

**TOWN OF HERNDON, VIRGINIA
WORK SESSION AGENDA
HERNDON POLICE DEPARTMENT – COMMUNITY ROOM
397 HERNDON PARKWAY
October 18, 2022
7:00 PM**

CALL TO ORDER

1. Roll Call & Determination of Quorum

PUBLIC HEARING

2. Ordinance 22-O-25, to consider Zoning Map Amendment, ZMA #21-02, 331 Victory Drive, an amendment to the existing proffered conditions and Generalized Development Plan to permit a new self-service storage facility within the PD-B, Planned Development – Business, zoning district

GENERAL

3. Ordinance 22-O-26, to amend Chapter 63 (SOLID WASTE), Section 63-5 (Storage and maintenance) and Section 63-6 (Collection by town) to clarify requirements for collections
4. Resolution 22-G-61, to award Contract, IFB #23-02, Multi-family Refuse & Recyclables Collection
5. Ordinance 22-O-27, to amend Chapter 66 (STREETS, SIDEWALKS AND CERTAIN OTHER PUBLIC PLACES) of the Town Code, to add a new Article VII entitled “Designated Outdoor Refreshment Areas”

DISCUSSION

6. Potential partnership with George Mason University, to operate an economic development accelerator program
7. Rebranding Initiative and Process

ROUNDTABLE

STAFF REPORT

Town Council

October 18, 2022

Title: Ordinance, to consider Zoning Map Amendment, **ZMA #21-02, 331 Victory Drive**, an amendment to the existing proffered conditions and Generalized Development Plan to permit a new self-service storage facility within the PD-B, Planned Development – Business, zoning district.

Synopsis

- The requested amendment will apply to one parcel in the Reston-Herndon Business Park. No changes are proposed on the other five parcels.
- Self-service storage facilities are already allowed at this location. The requested amendment and associated public hearing is to increase the FAR, floor area ratio, change the building location, and modify the buffer requirements.
- The existing 36,921 square-foot building from 1982 will be demolished.
- The proposed self-service storage facility will have a 30,366 square foot below grade cellar level and 60,732 square feet in two above grade levels.
- Below grade spaces that are not used for retailing do not count towards FAR calculations. The proposed FAR on the subject parcel is 0.77. A maximum of 0.8 FAR is allowed in PD-B.
- The proposed building will be the same height as the current building, which is 24 feet.
- The applicant is requesting a reduction in the building setback from 55 feet to 30 feet and an increase in the parking setback from 11 feet to 54 feet. This will allow the existing parking, loading, and drive aisle currently located along the residential (western) property line to be removed and replaced with additional open space, landscaping, and a portion of the proposed building.
- The applicant is requesting a modification to the buffer requirements to install a seven-foot-tall solid fence instead of a six-foot tall masonry fence.
- The request results in an overall reduction in parking spaces. The business park still has more parking than what is required by the zoning ordinance.
- The proposed use will increase the number of total trips per day from 97 to 132. VDOT defines a significant impact as a proposed use that will generate 5,000 or more trips per day. The 132 trips will be distributed throughout the day and will have fewer AM and PM trips than the current industrial use.
- The ARB has reviewed the preliminary architectural elevations. If this application is approved, the final elevations will be subject to review by the ARB prior to the issuance of building permits.
- The applicant held a neighborhood meeting in January 2022.

Anticipated Impacts on Adjacent Properties

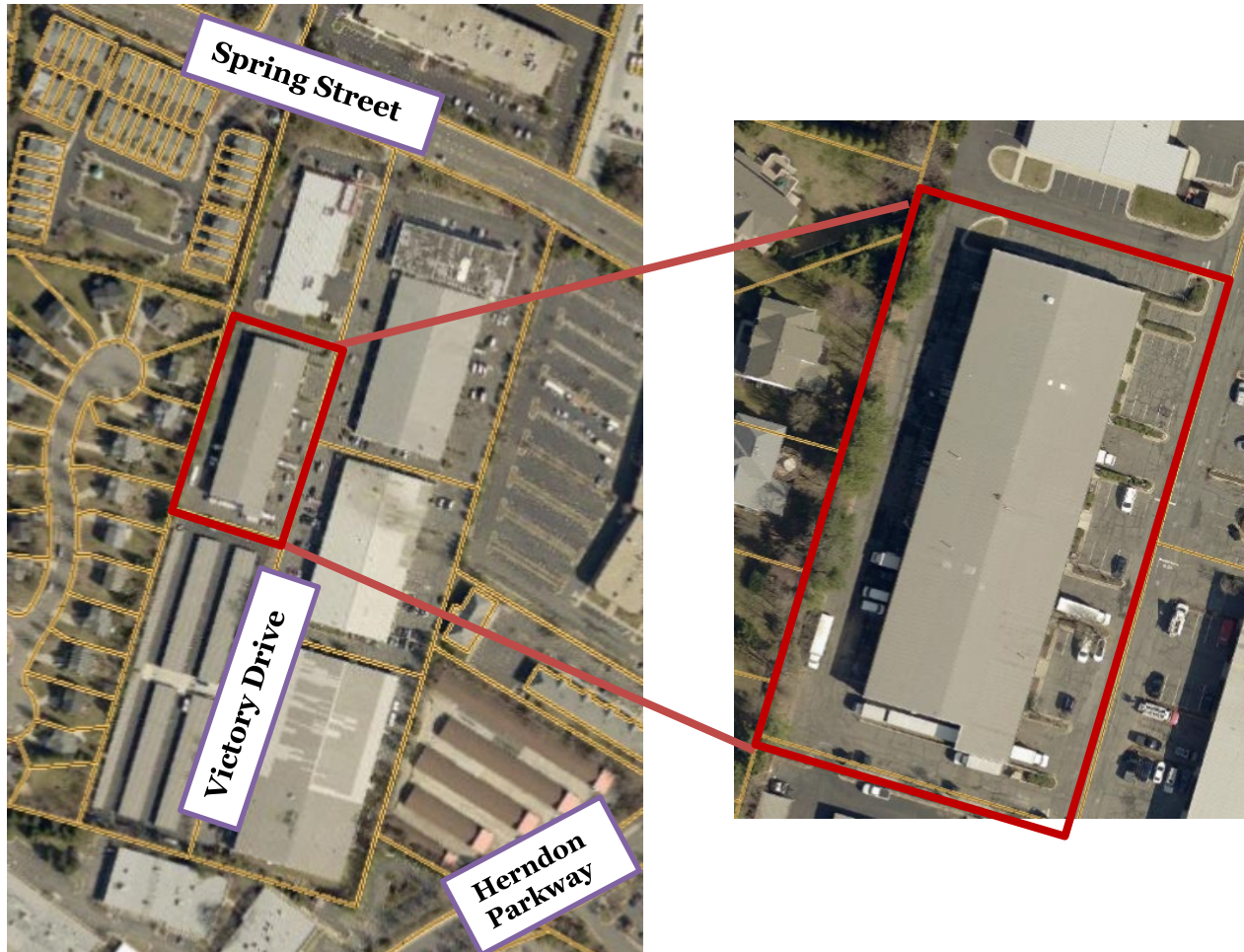
This application, as proposed and with the attached proffers, would reduce noise and activity along the residential (western) property line, improve water quality, and have no or negligible impact on public utilities.

Planning Commission Recommendation	Approve with submitted proffers and GDP
Staff Recommendation	Approve with submitted proffers and GDP

Summary Information

Applicant Request	An application to amend the existing proffers and GDP (generalized development plan, attachment #5) in order to demolish the existing industrial building and construct a new self-service storage facility. This proposal is limited to one parcel of six parcels in the Herndon-Reston Industrial Park.
Address	331 Victory Drive, Herndon, VA
Fairfax County Tax Map Numbers	0162-02-0174C
Owner & Applicant	Parcel 5 Partners, LLC
Agent	Kelly Posusney, Walsh, Colucci, Lubeley & Walsh PC
Existing Zoning	PD-B, Planned Development – Business with proffers
Proposed Zoning	PD-B, Planned Development – Business with proffers
Adjacent Zoning	North: PD-B, Planned Development - Business East: O&LI, Office & Light Industrial South: O&LI, Office & Light Industrial West: RTC, Residential Townhouse Cluster, and R-10, Single Family Residential
Land Use Designation	Regional Corridor Mixed Use
Total Site Area	77,390 square feet or 1.78 acres
Existing Building	36,921 square feet
Proposed Building	60,732 square feet (above grade) 30,366 square feet (below grade cellar)
Proposed Density	0.77 FAR (Floor Area Ratio)

Location Map



Site Description

The existing site is one of six parcels that comprise the Reston-Herndon Business Park (Business Park, attachment #7). The whole business park is 16.25 acres and the subject property, Parcel 5, is 1.78 acres.

The existing building on Parcel 5 is 36,921 square feet, one-story, and was built in 1982. There are 67 existing parking spaces on Parcel 5: 23 spaces along Victory Drive, 15 spaces along the shared access drive with Security Self Storage to the north, and 29 spaces along the back of the property that borders the Van Buren Estates single family residential subdivision.

There is an existing landscape buffer of approximately 10 feet between Parcel 5 and Van Buren Estates single family properties.

Background

The town council approved a rezoning for the entire 16-acre business park from IG, Industrial General, district to PD-IP, Planned Development – Industrial Park, on October 9, 1979. This rezoning also established a unified commercial subdivision with a shared parking agreement across all six parcels. All PD-IP zoning districts were reclassified to PD-B, Planned Development – Business, when the Herndon Zoning Ordinance was revised and readopted in 2006. A proffer condition amendment was approved in 2017 to allow retail and eating establishment uses on Parcel 3 (301 Spring Street).

The application was received on December 29, 2021 and the applicant has revised their application based on staff feedback.

The ARB (Architectural Review Board) reviewed this proposal, as required by the zoning ordinance, at their April 6, 2022 work session (attachment #6). The ARB was supportive overall of the project and provided two areas where the application should make improvements. The first is to improve the massing of the façade with additional building elements, such as brick, decorative tiles, false pilasters, and paint or other colorful elements. The second was to direct more design work to the side of the building facing Van Buren Estates. The full memo to the planning commission is attachment #6.

Proposal

The applicant is proposing to amend the proffers (attachment #4) applicable to Parcel 5 in order to demolish the existing building and construct a new self-service storage facility. The proffers on the other five parcels will not be amended and no improvements are proposed on the other five parcels.

The proposed building has three levels, with one of the levels located below grade. Each level is 30,366 square feet, resulting in a total building area of 91,098 square feet. The cellar level will be 30,366 square feet and 60,732 square feet will be in two above grade levels. By placing one of the levels below grade, the total height of the building is 24 feet and the FAR is 0.77.

Staff Analysis

Zoning Ordinance Compliance

The use of a self-service storage facility has been allowed on all parcels since 1979. The applicant could construct a 30,956 square foot building on Parcel 5 without the need for a proffer condition amendment. The need for the proffer condition amendment and revised generalized development plan is because the proposed building is larger, has a different footprint, and is closer to the residential property line than the current building.

Absent these three aspects, redevelopment of the site for a new public storage facility would not require a public hearing, other than before the ARB.

The PD-B zoning district has a by-right FAR of 0.4 and an allowable FAR of up to 0.8 upon town council approval. A 0.4 FAR on Parcel 5 is 30,956 square feet and a 0.8 FAR is 61,912 square feet. The zoning ordinance lists several building elements that do not count towards the floor area of a building. Among them are attic spaces, basement space not used for retailing, fire escapes, atriums, and above or below grade parking garages. Applicable to this application is basement space that is not used for retailing. This is why the 30,366 square feet of the cellar level does not count towards the FAR. The proposed FAR is 60,732 square feet, or 0.77 FAR on Parcel 5. The other five parcels range in FAR from 0.29 to 0.55. The overall FAR for the Business Park would be 0.46 if this application is approved.

When a building in a PD-B district is located within 100 feet of a residential district, then the building is limited to the maximum height of the zoning district. The maximum height in the adjacent R-10 zoning district is 35 feet; therefore, the maximum building height on Parcel 5 is 35 feet. The proposed height is 24 feet.

The zoning ordinance requires 13 specific standards with which any new self-service storage facility is required to comply. These include limits on the use of the building and the individual storage bays, requirements for site design and building design, and limiting the hours of operation from 6 AM to 9 PM M-F and from 7 AM to 10 PM weekends and holidays. The proposal meets all 13 standards.

The parking for the Business Park is shared among all six parcels. The total square footage of all uses in the Business Park results in a requirement of 284 parking spaces. There are 347 parking spaces available in the Business Park. There is a tabulation of required and provided parking among the six parcels on Sheet 8 of the GDP (attachment #5). It should be noted that while the town's zoning ordinance requires 1 parking space per 1,000 square feet of self-service storage use, the applicant estimates, and the Institute of Transportation Engineers (ITE) guideline supports, that only 10 parking spaces are required for a self-service storage facility of this size.

Modification Requests

Section 78-50.2(d) of the zoning ordinance allows the town council to modify sections of the zoning ordinance in planned development zoning districts when such modifications would afford equal or greater assurance of meeting the goals of the zoning chapter and the statement of intent of the relevant division. Below is an analysis of the requested modifications.

1. No off-street parking or loading area shall be closer than 60 feet from any residential zoning district boundary (Section 78-50.5(f)(4)(b)) – The applicant is requesting a modification to allow one side of one loading space to be 54 feet from the residential (western) property line instead of 60 feet. Unlike the current loading spaces, which face the residential boundary and are only 36 feet away, the proposed loading spaces will face Security Public Storage to the north and only four feet of one bay will encroach into the 60-foot setback. The four-foot encroachment also allows for the most beneficial placement of the required ADA (Americans With Disabilities Act) parking spaces. The proposed layout is shown on Sheet 3 of the GDP (attachment #5). Staff is supportive of this modification.
2. Type and amount of landscape buffer material required when not adjacent to public rights-of-way (Section 78-110.4(e)(3)(b)) – The required buffer along the residential (western) property line is a Class C buffer, which requires 15 feet of landscaping and a six-foot masonry wall. The applicant is requesting a modification to install a seven-foot solid fence. The applicant stated that constructing a solid fence with hand tools will allow the preservation of more mature trees than constructing a masonry fence. The town's community forester agreed with this assessment and the applicant is proffering that only hand tools will be used for the fencing. A fence detail is shown on Sheet 13 of the GDP (attachment #5) and the ARB will have final design approval. The existing fencing along parcels 4 and 6 are wood. Staff is supportive of this modification.

PCA #17-101 Proffer Modification

1. Proffer #4 currently requires a building setback from the residential (western) property line of 55 feet and a parking setback of 11 feet. The applicant is requesting to revise the proffer to reduce the building setback to 30 feet and increase the parking setback to 54 feet. This would allow the existing parking spaces, loading spaces, and drive aisle to be completely eliminated on Parcel 5.

Staff evaluated the criteria for review of zoning map amendments found in Zoning Ordinance Section 78-155.1(i)(2), which incorporates the requirements of §15.2-2284 of the Code of Virginia.

Criteria from Section 78-155.1(i)(2)	Meets or Does Not Meet	Why the application meets or does not meet the criteria of Section 78-155.1(i)(2)
Is consistent with the Comprehensive Plan	Meets	This site is designated Regional Corridor Mixed Use. This is a high intensity designation that encourages an attractive environment and positive economic impacts for the town. This proposal will

		demolish an aging industrial building with a modern building that more efficiently uses the town's limited space.
There are changed conditions that justify an amendment	Meets	The town currently has seven single family residences under construction/approved/in review. There are 141 townhouses or stacked townhouses under construction/approved/in review. There are 2,335 multifamily units under construction/approved/in review. The town only had 1,614 multifamily units in 1994 and 2,540 units in 2008. It is logical to assume the increase in these smaller units will require storage.
Addresses a demonstrated community need	Meets	The detailed TRG (Transit Related Growth) master plan is currently under study and could provide additional detail upon completion. Security Public Storage on the adjacent parcel is the only other indoor self-storage facility in town limits. Public Storage on 466 Herndon Parkway and Extra Space Storage on 250 Spring Street are the only outdoor storage places in town limits. It is logical to assume that the pending construction of 2,335 multifamily units will increase the demand for storage solutions.
Compatible with existing and proposed uses surrounding the subject land, and is the appropriate zoning district for the land	Meets with proffers	The properties to the north, east, and south are in the same Business Park and are also self-storage or industrial uses. The revised proffers and GDP will maintain and enhance the existing landscape buffer to the western residential properties and will eliminate the parking spaces, loading spaces, and drive aisle that are currently between the existing building and the single family residences.
Results in a logical and orderly development pattern	Meets	The existing site has had industrial uses for 40 years and is located in a business/industrial park. The proposal

consistent with accepted or emerging planning practices		would reorient the loading, noise, and activity to be away from the residential properties and towards the interior of the Business Park.
Avoids the creation of an isolated zoning district unrelated to adjacent and surrounding zoning district	Meets	The site is already zoned PD-B and this proffer condition amendment will limit the uses beyond those currently allowed on Parcel 5.
Avoids adverse impact on the property values of surrounding lands	Meets with proffers	The proposal would reorient the activity on this parcel to be internal to the business park and away from the existing single family residences.
Avoids adverse impact on the natural environment, including but not limited to, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment	Meets with proffers	Parcel 5 was developed before there was a requirement to treat stormwater pollutants (nitrogen, phosphorus, and sediment). The state stormwater regulations require that 75% of stormwater runoff be treated on site and allows 25% to be met through nutrient credits. The applicant is proffering to treat 100% of the stormwater runoff on site.
Results in development that is adequately served by transportation facilities, including whether or not a substantial deterioration of the level of service on the town's transportation network would occur.	Meets	The traffic analysis (attachment #8) provided by Wells + Associates shows trip generation would increase from 97 trips per day to 132 trips per day. The proposed trips would be distributed throughout the day and have fewer AM and PM peak hour trips. For comparison, VDOT defines a significant impact as a proposed use that generates 5,000 or more trips per day and recent development plans near the metro station have been in the range of 6,000 to 8,000 trips per day.
Results in development that is adequately served by public facilities (potable water and sewage, schools, parks, police, and fire and emergency medical facilities)	Meets with proffers	The proposed redevelopment has no or negligible impact on water, sewer, police, and fire. Self-service storage facilities do not utilize public schools or parks.

