

**TOWN OF HERNDON, VIRGINIA
WORK SESSION AGENDA
HERNDON COUNCIL CHAMBERS BUILDING
765 LYNN STREET
APRIL 16, 2019
7:00 P.M.**

PRESENTATIONS

1. Proclamation, to recognize “National Small Business Week,” May 5 – May 11, 2019 and “National Economic Development Week,” May 6 – May 11, 2019

PUBLIC HEARINGS

2. Ordinance 19-O-09, to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2020 budget **(Continued from April 9)**
3. Ordinance 19-O-10, to amend Chapter 30 (FINANCE & TAXATION), Article IX (Meals Tax), Sec. 30-401 (Levy), for a possible increase in the meals tax up to 4.0 percent. (The current rate is 2.5 percent.) **(Continued from April 9)**
4. Ordinance 19-O-11, to amend Chapter 74 (UTILITIES), Article II (Sewers & Sewage Disposal), Division 5 (Sanitary Sewer System Rates & Charges), Section 74-262; and Article III (Water), Division 2 (Service), Section 74-326 (Schedule of Charges), to increase the usage charges for sanitary sewer and water, effective for meter readings taken on or after July 1, 2019 **(Continued from April 9)**
5. Resolution 19-G-31, to adopt a Fiscal Planning Resolution for the Fiscal Year 2020 budget **(Continued from April 9)**
6. Ordinance 19-O-12, to Appropriate Funds to Implement the Fiscal Year 2020 budget, establishing the pay plan, and reserving on-going and capital funding for this fiscal year **(Continued from April 9)**
7. Ordinance, to consider a proffer condition amendment PCA #19-01, 525 Grove Street, Virginia Dominion Energy Substation, to allow the installation of a freestanding telecommunications facility
8. Ordinance, to consider a proffer condition amendment PCA #19-02, 525 Grove Street, Virginia Dominion Energy Substation, to allow the installation of a freestanding telecommunications facility
9. Resolution, to consider a special exception SE #19-02, 525 Grove Street, Virginia Dominion Energy Substation, to allow the installation of a freestanding telecommunications facility

GENERAL

10. Resolution, to initiate a zoning ordinance text amendment ZOTA #19-01, Planned Development – Urban Residential

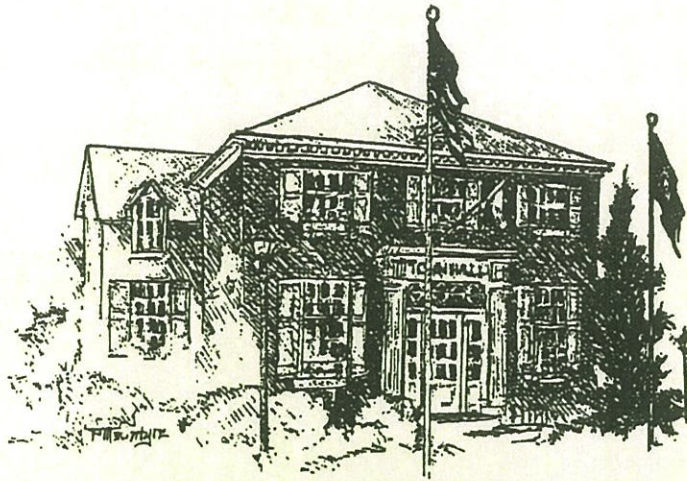
CONSENT AGENDA

11. Proclamation, to recognize “Building Safety Month,” May 2019

ROUNDTABLE

CLOSED MEETING

A closed meeting as provided under Section 2.2-3711(A)(1) of the Code of Virginia for discussion of prospective candidates relative to appointments to boards & commissions.



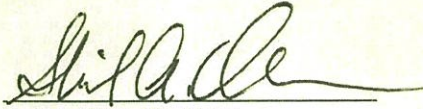
TOWN OF HERNDON, VIRGINIA
PROCLAMATION
NATIONAL SMALL BUSINESS WEEK
MAY 5 – MAY 11, 2019
NATIONAL ECONOMIC DEVELOPMENT WEEK
MAY 6 – MAY 11, 2019

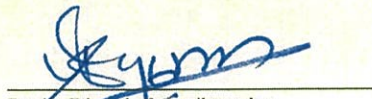
Every year since 1963, the President of the United States has proclaimed **National Small Business Week** to recognize the critical contributions of America's entrepreneurs and small business owners. The Town of Herndon celebrates our small businesses and honors their positive impact on our local economy and the goodwill they foster in our community.

National Economic Development Week was created by the International Economic Development Council (IEDC) ~ the largest professional economic development organization ~ in 2016 to increase awareness of local programs that create jobs, advance career development opportunities, and improve the quality of life in communities everywhere.

Therefore, the Mayor and Town Council of the Town of Herndon, Virginia, hereby proclaim the week of May 5 through May 11, 2019 as **National Small Business Week** in the Town of Herndon, and the week of May 6 through May 11, 2019 as **National Economic Development Week**, to support the town's vibrant small business community and the economic developers who play an essential role in fostering these entrepreneurs.

Further, the Mayor and Town Council of the Town of Herndon, Virginia, hereby recognize the contributions of economic developers and small businesses toward a strong, prosperous economy; and encourage our residents to join communities across the country in supporting small businesses and merchants throughout the year.

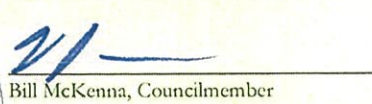

Sheila A. Olem, Vice Mayor


Pradip Dhakal, Councilmember


Jennifer K. Baker, Councilmember


Signe Friedrichs, Councilmember


Cesar del Aguila, Councilmember


Bill McKenna, Councilmember


Lisa C. Merkel, Mayor



TOWN OF HERNDON, VIRGINIA

ORDINANCE

APRIL 23, 2019

Ordinance- to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2020 Budget.

BE IT ORDAINED by the Town Council of the Town of Herndon, Virginia, that the Town Council fixes and orders the tax levies for the fiscal year beginning July 1, 2019 and ending June 30, 2020, as follows:

Real Estate

On each \$100.00 of the valuation of real estate and improvements to the Town.

\$.2650

Personal Property and Merchants' Capital

On each \$100.00 of the valuation of tangible personal property classified by Section 58.1-3503 and 58.1-3510 of the Code of Virginia.

\$.00

Vehicles Used as Manufactured Homes and Offices

On each \$100.00 of the valuation of vehicles without motive power, used or designed to be used as manufactured homes as classified by Section 58.1-3506(A), paragraph 10, of the Code of Virginia.

\$.2650

Farm Machinery, Farm Tools and Farm Livestock

On each \$100.00 of the valuation of farm machinery, farm tools and farm livestock as classified by Section 58.1-3505 of the Code of Virginia.

\$.00

Machinery and Tools

On each \$100.00 of the valuation of machinery and tools classified by Section 58.1-3507 of the Code of Virginia.

\$.00

Other Classifications of Tangible Personal Property

On each \$100.00 of the valuation of tangible personal property as classified by Section 58.1-3506 (except for Section 58.1-3506(A), paragraph 10,) of the Code of Virginia.

\$.00

Miscellaneous Levies

Except as provided above and other ordinances adopted by the Town Council in this budget cycle all other taxes and licenses previously enacted by the town are imposed and levy made to the same extent and at the same rate as during the fiscal year 2018-2019.

TOWN OF HERNDON, VIRGINIA

ORDINANCE

APRIL 23, 2019

Ordinance- to amend Chapter 30 (FINANCE & TAXATION), Article IX (Meals Tax), Sec. 30-401 (Levy), for a possible increase in the meals tax up to 4.0 percent.

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

1. Section 30-401. Levy, Herndon Town Code (2000), as amended is amended and re-ordained as follows:

Section 30-401. Levy.

There is hereby imposed and levied on each person purchasing a meal or meals from any food establishment, a tax at the rate of ***four*** ~~two and one-half~~ percent on the amount such person paid for the meal or meals, whether prepared in such food establishment or not, and whether consumed on the premises or not.

2. This ordinance shall be effective on and after July 1, 2019 for meals purchased on and after that date.

TOWN OF HERNDON, VIRGINIA

ORDINANCE

APRIL 23, 2019

Ordinance- to amend Chapter 74 (UTILITIES), Article II (Sewers & Sewage Disposal), Division 5 (Sanitary Sewer System Rates & Charges), Section 74-262; and Article III (Water), Division 2 (Service), Section 74-326 (Schedule of Charges), to increase the usage charges for sanitary sewer and water, effective for meter readings taken on or after July 1, 2019.

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

1. The following sections or provision of the Herndon Town Code (2000), as amended, are amended and re-ordained as follows:

Chapter 74 (UTILITIES)

Article II (Sewers & Sewage Disposal), Division 5 (Sanitary Sewer System Rates & Charges)

Sec. 74-262. – Schedule of Rates.

- (a) The rate schedule for sanitary sewer service shall be determined on the basis of water consumed and shall be charged at the rate of ~~\$5.78~~ **\$6.19** per 1,000 gallons of water used, except as otherwise provided in this division.

Article III (Water), Division 2 (Service)

Sec. 74-326. – Schedule of charges.

- (a) The water usage charge shall be ~~\$3.06~~ **\$3.16** per 1,000 gallons, based on the consumption of water as measured by readings of the water meter serving the property.
- (b) A service charge per bill rendered shall be assessed for all metered water service as follows:

Quarterly Billing

Meter size (inches)	Charge
5/8	\$8.84 \$ 8.97
3/4	13.26 13.45
1	22.11 22.41
1 1/2	44.21 44.83
2	70.74 71.72
3	141.48 143.45
4	221.06 224.14
6	442.12 448.28

(c) All water consumed during the peak use periods in excess of the average consumption of the preceding two winter quarter billing periods shall be charged an additional amount of ~~\$5.23~~ **\$5.38** per 1,000 gallons. This peak use period charge shall be applied in addition to the base water usage charge in subsection (a) above.

(1) Average consumption of the preceding two winter quarter billing periods is defined as the average of any consumption for the quarterly billing periods reflected in bills issued during the months of December through May.

(2) Peak use consumption is defined as any consumption for a quarterly billing period reflected in bills issued during the months of June through November.

2. This ordinance shall be effective for all meter readings taken on or after July 1, 2019.

TOWN OF HERNDON, VIRGINIA

RESOLUTION

APRIL 23, 2019

Resolution- **to Adopt a Fiscal Planning Resolution for the Fiscal Year 2020 Budget for the Town of Herndon.**

WHEREAS, the Town Manager of the Town of Herndon, Virginia, has submitted to the Town Council of the Town of Herndon, Virginia, a proposed budget; and

WHEREAS, the town advertised the public hearings on the budget on April 9 and April 23, 2019; and

WHEREAS, it is the intent of the Town Council of the Town of Herndon, Virginia, to adopt the proposed budget with amendments, if any.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby adopts for the purpose of fiscal planning during the fiscal year 2019-2020 for the Town of Herndon, Virginia, the budget prepared by the Town Manager, set out in "Proposed Annual Budget 2019-2020" dated March 29, 2019, on file in the office of the Town Manager.

TOWN OF HERNDON, VIRGINIA

ORDINANCE

APRIL 23, 2019

Ordinance- to Appropriate Funds to Implement the Fiscal Year 2020 Budget for the Town of Herndon, Establishing the Pay Plan, and Reserving On-Going and Capital Funding for this Fiscal Year.

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

1. There is appropriated and authorized for expenditure during the Fiscal Year 2019-2020 such sums as appear in the Fiscal Planning Budget for the Fiscal Year 2019-2020 as set out in "Proposed Annual Budget 2019-2020" dated March 29, 2019, on file in the office of the Town Manager, and as may be subsequently modified by the Town Council.
2. No money shall be withdrawn from the treasury of the town and no obligation for expenditure of money can be incurred, except in accordance with the Fiscal Planning Budget, or with supplemental appropriations as may be made by the Town Council.
3. The town advertised the public hearing at least once in "The Times" and held a public hearing on the budget at least seven days prior to approval of the budget.
4. The 2019-2020 proposed schedule of salaries, set out in the Fiscal Planning Budget, are adopted effective July 1, 2019.
5. The Town Council may award to the Town Manager and the Town Attorney bonuses as provided for in the Fiscal Planning Budget for Fiscal Year 2019-2020 for exceptional services rendered. Any such bonuses shall not become a part of these officers' annual salary.
6. The Town Council reserves, encumbers, and appropriates for Fiscal Year 2020 funding for capital and on-going projects, for which funds were previously appropriated. The Town Manager as of July 1, 2019, shall take the appropriate accounting steps to reserve and encumber these funds as of that date for Fiscal Year 2019-2020 and to report to the Mayor and Town Council in this regard.



STAFF REPORT

Town Council

April 16, 2019

Title: PROFFER CONDITION AMENDMENT - PCA #19-01, 525 Grove Street.

Staff Contact: Bryce A. Perry, Deputy Director of Community Development
bryce.perry@herndon-va.gov (703)787-7380
Elizabeth M. Gilleran, AICP, Director of Community Development
lisa.gilleran@herndon-va.gov (703) 787-7380

Summary Information:

Applicant Request	An application to amend the proffer statements for the previously approved rezoning application, ZMA #02-102. The amendment would permit the construction of a telecommunications monopole and associated ground equipment compound within a landscape buffer built as part of the original rezoning of the site. An additional proffer condition amendment, PCA #19-02, is also required to allow this use. That PCA would amend the other previously approved rezoning application for the property, ZMA #02-103, and will be reviewed concurrently with this application. Telecommunications facilities are permitted with approval of a special exception, which will be reviewed concurrently with this PCA application as application SE#19-02.
Address	525 Grove Street
FFX CO Tax Map #	0162 02 0190E
Owner	Virginia Electric & Power Company
Applicant	Tessia Knight, Network Building & Consulting, LLC
Zoning	O&LI (Office & Light Industrial) CS (Commercial Service)
Adjacent Zoning	North: CS (Commercial Service) South: O&LI (Office & Light Industrial) East: O&LI (Office & Light Industrial) West: CS (Commercial Service)
Land Use Designation	Community Facilities
Adjacent Land Use Designation	North: Business Corridor South: Office Parks & Flexible Space East: Office Parks & Flexible Space West: Business Corridor

Total Site Area	1.4621 acres / 63,688 square feet
Existing Use	Dominion Energy electrical substation

Background:

The subject property was first re-zoned from residential to commercial in 1987 through Zoning Map Amendment (ZMA) # 87-102. It was further re-zoned with ZMA #01-002 along with abutting properties as part of an effort to develop the properties with commercial uses and build Grove Street through to Herndon Parkway. The subject property was not developed as part of either rezoning case and both were voided in 2002 when the property was again re-zoned with ZMA#02-102 and ZMA# 02-103 to permit the construction of an electric utility substation and subsequently developed with that use as approved by the two Zoning Map Amendments with their associated Generalized Development Plan and Proffers.

Site Description:

The site lies between the W&OD trail and Grove Street, immediately south of the southern terminus of Grant Street. It is surrounded mostly by office buildings with surface parking lots. Access to the site is gained via a private driveway off Grove Street. The substation compound is screened by fencing and landscaping. Its western boundary abuts a public off-street trail that connects Grove Street to the W&OD trail.

Proposal Details:

This application would amend the proffer statement of ZMA#02-102 (Attachments #3). The amended language references a plan exhibit that shows the proposed telecommunication facility and reiterates the project's requirement for ARB approval (Attachment #6). The amendment is necessary because the original proffer statement only references a prior plan for the development of the substation which did not include a monopole or other telecommunications facility. That prior plan included a 30' wide landscape buffer along the property's western boundary between the substation and the abutting trail. The proposed telecommunications facility would be built within that landscape buffer.

As proposed, the monopole is 125' high and would accommodate multiple platforms for multiple antennas. The associated ground equipment compound is 100' long and 15' wide and enclosed by a 7' tall decorative black metal fence topped with one gate. Some existing landscaping will remain to help screen the compound, and additional trees will be planted to add further screening. Several existing trees and shrubs will require removal however they will be replaced at a one-to-one ratio. The existing gravel driveway along the northern boundary of the property would provide vehicle access to the facility. Bollards

would be installed at the end of the driveway to prevent vehicle access off-site and prevent vehicle usage of the adjacent trail.

The proposed proffer condition amendment includes a zoning modification request to Sections 78-114.2 and 78-71.13 to allow the decorative black metal fence instead of solid masonry wall that would otherwise be required for screening purposes (Attachment #4). The applicant justifies the request by citing the security concerns a solid wall would create by obscuring any visibility into the facility and citing the already substantial screening provided by the landscape buffer.

Planning Commission Review:

Planning Commission reviewed this case at its hearings on February 25, 2019 and March 25, 2019 and recommended approval at the latter meeting (Attachment #5). During the Planning Commission review, several comments regarding the fencing, the landscaping, and access to the site were discussed. The applicant made substantial changes to the application to address those concerns including adding the bollards to prevent vehicle access off-site, changing the originally proposed chain-link with barbed wire fencing, and adding more replacement landscaping.

Staff Analysis:

1. Staff believes the subject parcel seems a good candidate for the facility as proposed to include a freestanding telecommunications monopole. The nearest residential neighborhood, Darlington Oaks, is approximately one-fifth of a mile away. It is similarly distanced from any arterial or collector street in town and is immediately adjacent to the Dominion Energy transmission line towers, which range in height from 80' to almost 130'. Photo simulations have been provided to demonstrate the visual impact from various viewsheds around town (Attachment #7).
2. The proposed telecommunication facility and access drive will require a Special Exception if the proposed Proffer Condition Amendments are granted. The zoning ordinance, per Section 78-71.13 allows freestanding telecommunications facilities such as monopoles by Special Exception in accordance with specific standards. As part of that process, conditions can be placed upon an approval of the special exception. The applicant has submitted an application for a Special Exception, SE#19-02 which will be reviewed immediately following reviews of the proffer condition amendments. Any legislative action approving the special exception requires prior approval of the proffer condition amendments. A denial of the PCA would render the SE application void.

3. The proposed facility abuts an existing stormwater BMP facility and according the site plan on file, may impact an existing drain into the BMP. Any possible impacts to stormwater management on-site will be addressed during the review of the site plan.
4. The town has approved two other freestanding telecommunications towers in recent years; one at the Herndon Middle School ballfields and the other at the Dominion Energy office and equipment yard at 101 Elden Street. Both installations are similar in size and scope to this facility.
5. Staff supports the requested modifications. A solid wall would create hidden areas within the compound that could be a security risk and the landscaping as proposed does provide an ample screen of the compound. Also the location of the site, while visible from the W&OD Trail, does not have any visibility from a public street and the existing substation, which this facility would immediately abut, is similarly screened on three sides by an open fence (only the north side is masonry).

Town Council Alternatives:

The following alternatives are available to the Town Council for its decision on this proffer condition amendment, PCA#19-01:

1. Approval of the application with adoption of the draft ordinance (Attachment #2).
2. Approval of the application with adoption of the draft ordinance with revision(s).
3. Denial of the application.
4. Continuance of the application to a future (date certain) Town Council hearing.

Staff Recommendation:

Staff recommends approval of the application in accordance with Alternative #1.

Attachments:

1. Draft Ordinance, dated April 23, 2019
2. Subject Parcel Vicinity Map
3. Proposed Amended Proffer Statement, Dated February 26, 2019
4. Zoning Modification Request, Dated March 26, 2019
5. Planning Commission Resolution, Dated March 25, 2019
6. Plan Exhibit, Dated March 19, 2019
7. Photo Simulations



Elizabeth M. Gilleran, AICP
Director of Community Development



Bryce A. Perry
Deputy Director of Community Development

TOWN OF HERNDON, VIRGINIA

ORDINANCE

APRIL 23, 2019

Ordinance- Proffer Condition Amendment PCA#19-01. To amend the proffer statement for the previously approved rezoning application, ZMA #02-102, which governs the zoning of the property located at 525 Grove Street identified as Fairfax County Tax Map Reference Number 0162 02 0190E to allow telecommunications facility to include a freestanding monopole and associated ground equipment compound. The subject parcel is split zoned CS, Commercial Service, and O&LI, Office & Light Industrial and its land use designation in the Town of Herndon 2030 Comprehensive Plan is “Community Facilities”

In adopting this 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 Town Council of the Town of Herndon, Virginia, that:

A. The zoning of the property described below, lying in the Town of Herndon, Fairfax County, Virginia, is amended to allow the telecommunications facility as proposed in the Network Building & Consulting, LLC Plan Exhibit dated March 19, 2019 and the Proffer Statement dated February 26, 2019 for PCA#19-01 and in accordance with the Section 78-71.13 and Section 78-155.3 of the Town of Herndon Zoning Ordinance.

B. This rezoning shall be governed by this ordinance, the Town of Herndon Zoning Ordinance, the above referenced Proffer Statement for PCA#19-01 and the above referenced Plan Exhibit for PCA#19-01. The Proffer Statement is included as an attachment to this ordinance. This Proffer Condition Amendment is consistent with the adopted 2030 Comprehensive Plan of the Town of Herndon.

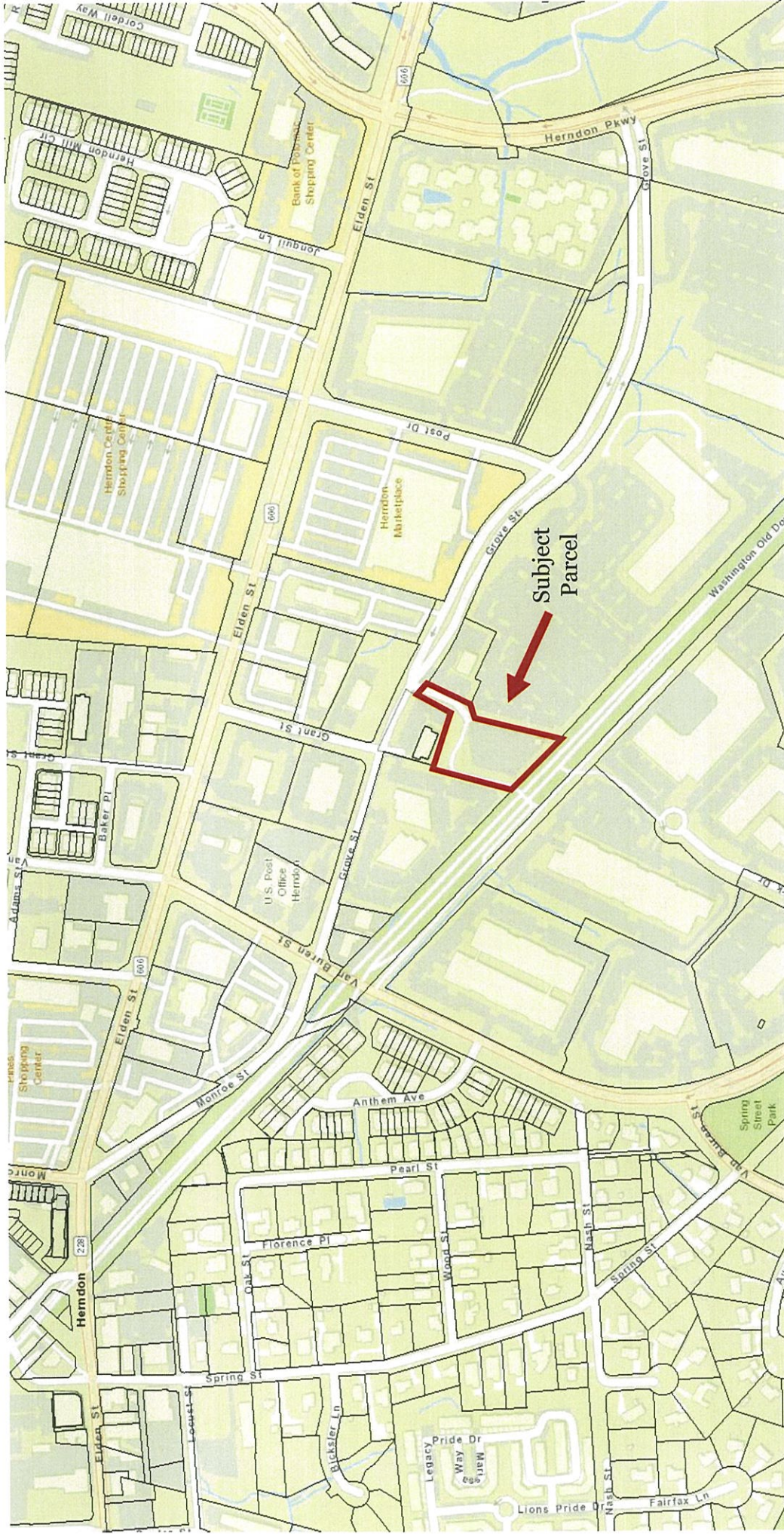
C. The Town Council approves the following modifications to the zoning regulations, as allowed under Section 78-50.2(d):

A modification to Section 78-71.13(d)(2)(g)(5) to allow an open fence style to enclose the ground equipment compound.

A modification to Section 78-114.2(a)(1) to allow a fence and landscaping to screen the ground equipment compound.

D. As to the modifications set out in item C. above, the Town Council finds that such modifications will afford equal or greater assurance of meeting the goals of the zoning ordinance, Town of Herndon, Virginia, as set out in the preamble of that ordinance.

E. This ordinance shall be effective on and after its adoption.



TOWN OF
Herndon

Photo prepared by Town of Herndon
Department of Community Development



SITE LOCATION – Vicinity Map

Case: SE #19-02 – 525 Grove Street

PROFFERS

"Generalized Development Plan, US-VA-5060 Herndon Substation"

PCA #19-01

Amendment to ZMA-02-102

February 26, 2019

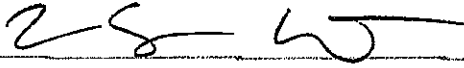
Pursuant to Section 15.2-2303 (a) of the Code of Virginia (1950), as amended, and the Town of Herndon Zoning Ordinance, Virginia Electric and Power Company, d.b.a. Dominion Energy Virginia, (the "Applicant"), the sole owner of a certain parcel of land identified as Tax Map #0162-02-0190E (the "Property"), hereby proffers that, if the Herndon Town Council approves PCA #19-01 to revise the proffers (the "Proffers") previously accepted by the Town in ZMA #02-102, approved September 10, 2002, by Ordinance 02-O-18, the Subject Property shall be developed in substantial accord with those Proffers which are applicable to the Subject Property, except as modified herein.

The undersigned hereby proffer as owner with respect to the property containing 0.6255 acre shown as Parcel 1 on the plan dated August 14, 2001, revised November 21, 2001, made by Burgess & Niple, entitled "ZONING PLAT, SHOWING A PORTION OF LAND OWNED BY THE HERITAGE EDUCATION TRUST, INC. CONTAINING 0.6255 ACRES", Town of Herndon, Fairfax County, Virginia (the "Property"), that the development of the Property shall be in substantial conformity with the following conditions pursuant to the Virginia Code, Title 15.2, Chapter 22, Article 7, and the Town of Herndon Zoning Ordinance, Section 78-155.1:

1. The development of the Property shall be in substantial conformity with that certain plan dated March 20, 2002, and most recently revised August 20, 2002, made by Dominion, entitled "Generalized Development Plan, Proposed Herndon Substation Site", subject to modifications approved by the Town of Herndon. **Excluding development of a proposed telecommunications tower facility, which shall be in substantial conformity with the proposed site plan titled "US-VA-5060 Herndon," prepared by NB+C Engineering Services, LLC, dated Nov. 21, 2018, and revised on Feb. 25, 2019.**
2. A portion of the Parcel along the southern boundary of the Property shall be provided to be included with additional property to create a twenty-five foot landscaped open space adjacent to the W&OD Trail Property.
3. These proffers shall be binding upon the heirs, executors, administrators, assigns and successors in interest of the applicant/owner.
4. **Landscaping and screening are subject to review and approval by the Town of Herndon Architectural Review Board.**

Owner: VIRGINIA ELECTRIC AND POWER COMPANY

Doing Business As: Dominion Energy Virginia

By: 

Name: Robert Capchant

Title: Project Manager

Applicant/Developer: VERTICAL BRIDGE DEVELOPMENT, LLC

By: 

Name: Daniel Marinberg

SVP and General Counsel

Title: _____



March 26, 2019

Town of Herndon
Bryce Perry, Deputy Director of Community Development
777 Lynn Street
Herndon, VA 20170

RE: Vertical Bridge US-VA-5060; "Herndon Substation"
Proposed Telecommunication Tower Project
PCA #19-01, PCA #19-02, and SE#19-02
Zoning Modification Request - Amended

Dear Mr. Perry:

This letter is being submitted to amend the previous Modification Requests, based on recent changes made to the general development for the referenced PCA and SE cases, for a proposed monopole telecommunications facility, located at the Herndon Substation, 525 Grove Street. The following zoning modifications are requested:

1. Section 78-114.2(a)(2) – to allow applicant to use a decorative metal fence around the proposed compound instead of a solid wall.

The justification for this request is that the decorative metal fence is necessary for security purposes. Solid fences or walls create "hidden areas" and would allow unauthorized people to potentially be inside the substation or compound and be unseen from the outside. Additionally, because this is a non-residential zone, surrounded by non-residential used, applicant feels that the use of a decorative metal fence is appropriate.

2. Section 78-71.13(d)(2)(g)(5) – to allow applicant to not use an opaque constructed solid wall or fence, and not provide an evergreen hedge with a minimum height of 48 inches over grade.

The justification for this request is that applicant desires to utilize an open style, decorative metal fence for security purposes. Additionally, the replacement/relocation of existing mature landscape trees and shrubs, most of which exceed the 48" minimum height requirement, meets the intent for screening the equipment area, although they are not in a hedge formation.

If you have any questions about the requested modifications, or need any additional information from me at this time, please let me know as soon as possible. I can be reached at 410-712-7092, ext. 1003, or via email (hbernadzikowski@nbcllc.com).

Regards,

A handwritten signature in blue ink, appearing to read 'Harold Bernadzikowski'.

Harold Bernadzikowski, Senior Land Use Specialist
Agent for Vertical Bridge

CC: Tessia Knight, Land Use Associate, NB+C

TOWN OF HERNDON, VIRGINIA

PLANNING COMMISSION

RESOLUTION

March 25, 2019

Resolution – Recommending approval of Proffer Condition Amendment, PCA#19-01, 525 Grove Street, to the Town Council

WHEREAS, Network Building & Consulting, LLC, the applicant, has submitted an amended Proffer Statement, dated February 26, 2019 and referenced NB+C/Vertical Bridge plan exhibit, dated March 19, 2019, to allow the construction of a telecommunications facility on the parcel identified as Fairfax County Tax Map Reference Number 0162-02-0190E; and

WHEREAS, The reference parcel is currently improved by a Dominion Energy substation with its land use is regulated by previously approved Zoning Map Amendments, ZMA#02-102 and ZMA#02-103; and

WHEREAS, On February 25, 2019 the Planning Commission held a public hearing to consider PCA#19-01 and continued that public hearing to March 25, 2019; and

WHEREAS, The Planning Commission has determined that the applicant has demonstrated that the above referenced Proffer Statement and referenced plan exhibit adheres to applicable sections of the Town of Herndon Zoning Ordinance, dependent upon a modification of ground equipment screening method; and

WHEREAS, The Planning Commission has determined that the applicant has demonstrated that the requested modification of Section 78-114.2(a)(1) to allow fencing instead of a masonry wall for screening of the group equipment will afford equal or greater assurances of meeting the applicable goals of the Zoning Ordinance.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the Town of Herndon, Virginia that the Commission recommends to the Town Council of the Town of Herndon, Virginia approval of PCA#19-01.

BE IT FUTHER RESOLVED that the Planning Commission of the Town of Herndon, Virginia that the Commission recommends to the Town Council of the Town of Herndon, Virginia approval of the requested zoning modification to allow a black decorative metal fence in combination with landscaping to screen the ground equipment instead of a masonry wall.

