

**TOWN OF HERNDON, VIRGINIA**

**PLANNING COMMISSION PUBLIC HEARING MINUTES**

**APRIL 5, 2010**

The Planning Commission met on Monday, April 5, 2010, in the Ingram Council Chambers located at 765 Lynn Street, Herndon, Virginia. Chairman Carl I. Sivertsen called the meeting to order at 7:00 p.m.

**ROLL CALL:**

Chairman Sivertsen asked the Recording Secretary to call the roll.

Ms. Tappan called the roll, as follows:

|                       |   |
|-----------------------|---|
| Commissioner Bettard: | Absent for Roll Call – arrived at 7:03 p.m. |
| Vice Chairman Burk:   | Present                                     |
| Commissioner Burke    | Present                                     |
| Commissioner East:    | Present                                     |
| Commissioner LeReche: | Present                                     |
| Commissioner Moses:   | Present                                     |
| Chairman Sivertsen:   | Present                                     |

Ms. Tappan turned the meeting over to Chairman Sivertsen, who noted that a quorum was present.

**Staff Present:**

Elizabeth M. Gilleran, Director of Community Development  
 Dana E. Heiberg, Senior Planner  
 Mark R. Holland, Planner I  
 Richard B. Kaufman, Town Attorney  
 Patsy Tappan, Recording Secretary

**APPROVAL OF MINUTES:**

Chairman Sivertsen presented the public hearing minutes of March 1, 2010, and the work session minutes of March 22, 2010, for review and approval.

**MOTION:** Commissioner East moved to approve the public hearing minutes of March 1, 2010, as presented.

Commissioner Moses seconded the motion.

Chairman Sivertsen called for a vote on the motion. The motion carried, 6-0 (Commissioner Bettard arrived after the vote.)

**MOTION:** Commissioner East moved to approve the work session minutes of March 22, 2010, as presented.

Commissioner Moses seconded the motion.

Chairman Sivertsen called for a vote on the motion. The motion carried, 6-0 (Commissioner Bettard arrived after the vote.)

Commissioner Bettard arrived at 7:03 p.m.

**APPROVAL OF AGENDA:**

Vice Chairman Burk suggested that the agenda move forward with no changes.

**COMMISSIONERS' COMMENTS:**

Chairman Sivertsen noted that Herndon had many activities scheduled in the coming weeks, including Spring Clean-up, Runnymede Park/Sugarland Run Clean-up on April 17<sup>th</sup>, and the Mayor's Volunteer Appreciation Ceremony on April 18<sup>th</sup>. He encouraged all residents to participate in these upcoming activities.

**STAFF COMMENTS:**

There were no staff comments.

**CITIZENS' COMMENTS:**

There were no citizens' comments.

**PUBLIC HEARING ITEMS:**

**1. COMPREHENSIVE PLAN AMENDMENT, CPA #10-01, DOWNTOWN MASTER PLAN.** Amend the Town of Herndon 2030 Comprehensive Plan adopted August 12, 2008, to incorporate by reference a Downtown Master Plan. The plan amendment will also make minor changes to the appropriate plan text (mainly Chapter III: Land Use Plan) in order to reference a master plan. The Downtown Master Plan includes a map of specific planned land use and related information. The general purpose of the plan amendment is to carry out the vision, goals and objectives of the 2030 Comprehensive Plan to encourage a vital downtown with a mix of land uses. The master plan depicts residential, commercial and public uses and parking facilities to support these uses; the plan displays the approximate height and level of density on each block of a core downtown area. The area is similar or equal to areas displayed as Sectors 1, 2 and 3 in the 2030 Comprehensive Plan. 16 block areas are affected; they are located in the center of the Town of Herndon in the general area of Elden Street, Center Street, Vine Street, Lynn Street, Station Street, Spring Street, Pine Street, Monroe Street, Jefferson Street, Jackson Street, Van Buren Street and the Washington and Old Dominion Railroad Regional Park. Downtown Master Plan maps and related information are posted on the Town of Herndon website at [www.herndon-va.gov](http://www.herndon-va.gov) (click on Planning and Zoning and follow links). A descriptive summary of the proposed action is to update plan text and maps to reflect changed conditions and to incorporate land use policy based on the results of a major community planning process. *Deferred from the March 1, 2010, public hearing.*

**STAFF COMMENTS:**

Dana Heiberg, Senior Planner, presented the staff memorandum dated March 18, 2010, which is on file in the Department of Community Development.

