



This does not represent a verbatim transcript of the Town Council meeting. Visit www.herndon-va.gov "agendas & minutes" to view agendas and videos. Copies of videotapes of the public hearing meetings are available on request by contacting HCTV at 703-689-2323. Work sessions are not videotaped, but audio files are available. Individuals not having access to the town's website may contact the Town Clerk's office at 703-435-6804 or town.clerk@herndon-va.gov.

HERNDON TOWN COUNCIL
Tuesday
April 23, 2019

The Town Council met in public session on Tuesday, April 23, 2019, at 7:00 p.m. in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Mayor Lisa C. Merkel; Vice Mayor Sheila A. Olem; and Councilmembers Jennifer K. Baker; Cesar del Aguila; Pradip Dhakal; Signe Friedrichs; and Bill McKenna.

Others present during the meeting: William H. Ashton II, Town Manager; Lesa Yeatts, Town Attorney; Chief Maggie DeBoard, Herndon Police; Elizabeth Gilleran, Director of Community Development; Bryce Perry, Deputy Director of Community Development; Jennie Tripoli, Director of Finance; Tanya Kendrick, Director of Human Resources; Anne Curtis, Chief Communications Officer; Page Kalapasev, Director of Information Technology; Cindy Roeder, Director of Parks & Recreation; Tammy Chastain and John Irish, Deputy Directors of Public Works; John Cassella, Special Projects and Budget Manager; Dennis Holste, Economic Development Manager; David Stromberg, Zoning Administrator; and Margie C. Tacci, Deputy Town Clerk.

Mayor Merkel called the meeting to order at 7:00 p.m., all members present, and with Mayor Merkel presiding.

Mayor Merkel led the audience in the Pledge of Allegiance to the Flag of the United States of America.

APPROVAL OF MINUTES

Vote on March 5, 2019
Work Session Minutes

On motion of Councilmember McKenna, seconded by Councilmember Baker, and carried by unanimous vote, the minutes of the March 5, 2019 work session were

**April 23, 2019
(public hearing)**

approved. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, Vice Mayor Olem and Mayor Merkel voting "Aye."

**Vote on March 12, 2019
Public Hearing Minutes**

On motion of Councilmember McKenna, seconded by Vice Mayor Olem, and carried by unanimous vote, the minutes of the March 12, 2019 public hearing were approved. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, Vice Mayor Olem and Mayor Merkel voting "Aye."

**Vote on March 19, 2019
Work Session Minutes**

On motion of Vice Mayor Olem, seconded by Councilmember Baker, and carried by unanimous vote, the minutes of the March 19, 2019 work session were approved. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, Vice Mayor Olem and Mayor Merkel voting "Aye."

**Vote on March 26, 2019
Public Hearing Minutes**

On motion of Councilmember Baker, seconded by Councilmember McKenna, and carried by unanimous vote, the minutes of the March 26, 2019 public hearing were approved. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, Vice Mayor Olem and Mayor Merkel voting "Aye."

PRESENTATION

3. **Proclamation, to recognize "National Small Business Week," May 5 – May 11, 2019 and "National Economic Development Week," May 6 – May 11, 2019.**

Councilmember Baker read the proclamation recognizing "National Small Business Week" and "National Economic Development Week" into the record.

There were brief comments from Council.

Dennis Holste, Economic Development Manager, provided brief comments, and introduced Dave Richardson, Peggy O'Reilly, and John Boylan, members of the town's Economic Development Advisory Committee (EDAC) for comments.

Mr. Richardson provided brief comments and expressed the EDAC's appreciation for Council recognition.

**April 23, 2019
(public hearing)**

The proclamation was presented to Mr. Holste, Mr. Richardson and members of the EDAC, and representatives of the Herndon Chamber Committee.

**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.

4. COMMENTS FROM THE TOWN MANAGER

William H. Ashton II, Town Manager, stated that audiences watching the meeting on HCTV were briefly viewing the April 9, 2019 meeting. He stated that the issue had been resolved.

Mr. Ashton provided an update on downtown redevelopment. He stated that the applications before the Heritage Preservation Review Board (HPRB) were complete, submitted, and scheduled for the HPRB public hearing on May 15 and its work session on May 1.

**April 23, 2019
(public hearing)**

5. COMMENTS FROM THE TOWN COUNCIL

Councilmember Dhakal: Stated that he enjoyed celebrating Nepalese-American Heritage Day. He thanked the Council for attending and stated that those attending the event appreciated the town's recognition of the event and the proclamation. He stated that there are many other communities in Herndon, who we should reach out to and empower them to contribute to the town. He thanked the Mayor, Town Council and citizens for accepting the small Nepalese community into the Herndon family.

Councilmember Baker: Stated that she was looking forward to Herndon Elementary School's career day, Wednesday April 24.

Councilmember Baker stated that Friday Night Live would start on Friday, May 3.

Councilmember Baker thanked the Parks and Recreation department for a fun Easter Egg Hunt on Saturday, April 20.

Councilmember Baker stated that six weeks from Thursday, April 25, would be D-Day, and the Herndon High School Band was selected as one of few high schools from around the country to participate in the 75th Anniversary commemoration. She would be attending the trip as part of a 'shadow' group. There were 51 individuals in her group and 44 in Margaret Jamborsky's group, which was made up of veteran families from the USS Herndon. She stated that students and other attendees were looking forward to it.

Councilmember del Aguila: Stated that for those who wanted to listen, the April 16 work session was probably the most productive meeting he attended since he has been on council. He stated that they are trying to align short-term decisions with desired long-term outcomes. He encouraged public comments on the budget.

Councilmember del Aguila echoed Councilmember Dhakal's comments on the celebration for Nepalese-American Heritage Day.

Councilmember McKenna: Stated that on Sunday, April 21, the Herndon Village Network (HVN) celebrated its 4th birthday at ArtSpace Herndon. He stated that HVN provides free rides for people 55 and over to places in the community. He stated that for those who wanted to learn more, donate, or volunteer, to go to www.herndonvillagenetwork.org.

Councilmember Friedrichs: Complimented Councilmember Dhakal and echoed her colleagues' comments on the Nepalese-American Heritage Day event. She stated that it was rare to meet the US Ambassador to Nepal and the Nepali Ambassador to the United States in town. She stated that Harry Bhandari, US House of Representatives, Maryland, was there, who is one of the four Nepali Americans serving in elected office in the US. Councilmember Dhakal is another. She stated that it was a very exciting day, where people were feeling like a part of Herndon, and that was a beautiful thing.

**April 23, 2019
(public hearing)**

Councilmember Friedrichs congratulated Joanna Ormesher, President and Chief Executive Officer of ArtSpace Herndon, for being recognized by the City of Fairfax for receiving the John Mason Artistic Achievement Award. She provided comments about the award and Ms. Ormesher's achievements.

Vice Mayor Olem: Stated that she spent Saturday morning, April 20, with the Federal Water Quality Association. She is on the committee that determines college scholarships for students interested in water quality. She stated that one of the scholarships is named after her late husband, Harvey Olem.

Vice Mayor Olem enjoyed attending the Nepalese-American Heritage Day at Herndon Middle School. She stated that she was entertained, fed, and met a lot of new people. She thanked Councilmember Dhakal for including her in this great event.

Vice Mayor Olem stated that the opening day of the Farmers' Market had been on Thursday, April 18. She encouraged those interested to attend.

Vice Mayor Olem stated that the Herndon Rotary Club's Senior Senior Prom would be held on May 4 at St. Joseph Catholic Church. She stated it was a free event and encouraged those interested to attend.

Mayor Merkel: Stated that she visits businesses with Dennis Holste, Economic Development Manager, to discuss town-business relationships. Today, they went to Mascot Books, a publishing company. She stated that the President & CEO was a member of the Nepalese community, who was interested in meeting Councilmember Dhakal. She discussed Mascot Books, who started out in publishing with children's books about college mascots. They had given her a copy of the book about Auburn, "Dream Big, Aubie," which she showed the audience. Mayor Merkel stated that the company was involved with Scrawl Books in Reston, they were looking to do some pop-up events, and to potentially partner with other businesses in the town.

6. COMMENTS FROM THE AUDIENCE

The following member of the audience provided comments:

- Barbara Glakas, 935 Barton Oaks Place, Herndon, provided comments on the Nepalese-American Heritage Day event and the Barbara Varon Volunteer Award. She is the Dranesville District representative to the Barbara Varon Volunteer Award committee. She described the award, requirements, and encouraged nominations by June 11. A copy of the pamphlet about the award is on file in the Town Clerk's office.

Mayor Merkel asked the Town Clerk's office to provide the information Ms. Glakas shared to Council.

April 23, 2019
(public hearing)

PUBLIC HEARINGS

7. **Ordinance 19-O-09, to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2020 budget;**
8. **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);**
9. **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;**
10. **Resolution 19-G-31, to adopt Fiscal Planning Resolution for the Fiscal Year 2020 budget; and**
11. **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.**

FY 2020 Proposed Budget

[Note: these items were continued from the April 9, 2019 public hearing.]

Certificates of Publication were filed from the Editor of the *Fairfax County Times Newspapers*, showing that notices of said public hearings had been duly advertised in the Friday, March 29 and Friday, April 15, 2019 issues.

Mayor Merkel stated that the next five items relate to the Town Manager's proposed FY 2020 budget. For the record, she stated that the public hearings on these items were continued by Council from April 9, which meant that the public hearings and the record remained opened and the public hearings would resume this evening. She stated that comments received have been entered into the record, which are on file in the Town Clerk's office.

Mayor Merkel outlined the process and stated that she would call on disclosures by Council; recognize the Town Manager, William H. Ashton; and following his comments, she would recognize Council for questions. She would resume separate public hearings on the:

- Ordinance to levy real estate taxes;

**April 23, 2019
(public hearing)**

- Ordinance, to amend Chapter 30 (FINANCE & TAXATION), for a possible increase in the meals tax; and
- Ordinance, to amend Chapter 74 (UTILITIES), to increase the usage charges for sanitary sewer and water.

Followed by concurrent public hearings on:

- A fiscal planning resolution, to adopt the FY 2020 budget; and
- An ordinance, to implement the FY 20209 budget; establish a pay plan and reserve on-going and capital funding for this fiscal year.

Mayor Merkel stated that at the end of each public hearing, she would ask for a motion, followed by Council discussion and votes by roll call. The voting requirements were:

- The Tax Levy requires a two-thirds vote of Council, which is five;
- The Meals Tax requires a majority of Council, which is four;
- The Water & Sewer Charges requires a majority of Council, which is four;
- The Fiscal Planning Resolution requires a majority of those present and voting, which is four if all members of Council are present and voting; and
- The Appropriation Ordinance requires a majority of the Council, which is four.

Disclosures:

- **Mayor Merkel and Councilmember Dhakal** stated, for the record, that throughout the year, they may be invited to attend events hosted by organizations as guests. Both stated that they are able to participate in the budget deliberations regarding non-profit organizations fairly, objectively, and in the public interest, and that they have filed the appropriate disclosure with the Town Clerk and Town Attorney.
- **Vice Mayor Olem; and Councilmembers Baker, del Aguila, Friedrichs and McKenna** stated, for the record, that they are unpaid volunteers for various organizations in the community, some of which may receive donations or in-kind benefits from the town. Throughout the year, they may be invited to attend events hosted by these organizations as guests. They all stated that they were able to participate in the budget deliberations regarding non-profit organizations fairly, objectively, and in the public interest, and that they have each filed the appropriate disclosure with the Town Clerk and Town Attorney.

**April 23, 2019
(public hearing)**

Mayor Merkel recognized William H. Ashton II, Town Manager, for comments.

Mr. Ashton reviewed the budget process. He stated that at the Council's first work session of 2019, they discussed the budget priorities, which provided a framework for staff to propose a budget for Council. The priorities included funding activities that supported the 2035 Vision, sustainability, downtown, arts center, technology, investment in town employees, and updating several budgetary policies. He stated that after the initial budget guidance resolution was adopted, there were changes in the revenue stream, including a major Business Professional and Occupational License (BPOL) loss, which created a loss for ongoing capital. Additionally, there were a few road improvement projects that needed additional funding. Staff would look for revenue sharing grants to help with some of those costs, as well. Based on the competitive nature of the grant process, the town would likely need to provide some additional funding. Mr. Ashton discussed Council's budget review process, public hearing process, legal advertising requirements, and stated that staff sent a brochure on the budget to all homes in town and posted about it on social media.

Mr. Ashton stated that even though the proposed budget included a one percent increase to the meals tax to meet the shortfall in capital financing, he wanted to give the Council the opportunity to further shape the budget. The advertised rate was 1.5 percent increase, at a rate of 4.0 percent. This allowed for latitude during budget discussions.

Mr. Ashton stated that last week's work session was highly productive. Council gave him a consensus as to how they wanted to see the budget move forward, which was reflected in the resolution tonight. This included an additional quarter percent of the proposed meals tax, at a rate of 3.75 percent; reductions in the Town Clerk's budget for community donations from \$218,000 to \$211,200 ~ the difference would be allocated to the contingency fund; appropriation of \$56,000 for crosswalk projects; funding for the Assistant Town Attorney position; and restoring full funding to three Parks and Recreation programs. The total increase was \$225,000, which would be funded by the quarter point increase in the meals tax. He thanked the Council, the budget team, and management team for all their efforts.

There was brief discussion amongst Council and staff on the FY 2020 budget.

Mayor Merkel asked for clarification for the benefit of the audience. She asked if any of the rates had changed in Ordinance #19-09, the levy of real estate taxes.

Mr. Ashton stated that the rates had not changed. He stated that there was an increase in the assessed values. With the exception of the meals tax, all tax rates had remained the same. The water and sewer rates would increase by increments based on the plan Council adopted last year.