CASH ESCROW BOND ESTIMATE						
ITEM NO.	ITEM	QUANTITY	UNIT	UNIT PRICE	COST	
1	EROSION/SEDIMENTATION CONTROL					
2	SEE FIRMING PLAN FOR APPROXIMATE TOTAL (see \$9000)					
3	CONCRETE CURB					
4	ANCHORING ETC.					
5	DAMAGE TO EXISTING PUBLIC UTILITIES (TO BE COMPLETED BY THE TOWN OF REPAIRING)		L.S.			
6	LANDSCAPING		L.S.			
7						

APPLICATION FEES

(USE SECTION 7-03.01 OF THE TOWN CODE FOR FEES)

TYPE OF APPLICATION

CALCULATION OF APPLICATION FEE

APPLICATION FEE PAID (CIRCLE ONE)

DATE

AMOUNT

REVIEW AND INSPECTION FEE SCHEDULE

(USE SECTION 7-03.02 AND SECTION 7-03.03 OF THE TOWN CODE)

ITEM	QUANTITY	UNIT	FEE PER UNIT		FEE
			PER LINE	PER SQ. FT.	
1. BARRICADE SETTING		SQ. YD.	100.00	1.00	
2. CONSTRUCTION OF FENCE ORB		LN. FT.	1.50	1.35	
3. SANITARY SIGN		LN. FT.	2.50	2.50	
4. SIGNAGE		LN. FT.	1.75	1.75	
5. MAILING		LN. FT.	1.75	1.75	
6. SIGNAGE		LN. FT.	1.75	1.75	
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[illegible]

INDEX	PAGE
T-1	TITLE SHEET
Z-1	SITE PLAN
Z-2	ENLARGED SITE PLAN
C-1	COMPOUND PLAN & ELEVATION
D-1	CONSTRUCTION DETAILS
L-1	EXISTING LANDSCAPE PLAN
L-2	PROPOSED LANDSCAPE PLAN

MODIFICATION REQUESTS

THE DEVELOPER REQUESTS THE FOLLOWING MODIFICATIONS AS PART OF APPLICATIONS PCA #19-01 AND SE #19-02:

1. SECTION 78-114.2 a TO ALLOW A 7' CHAIN LINK FENCE INSTEAD OF A MASONRY WALL AND OPAQUE METAL GATES.
2. SECTION 78-115.2 TO ALLOW BARBED WIRE ON TOP OF THE CHAIN LINK FENCE
3. SECTION 78-110.4 b TO ALLOW THE 10' ACCESS EASEMENT WITHIN A PORTION OF THE 75' REQUIRED PERIMETER LANDSCAPE BUFFER

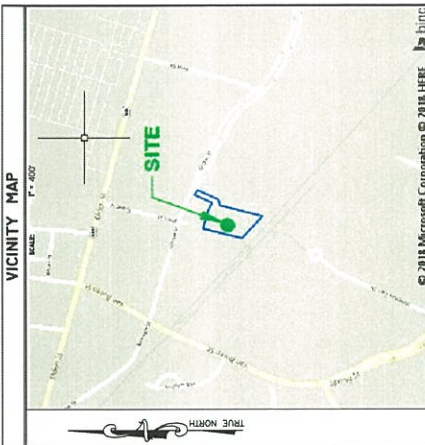
WAIVER REQUESTS

(DESIGNATE EACH SECTION OF THE ZONING ORDINANCE, PUBLIC FACILITIES MANUAL OR SUBDIVISION ORDINANCE FROM WHICH A WAIVER IS REQUESTED. PLEASE NOTE THAT A LETTER OF JUSTIFICATION FOR EACH WAIVER MUST ACCOMPANY THE

WAIVER FROM SECTION: _____ OF _____
 WAIVER FROM SECTION: _____ OF _____
 NUMBER OF REQUESTS: _____ X \$200.00 = _____
 DATE FEE COLLECTED (Official Use Only): _____

EXISTING CONDITION SURVEY NOTES

1. HORIZONTAL DATUM
VERTICAL DATUM



LOCATION OF BENCHMARKS

APPROVED

APPROVED
FOR SITE CONSTRUCTION UNDER THIS PLAN.
ENGINEER CERTIFICATE TO BE ISSUED SEPARATELY

DATE	FAIRFAX COUNTY FIRE MARSHAL
DATE	DIRECTOR OF PUBLIC WORKS
DATE	DIRECTOR OF COMMUNITY DEVELOPMENT
DATE	ZONING ADMINISTRATOR

SECTION 70-203.2(1): SUBDIVISION APPROVAL VOID IF FINAL SUBDIVISION PLAT IS NOT SUBMITTED WITHIN ONE YEAR OF APPROVAL OF A PRELIMINARY SUBDIVISION PLAN.

SECTION 78-202.6(b): SITE PLAN AND SINGLE LOT DEVELOPMENT PLAN APPROVAL SHALL AUTOMATICALLY EXPIRE AT THE END OF A FIVE-YEAR PERIOD FOLLOWING THE DATE OF ITS APPROVAL BY THE ZONING ADMINISTRATOR FOR ANY PHASE OR PART OF AN APPROVED SITE PLAN FOR WHICH A BUILDING PERMIT HAS NOT BEEN APPROVED.

BEFORE YOU DIG
CALL "MISS UTILITY" 811
OR 1-800-552-7001

TOWN PLAN #:

TOWN OF HERNDON, VIRGINIA
COVER SHEET

3-VA 5060 HEPNDON

SITE PLAN NAME	03-VA 3000 ILLINOIS
OWNER ADDRESS INCLUDE ZIP	VIRGINIA ELECTRIC AND POWER COMPANY

ORDER CODE	ADDRESS	SUBLINE	VERTICAL BRIDGE	TELEGRAPHIC CODE	TELEPHONE NO.	POST OFFICE BOX
					701 E CARY ST RICHMOND, VA 23219	

BOCA ROTON, FL 33487 PHONE: 859-494-1600

NB&C ENGINEERING SERVICES, LLC.
 6095 MARSHALEE DR, STE 300
 ADDRESS, INCLUDE ZIP CODE AND
 SURVEYOR SUBMITTING PLAN.
 CERTIFIED ENGINEER, ARCHITECT OR

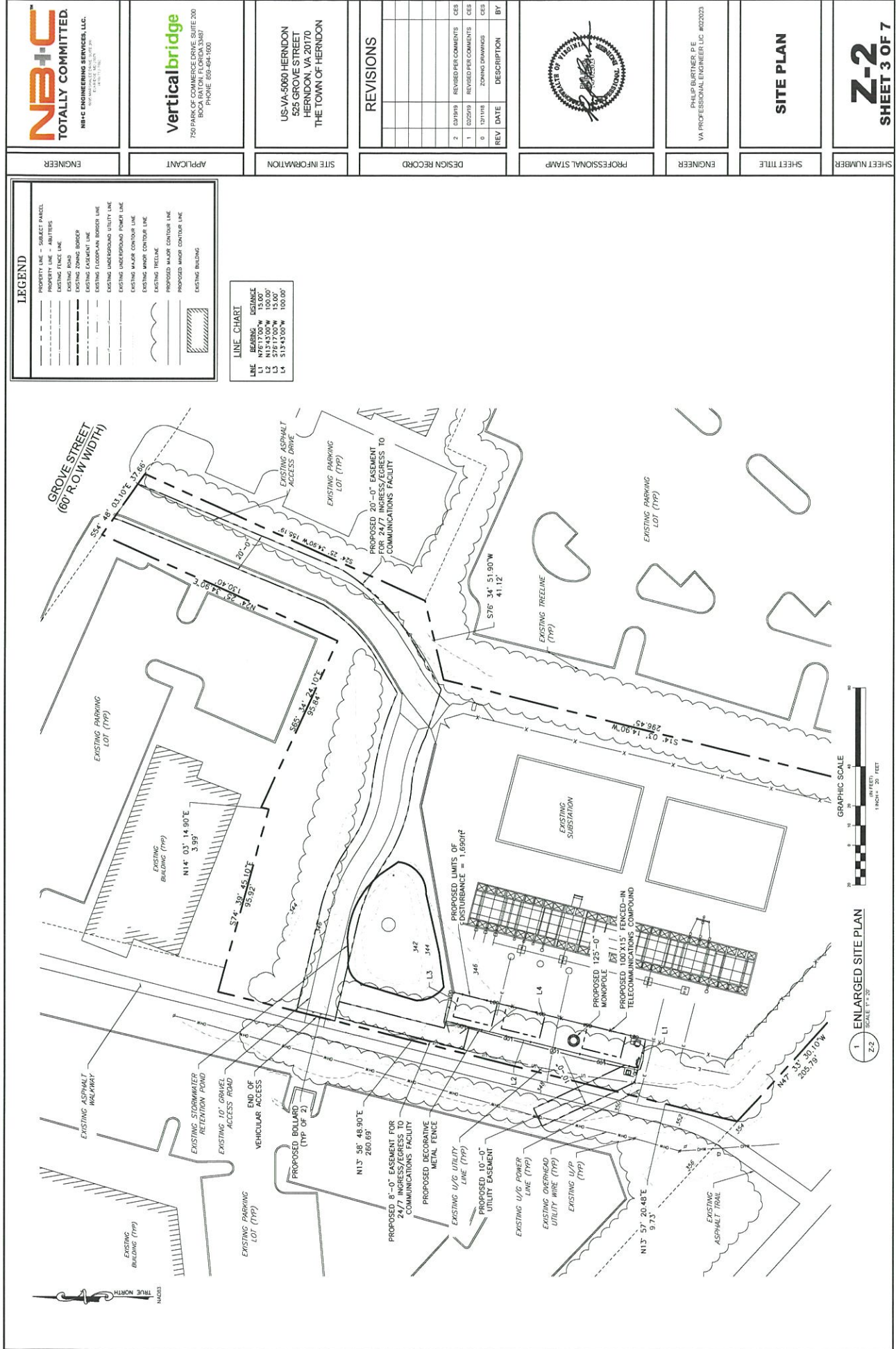
TELEPHONE NUMBER	ELKRIDGE, MD 21075	PHONE: 410-712-7092
FARFAX COUNTY TAX MAP NUMBER	0162 02 0190E	

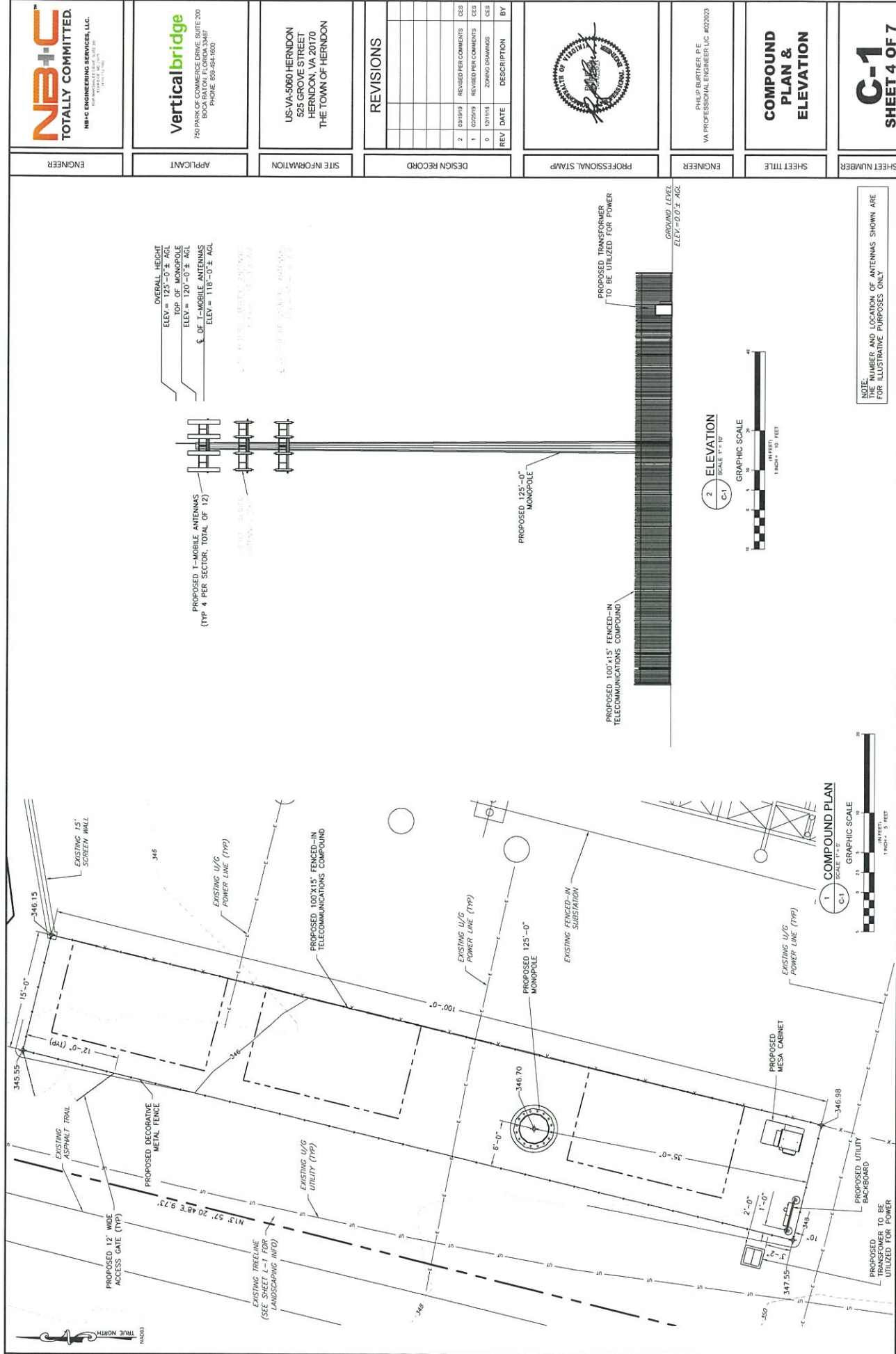
TOTAL AREA	1.46 AC	PRESENT ZONING	CG COMM SERVICES DISTRICT
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REVISED: PAGE 1 OF 7 PAGES



PROFESSIONAL SEAL AND SIGNATURE





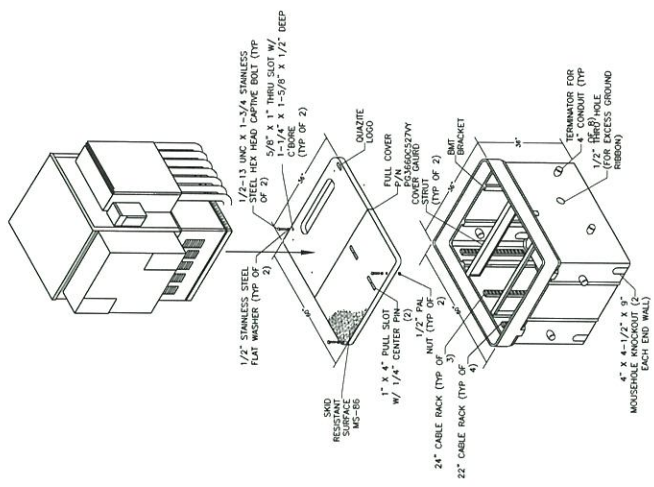
REVISIONS					
REV	DATE	DESCRIPTION	BY		
0	12/7/18B	ZONING DRAWINGS	CES		
1	02/25/19	REVISED PER COMMENTS	CES		
2	03/15/19	REVISED PER COMMENTS	CES		



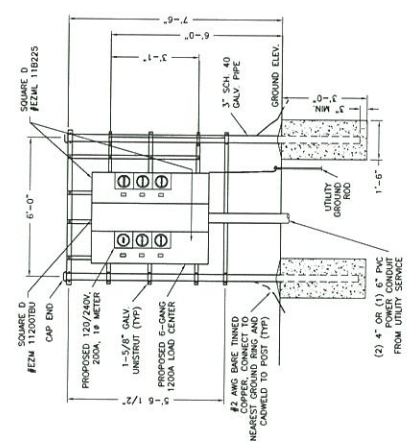
PHILIP BURTNER, P.E.
VA PROFESSIONAL ENGINEER LIC #022023

CONSTRUCTION DETAILS & NOTES

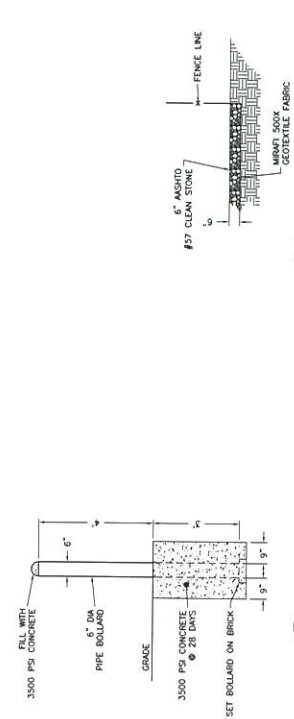
D-1
SHEET 5 OF 7



3 MESA CABINET DETAIL
D-1 NTS

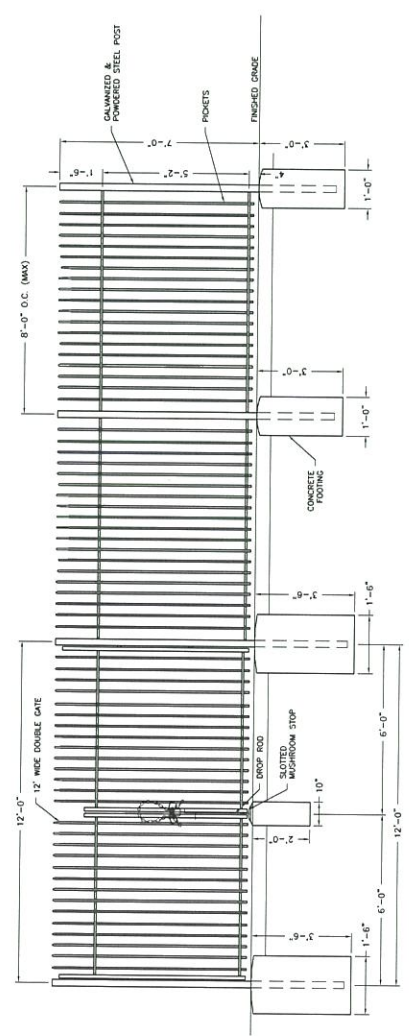


5 METER BOARD DETAIL



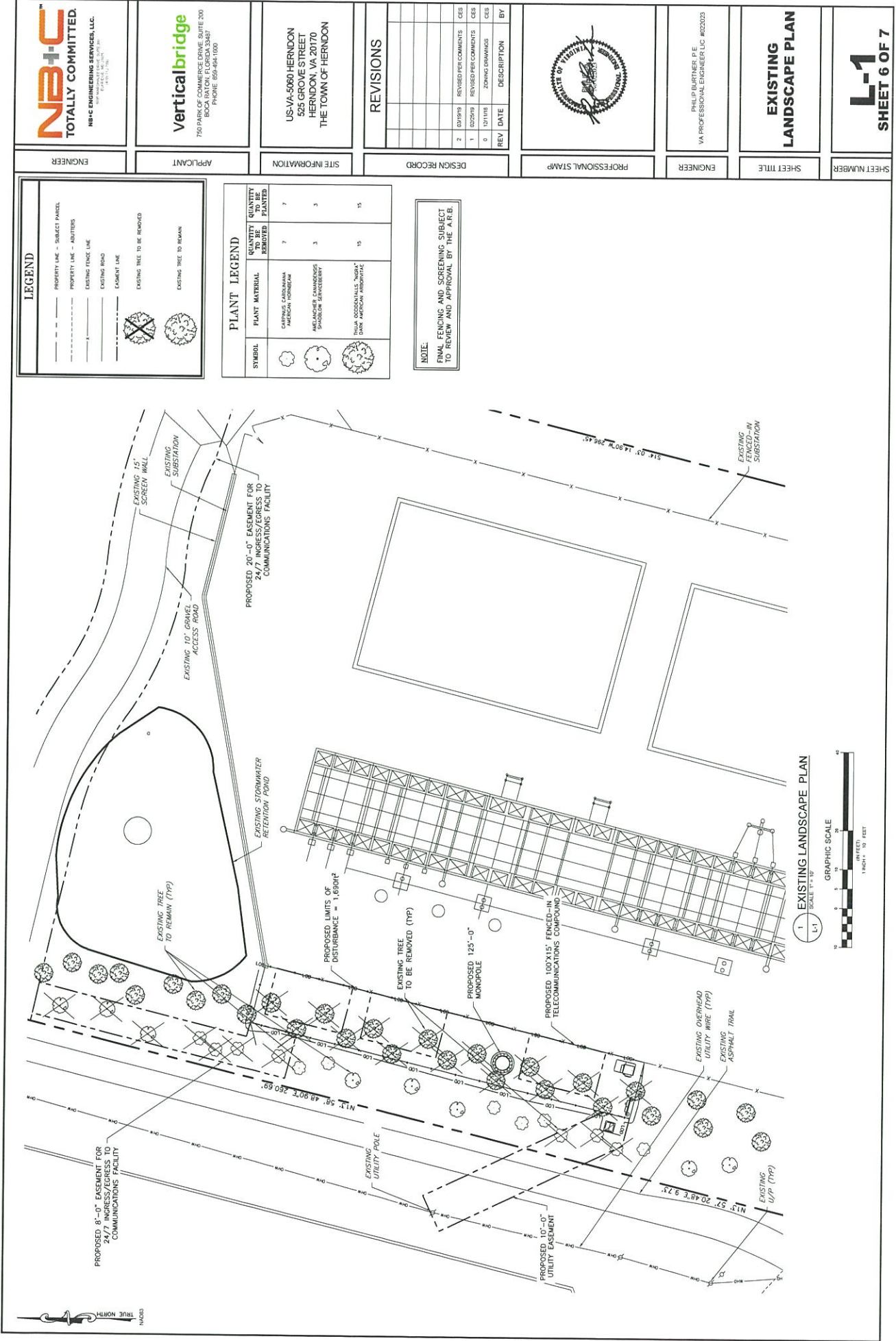
1 BOLLARD DETAIL
D-1 NTS

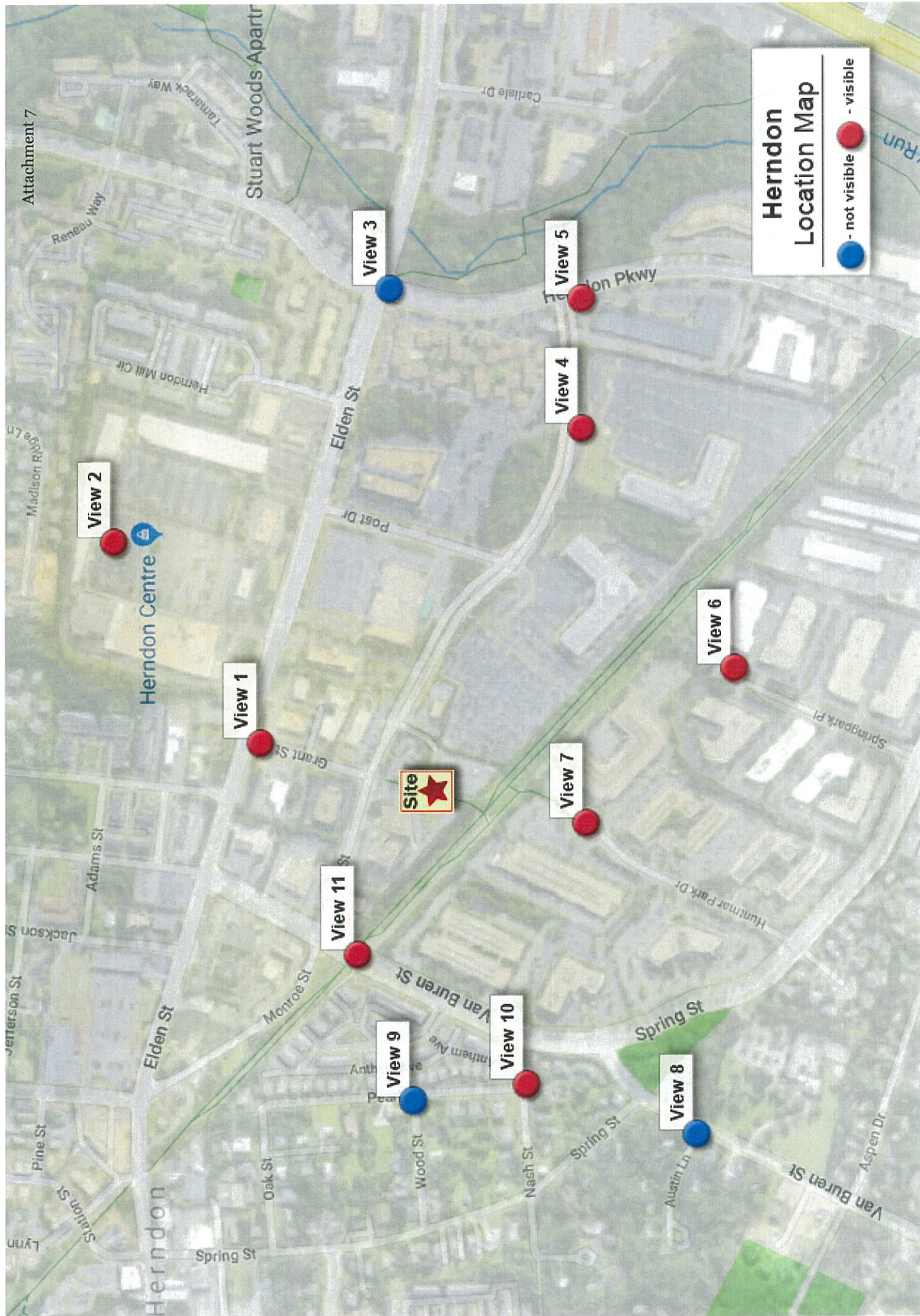
2 GRAVEL COMPOUND DETAIL



4 TYPICAL FENCE DETAIL
D-1 NTS

NOTE:
FINAL FENCING AND SCREENING SUBJECT
TO REVIEW AND APPROVAL BY THE A.R.B.





Attachment 7



Photograph Information:
View 1 - Grant St & Elden St
View from the North
Showing the 100' Balloon Fly

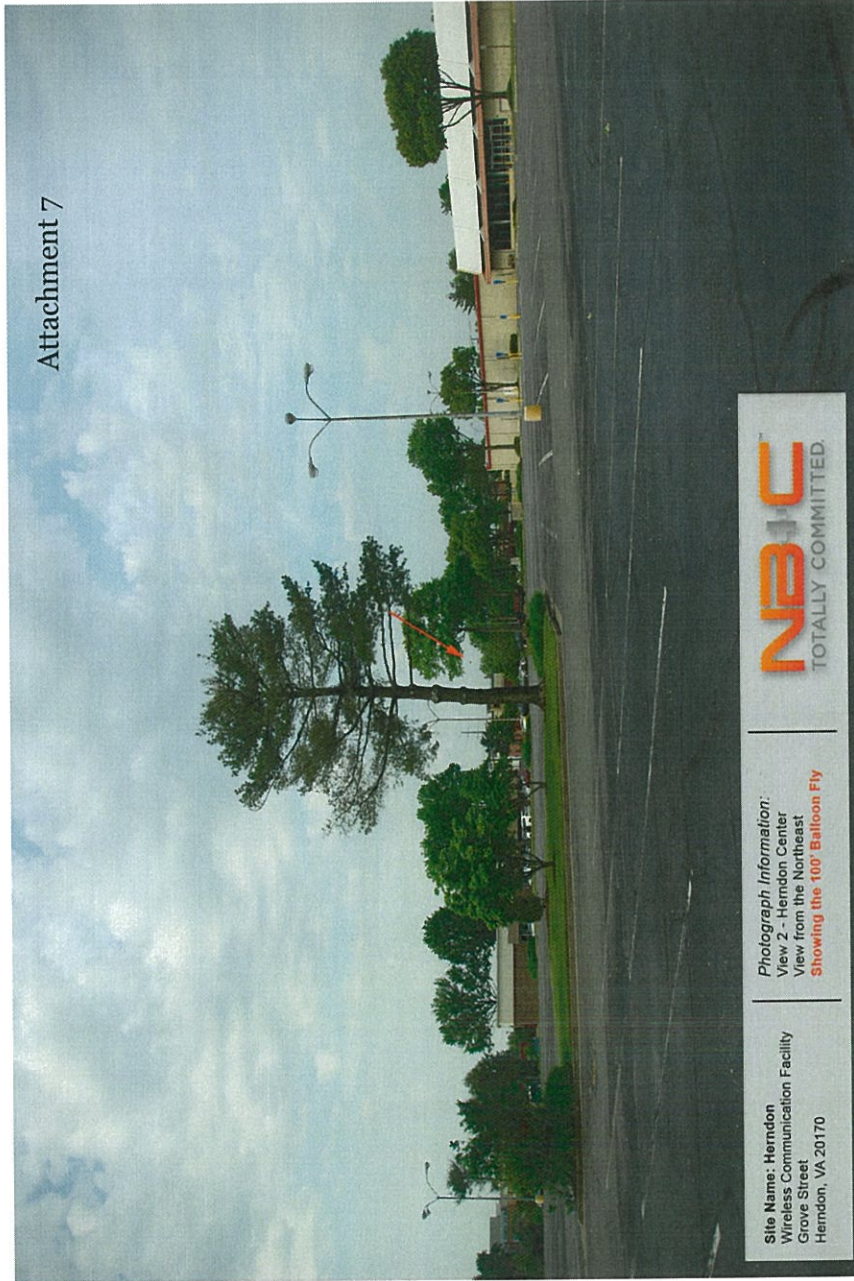
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Wireless Communication Facility
Grove Street
Herndon, VA 20170

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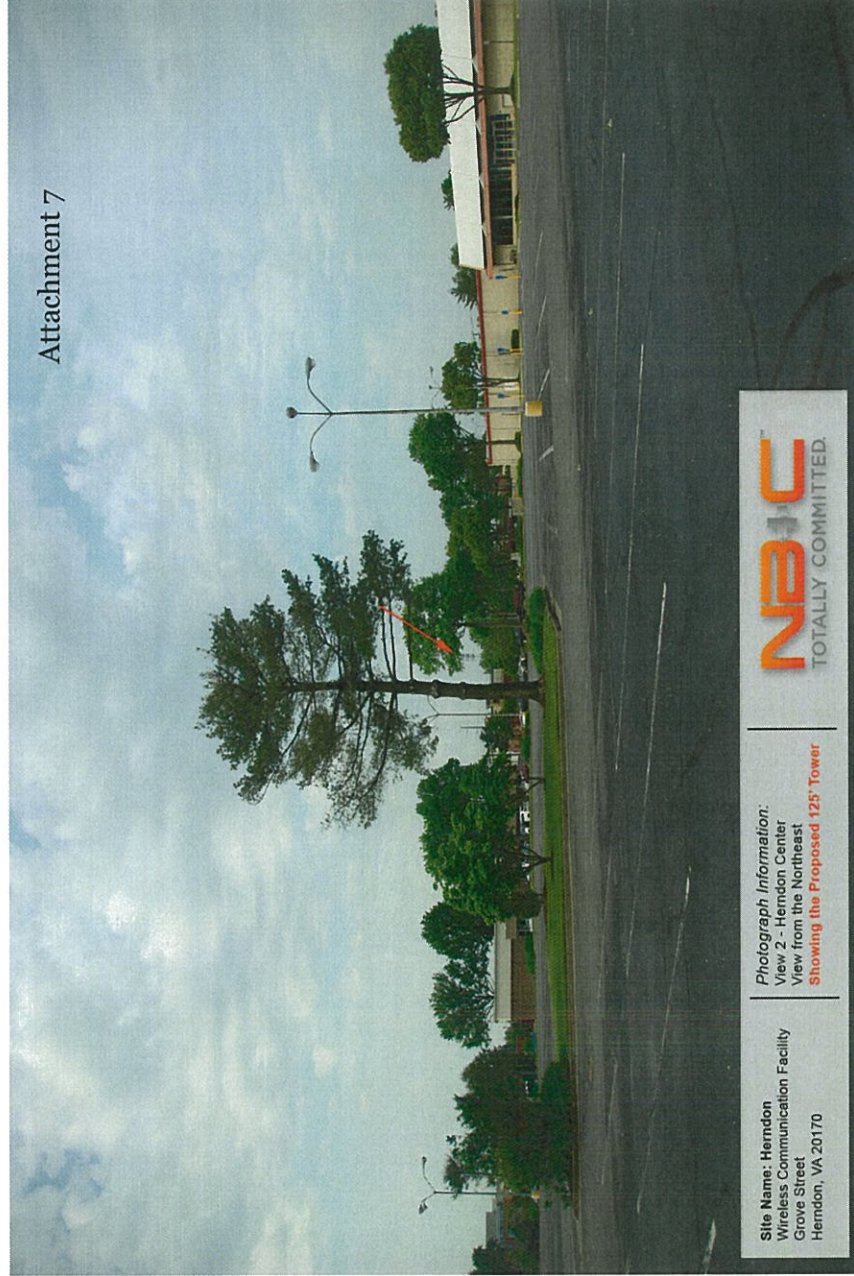
Attachment 7