**QUESTIONS FOR STAFF:**

Chairman Sivertsen noted that the Commissioners had a "vigorous discussion" on this item during the work session and asked if there were any questions for staff.

Commissioner East asked, if the Planning Commission recommended adopting one of the plans that evening, what the most effective way to move forward toward implementation of that recommended plan would be.

Mr. Heiberg responded that he would envision a process where, after the Planning Commission made its recommendation, they would go forward to the Town Council and discuss the "implementing ideas," especially the specific Ordinance changes that have been contemplated. He would expect the Town Council to move through its work on the plan and eventually adopt it, and at that time the Town Council would hopefully instruct staff to implement the specific implementing Ordinances and other tasks, including returning to the Planning Commission to discuss specific Ordinance changes.

Commissioner East responded that he was asking for suggestions for the type of guidance the Planning Commission should offer the Council in terms of amending the Zoning Code.

Mr. Heiberg deferred to Ms. Gilleran.

Ms. Gilleran responded that the staff's understanding of the views and the intent of the consultants was that the consultants believe strongly that the plan will be most successful if rezonings are not necessary. They also believe that the process has to be such that the applicant is held firmly to the plan as approved by the Town Council and the community. Towards that end, it would appear that a form-based code or a hybrid form-based traditional zoning code would be the appropriate way to redraft the Ordinance. In addition, it would appear, per the consultant, that we would need to draft the language so that development of this area would become a by-right situation. If an applicant came in offering to build exactly as the plans show, and they provided plans and other evidence to that regard, then it would be simply by Site Plan, which does create some challenges for public improvements since we would not have a proffer process. Ms. Gilleran concluded by stating that all of that language would have to be included within the new zoning language.

Commissioner East asked for clarification of the definition of form-based zoning. He asked if it meant that they could describe building heights and uses, etc. in the zoning code, which was meant by the "form" rather than densities or FAR's. So once the form of the zoning code (or hybrid thereof) was developed, then if someone came in and said that they wanted to build to that specification, then they would have the right to do so without applying for a rezoning.

Ms. Gilleran responded, "That's correct."

Vice Chairman Burk asked if specific uses would be spelled out in the code, but with enough flexibility to allow for changes in the marketplace.

Ms. Gilleran responded, "That's correct. Unlike a true form-based code, which has very limited language concerning uses; the concept being that what matters is how the building lives and appears, and not so much with what is going on inside the building. Our code would not be that open, when it comes to the types of uses. We would still state the types of uses that would be appropriate in the Downtown, with the vision of having ground floor retail/restaurant types of uses and a mix of uses above, be it residential, office or a combination."

Commissioner LeReche noted that during the work session, they had discussed architectural styles sensitive to Herndon and whether the architect had a palette that could be used to help that process in consensus with the other Boards in the Town. Commissioner LeReche clarified that the consultants had shown several styles that seemed to blend well with Herndon, and he asked if the renderings were easily obtainable and if they could be incorporated.

Ms. Gilleran responded, "The type of code that we would be writing would be a hybrid of a form-based and a traditional zoning code, but it does state the overall dimensions of the building. Concerning the architectural treatment; whether Italianate versus Colonial Revival, brick or some form of weatherboard, that would be per the illustrations. Beyond the illustrations, it would be up to, in large part, the Heritage Preservation Review Board. Mr. Heiberg and I have discussed the fact that the consultants (Urban Design Associates) do, in fact, create what they call Pattern Books for jurisdictions, and a few of the Pattern Books have been commercial. There are costs involved with having Urban Design Associates develop a Pattern Book, but we haven't had an opportunity to speak to them about it yet, but we would like to talk to them about the cost involved in creating a few templates, rather than an entire Pattern Book, that might be used in the Downtown as guidance for the Heritage Preservation Review Board."

Chairman Sivertsen commented that the Commission had discussed, at length, the Heritage Preservation Review Board and Architectural Review Board buy in and endorsement. He stated that there were some smooth mechanisms for either of the Boards, where they could include that in the motion to “highly recommend, request or suggest” that happen.

Ms. Gilleran responded, “If the Planning Commission wishes, they can add to the motion that they request that the staff return to the Heritage Preservation Review Board again, although they have seen it in the past, and explain to them, potentially, the type of zoning and Site Plan process that we’ll be looking at in the future; what their role would be and to obtain from them their impression of that process and whether or not they’re agreeable to it.”

