we can't just put the signs up...we do have additional approval ahead of us. Thank you."

QUESTIONS FOR THE APPLICANT:

There were no questions for the applicant.

CITIZENS' COMMENTS:

Richard Downer of 216 Herndon Station Square stated that he had not come to speak on this item but asked if the ZOTA would apply to the entire Worldgate development.

Mr. Holland responded, “Yes, it would apply to the entire Worldgate zoning district and only development that is mixed-use, multi-tenant. It would not apply to single-tenant sites, or single use (like office buildings).

Mr. Downer responded, “The reason for my question is, I gather that it would not include the Marriott, because it is not a multi-tenant building? If you are driving out Elden Street, you can’t tell it’s a Marriott. The sign up there faces one way, at an angle. I started my business career with Marriott, but I have no connection with them anymore, but it looks like, to me, that there ought to be some way that they could put some more signage at the very top, where their one sign is now. If they’re not asking for it, I guess they don’t get it, but you really can’t tell it’s there, from a number of different directions. I don’t want to hold up their thing because of that.”

Chair Jonas offered rebuttal to the applicant. Hearing none, she closed the public hearing.

COMMENTS FROM THE COMMISSION:

MOTION: Vice Chairman Burke moved to recommend approval of ZOTA #15-02 to the Town Council as amended by staff in the following Ordinance:

TOWN OF HERNDON, VIRGINIA

ORDINANCE

_____, 2015

Ordinance - Amending the Zoning Ordinance (2007) to provide language for major tenant wall signs permitted within the Planned Development – Worldgate, PD-W, zoning district, ZOTA #15-02.

RECITAL

In adopting this zoning ordinance the Town Council has considered the factors set out in §15.2-2284, Code of Virginia (1950), as amended.

BE IT ORDAINED by the Council of the Town of Herndon that:

1. Section 78-303.2., Additional development standards for planned development districts. Zoning Ordinance (2007), Herndon Town Code (2000), as amended, is amended and re-ordained as follows:

Sec. 78-303.2. Additional development standards for planned development districts.

(d) PD-W, planned development—Worldgate district. This district applies exclusively to the Worldgate development as approved by the Fairfax County Board of Supervisors and accepted under the town's zoning and planning authority on January 2, 2005. Where conflict may arise between the provisions of this section and other provisions of this chapter, the provisions of this section shall govern.

- (5) *Use limitations.*

- g. Signs shall be permitted only in accordance with the provisions of section 78-202.7, sections 78-508 through 78-508.10, signs, other applicable sections of this chapter, and as described in subsection 1.i. below. Signs existing on January 2, 2005 and developed in accord with the provisions of Article 12 and Article 11 of the

Fairfax County Zoning Ordinance shall be deemed legal and conforming with respect to this chapter. Notwithstanding the provisions of section 78-508.5, the following signs shall be permitted for any multi-tenant mixed-use development in the PD-W District:

2. Wall Signs

- iv. Major Tenant Signs – Any tenant comprised of 100,000 gross square feet or more shall be permitted to have wall signs at a ratio of one square foot per linear foot of building or establishment frontage. Any such wall sign(s) shall not exceed an area equal to that of the allowable area or 300 square feet, whichever is less. The maximum number of such sign(s) shall not exceed three wall signs per building or establishment frontage.

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

Commissioner LeReche seconded the motion.

Chair Jonas commented, “I do think that the comments made by Mr. Downer this evening are very prudent. The Worldgate Center has been an amazing part of our community and we have a lot of really great businesses in there. Giving them the visibility that will continue to make them viable businesses is really good for the Town and for the community.

Chair Jonas called for a vote on the motion. The motion carried unanimously, 5-0.

GENERAL ITEM:

Motion, to initiate consideration of a Zoning Map Amendment to change the zoning of approximately 1.6727 acres within Downtown Herndon, located at 770 and 782-786 Elden Street and 724 Center Street. The property is currently zoned Central Commercial (CC) and the proposed zoning is Planned Development Traditional Downtown (PD-TD). The property consists of parcels: 16-2-((2))-26, 16-2-((2))-27A (now or formerly two parcels), and 16-2-((2))-29, collectively known as the Ashwell Property. Section 15.2-2286 of the Code of Virginia provides that whenever public necessity, convenience, general welfare or good zoning practice requires, the governing body may by ordinance amend, supplement or change the regulations, district boundaries, or classifications of property.