Attachment 7



Attachment 7



Site Name: Herndon
Wireless Communication Facility
Grove Street
Herndon, VA 20170

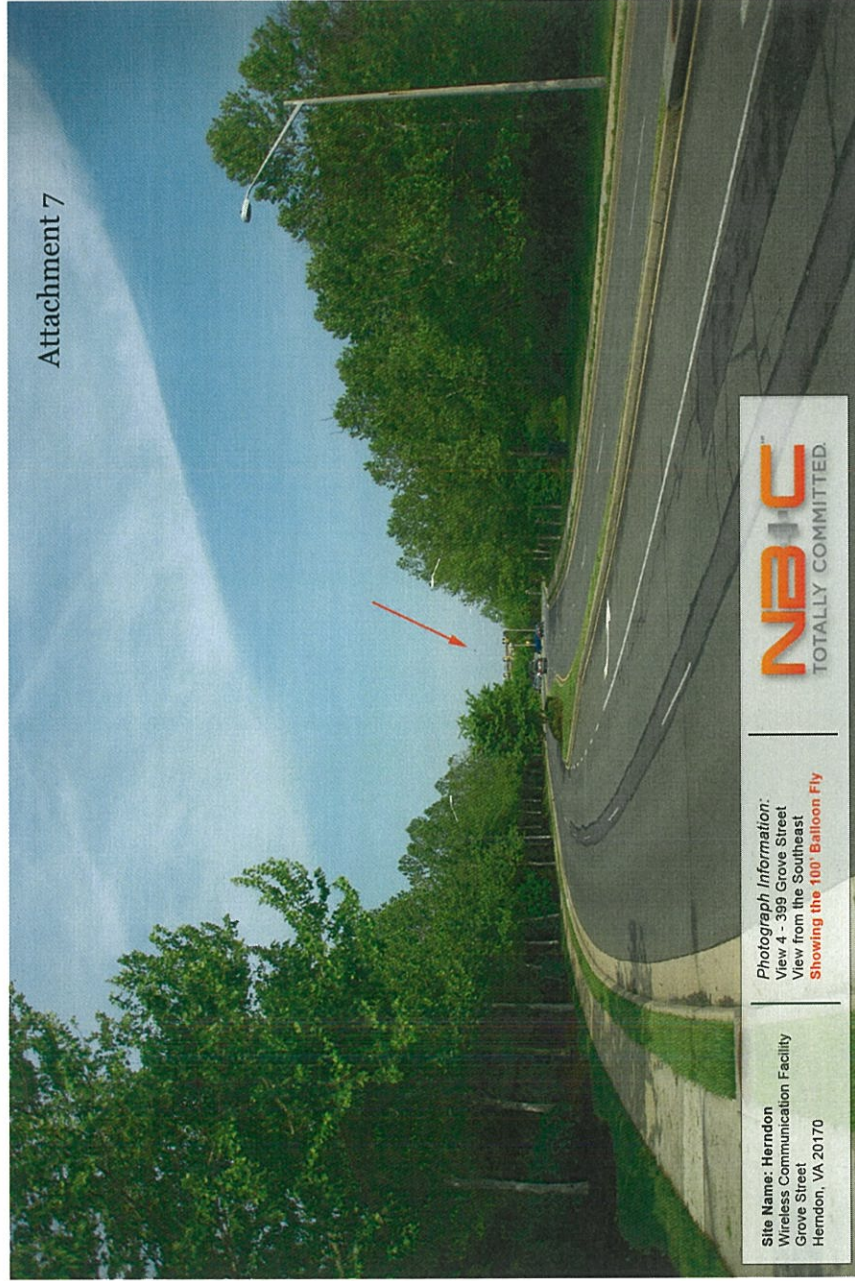
Photograph Information:
View 2 - Herndon Center
View from the Northeast
Showing the Proposed 125' Tower

NBC
TOTALLY COMMITTED.

Attachment 7



Attachment 7

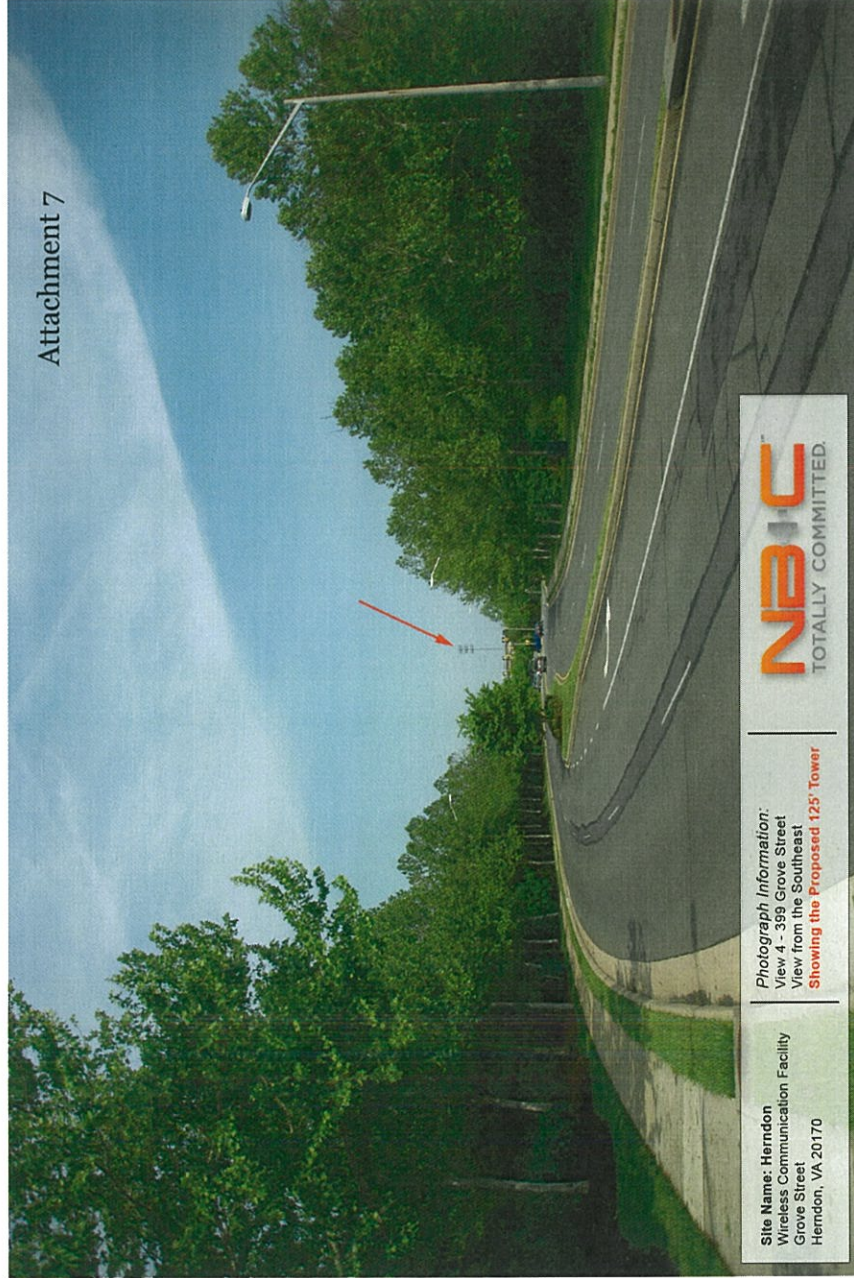


Photograph Information:
View 4 - 399 Grove Street
View from the Southeast
Showing the 100' Balloon Fly

Site Name: Herndon
Wireless Communication Facility
Grove Street
Herndon, VA 20170

NBC
TOTALLY COMMITTED.

Attachment 7





Attachment 5

Photograph Information:
View 5 - Herndon Pkwy & Grove St
View from the East
Showing the Existing Site

Site Name: Herndon
Wireless Communication Facility
Grove Street
Herndon, VA 20170

NBC
TOTALLY COMMITTED



Photograph Information:
View 5 - Herndon Pkwy & Grove St
View from the East
Showing the Proposed Site

Site Name: Herndon
Wireless Communication Facility
Grove Street
Herndon, VA 20170

NABU
TOTALLY COMMITTED

Attachment 5



Photograph Information:
View 6 - Springplank Place
View from the Southeast
Showing the Existing Site

Site Name: Herndon
Wireless Communication Facility
Grove Street
Herndon, VA 20170

NBC
TOTALLY COMMITTED



NBC
TOTALLY COMMITTED.

Photograph Information:
View 6 - Springplank Place
View from the Southeast
Showing the Proposed Site

Site Name: Herndon
Wireless Communication Facility
Grove Street
Herndon, VA 20170

Attachment 7



Photograph Information:
View 7 - End of Hunter Park Drive
View from the South
Showing the 100' Balloon Fly

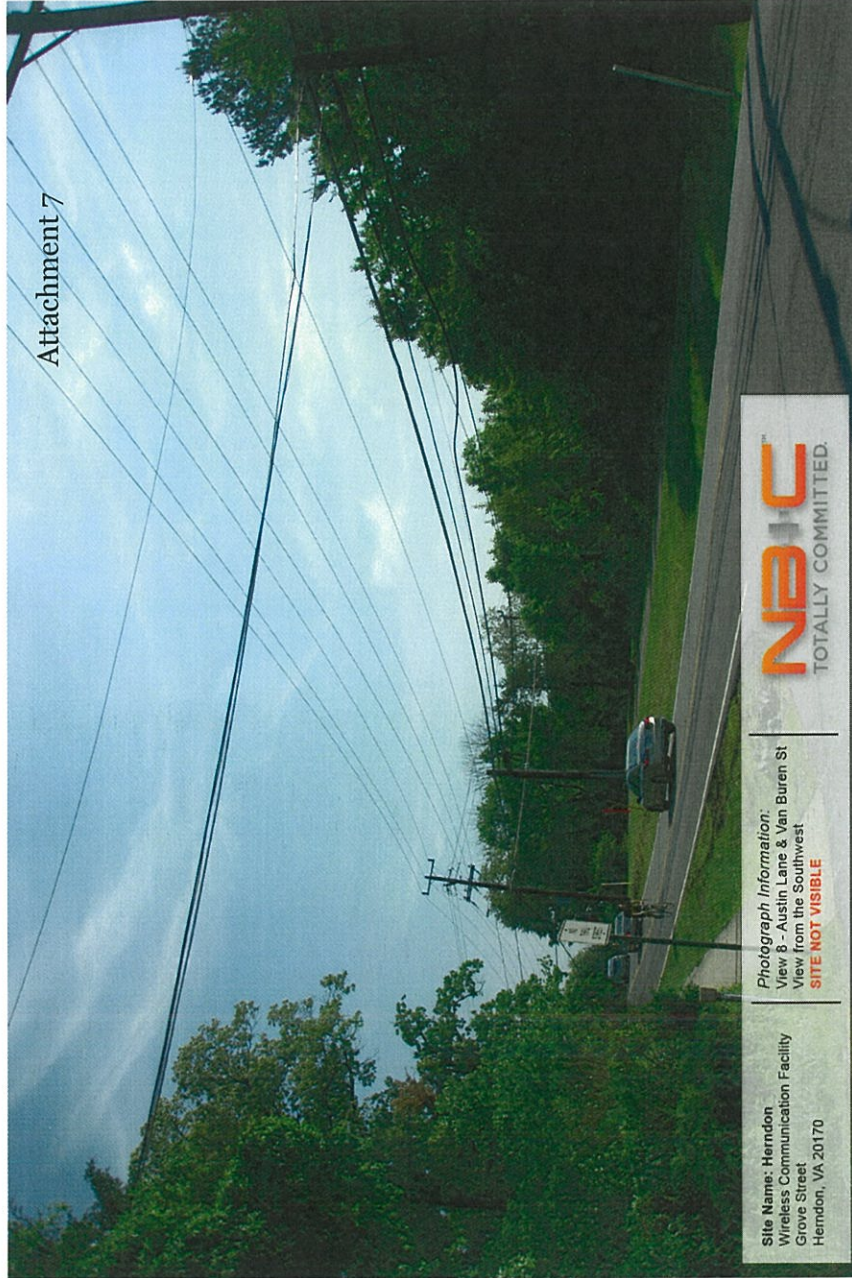
Site Name: Herndon
Wireless Communication Facility
Grove Street
Herndon, VA 20170

NBCU
TOTALLY COMMITTED.

Attachment 7



Attachment 7

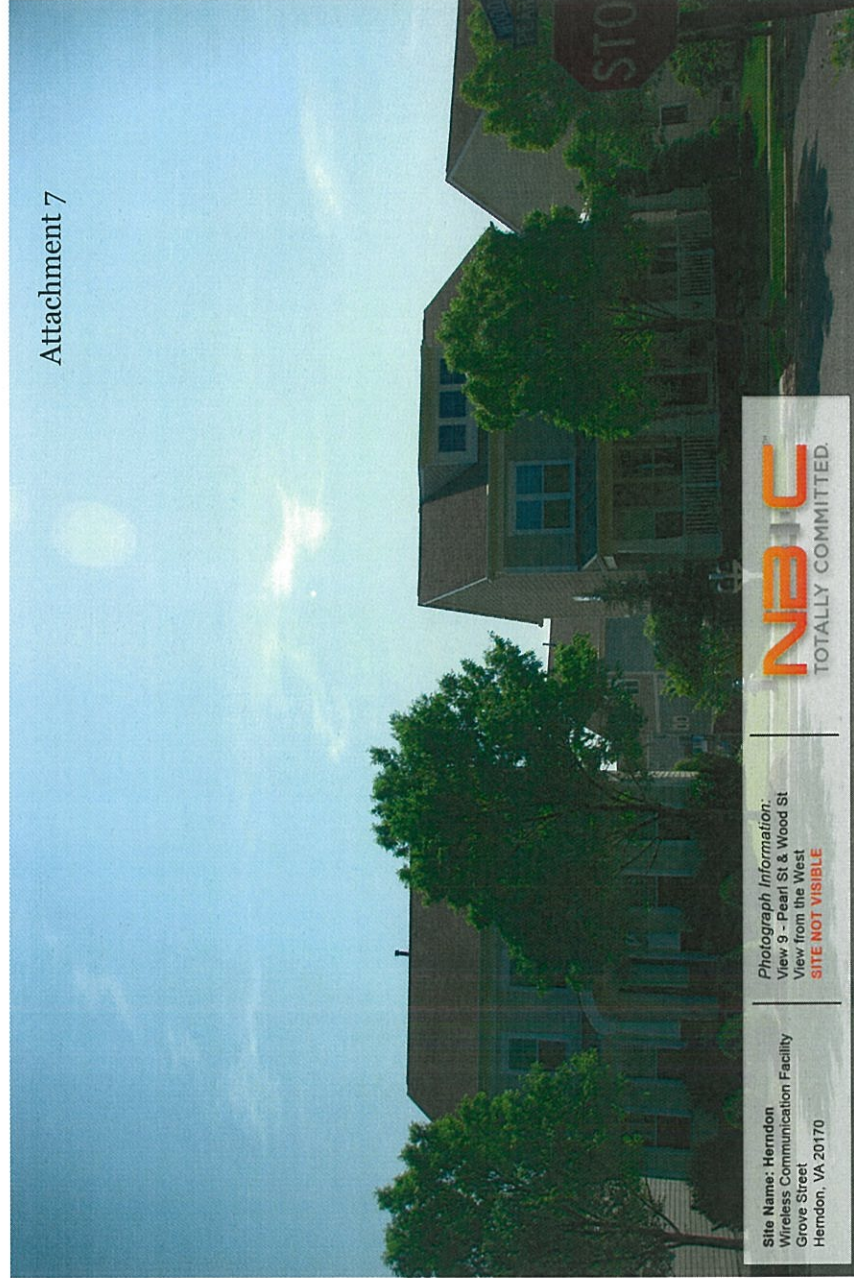


Site Name: Herndon
Wireless Communication Facility
Grove Street
Herndon, VA 20170

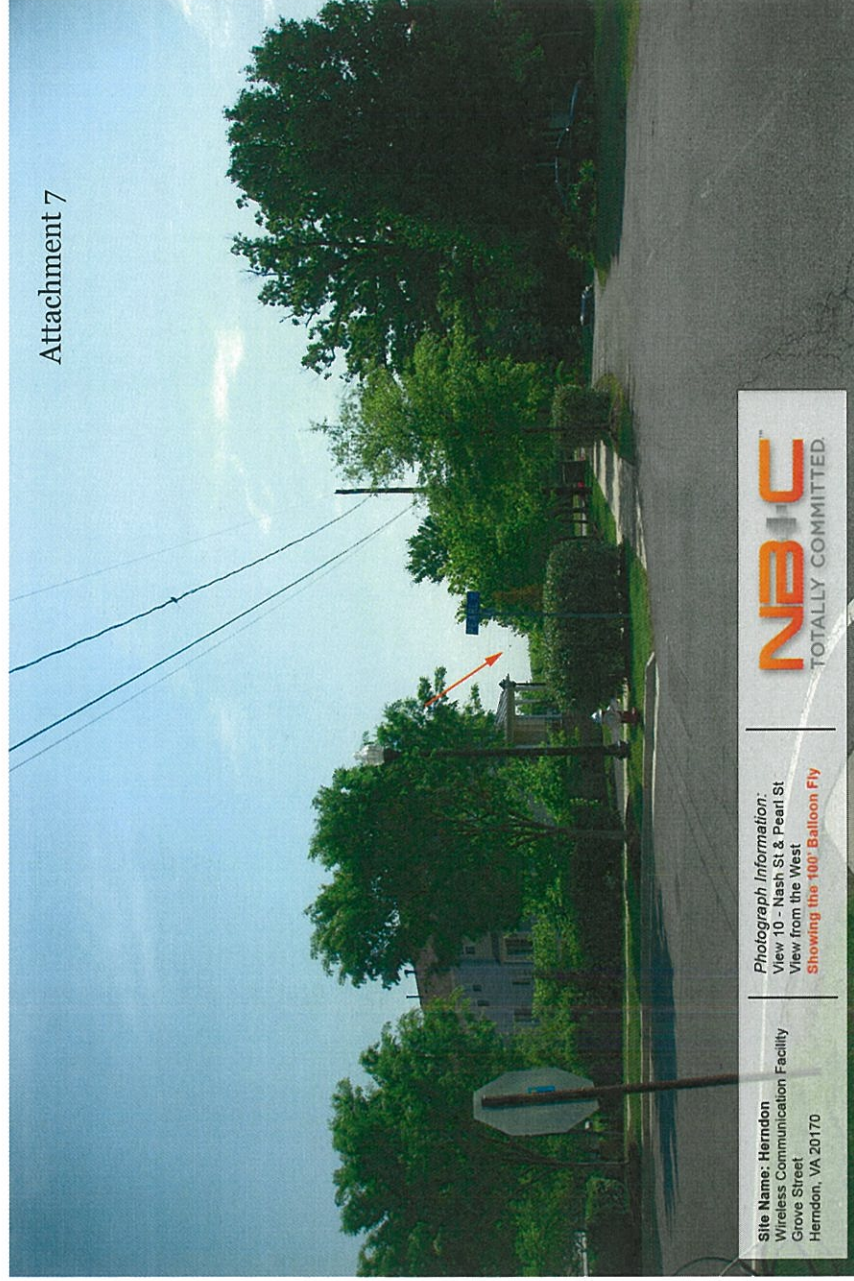
Photograph Information:
View B - Austin Lane & Van Buren St
View from the Southwest
SITE NOT VISIBLE

NBIU
TOTALLY COMMITTED.

Attachment 7



Attachment 7



Attachment 7





Attachment 7





STAFF REPORT

Town Council

April 16, 2019

Title: PROFFER CONDITION AMENDMENT - PCA #19-02, 525 Grove Street.

Staff Contact: Bryce A. Perry, Deputy Director of Community Development
bryce.perry@herndon-va.gov (703)787-7380
Elizabeth M. Gilleran, AICP, Director of Community Development
lisa.gilleran@herndon-va.gov (703) 787-7380

Summary Information:

Applicant Request	An application to amend the proffer statements for the previously approved rezoning application, ZMA #02-103. The amendment would permit the construction of a telecommunications monopole and associated ground equipment compound within a landscape buffer built as part of the original rezoning of the site. An additional proffer condition amendment, PCA #19-02, is also required to allow this use. That PCA would amend the other previously approved rezoning application for the property, ZMA #02-103, and will be reviewed concurrently with this application. Telecommunications facilities are permitted with approval of a special exception, which will be reviewed concurrently with this PCA application as application SE#19-02.
Address	525 Grove Street
FFX CO Tax Map #	0162 02 0190E
Owner	Virginia Electric & Power Company
Applicant	Tessia Knight, Network Building & Consulting, LLC
Zoning	O&LI (Office & Light Industrial) CS (Commercial Service)
Adjacent Zoning	North: CS (Commercial Service) South: O&LI (Office & Light Industrial) East: O&LI (Office & Light Industrial) West: CS (Commercial Service)
Land Use Designation	Community Facilities
Adjacent Land Use Designation	North: Business Corridor South: Office Parks & Flexible Space East: Office Parks & Flexible Space West: Business Corridor

Total Site Area	1.4621 acres / 63,688 square feet
Existing Use	Dominion Energy electrical substation

Background:

The subject property was first re-zoned from residential to commercial in 1987 through Zoning Map Amendment (ZMA) # 87-102. It was further re-zoned with ZMA #01-002 along with abutting properties as part of an effort to develop the properties with commercial uses and build Grove Street through to Herndon Parkway. The subject property was not developed as part of either rezoning case and both were voided in 2002 when the property was again re-zoned with ZMA#02-102 and ZMA# 02-103 to permit the construction of an electric utility substation and subsequently developed with that use as approved by the two Zoning Map Amendments with their associated Generalized Development Plan and Proffers.

Site Description:

The site lies between the W&OD trail and Grove Street, immediately south of the southern terminus of Grant Street. It is surrounded mostly by office buildings with surface parking lots. Access to the site is gained via a private driveway off Grove Street. The substation compound is screened by fencing and landscaping. Its western boundary abuts a public off-street trail that connects Grove Street to the W&OD trail.

Proposal Details:

This application would amend the proffer statement of ZMA#02-103 (Attachments #3). The amended language references a plan exhibit that shows the proposed telecommunication facility and reiterates the project's requirement for ARB approval (Attachment #6). The amendment is necessary because the original proffer statement only references a prior plan for the development of the substation which did not include a monopole or other telecommunications facility. That prior plan included a 30' wide landscape buffer along the property's western boundary between the substation and the abutting trail. The proposed telecommunications facility would be built within that landscape buffer.

As proposed, the monopole is 125' high and would accommodate multiple platforms for multiple antennas. The associated ground equipment compound is 100' long and 15' wide and enclosed by a 7' tall decorative black metal fence topped with one gate. Some existing landscaping will remain to help screen the compound, and additional trees will be planted to add further screening. Several existing trees and shrubs will require removal however they will be replaced at a one-to-one ratio. The existing gravel driveway along the northern boundary of the property would provide vehicle access to the facility. Bollards

would be installed at the end of the driveway to prevent vehicle access off-site and prevent vehicle usage of the adjacent trail.

The proposed proffer condition amendment includes a zoning modification request to Sections 78-114.2 and 78-71.13 to allow the decorative black metal fence instead of solid masonry wall that would otherwise be required for screening purposes (Attachment #4). The applicant justifies the request by citing the security concerns a solid wall would create by obscuring any visibility into the facility and citing the already substantial screening provided by the landscape buffer.

Planning Commission Review:

Planning Commission reviewed this case at its hearings on February 25, 2019 and March 25, 2019 and recommended approval at the latter meeting (Attachment #5). During the Planning Commission review, several comments regarding the fencing, the landscaping, and access to the site were discussed. The applicant made substantial changes to the application to address those concerns including adding the bollards to prevent vehicle access off-site, changing the originally proposed chain-link with barbed wire fencing, and adding more replacement landscaping.

Staff Analysis:

1. Staff believes the subject parcel seems a good candidate for the facility as proposed to include a freestanding telecommunications monopole. The nearest residential neighborhood, Darlington Oaks, is approximately one-fifth of a mile away. It is similarly distanced from any arterial or collector street in town and is immediately adjacent to the Dominion Energy transmission line towers, which range in height from 80' to almost 130'. Photo simulations have been provided to demonstrate the visual impact from various viewsheds around town (Attachment #7).
2. The proposed telecommunication facility and access drive will require a Special Exception if the proposed Proffer Condition Amendments are granted. The zoning ordinance, per Section 78-71.13 allows freestanding telecommunications facilities such as monopoles by Special Exception in accordance with specific standards. As part of that process, conditions can be placed upon an approval of the special exception. The applicant has submitted an application for a Special Exception, SE#19-02 which will be reviewed immediately following reviews of the proffer condition amendments. Any legislative action approving the special exception requires prior approval of the proffer condition amendments. A denial of the PCA would render the SE application void.

3. The proposed facility abuts an existing stormwater BMP facility and according the site plan on file, may impact an existing drain into the BMP. Any possible impacts to stormwater management on-site will be addressed during the review of the site plan.
4. The town has approved two other freestanding telecommunications towers in recent years; one at the Herndon Middle School ballfields and the other at the Dominion Energy office and equipment yard at 101 Elden Street. Both installations are similar in size and scope to this facility.
5. Staff supports the requested modifications. A solid wall would create hidden areas within the compound that could be a security risk and the landscaping as proposed does provide an ample screen of the compound. Also the location of the site, while visible from the W&OD Trail, does not have any visibility from a public street and the existing substation, which this facility would immediately abut, is similarly screened on three sides by an open fence (only the north side is masonry).

Town Council Alternatives:

The following alternatives are available to the Town Council for its decision on this proffer condition amendment, PCA#19-02:

1. Approval of the application with adoption of the draft ordinance (Attachment #2).
2. Approval of the application with adoption of the draft ordinance with revision(s).
3. Denial of the application.
4. Continuance of the application to a future (date certain) Town Council hearing.

Staff Recommendation:

Staff recommends approval of the application in accordance with Alternative #1.

Attachments:

1. Draft Ordinance, dated April 23, 2019
2. Subject Parcel Vicinity Map
3. Proposed Amended Proffer Statement, Dated February 26, 2019
4. Zoning Modification Request, Dated March 26, 2019
5. Planning Commission Resolution, Dated March 25, 2019
6. Plan Exhibit, Dated March 19, 2019
7. Photo Simulations



Elizabeth M. Gilleran, AICP
Director of Community Development



Bryce A. Perry
Deputy Director of Community Development

TOWN OF HERNDON, VIRGINIA

ORDINANCE

APRIL 23, 2019

Ordinance- Proffer Condition Amendment PCA#19-02. To amend the proffer statement for the previously approved rezoning application, ZMA #02-103, which governs the zoning of the property located at 525 Grove Street identified as Fairfax County Tax Map Reference Number 0162 02 0190E to allow telecommunications facility to include a freestanding monopole and associated ground equipment compound. The subject parcel is split zoned CS, Commercial Service, and O&LI, Office & Light Industrial and its land use designation in the Town of Herndon 2030 Comprehensive Plan is "Community Facilities"

In adopting this 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 Town Council of the Town of Herndon, Virginia, that:

A. The zoning of the property described below, lying in the Town of Herndon, Fairfax County, Virginia, is amended to allow the telecommunications facility as proposed in the Network Building & Consulting, LLC Plan Exhibit dated March 19, 2019 and the Proffer Statement dated February 26, 2019 for PCA#19-02 and in accordance with the Section 78-71.13 and Section 78-155.3 of the Town of Herndon Zoning Ordinance.

B. This rezoning shall be governed by this ordinance, the Town of Herndon Zoning Ordinance, the above referenced Proffer Statement for PCA#19-02 and the above referenced Plan Exhibit for PCA#19-02. The Proffer Statement is included as an attachment to this ordinance. This Proffer Condition Amendment is consistent with the adopted 2030 Comprehensive Plan of the Town of Herndon.

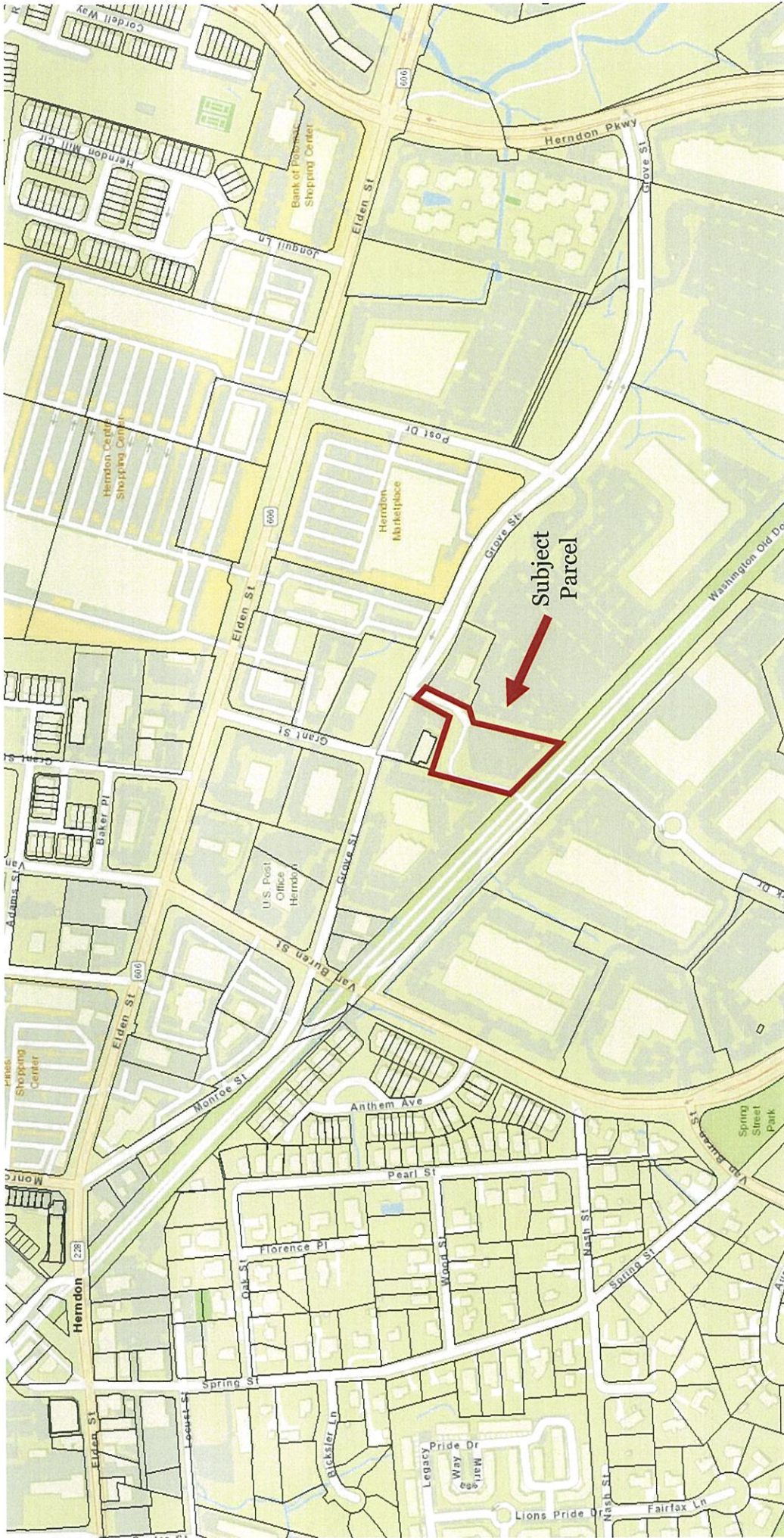
C. The Town Council approves the following modifications to the zoning regulations, as allowed under Section 78-50.2(d):

A modification to Section 78-71.13(d)(2)(g)(5) to allow an open fence style to enclose the ground equipment compound.