#### **CITIZENS’ COMMENTS:**

Richard Downer of 840 Elden Street stated, “Mr. Chairman and members of the Commission, I realize that I’m not going to be here after the first of July, as far as any official capacity, but I grew up in the Downtown and have been around for every one we’ve done, from the Central Herndon Commission, I was on that Commission. You all have seen the various attempts we’ve made to develop a plan and this isn’t going to finish up; I can’t imagine that we’ll finish up by the 30<sup>th</sup> of June. Lisa has thrown out this idea for a whole new concept, so to speak, where you don’t do rezonings with a form-based zoning code. We don’t have that now, and that’s going to be a new idea if that’s the way to move forward. She did put a caveat on it, that we won’t have the public improvements, so that’s going to be an issue if we go that route. One thing that’s been talked about and very much misunderstood, is tax increment financing; and to put the Downtown into a TIF (tax increment financing) from the very beginning, so as the values increase, that money is dedicated to the public improvements that will be needed, so that is a thought to keep in there if that’s the route we’re going to go. One of the things... I’ve tried to sit back and look at what’s happened all of these years in the Downtown, and why we haven’t been able to pull off...the major things we’ve done. The Town’s made a great investment in the Downtown and you all have been a part of that, but the Herndon-Monroe situation with Metro, is a good example of the difference between the two different concepts. In the Herndon-Monroe situation, you’ve got developed properties, but you’ve got sophisticated commercial property owners, who are looking for ways to maximize their investment. In the Downtown, as in most Downtowns, we’ve got small, individual property owners, some of which, as we all know, have gotten inflated ideas of what their properties are worth. They see 2.5 FAR and they think it will be right on top of their land, so that’s the challenge. To come up with something that is predictable for the risk takers...and I think that’s where we have faltered for a number of years. The hotel is the best example of having a standard adopted in August, and then someone takes the risk to move forward with it, and have their knees cut out from under them...the ultimate modification made. I commend you all and the developers and staff for what has happened so far, and I’ll get to say my two cents in more detail on that when this comes to Council, if I’m still here. From what I can see, there’s not that much difference between A and B; I mean there are some parts that are exactly the same. Areas C and D are the same on each one. I don’t know if I would say...let’s put it this way...it’s got very wonderful ideas for the use of Pines Shopping Center, I don’t think any one of us would be upset if either one of those ideas came forward. I don’t know if A is better than B...we should all live so long, but you never know. How do we create the incentive for someone to take the risk. I know the young man with StreetSense had some very good comments when we chatted informally about what we could realistically expect to happen there. We can draw all of the pictures, but what can we realistically expect to happen, because you’ve got an income producing piece of property, so that’s where some of the similarities with the Metro site fall. These folks have to see a reason to tear down a building that’s got leases on it; have that down time and build something bigger and better. Specifically, one of my concerns has been...for a long time, I have championed, and I don’t own any land other than the townhouse that we have on Herndon Station Square. My son owns 718 Pine Street, but in some of the original plans, we showed circles where there should be public parking. The one area that is still left out of that is Area K, which is basically Pine Street, Station Street and Monroe Street area, which does not appear to show any public parking. I’ve always thought there was an opportunity

