

**TOWN OF HERNDON, VIRGINIA
PUBLIC HEARING AGENDA
HERNDON COUNCIL CHAMBERS BUILDING
765 LYNN STREET
FEBRUARY 26, 2019
7:00 P.M.**

1. Call to Order
2. Pledge of Allegiance to the Flag of the United States of America

APPROVAL OF MINUTES

February 12, 2019	Town Council Public Hearing Draft Minutes
February 19, 2019	Town Council Work Session Draft Minutes

PRESENTATIONS

3. Proclamation, to recognize “Women’s History Month,” March 2019

COMMENTS

4. Comments from the Town Manager
5. Comments from the Town Council
6. Comments from the Audience

PUBLIC HEARINGS

7. Resolution 19-G-25, to consider Special Exception SE #19-01, 767 Monroe Street, to increase the number of nonresident persons permitted at a home-based business from a maximum of four in a 24-hour period to seven in a 24-hour period in an existing single-family residence; Applicant: Heather Kepshire
8. Ordinance 19-O-03, to consider Zoning Ordinance Text Amendment ZOTA #18-06, to amend Chapter 78 (Zoning), Article V (Planned Development Districts), Section 78-50.7 (Planned Development-Traditional Downtown District), Article VII (Use Regulations), Section 78-71.6 (Eating Establishments Use Category), Article XI (Development Standards), and Section 78-110.2 (Planting Standards for Landscaping), to make housekeeping changes for internal consistency
9. Ordinance 19-O-04, to consider granting a third franchise amendment to Program Executive Office Enterprise Information Systems Project Manager Defense Communications and Army Transmission Systems Technology Applications Office, formerly the United States Army Corps of Engineers, for the abandonment of existing routes resulting in town ownership and control of this conduit, the addition of a new route, and the adjustment of franchise fees

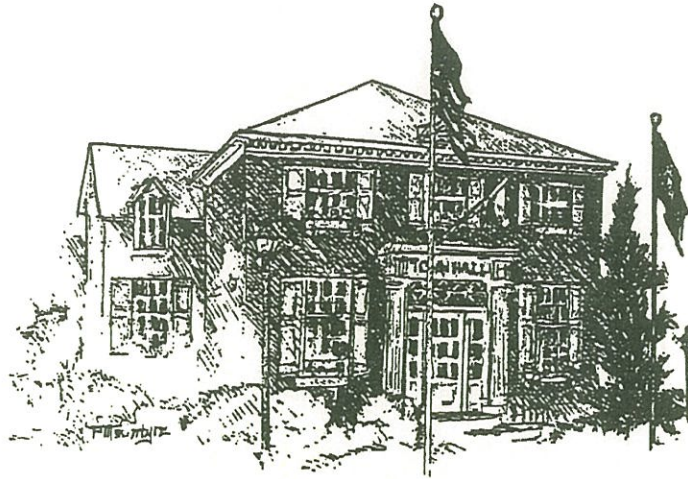
10. Resolution 19-G-26, to consider Comprehensive Plan Amendment CPA #18-02, to amend the Town of Herndon 2030 Comprehensive Plan, adopted August 12, 2008, as amended, to establish a design concept for street improvements on South Elden Street, between Sterling Road and Herndon Parkway, and incorporate by reference the Design Concept by AECOM consultants (dated November 30, 2017, revised June 15, 2018)

CONSENT AGENDA

11. Resolution 19-G-27, to reappoint members to the Town Council's Pedestrian and Bicycle Advisory Committee.

Future Town Council Meetings

March 5, 2019	Town Council Work Session	7:00 p.m.
March 12, 2019	Town Council Public Hearing	7:00 p.m.
March 19, 2019	Town Council Work Session	7:00 p.m.
March 26, 2019	Town Council Public Hearing	7:00 p.m.



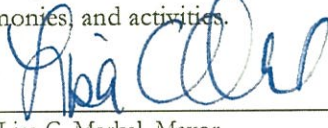
TOWN OF HERNDON, VIRGINIA PROCLAMATION WOMEN'S HISTORY MONTH MARCH 2019

In 1981, the National Women's History Project (NWHF) ~ an educational, nonprofit organization that recognizes and celebrates the accomplishments of women ~ petitioned the United States Congress to declare "National Women's History Week," which was celebrated for the next several years. Six years later, the NWHF successfully petitioned the Congress to expand the celebration of women's history to the month of March. From that point forward, March has been designated as **Women's History Month** across the country, to recognize the countless recorded and unrecorded contributions that women from every race and ethnic background have made to grow and strengthen our nation.