A modification to Section 78-114.2(a)(1) to allow a fence and landscaping to screen the ground equipment compound.

D. As to the modifications set out in item C. above, the Town Council finds that such modifications will afford equal or greater assurance of meeting the goals of the zoning ordinance, Town of Herndon, Virginia, as set out in the preamble of that ordinance.

E. This ordinance shall be effective on and after its adoption.



TOWN OF
Herndon

Photo prepared by Town of Herndon
Department of Community Development



SITE LOCATION – Vicinity Map

Case: SE #19-02 – 525 Grove Street

PROFFERS

"Generalized Development Plan, US-VA-5060 Herndon Substation"

PCA #19-02

Amendment to ZMA-02-103

February 26, 2019

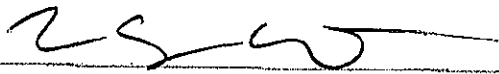
Pursuant to Section 15.2-2303 (a) of the Code of Virginia (1950), as amended, and the Town of Herndon Zoning Ordinance, Virginia Electric and Power Company, d.b.a. Dominion Energy Virginia, (the "Applicant"), the sole owner of a certain parcel of land identified as Tax Map #0162-02-0190E (the "Property"), hereby proffers that, if the Herndon Town Council approves PCA #19-02 to revise the proffers (the "Proffers") previously accepted by the Town in ZMA #02-103, approved on September 10, 2002, by Ordinance 02-O-19, the Subject Property shall be developed in substantial accord with those Proffers which are applicable to the Subject Property, except as modified herein.

The undersigned hereby proffer for themselves as applicant, and owner, with respect to the property containing 0.83660 acre shown as Parcel B-2 on the plan dated September 27, 2001, made by Urban Engineering & Assoc., Inc., entitled "Rezoning Plan, Dominion Virginia Power, New Dominion Technology Park, Town of Herndon, Fairfax County, Virginia (the "Property")", that the development of the Property shall be in substantial conformity with the following conditions pursuant to the Virginia Code, Title 15.2, Chapter 22, Article 7, and the Town of Herndon Zoning Ordinance, Section 78-155.1.

1. The development of the Property shall be in substantial conformity with that certain plan dated March 20, 2002, and most recently revised August 20, 2002, made by Dominion, entitled "Generalized Development Plan, Proposed Herndon Substation Site", subject to modifications approved by the Town of Herndon. Excluding development of a proposed telecommunications tower facility, which shall be in substantial conformity with the proposed site plan titled "US-VA-5060 Herndon," prepared by NB+C Engineering Services, LLC, dated Nov. 21, 2018, and revised on Feb. 25, 2019.
2. A twenty-five foot landscaped open space shall be provided along the southern boundary of the Property adjacent to the W&OD Trail.
3. These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original, and all of which taken together shall constitute but one and the same instrument.
4. These proffers shall be binding upon the heirs, executors, administrators, assigns and successors in interest of the applicant and owner.
5. These proffers shall be in substitution for all other proffers applicable to the Property including those proffers accepted by the Town in Herndon in ZMA#87-102 and ZMA #001-02.
6. Landscaping and screening are subject to review and approval by the Town of Herndon Architectural Review Board.

Owner: VIRGINIA ELECTRIC AND POWER COMPANY

Doing Business As: Dominion Energy Virginia

By: 

Name: Robert Capehart

Title: Project Manager

Applicant/Developer: VERTICAL BRIDGE DEVELOPMENT, LLC

By: 

Name: Daniel Marinberg
SVP and General Counsel

Title: _____



March 26, 2019

Town of Herndon
Bryce Perry, Deputy Director of Community Development
777 Lynn Street
Herndon, VA 20170

RE: Vertical Bridge US-VA-5060; "Herndon Substation"
Proposed Telecommunication Tower Project
PCA #19-01, PCA #19-02, and SE#19-02
Zoning Modification Request - Amended

Dear Mr. Perry:

This letter is being submitted to amend the previous Modification Requests, based on recent changes made to the general development for the referenced PCA and SE cases, for a proposed monopole telecommunications facility, located at the Herndon Substation, 525 Grove Street. The following zoning modifications are requested:

1. Section 78-114.2(a)(2) – to allow applicant to use a decorative metal fence around the proposed compound instead of a solid wall.

The justification for this request is that the decorative metal fence is necessary for security purposes. Solid fences or walls create "hidden areas" and would allow unauthorized people to potentially be inside the substation or compound and be unseen from the outside. Additionally, because this is a non-residential zone, surrounded by non-residential used, applicant feels that the use of a decorative metal fence is appropriate.

2. Section 78-71.13(d)(2)(g)(5) – to allow applicant to not use an opaque constructed solid wall or fence, and not provide an evergreen hedge with a minimum height of 48 inches over grade.

The justification for this request is that applicant desires to utilize an open style, decorative metal fence for security purposes. Additionally, the replacement/relocation of existing mature landscape trees and shrubs, most of which exceed the 48" minimum height requirement, meets the intent for screening the equipment area, although they are not in a hedge formation.

If you have any questions about the requested modifications, or need any additional information from me at this time, please let me know as soon as possible. I can be reached at 410-712-7092, ext. 1003, or via email (hbernadzikowski@nbcllc.com).

Regards,

A handwritten signature in blue ink, appearing to read 'Harold Bernadzikowski', is written over a horizontal line.

Harold Bernadzikowski, Senior Land Use Specialist
Agent for Vertical Bridge

CC: Tessia Knight, Land Use Associate, NB+C

TOWN OF HERNDON, VIRGINIA

PLANNING COMMISSION

RESOLUTION

March 25, 2019

Resolution –Recommending approval of Proffer Condition Amendment, PCA#19-01, 525 Grove Street, to the Town Council

WHEREAS, Network Building & Consulting, LLC, the applicant, has submitted an amended Proffer Statement, dated February 26, 2019 and referenced NB+C/Vertical Bridge plan exhibit, dated March 19, 2019, to allow the construction of a telecommunications facility on the parcel identified as Fairfax County Tax Map Reference Number 0162-02-0190E; and

WHEREAS, The reference parcel is currently improved by a Dominion Energy substation with its land use is regulated by previously approved Zoning Map Amendments, ZMA#02-102 and ZMA#02-103; and

WHEREAS, On February 25, 2019 the Planning Commission held a public hearing to consider PCA#19-01 and continued that public hearing to March 25, 2019; and

WHEREAS, The Planning Commission has determined that the applicant has demonstrated that the above referenced Proffer Statement and referenced plan exhibit adheres to applicable sections of the Town of Herndon Zoning Ordinance, dependent upon a modification of ground equipment screening method; and

WHEREAS, The Planning Commission has determined that the applicant has demonstrated that the requested modification of Section 78-114.2(a)(1) to allow fencing instead of a masonry wall for screening of the group equipment will afford equal or greater assurances of meeting the applicable goals of the Zoning Ordinance.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the Town of Herndon, Virginia that the Commission recommends to the Town Council of the Town of Herndon, Virginia approval of PCA#19-01.

BE IT FUTHER RESOLVED that the Planning Commission of the Town of Herndon, Virginia that the Commission recommends to the Town Council of the Town of Herndon, Virginia approval of the requested zoning modification to allow a black decorative metal fence in combination with landscaping to screen the ground equipment instead of a masonry wall.

[illegible]

CASH ESCROW BOND ESTIMATE				
ITEM NO.	ITEM	QUANTITY	UNIT PRICE	COST
1	ESCROW/SEDIMENTATION CONTROL			
2	ESCROW/SEDIMENTATION CONTROL (PER APPROXIMATE 100,000 GAL. PER DAY)			
3	DECE REPLACEMENT			
4	ARREST FEE			
5	DAMAGE TO EXISTING PUBLIC UTILITIES (TO BE COMPLETED BY THE OWNER OF RECORD)			
6	LANDSCAPING			
			U.S.	
			U.S.	

APPLICATION FEES	
(SEE SECTION 7B-204.2 OF THE TOWN CODE FOR FEES)	
TYPE OF APPLICATION:	
CALCULATION OF APPLICATION FEE:	
APPLICATION FEE PAID (Official Use Only):	AMOUNT:
DATE:	

[illegible][illegible]

INDEX	PAGE
T-1	TITLE SHEET
Z-1	SITE PLAN
Z-2	ENLARGED SITE PLAN
C-1	COMPOUND PLAN & ELEVATION
D-1	CONSTRUCTION DETAILS
L-1	EXISTING LANDSCAPE PLAN
L-2	PROPOSED LANDSCAPE PLAN

MODIFICATION REQUESTS

THE DEVELOPER REQUESTS THE FOLLOWING MODIFICATIONS AS PART OF APPLICATIONS PCA #19-01 AND SE #19-02:

1. SECTION 78-114.2 TO ALLOW A 7' CHAIN LINK FENCE INSTEAD OF A MASONRY WALL AND OPAQUE METAL GATES.
2. SECTION 78-115.2 TO ALLOW BARBED WIRE ON TOP OF THE CHAIN LINK FENCE
3. SECTION 78-110.4.5 TO ALLOW THE 10' ACCESS EASEMENT WITHIN A PORTION OF THE 7.5' REQUIRED PERIMETER LANDSCAPE BUFFER.

WAIVER REQUESTS

DESIGNATE EACH SECTION OF THE ZONING ORDINANCE, PUBLIC FACILITIES MANUAL, OR SUBDIVISION ORDINANCE FROM WHICH A WAIVER IS REQUESTED. PLEASE NOTE THAT A LETTER OF JUSTIFICATION FOR EACH WAIVER MUST ACCOMPANY THE INITIAL PLAN SUBMISSION.)

FEE = \$200.00 PER REQUEST

PAID FROM SECTION: _____ OF _____ = \$200.00

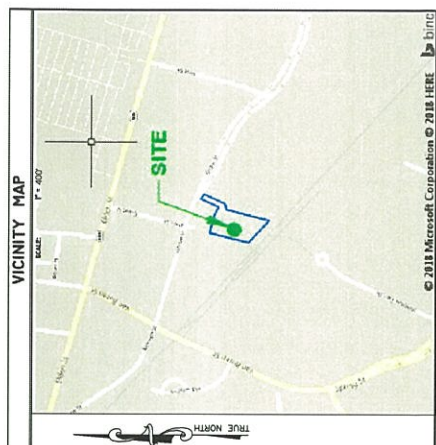
PAID FROM SECTION: _____ OF _____ = \$200.00

NUMBER OF REQUESTS: _____ X \$200.00 = _____

LATE FEE COLLECTED (Official Use Only): _____

EXISTING CONDITION SURVEY NOTES

- HORIZONTAL DATUM _____
VERTICAL DATUM _____



LOCATION OF BENCHMARKS

APPROVED	
FOR SITE CONSTRUCTION OF THE PLAN	
BAILMENT FEEDS TO BE ISSUED SEPARATELY.	
DATE	FARFAX COUNTY FIRE MARSHAL
DATE	DIRECTOR OF PUBLIC WORKS
DATE	DIRECTOR OF COMMUNITY DEVELOPMENT
DATE	ZONING ADMINISTRATOR

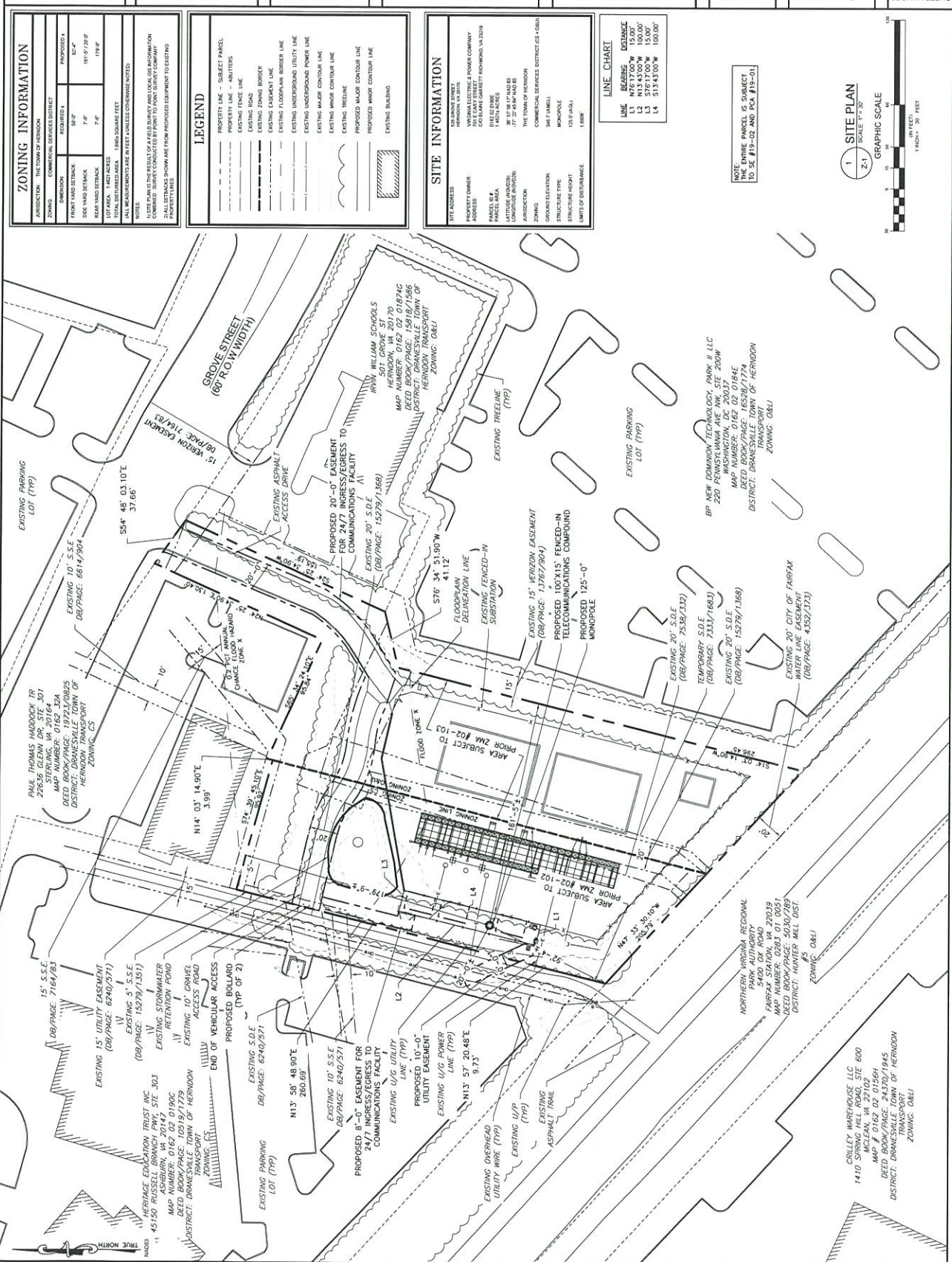
SECTION 70-203.2(k): SUBDIVISION APPROVAL VOID IF FINAL SUBDIVISION PLAT IS NOT SUBMITTED WITHIN ONE YEAR OF APPROVAL OF A PRELIMINARY SUBDIVISION PLAN.

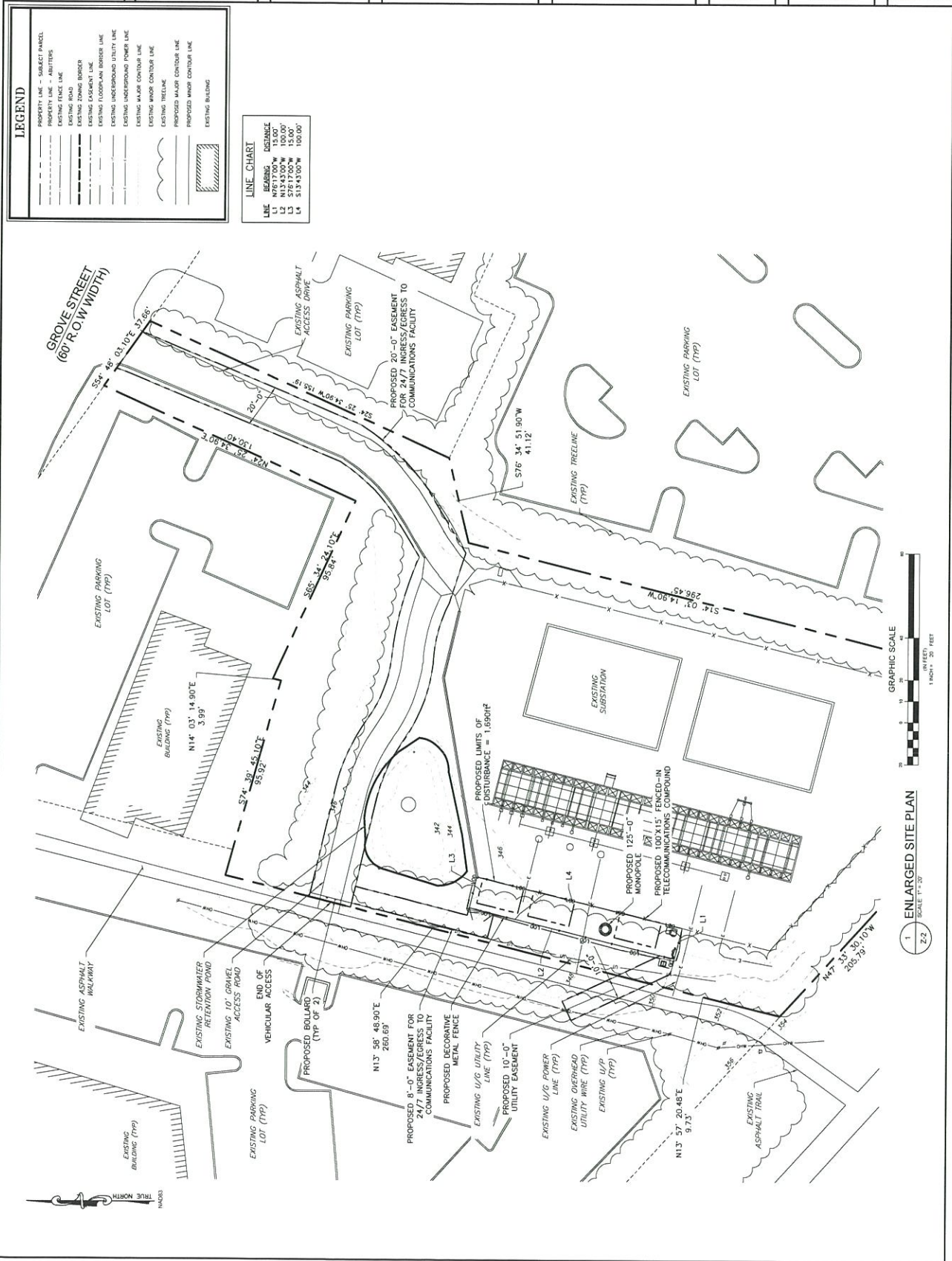
BEFORE YOU DIE
CALL "MISS UTILITY" 811
OR 1-800-552-7001
visit online at wo811.com

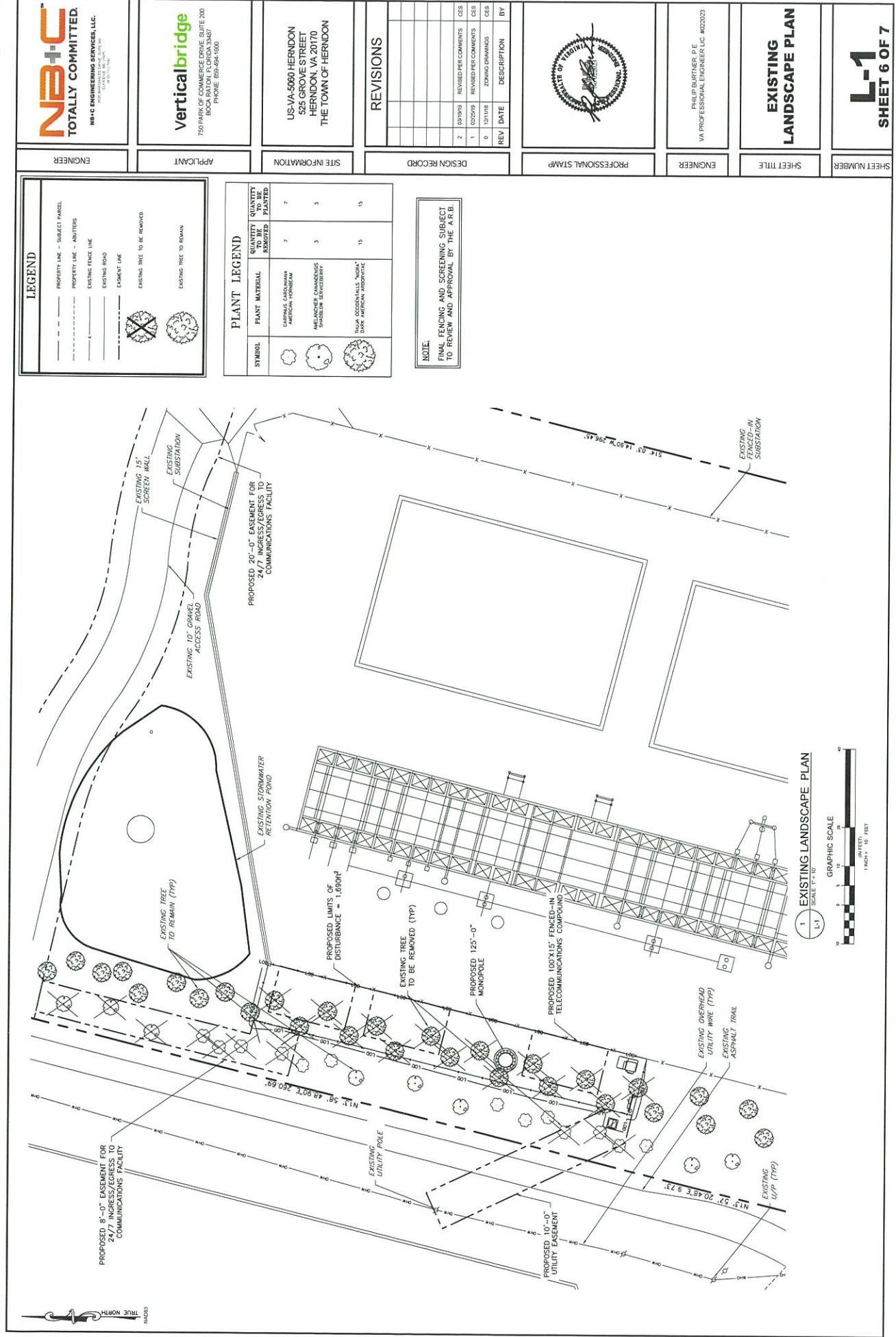
DOWN PLAN #: _____
TOWN OF HERNDON, VIRGINIA
COVER SHEET

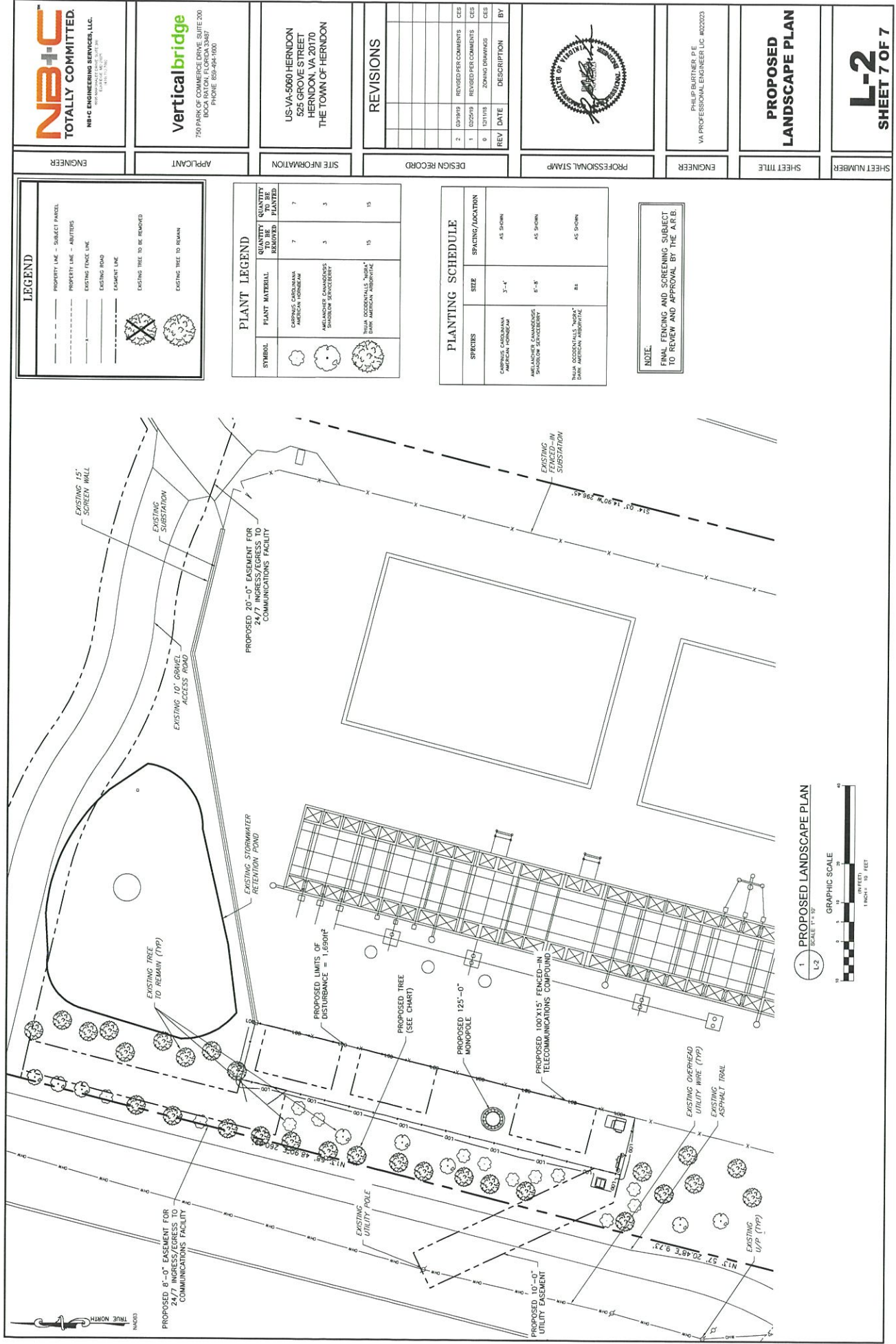
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PROFESSIONAL SEAL AND SIGNATURE









Herndon Location Map

Legend:
 - not visible (red dot)
 - visible (blue dot)

Map Labels:
 Herndon Centre
 Herndon Pkwy
 Elden St
 Spring St
 Van Buren St
 Monroe St
 Grant St
 Adams St
 Jackson St
 Jefferson St
 Pine St
 Station St
 Lynn St
 Oak St
 Wood St
 Nash St
 Austin Ln
 Aspen Dr
 Springpark Pl
 Hunter Park Dr
 Post Dr
 Carlele Dr
 Stuart Woods Apartments
 Reneau Way
 Tamarack Way
 Madison Ridge Ln

View Points:
 View 1 (red dot)
 View 2 (red dot)
 View 3 (blue dot)
 View 4 (red dot)
 View 5 (red dot)
 View 6 (red dot)
 View 7 (red dot)
 View 8 (blue dot)
 View 9 (blue dot)
 View 10 (red dot)
 View 11 (red dot)

Site (red star icon)

Attachment 7



Site Name: Herndon
Wireless Communication Facility
Grove Street
Herndon, VA 20170

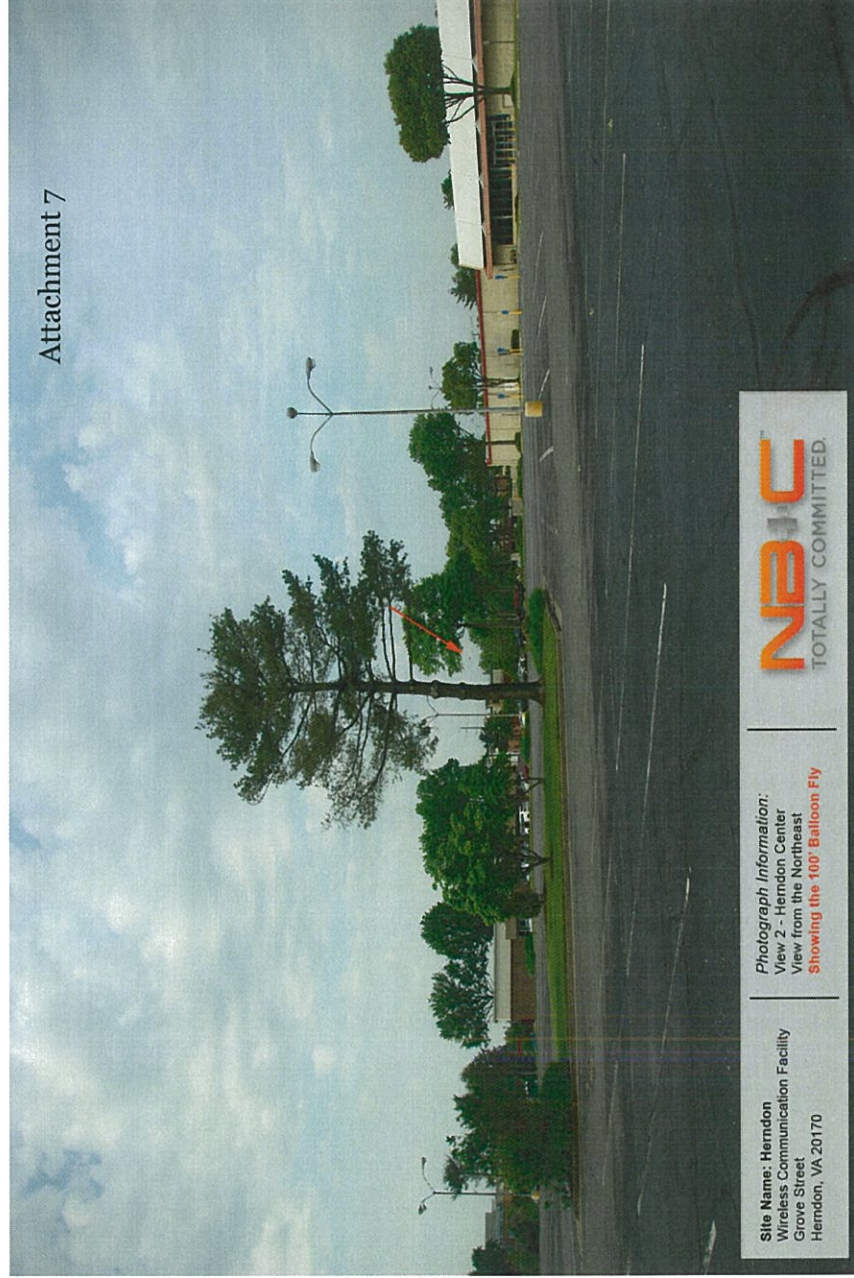
Photograph Information:
View 1 - Grant St & Elden St
View from the North
Showing the 100' Balloon Fly

NBC
TOTALLY COMMITTED

Attachment 7



Attachment 7

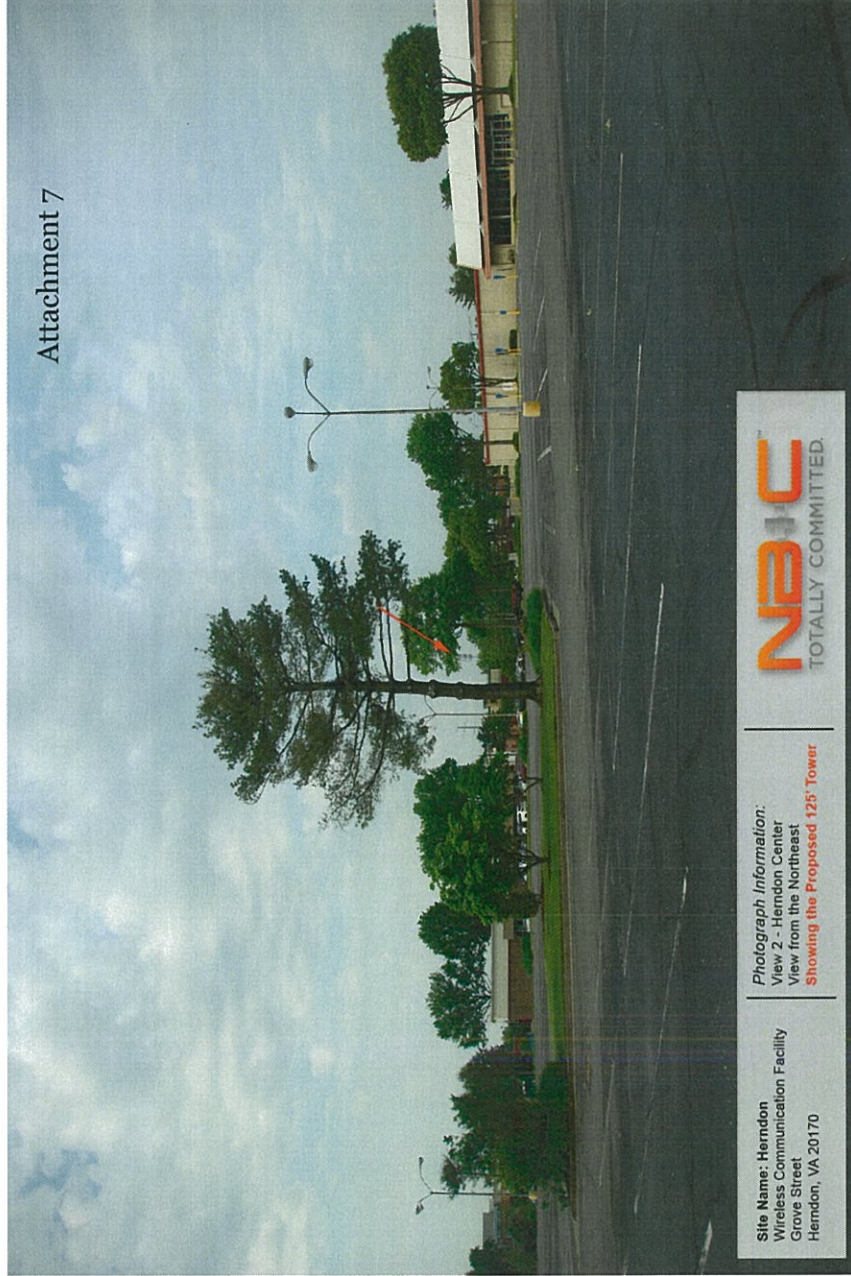


Photograph Information:
View 2 - Herndon Center
View from the Northeast
Showing the 100' Balloon Fly

Site Name: Herndon
Wireless Communication Facility
Grove Street
Herndon, VA 20170

NBC
TOTALLY COMMITTED.