**April 23, 2019
(public hearing)**

Mayor Merkel stated that the proposed budget included a one percent increase to the meals tax, but it was advertised at a 1.5 percent increase to allow for leeway to adjust the rate.

Mr. Ashton agreed with Mayor Merkel. He stated that the Council reviewed unfunded priorities that did not make it into the base budget at a March work session. While the meals tax was advertised at 4.0 percent, tonight's proposed rate was 3.75 percent.

Ordinance 19-O-09, to levy real estate taxes

Mayor Merkel resumed the public hearing held open from April 9 on Ordinance 19-O-09, to levy taxes on real estate and manufactured homes and other subjects for the Fiscal Year 2020 Budget. She asked if anyone would like to come forward to address Council on this item.

Following the public hearing (there were no comments from the audience), Vice Mayor Olem moved to adopt Ordinance 19-O-09, as presented, to fix 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 & 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 & 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 & 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; and
- **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.

Councilmember Friedrichs seconded the motion.

There were brief comments from Council.

The question was called on the motion, which carried by unanimous roll call vote. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, Vice Mayor Olem and Mayor Merkel voting "Aye."

**April 23, 2019
(public hearing)**

Ordinance 19-O-09, 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

**April 23, 2019
(public hearing)**

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.

Ordinance 19-O-10, Meals Tax

Mayor Merkel resumed the public hearing held open from April 9 on Ordinance 19-O-10, to amend Chapter 30 for a potential increase in the meals tax. She asked if anyone would like to come forward to address Council on this item. The following individuals came forward:

- Kristen Murphy, General Manager, Washington Dulles Marriott Suites Hotel, 13101 Worldgate Drive, Herndon, provided comments opposing the meals tax increase. She stated that the food and beverage sector was unfairly singled out and discussed how the meals tax has affected her businesses. She stated that by being located in the town, her business was at a significant disadvantage from her competition. She encouraged the Council to reconsider the tax;
- John Boylan, President and CEO, Dulles Regional Chamber of Commerce, 730 Elden Street, Herndon, provided comments opposing the meals tax increase and encouraged Council to reconsider it. He stated that it was ironic to promote Small Business Week with the meals tax increase. He expressed concerns for raising the meals tax and encouraged the Council to look elsewhere in the budget; and
- Dave Richardson, 685 Old Hunt Way, Herndon, provided comments opposing the meals tax increase. He encouraged the Council not to put the burden on town businesses by raising the meals tax and asked the Council to look harder at it.

Following the public hearing, Councilmember del Aguila moved to approve Ordinance 19-O-10, as presented, to amend Chapter 30, Section 30-401, to increase the meals tax percentage rate to:

- **Three and three-quarters percent ~~two and one-half percent~~.**

Councilmember Friedrichs seconded the motion.

There were brief comments by Council.

In response to queries from Councilmember del Aguila, Mayor Merkel stated that she understood that the town had not raised the meals tax since 2012.

**April 23, 2019
(public hearing)**

Councilmember Friedrichs provided comments and stated that for the town to be able to provide the services it offers at reasonable rates, the Council needed to increase taxes in some way. She stated that restaurateurs benefit from town services. She was deeply reluctant to raise taxes and stated that she did not think it was likely the Council would raise taxes next year.

Councilmember Dhakal echoed Councilmember Friedrichs' comments. He stated that Council discussed the meals tax extensively and that they were all reluctant to raise any taxes. However, he stated they recognized that the citizens deserve a better quality of life, infrastructure, and a better position for the town and development. The Council reviewed several alternatives and he found that this has less impact on town taxpayers.

Vice Mayor Olem provided comments on the meals tax and stated that it would help provide the town services that residents value, including the Herndon Community Center, entertainment, roads, and hiring qualified staff. She stated that when she orders food from town restaurants, she does not think about the meals tax. Rather, she likes to support businesses in town whose food she enjoys.

Councilmember McKenna provided comments and stated that it was difficult for him to consider raising the meals tax. At the work session, the Council and staff discussed long-term goals in the budget and mitigating risk in future budgets.

Mayor Merkel thanked her colleagues and the audience for their comments. She stated that raising a tax rate is not an easy decision and discussed the reasons behind considering a meals tax increase. She stated that the meals tax does not entirely focus on town property owners and it would spread the impact around to others who dine in town. The meals tax has also been one of the most stable, predictable, and growing sources of revenue over the past 10 years. This was in stark contrast to BPOL, which was more volatile. The town was also one of the lowest meals tax rates in the Commonwealth for jurisdictions that have a meals tax. She stated that she was very sensitive to the impacts on hotels and businesses and encouraged them to reach out to the Council or staff for ways the town could assist them. She did not anticipate raising the rate to become a trend.

The question was called on the motion, which carried by a 5-2 roll call vote. The vote was: Councilmembers del Aguila, Dhakal, Friedrichs, Vice Mayor Olem and Mayor Merkel voting "Aye." Councilmembers Baker and McKenna voting "No."

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.

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

**April 23, 2019
(public hearing)**

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 ***three and three-quarters*** ~~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.

Ordinance 19-O-11, Sanitary Sewer & Water Rates

Mayor Merkel resumed the public hearing held open from April 9 on Ordinance 19-O-11, to amend Chapter 74, to increase the use charges for sanitary sewer and water. She asked if anyone would like to come forward to address Council on this item. The following individual came forward:

- Alexandra Heidler, 170 Laurel Way, Herndon, stated that she provided comments for the record, which are on file in the Town Clerk's office. She stated she was encouraged to provide her comments this evening. She asked what the town was doing and what citizens could do to assist with recycling efforts.

Following the public hearing, Councilmember McKenna moved to approve Ordinance 19-O-11, as presented, to increase usage charges for sanitary sewer and water effective for meter readings taken on or after July 1, 2019. Councilmember Baker seconded the motion.

There were brief comments from Council.

In response to Councilmember Friedrichs, Mr. Ashton stated that prior to last year's rate study, it had been about seven or eight years since the town increased water and sewer rates. The town raised the rates following the study and one other time. This was the third iteration of trying to match the rates to the services provided. He emphasized it was an enterprise fund and that the town's rate was the lowest in the region.

Mr. Ashton stated that Tammy Chastain, Deputy Director of Public Works, would answer Ms. Heidler's questions about recycling rates.

**April 23, 2019
(public hearing)**

The question was called on the motion, which carried by unanimous roll call vote. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, Vice Mayor Olem and Mayor Merkel voting "Aye."

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.

BE IT ORDAINED by the Town Council of 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:

**April 23, 2019
(public hearing)**

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 and after July 1, 2019.

**April 23, 2019
(public hearing)**

**Resolution 19-G-31, Fiscal Planning Resolution and
Ordinance 19-O-12, Appropriation of Funds**

Mayor Merkel resumed the public hearings concurrently held open from April 9 on Resolution 19-G-31, to consider the proposed Fiscal Planning for Fiscal Year 2020 and Ordinance 19-O-12, to appropriate funds to implement the Fiscal Year 2020 budget, establish the pay plan, and reserve on-going and capital funding for this fiscal year. She asked if anyone would like to come forward to address Council on these items.

Following the public hearing (there were no comments from the audience), Vice Mayor Olem moved to adopt Fiscal Planning Resolution 19-G-31 for FY 2020, as presented.

• **TOWN CLERK**

- ❖ **DECREASE** appropriations for cash donations by \$6,800 such that revised total cash donation appropriations and in-kind contributions, by organization, are as follows:

<u>Organization</u>	<u>Cash</u>	<u>In-Kind</u>
Herndon Community Television	99,700	
NextStop Theatre	50,000	
Friday Night Live		15,000
Herndon High School PTSA	2,000	
Herndon High School Band Parents Assoc	500	
Herndon Elementary PTA	5,000	
Kids at Hope Herndon	4,000	
Herndon Hospitality Assoc/Jam Brew		3,950
Arts Herndon	50,000	
Total	\$211,200	\$18,950

• **POLICE**

- ❖ **DECREASE** appropriations for police overtime in the Operations division by \$32,000 to offset a sworn officer payroll increase
- ❖ **INCREASE** sworn officer salary and fringe benefits appropriations by \$65,000

• **PARKS & RECREATION**

- ❖ **DECREASE** appropriations for a van by \$33,000 in the Parks & Recreation Community Center division to support sworn officer payroll increase
- ❖ **INCREASE** appropriations for the following Parks & Recreation programs:

**April 23, 2019
(public hearing)**

- Family Fun Days \$ 3,500
 - Downtown Events 25,000
 - Kids at Hope 15,000
- ❖ **INCREASE** General Fund revenues by \$43,500 to cover the additional cost of these three programs
- **TOWN ATTORNEY**
 - ❖ **INCREASE** salary and fringe benefits appropriations by \$125,500 to cover the cost of Assistant Town Attorney position
 - ❖ **INCREASE** General Fund revenues by \$125,500 to cover additional costs associated with the new Assistant Town Attorney position
- **GENERAL FUND NON-DEPARTMENTAL**
 - ❖ **INCREASE** expenditure appropriation for contingencies by \$6,800
- **INTERFUND TRANSFERS**

General Fund

 - ❖ **INCREASE** expenditure appropriation for transfers from the General Fund to the Capital Projects Fund by \$56,000 to cover additional costs associated with the Pedestrian Walkways project
 - ❖ **INCREASE** General Fund revenue by \$56,000 to cover the transfer to the Capital Projects Fund for the Pedestrian Walkways project
 - ❖ **DECREASE** expenditure appropriation for transfers from the General Fund to the Capital Projects Fund by \$200,000, related to the Folly Lick project
 - ❖ **INCREASE** expenditure appropriation for transfers from the General Fund to the Downtown Parking Fund by \$200,000
- **CAPITAL PROJECTS FUND**
 - ❖ **INCREASE** expenditure appropriation for the Pedestrian Walkways project by \$56,000
 - ❖ **INCREASE** General Fund transfer into Capital Projects Fund (revenue) by \$56,000 to cover cost of the Pedestrian Walkways project

**April 23, 2019
(public hearing)**

- ❖ **DECREASE** expenditure appropriation for the Folly Lick project by \$200,000
- ❖ **DECREASE** General Fund transfer into Capital Projects Fund (revenue) by \$200,000

• **DOWNTOWN PARKING FUND**

- ❖ **INCREASE** expense appropriation for debt service by \$200,000
- ❖ **INCREASE** transfer in from General Fund (revenue) by \$200,000

Councilmember Dhakal seconded the motion.

There were brief comments from Council.

The question was called on the motion, which carried by a 5-2 roll call vote. The vote was: Councilmembers del Aguila, Dhakal, Friedrichs, McKenna, Vice Mayor Olem voting "Aye." Councilmember Baker and Mayor Merkel voting "No."

Resolution 19-G-31, 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 properly advertised the April 9 and April 23, 2019 public hearings on the budget; 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 30, 2019, on file in the office of the Town Manager, amended as follows:

➤ **Town Clerk**

- **Decrease** appropriations for cash donations by \$6,800 such that revised total cash donation appropriations and in-kind contributions, by organization, are as follows:

**April 23, 2019
(public hearing)**

<u>Organization</u>	<u>Cash</u>	<u>In-Kind</u>
Herndon Community Television	\$99,700	
NextStop Theatre	50,000	
Friday Night Live		\$15,000
Herndon High School PTSA	2,000	
Herndon High School Band Parents Assoc	500	
Herndon Elementary PTA	5,000	
Kids at Hope Herndon	4,000	
Herndon Hospitality Assoc/Jam Brew		3,950
<u>Arts Herndon</u>	<u>50,000</u>	
Total	\$211,200	\$18,950

➤ **Police**

- **Decrease** appropriations for police overtime in the Operations division by \$32,000 to offset a sworn officer payroll increase
- **Increase** sworn officer salary and fringe benefits appropriations by \$65,000

➤ **Parks & Recreation**

- **Decrease** appropriations for a van by \$33,000 in the Parks & Recreation Community Center division to support sworn officer payroll increase
- **Increase** appropriations for the following Parks & Recreation programs:
 - Family Fun Days \$ 3,500
 - Downtown Events \$25,000
 - Kids at Hope \$15,000
- **Increase** General Fund revenues by \$43,500 to cover the additional cost of these three programs

➤ **Town Attorney**

- **Increase** salary and fringe benefits appropriations by \$125,500 to cover the cost of Assistant Town Attorney position

**April 23, 2019
(public hearing)**

- **Increase** General Fund revenues by \$125,500 to cover additional costs associated with the new Assistant Town Attorney position

➤ **General Fund Non-departmental**

- **Increase** expenditure appropriation for contingencies by \$6,800

➤ **Interfund Transfers**

General Fund

- **Increase** expenditure appropriation for transfers from the General Fund to the Capital Projects Fund by \$56,000 to cover additional costs associated with the Pedestrian Walkways project
- **Increase** General Fund revenue by \$56,000 to cover the transfer to the Capital Projects Fund for the Pedestrian Walkways project
- **Decrease** expenditure appropriation for transfers from the General Fund to the Capital Projects Fund by \$200,000, related to the Folly Lick project
- **Increase** expenditure appropriation for transfers from the General Fund to the Downtown Parking Fund by \$200,000

Capital Projects Fund

- **Increase** expenditure appropriation for the Pedestrian Walkways project by \$56,000
- **Increase** General Fund transfer into Capital Projects Fund (revenue) by \$56,000 to cover cost of the Pedestrian Walkways project
- **Decrease** expenditure appropriation for the Folly Lick project by \$200,000
- **Decrease** General Fund transfer into Capital Projects Fund (revenue) by \$200,000

**April 23, 2019
(public hearing)**

Downtown Parking Fund

- **Increase** expense appropriation for debt service by \$200,000
- **Increase** transfer in from General Fund (revenue) by \$200,000

Ordinance 19-O-12, Appropriations Ordinance

Following the public hearing, on motion of Vice Mayor Olem, seconded by Councilmember del Aguila, and carried by unanimous roll call vote, Ordinance 19-O-12, to implement the FY2020 budget, establish the pay plan and reserve the on-going and capital funding for this fiscal year, was adopted, as presented. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, Vice Mayor Olem and Mayor Merkel voting "Aye."