As the Town of Herndon celebrates **Women's History Month**, we remember that throughout history, women have demonstrated outstanding leadership in the areas of business, government, law, science, medicine, the arts, education and many other fields, and have comprised a significant portion of the labor force, working both inside and outside of the home. Women have been instrumental during times of war, serving in our nation's armed forces to defend the United States, and have taken an important role in serving our communities, particularly through volunteerism and in the establishment of charitable, philanthropic, and cultural institutions.

Therefore, the Mayor and Town Council of the Town of Herndon, Virginia, proclaim the month of March 2019 as **Women's History Month** in the Town of Herndon, together with this year's theme, "Visionary Women: Champions of Peace and Nonviolence," to honor women who have led efforts to end war, violence, and injustice, and pioneered the use of nonviolence to change society.

Further, the Mayor and Town Council of the Town of Herndon, Virginia, call on citizens of the town to observe March as **Women's History Month** with appropriate programs, ceremonies, and activities.



Lisa C. Merkel, Mayor
February 26, 2019



TOWN OF HERNDON, VIRGINIA

DRAFT RESOLUTION

FEBRUARY 26, 2019

Resolution- to consider Special Exception SE #19-01, to increase the number of nonresident persons permitted at a home-based business from a maximum of four in a 24-hour period to seven in a 24-hour period in an existing single-family residence in a R-10, Residential Single-Family, zoning district.

WHEREAS, the applicant, Heather Kepshire, has submitted a request for a special exception to permit a maximum of seven nonresident visitors in a 24-hour period at a home-based business located in a single-family residence at 767 Monroe Street and identified as Fairfax County Tax Map # 0162 02 0265A; and

WHEREAS, the Planning Commission has reviewed this application and has held a public hearing in accordance with the provisions of §15.2-2204 of the State Code; and

WHEREAS, following the public hearing, the Planning Commission recommended that the application be approved with conditions based upon the finding that the proposed use meets the purpose and intent of the Zoning Ordinance, in particular Section 78-155.3; and

WHEREAS, the Town Council has conducted a public hearing and has reviewed the Planning Commission recommendations.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby:

Approves Special Exception Application SE #19-01, in accordance with the conditions set forth below to achieve compliance with the standards found in Section 78-155.3;

a. **Substantial conformity.** The site shall be operated in substantial conformance with the special exception application submitted November 27, 2018, except where modified by these conditions.

b. **Permitted use.** The use shall be limited to an accessory home-based hair salon.

c. **Hours of operation.** The hours of operation for the use shall not extend beyond 8:00 AM – 6:00 PM on weekdays and shall not occur on weekends.

d. **Employee/client parking.** Any employee or client arriving by automobile shall park in the driveway located at 767 Monroe Street. No more than two nonresident vehicles shall be parked in the driveway during operational hours.

e. **Number of permitted nonresidents.** The number of nonresidents permitted shall not exceed seven within any 24-hour period. Children aged 12 and under that accompany a client shall not count towards the maximum number of nonresidents.

f. **Signs.** Signage related to the business shall not be permitted.

g. **Inspection.** The property owner shall, during hours of operation, make provisions to allow town officials to inspect the property upon reasonable notice by the town.

h. **Expiration.** This Special Exception shall not run with the land and shall expire under the following condition(s):

- i. A discontinuation of the use for which the special exception was granted for a continuous twelve-month period;
- ii. Failure to commence operation of the use within twelve months of approval of the special exception;
- iii. A change in substantial ownership of possession of the subject land.

i. **Revocation.** Any violation of the aforementioned conditions or other sections of the Herndon Town Code shall be grounds for revoking the special exception pursuant to the manner described in Section 78-155.3(h) of the zoning ordinance.

This resolution by its terms shall be effective on and after the date of its adoption.