If infill and redevelopment is consistent with the redevelopment criteria and other applicable guidelines as stated in the Herndon 2030 Comprehensive Plan (adopted August 12, 2008), as amended.	Meets	This proposal reduces the number of allowed industrial uses on Parcel 5 and redevelops the site in a way that is beneficial to the environment and increases the distance of industrial vehicles from the existing single family residential properties.
---	-------	--

Analysis of Proffers (Conditional Rezoning)

Proffers are voluntary commitments by landowners to donate land, money, or to perform an act in order to address the effects of changing a land use. Localities are allowed to accept proffers provided they are consistent with the provisions of Virginia Code §15.2-2303. Proffers must be voluntary and must be reasonably related to the rezoning request. Many of the proffers are from previous rezonings and apply to the other 5 parcels in the park. Staff is working with the applicant on formatting the proffers to match the current town template. The table below will distinguish between existing proffers and new proffers.

#	Proffer subject	Analysis of proffer
1	Allowed uses (Existing)	These are the existing uses allowed in the Reston Herndon Business Park.
1a	Allowed uses on Parcel 5 (New)	This proffer limits the uses allowed on Parcel 5 to self-service storage facilities, light manufacturing, electronic warehousing, warehousing, and wholesale establishments.
2	Trees (Existing)	This unchanged proffer protects the existing trees located along the northwestern property line on the Security Public Storage site (Parcel 6).
3	Planting Islands (Existing)	This unchanged proffer maintains the requirement for planting islands on both sides of Victory Drive
4	Setbacks (Amended)	This proffer amends the building setback along the residential (western) property line from 55 feet to 30 feet and the parking setback from 11 feet to 50 feet. This only applies to Parcel 5.
5	Travel lanes (Existing)	This exiting proffer limits the travel lanes on the residential (western) lot line to light vehicular traffic. This proffer is unnecessary for Parcel 5 because the travel lane will be eliminated.
6	Restaurant uses (Existing)	This existing proffer limits restaurant uses to the tenant spaces at 301 Spring Street.

7	Maximum FAR (New)	This proffer limits the maximum FAR on Parcel 5 to 0.77.
8	Stormwater management	This proffer commits the applicant to providing all stormwater quality and quantity on site.
9	Architectural Design	This proffer commits the applicant to the elevations provided in the GDP, with final design approval delegated to the ARB.
10	Noise	This proffer commits the applicant to install mitigation measures on the rooftop to reduce noise and deflect noise away from the residential (western) property line.

Planning Commission Recommendation

This case was presented to the planning commission at the September 12, 2022 work session and the September 26, 2022 public hearing. There were two members of the public who spoke during the public comment section.

The commission had several questions regarding screening, building height, landscaping, and potential noise from rooftop mechanical units. The commission voted to recommend approval of ZMA #21-02 to the town council by a vote of 6-0.

The applicant has agreed to include an additional proffer to address concerns related to noise from the rooftop units.

Staff Recommendation

Staff is recommending approval of ZMA #21-02 inclusive of modifications in accordance with Alternative #1 for the following reasons:

- The proposal will redevelop the property in a way that is beneficial to the adjacent single family residences.
- The proposal will improve water quality on the site.
- The proposal will provide a service within town limits without negatively impacting public services.

Town Council Alternatives

The following alternatives are available to the Town Council for its decision on Zoning Map Amendment ZMA #21-02.

1. Approval of the application with the Proffer Statement dated October 11, 2022 and the GDP dated July 28, 2022 and prepared by LDC.
2. Refer the application back to the planning commission for further review.
3. Continue the public hearing to the next town council public hearing.
4. Deny the application.

Attachments

1. Draft Ordinance
2. Planning Commission Resolution of approval dated September 26, 2022
3. Applicant's statement of justification dated June 1, 2022
4. Applicant's proffer statement dated October 11, 2022.
5. Generalized Development Plan dated July 28, 2022
6. Architectural Review Board memo to the Planning Commission dated June 24, 2022
7. Rezoning plat dated December 15, 2021
8. Trip generation analysis dated September 21, 2022

Staff Signatures

A handwritten signature in blue ink, appearing to read "David Stromberg", is written over a horizontal line.

David Stromberg, AICP, Zoning Administrator

TOWN OF HERNDON, VIRGINIA

ORDINANCE

October 25, 2022

Ordinance- Ordinance, to consider Zoning Map Amendment, **ZMA #21-02, 331 Victory Drive, Herndon**, an amendment to the existing proffered conditions and Generalized Development Plan to permit a new self-service storage facility within the PD-B, Planned Development – Business, zoning district.

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 a self-service storage facility at a FAR (Floor Area Ratio) of 0.77 with modifications as proposed in the Parcel 5 Partners LLC/Land Design Consultants, Inc./BWD Architects, Inc./Walsh Colucci Lubeley & Walsh Generalized Development Plan dated July 28, 2022, the Proffer Statement dated October 11, 2022, and in accordance with Section 78-58.5 and 78-155.1 of the Town of Herndon Zoning Ordinance.

The property is shown in the above referenced Generalized Development Plan and described in the land records of Fairfax County in Deed Book 24481 on page 1965. The Fairfax County Tax Map Number is 0162-02-0174C (“Application Property”) and the site is 1.78 acres. The Application Property is within the Reston-Herndon Business Park (the “Business Park”). Herndon-Reston Industrial LLC is the owner of three parcels of land identified among the Fairfax County tax map records as 0164-02-0010D, 0164-02-0010E and 0162-02-0174D and Herndon Storage LLC is the owner of two parcels of land identified among the Fairfax County tax map records as 0162-02-0173B and 0164-02-0010C (collectively “Owners” and “Owners’ Property”) also within the Business Park. The Application Property and the Owners’ Property are collectively known as the “Business Park Property” The Business Park Property is zoned to the Planned Development – Business (“PD-B”) District.

Pursuant to Section 15.2-2303 of the Code of Virginia (1950, as amended) and Section 78-155.1 of the Town of Herndon Zoning Ordinance (2021, as amended) (the “Zoning Ordinance”), the Applicant and Owners, for themselves, and their respective successors and/or assigns, hereby voluntarily proffer that redevelopment of the Application Property shall be in accordance with the following conditions (the “Proffers”) and be in substantial conformance with the general development plan entitled “Victory Drive Generalized Development Plan revised July 28, 2022 and

prepared by LDC (the “GDP”), if, and only if, the Application, as proposed by the Applicant, is granted by the Herndon Town Council (the “Council”). If the Application is approved by the Council, the proffered conditions identified below will supersede and fully replace all previous proffers applicable to the Business Park property, including those approved with PCA #17-01 dated March 28, 2017. In the event this Application is denied by the Council, the Proffers will immediately be null and void and the prefer statement accepted in PCA #17-101 will remain in full force and effect with respect to all the property in the Business Park.

The proffers of PCA #17-01 that were unchanged by these Proffers are restated herein for information and convenience, and the former proffers that are amended herein are so noted and pertain to the Application Property only.

- B. This rezoning shall be governed by this ordinance, the Town of Herndon Zoning Ordinance, the above referenced Proffer Statement for ZMA #21-02, and the above referenced Generalized Development Plan for ZMA #21-02. The Proffer Statement is included as an attachment to this ordinance. This Zoning Map 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):
 - i. A modification to Section 78-50.5(f)(4)(b) to allow the loading space to be 54 feet from the residential (western) property line instead of 60 feet.
 - ii. A modification of Section 78-110.4(e)(3)(b) to allow a seven-foot solid fence along the residential (western) property line instead of a six-foot masonry fence called for with a Class C buffer.
- 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.

[Insert Proffer Statement]

TOWN OF HERNDON, VIRGINIA

PLANNING COMMISSION

RESOLUTION

September 26, 2022

Resolution- to recommend **APPROVAL of Zoning Map Amendment ZMA #21-02, 331 Victory Drive, a zoning map amendment to permit a new self-storage facility within the PD-B, Planned Development – Business, zoning district with proffered conditions and a revised GDP, Generalized Development Plan.**

WHEREAS, the applicant, Parcel 5 Partners, LLC, has submitted a zoning map amendment, ZMA #21-02, on land identified as Fairfax County Tax Map Number 0162-02-0174C, to amend the existing proffers and GDP in order to demolish the existing industrial building and construct a new self-service storage facility; and

WHEREAS, the request includes a proffer statement dated September 7, 2022 and a generalized development plan dated July 28, 2022; and

WHEREAS, the request conforms to the Town of Herndon 2030 Comprehensive Plan; and

WHEREAS, the applicant is requesting modifications to the following sections of the zoning ordinance: Section 78-50.5(f)(4)(b) regarding parking areas located within 60 feet of residential areas, and Section 78-110.4(e)(3)(b) regarding landscape buffer material when not adjacent to a public right-of-way; and

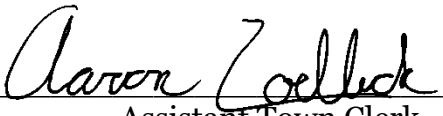
WHEREAS on September 26, 2022, the Planning Commission held a public hearing to consider ZMA #21-02; and

WHEREAS, the Planning Commission has determined that the above referenced proffer statement and generalized development plan conforms to Section 78-155.1(i)(2) of the zoning ordinance and Section 15.2-2284 of the Code of Virginia; and

WHEREAS, the Planning Commission has determined that the applicant has demonstrated that the requested modifications afford equal or greater assurances of meeting the applicable goals of the zoning ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the Town of Herndon, Virginia, that the Commission hereby recommends that the Town Council Approve ZMA #21-02 with the following proffers.

This is certified to be a true and accurate copy of the resolution associated with Zoning Map Amendment, ZMA#21-02 adopted at a legally convened meeting of the Town of Herndon Planning Commission on September 26, 2022


Assistant Town Clerk

RESTON-HERNDON BUSINESS PARK

ZMA #21-02

PROFFER STATEMENT

SEPTEMBER 7, 2022

Zoning Map Amendment Application ZMA #21-02 (the “**Application**”) has been filed by and on behalf of Parcel 5 Partners LLC, (the “**Applicant**”) on approximately 1.78 acres of land identified among the Fairfax County tax map records as 16-2 ((2)) 174C (the “**Application Property**”) within the Reston-Herndon Business Park (the “**Business Park**”). The Application Property is zoned to the Planned Development – Business (“PD-B”) District.

Pursuant to Section 15.2-2303 of the Code of Virginia (1950, as amended) and Section 78-155.1 of the Town of Herndon Zoning Ordinance (2021, as amended) (the “**Zoning Ordinance**”), the Applicant, for itself, the owners, and their respective successors and/or assigns, hereby proffers that redevelopment of the Application Property shall be in accordance with the following conditions (the “**Proffers**”) if, and only if, the Application, as proposed by the Applicant, is granted by the Town Council (the “**Council**”). If the Application is approved by the Council, the proffered conditions identified below will reaffirm or amend, replace and/or supersede the existing proffered conditions associated with the approval of PCA #17-01 dated March 28, 2017. In the event this Application is denied by the Council, the Proffers will immediately be null and void and all Existing Proffers accepted in PCA #17-101 will remain in full force and effect with respect to the Application Property.

The following proffer changes, additions, and deletions pertain to the Application Property only and will modify the existing proffers with respect to the Application Property, as described below.

Existing Proffer 1 – Uses, is amended/replaced as to the Application Property as follows:

1. Uses on the Business Park shall be limited to the following uses:

- Warehousing
- Self-Storage
- Electronic Warehousing
- Commercial office building
- Recreation exercise facilities, including gymnastics, health studios, dancing instruction, racket ball and similar activities
- Printing and engraving shop
- Post-secondary education and career schools
- Establishments for the assembly of communications equipment, computer, electrical or electronic equipment, optical and photographic equipment
- Communications offices
- Museum, fine arts center
- Religious Institution without schools or day care except accessory care during services or special events
- Restaurant with or without outdoor eating

- All office uses, excluding medial or health related services
- Commercial recreation/entertainment indoor
- Animal hospital, kennel, pet daycare, animal shelter, vet clinic with no outdoor kennels
- Artist's studio or gallery
- Dry cleaning/laundry pickup/drop off only
- Durable goods sales
- Financial institution
- Health care facility
- Mailing and parking service
- Personal services, general
- Product repair and services
- Retail sales
- School of special instruction
- Other personal services and retail sales uses
- Scientific research and scientific development
- All other industrial service uses
- All other light manufacturing uses except uses involving freight delivery, long term storage, mass production and transporting of finished products
- Contractor's materials with no outdoor storage
- Wholesale establishments

1A. Uses on the Application Property are limited to the following uses:

- Self-Storage
- Light Manufacturing
- Electronic Warehousing
- Warehousing
- Wholesale establishments

Existing Proffer 2 is affirmed and remains unchanged, and is included as follows:

2. The trees existing at the time of this approval along the western lot line of the property from Spring Street to a point approximately 150 feet southward into the property, as well as the trees in the northwest corner of the property (approximately 450 square feet) shall be maintained.

Existing Proffer 3 is affirmed and remains unchanged, and is included as follows:

3. The existing planting islands on both sides of Victory Drive shall be maintained.

Existing Proffer 4 is amended/replaced as to the Application Property as follows:

4. The building setback along the western lot line is 30 feet. The parking lot setback along the western lot line is 50 feet.

Existing Proffer 5 is affirmed and remains unchanged, and is included as follows:

5. The travel lane along the western lot line shall be restricted to light vehicular traffic with no heavy trucks permitted thereon and shall be signed as such.

Existing Proffer 6 is affirmed and remains unchanged, and is included as follows:

6. Restaurant uses shall be limited to the lease spaces in Building 3/3A as shown on Exhibit A-001 dated October 13, 2016 and attached to the proffers approved with PCA #17-101.

New Proffers 7 through 9 are added as to the Application Property as follows:

7. The maximum floor area ratio ("FAR") for the Application Property shall not exceed 0.77.
8. Stormwater quantity and quality management required for this project shall be provided on site.
9. High-quality architectural design and exterior materials shall be in substantial conformance with Sheets 9 through 13 of the GDP. Substantial conformance shall be determined by the Zoning Administrator as specified in the Zoning Ordinance. Final architectural elevations and exterior materials, building and site signage, and other site features are subject to approval by the Architectural Review Board.

Successors and Assigns

These proffers shall bind and inure to the benefit of the Applicant and his/her successors and assigns.

Counterparts

These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed in original document and all of which taken together shall constitute but one and the same instrument.

TITLE OWNER/APPLICANT SIGNATURE TO FOLLOW ON THE NEXT PAGE

Herndon-Reston Industrial LLC
Applicant/Title Owner of 16-4 ((2)) 10D, 10E
16-2 ((2)) 174D

By: _____

Name: _____

Title: _____

State of _____

City/County of _____, to wit:

The foregoing instrument was acknowledged before me this _____ day of _____,

20__ by _____ as _____ of and on behalf of

Notary Public

Notary Registration No.: _____

My Commission Expires: _____

Herndon Storage LLC
Applicant/Title Owner of 16-2 ((2)) 173B
16-4 ((2)) 10C

By: _____

Name: _____

Title: _____

State of _____

City/County of _____, to wit:

The foregoing instrument was acknowledged before me this _____ day of _____,

20__ by _____ as _____ of and on behalf of

Notary Public

Notary Registration No.: _____

My Commission Expires: _____

Parcel 5 Partners LLC
Applicant/Title Owner of 16-2 ((2)) 174C

By: _____

Name: _____

Title: _____

State of _____

City/County of _____, to wit:

The foregoing instrument was acknowledged before me this _____ day of _____,

20__ by _____ as _____ of and on behalf of

Notary Public

Notary Registration No.: _____

My Commission Expires: _____

Revised
June 1, 2022

**STATEMENT OF JUSTIFICATION
ZONING MAP AMENDMENT APPLICATION
PARCEL 5 PARTNERS LLC**

**Fairfax County Tax Map Parcels
16-2 ((2)) 173B, 174C, and 174D
16-4 ((2)) 10C, 10D, and 10E**

Please accept the following as a statement of support for a zoning map amendment (“ZMA”) pursuant to Section 78-150.1 of the Town of Herndon Zoning Ordinance (the “Ordinance”). Parcel 5 Partners LLC (the “Applicant”), requests an increase in the floor area ratio (“FAR”) in accordance with the provisions set forth in Section 78-50.5(f)(2), and a decrease in the proffered building setback of 55 feet from the western property line to 30 feet on property identified among the Fairfax County tax map records as 16-2 ((2)) 174C (“Parcel 174C”). Parcel 174C is one of six parcels that comprise the Reston-Herndon Business Park (the “Business Park”). The other parcels are identified as 16-2 ((2)) 173B and 174D, and 16-4 ((2)) 10C, 10D, and 10E. The entirety of the Business Park has been included in the application area (the “Application Property”), even though the proposed changes affect only Parcel 174C.