there, to combine all of those parking lots (the conglomeration of gravel, etc.) and still have some street front on there, and that's going to have to be crafted very well, so people don't lose the parking they are already entitled to. I've always thought that if you did a two level parking garage, there would be one coming off of Station Street and one coming off of Monroe Street, with access to the parking lots that are already there, then everyone kind of throws their parking in. In both plans, it kind of leaves those areas out, and one of my concerns is that there is such a distance between the major parking structures shown on the plan. It is a good, viable area. It's historic, but you also have some wonderful restaurants in there that need that parking. They have to have it somewhere. It's interesting on Plan A, that the Arts Center is where we had it years and years ago. I do realize that when you start building over top of an existing parking lot that it comes up a higher price. That creates some parking issues, where as Plan B its right adjacent to the major structure that's shown on the parcel right beside it. One would use the space over the parking lot and the other would free up the other land as part of the development process and we don't have that much of it. Either one of the plans would be fine, I just think there is little more of a challenge to the other plan. Plan B, I think the parking lot would have potential to have something above it, whether it be additional office space for the Town, but I still think we had some good thinking when we put the Arts Center over top of it the last time. One thing I haven't seen, I may have missed it, but it's senior housing. I can speak to that right now, because Linda and I looked long and hard for some type of one-level living, without having a big yard, and without having to renovate an older home to acquire that in Town. It's just not there. The condos, to my knowledge, the largest condo you can buy in Herndon is about 1,000 square feet. There are no 1,500 or 2,000 square foot units, where seniors could afford to live at that level in the Town. I think that should be in the mix somewhere or encouraged through some type of incentives, for either Plan A or Plan B. My last thing has nothing to do with the Master Plan, well it does in a way, I invite you all to the Herndon Chamber of Commerce breakfast this Thursday morning at ArtSpace. The staff is going to make a presentation and the candidates for the upcoming election will be there, and also a number of members of Council will be there. Of course, the Herndon Chamber of Commerce is part of the Dulles Regional Chamber of Commerce. It is \$5 for breakfast and everybody is welcome. We hope to generate more interest in what will be discussed and moved forward. I hope you can make it. Somehow, we have to make it attractive enough for developers or for a developer to take the chance on the Downtown. We know what the magic formula isn't, because we haven't been able to pull it off. We don't know what the magic formula is. I think if we can put a plan into place, and do what Arlington County did with their Metro area, put in place what the community wants to see...and then you stick with it. When somebody comes in with what you want, you don't run them up the flagpole five times and say, well, we thought six stories was o.k., but now we think four is better. We just can't do that anymore, I don't think. I think it's been one of the problems that we've had...some cases, and I think this goes back to Town Councils, and I'm not saying any one Town Council...but we tend to want to get our fingers into stuff instead of giving a good vision with good solid details in it, and that looks like what we're about to do. We all know that until the economy improves, there's not going to be a whole lot of movement in a lot of areas. One last story...Don Owens and I went down to a Main Street meeting in Orange, Virginia, and Dana was there, too. A doctor who was retired and living in Lynchburg got up and spoke - He had formed a development company and wanted to develop in their Downtown. They went to the Lynchburg City Planning Department and said, we'd like to take on a project and told them what they would like to take on. Then...things...started...going...very...slowly. What happened, he said, was that the Planner turned around, went and got a plan from 2003, and now this was in 2008. The Downtown Plan that the community had done and told the doctor, "Here's what we would like to see, which one of these projects would you like to take on. The doctor came back and said they would like to take on "this one" if the City will build part of the river walk. As far as I know, they are forging ahead with it. That plan had been there, and I'm assuming that they didn't say, "Oh, after we've thought about it maybe it ought to be this way." Sooner or late we will see it...or our children or grandchildren will see it. We can't be in the midst of this enormous economic engine that we're in without eventually filling in with something and I know it will be something that we'll all be proud of."

Chairman Sivertsen commented, “Many, many years ago, the Board of Zoning Appeals approved a two-story parking garage behind Doug’s church building. I don’t know if it’s still active or not.”

Mr. Downer responded, “Carrollton, Georgia is where Linda’s family is from down there, but they built an arts center about one block off the Downtown, with a piece of land that was given to them. They did a 25,000 square foot arts center. It’s really an arts oriented community center, because they have all kinds of meetings there. They needed a parking garage in the typical southern downtown where two main streets cross. That arts center drove the need for a parking garage and they have done a beautiful parking garage there. They tied the parking garage into the second and third levels of the buildings on the adjacent properties, so they immediately became ADA compliant (at least entrance wise). I’ve often thought that area back there...let’s face it, at least some of those buildings could take another story. I think at one time they even looked at adding another story. If you did a two-level garage in there and tied some of the second stories into it in an innovative way that is the type of thing that would involve multiple property owners to throw their hats in.”

Gary Miller, representing Fortnightly Square, stated, “I don’t really have a talk prepared, I just wanted to show my support for this effort. I’d like to recognize the diligence that the Council [Commission] has shown in trying to put together a comprehensive and forward looking plan for urban development in Herndon. I guess, I just wanted to give a general impression of where I see things going and what I would like to see at this point. As a new resident, I came here and bought a house last summer, and one thing that drew me to Herndon was the value of the dollar, as well as the sense of community was very attractive. I also like the walkability of the community, and that’s one thing I’m pleased to see emphasized in this plan. As someone who, believes in both reducing commutes as being beneficial to all, but also the sense of community from shortening commutes, I think is very important for the common welfare. To that end, I guess, the differences in the options didn’t seem terribly significant, which I think speaks well for the amount of thought and planning that’s gone into it. We don’t have anything so radical that anyone would throw it out right away. I do hope, though, that when considering options like putting in a hotel, that there was some kind of study that went into its viability. I’m not sure what the demand would be for something like that...I’m completely ignorant of that so, so I can’t speak on it either way. I can see where housing would be something that would be valuable. That would be one group of people that would endorse a walkable community and I do hope that their voice has been heard in this ongoing process. The plan with the single-family homes where they were also looking at townhouses and the senior living, I think the single-family homes are probably the least appropriate use of that particular land. I’m sorry I don’t know which option that was. I look forward to what the Council comes up with from this point forward.”