STAFF COMMENTS:

Elizabeth M. Gilleran, Director of Community Development, presented the staff memorandum dated July 16, 2015, which is on file in the Department of Community Development.

Staff recommended approval of a motion to initiate consideration of a Zoning Map Amendment, which will be discussed later that evening.

QUESTIONS FOR STAFF:

There were no questions for staff.

CITIZENS' COMMENTS:

There were no citizens' comments.

Chair Jonas closed the public hearing.

COMMENTS FROM THE COMMISSION:

MOTION: Commissioner Moses moved to initiate consideration of a Zoning Map Amendment to change the zoning of approximately 1.6727 acres within downtown Herndon, located at 770 and 782-786 Elden Street and 724 Center Street. The property is currently zoned Central Commercial (CC) and the proposed zoning is Planned Development Traditional Downtown (PD-TD). The property consists of parcels: 16-2-((2))-26, 16-2-((2))-27A (now or formerly two parcels), and 16-2-((2))-29, collectively known as the Ashwell Property. Section 15.2-2286 of the Code of Virginia provides that whenever public necessity, convenience, general welfare or good zoning practice requires, the governing body may by ordinance amend, supplement or change the regulations, district boundaries, or classifications of property.

Commissioner LeReche seconded the motion.

Chair Jonas called for a vote on the motion. The motion carried unanimously, 5-0.

PUBLIC HEARING ITEMS – CONTINUED:

3. **ZONING MAP AMENDMENT, ZMA #15-101. DOWNTOWN MASTER PLAN PORTION OF BLOCK D REZONING. Descriptive Summary of the Proposed Action:** To change the Zoning Classification of the Property generally described as land lying at the northeast corner of the Elden Street and Center Street intersection and comprised of three parcels, from CC central commercial zoning district to PD-TD planned development traditional downtown zoning district. The land is more specifically described and identified as Fairfax County Tax Parcel Reference Numbers 016-2-02-0026, 016-2-02-0027A (now or formerly 2 parcels), and 016-2-02-0029 within the Town of Herndon, Virginia. The property includes approximately 1.6727 acres (72,865 square feet) located at 770 Elden Street, 782-786 Elden Street and 724 Center Street in Herndon, Virginia. The property owner is Ashwell LLC and the applicant and contract purchaser of the property is the Town of Herndon. The property is also identified as a portion of Block D in the Downtown Master Plan of the Town of Herndon 2030 Comprehensive Plan, and most of the property has operated for many years as an automobile sales and service location. The PD-TD zoning district and the comprehensive plan support mixed use including any or any combination of some or all of the following: retail, office, arts related uses, residential multi-family, stacked townhouses, hotel, public facilities, and structured parking. The proposed zoning change is consistent with the comprehensive plan which provides for mixed use with a density range not specified but described in form as four-story residential or mixed use structures including hotels, and three-story commercial office development. Section 15.2-2286 of the Code of Virginia provides that whenever public necessity, convenience, general welfare or good zoning practice requires, the governing body may by ordinance amend, supplement or change the regulations, district boundaries, or classifications of property. The applicant is proposing proffered conditions to accompany the application and is requesting modifications to the zoning ordinance for the following: submittal requirements (e.g. postponement of the traffic impact study, reproduction method of the generalized development plan, amount of information on the generalized development plan due to the unique situation of the

property as it is under the control of the Town); height to allow an increase in the permitted maximum height of 50 feet to a maximum height of 54 feet to encourage higher quality finished floor area; streetscape planting beds to allow incorporation of stormwater management facilities; definition of basement to allow habitable English basements with more than one half of the height of the basement to be exposed; regulatory plan to allow possible relocation of open space; and loading spaces to allow a reduction in the number, configuration and surface treatment of loading spaces.

COMMENTS FROM STAFF:

Dana E. Heiberg, Senior Planner, presented the staff report dated July 20, 2015, which is on file in the Department of Community Development.

Ms. Gilleran commented, “I would like to enter into the record some information. The survey that was performed and submitted for this particular application, the engineer transposed two of the parcel numbers. Now, in most cases, within the staff report and within the attachments, the parcel numbers are, in fact, correct. On the Generalized Development Plan, which staff used the Tax Map Reference Numbers for, this is also correct. There are a couple of places, including the newspaper ad, where a term which stated, “now or formerly 2 parcels” appeared with the wrong parcel, but I’ve discussed this with the Town Attorney and that is not remarkable. The parcel numbers are all correct, it’s the same three parcels that are being considered this evening, and so, the staff is very comfortable with the material that you have in front of you tonight.”