BACKGROUND

The Application Property is located on the south side of Spring Street, approximately 800 feet west of its intersection with Herndon Parkway. The Application Property consists of 16.2 acres and is zoned to the Planned Development – Business (“PD-B”) District. Vehicular access to the Application Property is provided from Victory Drive, a private street accessed off of Spring Street. The Application Property is currently developed with a series of low industrial buildings and self-storage facilities. Parcel 174C is currently developed with a 36,921 square foot, one-story industrial building built in 1982.

The Application Property is subject to Z-79-101-2, which rezoned the entire 16.25-acre Business Park from the Industrial General (I-G) District to the Planning Development – Industrial Park (PD-IP). With the adoption of the current Zoning Ordinance, the zoning designation of the Application Property was administratively changed from PD-IP to PD-B. On March 28, 2017, the Town Council (“TC”) approved a proffer condition amendment, referenced as PCA #17-101, with proffers dated March 17, 2017. PCA #17-101, permitted the Business Park to lease space for retail uses in the building fronting along Spring Street, and to add uses permitted in the PD-B District to the list of uses that were approved with the 1979 rezoning.

On March 23, 2021, the Town Council approved special exception, SE #20-05, for the adjacent parcel north of Parcel 174C, identified as Tax Map 16-2 ((2)) 173B, 385 Spring Street. The special exception permits a U-Haul rental service, up to a maximum of four 10-foot box trucks, as an accessory use to the self-service storage facility.

DESCRIPTION OF PROPOSAL

The Applicant proposes to demolish the existing industrial building on Parcel 174C, and construct a new 24-foot tall, 60,732 square foot self-service storage facility with 30,366 square foot cellar. An increase in the floor area ratio ("FAR") in accordance with the provisions set forth in Zoning Ordinance Section 78-50.5(f)(2), and a decrease in the proffered building setback of 55 feet from the western property line to 30 feet are requested as part of this ZMA application.

Self-service storage is a permitted principal use in the PD-B District and is subject to specific use standards set forth in Section 78.71.16(d)(1) of the Zoning Ordinance. The proposal meets the use standards as follows:

- a. Limited commercial uses. The only commercial uses permitted on site shall be of storage bays and the pickup and deposit of goods or property in storage.

The self-service storage facility is the only commercial use on Parcel 174C.

- b. Retail sales. Retail sale may be permitted as an accessory use limited to the lesser of either 40 percent of the area containing the office or 5,000 square feet.

There are no retail sales proposed on-site.

- c. Use of storage bays. Storage bays shall not be used to manufacture, fabricate or process goods; service or repair vehicles, small engines or electrical equipment, or to conduct similar repair activities; conduct garage sales or retail sales of any kind; or conduct any other commercial or industrial activity on the site.

The storage bays will not be used not be used to manufacture, fabricate or process goods; service or repair vehicles, small engines or electrical equipment, or to conduct similar repair activities; conduct garage sales or retail sales of any kind; or conduct any other commercial or industrial activity on the site.

- d. Caretaker residence allowed. One security or caretaker residence may be developed on the site.

There is no residence on-site.

- e. Not legal address. Individual storage bays or private postal boxes within a self-service storage facility use shall not be considered premises for the purpose of assigning a legal address.

The storage bays will not be considered premises for the purpose of assigning a legal address.

- f. Stored items shall be enclosed. Except as provided in this section, all property stored on the site shall be entirely within enclosed buildings.

All property will be stored in units within the building. There is no outdoor storage proposed.

- g. Storage of recreational vehicles. Open storage of recreational vehicles and dry storage of pleasure boats of the type customarily maintained by persons for their personal use shall be permitted within a self-service storage facility use, provided that the following standards are met:

1. The storage shall occur only within a designated area. The designated area shall be clearly delineated.
2. The storage area shall not exceed 25 percent of the buildable area of the site.
3. The storage area shall be entirely screened from view from adjacent residential areas and public streets by a building or solid wall with landscaping on the outside of the wall.
4. Storage shall not occur within the area set aside for minimum building setbacks.
5. No vehicle maintenance, washing, or repair shall be permitted.

There will be no open storage of recreational vehicles or dry storage of pleasure boats.

- h. Circulation and parking. If separate buildings are constructed, there shall be adequate space for the circulation and parking of large moving vans.

There are two points of access to the proposed self-storage facility; one on the northern portion of the building and one along the southern portion of the building. Loading spaces are provided on both ends, and the access areas have been designed to accommodate large moving vans. Ample parking is provided.

- i. Storage bay doors. Storage bay doors shall not face any abutting property located in a residential district, nor shall they be visible from any public road.

The storage bay doors are not visible from the residential neighborhoods to the west nor are they visible from Spring Street since Parcel 174C is internal to the Business Park.

- j. Hours of operation. Hours of public access to a self-storage use adjacent to a residential zoning district shall be restricted to between 6:00 a.m. to 9:00 p.m. Monday through

Friday except federal holidays and 7:00 a.m. to 10:00 p.m. on Saturdays, Sundays and federal holidays.

The hours of operation are 7:00 a.m. to 9:00 p.m.

- k. Screening of roof mounted equipment. A screen shall be constructed to obscure roof-mounted heating and air conditioning and other equipment, if any. The combined height of the building and the screen shall not exceed the height limit in the zoning district where the use is permitted.

There is no roof mounted equipment.

- l. Stacking and turning. Be designed to ensure proper functioning of the site as related to vehicle stacking, circulation and turning movements.

The Business Park is accessed by Victory Drive, a private street. There is easily accessible parking and loading facilities and the proposal has been designed to ensure adequate circulation for all vehicles accessing the facility.

- m. Enclosed trash facilities. Provide adequate, enclosed trash storage facilities on the site.

A trash room is proposed within the proposed self-storage facility.

The Applicant seeks approval of a ZMA to increase the permitted FAR and to decrease the proffered building setback of 55 feet from the western property line to 30 feet. Modifications to the buffer requirement and the required off-street parking and loading distance from residentially zoning properties are also requested. Each request is discussed in detail below:

Increase in Permitted FAR

Section 78-510.1(b) of the Ordinance sets forth the parameters for achieving an increase floor area. Lots in the PD-B District have a maximum FAR of 0.4. The Applicant proposes a FAR of 0.77 for Parcel 174C. Per Section 78-50.5(f)(2), the town council may as part of the review of the PD-B District, permit an increase of the floor area ratio by up to 100 percent, if the PD-B development meets certain standards. The application meets these standards as follows:

- a. Additional open space (common or dedicated) above that required by Section 78-50.5(g), open space and community/recreation uses, in proportion to the requested increase in dwelling unit density.

Section 78-50.5(g) of the Zoning Ordinance requires a minimum of 20 percent of the gross land area be set-aside as open space. The Applicant proposes 23 percent of Parcel 174C as open space, in excess of the 20 percent required. The open space is concentrated along the western periphery of the site and at the two site entrances from Victory Drive. The Applicant proposes a robust landscape screen along the western

property line to screen the proposed development from the adjacent residential neighborhood.

- b. Special attention to enhancing both the site perimeter buffer and landscape features on the interior of the site.

A robust landscape screen is proposed along the western property line to screen the proposed development from the adjacent residential neighborhood. In addition to the perimeter buffer landscape strip, the landscape plan includes parking lot and interior landscaping. A mix of evergreen trees, canopy deciduous trees, and shrub are proposed throughout the development to soften the proposed self-storage facility.

- c. The provision of unique features and amenities such as, but not limited to, terraces, sculpture, reflecting pools and fountains.

The self-service storage facility will have brick on the four corners of the building. The architecture of the building will complement the surrounding development.

- d. The provision of structured or underground parking facilities to better enable the provision of open space, efficient transportation, and design features.

The Business Park is currently developed with surface parking. It is not practical to provide structured or underground parking for this self-storage facility. The surface parking will be screened from the residential neighborhood to the west by the building and supplemental landscaping.

- e. Provision of transportation demand management techniques such as commitments for on-site employees to van pool, subsidies for employees to use public transit, options for telecommuting and flexible work hours that avoid peak traffic periods.

As shown on the trip generation comparison the proposed use would generate significantly fewer peak hour trips and only a marginal increase in daily trips. It is anticipated that the proposed use would have less impact on the roadway network during peak hours when levels of service and delays are evaluated than the existing use.

- f. Exceptional exterior building design that includes pedestrian-friendly features; attention to architectural details such as molding, pitched roofs or decorative window and door treatments; varied color, design and texture of siding; and high-quality materials to be used on all facades of the building.

The self-service storage facility will have brick on the four corners of the building. The architecture of the building will complement the surrounding development.

- g. Floodplain areas on the subject property may be dedicated to the town and count toward the required open space and green space if meeting applicable standards.

There is no floodplain area on Parcel 174C.

Building Setback from Western Property Line – Proffer 4

PCA #17-101 was approved subject to proffers dated March 17, 2017. Proffer 4 states that along the western lot line, the building setback shall be 55 feet and the parking lot setback shall be 11 feet. The Applicant is proposing a building setback of 30 feet, and a parking lot setback of 54 feet. While the proposed building is located closer to the western lot line than the existing condition, the parking lot has been removed from the rear of the building and will be located further from the western lot line. A robust landscape screen is proposed along the western property line to screen the proposed development from the adjacent residential neighborhood. The elimination of the parking in the rear of the building will be an improvement from the existing condition, and will decrease the amount of noise and light impacts to the adjacent community. The building architecture will be compatible with the residential community. Given the site design improvements, the Applicant's proposed reduction in the required setback of 55 feet to 30 feet will not adversely impact the adjacent residential use.

MODIFICATIONS REQUESTED

The Applicant requests modifications to the buffer requirement and the required off-street parking and loading distance from residentially zoning properties. Each request is discussed in detail below:

Buffer Requirement Modification

Per Section 78.110.4(e)(3) of the Zoning Ordinance, Buffer Class "C" of 15 feet in width is required along the western property boundary. Buffer C-15 requires a six-foot-tall masonry wall. The Applicant requests a modification to construct a seven-foot-tall solid fence, rather than a masonry wall. Given the topography, the Applicant is concerned that the installation of masonry fence with a continuous footer would have adverse impacts on neighboring properties. To lessen the impact on existing vegetation and neighboring properties, the Applicant proposes to construct a high quality, seven foot tall solid fence.

Off-street Parking and Loading Setback Modification

Section 78.50.5(f)(4)(b) of the Zoning Ordinance, states that off-street parking and loading areas must be setback at least 60 feet from any residential zoning district boundary. As shown on the Generalized Development Plan ("GDP"), the parking lot on the northern side of the proposed building is located approximately 54 feet from the western property line, which is developed with residentially zoned single family dwelling units. Two loading spaces are located in this section of the parking lot. The loading spaces are not orientated to face the western property line, rather they are orientated in a north/south direction. In addition, the Applicant proposes to screen these elements from the residential development with landscaping.

COMPREHENSIVE PLAN RECOMMENDATIONS

The Application Property is located in the Regional Corridor Mixed-Use land use category in the Town of Herndon 2030 Comprehensive Plan (the “Plan”). This classification encourages flexibility and a mixture of uses. The land use policies for the Regional Corridor Mixed-Use encourages the creation of an attractive environment that encourages companies and businesses to locate and remain within the Town limits, and thus generate positive economic benefits. The development meets the intent of the Regional Corridor Mixed-Use vision by providing an economic alternative for people and businesses wishing to keep their assets and belongings in a secure location that is protected from the environment and constructed with high quality site design and landscaping.

The Applicant’s proposal seeks to reinvigorate an older industrial use with an attractive community-serving use that meets the Town of Herndon’s design expectations. The proposed building will offer an attractive, well-balanced design that incorporates four-sided architecture, comprised of a variety of high-quality building materials. The building massing is broken up with materials to soften the industrial design of the building. Materials will include brick and corrugated metal cladding, and differentiating design elements that reflect the company branding, such as red metal awnings, faux pilasters, and decorative shale tiles. The proposed self-service storage facility will include modern, oversized passenger elevators; clean, well-lit hallways; a state-of-the art security system; passive and active fire protection that includes sprinklers; and a monitoring service. No noise, light, glare, or other impacts are anticipated with the proposed use.

While market research has shown that there has been a steady growth in the demand for self-storage, there remains a low supply of available units. While the majority of those seeking climate-controlled storage units are expected to be residential homeowners, small business owners proximate to the facility will likely rent units. The proposed self-storage will meet the demand in the Herndon for high-quality modern, reliable, secure, and affordable storage within the Regional Corridor Mixed-Use land use designation and Transit-Related Growth Area.

CONCLUSION

The Applicant’s proposal updates and revitalizes this important piece of PD-B zoned land. The proposal is consistent with the Regional Corridor Mixed-Use vision, and the recommendations of the Plan. This self-service storage facility use will be a benefit to the overall community and a needed update to the Business Park.

RESTON-HERNDON BUSINESS PARK

ZMA #21-02

PROFFER STATEMENT

OCTOBER 11, 2022

Zoning Map Amendment Application ZMA #21-02 (the “**Application**”) has been filed by and on behalf of Parcel 5 Partners LLC, (the “**Applicant**”) owner of an approximately 1.78-acre parcel of land identified among the Fairfax County tax map records as 0162-02-0174C, (the “**Application Property**”) within the Reston-Herndon Business Park (the “**Business Park**”). Herndon-Reston Industrial LLC is the owner of three parcels of land identified among the Fairfax County tax map records as 0164-02-0010D, 0164-02-0010E and 0162-02-0174D and Herndon Storage LLC is the owner of two parcels of land identified among the Fairfax County tax map records as 0162-02-0173B and 0164-02-0010C (collectively “**Owners**” and “**Owners’ Property**”) also within the Business Park. The Application Property and the Owners’ Property are collectively known as the “**Business Park Property**” The Business Park Property is zoned to the Planned Development – Business (“PD-B”) District.

Pursuant to Section 15.2-2303 of the Code of Virginia (1950, as amended) and Section 78-155.1 of the Town of Herndon Zoning Ordinance (2021, as amended) (the “**Zoning Ordinance**”), the Applicant and Owners, for themselves, and their respective successors and/or assigns, hereby voluntarily proffer that redevelopment of the Application Property shall be in accordance with the following conditions (the “**Proffers**”) and be in substantial conformance with the general development plan entitled “Victory Drive Generalized Development Plan revised July 28, 2022 and prepared by LDC (the “**GDP**”), if, and only if, the Application, as proposed by the Applicant, is granted by the Herndon Town Council (the “**Council**”). If the Application is approved by the Council, the proffered conditions identified below will supersede and fully replace all previous proffers applicable to the Business Park property, including those approved with PCA #17-01 dated March 28, 2017. In the event this Application is denied by the Council, the Proffers will immediately be null and void and the proffer statement accepted in PCA #17-01 will remain in full force and effect with respect to all the property in the Business Park.

The proffers of PCA #17-01 that were unchanged by these Proffers are restated herein for information and convenience, and the former proffers that are amended herein are so noted and pertain to the Application Property only.

Existing Proffer 1 – Uses, is amended/replaced as to the Application Property as follows:

1. Uses on the Owners’ Property shall be limited to the following uses:
 - Warehousing
 - Self-Storage
 - Electronic Warehousing
 - Commercial office building

- Recreation exercise facilities, including gymnastics, health studios, dancing instruction, racket ball and similar activities
- Printing and engraving shop
- Post-secondary education and career schools
- Establishments for the assembly of communications equipment, computer, electrical or electronic equipment, optical and photographic equipment
- Communications offices
- Museum, fine arts center
- Religious Institution without schools or day care except accessory care during services or special events
- Restaurant with or without outdoor eating
- All office uses, excluding medical or health related services
- Commercial recreation/entertainment indoor
- Animal hospital, kennel, pet daycare, animal shelter, vet clinic with no outdoor kennels
- Artist's studio or gallery
- Dry cleaning/laundry pickup/drop off only
- Durable goods sales
- Financial institution
- Health care facility
- Mailing and parking service
- Personal services, general
- Product repair and services
- Retail sales
- School of special instruction
- Other personal services and retail sales uses
- Scientific research and scientific development
- All other industrial service uses
- All other light manufacturing uses except uses involving freight delivery, long term storage, mass production and transporting of finished products
- Contractor's materials with no outdoor storage
- Wholesale establishments

1A. Uses on the Application Property (parcel 0162-02-0174C) are limited to the following uses:

- Self-Storage
- Light Manufacturing
- Electronic Warehousing
- Warehousing
- Wholesale establishments

Existing Proffer 2 is affirmed and remains unchanged, and is included as follows:

2. The trees existing at the time of this approval along the western lot line of the property from Spring Street to a point approximately 150 feet southward into the property, as well as the trees in the northwest corner of the property (approximately 450 square feet) shall be maintained.

Existing Proffer 3 is affirmed and remains unchanged, and is included as follows:

3. The existing planting islands on both sides of Victory Drive shall be maintained.

Existing Proffer 4 is amended in part as to the Application Property as follows:

4. The building set back along the western lot line of the Owners' Property shall be 55 feet. The parking lot setback along the western lot line of the Owners' Property shall be 11 feet.
- 4.A. The building setback along the western lot line of the Application Property shall be 30 feet. The parking lot setback along the western lot line of the Application Property shall be 50 feet.