SITE LOCATION - AERIAL PHOTO

Case: SE #19-01 - 767 Monroe Street

TOWN OF
Herndon

Photo prepared by Town of Herndon
Department of Community Development
Image source: Fairfax County GIS

1 TOWN OF HERNDON, VIRGINIA

2
3 ORDINANCE

4
5 FEBRUARY 26, 2019

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7 **Ordinance-** to amend and reenact Chapter 78 (ZONING), Article V (Planned
8 Development Districts), Section 78-50.7 (Planned Development
9 Traditional Downtown District), Article VII (Use Regulations),
10 Section 78-71.6 (Eating Establishments Use Category), Article XI
11 (Development Standards), Section 78-110.2 (Planting Standards
12 for Landscaping), to make housekeeping changes for internal
13 consistency.
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16 **BE IT ORDAINED** by the Council for the Town of Herndon that:

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18 1. Chapter 78 (ZONING) of the Herndon Town Code is amended and reenacted as
19 follows.
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21 **Sec. 78-50.7 – PD-TD – Planned Development Traditional Downtown**
22 **District.**

23 ***

- 24 (h) *Site planning and building design in PD-TD.* Sites and buildings within the PD-
25 TD district shall meet the following standards:

26 ***

- 27 (5) *HPRB review required for increased FAR.* Site and building design shall
28 comply with guidelines in the Herndon Heritage Preservation Handbook as
29 determined by the HPRB prior to the planning commission public hearing *in*
30 *accordance with Section 78-155.1(h)(2)* when the increased floor area ratio
31 is considered.
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33 ***

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35 **Sec. 78-71.6 – Eating Establishments Use Category.**

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37 (a) *Characteristics* . The eating establishments use category is characterized by
38 establishments that sell prepared food for on- or off-premises consumption.
39 Outdoor eating areas are permitted in accordance with section 78-80.4(n);
40 outdoor seating area of 25 seats or fewer, accessory to an enclosed restaurant
41 with indoor seating. Drive through lanes associated with the eating

establishment are permitted in accordance with section 78-80.4(j), drive-through service accessory to a retail pharmacy, financial institution, laundry, eating establishment or other principal commercial use. See also Article XVIII, Definitions. Drive-in (not drive-through) window service is a term used to describe an establishment designed or operated to serve a patron while seated in an automobile parked in an off-street parking space. Drive-in window service is permitted with a special exception in this use category.

- (d) *Eating establishments use category specific standards.* All uses shall comply with all applicable standards in this chapter. In addition, the following specific use standards shall apply:

- (3) *Outdoor eating areas and drive-throughs.* Outdoor eating areas are permitted as an accessory to an eating establishment in accordance with section 78-80.4(n), ~~outdoor seating area of 25 seats or fewer, accessory to an enclosed restaurant with indoor seating.~~ Drive through lanes associated with the eating establishment are permitted as an accessory use in accordance with section 78-80.4(j).

Sec. 78-110.2 – Planting Standards for Landscaping.

- (a) *Planting standards.* Plantings required by this section shall comply with the following standards, unless otherwise specified herein.

- (2) *Existing vegetation.* Existing vegetation shall be subject to the following standards:

a. Existing healthy, well-formed canopy and under story trees, as well as healthy shrubs, shall be credited toward the requirements of this section, provided the vegetation is protected before and during development of the site and maintained thereafter in a healthy growing condition *in accordance with* (see s Section 78-111.4, tree preservation credit.) *All alien or invasive species, as determined by the community forester, shall be removed by the applicant.*

b.— ~~Prior to issuance of a zoning inspection permit, the applicant shall remove all alien, invasive plants from the property.~~

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

TOWN OF HERNDON, VIRGINIA

ORDINANCE

FEBRUARY 26, 2019

Ordinance- to grant a third franchise amendment to Program Executive Office Enterprise Information Systems Project Manager Defense Communications and Army Transmission Systems Technology Applications Office, formerly the United States Army Corps of Engineers, for the abandonment of existing routes resulting in Town ownership and control of this conduit, the addition of a new route, and the adjustment of franchise fees.