Ordinance 19-O-12, 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.

**April 23, 2019
(public hearing)**

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.

Concurrent public hearings

12. **Ordinance 19-O-14, 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;**
13. **Ordinance 19-O-15, 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; and**
14. **Resolution 19-G-33, to consider a special exception SE #19-02, 525 Grove Street, Virginia Dominion Energy Substation, to allow the installation of a freestanding telecommunications facility.**

Certificates of Publication were filed from the Editor of the *Fairfax County Times Newspapers*, showing that notices of said public hearings had been duly advertised in the Friday, April 15 and Friday, April 12, 2019, issues.

Mayor Merkel opened the public hearings concurrently on Ordinance 19-O-14, Ordinance 19-O-15 and Resolution 19-G-33. She recognized Bryce Perry, Deputy Director of Community Development, for concurrent staff reports.

Mr. Perry presented the staff reports and a PowerPoint dated April 23, which are on file in the Town Clerk's office. The proposed applications would amend the proffer statements for the previously approved rezoning applications, ZMA #02-102 and #02-103, and proffer condition amendment PCA #19-02. For the use to be allowed, the property would have to be updated with the proffer condition amendments and a special exception to the zoning ordinance must be issued. The PCA's were required because the zoning of the site was regulated by two previous zoning map amendments, which permitted the development of the property as it exists. He reviewed the rezoning process and the requirements for the special exception.

**April 23, 2019
(public hearing)**

Mr. Perry reviewed the location and details of the property. He stated that the facility, as proposed, would include a 525-foot monopole, and a 15-foot wide screen of combined landscaping and fence. Access to the facility would be off of Grove Street through an existing private drive. He reviewed the current landscaping and features of the site. The project would include removal and replacement of existing trees and shrubs for new plants at a one-for-one ratio. He stated that the applicant provided photo simulations of the site from various viewpoints around town.

Following the Planning Commission public hearings on February 25 and March 25, the applicant made substantial changes to the application to address concerns, which included replacement landscaping, a gate at the end of the private drive, two bollards to prevent vehicle access off-site, and changing the chain-link to decorative black wire fencing.

Staff recommends approval of the proposed ordinances for the proffered condition amendments PCA #19-01 and PCA #19-02, and the proposed resolution for special exception SE #19-02, with the as conditions listed.

Mayor Merkel invited the applicant or applicant's agent forward for comments.

- Harold Bernandzikowski, Network Building and Consulting LLC, representing the applicant Vertical Bridge Development, 6095 Marshalee Drive, Suite 300, Elkridge, Maryland, provided comments on the application. At last week's work session, the Council discussed potential noise from the generator. He looked at T-Mobile's specifications sheets for their generator and stated that it was 65 decibels at seven meters, which would be short of the property line to the west, measured from the compound.

Ordinance 19-O-14, PCA #19-01

Following the public hearing (there were no comments from the audience), Vice Mayor Olem moved to approve Ordinance 19-O-14, as presented. Councilmember McKenna seconded the motion.

There were brief comments from Council.

The question was called on the motion, which carried by unanimous vote. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, Vice Mayor Olem and Mayor Merkel voting "Aye."

Ordinance 19-O-14, 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

**April 23, 2019
(public hearing)**

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.

[Note: Attached for reference is the Network Building & Consulting, LLC Plan Exhibit dated March 19, 2019 and the Proffer Statement dated February 26, 2019 for PCA#19-01.]

**April 23, 2019
(public hearing)**

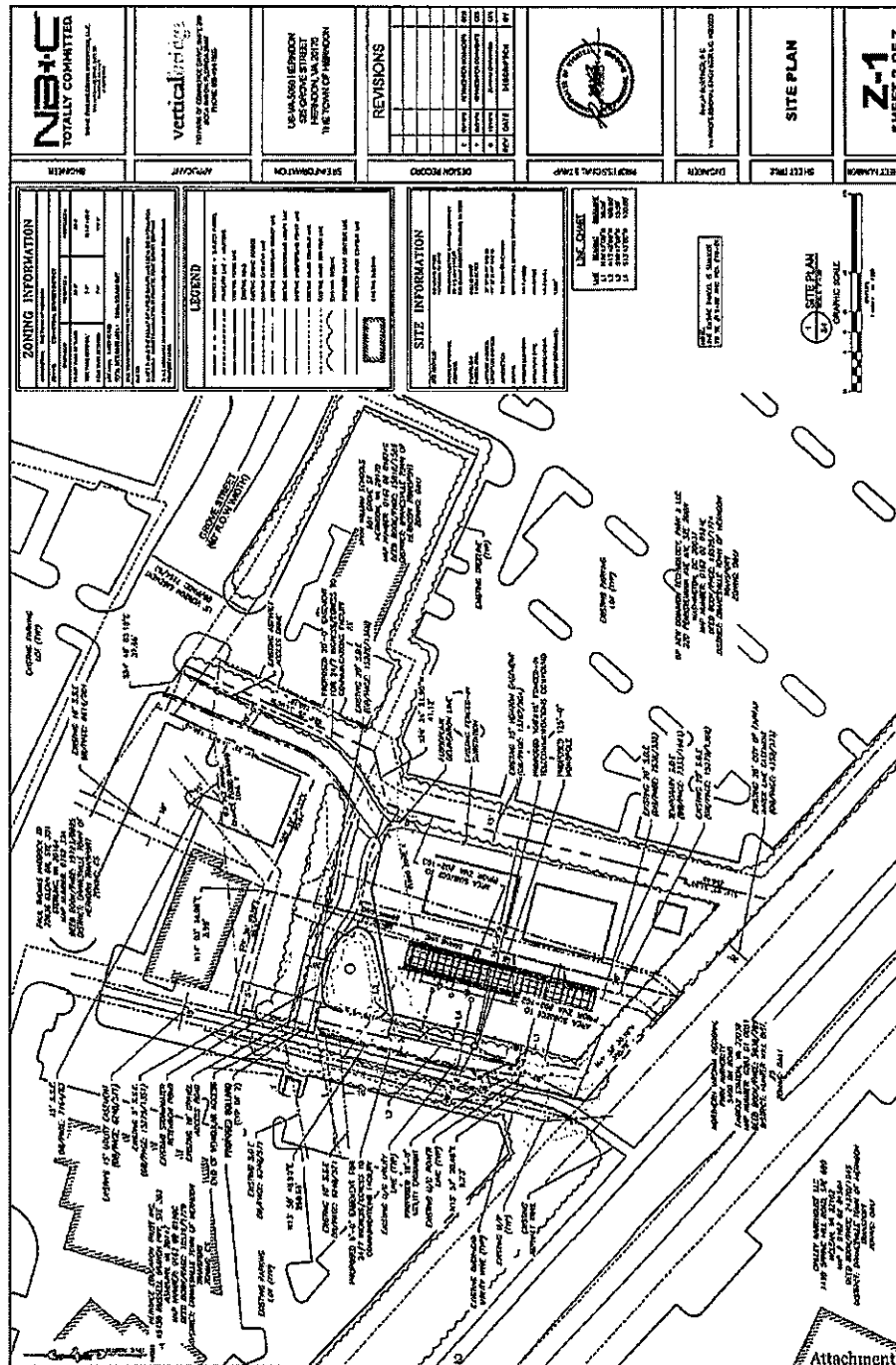
PERFORMANCE BOND ESTIMATE

NO.	DESCRIPTION	UNIT	PRICE	TOTAL
1	...	...	...	...
2	...	...	...	...
3	...	...	...	...
4	...	...	...	...
5	...	...	...	...
6	...	...	...	...
7	...	...	...	...
8	...	...	...	...
9	...	...	...	...
10	...	...	...	...
11	...	...	...	...
12	...	...	...	...
13	...	...	...	...
14	...	...	...	...
15	...	...	...	...
16	...	...	...	...
17	...	...	...	...
18	...	...	...	...
19	...	...	...	...
20	...	...	...	...
21	...	...	...	...
22	...	...	...	...
23	...	...	...	...
24	...	...	...	...
25	...	...	...	...
26	...	...	...	...
27	...	...	...	...
28	...	...	...	...
29	...	...	...	...
30	...	...	...	...
31	...	...	...	...
32	...	...	...	...
33	...	...	...	...
34	...	...	...	...
35	...	...	...	...
36	...	...	...	...
37	...	...	...	...
38	...	...	...	...
39	...	...	...	...
40	...	...	...	...
41	...	...	...	...
42	...	...	...	...
43	...	...	...	...
44	...	...	...	...
45	...	...	...	...
46	...	...	...	...
47	...	...	...	...
48	...	...	...	...
49	...	...	...	...
50	...	...	...	...
51	...	...	...	...
52	...	...	...	...
53	...	...	...	...
54	...	...	...	...
55	...	...	...	...
56	...	...	...	...
57	...	...	...	...
58	...	...	...	...
59	...	...	...	...
60	...	...	...	...
61	...	...	...	...
62	...	...	...	...
63	...	...	...	...
64	...	...	...	...
65	...	...	...	...
66	...	...	...	...
67	...	...	...	...
68	...	...	...	...
69	...	...	...	...
70	...	...	...	...
71	...	...	...	...
72	...	...	...	...
73	...	...	...	...
74	...	...	...	...
75	...	...	...	...
76	...	...	...	...
77	...	...	...	...
78	...	...	...	...
79	...	...	...	...
80	...	...	...	...
81	...	...	...	...
82	...	...	...	...
83	...	...	...	...
84	...	...	...	...
85	...	...	...	...
86	...	...	...	...
87	...	...	...	...
88	...	...	...	...
89	...	...	...	...
90	...	...	...	...
91	...	...	...	...
92	...	...	...	...
93	...	...	...	...
94	...	...	...	...
95	...	...	...	...
96	...	...	...	...
97	...	...	...	...
98	...	...	...	...
99	...	...	...	...
100	...	...	...	...

CASH BIDDING BOND ESTIMATE

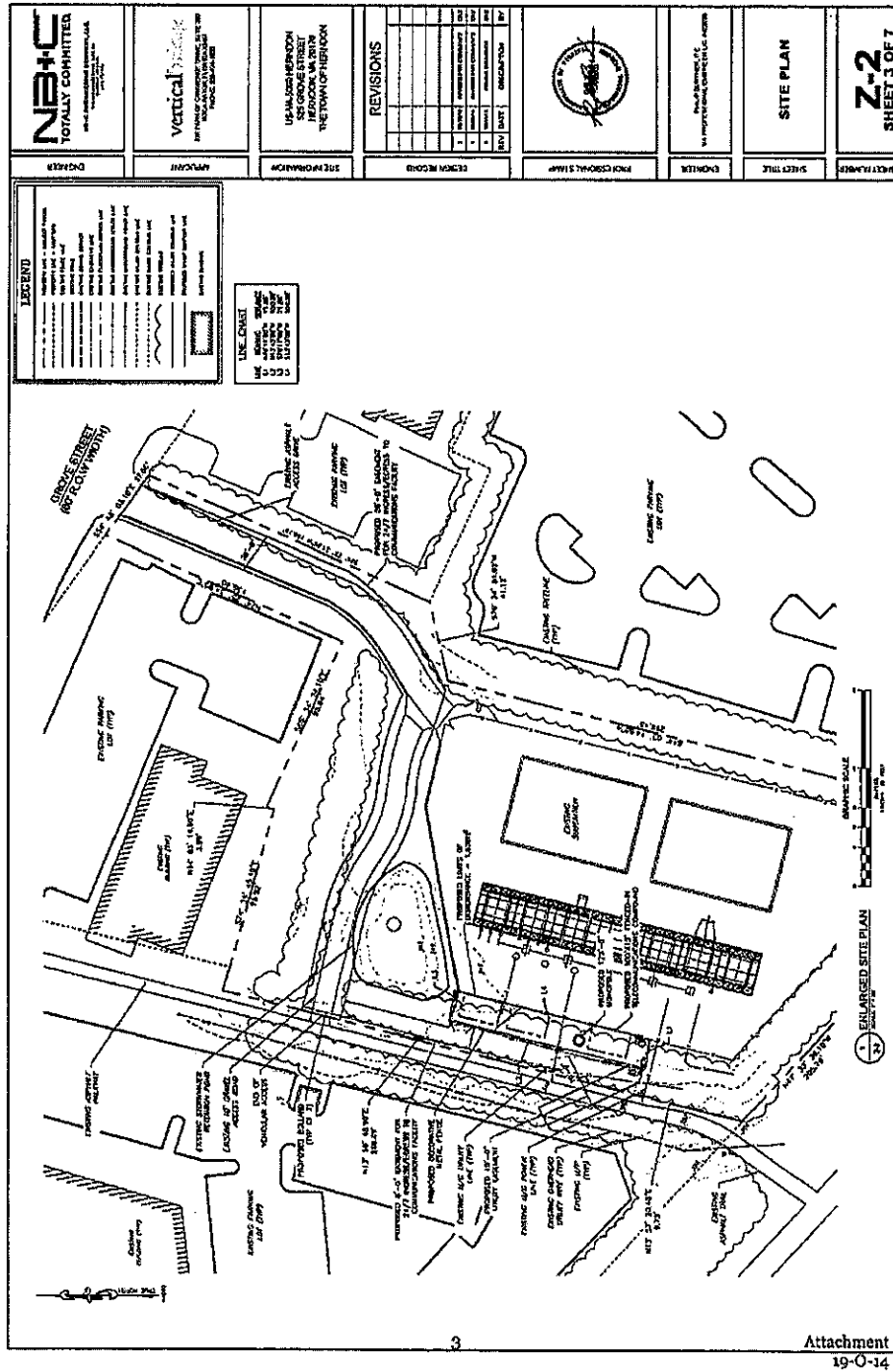
NO.	DESCRIPTION	UNIT	PRICE	TOTAL
1	...	...	...	...
2	...	...	...	...
3	...	...	...	...
4	...	...	...	...
5	...	...	...	...
6	...	...	...	...
7	...	...	...	...
8	...	...	...	...
9	...	...	...	...
10	...	...	...	...
11	...	...	...	...
12	...	...	...	...
13	...	...	...	...
14	...	...	...	...
15	...	...	...	...
16	...	...	...	...
17	...	...	...	...
18	...	...	...	...
19	...	...	...	...
20	...	...	...	...
21	...			