Chairman Sivertsen thanked the citizens who came to speak and closed the public hearing.

#### **COMMENTS FROM THE COMMISSION:**

Commissioner East asked for clarification of the plan that recommends age restricted housing, and he meant restricted to elderly housing.

Mr. Heiberg responded that he was correct and stated that the Town did consider those needs, in particular in Option A, which offered an “active over 55 retirement community” multi-family use.

Commissioner East commented that the term is sometimes coined as “active adult community.”

Mr. Heiberg explained that during the planning process, the Town performed a market analysis, which revealed that this was an area that was targeted to meet the demand. He stated that Option A showed “active senior living.”

Commissioner East asked if adoption of either plan would preclude or prevent a conglomeration of parking in the center of the area bounded by Station Street, Lynn Street, Pine Street and Monroe Street, that Councilman Downer had spoken about. He added, “It’s not on the plan, but is there anything that would prevent the landowners from gathering together and putting together the parking?”

Mr. Heiberg responded, “No, and I think that’s kind of a critical element in those types of arrangements. I know they have been looked at in the past, and it is always a challenge, even with two or three or four property owners. It requires them to come to an agreement about some shared arrangement. I don’t think there’s anything in the plan that would preclude that from happening. We should show a couple of options. The site known as the Diamond Hotel site at Elden Street and Monroe Street, we have more or less approved the rezoning with Option A, then Option B we developed an alternate concept with an office/retail, smaller scale, mixed-use project on that site, if that rezoning were ever to go away or become invalidated.”

Chairman Sivertsen commented, “The area behind Nachman’s, many years ago that was hoped for, planned for, suggested for a structured parking to serve the Diamond Hotel. A lot of things have changed, but some of those ideas are still valid.”

Commissioner East agreed and stated, “Since the Councilman brought it up, I wanted to be sensitive to the fact that if someone wanted to go ahead and promote something like that, the adoption of this plan wouldn’t be an impediment to that.”

**MOTION:** Commissioner East moved to recommend approval of Comprehensive Plan Amendment #10-01, The Downtown Master Plan, with specific Planning Commission recommendations to the Town Council as follows:

1. Recommend “Illustrative Plan: Option A” as created by Urban Design Associates, dated December 10, 2009; and as recommended by the Downtown Master Plan Steering Committee and the staff; and
2. Recommend the following changes to the Option A plan/map affecting certain small geographic areas (blocks):

Substitute small lot single-family detached homes for the townhomes depicted along the south side of Jefferson Street as part of the total block redevelopment for the Pines Center. These single-family detached homes are depicted on the “Illustrative Plan Option” sheet dated January 22, 2010, by Urban Design Associates and the rest of the mixed-use redevelopment scheme for the Pines is recommended as drafted, except that the Commission recognizes that the single-family home lot dimensions will be somewhat deeper than the original townhouse lots, thus slightly reducing the size of the parking structures, townhomes and multifamily buildings as depicted on the original Option A; and

3. Recommend comprehensive plan text changes cited on pages 3 through 5 of the staff report dated February 22, 2010; and
4. Recommend that the Town Council direct staff with consultant assistance to take concrete steps to proactively implement the master plan to include the development of marketing tools such as a color booklet that will inform and illustrate the town’s vision and inform developers of the town’s community-driven master plan process while providing critical information such as the key results of the market study, the heritage resources study, the development analysis spreadsheet (development and parking quantities by block) and the perspective illustrations and section views of future development; and
5. Recommend the development of a Zoning Ordinance Text Amendment altering the PD-D zoning district to align more closely with the form, height and density of the Downtown Master Plan (Illustrative Plan: Option A); and