Existing Proffer 5 is affirmed and remains unchanged, and is included as follows:

5. The travel lane along the western lot line shall be restricted to light vehicular traffic with no heavy trucks permitted thereon and shall be signed as such.

Existing Proffer 6 is amended in part, and is included as follows:

6. Restaurant uses shall be limited to the lease spaces in Building 3 as shown on Sheet 8 of the GDP.

New Proffers 7 through 9 are added as to the Application Property as follows:

7. The maximum floor area ratio ("FAR") for the Application Property shall not exceed 0.77.
8. Stormwater quantity and quality management required for this project shall be provided on site.
9. High-quality architectural design and exterior materials shall be in substantial conformance with Sheets 9 through 13 of the GDP. Substantial conformance shall be determined by the Zoning Administrator as specified in the Zoning Ordinance. Final architectural elevations and exterior materials, building and site signage, and other site features are subject to approval by the Architectural Review Board.

10. Sound mitigation measures for rooftop mechanical equipment will be installed to reduce and deflect sound away from the residential use to the west of the Application Property.

Successors and Assigns

These Proffers shall bind and inure to the benefit of the Applicant and Owners and their successors and assigns.

Counterparts

These Proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed in original document and all of which taken together shall constitute but on and the same instrument.

THE APPLICANT AND OWNERS SIGNATURES TO FOLLOW ON THE NEXT PAGE

Owner of 16-4 ((2)) 10D, 10E and 16-2 ((2)) 174D

HERNDON-RESTON INDUSTRIAL LLC

By: Nova Industrial, LLC, its Managing Member

By: RH Investments, LLC, its Manager

By: Philip C. Ackley

Its: Member

State of _____

City/County of _____, to wit:

The foregoing instrument was acknowledged before me this _____ day of _____,

20__ by _____ as _____ of and on behalf of

Notary Public

Notary Registration No.: _____

My Commission Expires: _____

Herndon Storage LLC
Owner of 16-2 ((2)) 173B
16-4 ((2)) 10C

By: _____

Name: _____

Title: _____

State of _____

City/County of _____, to wit:

The foregoing instrument was acknowledged before me this _____ day of _____,

20__ by _____ as _____ of and on behalf of

Notary Public

Notary Registration No.: _____

My Commission Expires: _____

Applicant and Owner of 16-2 ((2)) 174C

PARCEL 5 PARTNERS LLC

By: Nova Industrial, LLC, its Managing Member

By: RH Investments, LLC, its Manager

By: Philip C. Ackley
Its: Member

State of _____

City/County of _____, to wit:

The foregoing instrument was acknowledged before me this _____ day of _____,

20__ by _____ as _____ of and on behalf of

Notary Public

Notary Registration No.: _____

My Commission Expires: _____

ENGINEER	REVISION APPROVED BY:				
DATE	DESIGN NO.	DESCRIPTION	BY	APPROVED	DATE
24/02/12	101	ADDRESS FIRST SUBMISSION TO THE	101		
17/08/12	101	ADDRESS SECOND SUBMISSION TO THE	101		

COMMONWEALTH OF VIRGINIA
 MATTHEW W. MARSHALL
 Lic. No. 1525-B
 07/28/22
 LAND SURVEYOR

SHEET 1 OF 13

DATE: DECEMBER, 2021	
DRAFT: WOR	CHECK: MTM
FILE NUMBER: 21079-1-0	

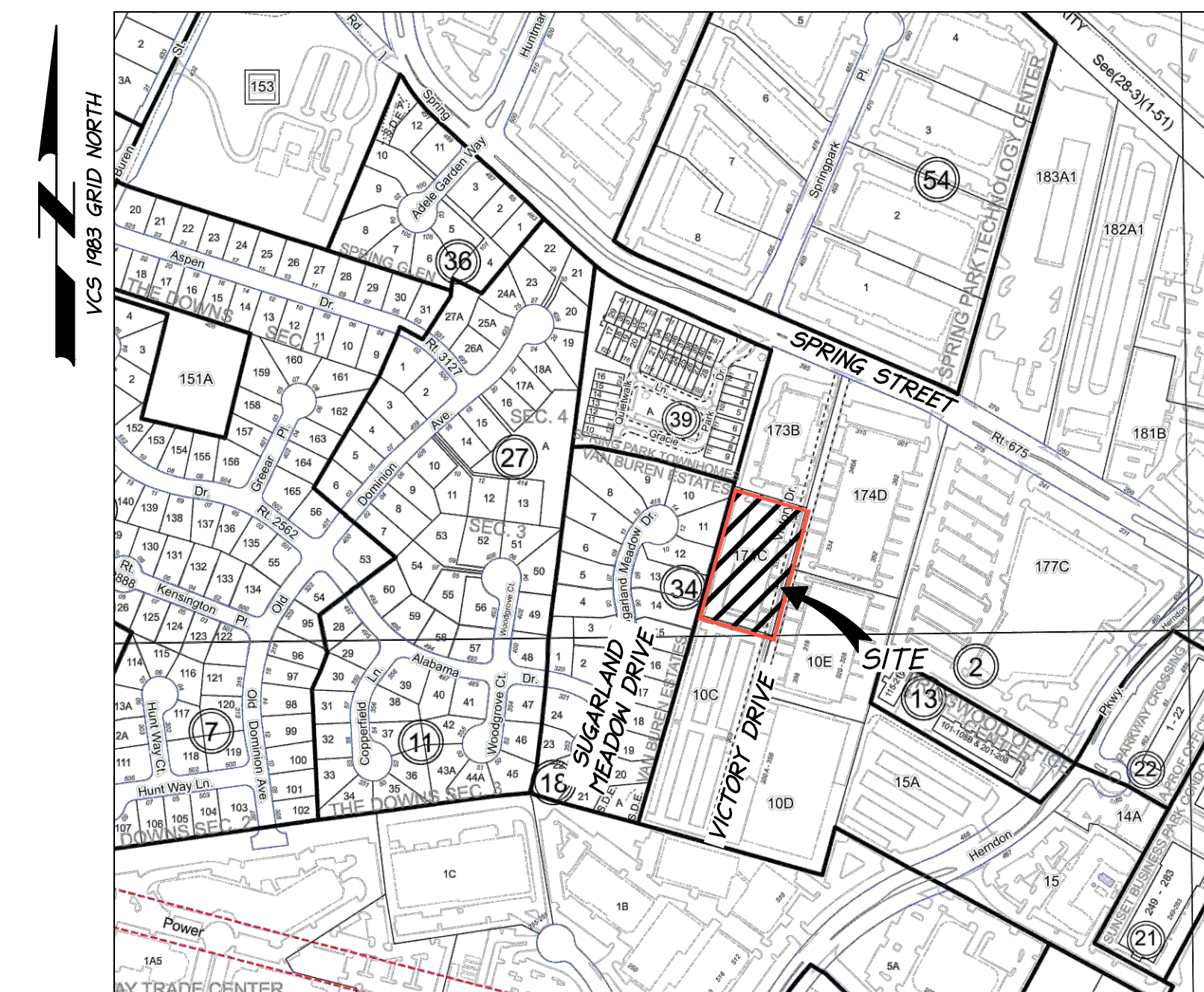
DECEMBER 8, 2021
APRIL 25, 2022
JULY 28, 2022

WALSH COLUCCI LUBELEY & WALSH
2200 CLARENDON BLVD., SUITE 1300
ARLINGTON, VA 22201
(703) 528-4700
CONTACT: MS. ELIZABETH BAKER

PROPOSED SITE TABULATIONS			
REQUIRED		PROPOSED	
APPROX. AREA OF INDUSTRIAL PARK	+/- 16.2 Ac.	SITE AREA:	+/- 1.78 Ac. (77,390 SF)
		AREA OF DEDICATION:	0.0 Ac. (0 SF)
		SITE AREA AFTER DEDICATION	+/- 1.78 Ac. (77,390 SF)
		USE:	SELF-SERVICE STORAGE (Section 78-71.16)
EXISTING ZONE:	PD-B	ZONE:	PD-B
MIN. DISTRICT SIZE:	2.0 Ac.	DISTRICT SIZE:	N/A
MAX. DENSITY:	F.A.R. 0.4 (Conditionally can be up to 0.8, Section 78-510.1(b)) NOTE: F.A.R. EXCLUSIVE OF CELLAR AREA	DENSITY:	FAR +/- .77
MAX. BUILDING HEIGHT	45 FEET	BUILDING HEIGHT:	+/- 24 FEET
NUMBER OF FLOORS:	N/A	NUMBER OF FLOORS:	2 FLOORS + CELLAR
BUILDING LOT COVERAGE:		F.A.R. AREA:	60,732 SF
		CELLAR AREA:	30,366 SF
		TOTAL AREA:	91,098 SF
MIN. SETBACKS:		MIN. SETBACKS:	
FRONT:	None	FRONT:	N/A
SIDE:	Adjacent to residential equal to height	SIDE:	N/A
REAR:	Adjacent to residential equal to height	REAR:	+/- 24 FEET
LOT COVERAGE:		LOT COVERAGE:	
EXISTING PERVIOUS AREA:	+/- 0.17 Ac.	PERVIOUS AREA:	+/- 0.34 Ac.
EXISTING IMPERVIOUS AREA:	+/- 1.61 Ac.	IMPERVIOUS AREA:	+/- 1.44 Ac.
BUILDING LOT COVERAGE:		BUILDING LOT COVERAGE:	
MIN. OPEN SPACE:	20% (15,478 SF)	OPEN SPACE:	+/- 24% (+/- 18,381 SF)
MIN. OPEN SPACE FOR RECREATION:	N/A	RECREATION OPEN SPACE:	N/A
PARKING:	9 SPACES**	PARKING:	10 SPACES
LOADING SPACES:	2 SPACES	LOADING SPACES:	2 SPACES
ADA ACCESSIBLE SPACES:	1 SPACE (1 VAN ACCESSIBLE)	ADA ACCESSIBLE SPACES:	2 SPACES (2 VAN ACCESSIBLE)
PARKING PROVIDED NOT ATTRIBUTED TO USE:	N/A	SUPPLEMENTAL PARKING FOR BUSINESS PARK:	24 SPACES ✱

DATE FEE COLLECTED (Official Use Only): _____

3. LOCATION AND DEPTH OF ALL EXISTING UNDERGROUND UTILITIES TO BE VERIFIED BY CONTRACTOR PRIOR TO CONSTRUCTION. CONTRACTOR/ENGINEER SHOULD DIG TEST PITS BY HAND AT ALL UTILITY CROSSINGS TO VERIFY EXACT LOCATION.



THE CUMULATIVE PARKING TABULATIONS PROVIDED ON THE APPROVED G.D.P., SEE SHEET 8 HEREIN, STATED THAT THE REQUIRED PARKING FOR INDUSTRIAL PARK IS 284 PARKING SPACES AND THE PROVIDED IS 347 PARKING SPACES.

1. COVER SHEET
2. EXISTING CONDITION PLAN
3. G.D.P.
4. TREE INVENTORY
5. LANDSCAPE PLAN
6. SWM - NOTES & NARRATIVE
7. SWM - VRRM SPREADSHEET
8. APPROVED G.D.P.
- 9-13. ARCHITECTURAL ELEVATIONS & DETAILS

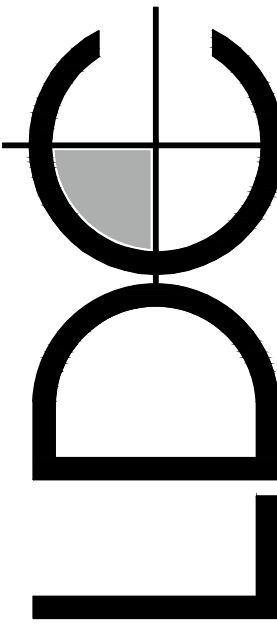
TOWN OF HERNDON, VIRGINIA		
COVER SHEET		
SUBDIVISION OR SITE PLAN NAME	VICTORY DRIVE	
OWNER, ADDRESS, INCLUDE ZIP CODE AND TELEPHONE NUMBER	PARCEL 5 PARTNERS LLC, C/O KENWOOD MANAGEMENT CO. 5272 RIVER ROAD, SUITE 360, BETHESDA MD 20816, 301-656-7790	
DEVELOPER, ADDRESS, INCLUDE ZIP CODE AND TELEPHONE NUMBER	PARCEL 5 PARTNERS LLC, C/O KENWOOD MANAGEMENT CO. 5272 RIVER ROAD, SUITE 360, BETHESDA MD 20816, 301-656-7790	
CERTIFIED ENGINEER, ARCHITECT OR SURVEYOR SUBMITTING PLAN, ADDRESS, INCLUDE ZIP CODE AND TELEPHONE NUMBER	MATT MARSHALL L.S., LDC LC, 4585 DAISY REID AVENUE, SUITE 201, KENNESAW BRIDGE, VIRGINIA 22192 703-680-4585	
FAIRFAX COUNTY TAX MAP NUMBER	0162 - 02 - 174C	EXISTING ZONING PD - B
TOTAL AREA	77,390 SF OR 1.7766 ACRES	PROPOSED ZONING PD - B
REVISED: JULY 2014		PAGE 1 OF 13 PAGES

NOTES:

1. THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON FAIRFAX COUNTY CADASTRAL MAP No. 16-2 ((2)) PARCEL 174C AND IS CURRENTLY ZONED PD-B.
2. THE PROPERTIES SHOWN HEREON ARE CURRENTLY IN THE NAME OF PARCEL 5 PARTNERS, LLC, BY DEED RECORDED IN DEED BOOK 24481 AT PAGE 1965, AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.
3. THE PROPERTY LINES SHOWN HEREON ARE BASED ON BOUNDARY SURVEY BY THIS FIRM PERFORMED ON AUGUST 3, 2021.
4. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT, THEREFORE ALL ENCUMBRANCES TO THE PROPERTY MAY NOT BE SHOWN.
5. THE PROPERTY SHOWN HEREON LIES WITHIN A ZONE "X", AN AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS DELINEATED ON FLOOD INSURANCE RATE MAP No. 51059C01010E, PANEL 110 OF 450, WITH AN EFFECTIVE DATE OF SEPTEMBER 17, 2010.
6. THE PLAT OF THE PROPERTY SHOWN HEREON IS REFERENCED TO THE VIRGINIA COORDINATE SYSTEM OF 1983 (VCS 83), NORTH ZONE, US SURVEY FOOT UNITS AS COMPUTED FROM A FIELD RUN BOUNDARY AND HORIZONTAL CONTROL SURVEY THAT TIES THIS BOUNDARY TO FAIRFAX COUNTY MONUMENT WAG12(HV8698). THE COMBINED GRID AND ELEVATION FACTOR IS 0.999954027.
7. THIS TOPOGRAPHIC SURVEY ON THE PROPERTY KNOWN AS PARCEL 5, HERNDON INDUSTRIAL VENTURE SUBDIVISION, WAS COMPLETED UNDER THE DIRECT AND RESPONSIBLE CHARGE OF KEVIN D. VAUGHN, FROM AN ACTUAL GROUND SURVEY MADE UNDER HIS SUPERVISION; THE ORIGINAL DATA WAS OBTAINED ON AUGUST 3, 2021; AND THAT THIS PLAT MEETS MINIMUM ACCURACY STANDARDS UNLESS OTHERWISE NOTED THIS PLAT MEETS MINIMUM ACCURACY STANDARDS UNLESS OTHERWISE NOTED. THE VERTICAL DATUM IS NGVD29. THE CONTOUR INTERVAL IS ONE(1) FOOT.
8. THERE ARE NO KNOWN SCENIC ASSETS OR NATURAL FEATURES DESERVING OF PROTECTION OR PRESERVATION.
9. THIS PROPERTY IS OUTSIDE ANY MAPPED RESOURCE PROTECTION AREA.
10. THERE ARE NO KNOWN OR MAPPED CEMETERY OR BURIAL SITES ON THE PROPERTY.