**April 23, 2019
(public hearing)**

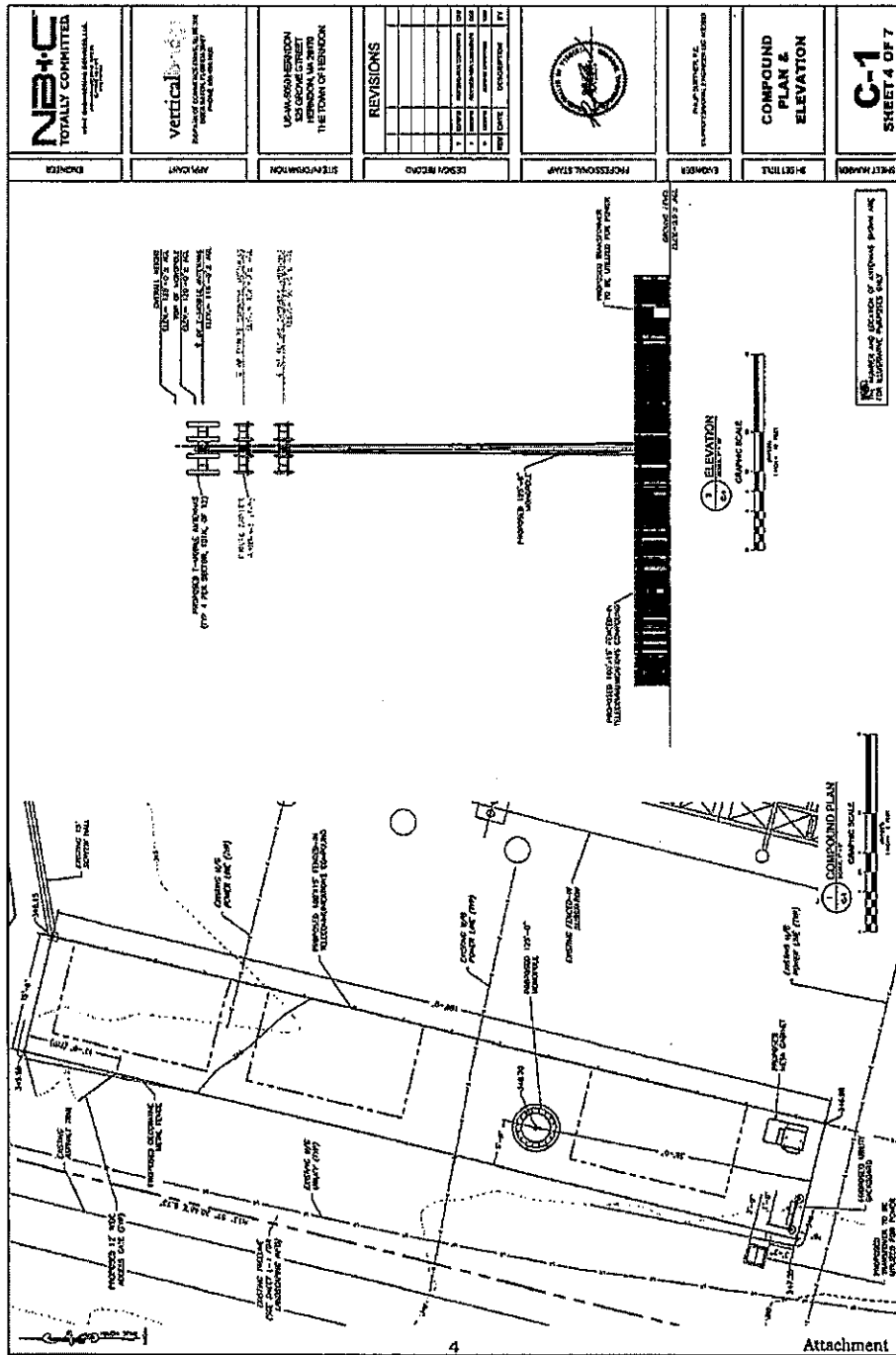


19-0-14

**April 23, 2019
(public hearing)**

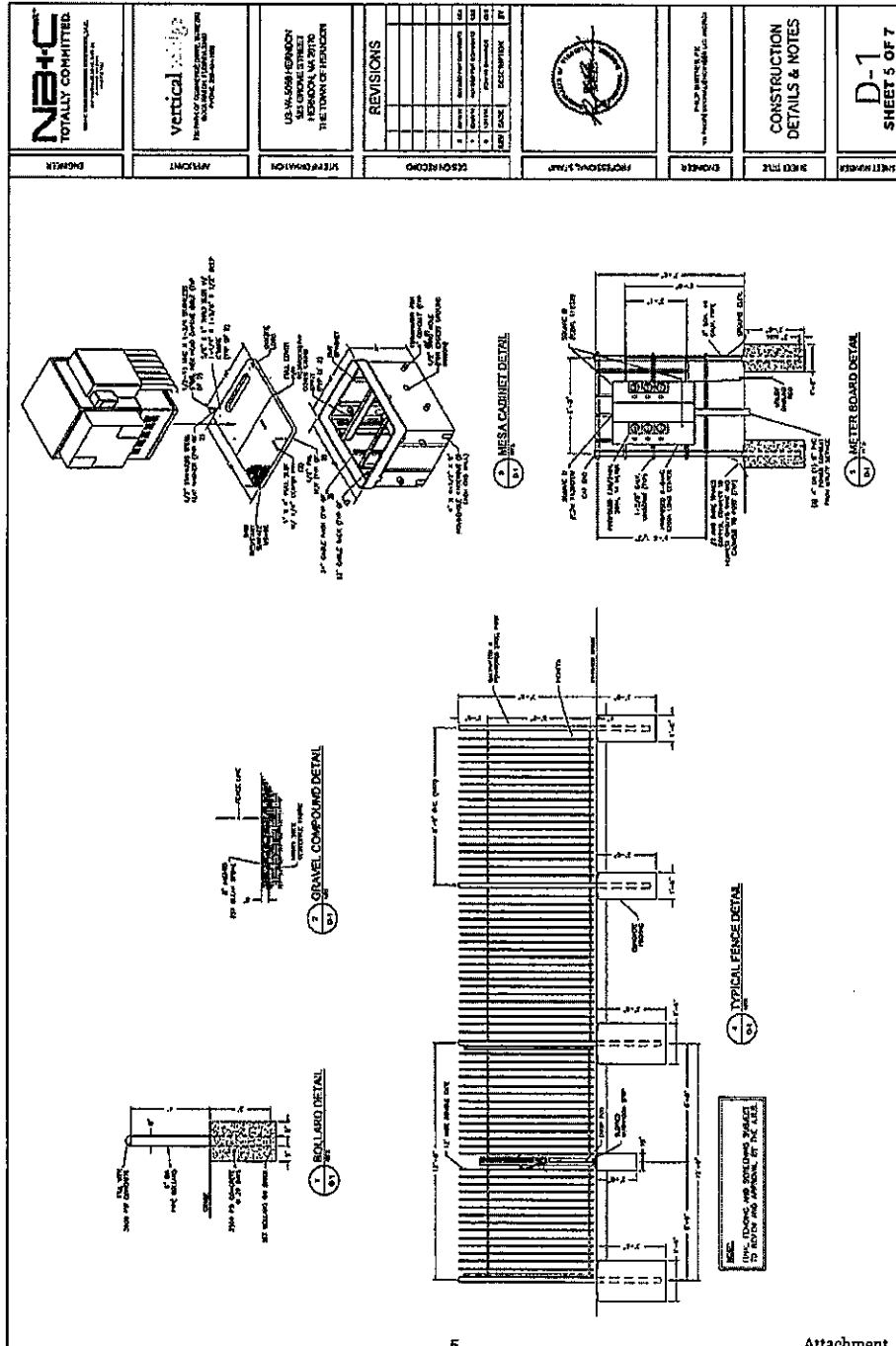


**April 23, 2019
(public hearing)**



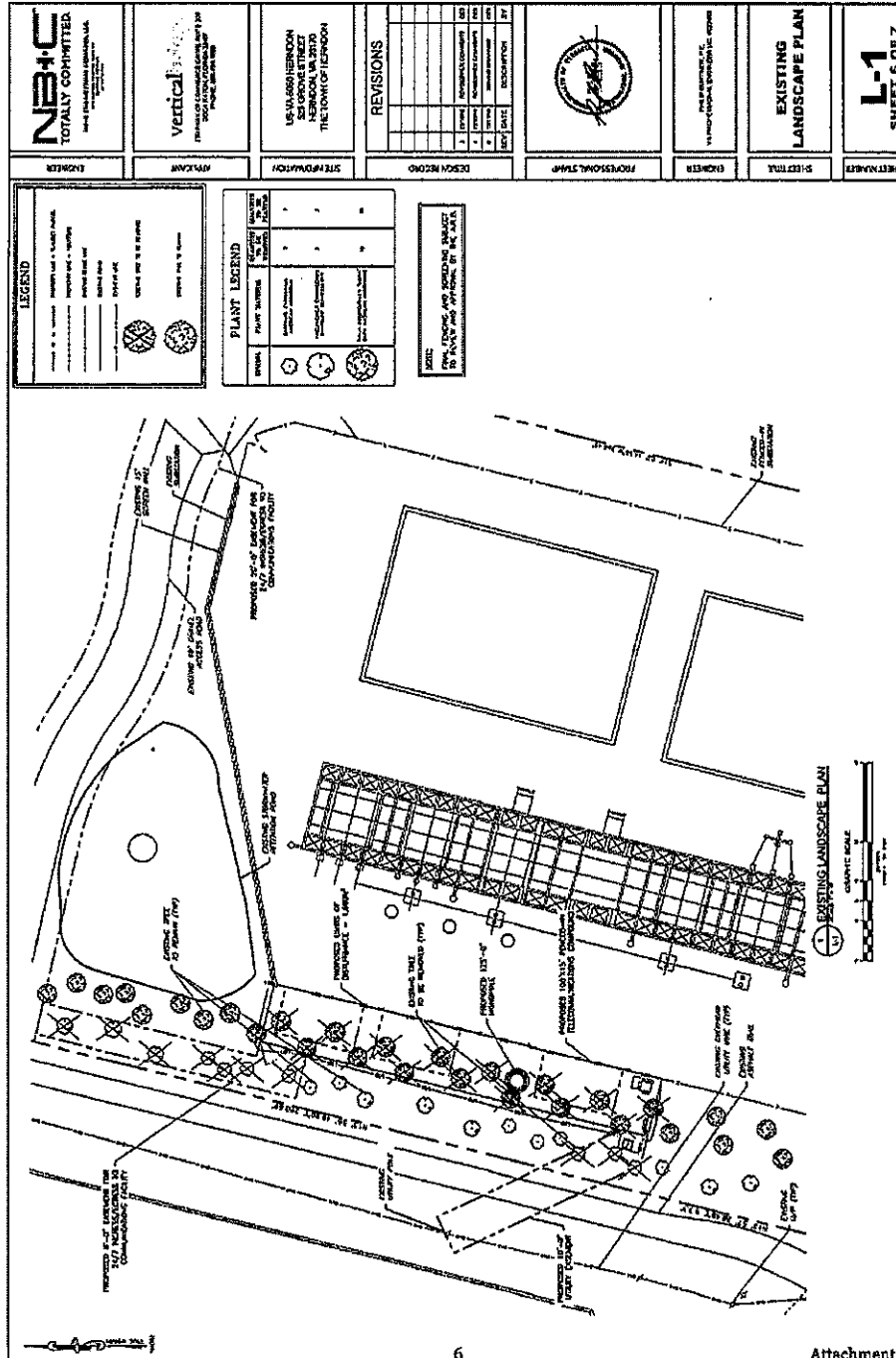
Attachment
19-O-14

April 23, 2019
(public hearing)



Attachment
19-O-14

April 23, 2019
(public hearing)



Attachment
19-O-14

**April 23, 2019
(public hearing)**

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.

**April 23, 2019
(public hearing)**

Owner: VIRGINIA ELECTRIC AND POWER COMPANY

Doing Business As: Dominion Energy Virginia

By: RSW

Name: Robert Caphart

Title: Project Manager

Applicant/Developer: VERTICAL BRIDGE DEVELOPMENT, LLC

By: [Signature]

Name: Daniel Marinberg
SVP and General Counsel

Title: _____

**April 23, 2019
(public hearing)**

Ordinance 19-O-15, PCA #19-02

Following the public hearing (there were no comments from the audience), on motion of Councilmember McKenna, seconded by Councilmember Baker, and carried by unanimous vote, Ordinance 19-O-15 was approved, as presented. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, Vice Mayor Olem and Mayor Merkel voting "Aye."

Ordinance 19-O-15, 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.

**April 23, 2019
(public hearing)**

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.