6. Recommend that the Town Council direct staff to study and develop proposals related to a comprehensive rezoning, specifically a Zoning Map Amendment that would rezone existing Central Commercial (CC) and Commercial Services (CS) property located within the block areas of the Downtown Master Plan to Planned Development-Downtown (PD-D), thereby facilitating the implementation of the plan, *while also creating an option for exemplary development proposals to seek a density bonus through the normal rezoning process with a proffered Generalized Development Plan. This bonus would likely create a second PD-D zoning district, such as PD-D2 or PD-D Bonus.* This recommendation relieves the development community of the constraint whereby major downtown development proposals have been withdrawn after considerable time and expense on the part of viable development firms. This comprehensive rezoning would allow development proposals that closely follow the Downtown Master Plan in form and development quantity and quality to proceed directly to the by-right Site Plan process, as recommended by the consultants, but provided that necessary provisions can be drafted to ensure the desired quality and necessary public improvements to support future development. The provision of certain public improvements to insure optimal and coherent function and appearance along multiple properties and to fulfill projects identified in the current Town of Herndon Capital Improvement Program would be an additional requirement of properties over and above the standard facilities required by the Town of Herndon Public Facilities Manual; and
  
7. *Request the Town staff present the recommended Downtown Comprehensive Plan and zoning changes recommended by the Planning Commission this evening to the Heritage Preservation Review Board and to the Architectural Review Board for their consideration and incorporation into the Town's historic heritage and building design.*
  
8. Recommend an additional comprehensive plan text change to add a statement to the vision for the Herndon Downtown on page III-15 to articulate that the Downtown Master Plan exemplifies the approach that supports excellent pedestrian and bicycle facilities in accord with the principles of "Complete Streets" and in general accord with the Virginia Department of Transportation adopted Policy for Integrating Bicycle and Pedestrian Accommodations (dated March 18, 2004). This policy establishes bicycling and walking in Virginia as "fundamental travel modes and integral components of an efficient transportation network."

***[Town of Herndon 2030 Comprehensive Plan, Adopted August 12, 2008; Planning Commission recommended text changes for the third chapter shown in underline:***

\* \* \*

*[Land Use Plan, page III-15:]*

**The Herndon Downtown – Vision and Specific Land Use Policies**

The Herndon Downtown is designated and further divided into six sectors as shown on Map C. The geographic area identified as the Herndon Downtown is the traditional core commercial area of the town which is an Adaptive Area. Public, commercial and residential uses are supported in the downtown. Land use policies in the downtown are guided by both the underlying land use designation (Community Facilities, ~~or Adaptive Area~~, or Adaptive Area – Residential) and the vision, goals, objectives and policies set forth below. In addition, the Downtown Master Plan (adopted [date of Town Council adoption] provides a specific land use plan for Sectors 1, 2 and 3. This Downtown Master Plan is incorporated into the 2030 Comprehensive Plan by this reference. The intent of the Herndon Downtown policy is to ensure the integration of redevelopment with the unique heritage assets of Herndon's traditional commercial center and surrounding



residential areas. The downtown master planning process of 2008-2010 is documented and reports on the Market Analysis, Heritage Resources Analysis and other materials including a spreadsheet of development quantities for each block (“Herndon Downtown Development Analysis”) are available from the Department of Community Development.

\* \* \*

*[Land Use Plan, page III-19:]*

### **Land Use Policies By Sector**

Certain policies and planning approaches apply to specific Downtown Sectors as shown on Map C. With regard to Sectors 1, 2 and 3, the Downtown Master Plan adopted [insert Town Council adoption date] shall govern with regard to specific density and other features; the density and features described below for Sectors 1, 2 and 3 are to be viewed only as a very general guide. The general approach that is appropriate for this area is traditional town planning or new urbanism. This concept embraces the traditional street grid without setbacks other than enhanced streetscapes...

\* \* \*

*[Land Use Plan, page III-20:]*

### **Sector 2**

This core area of the downtown is appropriate for redevelopment in accord with the character, density and generalized building locations specified in the Downtown Master Plan adopted [date of adoption] relatively dense redevelopment. Consolidation of parcels is supported and this would include vacation of relatively small portions of public right-of-way to support coherent development. ~~The appropriate density may range up to a floor area ratio of 2.5 with a height limit of fifty feet, as allowed by the current PD-D zoning district when special criteria are met. However, r~~Reduced height and building mass and enhanced buffering are appropriate in areas where Sector 2 borders properties with single-family detached zoning. The former Dominion Virginia Power parcels and the Town land bounded by Vine Street, Center Street and the W&OD Trail right of way are appropriate for residential use only. These parcel areas are designated Adaptive Area – Residential.

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*[Land Use Plan, page III-20:]*

### **Sector 3**

~~...This area is appropriate for PD-D rezoning, although the maximum floor area ratio should be less dense than the Sector 2 core, with a total floor area ratio of 2.0 or less. This area should be redeveloped in accord with the character, density and generalized building locations specified in the Downtown Master Plan adopted [date of adoption].~~ This area is appropriate for redevelopment with buildings forming a wall along the street and parking placed out of sight from the street, generally in a parking structure. This area is appropriate for PD-D rezoning, although the maximum floor area ratio should be less dense than the Sector 2 core, with a total floor area ratio of 2.0 or less approximately 1.0 or less.