LEGEND

- IPF IRON PIPE FOUND
- IPS IRON PIPE SET
- MNS MAG NAIL SET
- MNF MAG NAIL FOUND
- B/W BAY WINDOW
- E.P. EDGE OF PAVEMENT
- CONC. CONCRETE
- ⊗ AIR CONDITIONER
- CLEANOUT
- ⊕ GAS METER
- ⌘ GAS VALVE
- ★ LAMP POST
- ✉ MAILBOX
- ⊙ SANITARY MANHOLE
- ⌚ SIGN
- TELEPHONE PEDESTAL
- ⊗ UTILITY POLE
- ⊗ WATER VALVE
- ⊗ WATER METER
- WELL
- OH— OVERHEAD UTILITY
- TREELINE



4685 DASH REED AVENUE SUITE 201 WOODBRIDGE, VIRGINIA 22192
PH: 703-680-4555 EX: 703-680-4775

EXISTING
CONDITION
PLAN

VICTORY DRIVE

TOWN OF HERNDON, VIRGINIA

DATE	APPROVED BY:	REVISION	DESCRIPTION	ENGINEER
07/28/22		1	ADDRESS SECOND SUBMISSION COMMENTS	
07/28/22		2	ADDRESS FIRST SUBMISSION COMMENTS	

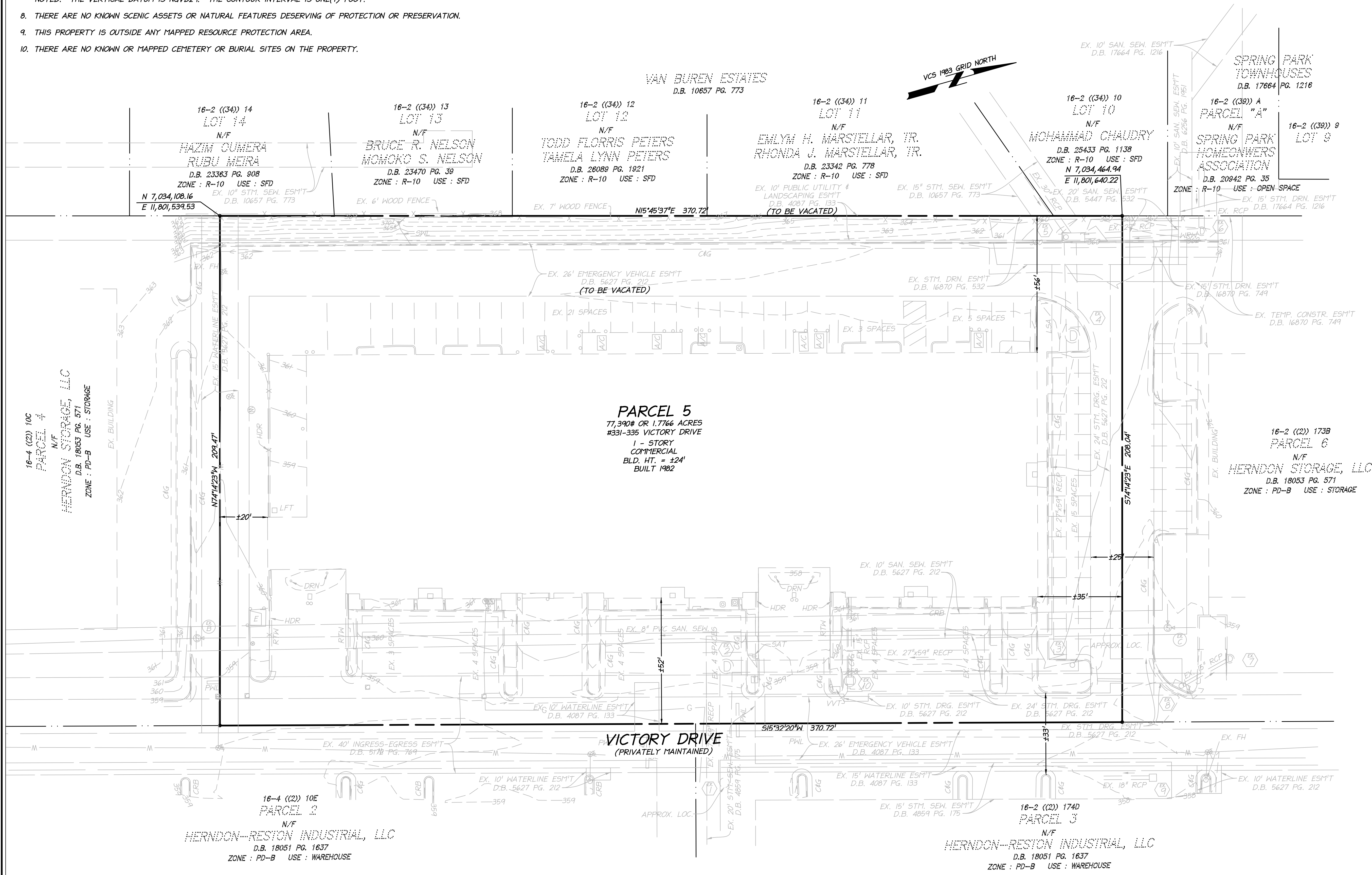
I HEREBY CERTIFY THAT OTHER THAN THE REVISIONS SHOWN HEREON, NO OTHER CHANGES HAVE BEEN MADE.



SCALE:
1" = 20'

SHEET 2 of 13

DATE: DECEMBER, 2021
DRAFT: WOR CHECK: MTM
FILE NUMBER: 21074-1-0

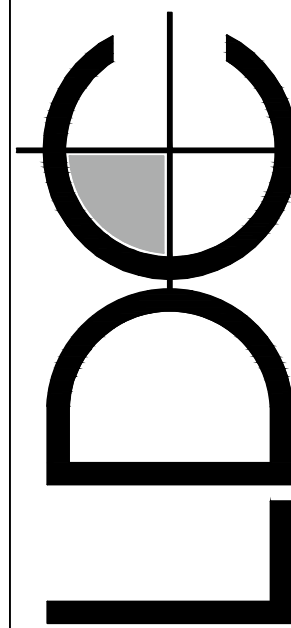


PARKING LEGEND

- A.D.A. ACCESSIBLE SPACE
- LOADING SPACE
- PARKING PROVIDED NOT ATTRIBUTED TO USE

NOTES:

- DESIGN OF DRY UTILITIES WILL BE COORDINATED WITH UTILITY COMPANIES AT THE TIME OF SITE PLAN.
- NO RECREATIONAL FACILITIES ARE A PART OF THIS APPLICATION.
- SITE LIGHTING WILL BE PROVIDED AT TIME OF SITE PLAN AND WILL BE IN CONFORMANCE WITH SECTION 78-130.8 OF THE TOWN'S ZONING ORDINANCE.
- ALL PROPOSED UTILITIES AND THE LIMITS OF CLEARING AND GRADING DEPICTED HEREIN ARE SUBJECT TO CHANGE BASED UPON FINAL ENGINEERING.
- ALTERATIONS AND/OR NEW CONSTRUCTION OF BUILDINGS, BUILDING AND SITE SIGNS, AND OTHER SITE FEATURES SHALL BE SUBJECT TO REVIEW AND APPROVAL OF FINAL ARCHITECTURAL DESIGNS THROUGH THE TOWN'S ARCHITECTURAL REVIEW BOARD AFTER COMPLETION OF REQUIRED ADMINISTRATIVE SITE PLAN REVIEW PROCESS(ES) AND BEFORE ISSUANCE OF ANY BUILDING PERMITS FOR THIS PROJECT.
- ALL OUTSIDE EASEMENTS REQUIRED FOR OFFSITE WORK WILL BE OBTAINED DURING SITE PLAN, SHOULD OWNERSHIP FOR THE INDUSTRIAL PARK CHANGE.



4685 DASH REID AVENUE SUITE 201 WOODBRIDGE, VIRGINIA 22192
PH: 703-680-1555 EX: 703-680-4775

G.D.P.

VICTORY DRIVE

TOWN OF HERNDON, VIRGINIA

DATE	APPROVED BY:	REVISION	DESCRIPTION	ENGINEER
07/28/22		1	ADDRESS SECOND SUBMISSION COMMENTS	
08/25/22		2	ADDRESS FIRST SUBMISSION COMMENTS	

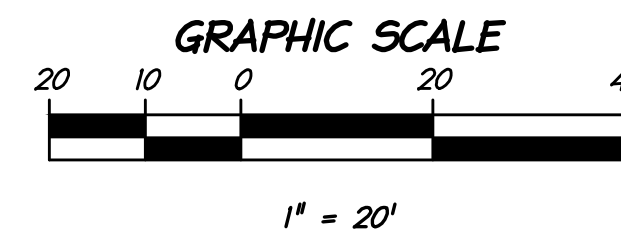
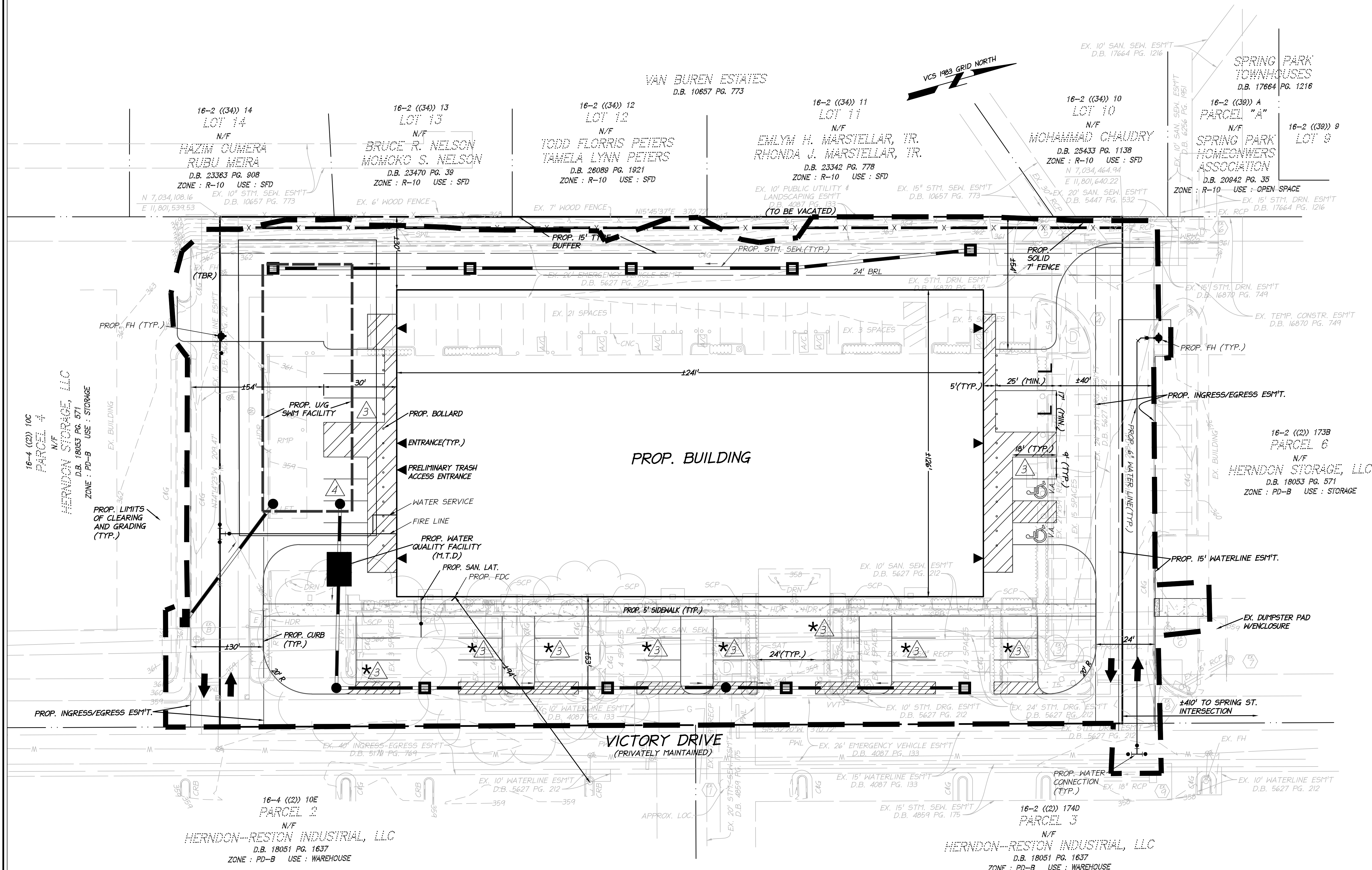
I HEREBY CERTIFY THAT OTHER THAN THE REVISIONS SHOWN HEREON, NO OTHER CHANGES HAVE BEEN MADE.

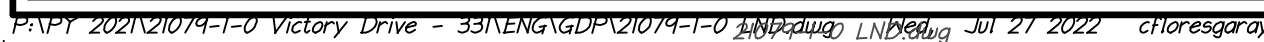


SCALE:
1" = 20'

SHEET 3 of 13

DATE: DECEMBER, 2021
DRAFT: CHECK: MTM
FILE NUMBER: 21074-1-0





TREE INVENTORY																	
Plant#	Species		Size	Critical Root Zone	Condition	Canopy Position	Crown Density	Crown Spread	Activities					Problems/ Comments	Action To Be Taken		
	Common Name	Scientific Name	DBH	Radius (ft)	%		%	Average Canopy Spread (ft)	Rock	Pine Blotch	Fertilize	Prune	Remove Vines	Treat Pests	Remove Tree		
26	White pine	Pinus strobus	10	10	65	Intermediate	75	20		x						Vines	To Remain
27	Red Maple	Acer rubrum	12	12	75	Intermediate	80	30		x						Offsite	To Remain
28	White pine	Pinus strobus	14	14	75	Dominant	90	40		x						Vines	To Remain
29	Arborvitae	Thuja sp.	8	8	80	Intermediate	85	15		x						Offsite	To Remain
30	White pine	Pinus strobus	14	14	70	Dominant	70	20						x		Vines; Located directly in path of proposed fence	Remove
31	White pine	Pinus strobus	12	12	75	Dominant	75	30						x		Vines; Located directly in path of proposed fence	Remove
32	White pine	Pinus strobus	10	10	60	Intermediate	65	20		x						Vines	To Remain
33	Atlas Cedar	Cedrus atlantica	8	8	70	Intermediate	80	15		x						Vines	To Remain
34	Atlas Cedar	Cedrus atlantica	8	8	65	Intermediate	65	10		x						Vines	To Remain
35	Black locust	Robinia pseudoacacia	8	8	75	Intermediate	80	20		x							To Remain
36	Japanese cherry	Prunus serrulata	8	8	80	Intermediate	75	20		x						Offsite	To Remain
37	Black locust	Robinia pseudoacacia	8	8	75	Intermediate	75	20					x			Within area to be regraded	Remove
38	Black locust	Robinia pseudoacacia	8	8	75	Intermediate	75	20					x			Within area to be regraded	Remove
39	Japanese cherry	Prunus serrulata	8	8	70	Supressed	75	20		x						Offsite	To Remain
40	White pine	Pinus strobus	8	8	60	Intermediate	60	20						x		Within area to be regraded; Located directly in path of proposed fence	Remove
41	Atlas Cedar	Cedrus atlantica	8	8	60	Intermediate	65	15		x						Within area to be regraded	Remove
42	White pine	Pinus strobus	14	14	80	Dominant	90	40		x						Within area to be regraded	Remove
43	Atlas Cedar	Cedrus atlantica	6	6	60	Supressed	70	15		x						Within area to be regraded	Remove
44	Atlas Cedar	Cedrus atlantica	8	8	65	Intermediate	70	15		x						Within area to be regraded	Remove
45	Arborvitae	Thuja sp.	8.8	16	70	Intermediate	85	15		x						X Within area to be regraded; Located directly in path of proposed fence	Remove
46	Arborvitae	Thuja sp.	8	8	60	Intermediate	65	15				x				Within area to be regraded	Remove
47	Arborvitae	Thuja sp.	8.6	14	60	Intermediate	65	10		x			x			Within area to be regraded	Remove
48	Arborvitae	Thuja sp.	6	6	40	Supressed	50	8				x				Leaning; Within area to be regraded	Remove
49	Red cedar	Juniperus virginiana	10	10	50	Supressed	50	10					x			Jointly owned	To Remain
50	Arborvitae	Thuja sp.	8	8	80	Intermediate	90	15								Offsite	To Remain

[illegible]

TREE PRESERVATION
NARRATIVE:

IN ACCORDANCE WITH ZONING ORDINANCE 78-111, THE SITE HAS BEEN DESIGNED TO MAXIMIZE TREE PRESERVATION ALONG THE WESTERN BOUNDARY OF THE SITE. THIS IS BEING FACILITATED THROUGH THE USE OF A 7' FENCE IN PLACE OF THE 6' MASONRY WALL REQUIRED PER 78-110.4(E)(3)A. REMOVAL OF THE EXISTING FENCE AND INSTALLATION OF THE PROPOSED FENCE WITHIN TREE PROTECTION ZONES SHALL BE DONE USING HAND TOOLS, NO HEAVY MACHINERY SHALL BE PERMITTED WITHIN TREE PROTECTION ZONES.

EXCEPTING THAT CONSTRUCTION ACTIVITIES RELATED TO THE FENCE IN THE MANOR DESCRIBED ABOVE SHALL BE PERMITTED, TREE PROTECTION MEASURES SHALL COMPLY WITH 78-III.3, INCLUDING PROTECTIVE FENCING, SIGNAGE, AND MULCHING.

EXACT LIMITS OF CLEARING AND GRADING SHALL BE DETERMINED AT TIME OF SITE PLAN. ONSITE TREES SHALL BE PRESERVED TO THE EXTENT FEASIBLE. IN ALL SCENARIOS, OFFSITE AND JOINTLY OWNED TREES SHALL BE PRESERVED. AS EXACT QUANTITY PRESERVED MAY CHANGE AT TIME OF SITE PLAN, PRESERVED TREES ARE COUNTED TOWARD LANDSCAPE REQUIREMENTS AT A 1:1 BASIS WITH THIS PLAN. TREE PRESERVATION CREDIT MULTIPLIERS PER 78-III.(C) MAY BE APPLIED AT TIME OF SITE PLAN FOR TREES ACTUALLY PRESERVED.