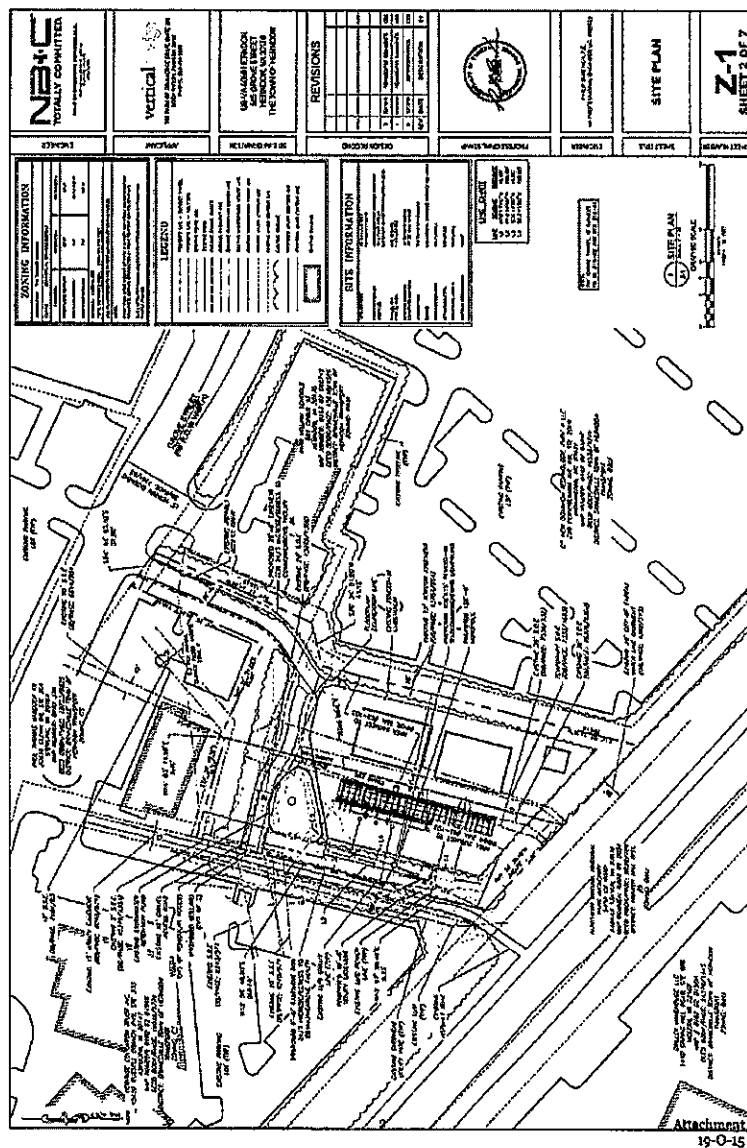
E. This ordinance shall be effective on and after its adoption.

[Note: Attached for reference is the Network Building & Consulting, LLC Plan Exhibit dated March 19, 2019 and the Proffer Statement dated February 26, 2019 for PCA #19-02.]

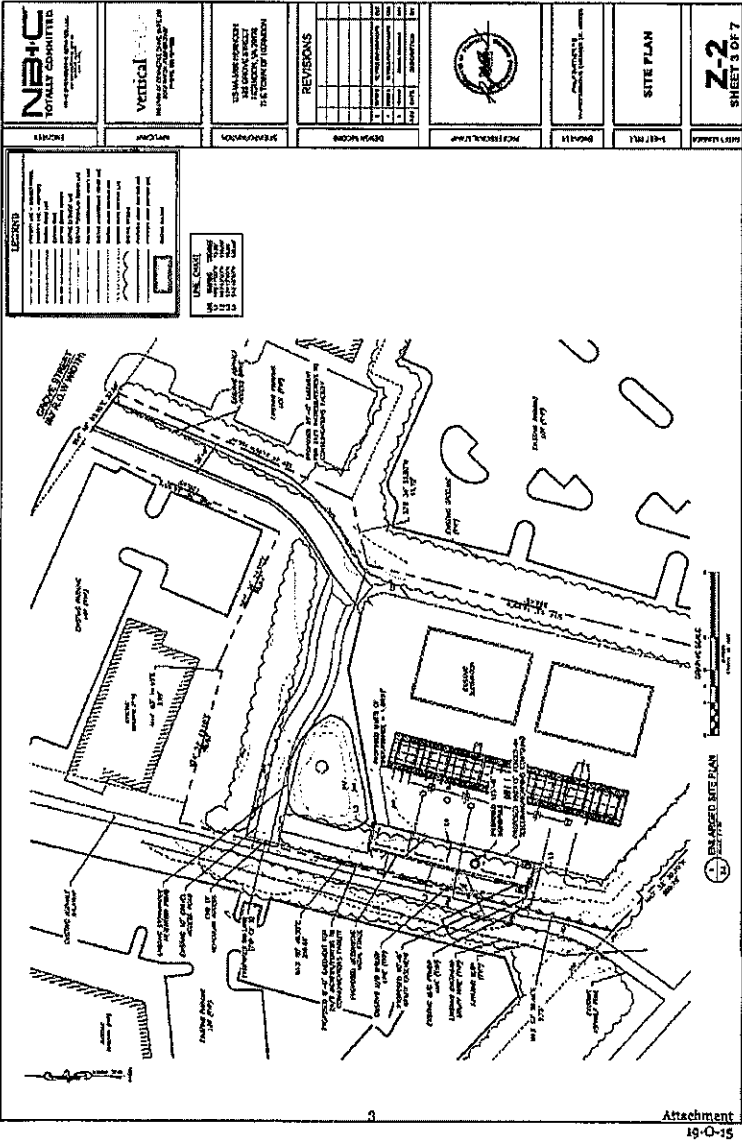
April 23, 2019
(public hearing)

PERFORMANCE BOND ESTIMATE		INDEX		PAGE	
1	100%	1	100%	1	100%
2	100%	2	100%	2	100%
3	100%	3	100%	3	100%
4	100%	4	100%	4	100%
5	100%	5	100%	5	100%
6	100%	6	100%	6	100%
7	100%	7	100%	7	100%
8	100%	8	100%	8	100%
9	100%	9	100%	9	100%
10	100%	10	100%	10	100%
11	100%	11	100%	11	100%
12	100%	12	100%	12	100%
13	100%	13	100%	13	100%
14	100%	14	100%	14	100%
15	100%	15	100%	15	100%
16	100%	16	100%	16	100%
17	100%	17	100%	17	100%
18	100%	18	100%	18	100%
19	100%	19	100%	19	100%
20	100%	20	100%	20	100%
21	100%	21	100%	21	100%
22	100%	22	100%	22	100%
23	100%	23	100%	23	100%
24	100%	24	100%	24	100%
25	100%	25	100%	25	100%
26	100%	26	100%	26	100%
27	100%	27	100%	27	100%
28	100%	28	100%	28	100%
29	100%	29	100%	29	100%
30	100%	30	100%	30	100%
31	100%	31	100%	31	100%
32	100%	32	100%	32	100%
33	100%	33	100%	33	100%
34	100%	34	100%	34	100%
35	100%	35	100%	35	100%
36	100%	36	100%	36	100%
37	100%	37	100%	37	100%
38	100%	38	100%	38	100%
39	100%	39	100%	39	100%
40	100%	40	100%	40	100%
41	100%	41	100%	41	100%
42	100%	42	100%	42	100%
43	100%	43	100%	43	100%
44	100%	44	100%	44	100%
45	100%	45	100%	45	100%
46	100%	46	100%	46	100%
47	100%	47	100%	47	100%
48	100%	48	100%	48	100%
49	100%	49	100%	49	100%
50	100%	50	100%	50	100%
51	100%	51	100%	51	100%
52	100%	52	100%	52	100%
53	100%	53	100%	53	100%
54	100%	54	100%	54	100%
55	100%	55	100%	55	100%
56	100%	56	100%	56	100%
57	100%	57	100%	57	100%
58	100%	58	100%	58	100%
59	100%	59	100%	59	100%
60	100%	60	100%	60	100%
61	100%	61	100%	61	100%
62	100%	62	100%	62	100%
63	100%	63	100%	63	100%
64	100%	64	100%	64	100%
65	100%	65	100%	65	100%
66	100%	66	100%	66	100%
67	100%	67	100%	67	100%
68	100%	68	100%	68	100%
69	100%	69	100%	69	100%
70	100%	70	100%	70	100%
71	100%	71	100%	71	100%
72	100%	72	100%	72	100%
73	100%	73	100%	73	100%
74	100%	74	100%	74	100%
75	100%	75	100%	75	100%
76	100%	76	100%	76	100%
77	100%	77	100%	77	100%
78	100%	78	100%	78	100%
79	100%	79	100%	79	100%
80	100%	80	100%	80	100%
81	100%	81	100%	81	100%
82	100%	82	100%	82	100%
83	100%	83	100%	83	100%
84	100%	84	100%	84	100%
85	100%	85	100%	85	100%
86	100%	86	100%	86	100%
87	100%	87	100%	87	100%
88	100%	88	100%	88	100%
89	100%	89	100%	89	100%
90	100%	90	100%	90	100%
91	100%	91	100%	91	100%
92	100%	92	100%	92	100%
93	100%	93	100%	93	100%
94	100%	94	100%	94	100%
95	100%	95	100%	95	100%
96	100%	96	100%	96	100%
97	100%	97	100%	97	100%
98	100%	98	100%	98	100%
99	100%	99	100%	99	100%
100	100%	100	100%	100	100%

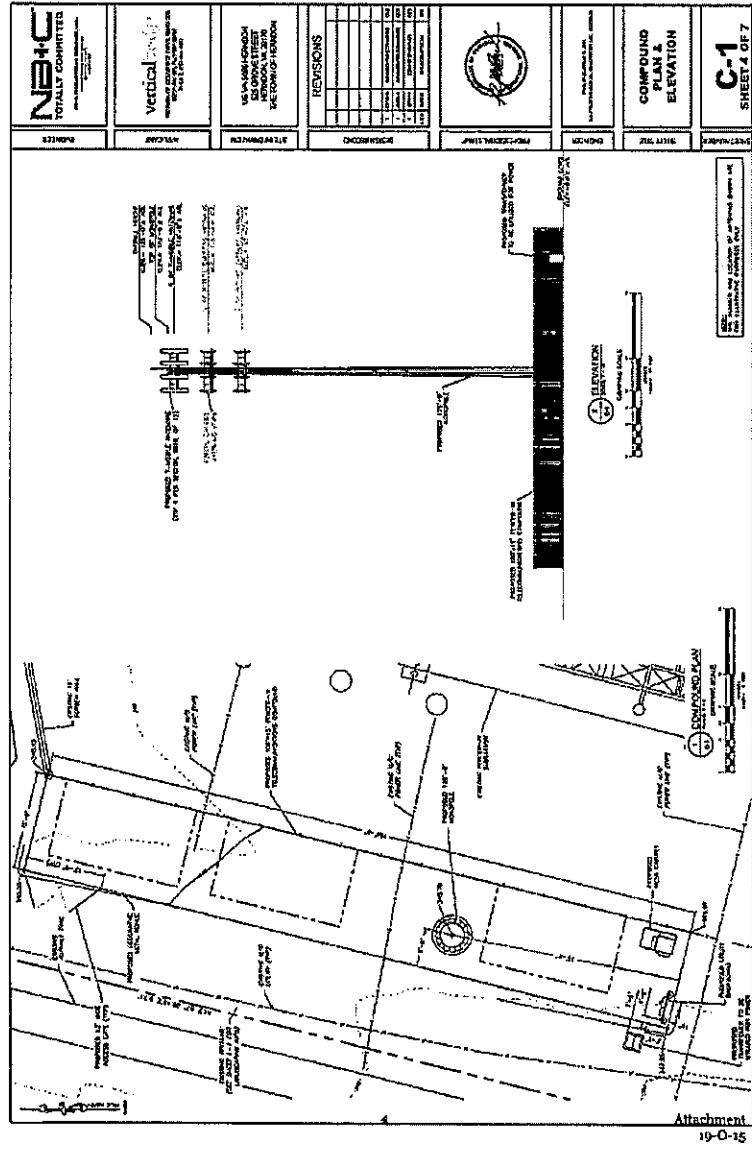
**April 23, 2019
(public hearing)**



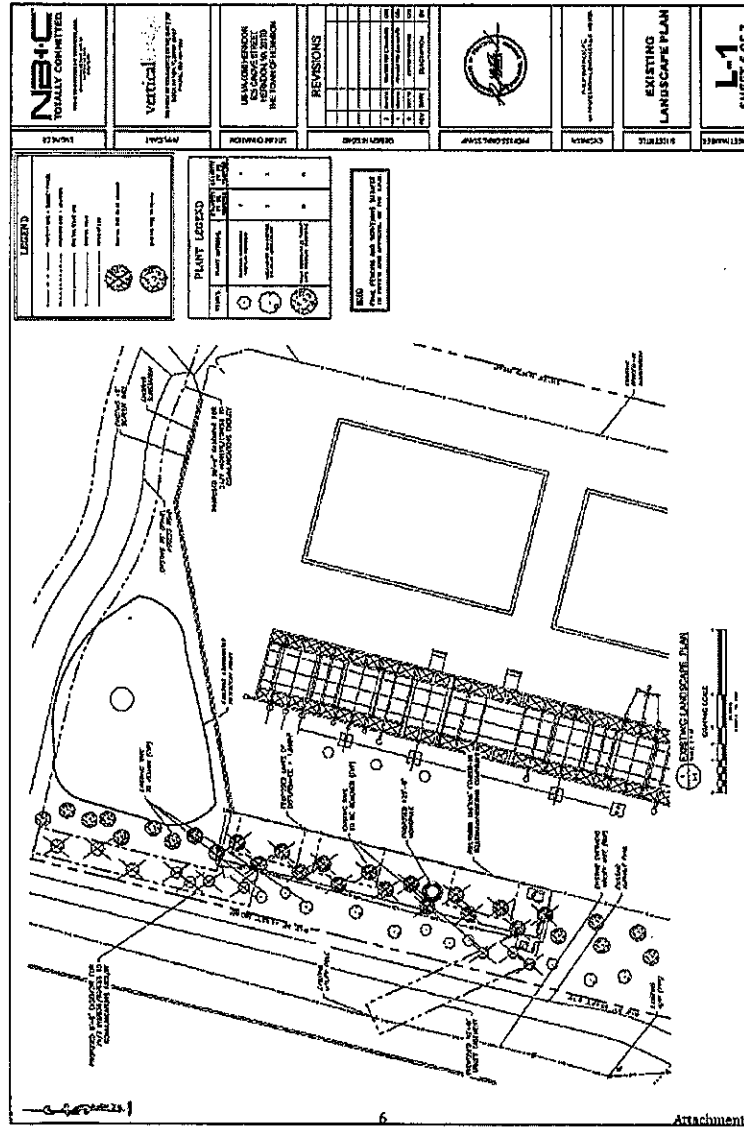
April 23, 2019
(public hearing)