***End of text changes for the Land Use Plan, Chapter III, Town of Herndon 2030 Comprehensive Plan adopted August 12, 2008]***

Commissioner East added that the plan would most likely include the installation of a tire pumping station for bicycles adjacent to or in close proximity to the Herndon Depot in the Downtown.

Commissioner Bettard seconded the motion.

Commissioner East commented, “I’m making this motion for a number of reasons and, like so many of you, and I think, in the spirit with which Councilman Downer made his remarks this evening, we’ve all been here a long time and have been listening to plans for the Downtown for a long time, for ourselves, some 27 years. Mr. Miller, some of us have been here for a long time. Mr. Miller, welcome to Herndon, long may you stay, please. I think we need this plan. I think, in order for Herndon to capitalize on what will become the next opportunity for development in Northern Virginia, which is the bringing of the Silver Line, not only to Herndon, but to Dulles Airport and beyond, it will bring with it an economic opportunity that we can either sit by and watch it pass us by or we can grab a hold of and use it for the betterment of the community. To have a Downtown Master Plan that capitalizes on that economic engine, is something that is timely, something that is necessary and something that I think that we desperately need. Secondly, I want to emphasize point four of the Motion; that we need to enable the plan. We have had so many downtown plans. We’ve had so many Charrettes over the years, and to my knowledge, most of them are gathering dust on a shelf somewhere in this building or the one next door. We have the opportunity; we have the means and the opportunity, and this is our chance to really capitalize on that. We need strong direction for the Town staff and encouragement, not only to the development community, which we talked about tonight, but also for the existing business community in the Downtown. Long has it persevered despite, what I would consider “development lip service.” I think we need to market the Downtown. I think if we adopt the approach that we’ve talked about tonight, which is putting a template on the Downtown and enabling that template, not only with marketing but with form-based zoning or hybrid form-based zoning, that doesn’t dictate uses, but recommends them, we will send a strong signal to the development community that “Herndon is open for business again.” Finally, none of this means that this is going to happen overnight. What we need to do is enable it to happen. In this economy, not much is going to happen, but once the economy starts to improve, as it certainly will – it always does, and as the Silver Line progresses towards Herndon and Dulles Airport, the market will certainly respond to the opportunities presented by the Town of Herndon and by the adoption of this plan. Those are the reasons I made the motion this evening, Mr. Chairman, and the reasons that I support it.”

Commissioner Bettard commented, “We’ve labored long on this and we’ve hashed it out. I’m thrilled to be a part of this vote, that I feel is very representative of all of the hard work of the staff, citizens, the Commission, and of course, the consultants. I’m satisfied that it represents the desires and wishes of our community, so I’m wholeheartedly supporting this Motion.”

Commissioner LeReche commented, “I also wanted to express my appreciation and thanks to the staff for their hard work and persistence in keeping this moving forward, and for getting the input from Town’s citizens. I think this plan will offer the Town the predictability for the developers that it seeks.”

Vice Chairman Burk commented, “I think one of the valuable aspects of this plan was the specificity. It bridges that gap of division. The developers come in and if we had little cartoon bubbles over our heads saying what we are thinking; the Town would have one thing and the developer would have something entirely different. We hash it out and sometimes they get their way and sometimes they don’t. We never shared the vision with them. Now, we are giving you a vision and if you want to build something like that, please come. There is also the predictability that a couple of people have mentioned. One thing that developers and bankers don’t like is unpredictability.”

Commissioner Moses commented, “I don’t want...I support this wholeheartedly and all of the efforts that everyone has made. What I’m hoping that doesn’t get lost in the mix is the importance, as everyone says, of sharing this with developers to promote what we’re putting out and what we’re willing to do. I think it’s very important that the

Town make the effort to go out into the community to say, “This is now what we’ve adopted...this is what we’re willing to do...this is how we want to do it” and really promote the idea of what this Town can be and what the opportunities are here to do. I don’t want it lost in the fact that this is, once again, stuck on a shelf, and say O.K., we’ve done our job and hopefully somebody will walk in the door and pick it up and dust it off. I think it’s very important that the Town continue to promote all the efforts that this Town has put forth on this project.”