Attachment 7



Site Name: Herndon
Wireless Communication Facility
Grove Street
Herndon, VA 20170

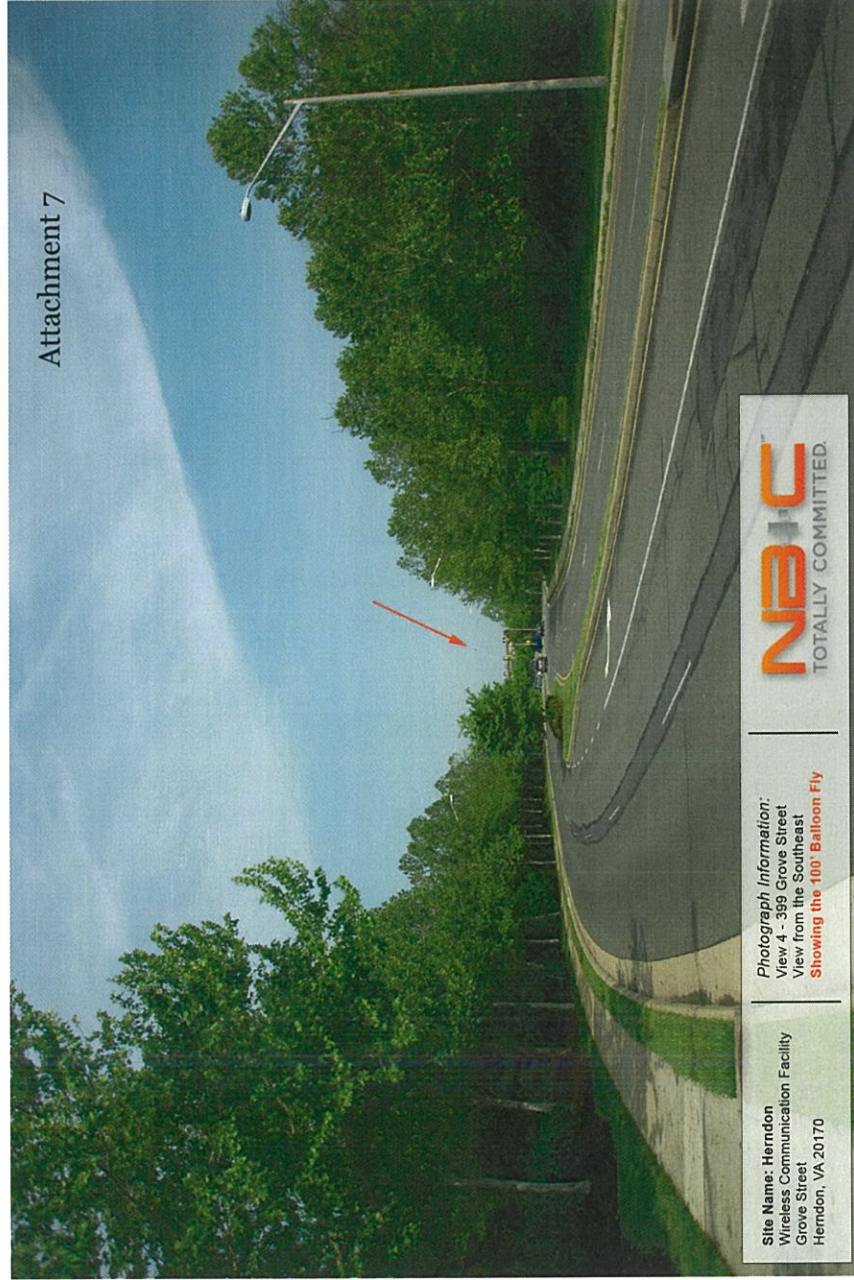
Photograph Information:
View 2 - Herndon Center
View from the Northeast
Showing the Proposed 125' Tower

NBC
TOTALLY COMMITTED.

Attachment 7



Attachment 7

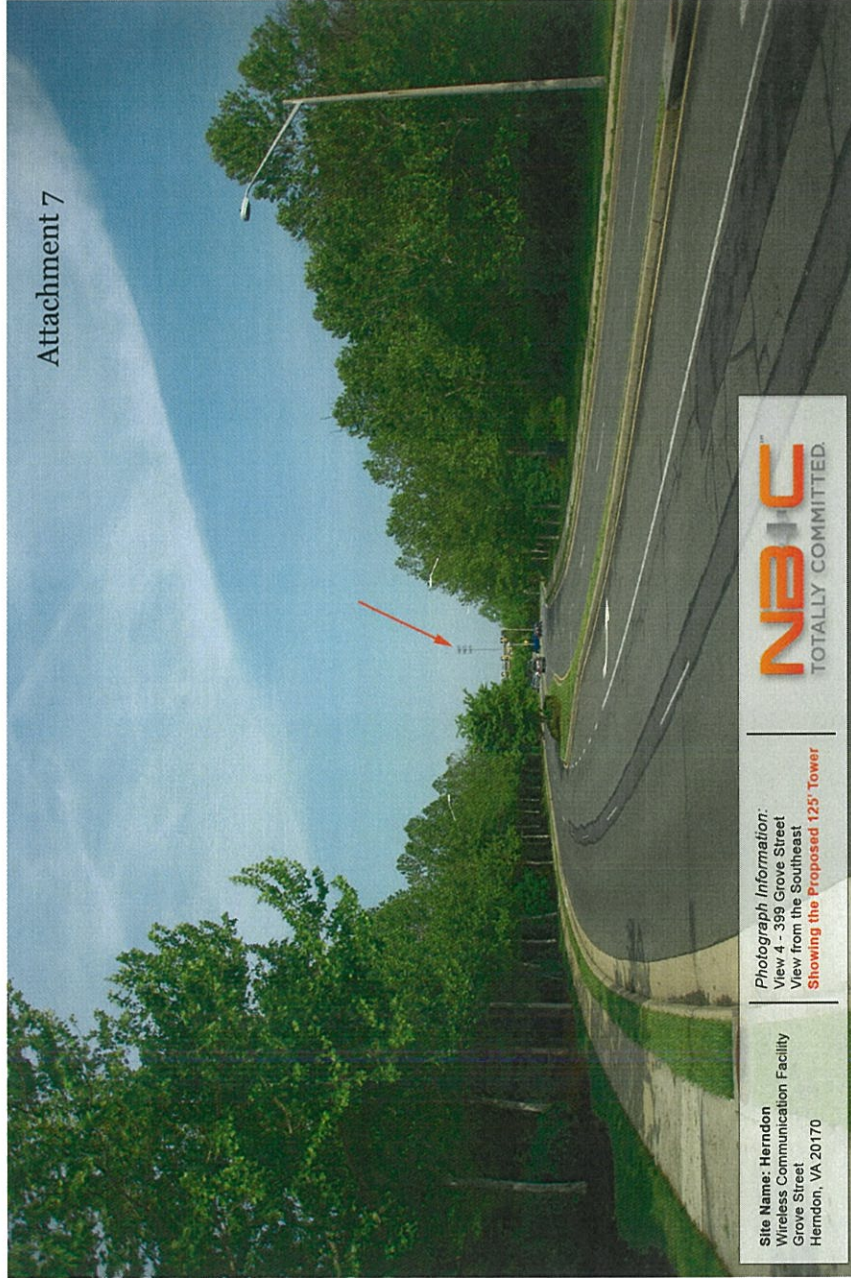


Photograph Information:
View 4 - 399 Grove Street
View from the Southeast
Showing the 100' Balloon Fly

Site Name: Herndon
Wireless Communication Facility
Grove Street
Herndon, VA 20170

NBC
TOTALLY COMMITTED

Attachment 7



Photograph Information:
View 4 - 389 Grove Street
View from the Southeast
Showing the Proposed 125' Tower

Site Name: Herndon
Wireless Communication Facility
Grove Street
Herndon, VA 20170

NBCU
TOTALLY COMMITTED



Photograph Information:
View 5 - Herndon Pkwy & Grove St
View from the East
Showing the Existing Site

Site Name: Herndon
Wireless Communication Facility
Grove Street
Herndon, VA 20170

N3C
TOTALLY COMMITTED





Site Name: Herndon
Wireless Communication Facility
Grove Street
Herndon, VA 20170

Photograph Information:
View 6 - Springplank Place
View from the Southeast
Showing the Existing Site

NBTU
TOTALLY COMMITTED



Photograph Information:
View 6 - Springplank Place
View from the Southeast
Showing the Proposed Site

Site Name: Herndon
Wireless Communication Facility
Grove Street
Herndon, VA 20170

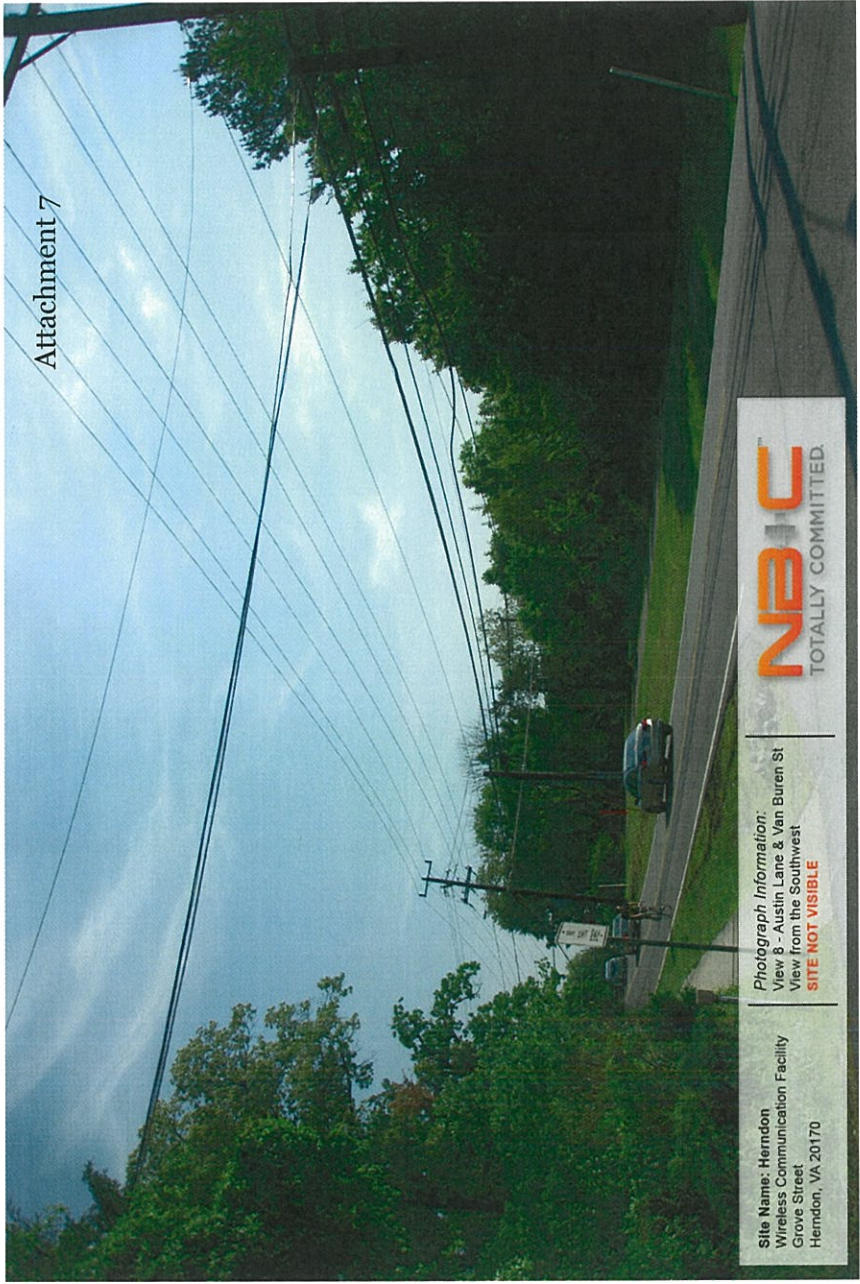
NBCU
TOTALLY COMMITTED

Attachment 7



Attachment 7





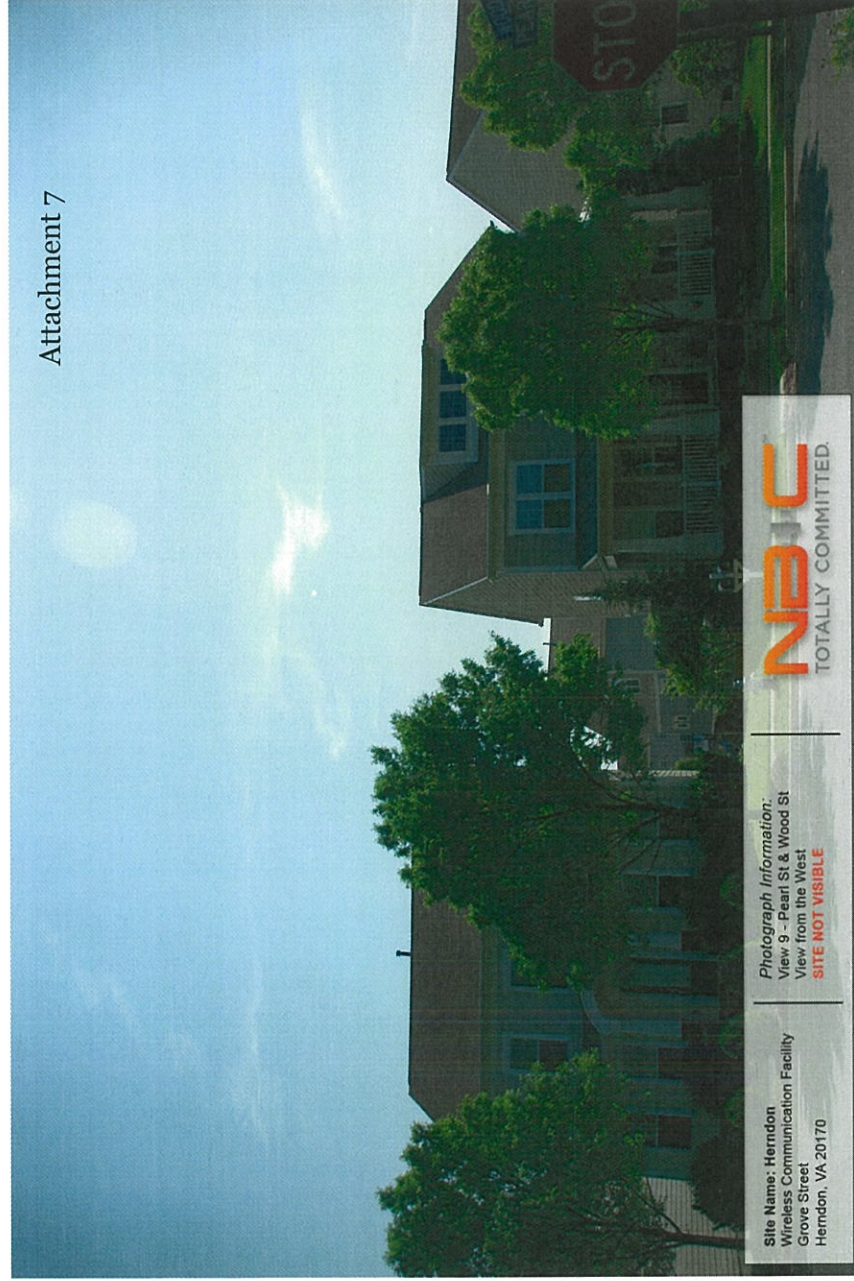
Attachment 7

Photograph Information:
View 8 - Austin Lane & Van Buren St
View from the Southwest
SITE NOT VISIBLE

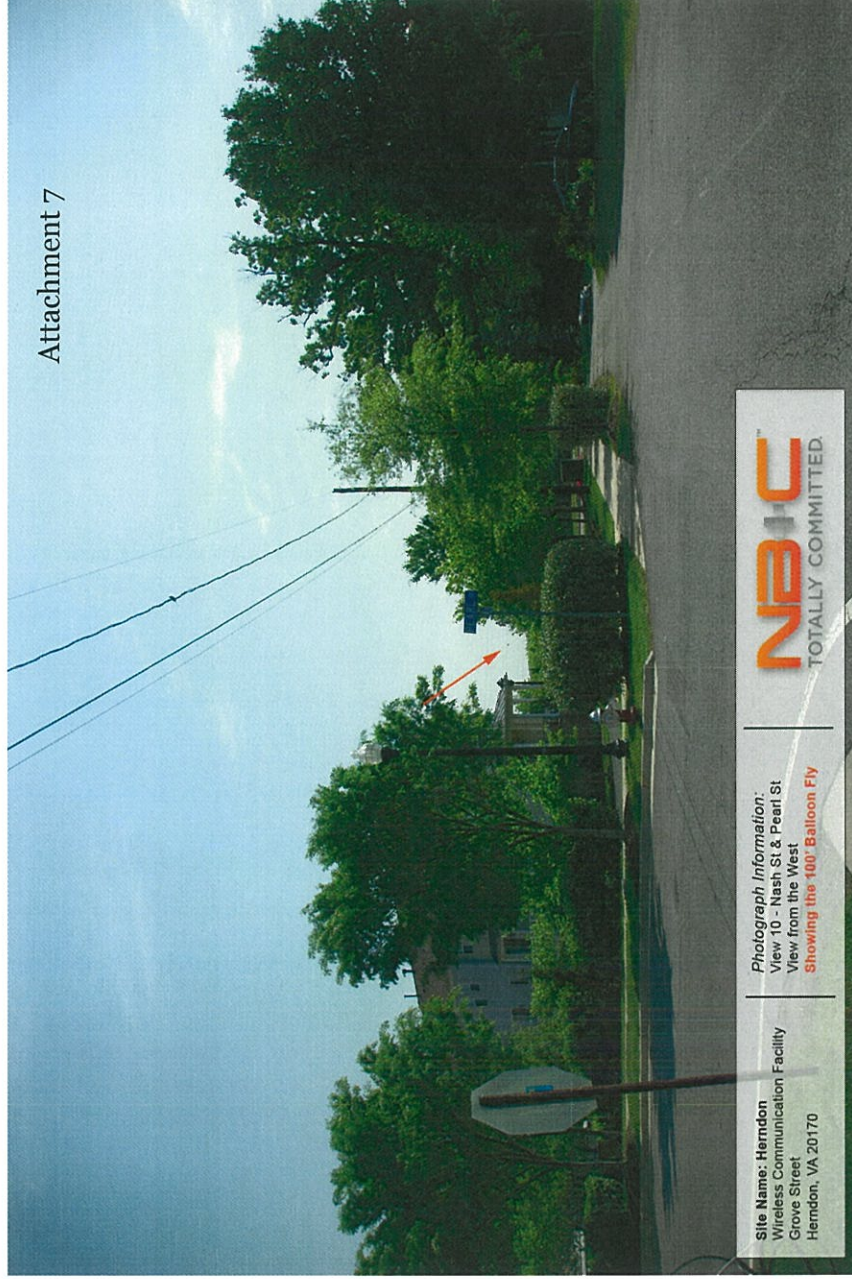
Site Name: Herndon
Wireless Communication Facility
Grove Street
Herndon, VA 20170

NBCU
TOTALLY COMMITTED

Attachment 7



Attachment 7

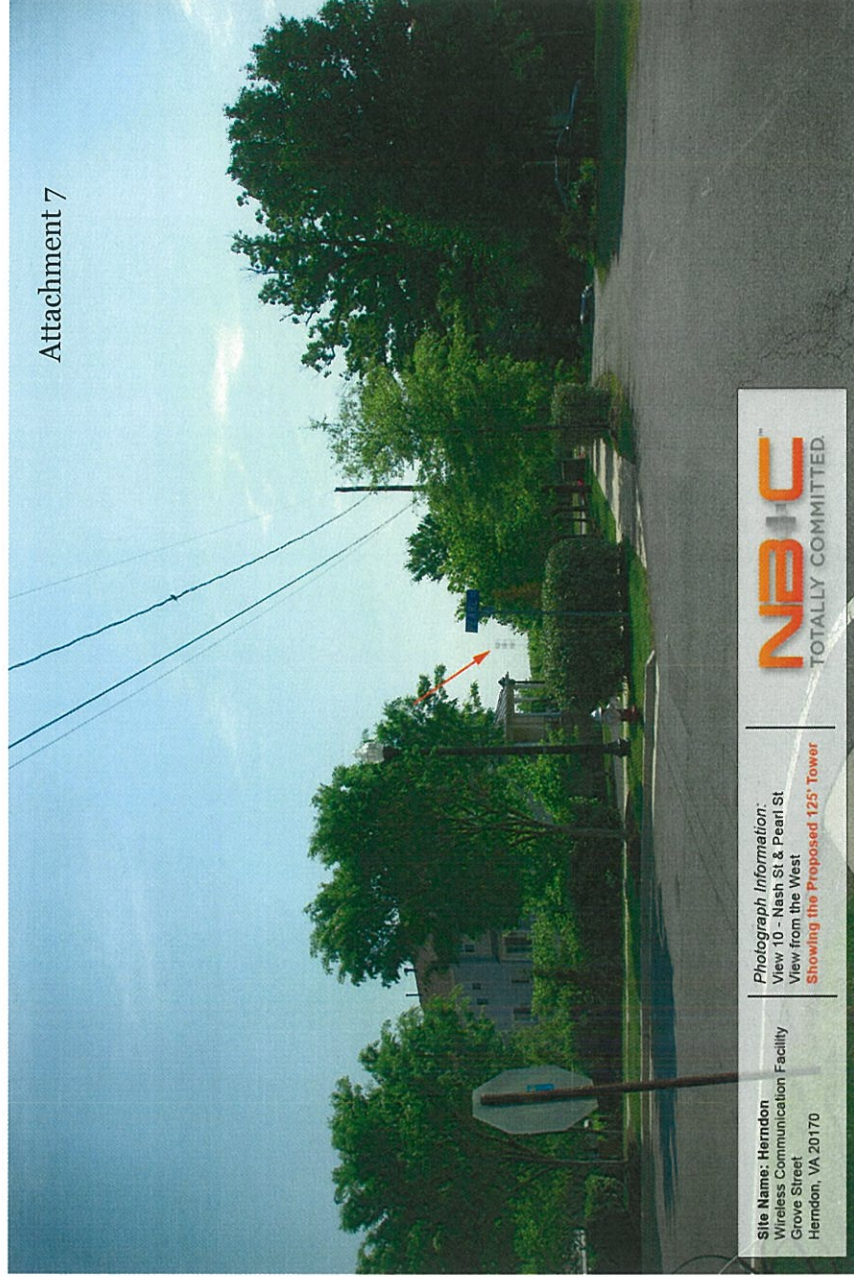


Site Name: Herndon
Wireless Communication Facility
Grove Street
Herndon, VA 20170

Photograph Information:
View 10 - Nash St. & Pearl St.
View from the West
Showing the 100' Balloon Fly

NBC
TOTALLY COMMITTED

Attachment 7





Attachment 7

Photograph Information:
View 11 - Van Buren Street
View from the West
Showing the Existing Site

Site Name: Herndon
Wireless Communication Facility
Grove Street
Herndon, VA 20170

NBC
TOTALLY COMMITTED



Attachment 7



STAFF REPORT

Town Council

April 16, 2019

Title: SPECIAL EXCEPTION - SE #19-02, 525 Grove Street.

Staff Contact: Bryce A. Perry, Deputy Director of Community Development
bryce.perry@herndon-va.gov (703)787-7380
Elizabeth M. Gilleran, AICP, Director of Community Development
lisa.gilleran@herndon-va.gov (703) 787-7380

Summary Information:

Applicant Request	An application for a special exception to permit the construction of a telecommunications monopole and associated ground equipment compound located within the Office and Light Industrial (O&LI) zoning district. The development is subject to two zoning map amendments with proffers and is the subject of PCA #19-01 and PCA #19-02 which will be reviewed concurrently with this application.
Address	525 Grove Street
FFX CO Tax Map #	0162 02 0190E
Owner	Virginia Electric & Power Company
Applicant	Tessia Knight, Network Building & Consulting, LLC
Zoning	O&LI (Office & Light Industrial) CS (Commercial Service)
Adjacent Zoning	North: CS (Commercial Service) South: O&LI (Office & Light Industrial) East: O&LI (Office & Light Industrial) West: CS (Commercial Service)
Land Use Designation	Community Facilities
Adjacent Land Use Designation	North: Business Corridor South: Office Parks & Flexible Space East: Office Parks & Flexible Space West: Business Corridor
Total Site Area	1.4621 acres / 63,688 square feet
Existing Use	Dominion Energy electrical substation

Background:

The subject property was first re-zoned from residential to commercial in 1987 through Zoning Map Amendment (ZMA) # 87-102. It was further re-zoned with ZMA #01-002

along with abutting properties as part of an effort to develop the properties with commercial uses and build Grove Street through to Herndon Parkway. The subject property was not developed as part of either rezoning case and both were voided in 2002 when the property was again re-zoned with ZMA#02-102 and ZMA# 02-103 to permit the construction of an electric utility substation and subsequently developed with that use as approved by the two Zoning Map Amendments with their associated Generalized Development Plan and Proffers.

Site Description:

The site lies between the W&OD trail and Grove Street, immediately south of the southern terminus of Grant Street. It is surrounded mostly by office buildings with surface parking lots. Access to the site is gained via a private driveway off Grove Street. The substation compound is screened by fencing and landscaping. Its western boundary abuts a public off-street trail that connects Grove Street to the W&OD trail.

Proposal Details:

As proposed, the monopole is 125' high and would accommodate multiple platforms for multiple antennas. The associated ground equipment compound is 100' long and 15' wide and enclosed by a 7' tall decorative black metal fence topped with one gate. Some existing landscaping will remain to help screen the compound, and additional trees will be planted to add further screening. Several existing trees and shrubs will require removal however they will be replaced at a one-to-one ratio. The existing gravel driveway along the northern boundary of the property would provide vehicle access to the facility. Bollards would be installed at the end of the driveway to prevent vehicle access off-site and prevent vehicle usage of the adjacent trail.

Planning Commission Review:

Planning Commission reviewed this case at its hearings on February 25, 2019 and March 25, 2019 and recommended approval at the latter meeting (Attachment #3). During the Planning Commission review, several comments regarding the fencing, the landscaping, and access to the site were discussed. The applicant made substantial changes to the application to address those concerns including adding the bollards to prevent vehicle access off-site, changing the originally proposed chain-link with barbed wire fencing, and adding more replacement landscaping.

Staff Analysis:

1. Staff believes the subject parcel seems a good candidate for the facility as proposed to include a freestanding telecommunications monopole. The nearest residential neighborhood, Darlington Oaks, is approximately one-fifth of a mile away. It is similarly distanced from any arterial or collector street in town and is immediately adjacent to the Dominion Energy transmission line towers, which range in height from

80' to almost 130'. Photo simulations have been provided to demonstrate the visual impact from various viewsheds around town (Attachment #5).

2. Prior to special exception approval, the site must be rezoned to allow the proposed telecommunication facility with proffer condition amendments PCA#19-01 and PCA#19-02. These applications have been submitted and will be reviewed immediately preceding review of the special exception.
3. The zoning ordinance, per Section 78-71.13 allows freestanding telecommunications facilities such as monopoles by special exception in accordance with specific standards. Special exceptions must comply with applicable zoning ordinance standards and unless those standards are modified as part of a rezoning application. In this case the proffer condition amendments request a zoning modification to enclose the group equipment compound with an open fence instead of the required solid wall. This application for special exception appears to comply with all other applicable zoning ordinance standards.
4. As part of the special exception review process, conditions can be placed upon an approval of the special exception, which are recommended by staff for this case and included within the draft resolution (Attachment #2). The proposed conditions are fairly standard for this type of use with the exception of Condition #D which addresses stormwater management and Condition # F which addresses access to the facility.

The proposed facility abuts an existing stormwater BMP facility and according the site plan on file, may impact an existing drain into the BMP. The proposed condition ensures that the applicant thoroughly evaluate any possible impacts to stormwater management on-site during the review of the site plan.

Vehicle access is not provided all the way to the facility. Vehicles would need to park on the gravel driveway and then those seeking access would walk to the facility from there. Condition F ensures that those seeking access do not use the off-site trail to gain closer access to the facility by vehicle.