TREE INVENTORY PLAN

VICTORY DRIVE

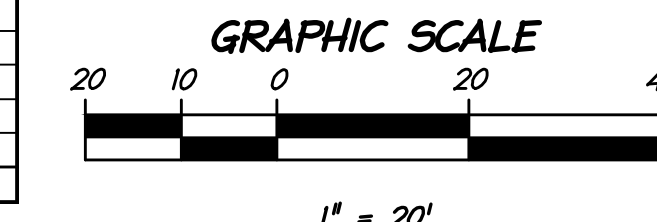
[illegible]

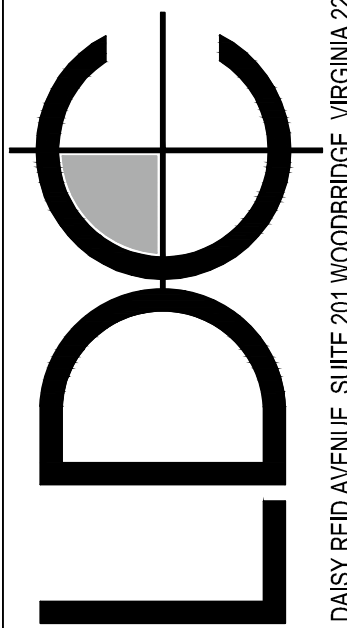
I HEREBY CERTIFY THAT
OTHER THAN THE REVISIONS
SHOWN HEREON, NO OTHER
CHANGES HAVE BEEN MADE.

SCALE:
 $1'' = 20'$

SHEET 4 OF 13

DATE: DECEMBER, 2021	
DRAFT: WOR	CHECK: MTM
FILE NUMBER: 21079-1-0	





TOWN OF HERNDON, VIRGINIA

LANDSCAPE PLAN

VICTORY DRIVE

NO.	DATE	REVISION	APPROVED BY:
1	10/28/21	ADDRESS SECOND SUBMISSION COMMENTS	
2	11/22/21	ADDRESS FIRST SUBMISSION COMMENTS	
3	12/22/21	REVISION BY	
4		APPROVED	

I HEREBY CERTIFY THAT OTHER THAN THE REVISIONS SHOWN HEREON, NO OTHER CHANGES HAVE BEEN MADE.

SCALE:
1" = 20'

SHEET 5 of 13

DATE: DECEMBER, 2021
DRAFT: CHECK: MTM
FILE NUMBER: 21074-1-0

LEGEND:

- LARGE DECIDUOUS TREE CAT. 4 - (2-2.5" Cal.)
- COMPACT DECIDUOUS TREE CAT. 2 - (1-1.5" Cal.)
- COMPACT EVERGREEN TREE CAT. 2 - ((7-8' Ht.(100 SF))
- EVERGREEN SHRUBS
- DECIDUOUS SHRUBS
- EXISTING DECIDUOUS TREE TO REMAIN
- EXISTING EVERGREEN TREE TO REMAIN

SPRING PARK TOWNHOUSES
D.B. 17664 PG. 1216

PARCEL "A"
N/F
SPRING PARK HOMEOWNERS ASSOCIATION
D.B. 20842 PG. 35

16-2 ((39)) 9
LOT 9

16-2 ((2)) 173B
PARCEL 6
N/F
HERNDON STORAGE, LLC
D.B. 18053 PG. 571
ZONE : PD-B USE : STORAGE

MOHAMMAD CHAUDRY
D.B. 25433 PG. 1138
ZONE : R-10 USE : SFD

16-2 ((34)) 11
LOT 11

VAN BUREN ESTATES
D.B. 10657 PG. 773

BRUCE R. NELSON
D.B. 23470 PG. 39
ZONE : R-10 USE : SFD

HAZIM OUMERA
RUBU MEIRA
D.B. 23367 PG. 808
ZONE : R-10 USE : SFD

16-4 ((2)) 10C
PARCEL 4
N/F
HERNDON STORAGE, LLC
D.B. 18063 PG. 571
ZONE : PD-B USE : STORAGE

16-4 ((2)) 10E
PARCEL 2
N/F
HERNDON-RESTON INDUSTRIAL, LLC
D.B. 18051 PG. 1637
ZONE : PD-B USE : WAREHOUSE

16-2 ((2)) 174D
PARCEL 3
N/F
HERNDON-RESTON INDUSTRIAL, LLC
D.B. 18051 PG. 1637
ZONE : PD-B USE : WAREHOUSE

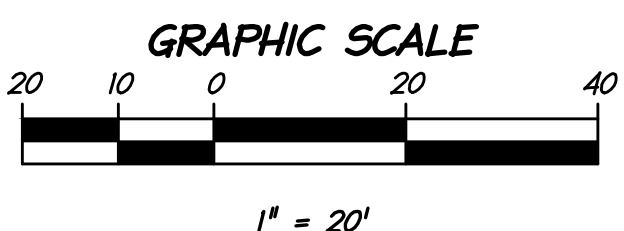
PERIMETER BUFFER LANDSCAPE STRIP(Sec. 78-110.4(e))	
Zone	PD-B
Adjacent Use:	Residential(R-10)
Buffer Type	C-15
Linear Feet of Buffer	371 LF
Required	
Evergreen Trees (1 Tree/ 25 LF)	15 Trees
Canopy Deciduous Trees (1 Tree/ 25 LF)	15 Trees
Understory Deciduous Trees (1 Tree/ 50 LF)	7 Trees
Barrier	6' Wall
Provided	
Evergreen Trees	16 Trees
Canopy Deciduous Trees	15 Trees
Understory Deciduous Trees	7 Trees
Shrubs	14 Shrubs
Barrier	7' Solid Fence
Note: Provided Trees include 10 preserved onsite Existing Evergreen Trees and 2 preserved onsite Deciduous Canopy Trees.	

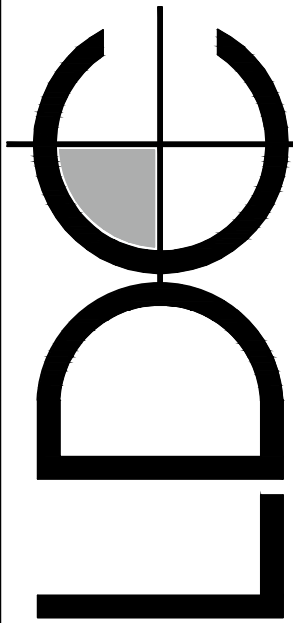
PARKING AREA LANDSCAPE(Sec. 78-110.5)	
Number of Parking Spaces	35 Spaces
Required	
Trees (1 Tree/ 8 Spaces) (10% Max. Understory Trees)	4 Trees
Provided	
Evergreen Trees	- Trees
Canopy Deciduous Trees	5 Trees
Understory Deciduous Trees	2 Trees

INTERIOR LANDSCAPE (Sec. 78-110.3(a))	
Zone	PD-B
Use:	BUSINESS USES
Site Area:	1.78 Ac.
Outer Building Perimeter:	734 LF
Required	
Evergreen Trees (10 Tree/ 1 Ac.)	18 Trees
Canopy Deciduous Trees (16 Tree/ 1 Ac.)	28 Trees
Shrubs (1 Shrub/ 5 LF Building Perimeter)	147 Shrubs
Provided	
Evergreen Trees	19 Trees
Canopy Deciduous Trees	22 Trees
Flowering Ornamental Trees/Understory Deciduous Trees	9 Trees
Evergreen Shrubs	98(54%) Shrubs
Deciduous Shrubs	84(46%) Shrubs
Notes: 1. Provided Trees include 10 preserved onsite Existing Evergreen Trees and 2 preserved onsite Deciduous Canopy Trees. 2. Flowering ornamental trees may be used to meet 25% of the deciduous tree requirement per 78-110.3.b.2.	

GENERAL NOTES:

- THE APPLICANT REQUEST A MODIFICATION OF THE BUFFER REQUIREMENTS (78-110.4(E)(3)(A)) TO ALLOW THE USE OF A 7' SOLID FENCE IN LIEU OF A 6' MASONRY WALL.
- ALL PROPOSED TREE PLANTINGS WILL BE LOCATED A MINIMUM OF 3 FEET FROM ANY RESTRICTIVE BARRIER AND FROM ANY PROPERTY LINE.
- LANDSCAPING PROVIDED WILL BE NATIVE TO THE MIDDLE ATLANTIC REGION TO THE EXTENT FEASIBLE, AND WILL ALLOW FOR IMPROVED CULTIVARS FOR IMPROVED DROUGHT AND DISEASE RESISTANCE AND WILL BE NON-INVASIVE AS DETERMINED BY THE TOWN ARBORIST.
- EXACT LIMITS OF CLEARING AND GRADING SHALL BE DETERMINED AT TIME OF SITE PLAN. ONSITE TREES SHALL BE PRESERVED TO THE EXTENT FEASIBLE. IN ALL SCENARIOS, OFFSITE AND JOINTLY OWNED TREES SHALL BE PRESERVED. AS EXACT QUANTITY PRESERVED MAY CHANGE AT TIME OF SITE PLAN, PRESERVED TREES ARE COUNTED TOWARD LANDSCAPE REQUIREMENTS AT A 1:1 BASIS WITH THIS PLAN. TREE PRESERVATION CREDIT MULTIPLIERS PER 78-111.4(B) MAY BE APPLIED AT TIME OF SITE PLAN FOR TREES ACTUALLY PRESERVED.





4655 DASHY REED AVENUE, SUITE 201 WOODBRIDGE, VIRGINIA 22192
PH: 703-680-4555 FAX: 703-680-4775

STORMWATER
MANAGEMENT
NOTES &
NARRATIVE

VICTORY DRIVE

TOWN OF HERNDON, VIRGINIA

REVISION		DATE
NO.	DESCRIPTION	BY
07/29/21	1 ADDRESS SECOND SUBMISSION COMMENTS	CF4
08/02/21	1 ADDRESS FIRST SUBMISSION COMMENTS	CF4
	DESIGN	DATE
	ENGINEER	

I HEREBY CERTIFY THAT
OTHER THAN THE REVISIONS
SHOWN HEREON, NO OTHER
CHANGES HAVE BEEN MADE.



SCALE:
1" = 50'

SHEET 6
OF 13

DATE: DECEMBER, 2021
DRAFT: CHECK: MTM
FILE NUMBER: 21074-1-I-0

OUTFALL NARRATIVE

THE SUBJECT PROPERTY IS LOCATED WITHIN THE SUGARLAND RUN WATERSHED. THE SUBJECT PROPERTY MAINTAINS ONE OUTFALL. THE SUBJECT PROPERTY OUTFALL DRAINS TOWARDS AN EXISTING STORMWATER SYSTEM. THERE ARE NO RPA OR FLOODPLAIN AREAS ON THE SUBJECT PROPERTY. THERE ARE NO DOWNSTREAM IMPOUNDMENTS IN THE INFLUENCE AREA OF THE SUBJECT PROPERTY AND NO BATHYMETRIC SURVEYS OR NOTIFICATIONS ARE REQUIRED.

THE SUBJECT PROPERTY SHALL PROVIDE AN UNDERGROUND DETENTION FACILITY TO ADDRESS THE INCREASE IN RUNOFF WHICH WILL OCCUR AS A RESULT OF THE DEVELOPMENT OF THE SUBJECT PROPERTY (SEE VRRM SPREADSHEET & SWM COMPUTATIONS). THE POST-DEVELOPMENT RUNOFF FROM THE SUBJECT PROPERTY OUTFALLS TO THE EXISTING STORMWATER SYSTEM. THE LAYOUT OF THE SITE HAS BEEN DESIGNED TO MINIMIZE THE IMPACTS TO DOWNSTREAM PROPERTIES. THE INTENT SHALL BE TO MAINTAIN THE EXISTING DRAINAGE PATTERNS AND DO NOT HAVE A NEGATIVE IMPACT ON ADJACENT PROPERTIES ESPECIALLY TO ENVIRONMENT SENSITIVE AREAS SUCH AS PUBLIC PARKS.

OUTFALL #1:
OUTFALL #1 DISCHARGES FROM THE SUBJECT PROPERTY AS CONCENTRATED FLOW THROUGH THE EXISTING STORMWATER CONVEYANCE SYSTEM. CHANNEL AND FLOOD PROTECTION FOR THE SUBJECT PROPERTY SHALL BE MET BY THE PROPOSED UNDERGROUND DETENTION FACILITY AND BY ANALYZING THE CAPACITY OF THE EXISTING DOWNSTREAM SYSTEM. THE PROPOSED DISCHARGE FROM THE SITE WILL BE REDUCED FROM THE EXISTING DISCHARGE PER THE CALCULATED REDUCTION PERCENTAGES. DETAILED COMPUTATIONS WILL BE PROVIDED AT THE TIME OF THE SUBDIVISION PLAN.

THE OUTFALL WILL BE ANALYZED DOWNSTREAM THROUGH THE EXISTING PIPE SYSTEM FOR CAPACITY TO CARRY THE REDUCED OUTFLOW. THE CURRENT CONDITIONS OF THE SITE ARE CARRIED BY THE SAME OUTFALL. THE OUTFALL, AN ELLIPTICAL 27X69" PIPE ALSO CARRIES THE OFF-SITE FLOW FROM THE VAN BUREN ESTATES & SPRINGPARK PLACE TOWNHOMES. PART OF THE OFF-SITE FLOW WILL BE ACCOUNTED FOR IN THE PROPOSED SYSTEM. THE DEVELOPMENT OF THE SUBJECT PROPERTY WILL NOT ADVERSELY IMPACT DOWNSTREAM PROPERTIES.

THE TOTAL AREA DISTURBED WILL BE 1.95 ACRES. OUTFALL #1 WILL CONVEY 1.78 ACRES OF ONSITE DEVELOPMENT AREA (0.69 ACRES OF UNCONTROLLED AREA AND 1.09 OF CONTROLLED AREA) AND 0.54 ACRES OF OFFSITE AREA. AS A RESULT OF THE PROPOSED UNDERGROUND SWM FACILITY, DETENTION OF THE ONE, TWO AND TEN YEAR STORM EVENT WILL BE PROVIDED. REQUIREMENTS FOR CHANNEL & FLOOD PROTECTION HAVE BEEN MET AS OUTLINED IN THE TOWN OF HERNDON STORMWATER MANAGEMENT. STORAGE OF THE APPROPRIATE 1-YEAR, 2-YEAR, & 10-YEAR 24 HOUR STORM VOLUMES WILL BE PROVIDED IN THE PROPOSED UNDERGROUND FACILITY. THE DISCHARGE FROM THE SITE DURING THE 1-YR STORM SHALL BE REDUCED BY THE REQUIRED PROPORTIONAL IMPROVEMENT AMOUNT, THEREFORE, IT IS THE ENGINEER'S OPINION BASED ON THE INFORMATION PROVIDED HEREON AND ON THE REQUIREMENTS SET FORTH IN THE PUBLIC FACILITIES MANUAL, ALL OUTFALLS ARE ADEQUATE.

STORMWATER MANAGEMENT NARRATIVE

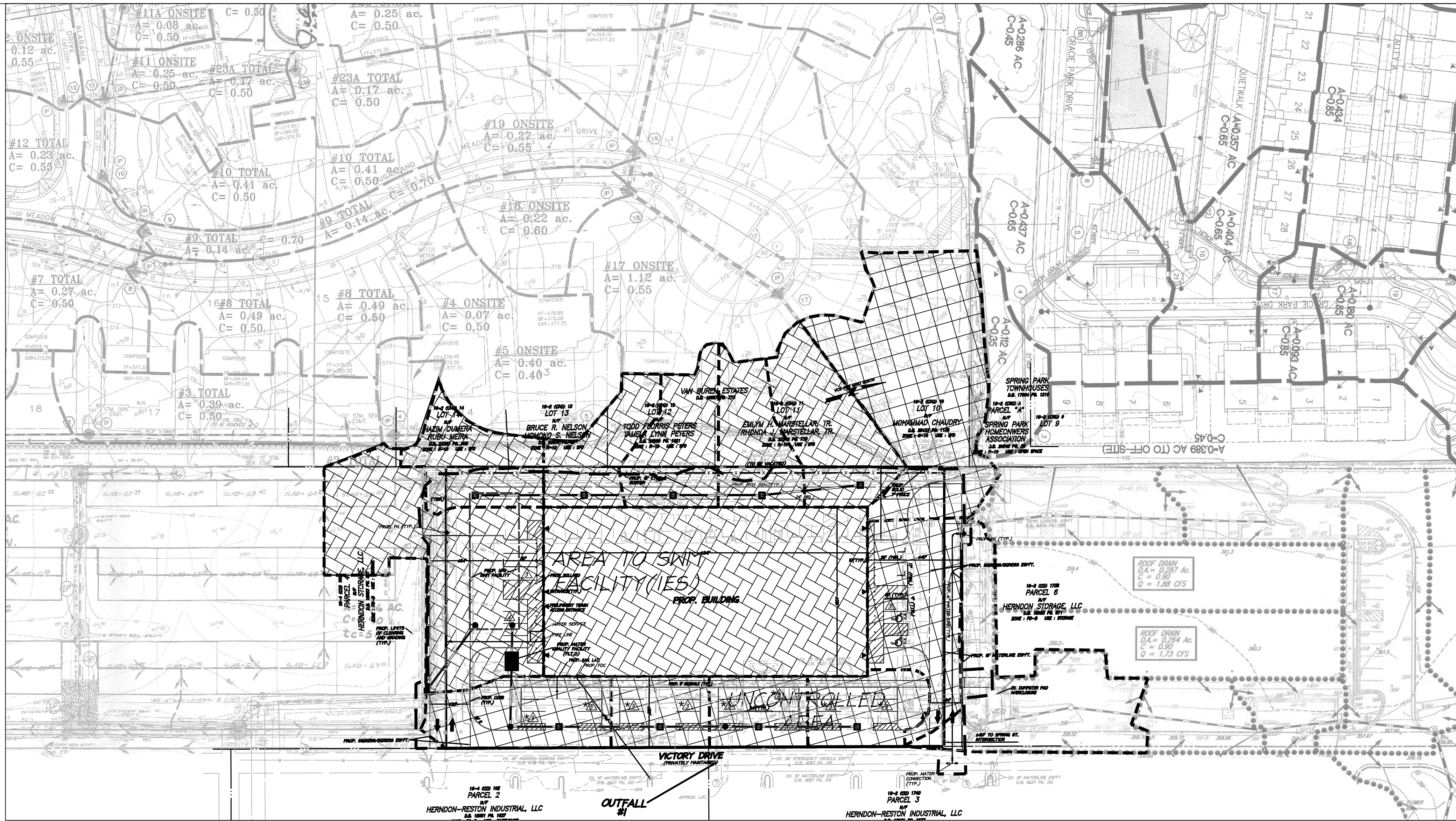
THE STORMWATER MANAGEMENT REQUIREMENTS FOR THE SUBJECT PROPERTY SHALL BE SATISFIED VIA THE CONSTRUCTION OF AN UNDERGROUND DETENTION FACILITY AND A WATER QUALITY FACILITIES (MANUFACTURED TREATMENT DEVICES).