April 23, 2019
(public hearing)

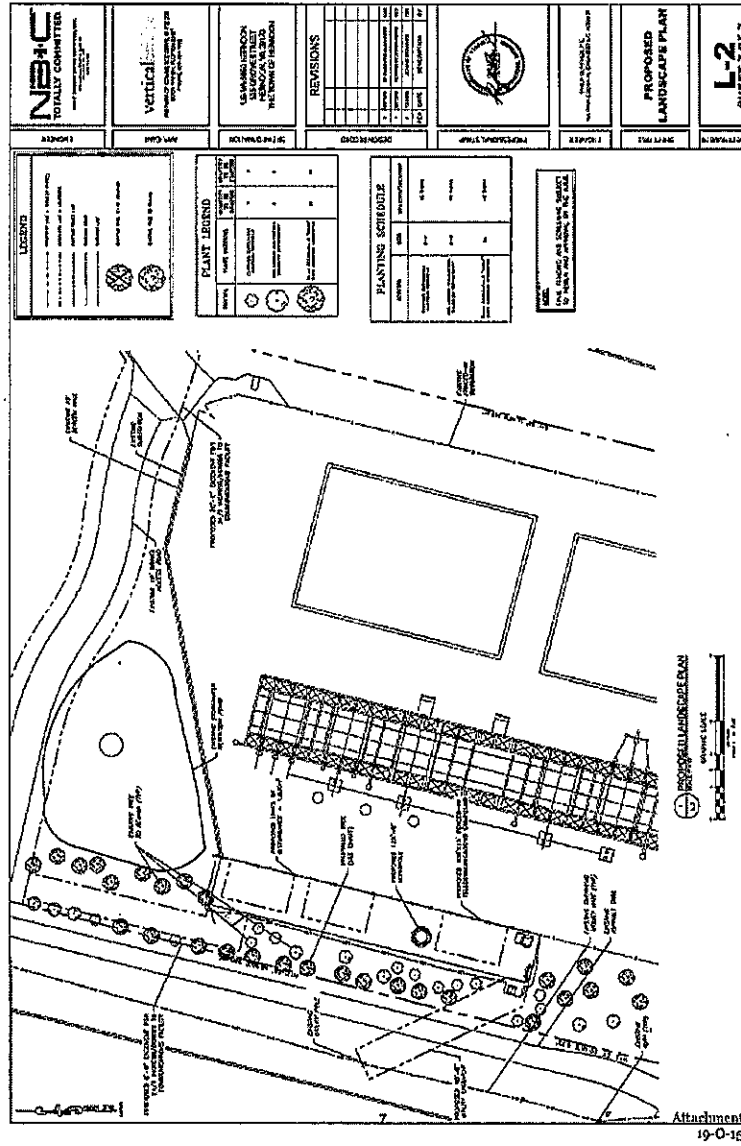


April 23, 2019
(public hearing)



Attachment
19-O-15

April 23, 2019
(public hearing)



**April 23, 2019
(public hearing)**

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.

**April 23, 2019
(public hearing)**

Owner: VIRGINIA ELECTRIC AND POWER COMPANY

Doing Business As: Dominion Energy Virginia

By: [Signature]

Name: Robert Capehart

Title: Project Manager

Applicant/Developer: VERTICAL BRIDGE DEVELOPMENT, LLC

By: [Signature]

Name: Daniel Marinberg
SVP and General Counsel

Title: _____

**April 23, 2019
(public hearing)**

Resolution 19-G-33, SE #19-02

Following the public hearing (there were no comments from the audience), on motion of Councilmember del Aguila, seconded by Councilmember McKenna, and carried by unanimous vote, Resolution 19-G-33 was approved, as presented. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, Vice Mayor Olem and Mayor Merkel voting "Aye."

Resolution 19-G-33, 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.

**April 23, 2019
(public hearing)**

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.

**April 23, 2019
(public hearing)**

- 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.

[Note: Attached for reference is the NB+C/Vertical Bridge Plan Exhibit, dated March 19, 2019.]

PERFORMANCE BOND ESTIMATE

ITEM	QUANTITY	UNIT	PRICE	AMOUNT
1. GENERAL CONTRACTOR'S BOND				
2. SUBCONTRACTOR'S BOND				
3. SUPPLIER'S BOND				
4. LABORER'S BOND				
5. MATERIALMAN'S BOND				
6. OTHER BOND				
TOTAL				

CASH SCHEDULE BOND ESTIMATE

ITEM	QUANTITY	UNIT	PRICE	AMOUNT
1. GENERAL CONTRACTOR'S BOND				
2. SUBCONTRACTOR'S BOND				
3. SUPPLIER'S BOND				
4. LABORER'S BOND				
5. MATERIALMAN'S BOND				
6. OTHER BOND				
TOTAL				

APPLICATION FEES

ITEM	QUANTITY	UNIT	PRICE	AMOUNT
1. GENERAL CONTRACTOR'S BOND				
2. SUBCONTRACTOR'S BOND				
3. SUPPLIER'S BOND				
4. LABORER'S BOND				
5. MATERIALMAN'S BOND				
6. OTHER BOND				
TOTAL				

REVIEW AND INSPECTION FEES SCHEDULE

ITEM	QUANTITY	UNIT	PRICE	AMOUNT
1. GENERAL CONTRACTOR'S BOND				
2. SUBCONTRACTOR'S BOND				
3. SUPPLIER'S BOND				
4. LABORER'S BOND				
5. MATERIALMAN'S BOND				
6. OTHER BOND				
TOTAL				

INDEX

INDEX	PAGE
1. TITLE SHEET	1007
2. SITE PLAN	1007
3. EXISTING SITE PLAN	1007
4. CONSTRUCTION DETAILS	1007
5. EXISTING LANDSCAPE PLAN	1007
6. PROPOSED LANDSCAPE PLAN	1007

NOTIFICATION REQUESTS

THE DESIGNER REQUESTS THE FOLLOWING NOTIFICATIONS AS PART OF THE DESIGN PROCESS:

1. AGENCY REVIEW AND APPROVAL OF THE DESIGN.
2. AGENCY REVIEW AND APPROVAL OF THE DESIGN.
3. AGENCY REVIEW AND APPROVAL OF THE DESIGN.

WARRANT REQUESTS

THE DESIGNER REQUESTS THE FOLLOWING WARRANTIES AS PART OF THE DESIGN PROCESS:

1. AGENCY REVIEW AND APPROVAL OF THE DESIGN.
2. AGENCY REVIEW AND APPROVAL OF THE DESIGN.
3. AGENCY REVIEW AND APPROVAL OF THE DESIGN.

EXISTING CONDITION SURVEY NOTES

THE DESIGNER REQUESTS THE FOLLOWING SURVEY NOTES AS PART OF THE DESIGN PROCESS:

1. AGENCY REVIEW AND APPROVAL OF THE DESIGN.
2. AGENCY REVIEW AND APPROVAL OF THE DESIGN.
3. AGENCY REVIEW AND APPROVAL OF THE DESIGN.

NOTES

THE DESIGNER REQUESTS THE FOLLOWING NOTES AS PART OF THE DESIGN PROCESS:

1. AGENCY REVIEW AND APPROVAL OF THE DESIGN.
2. AGENCY REVIEW AND APPROVAL OF THE DESIGN.
3. AGENCY REVIEW AND APPROVAL OF THE DESIGN.

NOTES

THE DESIGNER REQUESTS THE FOLLOWING NOTES AS PART OF THE DESIGN PROCESS:

1. AGENCY REVIEW AND APPROVAL OF THE DESIGN.
2. AGENCY REVIEW AND APPROVAL OF THE DESIGN.
3. AGENCY REVIEW AND APPROVAL OF THE DESIGN.

NOTES

THE DESIGNER REQUESTS THE FOLLOWING NOTES AS PART OF THE DESIGN PROCESS:

1. AGENCY REVIEW AND APPROVAL OF THE DESIGN.
2. AGENCY REVIEW AND APPROVAL OF THE DESIGN.
3. AGENCY REVIEW AND APPROVAL OF THE DESIGN.

NOTES

THE DESIGNER REQUESTS THE FOLLOWING NOTES AS PART OF THE DESIGN PROCESS:

1. AGENCY REVIEW AND APPROVAL OF THE DESIGN.
2. AGENCY REVIEW AND APPROVAL OF THE DESIGN.
3. AGENCY REVIEW AND APPROVAL OF THE DESIGN.

NOTES

THE DESIGNER REQUESTS THE FOLLOWING NOTES AS PART OF THE DESIGN PROCESS:

1. AGENCY REVIEW AND APPROVAL OF THE DESIGN.
2. AGENCY REVIEW AND APPROVAL OF THE DESIGN.
3. AGENCY REVIEW AND APPROVAL OF THE DESIGN.

NOTES

THE DESIGNER REQUESTS THE FOLLOWING NOTES AS PART OF THE DESIGN PROCESS:

1. AGENCY REVIEW AND APPROVAL OF THE DESIGN.
2. AGENCY REVIEW AND APPROVAL OF THE DESIGN.
3. AGENCY REVIEW AND APPROVAL OF THE DESIGN.

NOTES

THE DESIGNER REQUESTS THE FOLLOWING NOTES AS PART OF THE DESIGN PROCESS:

1. AGENCY REVIEW AND APPROVAL OF THE DESIGN.
2. AGENCY REVIEW AND APPROVAL OF THE DESIGN.
3. AGENCY REVIEW AND APPROVAL OF THE DESIGN.

NOTES

THE DESIGNER REQUESTS THE FOLLOWING NOTES AS PART OF THE DESIGN PROCESS:

1. AGENCY REVIEW AND APPROVAL OF THE DESIGN.
2. AGENCY REVIEW AND APPROVAL OF THE DESIGN.
3. AGENCY REVIEW AND APPROVAL OF THE DESIGN.

NOTES

THE DESIGNER REQUESTS THE FOLLOWING NOTES AS PART OF THE DESIGN PROCESS:

1. AGENCY REVIEW AND APPROVAL OF THE DESIGN.
2. AGENCY REVIEW AND APPROVAL OF THE DESIGN.
3. AGENCY REVIEW AND APPROVAL OF THE DESIGN.

NOTES

THE DESIGNER REQUESTS THE FOLLOWING NOTES AS PART OF THE DESIGN PROCESS:

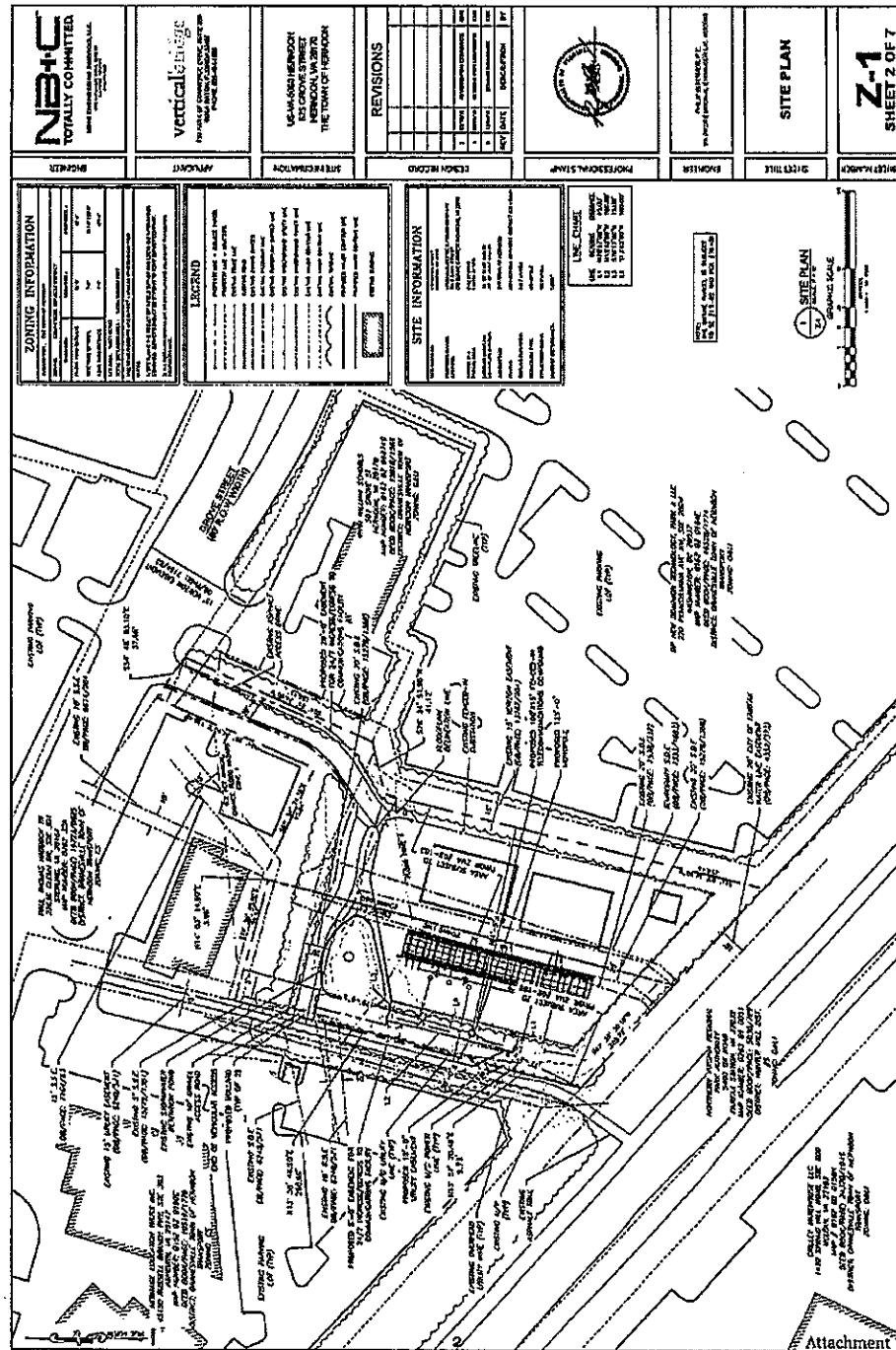
1. AGENCY REVIEW AND APPROVAL OF THE DESIGN.
2. AGENCY REVIEW AND APPROVAL OF THE DESIGN.
3. AGENCY REVIEW AND APPROVAL OF THE DESIGN.