5. The town has approved two other freestanding telecommunications towers in recent years; one at the Herndon Middle School ballfields and the other at the Dominion Energy office and equipment yard at 101 Elden Street. Both installations are similar in size and scope to this facility.

Town Council Alternatives:

The following alternatives are available to the Town Council for its decision on this special exception, SE#19-02:

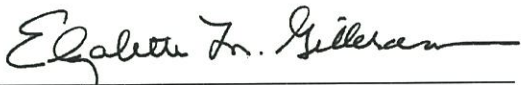
1. Approval of the draft resolution including conditions (Attachment #2).
2. Approval of the draft resolution with revision(s).
3. Denial of the application.
4. Continuance of the application to a future (date certain) Town Council hearing.

Staff Recommendation:

Staff recommends approval of the application in accordance with Alternative #1.

Attachments:

1. Draft Resolution (with conditions), dated April 23, 2019
2. Subject Parcel Vicinity Map
3. Planning Commission Resolution, Dated March 25, 2019
4. Plan Exhibit, Dated March 19, 2019
5. Photo Simulations
6. Zoning Ordinance Section 78-155.3(e)
7. Zoning Ordinance Section 78-71.13(d)(2)



Elizabeth M. Gilleran, AICP
Director of Community Development



Bryce A. Perry
Deputy Director of Community Development

TOWN OF HERNDON, VIRGINIA

RESOLUTION

APRIL 23, 2019

Resolution- to consider Special Exception, SE#19-02, to allow a telecommunications facility with a freestanding monopole on a property improved with an electrical substation and zoned CS, Commercial Service and O&LI, Office & Light Industrial.

WHEREAS, Network Building & Consulting, LLC, the applicant, has submitted an Special Exception application to allow a telecommunications facility on the property located at 525 Grove Street and identified as Fairfax County Tax Map Reference Number 0162-02-0190E; and

WHEREAS, the proposed telecommunications facility is shown on the NB+C/Vertical Bridge plan exhibit, dated March 19, 2019; and

WHEREAS, the referenced parcel is currently improved by a Dominion Energy substation and its land use is regulated by previously approved Zoning Map Amendments, ZMA#02-102 and ZMA#02-103; and

WHEREAS, the Proffer Statements regulating the land use of the site will be amended to allow the proposed telecommunications facility when Proffer Condition Amendments, PCA#19-01 and PCA#19-02 are approved; 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, on February 25, 2019 and continued that public hearing to March 25, 2019; and

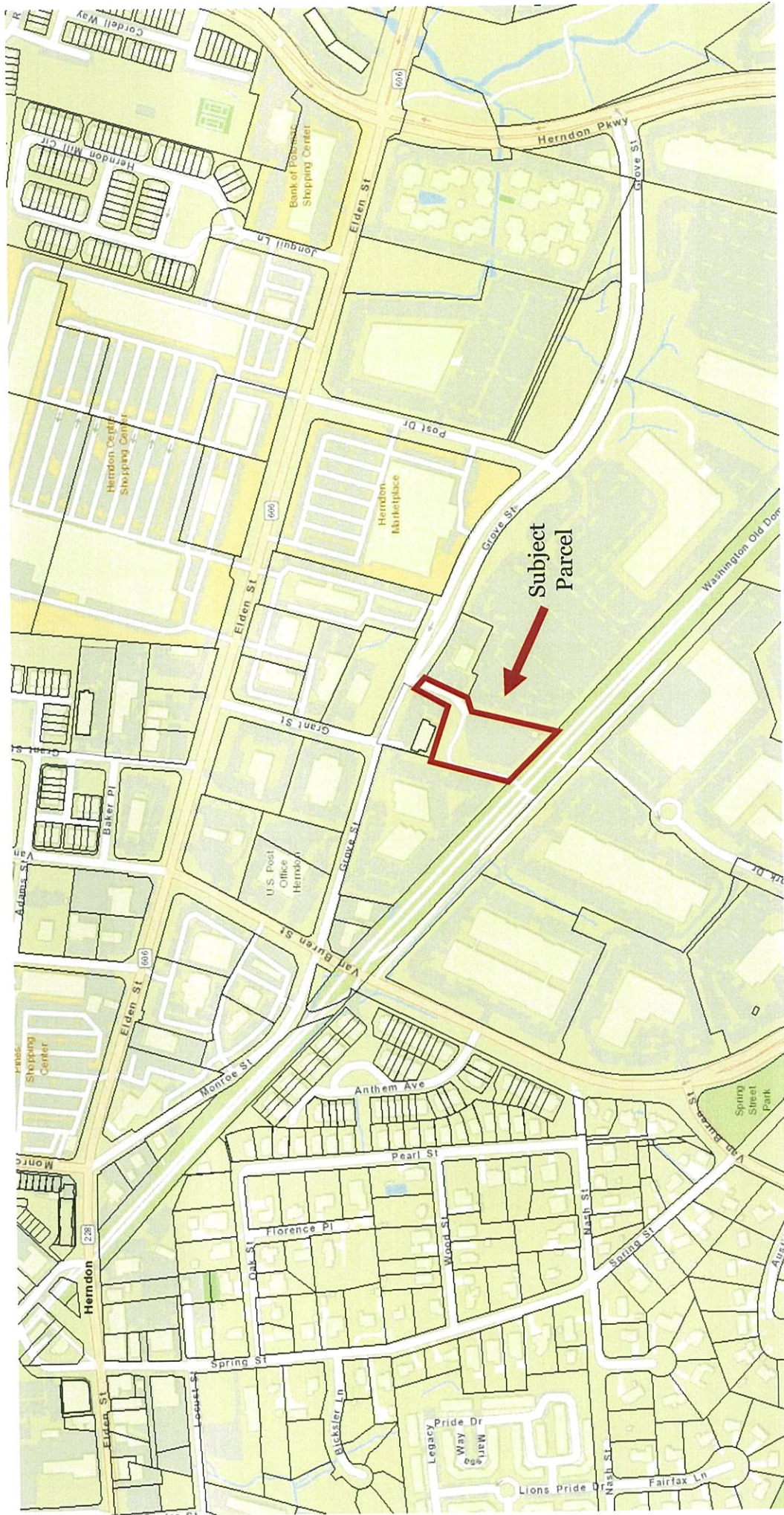
WHEREAS, following public hearing, the Planning Commission finds that the proposed use meets the purpose and intent of the Zoning Ordinance dependent upon a modification of ground equipment screening method requested as part of the above referenced Proffer Condition Amendment applications; and

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 SE #19-02, in accordance with the conditions set forth below to achieve compliance with the applicable zoning ordinance standards;

- A. **Substantial Conformity.** The site shall be developed and maintained in substantial conformance with the NB+C/Vertical Bridge plan exhibit, dated March 19, 2019, except where modified by these conditions and with the removal of the modification requests #2 and #3 listed on the cover sheet of the plan exhibit.
- B. **Permitted use.** The use shall be limited to one 125-foot telecommunications monopole and associated ground equipment and enclosure.
- C. **Site Plan Revision.** A site plan revision indicating all proposed modifications to the site shall be submitted to the Town of Herndon for administrative staff review.
- D. **Stormwater Management.** The proposed improvements shall not negatively impact the existing stormwater BMP. The applicant shall include an analysis with the site plan submission and, if required, associated site improvements demonstrating that the proposed project will not negatively impact the existing stormwater BMP.
- E. **Architectural Review Board (ARB).** An application for the proposed new construction, to include the required screening and access barriers, shall be submitted for review by the Architectural Review Board (ARB.) All permits and construction must comply with the ARB approval.
- F. **Access to the Site.** The telecommunications facility compound shall not be accessed from the existing trail near the western property boundary. A physical barrier shall be installed preventing any vehicular access from the private access road off-site. The design of the barrier shall be submitted to the ARB in accordance with Condition E. Access into the enclosure shall be limited to a single gate as shown in the referenced plan unless provided along the enclosure's eastern side adjacent to the substation.
- G. **Inspection.** The property owner and tenant shall allow Town officials to inspect the property during reasonable hours upon prior notice
- H. **Expiration.** This Special Exception shall run with the land except under the following condition(s):
 - i. A discontinuance of the use for which the special exception was granted for a continuous 12-month period;
 - ii. Failure to obtain a final building inspection for the monopole within eighteen (18) months of approval of the special exception.
- 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.



SITE LOCATION - Vicinity Map

Case: SE #19-02 - 525 Grove Street

**TOWN OF HERNDON, VIRGINIA
PLANNING COMMISSION
RESOLUTION**

March 25, 2019

Resolution – Recommending approval of Special Exception, SE#19-02, 525 Grove Street, to the Town Council

WHEREAS, Network Building & Consulting, LLC, the applicant, has submitted an Special Exception application to allow a telecommunications facility on the parcel identified as Fairfax County Tax Map Reference Number 0162-02-0190E; and

WHEREAS, The proposed telecommunications facility is shown on the NB+C/Vertical Bridge plan exhibit, dated March 19, 2019; and

WHEREAS, The reference parcel is currently improved by a Dominion Energy substation with its land use is regulated by previously approved Zoning Map Amendments, ZMA#02-102 and ZMA#02-103; and

WHEREAS, The Proffer Statement regulating the land use of the site will be amended to allow the proposed telecommunications facility when Proffer Condition Amendments, PCA#19-01 and PCA#19-02 are approved; 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, on February 25, 2019 and continued that public hearing to March 25, 2019; and

WHEREAS, Following public hearing, the Planning Commission finds that the proposed use meets the purpose and intent of the Zoning Ordinance, in particular Section 78-155.3, dependent upon a modification of ground equipment screening method requested as part of the above referenced Proffer Condition Amendment applications; and

WHEREAS, The Planning Commission recommends the attached conditions are included with an approval.

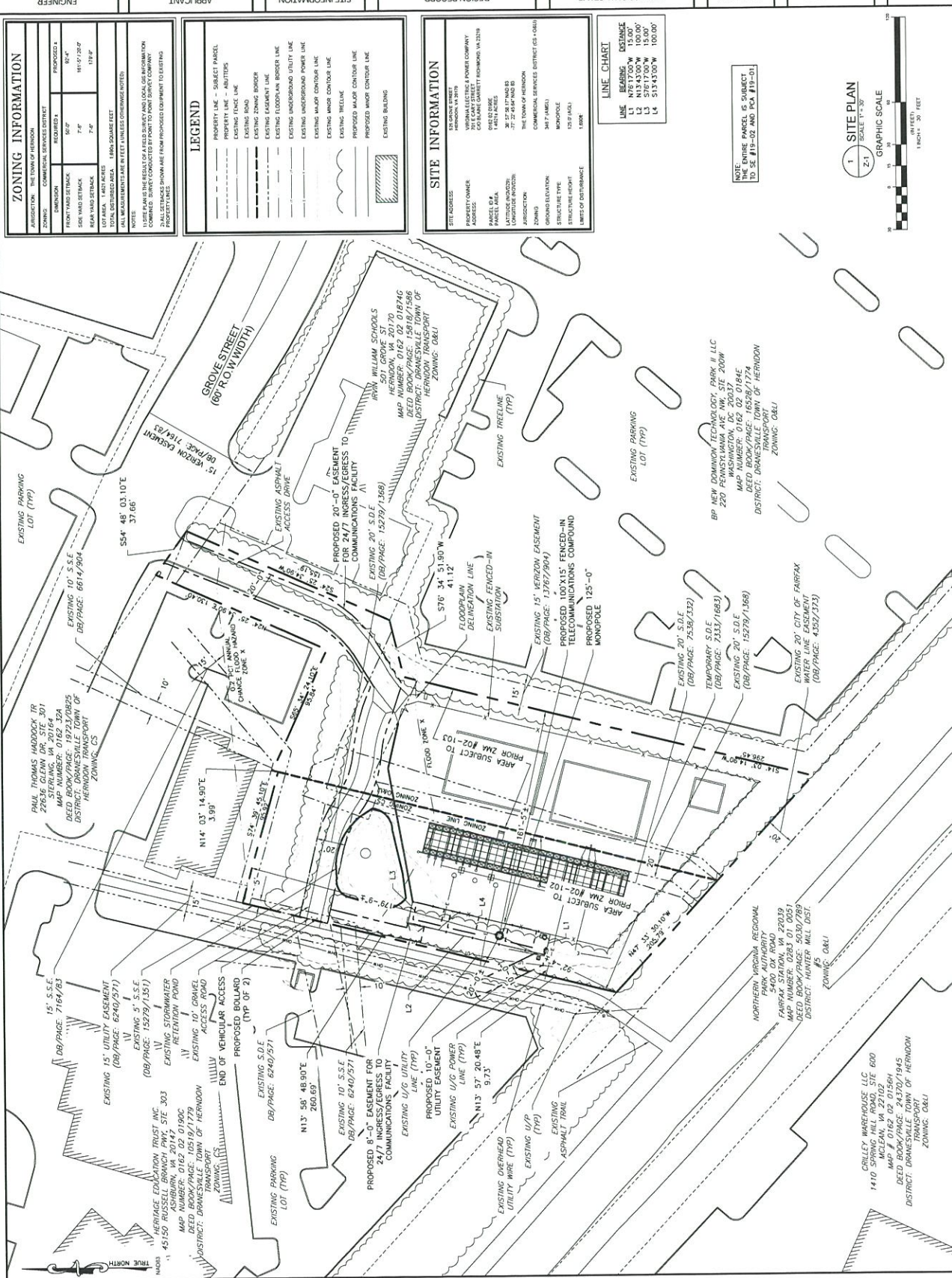
NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the Town of Herndon, Virginia that the Commission recommends to the Town Council of the Town of Herndon, Virginia approval of SE#19-02, with the attached conditions.

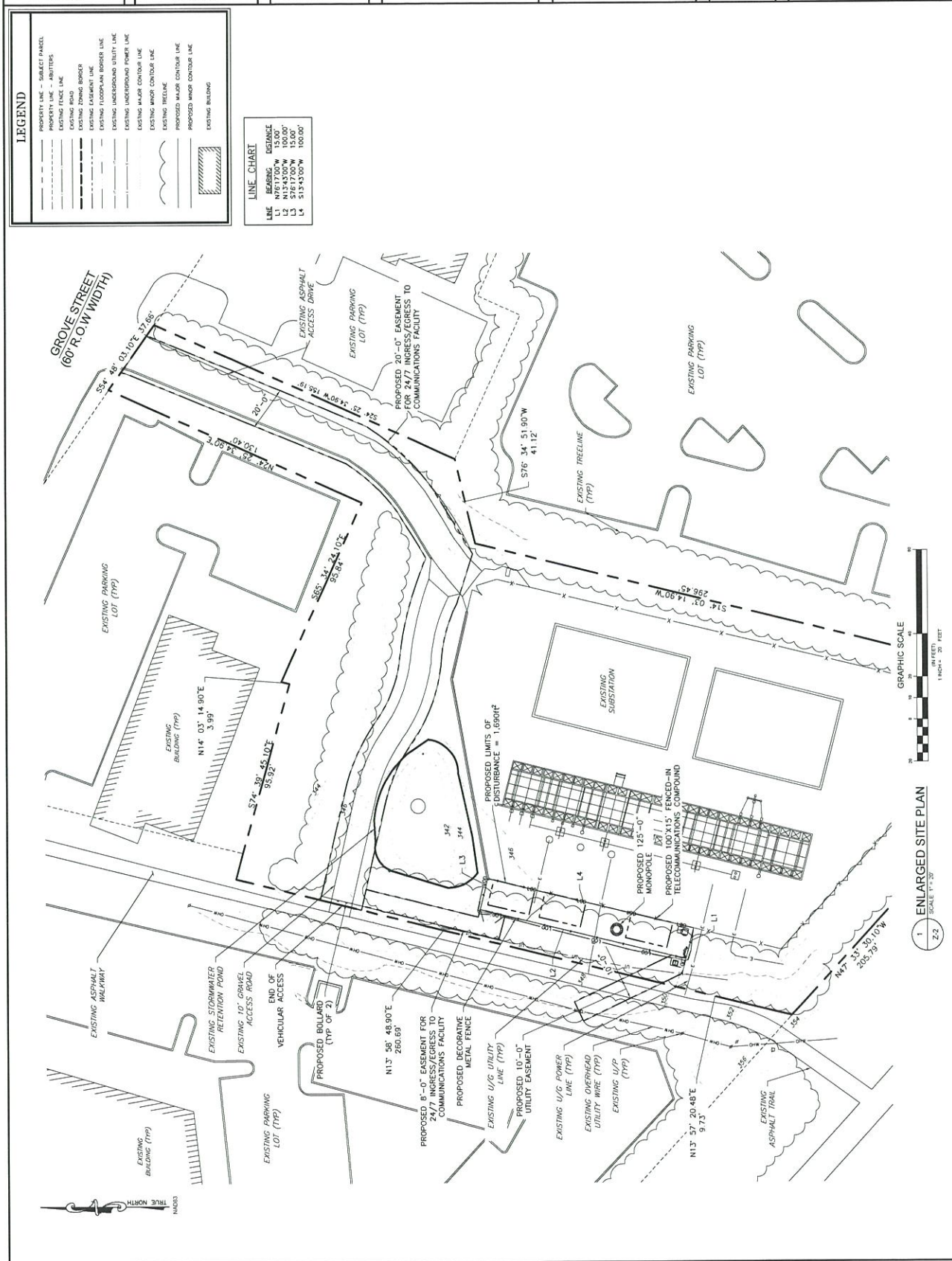
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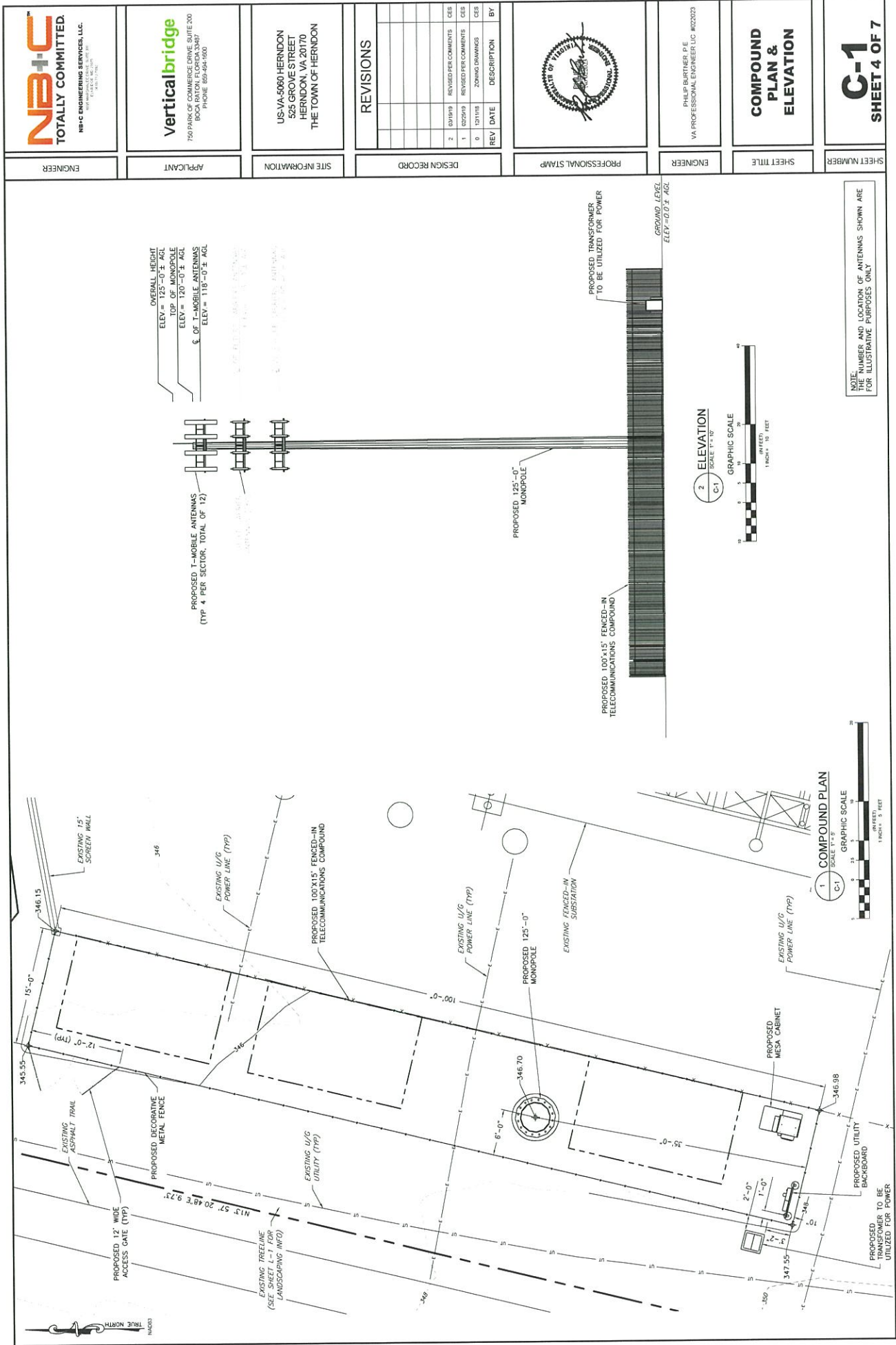
CASH ESCROW BOND ESTIMATE					
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APPLICATION FEES					
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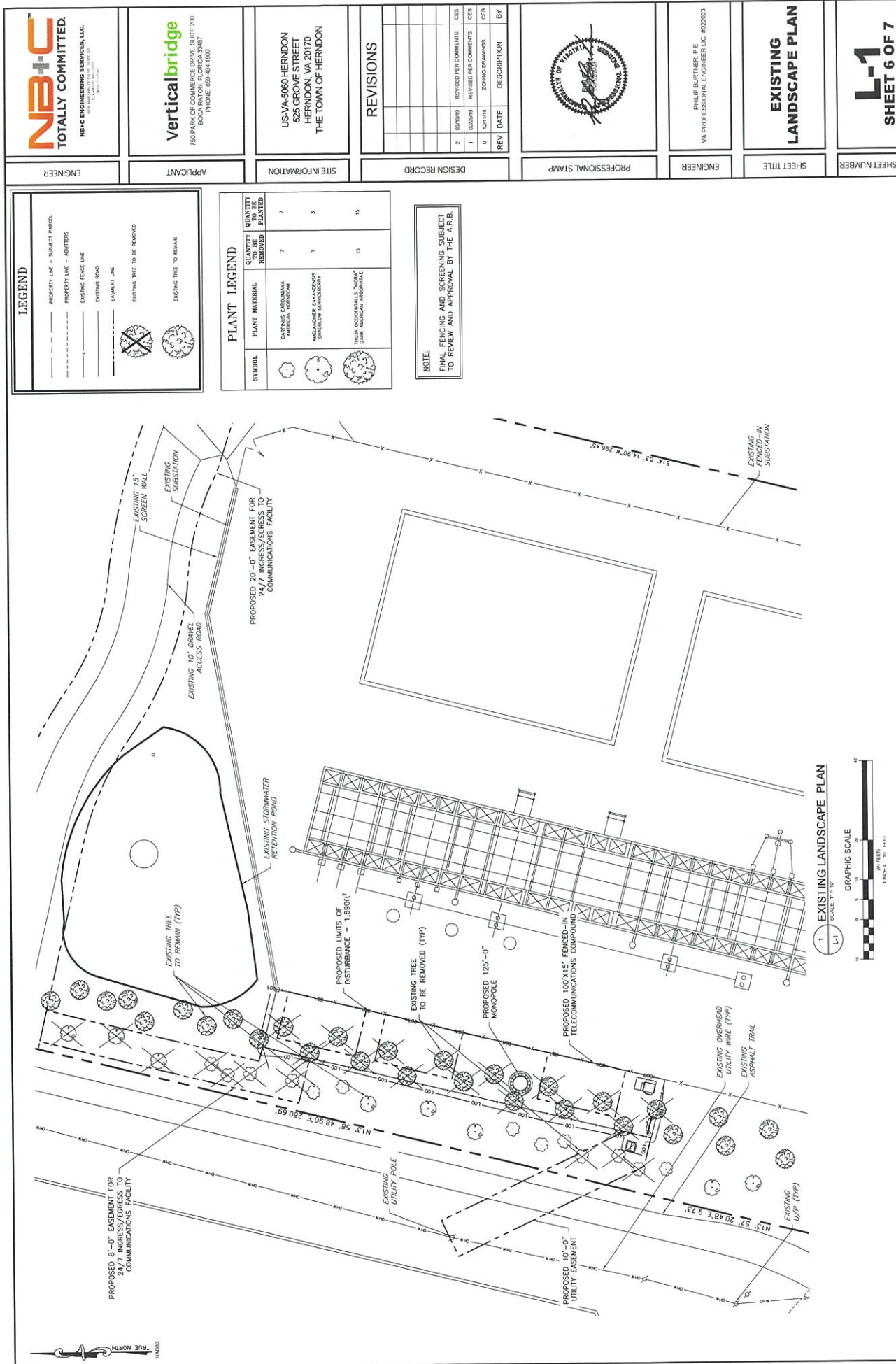
REVIEW AND INSPECTION FEE SCHEDULE					
(BASE SECTION 1-4-01.2 AND SECTION 2-4-01.2 OF THE TOWNSHIP CODES)		ITEM		FEE	
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225	REVIEW	11250			







[illegible]



L-1
SHEET 6 OF 7

EXISTING LANDSCAPE PLAN

ENGINEER
PHILIP BOUTINER D.E.
VA PROFESSIONAL ENGINEER LIC. #022023



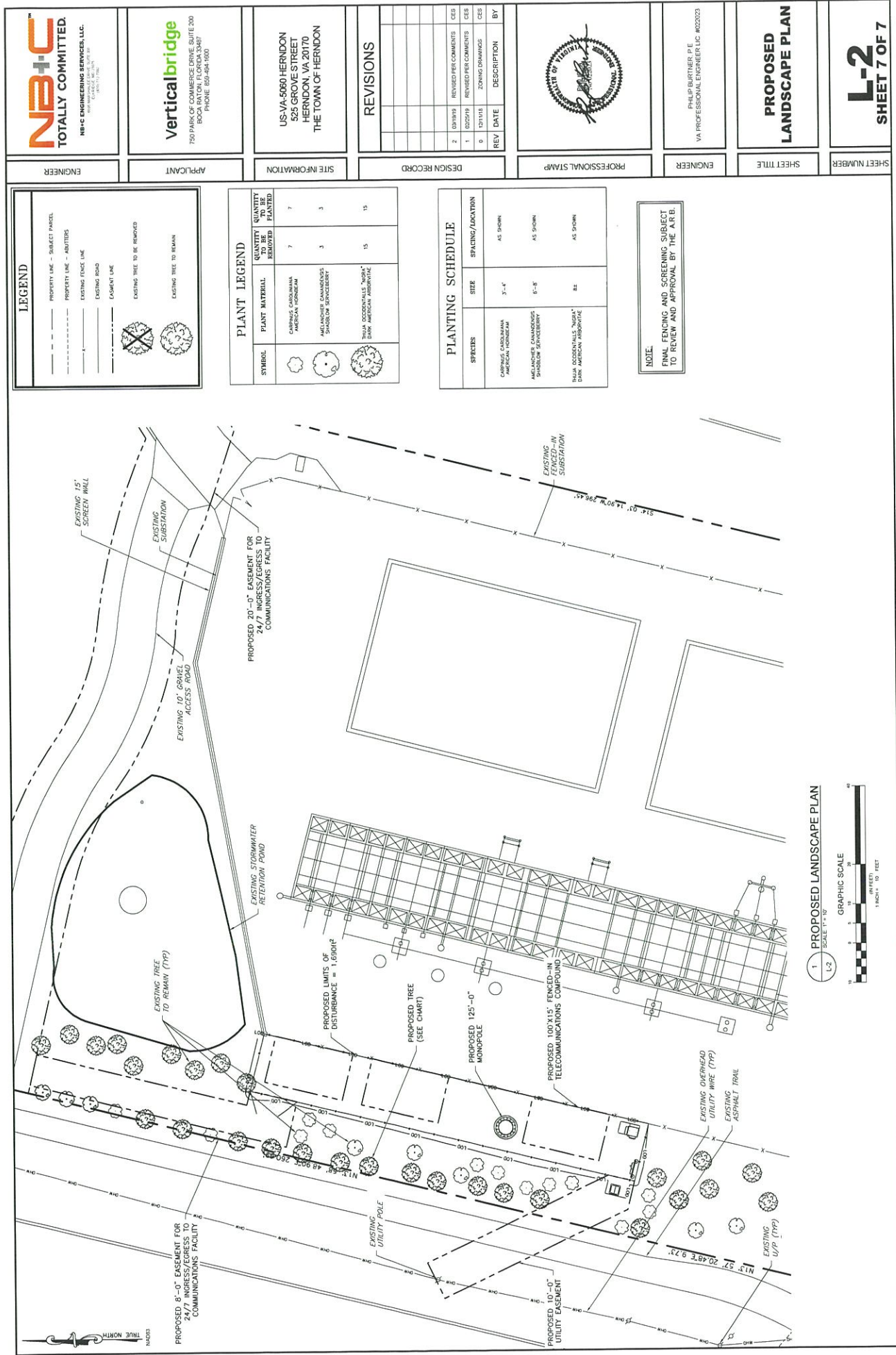
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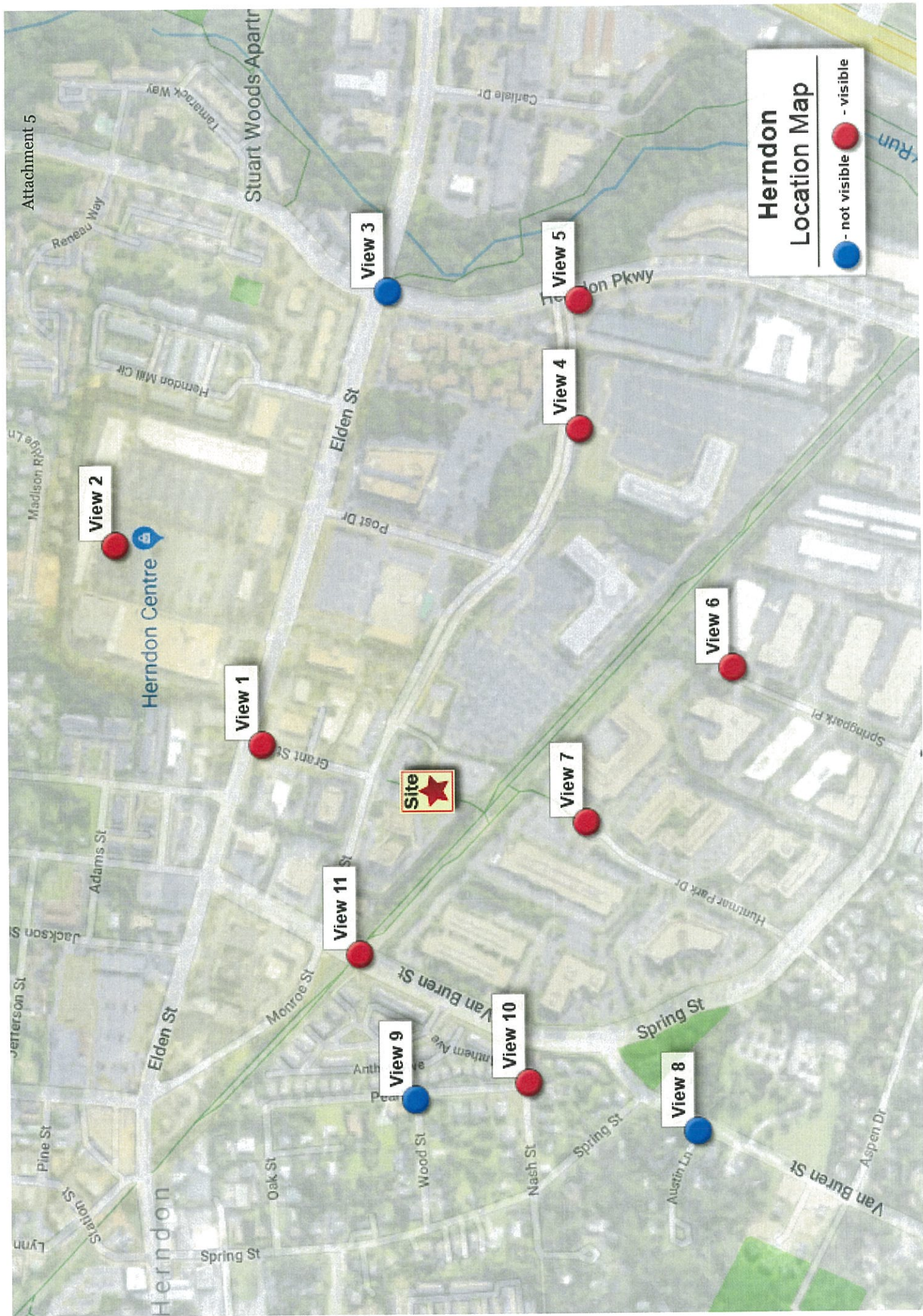
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1	02/29/19	REVISED PER COMMENTS	CES
0	12/18/18	ZONING DRAWINGS	CES