Commissioner Burke commented, “If I may briefly speak as someone who likely would not have supported Option A, two to three years ago. I’m new on the Commission, but I have 20 years experience in the Town. I think, the knee jerk reaction of someone looking at the two options, is that somehow B is less aggressive, perhaps more benign in some ways and is even less likely to change, the famous phrase “the character of the Downtown” that I’ve heard so many times before. Before the real estate market crashed, I probably would have seen it that way. It was before the tax base in the Town was seriously eroded. It was before we knew a lot about the Metro stop. I’m very enthusiastic in supporting Option A and what reservations I have, are that perhaps, it is not even aggressive enough, if that’s the correct word. I think I’d like to issue a challenge to the residents of the Town, whoever is out there, the Council and the staff, to remember that “the train may not come by this way again and if it doesn’t, this is one of the last bites at the apple.” Let’s make it happen!”

Chairman Sivertsen commented, “My only comment is to send appreciation to everybody who participated, especially Commissioners LeReche who chaired the Steering Committee and Commissioner East who also served on the Committee, for bringing people together. We had a meeting at the ArtsCenter, and I went in there one night and it was great to see a lot of new faces participating and as a result of all of that participation, Plans A & B were developed. I think what we had up on the board reflects what the community is looking for. I’m excited about the opportunity to see someone come in to get a Permit to build something and get it done. We’ve looked at a lot of vacant lots for a long time, and had a lot of wishes and dreams. We have sidewalks and streetlights that take you Downtown...let’s make the Downtown a place that you want to go to because there is something there. Mr. Miller, thank you for coming out tonight. Councilman Downer, and the three or four other people who came out to participate, I wish more people did because after we pass this on to the Council and the Council takes action, I’m sure there will those who would say that we could’ve done a better job. I think we’ve done an outstanding job. We also kept in the opportunity for that “deluxe” development that could be what the existing Comprehensive Plan shows, or we have Level A, so we have room for an A+ type development, if that should come along. The reason why we put that in was so we won’t have to do this again right away. The existing Master Plan is about 18 months old, and we’re changing it. We need to make sure we have one that’s going to be long standing, because people need that security. I’m excited that we’re passing this one forward and hopefully, it will move quickly through the Town Council because there is a lot of work yet to be done. We’ve done the easy part; now the hard work is ahead of us.”

Chairman Sivertsen called for a vote on the motion. The motion carried unanimously, 7-0.

**2. ZONING ORDINANCE TEXT AMENDMENT, ZOTA #09-11. Summary of Proposed Action:** Consideration of an amendment to the Town of Herndon Zoning Ordinance (2007) to amend § 78-402.7(1), Keeping of Livestock, and § 78-701, Definitions, to permit the keeping of a domesticated goat within the Town as a pet on lots improved with a single-family detached dwelling under certain conditions.

**STAFF COMMENTS:**

Mark R. Holland, Planner I, presented the staff report dated March 22, 2010, which is on file in the Department of Community Development.

Staff recommended denial of ZOTA #09-11.

**QUESTIONS FOR STAFF:**

There were no questions for staff.

**CITIZENS' COMMENTS:**

There were no citizens' comments.

Chairman Sivertsen closed the public hearing.

**COMMENTS FROM THE COMMISSION:**

**MOTION:** Vice Chairman Burk moved to recommend denial of ZOTA #09-11 as presented.

Commissioner LeReche seconded the motion.

Vice Chairman Burk commented, "I think the staff researched this and the comments appropriately characterized this proposal."

Chairman Sivertsen commented, "I just can't see any reason for us to allow goats and other farm animals back in Town as we try to be the internet capital of America. Moving forward, rural America can have the goats. In my life in public health, I've been in homes with a wide variety of animals, and we don't need to include goats in that mix in people's homes. I fully support the recommendation to deny this Amendment."

Chairman Sivertsen called for a vote on the motion. The motion carried unanimously, 7-0.


**COMMENTS FROM THE COMMISSION:**

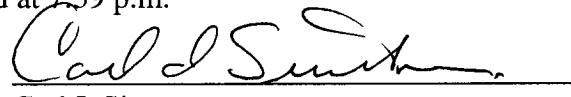
Commissioner East moved to adjourn.

Commissioner Moses seconded the motion.

Chairman Sivertsen called for a vote on the motion. The motion carried unanimously, 7-0.

The Planning Commission adjourned at 7:59 p.m.

  
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Patsy Tappan, Recording Secretary

  
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Carl I. Sivertsen  
Chairman, Planning Commission

Minutes Approved: 05/03/2010