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

1. The Town Council approves this Third Amendment to the Franchise Agreement dated February 2, 2004 and amended by Ordinance 12-O-17 and 18-O-09.
2. The Town Council approves the abandonment of 4,510 feet of conduit constituting the existing route that crosses Monroe St. just south of Worldgate Dr. and extends northward on the east side of Monroe St./Van Buren St. before crossing Van Buren St. and extending northward to the Spring St. intersection under Franchise Agreement dated February 2, 2004. (As reflected on Exhibit A)
3. The Town Council approves the new route consisting of 4, 262 feet of conduit starting at the Town boundary on the west side of Monroe St. and continuing north on Monroe St./Van Buren St. to the Spring St. intersection. (As reflected on Exhibit A)
4. The Town Council approves the abandonment of 1,592 feet of conduit constituting the existing route on the north side of Spring St from the eastern Town boundary to the Herndon Parkway and the existing route on the west side of the Herndon Parkway extending from Spring St. to approximately 100 feet south of the W&OD Trail under the Franchise Agreement dated February 2, 2004. (As reflected on Exhibit A)
5. The Town Council approves the new route consisting of 1,482 feet of conduit starting at the eastern Town boundary on the north side of Spring St. where it will turn right onto the northbound outer loop of the Herndon Parkway and crossing the Herndon Parkway meeting up with existing conduit on the west side of the inner loop of the Herndon Parkway, approximately 100 feet south of the W&OD Trail. (As reflected on Exhibit A)

6. Exhibit A dated February 26, 2019 replaces any previous exhibit(s).
7. Conduit to be abandoned per Exhibit A shall be marked in each handhole/manhole by Franchisee.
8. The current franchise fee, effective July 1, 2018, is \$4.56 per linear foot for 14,188 linear feet of facilities (\$64,697.28). This fee continues to escalate annually per the terms of the February 2, 2004 franchise agreement.
9. In all other respects the original franchise remains in effect.
10. The Mayor is authorized to sign and deliver the franchise and any ancillary instruments necessary to effectuate the franchise.
11. This ordinance shall be in effect on and after the date of its adoption.

THIRD FRANCHISE AMENDMENT

THIS THIRD AMENDMENT dated for identification this 26th day of February 2019 is hereby made to the Franchise Agreement dated February 2, 2004 as amended by the First Amendment dated August 14, 2012, as amended by the Second Amendment dated March 27, 2018, by and between Town of Herndon, Virginia (Town) and Program Executive Office Enterprise Information Systems Project Manager Defense Communications and Army Transmission Systems Technology Applications Office (PEO-EIS PM-DCATS TAO) formerly the United States of America, United States Army Corps of Engineers, Baltimore District (USACE)

In consideration of the PEO-EIS PM-DCATS TAO's payment to Town of a per linear foot franchise fee (as this fee may be adjusted), the parties agree that:

1. The existing route that crosses Monroe St. just south of Worldgate Dr. and extends northward on the east side of Monroe St./Van Buren St. before crossing Van Buren St. and extending northward to the Spring St. intersection is hereby abandoned. (As reflected on Exhibit A)
2. The new route will start at the Town boundary on the west side of Monroe St. and continue north on Monroe St./Van Buren St. to the Spring St. intersection. (As reflected on Exhibit A)
3. The existing route on the north side of Spring St from the eastern Town boundary to the Herndon Parkway and the existing route on the west side of the Herndon Parkway extending from Spring St. to approximately 100 feet south of the W&OD Trail is hereby abandoned. (As reflected on Exhibit A)
4. The new route will start at the eastern Town boundary on the north side of Spring St. where it will turn right onto the northbound outer loop of the Herndon Parkway and will then cross the Herndon Parkway to meet up with existing conduit on the west side of the inner loop of the Herndon Parkway, approximately 100 feet south of the W&OD Trail. (As reflected on Exhibit A)
5. Conduit to be abandoned as reflected on Exhibit A, attached hereto, shall be marked in each handhole/manhole by Franchisee.
6. The current franchise fee, effective July 1, 2018, is \$4.56 per linear foot for 14,188 linear feet of facilities (\$64,697.28). The fee continues to escalate annually per the terms of the February 2, 2004 franchise agreement.
7. Exhibit A dated February 26, 2019, attached hereto, replaces any previous exhibit(s).