SITE INFORMATION
US-VA-5060 HERNDON
525 GROVE STREET
HERNDON, VA 20170
THE TOWN OF HERNDON

APPLICANT
verticalbridge
750 PARK OF COMMERCE DRIVE, SUITE 200
BOCA RATON, FLORIDA 33487
PHONE 855-464-1000

ENGINEER
NEHC ENGINEERING SERVICE, LLC.
TOTALLY COMMITTED.
10000 N. W. 10TH AVE.
SUITE 100
MIAMI, FL 33157





Herndon Location Map

- not visible

- visible

View 2

View 3

View 5

View 4

View 6

View 7

View 11

View 9

View 10

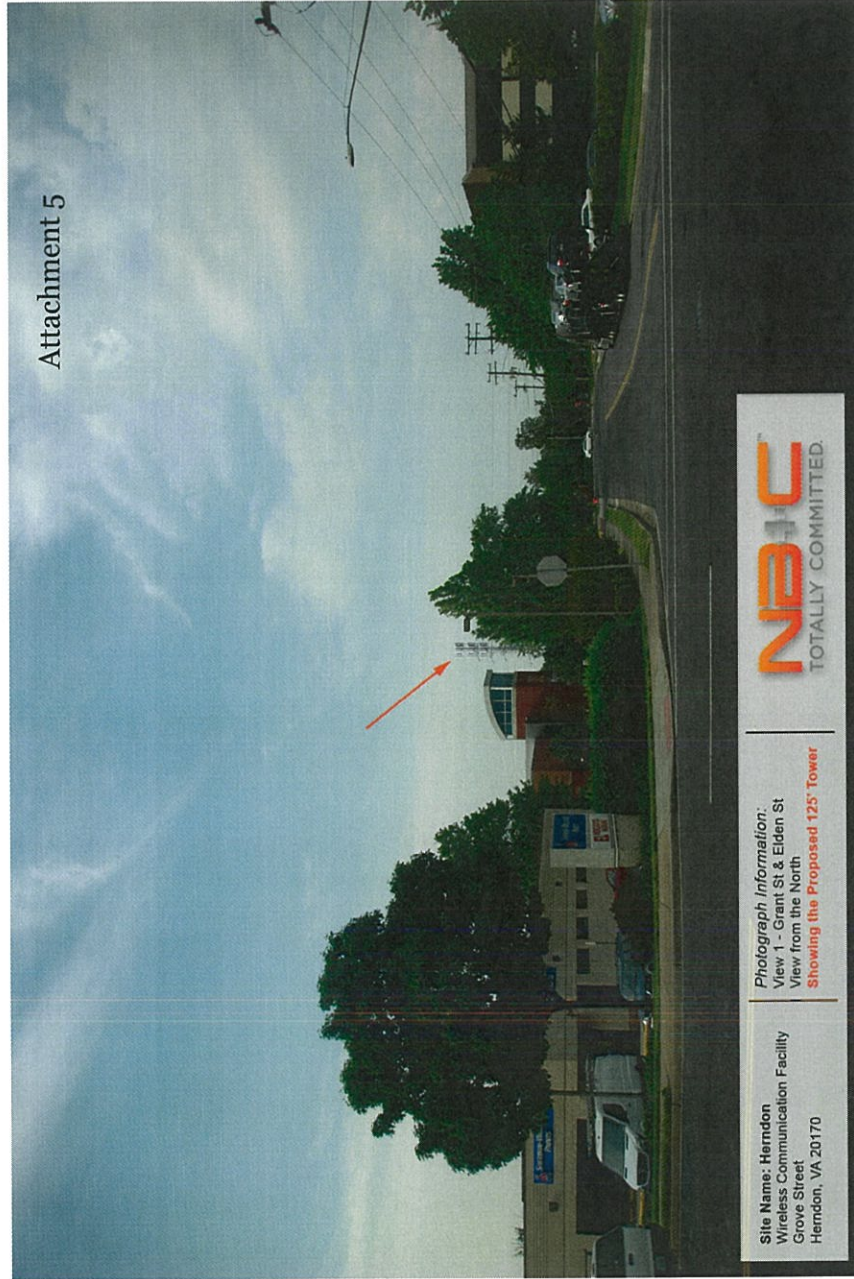
View 8

Site

Attachment 5



Attachment 5



Attachment 5



Photograph Information:
View 2 - Herndon Center
View from the Northeast
Showing the 100' Balloon Fly

Site Name: Herndon
Wireless Communication Facility
Grove Street
Herndon, VA 20170

NBC
TOTALLY COMMITTED.

Attachment 5



Photograph Information:
View 2 - Herndon Center
View from the Northeast
Showing the Proposed 125' Tower

Site Name: Herndon
Wireless Communication Facility
Grove Street
Herndon, VA 20170

NBC
TOTALLY COMMITTED

Attachment 5



Attachment 5

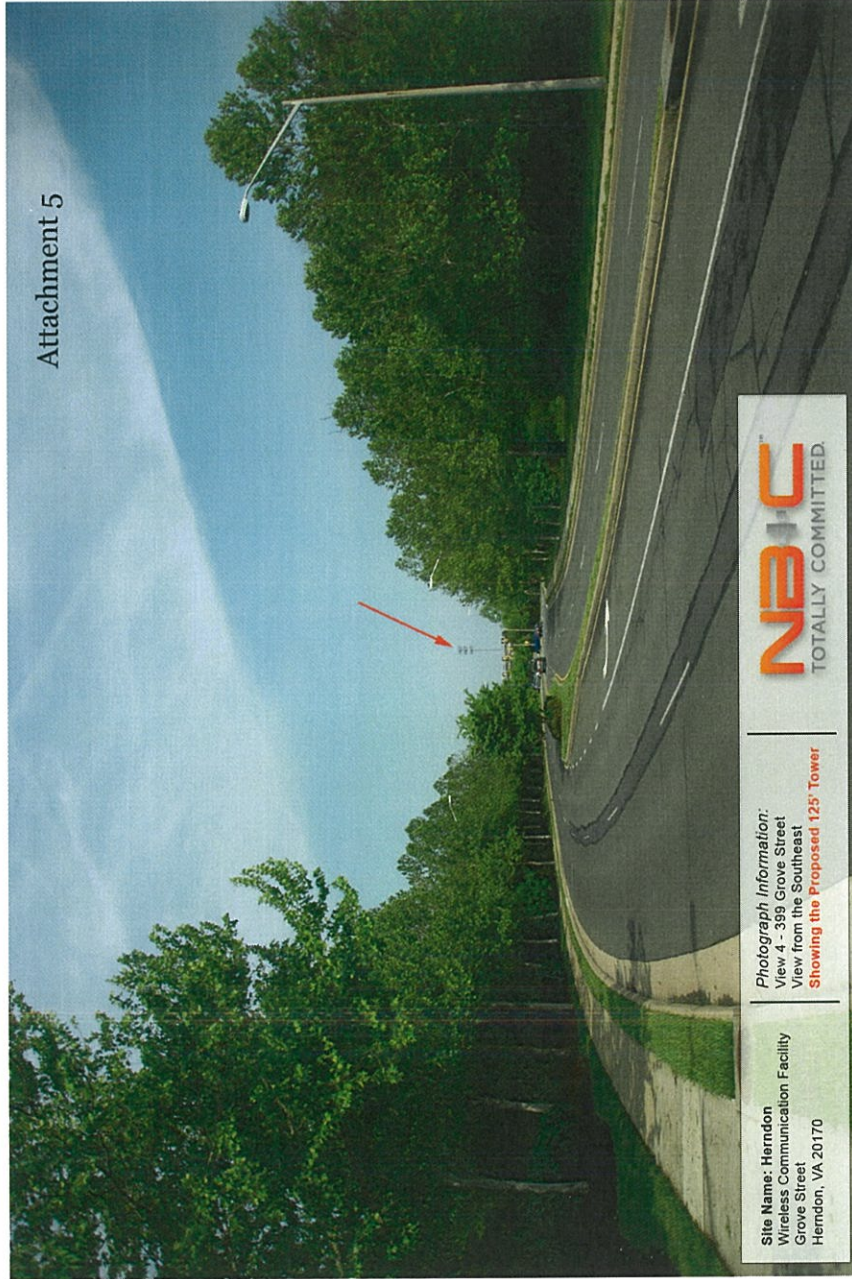


Photograph Information:
View 4 - 399 Grove Street
View from the Southeast
Showing the 100' Balloon Fly

Site Name: Herndon
Wireless Communication Facility
Grove Street
Herndon, VA 20170

NBC
TOTALLY COMMITTED

Attachment 5



Site Name: Herndon
Wireless Communication Facility
Grove Street
Herndon, VA 20170

Photograph Information:
View 4 - 398 Grove Street
View from the Southeast
Showing the Proposed 125' Tower

NBC
TOTALLY COMMITTED



Site Name: Herndon
Wireless Communication Facility
Grove Street
Herndon, VA 20170

Photograph Information:
View 5 - Herndon Pkwy & Grove St
View from the East
Showing the Existing Site

NBC
TOTALLY COMMITTED

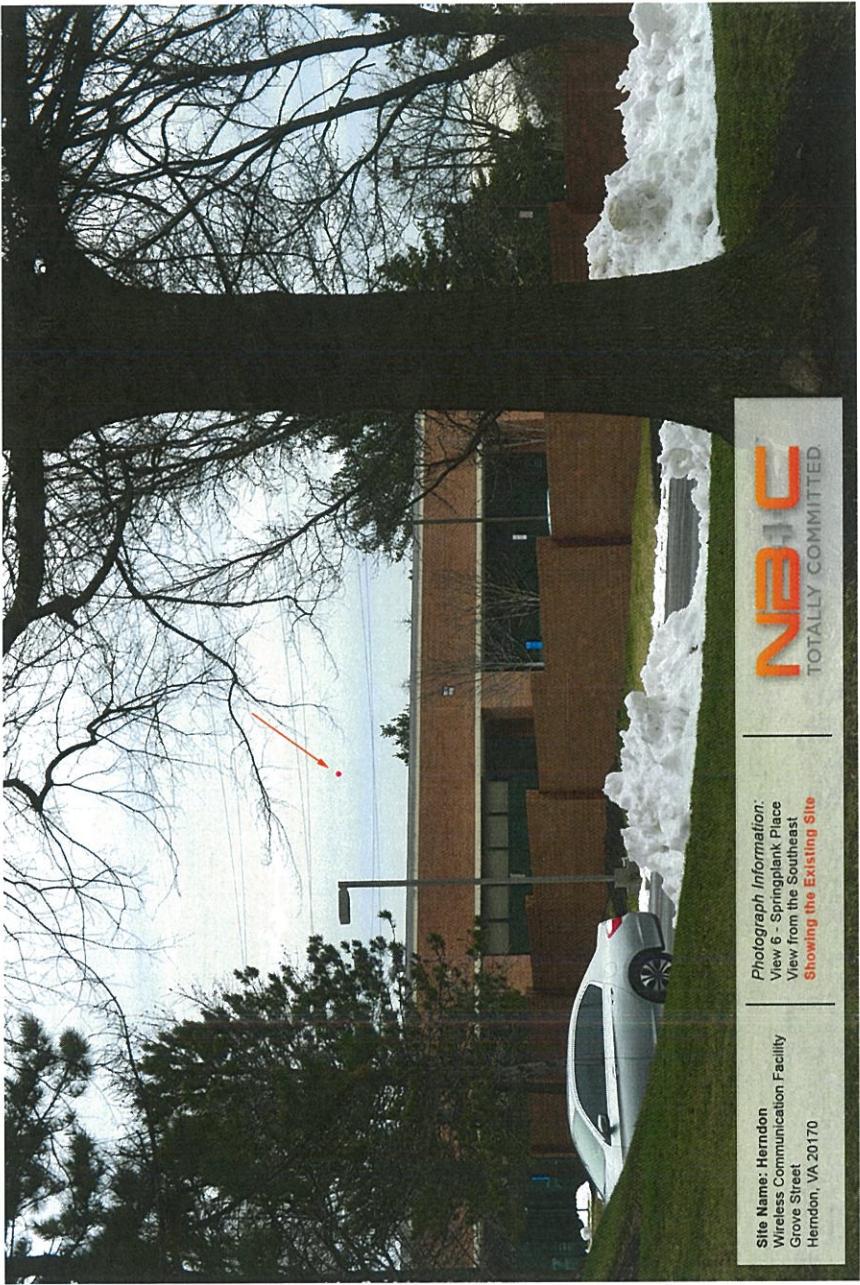


Attachment 5

Photograph Information:
View 5 - Herndon Pkwy & Grove St
View from the East
Showing the Proposed Site

Site Name: Herndon
Wireless Communication Facility
Grove Street
Herndon, VA 20170

NBC
TOTALLY COMMITTED



Site Name: Herndon
Wireless Communication Facility
Grove Street
Herndon, VA 20170

Photograph Information:
View 6 - Springplank Place
View from the Southeast
Showing the Existing Site

NBCU
TOTALLY COMMITTED



Site Name: Herndon
Wireless Communication Facility
Grove Street
Herndon, VA 20170

Photograph Information:
View 6 - Springplank Place
View from the Southeast
Showing the Proposed Site

NEC
TOTALLY COMMITTED

Attachment 5



Photograph Information:
View 7 - End of Hunter Park Drive
View from the South
Showing the 100' Balloon Fly

Site Name: Herndon
Wireless Communication Facility
Grove Street
Herndon, VA 20170

NBJC
TOTALLY COMMITTED.

Attachment 5

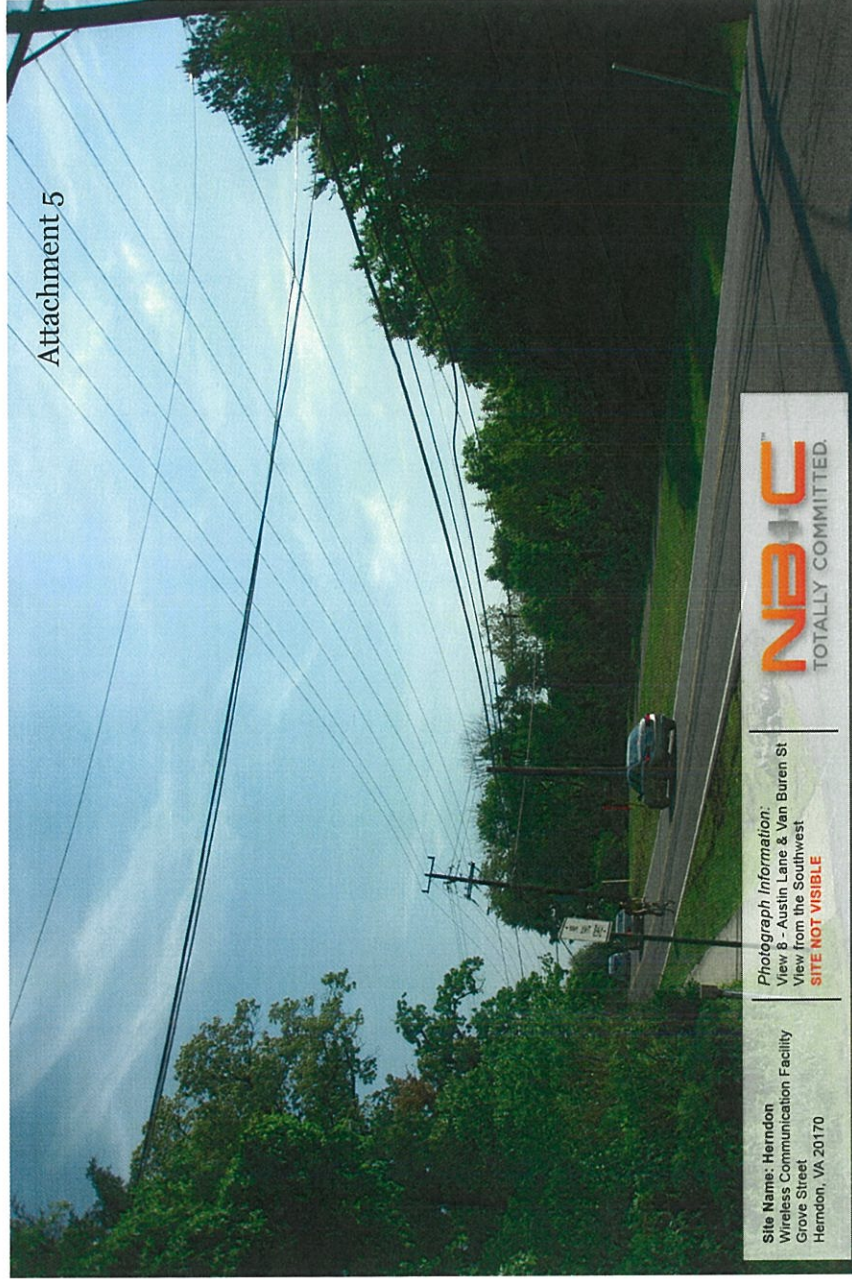


Site Name: Herndon
Wireless Communication Facility
Grove Street
Herndon, VA 20170

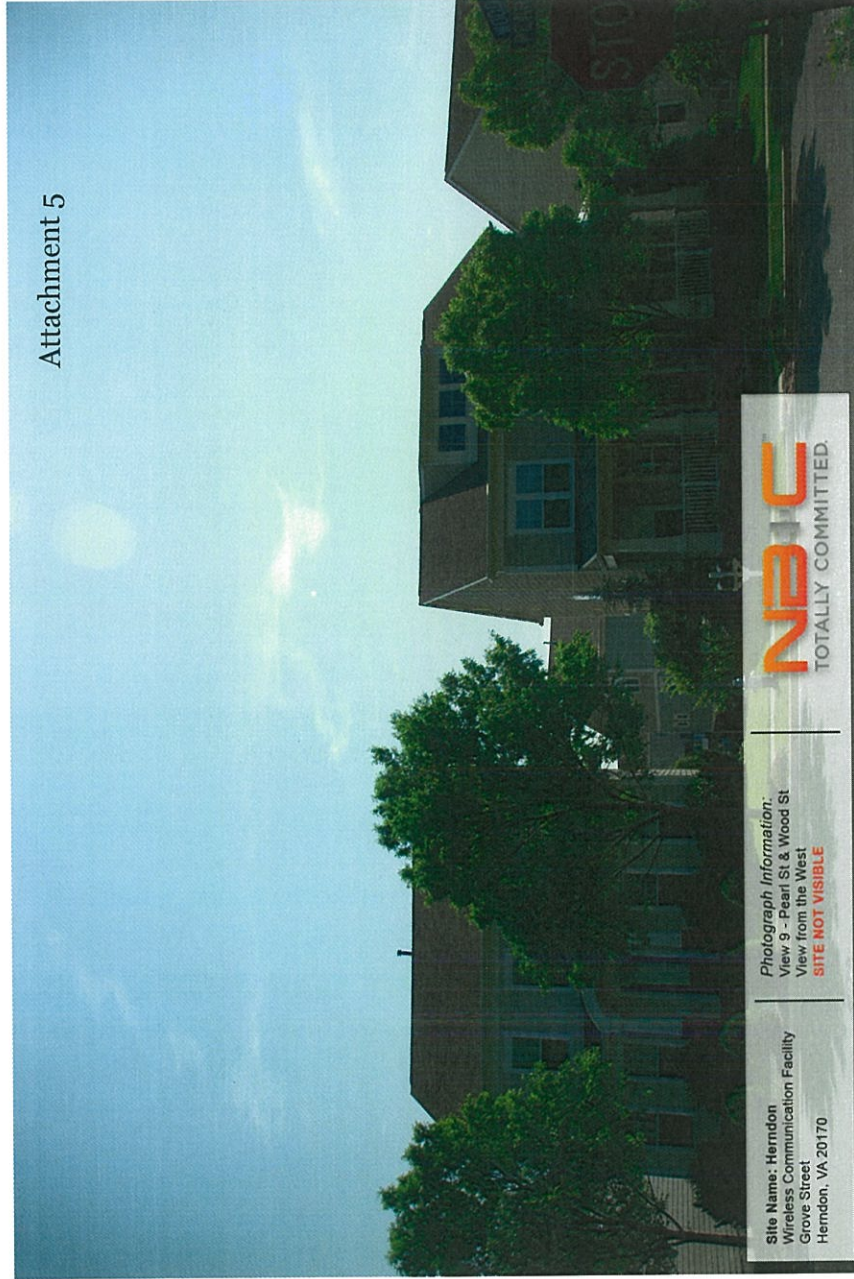
Photograph Information:
View 7 - End of Hunter Park Drive
View from the South
Showing the Proposed 125' Tower

NBC
TOTALLY COMMITTED.

Attachment 5



Attachment 5



Attachment 5



Site Name: Herndon Wireless Communication Facility Grove Street Herndon, VA 20170	Photograph Information: View 10 - Nash St & Pearl St View from the West Showing the 100' Balloon Fly	NBC TOTALLY COMMITTED
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Attachment 5





Attachment 5

Site Name: Herndon
Wireless Communication Facility
Grove Street
Herndon, VA 20170

Photograph Information:
View 11 - Van Buren Street
View from the West
Showing the Existing Site

NBI
TOTALLY COMMITTED



Site Name: Herndon
Wireless Communication Facility
Grove Street
Herndon, VA 20170

Photograph Information:
View 11 - Van Buren Street
View from the West
Showing the Proposed Site

NBC
TOTALLY COMMITTED

Sec. 78-155.3. - Special exception.

(e) *Review standards for special exceptions .*

- (1) *General standards for all special exceptions uses .* A special exception may be approved upon a determination by the planning commission and town council, respectively, as to whether, and the extent to which, the proposed use(s) meet the following standards:
 - a. Is consistent with the comprehensive plan.
 - b. Is free of conflict with any provision of this chapter and related town regulations or any other applicable local, state, or federal laws and regulations.
 - c. Does not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use.
 - d. Consistent with the purpose and intent of the zoning district in which it is located, or will improve compatibility among uses and will ensure efficient development within the town.
 - e. Minimizes adverse visual impact of the proposed use on adjacent lands.
 - f. Contributes to a logical and orderly development pattern consistent with accepted or emerging planning practices.
 - g. Minimizes adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration, and should not create a nuisance.
 - h. Avoids significant adverse impacts on the property values of surrounding lands or substantially and permanently injures the use of neighboring property for those uses that are permitted in the zoning district.
 - i. Does not significantly and adversely impact the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.
 - j. Results in development that is adequately served by transportation facilities, including whether or not a substantial deterioration of the level of service on the town's transportation network would occur and whether or not the proposed use is designed to ensure safe ingress and egress onto the site and safe road conditions on and around the site.
 - k. Results in development that is adequately served by public facilities (roads, potable water and sewage, schools, parks, police, and fire and emergency medical facilities).
 - l. If infill and redevelopment is consistent with the redevelopment criteria and other applicable guidelines as stated in the Herndon 2030 Comprehensive Plan (adopted August 12, 2008), as amended.
 - m. If located in the floodplain overlay district, meets floodplain overlay standards.

Sec. 78-71.13. - Commercial utilities use category.

(d) *Commercial utilities category specific use standards* . All uses shall comply with all applicable standards in this chapter, including Article XIII, Performance Standards. In addition, the following standards shall apply:

(2) *Communication towers, monopoles other telecommunication facilities* . Communication towers, monopoles, and other mobile or land-based telecommunication facilities including non-staffed equipment cabinets or structures shall meet the following standards:

- a. *Material and color* . Except for antennas completely enclosed within a structure, all antennas and their supporting mounts shall be of a material or color that closely matches and blends with the structure on which it is mounted.
- b. *Advertising* . No commercial advertising or signs shall be allowed on any monopole, tower, antenna, antenna support structure, or related equipment cabinet or structure.
- c. *Additions, changes and modifications* . If any additions, changes or modifications are to be made to monopoles or towers, the building official shall have the authority to require proof, through the submission of engineering and structural data, that the addition, change, or modifications conforms to structural wind load and all other requirements of the Virginia Uniform Statewide Building Code.
- d. *Lighting, signals and illumination* . No signals, lights or illumination shall be permitted on an antenna unless required by the Federal Communications Commission, the Federal Aviation Administration or the town, provided, however, that on all antenna structures which exceed 100 feet in height, a steady red marker light shall be installed and operated at all times, unless the zoning administrator waives the red marker light requirement upon a determination by the Fairfax County Police Department that such marker light is not necessary for flight safety requirements for police and emergency helicopter operations. All such lights shall be shielded to prevent the downward transmission of light.
- e. *Location on existing structures as accessory use* . Antennas may be located on existing buildings or structures, to include existing towers and poles, as an accessory use. See section 78-80.4(c).
- f. *Removal* . All antennas and related equipment cabinets or structures shall be removed within 120 days after such antennas or related equipment cabinets or structures are no longer in use.
- g. *Special exception required for freestanding facilities* . Freestanding communication towers, monopoles, and other structures designed to hold telecommunication antennae or microwave dishes (or both) shall be permitted in conjunction with non-staffed equipment cabinets or structures by special exception within all zoning districts and within planned developments when approved initially or by amendment when the land on

which such facility is located is owned or operated by a public entity or governmental authority. Such land includes, but would not be limited to, public parks, public schools, fire stations, police stations, government office and service buildings, public recreational facilities, and cemeteries. Any such use shall comply with the following standards:

1. Towers, monopoles, and other supporting structures with attached antennae or dishes may exceed the maximum permitted building height, but shall not exceed a maximum overall height of 125 feet over grade;
2. Panel style antennas attached to towers, monopoles, or other supporting structures shall not exceed 108 inches in height and 24 inches in width.
3. Dish style antennas attached to towers, monopoles, and other supporting structures shall not exceed three feet in diameter.
4. Related non-staffed equipment cabinets or structures for each telecommunications provider shall not exceed 12 feet in height or a total of 500 square feet in gross floor area per telecommunications provider. Such structures shall be in accordance with the dimensional standards of the zoning district in which they are located.
5. All equipment shall be screened with an opaque constructed solid fence or wall. Such fence or wall shall be in accordance with the standards of this chapter and shall be further screened by an evergreen hedge with a minimum height of no less than 48 inches over grade.
6. Where reasonably practicable and appropriate, as determined by the zoning administrator using recognized standards, antennas attached to towers, monopoles, and other supporting structures shall be constructed in a manner as to reduce their visual impact. This goal shall be achieved through screening or applied stealthing or camouflaging methods.
7. Existing light poles and stanchions may be replaced to allow for collocation of antennas and such replacement structures may be increased in height up to an overall height not to exceed 125 feet over grade.
8. Within all residential zoning districts, towers, monopoles, and other supporting structures with attached antennae or dishes shall be located on parcels of no less than 50,000 square feet in total area. Such structures shall be placed at a distance of no less than one foot for every foot of height from abutting lot lines in residential zoning districts.



STAFF REPORT

Town Council
April 16, 2019

Title: ZONING ORDINANCE TEXT AMENDMENT – ZOTA #19-01 – PD-UR (Planned Development – Urban Residential)

Staff Contact: David Stromberg, AICP, Zoning Administrator
david.stromberg@herndon-va.gov (703)787-7380

Elizabeth M. Gilleran, AICP, Director of Community Development
lisa.gilleran@herndon-va.gov (703) 787-7380

Summary Information:

The purpose of this zoning ordinance text amendment is to create a new zoning district to accommodate redevelopment of some areas designated as Residential – Adaptive in the Town of Herndon 2030 Comprehensive Plan. Appropriate properties for this zoning district will be further refined by the adoption of small area plans. The recently adopted South Elden Area Plan (Comprehensive Plan Amendment CPA #18-01) identifies properties where and under what circumstances residential redevelopment would be appropriate. This zoning district is intended to implement the goals of that plan.

Background – South Elden Area Plan

Town Council authorized consideration of CPA #18-01 on July 10, 2018 and ultimately approved the South Elden Area Plan on February 12, 2019. The study area for the plan extended along Elden Street from Sterling Road at the north down to the town boundary and Wordgate development at the south. The plan updated the Land Use Map by creating 5 tiers that further defined future land uses and appropriate densities that redevelopment along the corridor should take. Zoning ordinance text amendments are necessary to implement the recommendations of the plan. This zoning ordinance text amendment is intended specifically to implement Tier 2 – Transitional Urban Residential.

Tier 2 – Transitional Urban Residential includes parcels that do not abut Elden Street and contain 7 or more acres. The recommended future land uses for this tier are townhouses and “2 over 2s.” The “2 over 2s” or “stacked townhouses” descriptor is term used to describe a specific type of multifamily development. These are structures which contain a 2-level dwelling unit with another 2-level dwelling unit on top for a total of a 4-level structure. The building code simply considers these multifamily buildings. The Metro

Square development at the intersection of Herndon Parkway and Van Buren Street is an example of a 2 over 2s/stacked townhouse project.

The anticipated density for Tier 2 ranges up to 18 to 20 units per acre. Redevelopment proposals will need to be designed to meet the following goals in order to receive staff support for a rezoning.

- Preserve and protect stable residential neighborhoods
- Encourage multi-modal use of the corridor
- Increase the number of residential units to provide a walkable customer base for retail and service uses within the plan area
- Construct high quality developments with the inclusion of sidewalk and cyclist facilities, transit amenities, and micro-parks
- Incorporate sustainable design

Only one property within the plan area is designated as Tier 2. It is the “Finmark” property located at 1145 Herndon Parkway. The site is slightly over 8 acres and contains underutilized office buildings constructed in the 1980s.

Staff Analysis:

The draft language for Planned Development – Urban Residential is intended specifically to implement Tier 2 of the South Elden Area Plan but is also intended to be flexible enough to be an option for other areas within the town that are designated as Adaptive Area – Residential. These areas may be further identified in a future update of the Comprehensive Plan.

Should the Planning Commission recommend, and the Town Council adopt this zoning district, it will not immediately apply to any property within town limits. A private property owner would need to apply for a rezoning requesting to change the existing zoning of their property to PD-UR. As a planned development zoning district, each proposal to rezone would be accompanied by a set of proffered conditions and a generalized development plan that is unique to their development proposal. All rezonings require at least one public hearing before the Planning Commission and Town Council.

The proposed zoning district allows for a mix of housing types and actually encourages a mix of housing types by increasing the permitted density if more housing types are used. The intent of this provision is to prevent monolithic developments where all of the units are the same type, style, and price point. Permitted densities range from 15 dwelling units

per acre if only 1 housing type is used and up to 20 dwelling units per acre if 3 housing types are used. The plan recommends a maximum of 20 dwelling units per acre.

Proposed PD-UR developments will need to provide open space and recreational amenities. Applicants cannot meet the open space requirement simply by calculating remnant site “leftovers” and calling it open space. Sites will be required to have a cohesive design for open space and recreation areas.