NOTES

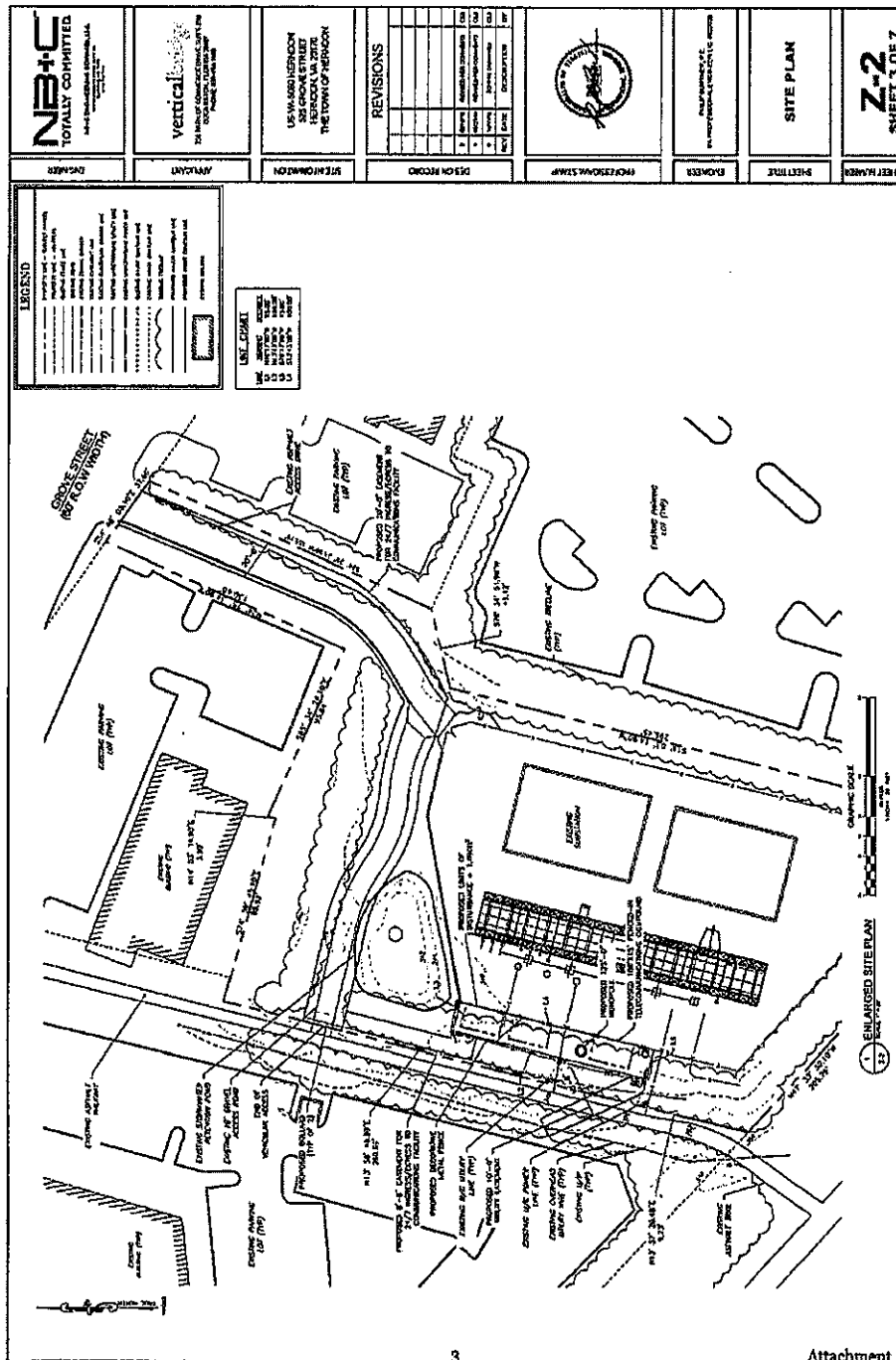
THE DESIGNER REQUESTS THE FOLLOWING NOTES AS PART OF THE DESIGN PROCESS:

1. AGENCY REVIEW AND APPROVAL OF THE DESIGN.
2. AGENCY REVIEW AND APPROVAL OF THE DESIGN.
3. AGENCY REVIEW AND APPROVAL OF THE DESIGN.