Chair Jonas asked, “And legally, there is an agreement?”

Lesa J. Yeatts, Town Attorney, commented, “Yes, it doesn’t affect what is before the Commission, substantively, and as was said, it’s unremarkable, just a simple transposition, so the Commission can proceed.”

Staff recommended approval of ZMA #15-101 to the Town Council as submitted.

Ms. Gilleran added, “As Mr. Heiberg indicated, this is similar in many ways to the previous Zoning Map Amendment #14-101, which was the Town-owned land...ArtSpace and the parking lots. Many of the modifications and proffers are very similar. There are a few changes because of the fact that we’re dealing with Elden Street here versus Station Street. It is a unique situation, because, as Mr. Heiberg mentioned, we do not have a detailed plan at this time. The concept here is that the Town has an unusual amount of control later in the process, since we are the contract purchaser of this property and we are the owner of the other consolidated Zoning Map Amendment, and because of that, the Town Council will be controlling a lot of the details of the development as they go through the contract phase, rather than the Zoning Map Amendment phase. So, it is a very unique situation. In addition, Mr. Heiberg mentioned the “20 feet back before it goes up four stories” and if you include the sidewalk and the five-foot additional greenspace, between the back of the sidewalk and the front of any future building, it adds up to 37 feet. During the Town Council discussion of that same language in the previous Zoning Map Amendment that was specifically discussed by the Council and it was asked at that time why we were doing this. We are doing it because, when a developer comes in and proposed an actual development, their question is going to be, when they look at that regulatory plan, it says three stories here, but how far into the site does it go? We’ve had a couple of developers come in, actually, and ask that question. Some setbacks or step backs in buildings can be quite minor. I think someone once asked me, concerning this property, could you do a 10-foot step back? No, we don’t see it that way. We see it as needing the 20 feet, which is visually, much more likely to start to push or recede that 4th floor back. At the same time, which we explained to the Town Council and which they approved with the previous rezoning, we do need to set the line somewhere, otherwise, you would be caught in a debate about, “Is it 10 feet or 20 feet?” Does it go all the way to the back of that parcel? Does it include a parking deck that’s back behind the building? So, this is trying to establish a distance. I don’t think I have any other comments. As far as the open space, we looked at the regulatory plan; we

measured the open space that was indicated by Urban Design Associates, when they drew it. It works out to be about 11,000 square feet. That's where we arrived at that amount. We believe that is an appropriate spot, for at least a portion of the open space, but we added the language that we did and the modification, so that it wouldn't all have to be there if there was an alternative design that succeeded in creating, perhaps, a better solution for the public and for the future residents. There would be some flexibility in that. I think that is all the additional information that I would like to add. Thank you."

QUESTIONS FOR STAFF:

Commissioner Moses asked for clarification, "The 54-foot maximum height would include, also, the English basement or an addition?"

Ms. Gilleran responded, "Yes, that would include the English basement situation. What it does not include, it does not include what we would call "rooftop features." This is per the Zoning Ordinance: "The height of the building does not include rooftop features such as the parapet, HVAC units, and the elevator penthouse (that you have up there to accept the elevator equipment)..." So, there are elements that would be above that, but the English basement is not one of the things that would be above the 54-foot."

Commissioner LeReche asked, "On the location of the three stories facing Center Street, is that the only restriction there is on-site for the three stories?"

Mr. Heiberg responded, "Yes."

Commissioner LeReche asked, "And the location of the English basements, would that be also on Center Street, or are there other locations within the site that the English basements would be used?"

Ms. Gilleran responded, "The English basement would not be a condition that you would want to see along a commercial street frontage. If you're doing a storefront that is not a situation where you would want an English basement, for some obvious reasons. It could appear, though, either along the Center Street frontage or because of the grade of this land, it could also be condition that you would see on the interior of the site. It may not face any street. It may be almost like a walkout condition. I would assume, with or without an English basement, you will probably have some, depending on how they grade the site, you may, in fact, have something like that towards the interior of the site where it's not seen from the public right-of-way. The way it is currently written, though, it would be something that would be possible along the Center Street frontage."