PD-UR contains a number of site planning and building design elements to ensure a high-quality project. Below is a summary of the site design provisions:

- Mechanical and HCAV equipment must be located on the roof or within the structure of the building
- Driveways must be at least 18 feet long
- Mailbox units cannot encroach into the sidewalk
- Private streets will need to meet the same requirements as public streets and comply with the Town of Herndon Streetscape Manual
- Sites must provide inter-parcel and inter-neighborhood access
- Parking cannot be visible from the right-of-way
- Buildings must be oriented towards streets
- Bicycle parking must be provided
- Low impact design must be used to meet stormwater requirements
- Buildings will need to achieve LEED certification or equal

Staff will evaluate proposed rezonings for consistency with the above-mentioned provisions.

Town Council Alternatives:

The following alternatives are available to the Town Council for its decision on Zoning Ordinance Text Amendment ZOTA #19-01:

1. Approve Initiating Resolution
2. Deny Initiating Resolution

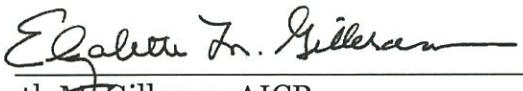
Staff Recommendation:

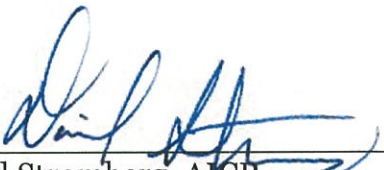
Staff recommends the Town Council approve the initiating resolution for ZOTA #19-01 in accordance with **alternative 2**.

If the Town Council approves the initiating resolution then staff will work with the Planning Commission, affected property owner(s), and potential applicant to refine the language and verify that the proposed PD-UR zoning district is consistent with the Comprehensive Plan and South Elden Area Plan.

Attachments:

1. Initiating Resolution
2. Draft Language for Planned Development – Urban Residential


Elizabeth M. Gilleran, AICP
Director of Community Development


David Stromberg, AICP
Zoning Administrator

TOWN OF HERNDON, VIRGINIA

RESOLUTION

APRIL 23, 2019

Resolution- to initiate consideration of a zoning ordinance text amendment ZOTA #19-01, Chapter 78 (ZONING), Article V (Planned Development Districts), by adding Section 78-51.1, entitled PD-UR (Planned Development – Urban Residential), and amending Article VII (Use Regulations), Section 78-70.2 (Table of Permitted and Allowed Uses), Article VIII (Accessory Uses), Section 78-80.2 (Table of Permitted and Allowed Accessory Uses and Structures), Article X (Parking, Loading, and Circulation), Section 78-100.2 (Minimum Off-Street Parking and Loading Standards), Article XI (Development Standards), Section 78-110.4 (Perimeter Buffer Strip Landscaping Requirements), Article XIV (Signs), adding a new Section 78-141.7 (Sign Standards for Planned Development – Urban Residential District) to create a new residential zoning district to implement the recommendations and standards of the “Adaptive Areas – Residential” land use category as identified in the Herndon 2030 Comprehensive Plan.

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

1. Initiates consideration of an amendment to Chapter 78 (ZONING) of the Herndon Town Code to establish a new residential zoning district to implement the recommendations and standards of the “Adaptive Areas – Residential” land use category as identified in the Herndon 2030 Comprehensive Plan, as amended.
2. Requires out of public necessity, convenience, general welfare, or good planning practice requires the Town Council’s consideration of this proposed amendment.

TOWN OF HERNDON, VIRGINIA

ORDINANCE

_____, 2019

Ordinance- to amend Chapter 78 (ZONING), Article V (Planned Development Districts), by adding Section 78-51.1, entitled PD-UR (Planned Development – Urban Residential), and amending Article VII (Use Regulations), Section 78-70.2 (Table of Permitted and Allowed Uses), Article VIII (Accessory Uses), Section 78-80.2 (Table of Permitted and Allowed Accessory Uses and Structures), Article X (Parking, Loading, and Circulation), Section 78-100.2 (Minimum Off-Street Parking and Loading Standards), Article XI (Development Standards), Section 78-110.4 (Perimeter Buffer Strip Landscaping Requirements), Article XIV (Signs), adding a new Section 78-141.7 (Sign Standards for Planned Development – Urban Residential District) to create a new residential zoning district to implement the recommendations and standards of the “Adaptive Areas – Residential” land use category as identified in the Herndon 2030 Comprehensive Plan.

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

1. Chapter 78, (ZONING) of the Herndon Town Code is amended and reenacted as follows.

Section 78-51.1. - PD-UR - Planned development urban residential district.

(a) *Purpose and intent. The intent of the PD-UR district is to encourage harmonious and creative new residential development that allows for a mix of housing types and create attractive and appropriate transitions between commercial, commercial mixed-use, and existing residential districts. PD-UR districts provide buffers to existing adjacent residential development while creating thoughtful interfaces with potential adjacent commercial redevelopment and mixed-use. The district regulations are designed to ensure cohesive residential developments that provide a diversity of housing types at different price points and to encourage generational housing within a neighborhood. PD-UR districts provide multimodal options and connections allowing residents to benefit from non-motorized vehicle connections to adjacent commercial areas and access to transit. PD-UR development will provide safe, well-integrated parking, circulation patterns, building massing, and appropriately located open spaces and site amenities. Applications for Zoning Map Amendments and Generalized Development Plans shall implement the policies of the Comprehensive Plan and adopted Small Area Plans.*

(1) *Housing Mix. Provisions in PD-UR are designed to encourage a variety of housing types that are available to a variety of residents that mimic the Town demographics. Density may be increased depending on the number of housing types provided in a proposed development. No single housing type shall comprise less than 10 percent of the total number of units of the development.*

(b) *A PD-UR district may only be established in areas designated as “Adaptive Area – Residential” in the Town of Herndon 2030 Comprehensive Plan (2008).*

(c) *Principal uses. Table 78-51.1 (c)(4) lists uses permitted and allowed in the PD-UR district as principal uses. There may be additional regulations in this chapter and in the Herndon Town Code that apply to specific principal uses in the PD-UR district. It is the applicant's responsibility to ensure that all published rules, regulations, and standards have been addressed in any application submitted for development approval. Definitions for uses and terms in this section may be found in Article XVIII. Other uses not listed on the following table are not allowed in the PD-UR district unless determined by the zoning administrator to be similar to a permitted use in accordance with provisions for unlisted uses, section 78-70.1(f).*

(1) *"P" permitted uses. A "P" in a cell indicates that a use category or use type is permitted by right in the respective zoning district, subject to compliance with the use-specific standards set forth in the final column of the table of principal permitted and allowed uses in PD-UR district, if any. Permitted uses are subject to all other applicable regulations of this chapter, including those set forth in Article XI, Development Standards, and Article VII, Use Regulations.*

(2) *"S" special exception uses. An "S" in a cell indicates that a use type is permitted by special exception in the respective zoning district, subject to compliance with the use-specific standards listed in the final column, of the table of principal permitted and allowed uses in PD-UR district, if any. Allowed uses are subject to all other applicable regulations of this chapter, including those set forth in Article XI, Development Standards, and Article VII, Use Regulations.*

(3) *"Z" allowed uses. A "Z" in a cell indicates that a use type is an allowed use in the respective planned development district, subject to approval as a planned development district Article V.*

(4) *Table of principal permitted and allowed uses in the PD-UR district.*

Table 78-51.1(c)(4): Principal Permitted and Allowed Uses PD-UR
KEY: P=Use Permitted By Right; S=Use Allowed Subject to Special Exception
Approval; Z=Use Allowed Subject to Zoning Map Amendment Approval
Uses may be subject to use specific standards as noted in the last column

USE CATEGORY	USE TYPE	PD-UR	See Supplemental Regulations
Residential	<i>Single-family-Detached Dwelling</i>	<i>Z</i>	<i>§78-71.1</i>
	<i>Duplex Dwelling</i>	<i>Z</i>	<i>§78-71.1</i>
	<i>Townhouse Dwelling</i>	<i>Z</i>	<i>§78-71.1</i>
	<i>Quadruplex Dwelling</i>	<i>Z</i>	<i>§78-71.1</i>
	<i>Multi-Family Dwelling (including residential rental townhouses)</i>	<i>Z</i>	<i>§78-71.1</i>
	<i>Housing for the Elderly</i>	<i>Z</i>	<i>§78-71.1</i>
Education	<i>Childcare Center, Daycare Center or Preschool</i>	<i>Z</i>	<i>§78-71.2</i>
Government Facilities	<i>Government Buildings, Facilities and Uses not Otherwise Categorized</i>	<i>Z</i>	<i>§78-71.3</i>

Commercial Utilities	Commercial Communication Tower, Freestanding	Z	§78-71.13
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(d) *Accessory uses and structures. Table 78-51.1(d)(4) lists uses permitted and allowed in the PD-UR district as accessory uses. There may be additional regulations in this chapter and in the Herndon Town Code that apply to specific accessory uses and structures in the PD-UR district. It is the applicant's responsibility to ensure that all published rules, regulations and standards have been addressed in any application submitted for development approval. Definitions for uses and terms in this section may be found in Article XVIII. Other accessory uses not listed on the following table are not allowed in the PD-UR district unless determined by the zoning administrator to be similar to a permitted use in accordance with provisions for unlisted uses, section 78-70.1(f).*

- (1) *"P" permitted uses. A "P" in a cell indicates that an accessory use category or use type is permitted by right in the respective zoning district, subject to compliance with the use-specific standards set forth in the final column of the table of permitted and allowed accessory uses in PD-UR district, if any. Permitted accessory uses are subject to all other applicable regulations of this chapter, including those set forth in Article XI, Development Standards, and Article VIII, Accessory Use Regulations.*
- (2) *"S" special exception uses. An "S" in a cell indicates that an accessory use type is permitted by special exception in the respective zoning district, subject to compliance with the use-specific standards listed in the final column of the table of permitted and allowed accessory uses in PD-UR district, if any. Allowed accessory uses are subject to all other applicable regulations of this chapter, including those set forth in Article XI, Development Standards, and Article VIII, Accessory Use Regulations.*
- (3) *"Z" allowed uses. A "Z" in a cell indicates that an Accessory Use type is an allowed use in the respective planned development district, subject to approval as a zoning map amendment (section 78-155.1).*
- (4) *Table of permitted and allowed accessory uses in the PD-UR district.*

Table 78-51.1(d)(4): Permitted and Allowed Accessory Uses PD-UR
KEY: P=Use Permitted By Right; S=Use Allowed Subject to Special Exception
Approval; Z=Use Allowed Subject to Zoning Map Amendment Approval
Uses may be subject to use specific standards as noted in the last column

ACCESSORY USE	PD-UR	Supplemental Use Regulations
<i>Accessory Food Preparation Area – Secondary Kitchen</i>	<i>S</i>	<i>§78-80.4(b)</i>
<i>Accessory Food Preparation – Wet Bar</i>	<i>P</i>	<i>§78-80.4(b)</i>
<i>Antennae of all kinds (except commercial communication towers, freestanding)</i>	<i>Z</i>	<i>§78-80.4(c)</i>
<i>Bed and Breakfast Establishment</i>	<i>S</i>	<i>§78-80.4(d)</i>
<i>Daycare Center, Childcare Center or Pre-School</i>	<i>Z</i>	<i>§78-80.4(j)</i>

<i>Home-Based Business, Including Daycare or Childcare</i>	<i>P</i>	<i>§78-80.5</i>
<i>Minor Utilities</i>	<i>P</i>	<i>78-80.4(m)</i>
<i>Features such as fences, walls, retaining walls, gate houses, trash enclosures, refuse containers, screening enclosures, storage sheds, and swimming pools</i>	<i>P</i>	<i>§78-80.3(c) §78-21(f)</i>

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- 77 (e) *Dimensional Standards. Structures in the PD-UR zoning district are subject to the*
78 *dimensional standards set forth in Table 51.1(e).*

TABLE 78-51.1(e): PD-UR DIMENSIONAL STANDARDS	
STANDARD	ALL USES
<i>Density, Maximum</i>	
<i>1 housing type</i>	<i>15 dwelling units per acre</i>
<i>2 housing types</i>	<i>18 dwelling units per acre</i>
<i>3 or more housing types</i>	<i>20 dwelling units per acre</i>
<i>Minimum District Size</i>	<i>5 acres</i>
<i>Minimum Open Space¹</i>	<i>20% of site</i>
<i>Minimum Space for Recreation</i>	<i>8% of site</i>
<i>Maximum Building Coverage</i>	<i>60% of site</i>
<i>Maximum Building Height</i>	<i>40' when located within 50' of a property containing single-family detached or single-family attached; otherwise 50'</i>
<i>Required Front Setback</i>	<i>10' from public right-of-way; 5' from private right-of-way</i>
<i>Maximum Distance from Public Right-of-way</i>	<i>15'; may be increased to 40' to accommodate a landscaped park for no more than 30% of the linear frontage</i>
<i>Minimum Distance Between Buildings</i>	<i>18'</i>

<i>Minimum Rear Yard</i>	<i>5' from property line or back of curb</i>
<i>Distance between paved surfaces and any property line, Minimum (feet)</i>	<i>Subject to buffer requirements in Article XI, development standards</i>
<i>¹Recreational areas may used to meet the minimum open space requirement up to a maximum of 10% of the site.</i>	

- 79
- 80 (f) *Open space in PD-UR. Open space shall be provided as an asset to the development and*
- 81 *not consist primarily of remnant sections of the development where buildings are unable*
- 82 *to be located. Open space should be concentrated into functional areas to allow for*
- 83 *pocket parks or common areas in the fronts of multiple buildings.*
- 84 (1) *Open space for recreation shall consist of physical improvements to enable*
- 85 *recreation and programmable spaces and may include, but is not limited to,*
- 86 *playgrounds, fenced pet areas, swimming pools, bocce ball or volleyball courts,*
- 87 *picnic shelters, or common areas for the viewing of movies/films.*
- 88 (g) *Site planning and building design in PD-UR. Sites and buildings within the PD-UR*
- 89 *district shall meet the following standards:*
- 90 (1) *Utilities. All mechanical equipment shall be located on the roof or incorporated into*
- 91 *the façade of each unit. Gas and electric meters and other similar devices normally*
- 92 *attached to the outside wall of the premises which they serve may continue to be*
- 93 *installed.*
- 94 (2) *Driveways. Vehicle parking shall not be permitted on driveways less than 18 feet*
- 95 *in length and shall not count towards the minimum off street parking requirement.*
- 96 *Pedestrian sidewalks shall not be used to meet the minimum 18 feet requirement.*
- 97 (3) *Mailboxes. Mailboxes, singular and collective shall not encroach into pedestrian*
- 98 *sidewalks. Resident access to mailboxes shall not be from the street.*
- 99 (4) *Streetscape. Private streets within the development shall be designed and*
- 100 *constructed in accordance with the Town of Herndon Streetscape Manual.*
- 101 (5) *Sidewalks. Sidewalks shall be provided along front building facades as well as*
- 102 *along side facades abutting private or public streets. No portion of the sidewalk*
- 103 *shall be used to meet the minimum dimensional requirements for off-street*
- 104 *parking.*
- 105 (6) *Inter-parcel and Inter-neighborhood Access. Site design shall accommodate for*
- 106 *vehicle and pedestrian inter-parcel and inter-neighborhood access. Publicly-*
- 107 *accessible sidewalks and trails may be required to establish inter-parcel and inter-*
- 108 *neighborhood access.*

- (7) *Screening of Parking. Surface parking and structured parking shall not be visible from a public right-of-way, with the exception of on-street parallel parking, which may be visible from a public right-of-way.*
- (8) *Building Orientation. Buildings shall be oriented to directly face public rights-of-way and internal private streets.*
- (9) *Multi-modal Accommodations. Bicycle parking shall be provided on site. In addition, any public right-of-way streetscape shall include at least two bicycle racks per block. If any public right-of-way includes a transit stop, the stop shall be improved with a decorative pocket park to accommodate transit stop amenities which shall include at least two bicycle racks, a recycling receptacle, a trash receptacle, at least one bench, and a bus shelter, in accordance with the Town of Herndon Streetscape Manual.*
- (10) *Green Building and Site Practices. Buildings shall be designed and constructed to employ best practices for green building to a level to achieve LEED certification or equal. Urban bio-retention best practices shall be employed to manage stormwater on site.*

Section 78-70.2 – Principal permitted and allowed uses.

Table 78-70.2(d): TABLE OF PERMITTED AND ALLOWED USES
KEY: P=Use Permitted By Right; S=Use Allowed Subject to Special Exception Approval;
Z=Use Allowed Subject to Zoning Map Amendment Approval

General Notes:

1. A blank cell means the use is prohibited in the district.
2. Uses may be subject to use specific standards as noted in the last column.
3. Any principal use allowed or permitted by right in this table is permitted by special exception in the Floodplain Overlay District, subject to section 78-60.2.

District Specific Notes:

* Uses in the PD-TD and PD-D districts are subject to specific comprehensive plan policies, design objectives and/or site standards. See additional regulations in section 78-50.5 for the PD-D District and section 78-50.6 for the PD-TD District.

** For Permitted Uses in PD-TOC see section 78-50.7; For Permitted and Allowed Uses in PD-W see section 78-50.8.

	Residential Districts	Business Districts		Planned Development District	Suppl Reqs.
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USE CATEGORY	USE TYPE	R15	R10	R TC	RM	CC	CS	CO	O& LI	PD- R	PD- B	PD- TD PD- D	PD- UR	PD- TOC PD- W	See Section
	Single-Family Detached Dwelling	P	P							Z		Z*	Z	**	§78- 30.6, R-15, R- 10, PD-R Only
	Duplex Dwelling			P						Z		Z*	Z	**	§78- 30.6, R-15, R- 10, PD-R Only
	Stacked Townhouse												Z	**	
	Townhouse Dwelling			P	P					Z		Z*	Z	**	§78- 30.6, R-15, R- 10, PD-R Only
Residential	Townhouse Rental Residential Development			P	P					Z				**	§78- 30.6, R-15, R- 10, PD-R Only
	Quadruplex Dwelling				P					Z		Z*	Z	**	§78- 30.6, R-15, R- 10, PD-R Only

	Multi-Family Dwelling within a Mixed-Use Building					P						P*		**	In CC, above 1st floor only, limit 2 per building
	Multi-Family Dwelling (including residential rental townhouses)				P					Z		Z*	Z	**	§78-30.6, R-15, R-10, PD-R Only
	Housing for the Elderly				P	P				Z		Z*	Z	**	§78-71.1
	Assisted Living for the Elderly and Persons with Disabilities				P					Z		Z*	Z	**	§78-71.1
	Group Home	P	P	P	P					Z		Z*		**	§78-71.1
	Childcare Center, Daycare Center or Preschool	S	S			S		S	S	Z	Z	Z*	Z	**	§78-71.2
Education	Post-Secondary Education and Career Schools							S	S		Z	Z*		**	§78-71.2
	School, Public or Private (K-12)	S	S					S		Z	Z	Z*		**	§78-71.2
Government Facilities	Government Buildings, Facilities and Uses not	S	S	S	S	S	S	S	S	Z	Z	Z*	Z	**	§78-71.3

	Otherwise Categorized														
	Police Substation													**	§78-71.3
	Cemetery	S	S											**	§78-71.4
	Community Centers	S	S	S	S	S		S		Z	Z	Z*		**	§78-71.4
	Convalescent Home							S			Z			**	§78-71.4

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Commercial Utilities	Commercial Communication Tower, Freestanding	S	S	S	S	S	S	S	S	S	Z	Z	Z*	Z	**	§78-71.13
	Electrical Substation							S		S		Z			**	§78-71.13
	Telecommunication Switching Station							S		S		Z			**	§78-71.13
	Utility-Related Maintenance and Storage Yards							S		S					**	§78-71.13

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131

132 Section 78-80.2 – Table of permitted and allowed accessory uses and structures.

	Table 78-80.2(dc): TABLE OF PERMITTED AND ALLOWED ACCESSORY USES & STRUCTURES KEY: P=Use Permitted By Right; S=Use Allowed Subject to Special Exception Approval; Z=Use Allowed Subject to Zoning Map Amendment Approval
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Attachment # 2

	Notes: 1. A blank cell means the use is prohibited in the district; 2. Uses may be subject to use specific standards noted in the last column. ** For Permitted Accessory Uses in PD-TOC see section 78-50.7; For Accessory Uses Permitted and Allowed in PD-W see section 78-50.8													
	Residential Districts				Business Districts					Planned Development District				Suppl Reqs.
ACCESSORY USE	R 15	R 10	R TC	RM	CC	CS	CO	O& LI	PD- R	PD- B	PD- TD PD- D	PD- UR	PD- TOC PD- W	See Section
Accessory Dwelling Unit	S	S	S						Z				**	§78-80.4(a)
Accessory Food Preparation Area - Secondary Kitchen	S	S	S		S				S		S	S	**	§78-80.4(b)
Accessory Food Preparation - Wet Bar	P	P	P	P	P	P	P	P	P	P	P	P	**	§78-80.4(b)
Antennae of all kinds (except commercial communication towers, freestanding)	P	P	P	P	P	P	P	P	Z	Z	Z	Z	**	§78-80.4(c)
Bed and Breakfast Establishment	S	S									S	S	**	§78-80.4(d)
Car/Vehicle Rental						S		S		S	S		**	§78-80.4(e)

Attachment # 2

Car/Vehicle Used Sales								S					**	§78- 80.4(g)
Car/Vehicle Wash (accessory to other automotive uses)						P		S					**	§78- 80.4(f)
Caretaker or Security Guard's Residence						P		P					**	§78- 80.4(h)
Commercial Communication Towers, Freestanding	S	S	S	S	S	S	S	S	Z	Z	Z		**	§78- 71.13 (d)(2)
Daycare Center, Childcare Center or Pre- School					S	S	S	S	Z	Z	Z	Z	**	§78- 80.4(i)
Drive-Through Service						S		S		Z			**	§78- 80.4(j)
Financial Institutions, Accessory					P	P	P	P		Z	Z		**	§78- 80.4(k)
Home-Based Business, Including Daycare or Childcare	P	P	P	P					Z		Z	Z	**	§78- 80.5
Keeping of Livestock													**	§78- 80.4(l)

Attachment # 2

Minor Utilities	P	P	P	P	P	P	P	P	Z	Z	Z	P	**	§78-80.4(m)
Mobile Food Unit Preparer, Full Service					P	P	P	P		P	P		**	§78-80.4(t)
Mobile Food Unit Dispenser, Limited Service													**	Chap. 14, Art. III, Town Code
Outdoor Restaurant Seating					P	P	P	P	Z	Z	Z		**	§78-80.4(n)
Outdoor Storage (as an accessory use)						P		P					**	§78-80.4(o)
Outdoor Display of Products for Sale					P	P					Z		**	§78-80.4(p)
Parapets, Penthouses for Equipment and Other Roof Structures				P	P	P	P	P		Z	Z		**	§78-80.3(d)
Recreational Vehicle Parking and Storage of Individually-Owned Vehicles	P	P	P	P					Z				**	§78-80.4(q)
School Uses in Conjunction with, and on the same site	S	S			S			S	Z	Z	Z		**	§78-80.4(r)

as, Religious Institution														
Social Service and Similar Community Service Uses	S	S	S	S	S	S							**	§78-80.4(s)
Features such as Fences, Walls, Retaining Walls, Gate Houses, Trash Enclosures, Refuse Containers, Screening Enclosures, Storage Sheds, and Swimming Pools	P	P	P	P	P	P	P	P	P	P	P	P	P	** §78-80.3(c) §78-21(f)

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134

135 **Section 78-100.2 – Minimum off-street parking and loading standards.**

- 136 (a) *Minimum number of parking spaces required in R-15, R-10, RTC, RM, CS, CO, O&LI, PD-*
 137 *R, PD-B, PD-W, **PD-UR** zoning districts. Unless otherwise expressly stated in this chapter,*
 138 *off-street parking spaces in the R-15, R-10, RTC, RM, CS, CO, O&LI, PD-R, PD-B, PD-W,*
 139 ***PD-UR** zoning districts shall be provided in accordance with Table 78-100.2(a): Minimum*
 140 *Off-Street Parking Standards, below:*

TABLE 78-100.2(a): MINIMUM OFF-STREET PARKING STANDARDS FOR R-15, R-10, RTC, RM, CS, CO, O&LI, PD-R, PD-B, PD-W, **PD-UR ZONING DISTRICTS**

USE TYPE	REQUIRED NUMBER OF SPACES
RESIDENTIAL USE CATEGORY	

Single-Family Detached Dwelling	Public Street Frontage: 2 spaces per dwelling unit with frontage on a public street;
	Private Street Frontage: 3 spaces per dwelling unit with frontage on a private street.
Duplex and Townhouse Dwellings and Stacked Townhouse	2.33 spaces per dwelling unit
Multi-Family Dwellings	Efficiency/Studio Unit: 1 space per unit
	One Bedroom Unit: 1.5 spaces per unit
	Two Bedrooms or more: 2 spaces per unit
Housing for the Elderly	1.5 spaces per dwelling unit, plus .25 per dwelling unit for visitors.
Assisted Living for the Elderly and Persons with Disabilities and Convalescent Homes for Long and Short-Term Care	1 space per 4 beds, plus 1 space for each 2 employees, plus 1 space for each doctor assigned to the facility per shift.
Group Home	1 space per four beds, plus 1 space for each 2 employees.
Bed and Breakfast Establishment	1 space per guestroom, in addition to the dwelling's required parking spaces.

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143 **Section 78-110.4 – Perimeter buffer strip landscaping requirements.**

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TABLE 78-110.4(e)(3)b.: TYPE AND AMOUNT OF LANDSCAPE BUFFER MATERIAL REQUIRED WHEN NOT ADJACENT TO PUBLIC RIGHTS-OF-WAY (KEY: Letter = Buffer Type per Table 78-110.4(e)(3)a.; Number = Minimum Buffer Width, in feet; n/a=No Buffer)		
		ZONING OF ADJOINING PROPERTY

ZONING DISTRICTS		R-15	R-10	RTC	RM	CC	CS	CO	O&LI	PDR	PD-B	PD-D	PD-UR	PD-W
ZONING OF PROPERTY SUBJECT TO DEVELOPMENT APPROVAL	R-15	n/a	n/a	A-10	A-10	B-10	B-10	B-10	B-10	A-10	B-10	B-10	A-10	B-10
	R-10	n/a	n/a	A-10	A-10	B-10	B-10	B-10	B-10	A-10	B-10	B-10	A-10	B-10
	RTC	A-15	A-15	A-10	A-10	B-10	B-10	B-10	B-10	A-10	B-10	B-10	A-10	B-10
	RM	A-15	A-15	A-15	A-10	B-10	B-10	B-10	B-10	A-10	B-10	B-10	A-10	B-10
	CC	C-25	C-25	C-25	C-25	n/a	n/a	n/a	n/a	C-25	n/a	n/a	A-10	n/a
	CS	C-15	C-15	C-15	C-15	D-7.5	D-7.5	D-7.5	D-7.5	C-15	D-7.5	D-7.5	C-15	D-7.5
	CO	C-15	C-15	C-15	C-15	D-7.5	D-7.5	D-7.5	D-7.5	C-15	D-7.5	D-7.5	C-15	D-7.5
	O&LI	C-20	C-20	C-20	C-20	D-7.5	D-7.5	D-7.5	D-7.5	C-20	D-7.5	D-7.5	C-15	D-7.5
	PD-R	B-15	B-15	B-15	B-15	B-15	B-15	B-15	B-15	B-15	B-15	B-15	B-15	B-15
	PD-B	C-15	C-15	C-15	C-15	D-7.5	D-7.5	D-7.5	D-7.5	C-15	D-7.5	D-7.5	C-15	D-7.5
	PD-D	C-15	C-15	C-15	C-15	n/a	n/a	n/a	n/a	C-15	n/a	n/a	n/a	n/a
	PD-UR	A-10	A-10	A-10	A-10	A-10	A-10	A-10	A-10	A-10	A-10	n/a	A-10	A-10
	PD-W	C-15	C-15	C-15	C-15	D-7.5	D-7.5	D-7.5	D-7.5	C-15	D-7.5	D-7.5	C-15	D-7.5

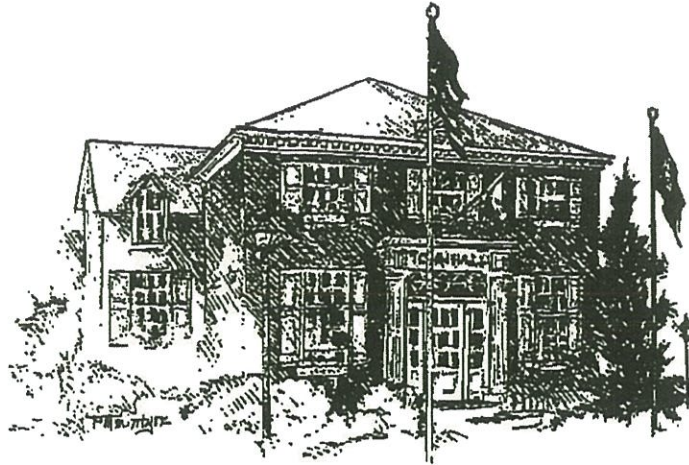
Examples for Selecting the Correct Landscape Buffer:

1. A property owner wants to locate a convenience store in the CS zoning district, adjacent to land that zoned R-10. The convenience store property would be required to include a Landscape Buffer Class "C" of 15 feet in width along the boundary shared with the R-10 property. Within the Buffer Class "C", the property owner would be required to place one canopy tree every 25 linear feet, plus one evergreen tree every 25 feet, plus one ornamental or understory tree every 50 linear feet, and to construct a masonry wall of six feet in height.
2. A developer wants to locate an office building in the O&LI district, adjacent to land zoned PD-B. The office building property would be required to include a Landscape Buffer Class "D" of 7.5 feet in width along the boundary shared with the PD-B property. Within the Buffer Class "D", the developer would be required to place one canopy tree every 30 linear feet, and evergreen tree every 30 linear feet, one ornamental or understory tree every 50 feet. If the developer chooses to provide a fence, it must permit maximum visibility between the O&LI property and the PD-B property.

Section 78-141.7. – Sign standards for planned development – urban residential (PD-UR) district.

<i>Type</i>	<i>Freestanding</i>	<i>Temporary</i>
<i>Number</i>	<i>1 per street frontage</i>	<i>1 per street frontage</i>
<i>Size</i>	<i>24 SF Max.</i>	<i>12 SF Max.</i>
<i>Height</i>	<i>6' Max.</i>	<i>If freestanding: 6' Max</i>
<i>Location</i>	<i>5' Min. from ROW</i>	<i>If freestanding: 5' from ROW; if wall: No more than 10' high on building</i>
<i>Illumination</i>	<i>Halo-lit or Indirect Lit</i>	<i>None</i>
<i>Duration</i>	<i>Unlimited</i>	<i>60 Days</i>

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



**TOWN OF HERNDON, VIRGINIA
PROCLAMATION
BUILDING SAFETY MONTH
MAY 2019**

For the past 39 years, the International Code Council has celebrated advances in constructing safe, sustainable, affordable and resilient buildings and homes. Recognizing **Building Safety Month** helps to improve public safety by increasing awareness of building codes and identifying that countless lives have been saved by the implementation of safety codes, together with the critical role of our local code officials.

Therefore, the Mayor and Town Council of the Town of Herndon, Virginia, hereby proclaim the month of May 2019 as **Building Safety Month** in the Town of Herndon, together with this year's theme ~ "No Code. No Confidence." ~ and extend support to the efforts of the Herndon Building Official's office and other organizations that advocate building safety programs ~ addressing critical issues in building safety for everyday life and in times of disaster, so that everyone benefits from the comfort and confidence that our structures are safe and sound.

Further, the Mayor and Town Council of the Town of Herndon, Virginia, hereby express appreciation to our Building Official's office and local fire prevention officials, architects, engineers, builders and others in the construction industry, who develop and enforce codes to guarantee the safe construction of buildings that protect lives and property, ensuring that the places where we learn, live, play, work and recreate are safe.

Lisa C. Merkel, Mayor
April 23, 2019