THE TOTAL PROPERTY AREA IS 1.78 ACRES AND 0.19 ACRES OF OUTSIDE DISTURBED AREA. THE TOTAL DISTURBED AREA IS 1.95 ACRES OF WHICH APPROXIMATELY 1.09 AC WILL BE DETAINED BY AN UNDERGROUND STORMWATER MANAGEMENT FACILITY. THE WATER QUALITY FACILITY IS ALSO DESIGNED TO TREAT THE ONSITE CONTRIBUTING AREA ONLY. THE UPSTREAM, OFFSITE AREA WILL DRAIN THROUGH THE PROPOSED SYSTEM AS DESCRIBED BELOW.

THE UNDERGROUND DETENTION FACILITY SHALL BE DESIGNED TO PROVIDE DETENTION FOR THE 1, 2 & 10 YEAR STORM EVENTS. CHANNEL AND FLOOD PROTECTION REQUIREMENTS WILL BE MET BY THE REDUCTIONS IN RUNOFF FROM THE DEVELOPMENT AREA DURING THE 1, 2 & 10 YEAR STORMS (SEE OUTFALL ANALYSIS), WHILE THE WATER QUALITY UNITS WILL BE MET THOUGH THE USE OF A PROPRIETARY METHODS. THE FINAL DESIGN OF THE SWM CONTROLS ARE SUBJECT TO FINAL ENGINEERING. ALL MAINTENANCE SHALL BE CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS FOR THE FACILITY.

THE SITE CURRENTLY HAS SEVERAL EXISTING STRUCTURES, SOME PAVED SURFACES AND TREES.

THE FACILITIES SHALL BE MAINTAINED BY THE OWNER AND THE MAINTENANCE SHALL BE PERFORMED IN ACCORDANCE WITH THE APPLICABLE REQUIREMENTS. RUNOFF FLOW RATES AND RELEASE RATES WILL BE SUBJECT TO FINAL ENGINEERING DURING SITE PLAN SUBMISSION.



STORMWATER MANAGEMENT NARRATIVE

- THE SWM SYSTEM AND BMP PRACTICES PROPOSED ON THE PLAN WILL MEET ALL STATE AND LOCAL TOWN OF HERNDON REQUIREMENTS. HERNDON SELF STORAGE, 331 VICTORY DRIVE COMMENT LETTER (2ND SUBMISSION) JULY 22, 2022 PAGE 3
- ALL SWM QUALITY AND QUANTITY REQUIREMENTS FOR THE PROJECT (INCLUDING REQUIREMENTS GENERATED BY OFFSITE DISTURBED AREAS) WILL BE MET ON SITE.
- ALL PROPOSED SWM FACILITIES WILL BE PROVIDED ON SITE AND WILL BE PRIVATELY MAINTAINED.
- SWM COMPUTATIONS ON THE GDP ARE FOR INFORMATION ONLY AND THE TOWN'S REVIEW OF THE COMPUTATIONS IS PRELIMINARY.

STORMWATER MANAGEMENT INFORMATION

TYPE OF FACILITY = UNDERGROUND DETENTION w/FILTERS (STONE & CHAMBER/VAULT STORAGE OR EQUIVALENT) AND M.T.D

FACILITY MAINTENANCE = PRIVATE

U.G.D. #1
APPROXIMATE REQUIRED 10-YEAR VOLUME = ±4,500 C.F.
APPROXIMATE PROPOSED VOLUME = ±12,000 C.F.
APPROXIMATE SURFACE AREA = ±3,600 S.F.
APPROXIMATE FINISHED GRADE = ±360.0
APPROXIMATE GRADE U.G.D.#1 BOTTOM = ±364.50 (INVERT)
M.T.D
TOTAL TREATMENT AREA = ±1.09 AC. (NO OFFSITE TREATMENT PROPOSED)

POST-DEVELOPMENT (CONDITIONS) SUBJECT PROPERTY

$$Q_1 = \pm 4.77 \text{ CFS} \rightarrow Q_1 \text{ ALLOW} = \pm 4.00 \text{ CFS}$$
$$Q_2 = \pm 5.87 \text{ CFS} \rightarrow Q_2 \text{ ALLOW} = \pm 5.87 \text{ CFS}$$
$$Q_{10} = \pm 9.23 \text{ CFS} \rightarrow Q_{10} \text{ ALLOW} = \pm 9.23 \text{ CFS}$$

POST-DEVELOPMENT (UNCONTROLLED) SUBJECT PROPERTY

$$Q_1 = \pm 1.01 \text{ CFS}$$
$$Q_2 = \pm 1.41 \text{ CFS}$$
$$Q_{10} = \pm 2.72 \text{ CFS}$$

OFFSITE RUNOFF TO PROPOSED SWM FACILITY

$$Q_1 = \pm 0.88 \text{ CFS}$$
$$Q_2 = \pm 1.20 \text{ CFS}$$
$$Q_{10} = \pm 2.23 \text{ CFS}$$

POST-DEVELOPED ALLOWABLE RELEASE RATES

$$Q \text{ ALLOWABLE} = Q \text{ (Post developed Cond)} - Q \text{ (Onsite Uncontrolled)} + Q \text{ (Offsite Controlled)}$$

$$Q_1 \text{ ALLOW} = (\pm 4.00 \text{ CFS}) - (\pm 1.01 \text{ CFS}) + (\pm 0.88 \text{ CFS}) = \pm 3.87 \text{ CFS}$$
$$Q_2 \text{ ALLOW} = (\pm 5.87 \text{ CFS}) - (\pm 1.41 \text{ CFS}) + (\pm 1.20 \text{ CFS}) = \pm 5.66 \text{ CFS}$$
$$Q_{10} \text{ ALLOW} = (\pm 9.23 \text{ CFS}) - (\pm 2.72 \text{ CFS}) + (\pm 2.23 \text{ CFS}) = \pm 8.74 \text{ CFS}$$

Drainage Area A							CLEAR BMP AREAS	
Drainage Area A Land Cover (acres)								
	A Soils	B Soils	C Soils	D Soils	Totals	Land Cover Rv		
Forest/Open Space (acres)					0.00	0.00		
Managed Turf (acres)				0.41	0.41	0.25		
Impervious Cover (acres)				1.54	1.54	0.95		
				Total	1.95			
							Total Phosphorus Available for Removal in D.A. A (lb/yr)	
							3.57	
							Post Development Treatment Volume in D.A. A (ft³)	
							5,683	

TOTAL IMPERVIOUS COVER TREATED (ac)	0.80	AREA CHECK: OK.
TOTAL MANAGED TURF AREA TREATED (ac)	0.29	AREA CHECK: OK.
TOTAL PHOSPHORUS REMOVAL REQUIRED ON SITE (lb/yr)		0.41
TOTAL PHOSPHORUS AVAILABLE FOR REMOVAL IN D.A. A (lb/yr)		3.57
TOTAL PHOSPHORUS REMOVED WITHOUT RUNOFF REDUCTION PRACTICES IN D.A. A (lb/yr)		0.76
TOTAL PHOSPHORUS REMOVED WITH RUNOFF REDUCTION PRACTICES IN D.A. A (lb/yr)		0.00
TOTAL PHOSPHORUS LOAD REDUCTION ACHIEVED IN D.A. A (lb/yr)		0.76
TOTAL PHOSPHORUS REMAINING AFTER APPLYING G BMP LOAD REDUCTIONS IN D.A. A (lb/yr)		2.81

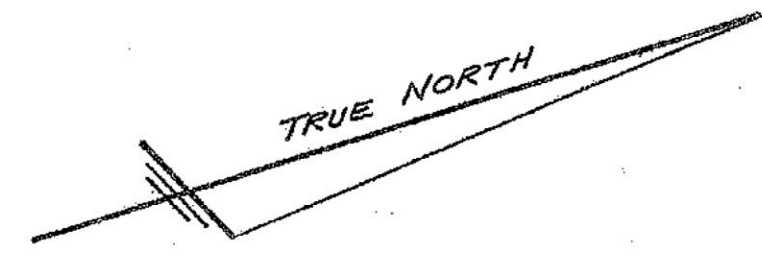
SEE WATER QUALITY COMPLIANCE TAB FOR SITE COMPLIANCE CALCULATIONS

NITROGEN REMOVED WITH RUNOFF REDUCTION PRACTICES IN D.A. A (lb/yr)	0.00
NITROGEN REMOVED WITHOUT RUNOFF REDUCTION PRACTICES IN D.A. A (lb/yr)	0.00
TOTAL NITROGEN REMOVED IN D.A. A (lb/yr)	0.00

Total Nitrogen (For Information Purposes)	
POST-DEVELOPMENT LOAD (lb/yr)	25.54
NITROGEN LOAD REDUCTION ACHIEVED (lb/yr)	0.00
MAINTAINING POST-DEVELOPMENT NITROGEN LOAD (lb/yr)	25.54

I HEREBY CERTIFY THAT
OTHER THAN THE REVISIONS
SHOWN HEREON, NO OTHER
CHANGES HAVE BEEN MADE.





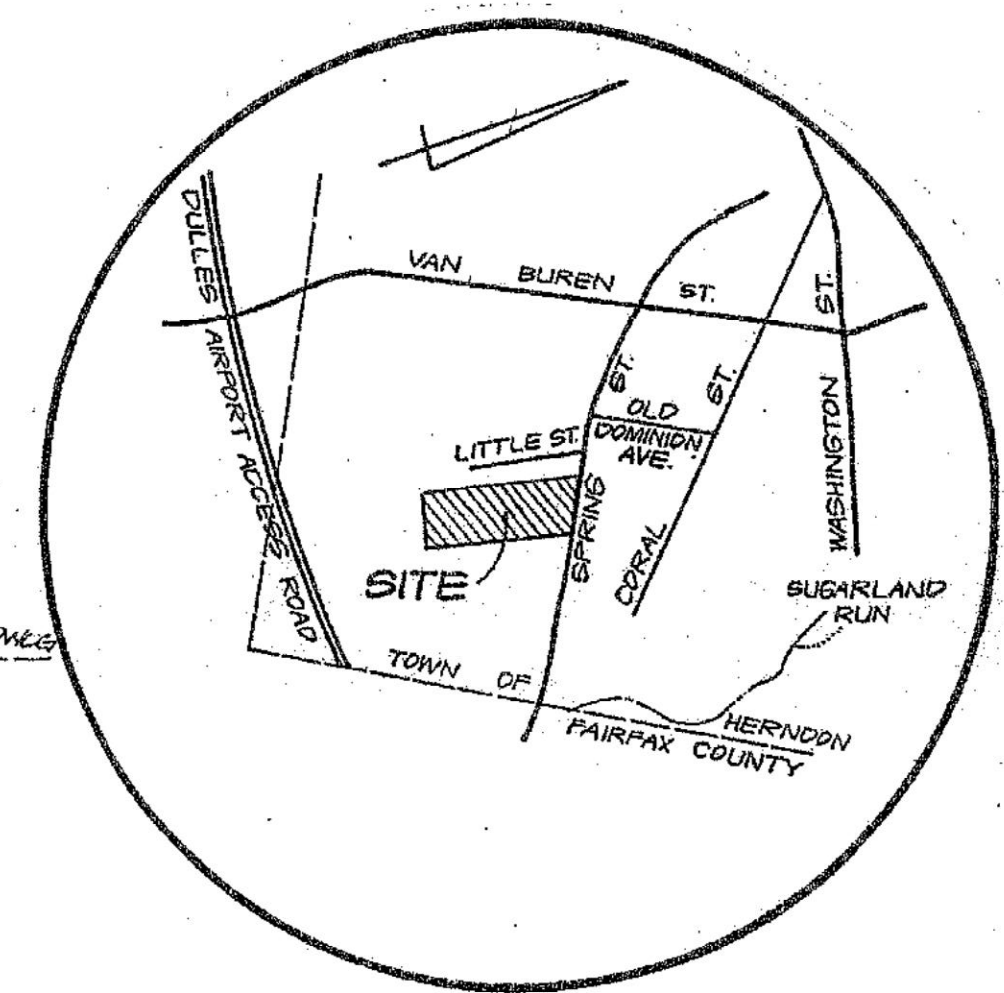
BUILDING #	SITE AREA	TOTAL FLOOR AREA	PARKING REQUIRED	PARKING PROVIDED	ADDITIONAL - See Note #1
BUILDING #1	3.2 AC. ±	76,000 ±	77 SPACES	47 SPACES	-30 SPACES
BUILDING #2	2.4 AC. ±	48,000 ±	48 SPACES	72 SPACES	24 SPACES
BUILDING #3	3.8 AC. ±	65,600 ±	66 SPACES	132 SPACES	73 SPACES
BUILDING #4	2.9 AC. ±	51,500 ±	52 SPACES	8 SPACES	-44 SPACES
BUILDING #5	1.8 AC. ±	60,732 ±	30 SPACES	01 SPACES	-29 SPACES
BUILDING #6	1.9 AC. ±	24,000 ±	25 SPACES	31 SPACES	6 SPACES
TOTALS	16.2 AC. ±	325,400 ±	206 SPACES	562 SPACES	266 SPACES

* SITE AREAS INCLUDE 1/2 MILE WIDE UNDEVELOPED ROAD TO BE ABANDONED.

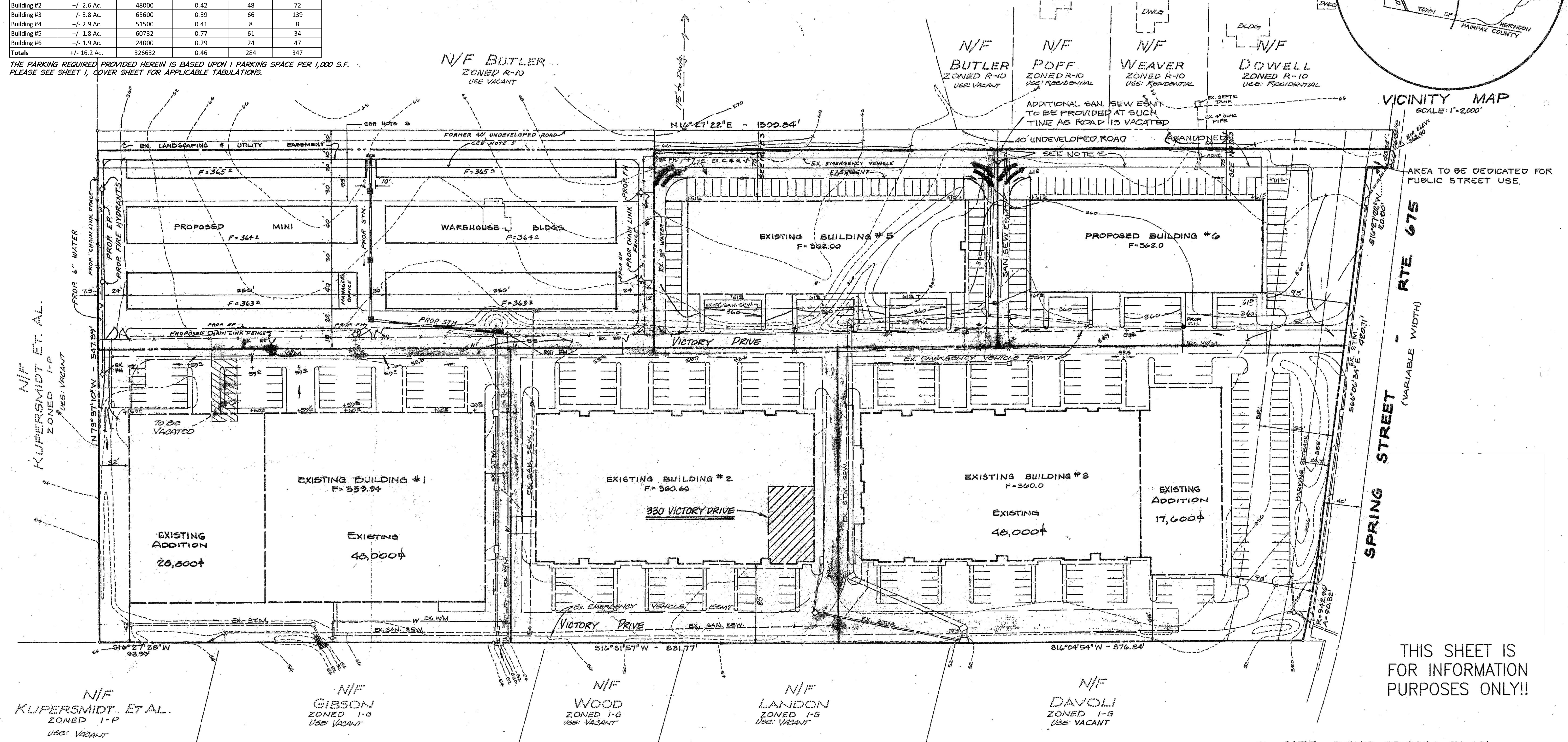
OVERALL TABULATIONS					
Building Name	Site Area	Total Floor Area (SF)	F.A.R.	Parking Required	Parking Provided
Building #1	+/- 3.2 Ac.	76800	0.55	77	47
Building #2	+/- 2.6 Ac.	48000	0.42	48	72
Building #3	+/- 3.8 Ac.	65600	0.39	66	139
Building #4	+/- 2.9 Ac.	51500	0.41	8	8
Building #5	+/- 1.8 Ac.	60732	0.77	61	34
Building #6	+/- 1.9 Ac.	24000	0.29	24	47
Totals	+/- 16.2 Ac.	325632	0.46	284	347

THE PARKING REQUIRED PROVIDED HEREIN IS BASED UPON 1 PARKING SPACE PER 1,000 S.F. PLEASE SEE SHEET 1, COVER SHEET FOR APPLICABLE TABULATIONS.