Signatures on following page

PROGRAM EXECUTIVE OFFICE ENTERPRISE
INFORMATION SYSTEMS PROJECT MANAGER
DEFENSE COMMUNICATIONS AND ARMY
TRANSMISSION SYSTEMS TECHNOLOGY
APPLICATIONS OFFICE

By: John J. Swart
John J. Swart
Director

TOWN OF HERNDON, VIRGINIA

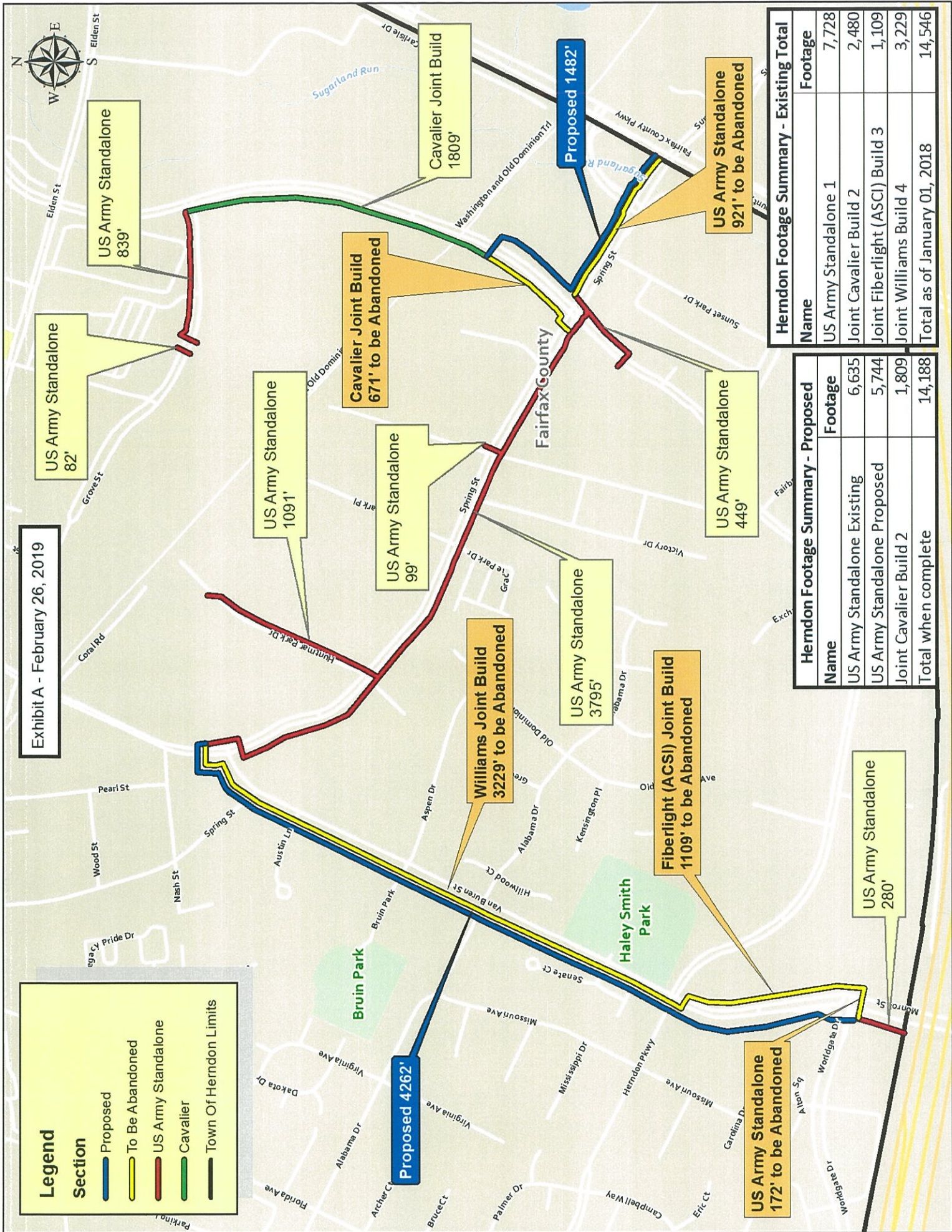
By: _____
Lisa C. Merkel
Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Lesia J. Yeatts
Town Attorney



TOWN OF HERNDON, VIRGINIA

RESOLUTION

FEBRUARY 26, 2019

Resolution- to consider Comprehensive Plan Amendment #18-02, to amend the Town of Herndon 2030 Comprehensive Plan, adopted August 12, 2008, as amended, to establish a design concept for street improvements on South Elden Street, between Sterling Road and Herndon Parkway, and incorporate by reference the Design Concept by AECOM consultants (dated November 30, 2017, revised June 15, 2018).