CITIZENS' COMMENTS:

Richard Downer of 216 Herndon Station Square stated, "This is exciting. A lot of us have worked for a long time to; hopefully, find the magic thing that will work in the Town of Herndon. We got, at one point, we got stardust in our eyes I guess you'd have to say, when they came in with JBJ or one of those came in with a 10-story building. Then, as we went through the hearings, we all realized that it wouldn't fit. We don't have the road network to support that kind of intensity. The things that would allow a developer to give a lot of things, supposedly "give" and the people that live in the Town just didn't want things that high. Many of you may have known Pat Cane, who passed away recently. Pat called me one day and said, "You know, Herndon needs some high-rise buildings." I said, "Pat, Herndon will never have a high-rise building. It may have a tall building, and the tall building may have the same height, but it won't be called a high-rise, because we don't have high-rises in Herndon." What impresses me so much here is how much thought the staff has put into this whole concept. You are trying to figure out what a developer is going to like, and will work, and yet, also, what are the citizens going to like? I think we've answered the citizen question, and now we just got to hope somebody steps forward. The flexibility that you've just talked about, with the English basements, and the extra heights...that's what you're going to have to have to make it work. I am told by a real estate agent, that if this side goes (where the Ashwell site is) you'll probably see something happen pretty quickly on the "Jimmy's" side. I certainly hope it does. It's been a long time coming and I appreciate your help, and what

the staff has done. You're kind of making your puzzle pieces as you go along, but it's come a long way from the time from the time when Mr. Mahoney used to have an Amoco station right there beside what was Edward's Pharmacy; and when I was a kid, the stream overflowed in the Downtown, until we made those millions of dollars of improvements there. I support the amendment and adding this piece to the whole complex. Thank you."

Chair Jonas closed the public hearing.

COMMENTS FROM THE COMMISSION:

MOTION: Commissioner LeReche moved to recommend approval of ZMA #15-101 to the Town Council and associated modifications and proffers to achieve the goals of the adopted Comprehensive Plan regarding Downtown development.

Vice Chairman Burke seconded the motion.

Commissioner LeReche commented, "I mirror what Mr. Downer said. I think this is a long time coming and I'm anxious to see it come through to brick and mortar."

Vice Chairman Burke commented, "Indeed it is a long time coming and Mr. Heiberg's presentation was sufficiently comprehensive, where I really can't add much, I just want to reiterate that this is entirely consistent with the Downtown Master Plan that we put a lot of "blood, sweat and tears" in, and that the proffers (I think there are 21; 4 general and 17 development) will ensure that that Master Plan is adhered to."

Chair Jonas commented, "I love that you called it a puzzle, Richard. It, absolutely, has been a puzzle, both from the public trying to get this to come together and the land pieces to come together. It's exciting to be here tonight and as Vice Chairman Burke already said, we are looking to bring this parcel into conformance to all of the other regulations and zonings that we've put into place on our Town land previously. That really reflects a lot of work from the citizens, the Planning Commission and the Town Council. Really, what we're doing tonight is allowing for the consolidation of our land, to get the most efficient use of the limited space we have in Downtown Herndon. What we're doing, as well, is providing clarity to the development community, which is going to be a big help to us as we move forward in communicating with them. The flexibility that we are putting in place tonight is going to; hopefully, yield us better design and better quality as we move forward. This is our best opportunity for a vibrant and long-term addition that will hold its value in our Downtown as we continue to build on our core. As has been said, this has been many years in the making, so I wholeheartedly support this this evening."

Chair Jonas called for a vote on the motion. The motion carried unanimously, 5-0.

COMMENTS FROM THE COMMISSION:

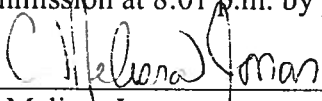
Chair Jonas asked the Recording Secretary if that concludes all of the items on the agenda.

Ms. Tappan responded, "That does, Madame Chair."

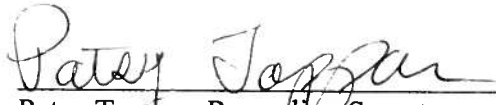
MOTION: Commissioner Bouchard moved to adjourn.

Commissioner Moses seconded the motion.

Chair Jonas adjourned the Planning Commission at 8:01 p.m. by proclamation.



C. Melissa Jonas
Chair, Planning Commission



Patsy Tappan, Recording Secretary

Minutes Approved: 09/14/2015