**April 23, 2019
(public hearing)**

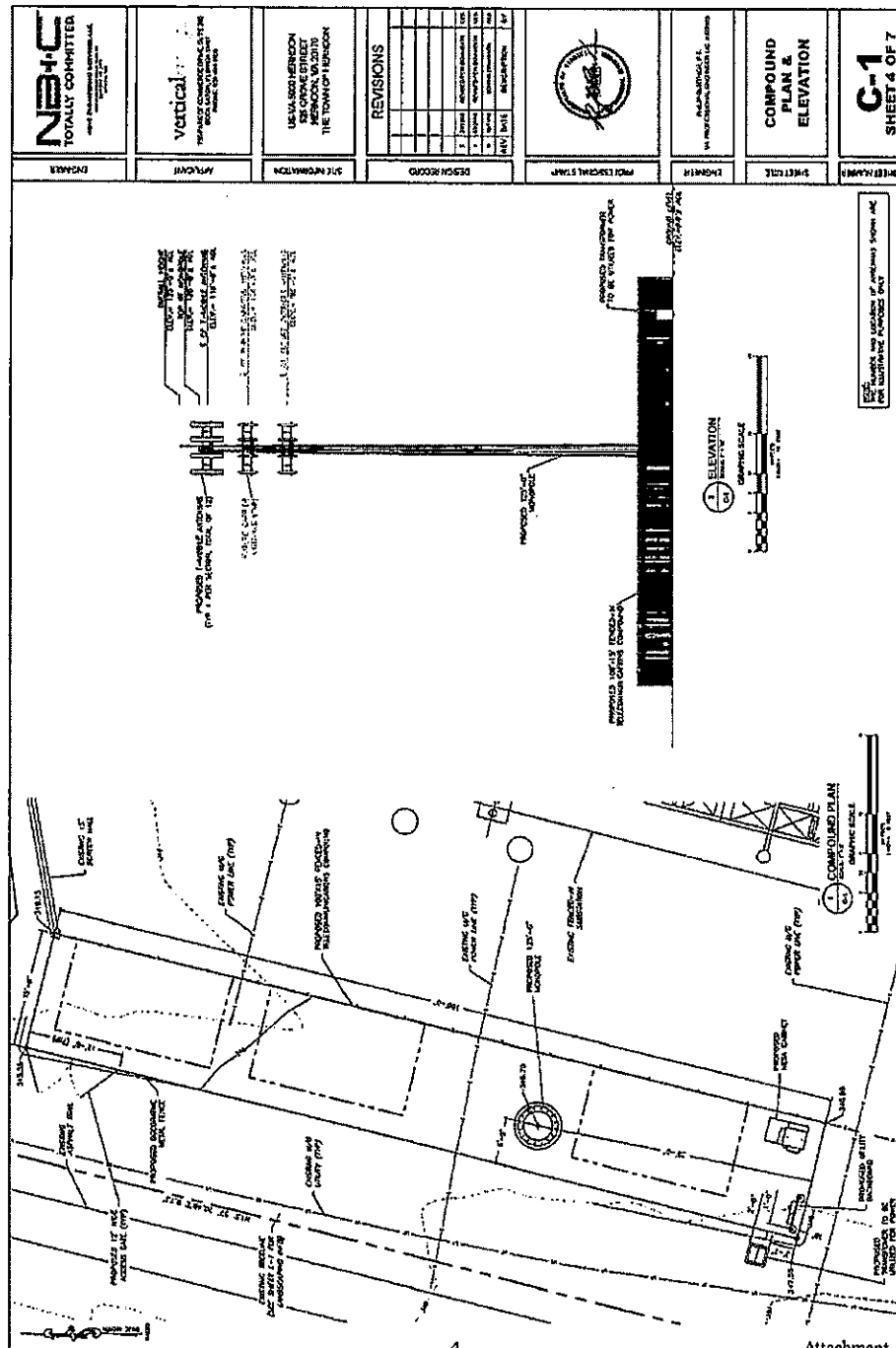


**April 23, 2019
(public hearing)**



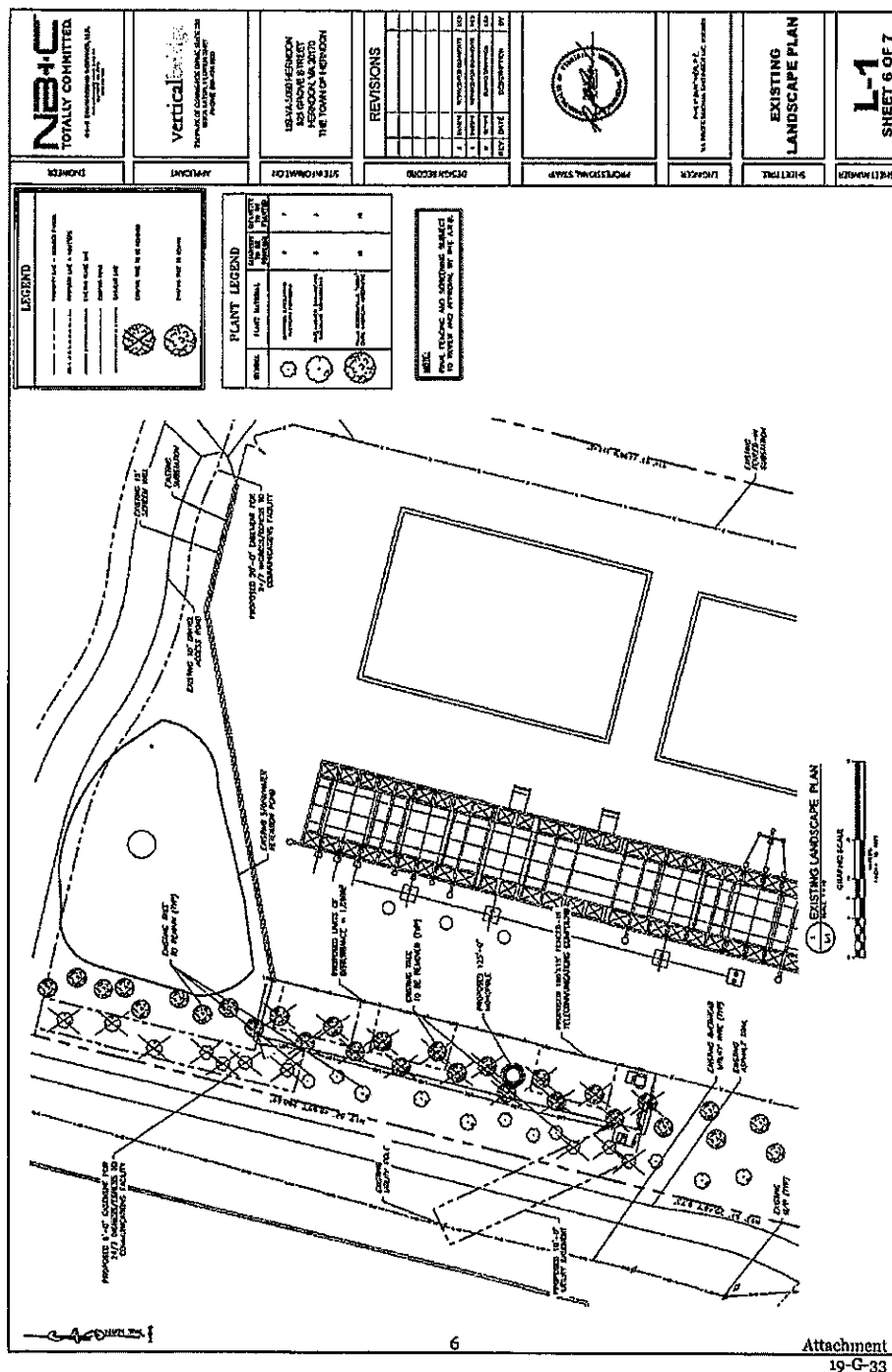
Attachment
19-G-33

**April 23, 2019
(public hearing)**

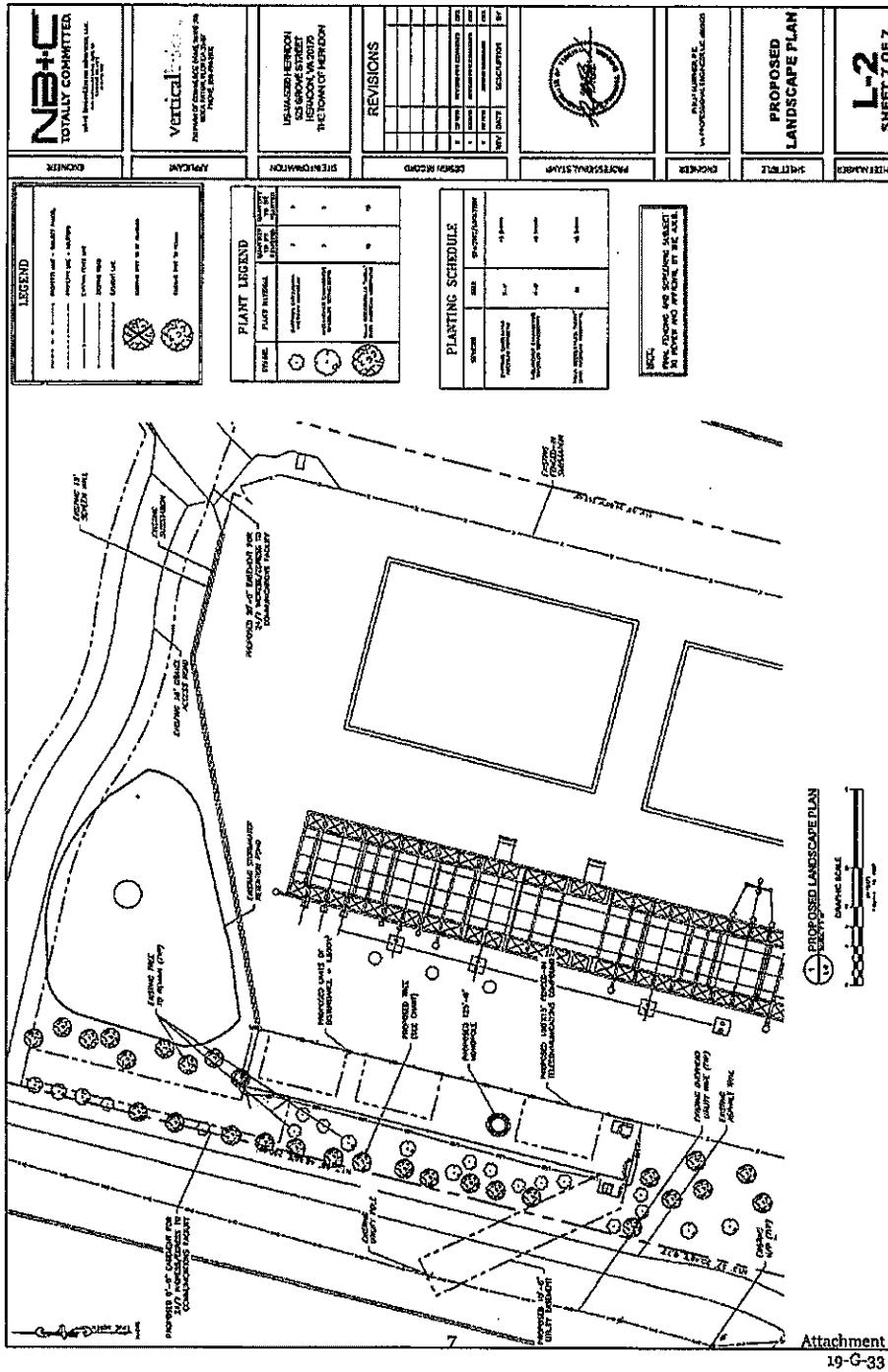


Attachment
19-G-33

**April 23, 2019
(public hearing)**



**April 23, 2019
(public hearing)**



April 23, 2019
(public hearing)

GENERAL

15. Resolution 19-G-34, to initiate a zoning ordinance text amendment ZOTA #19-01, Planned Development – Urban Residential.

Mayor Merkel recognized David Stromberg, Zoning Administrator, for the staff report. She stated that comments received by Council on this item had been entered into the record.

Mr. Stromberg presented the staff report, dated April 16, which is on file in the Town Clerk's office. The purpose of the proposed zoning ordinance text amendment (ZOTA) would be to create a new zoning district as part of the South Elden Area Plan. He stated that an initiating resolution was legally required before staff could take any ZOTA before the Planning Commission and ultimately back to the Council.

Mr. Stromberg stated that this ordinance was to specifically adopt the South Elden Area Plan (CPA #18-01) and would set the vision for what the community expects to see. The zoning ordinance was the tool to implement that plan. The proposed district was specifically a townhouse and multifamily-style district that would implement the vision of that plan.

Mr. Stromberg stated that should Council approve the initiating resolution, the resolution would go before the Planning Commission for a minimum of one meeting, and the public would be able to provide their input. Staff recommends approval, as presented.

Councilmember del Aguila moved to approve Resolution 19-G-34, as presented. Vice Mayor Olem seconded the motion.

There were brief comments from Council.

The question was called on the motion, which carried by unanimous vote. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, Vice Mayor Olem and Mayor Merkel voting "Aye."

Resolution 19-G-34, 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),

**April 23, 2019
(public hearing)**

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.

[Note: Attached for reference is the proposed draft ordinance.]

**April 23, 2019
(public hearing)**

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.

- 1 **Section 78-51.1. - PD-UR - Planned development urban residential district.**
2
3 (a) *Purpose and intent. The intent of the PD-UR district is to encourage harmonious and*
4 *creative new residential development that allows for a mix of housing types and create*
5 *attractive and appropriate transitions between commercial, commercial mixed-use, and*
6 *existing residential districts. PD-UR districts provide buffers to existing adjacent*
7 *residential development while creating thoughtful interfaces with potential adjacent*
8 *commercial redevelopment and mixed-use. The district regulations are designed to*
9 *ensure cohesive residential developments that provide a diversity of housing types at*
10 *different price points and to encourage generational housing within a neighborhood. PD-*
11 *UR districts provide multimodal options and connections allowing residents to benefit*
12 *from non-motorized vehicle connections to adjacent commercial areas and access to*
13 *transit. PD-UR development will provide safe, well-integrated parking, circulation*
14 *patterns, building massing, and appropriately located open spaces and site amenities.*
15 *Applications for Zoning Map Amendments and Generalized Development Plans shall*
16 *implement the policies of the Comprehensive Plan and adopted Small Area Plans.*
17 (1) *Housing Mix. Provisions in PD-UR are designed to encourage a variety of housing*
18 *types that are available to a variety of residents that mimic the Town demographics.*
19 *Density may be increased depending on the number of housing types provided in a*
20 *proposed development. No single housing type shall comprise less than 10 percent*
21 *of the total number of units of the development.*
22 (b) *A PD-UR district may only be established in areas designated as “Adaptive Area –*
23 *Residential” in the Town of Herndon 2030 Comprehensive Plan (2008).*

**April 23, 2019
(public hearing)**

- (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	Single-family-Detached Dwelling	Z	§78-71.1
	Duplex Dwelling	Z	§78-71.1
	Townhouse Dwelling	Z	§78-71.1
	Quadruplex Dwelling	Z	§78-71.1
	Multi-Family Dwelling (including residential rental townhouses)	Z	§78-71.1
	Housing for the Elderly	Z	§78-71.1
Education	Childcare Center, Daycare Center or Preschool	Z	§78-71.2

**April 23, 2019
(public hearing)**

Government Facilities	Government Buildings, Facilities and Uses not Otherwise Categorized	Z	§78-71.3
Commercial Utilities	Commercial Communication Tower, Freestanding	Z	§78-71.13

49

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

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

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

72 (3) "Z" allowed uses. A "Z" in a cell indicates that an Accessory Use type is an allowed
 73 use in the respective planned development district, subject to approval as a zoning
 74 map amendment (section 78-155.1).

75 (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
Accessory Food Preparation Area – Secondary Kitchen	S	§78-80.4(b)
Accessory Food Preparation – Wet Bar	P	§78-80.4(b)
Antennae of all kinds (except commercial communication towers, freestanding)	Z	§78-80.4(c)

**April 23, 2019
(public hearing)**

<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>

76

- 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>

**April 23, 2019
(public hearing)**

<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>*Recreational 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 facade 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.

**April 23, 2019
(public hearing)**

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

125

126 **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.

127

**April 23, 2019
(public hearing)**

		Residential Districts				Business Districts				Planned Development District				Special Regs.	
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

**April 23, 2019
(public hearing)**

	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

**April 23, 2019
(public hearing)**

	School, Public or Private (K-12)	S	S					S		Z	Z	Z*		**	\$78-71.2
Government Facilities	Government Buildings, Facilities and Uses not Otherwise Categorized	S	S	S	S	S	S	S	S	Z	Z	Z*	Z	**	\$78-71.3
	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

128

129

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

130

131

**April 23, 2019
(public hearing)**

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

Table 78-80.2(de): 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														
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 Req.
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)

**April 23, 2019
(public hearing)**

Bed and Breakfast Establishment	S	S									S	S	**	§78-80.4(d)
Car/Vehicle Rental						S		S		S	S		**	§78-80.4(e)
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	P	P	P	P					Z		Z	Z	**	§78-80.5

**April 23, 2019
(public hearing)**

Daycare or Childcare														
Keeping of Livestock													**	§78- 80.4(l)
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	P	P	P	P					Z				**	§78- 80.4(q)

**April 23, 2019
(public hearing)**

Individually-Owned Vehicles														
School Uses in Conjunction with, and on the same site as, Religious Institution	S	S			S			S	Z	Z	Z		**	§78-80.4(r)
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	**	§78-80.3(c) §78-21(f)

133

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:

**April 23, 2019
(public hearing)**

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

CASE 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.

141

142

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

144

**April 23, 2019
(public hearing)**

		TABLE 78-110.4(c)(3)h: 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(c)(3)a.; Number = Minimum Buffer Width, in feet; n/a=No Buffer)												
ZONING DISTRICTS		ZONING OF ADJOINING PROPERTY												
		RT-15	RT-10	RT-10C	RM	CS	CS	CS	GO	GO	GO	GO	PD-UR	PD-C
ZONING OF PROPERTY SUBJECT TO DEVELOPMENT APPROVAL	RT-15	n/a	n/a	A-10	A-10	B-10	B-10	B-10	B-10	B-10	A-10	B-10	B-10	A-10
	RT-10	n/a	n/a	A-10	A-10	B-10	B-10	B-10	B-10	B-10	A-10	B-10	B-10	A-10
	RT-10C	A-15	A-15	A-10	A-10	B-10	B-10	B-10	B-10	B-10	A-10	B-10	B-10	A-10
	RT-10C	A-15	A-15	A-15	A-10	B-10	B-10	B-10	B-10	B-10	A-10	B-10	B-10	A-10
	CS	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
	GO	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
	GO	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-UR	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-C	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-C	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

**April 23, 2019
(public hearing)**

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-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

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.

145

146

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

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

**April 23, 2019
(public hearing)**

<i>Duration</i>	<i>Unlimited</i>	<i>60 Days</i>
-----------------	------------------	----------------

149

150

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

April 23, 2019
(public hearing)

CONSENT AGENDA

16. **Proclamation, to recognize “Building Safety Month,” May 2019;**
17. **Resolution 19-G-35, to appoint Cari Lyn Pierce as a Member of the Town of Herndon Board of Zoning Appeals;**
18. **Resolution 19-G-36, to nominate Roland Taylor for appointment as the Town of Herndon “principal” member to the Fairfax County Athletic Council; and**
19. **Resolution 19-G-37, to appoint Darryl Branting as a “citizen” member to the Town Council’s Pedestrian and Bicycle Advisory Committee.**

On motion of Councilmember Baker, seconded by Vice Mayor Olem, and carried by unanimous vote, the following Consent agenda items were approved, without comment. The vote was: Councilmembers Baker, del Aguila, Dhakal, Friedrichs, McKenna, Vice Mayor Olem and Mayor Merkel voting “Aye.”

**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.

**April 23, 2019
(public hearing)**

Further, the Mayor and Town Council of the Town of Herndon, Virginia, commend **Mani Fierro** on being named posthumously as the **53rd Herndon Rotary Citizen of the Year**, the highest honor presented by the Herndon Rotary Club, and look forward to celebrating his life and momentous achievements ~ together with his family ~ at the Rotary Club's banquet in his honor on Thursday, April 11, 2019.

Resolution 19-G-35, to appoint Cari Lyn Pierce as a Member of the Town of Herndon Board of Zoning Appeals.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby appoints **Cari Lyn Pierce** as a member of the Town of Herndon Board of Zoning Appeals to fill an unexpired five-year term ending December 31, 2022.

Resolution 19-G-36, to nominate Roland Taylor for appointment as the Town of Herndon "principal" member to the Fairfax County Athletic Council.

BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby nominates **Roland Taylor** for appointment as the Town of Herndon's "**principal**" member to the Fairfax County Athletic Council to fill an unexpired two-year term ending November 30, 2019, and for an additional two-year term ending November 30, 2021.

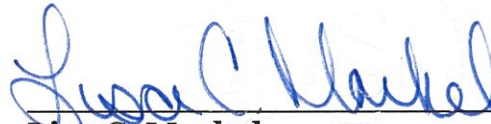
Resolution 19-G-37, to appoint Darryl Branting as a "citizen" member to the Town Council's Pedestrian and Bicycle Advisory Committee.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby appoints **Darryl Branting** as a "citizen" member to the Town Council's Pedestrian and Bicycle Advisory Committee to fill an unexpired a two-year term ending December 31, 2020.

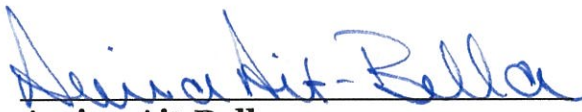
**April 23, 2019
(public hearing)**

ADJOURNMENT

There being no further business, the meeting adjourned at 8:31 p.m.



**Lisa C. Merkel
Mayor**



**Amina Ait-Bella
Legislative Assistant**



Minutes approved by Town Council: May 28, 2019.