WHEREAS, On November 13, 2018, the Town Council formally authorized consideration of the plan amendment by Resolution 18-G-63; and

WHEREAS, The Planning Commission held a public hearing on the plan amendment as required under Section 15.2225 of the Code of Virginia, which resulted in approval and certification of a recommending resolution which has been transmitted to the Town Council; and

WHEREAS, The Town Council held a public hearing on the plan amendment on February 26, 2019.

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Herndon, Virginia, that:

1. The Town Council approves Comprehensive Plan Amendment CPA #18-02 for adoption as an amendment to the Town of Herndon 2030 Comprehensive Plan adopted August 12, 2008, as amended.
2. Approves and recommends inserting the following text amendment to the Transportation Chapter, current Page IX-8, as well as supporting documents described below to be incorporated by reference into the comprehensive plan: [text shown on the following page]

6. South Elden Street: (Town Minor Arterial) Herndon Parkway to Sterling Road, improve to divided four lane section. Project study area to encompass Elden Street/Sterling Road and Elden Street/Ferndale Avenue intersections. (CIP) add a shared-use path of eight feet in width & improve the existing 5-lane section to be a 4-lane section with 11 foot wide travel lanes and a raised median and protected turning lanes. To increase visibility and safety to pedestrian crossings, enhanced crosswalks are to be added at the intersections of Elden Street and Alabama Drive, the intersection at Dulles Park Shopping Center, and the intersection of Elden Street at Sterling Road. The eight foot wide shared-use path is to be located on the western side of Elden Street and is to run from Sterling Road to Herndon Parkway.

3. CPA #18-02 amends the Town of Herndon 2030 Comprehensive Plan adopted August 12, 2008, as amended through January 13, 2015 to establish a design concept for street improvements on Elden Street, between Sterling Road and Herndon Parkway, and incorporate by reference:
 - a. The Design Concept by AECOM (dated November 30, 2017, revised June 15, 2018)
 - b. Traffic Operations Technical Memorandum South Elden Street Corridor Plan Existing and No Build Condition, prepared by AECOM and dated December 22, 2017
 - c. 2040 Build Scenario Traffic Operations Addendum South Elden Street Corridor Plan, prepared by AECOM and dated July 9, 2018
 - d. The conceptual access management plan prepared by the Department of Community Development and shown as attachment 8 to the staff report of February 19, 2019
4. Based upon outcomes of the OIPI (Grant Oversight Committee which met in 2018), the town shall pursue two separately funded initiatives related to this project within the study area:
 - a. Signalize the intersection of Elden Street and the Dulles Park Shopping Center.
 - b. Improve the existing sidewalk on the east side of Elden Street, between Herndon Parkway and Sterling Road.
5. This resolution shall be effective on and after its date of adoption.

Location Map



TOWN OF HERNDON, VIRGINIA

RESOLUTION

FEBRUARY 26, 2019

Resolution- to reappoint members to the Town Council's Pedestrian and Bicycle Advisory Committee.

WHEREAS, the Town Council's Pedestrian and Bicycle Advisory Committee was established in October 2008; reinstated in July 2010, July 2012, July 2014, January 29, 2019, with Councilmember Cesar del Aguilar appointed to serve as chair; and

WHEREAS, members serve two-year terms to coincide with election terms.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby reappoints the following individuals to the Town Council's Pedestrian and Bicycle Advisory Committee for a two-year term ending December 31, 2020:

Reappoints:

Martha "Jo" Adams, as a citizen representative;
Sherry Blanton, as a citizen representative;
Matthew Dykstra, as a citizen representative;
Dua'a Elbarasse, as a citizen representative;
Janis Linkov-Johnson, as a citizen representative;
Ian MacDonald, as a citizen representative;
Nancy Myers, as a citizen representative;
Eric Boll, as the HPRB representative; and
Marcia M. Bouchard, as the Planning Commission representative.