- NOTES:
1. ADDITIONAL PARKING TO ACCOMMODATE EXISTING AND FUTURE OFFICE AND COMMERCIAL SPACE.
 2. ALL PARCELS HAVE RECIPROCAL PARKING EASEMENTS.
 3. ORDINANCE # 79-0-65 ALLOWS FOR SETBACKS AS FOLLOWS:
PARKING - 11'
BUILDING - 55'
 4. BUILDING HEIGHTS: AVERAGE 22'
 5. 40' R/W WAS EQUALLY DIVIDED BETWEEN EAST / WEST PROPERTY OWNERS WHEN VACATED.



VICINITY MAP
SCALE: 1" = 2,000'

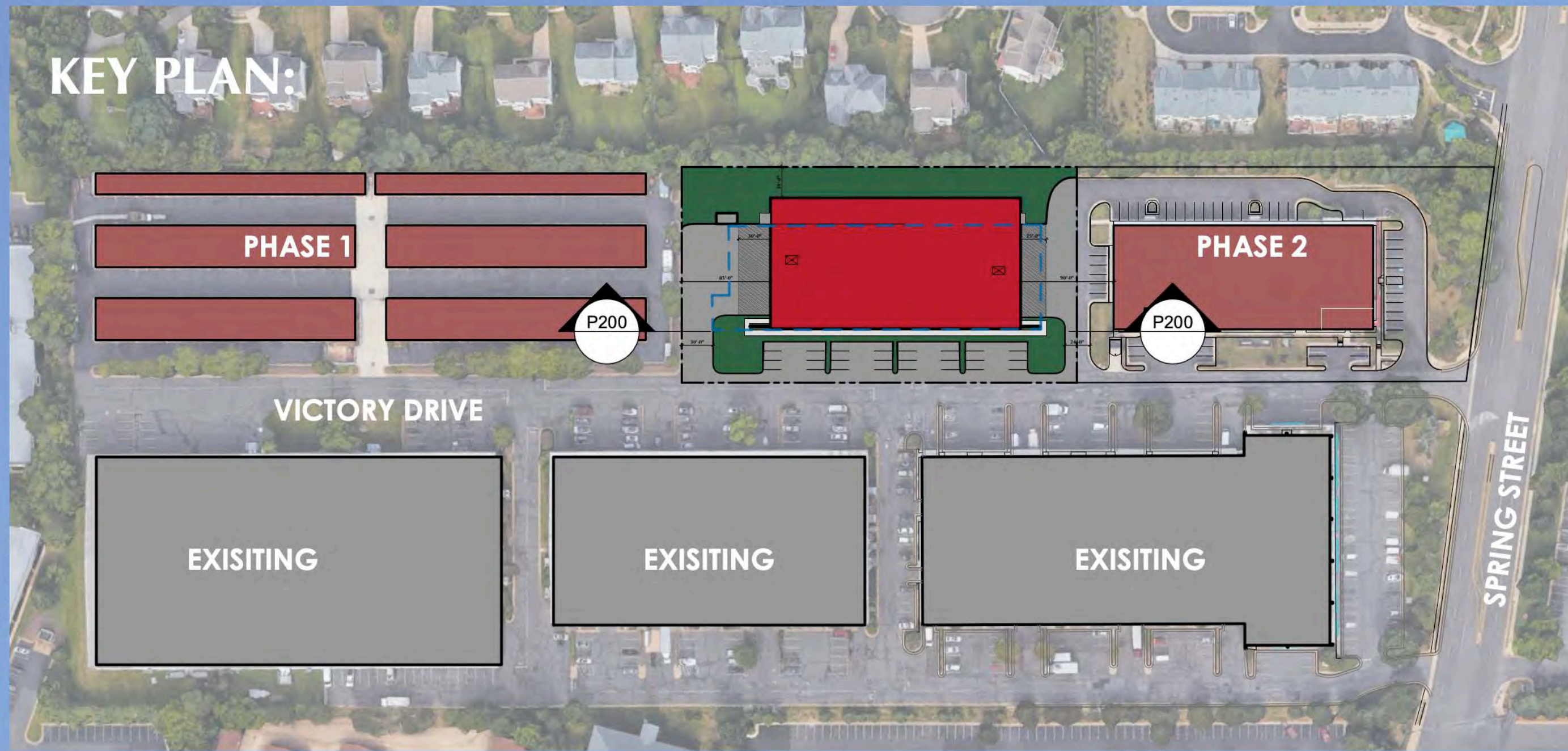


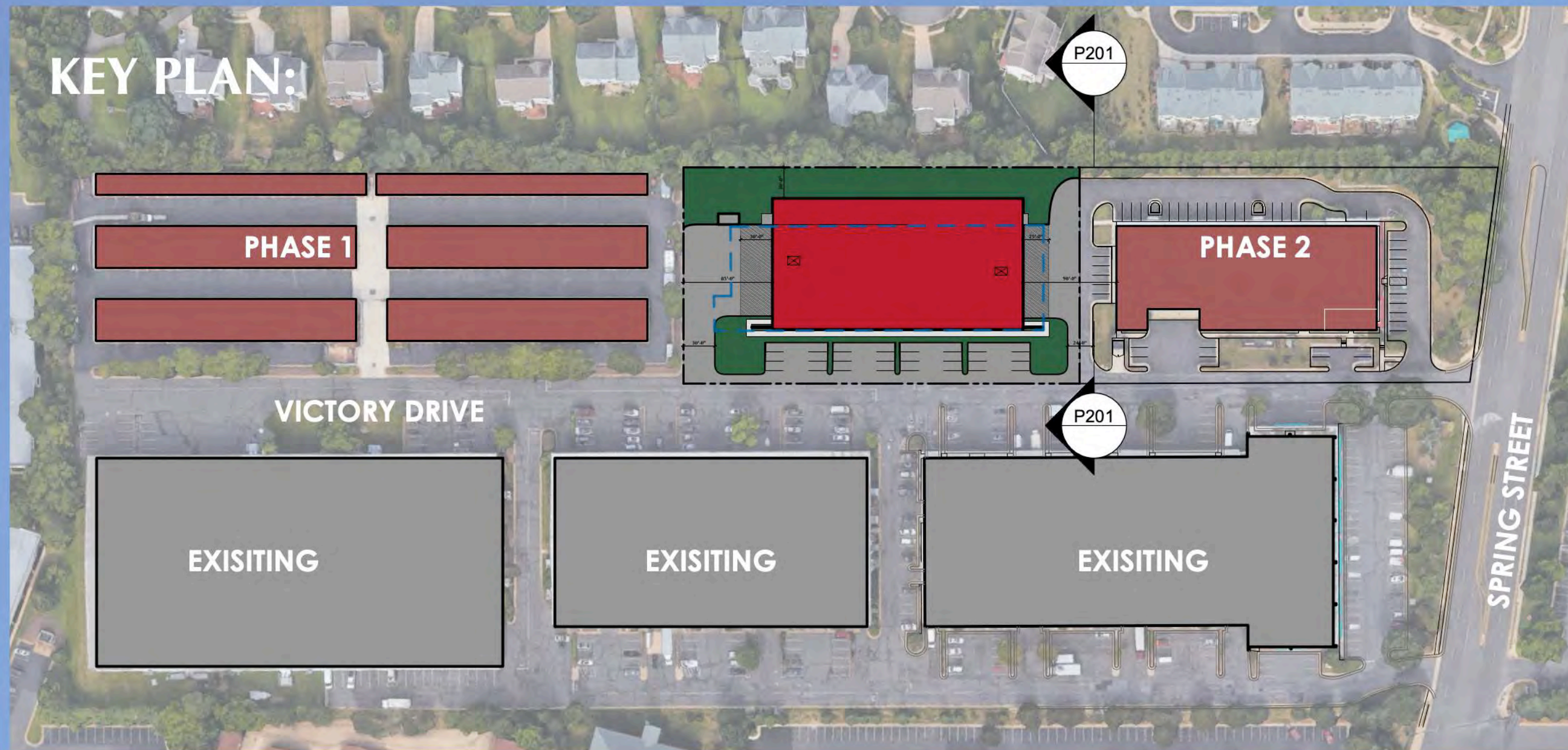
THIS SHEET IS FOR INFORMATION PURPOSES ONLY!!

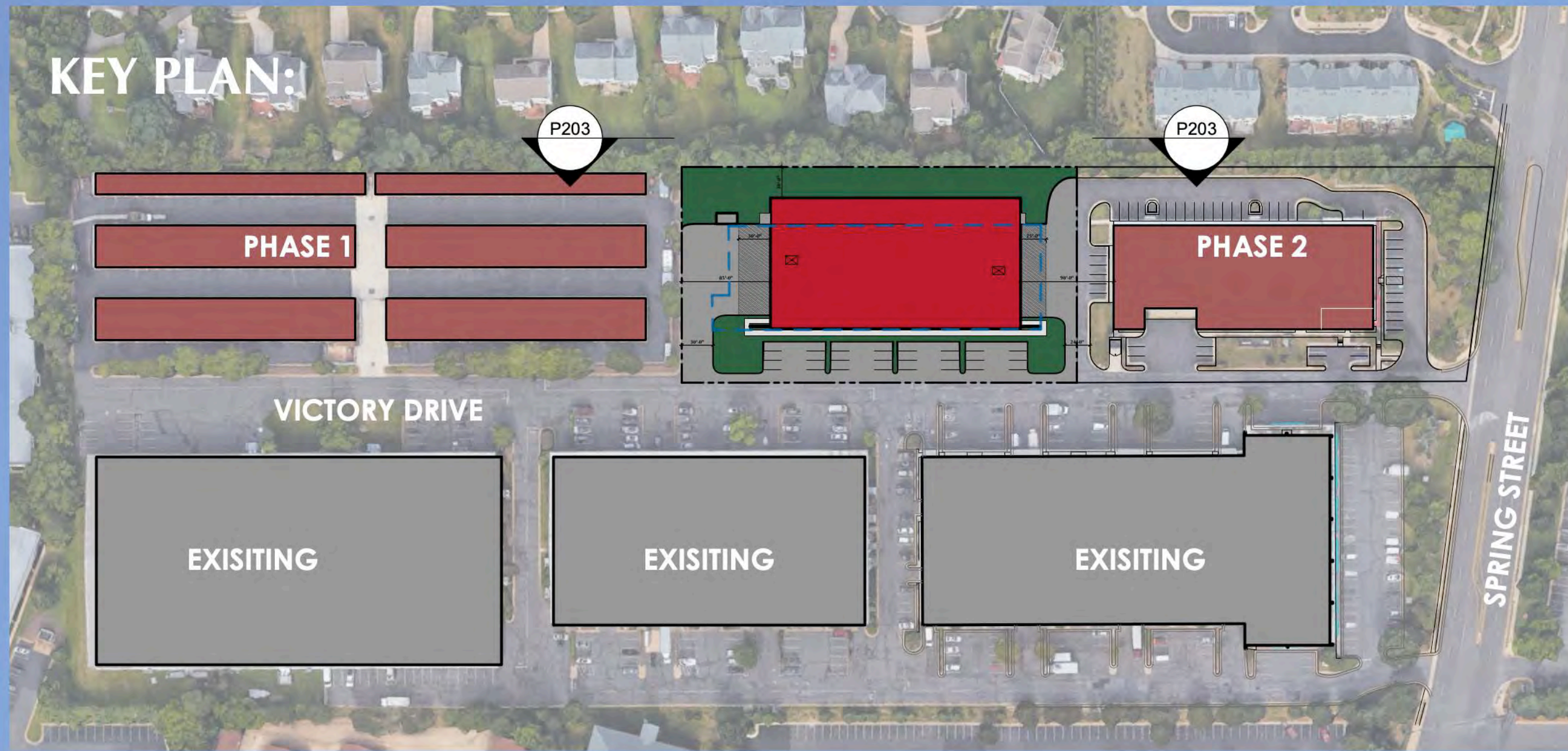
**SITE DEVELOPMENT PLAN
HERNDON INDUSTRIAL VENTURE**

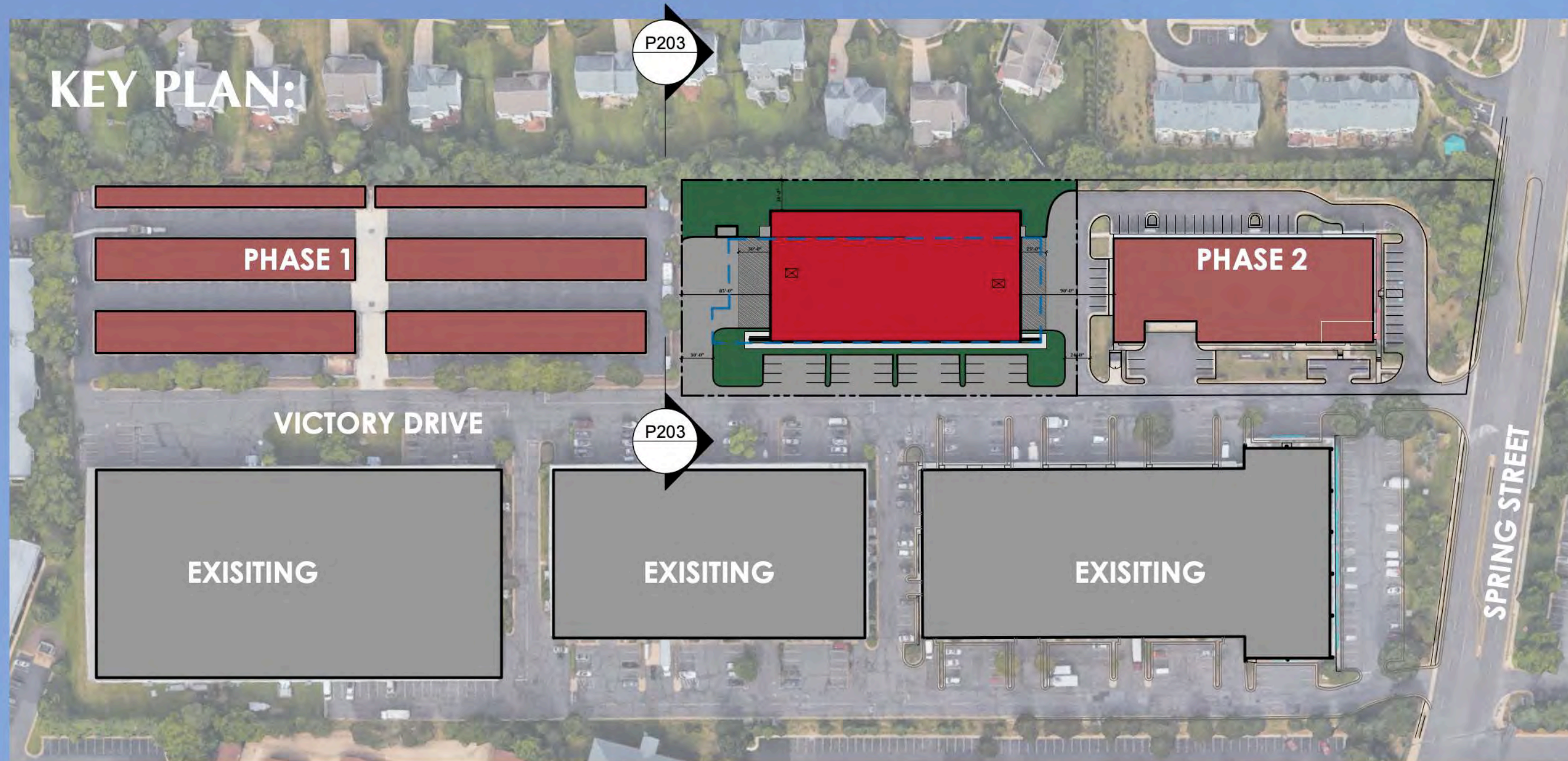
TOWN OF HERNDON
FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 50'
NOVEMBER, 1978
REV. 12/27/78
REV. 1/2/79
REV. 4/5/79
REV. 8/6/79
REV. 8/31/79
REV. 11/1/83
RINKER-DETWILER AND ASSOCIATES, P.C.
ENGINEERING • SURVEYING • LAND PLANNING
FAIRFAX, VIRGINIA





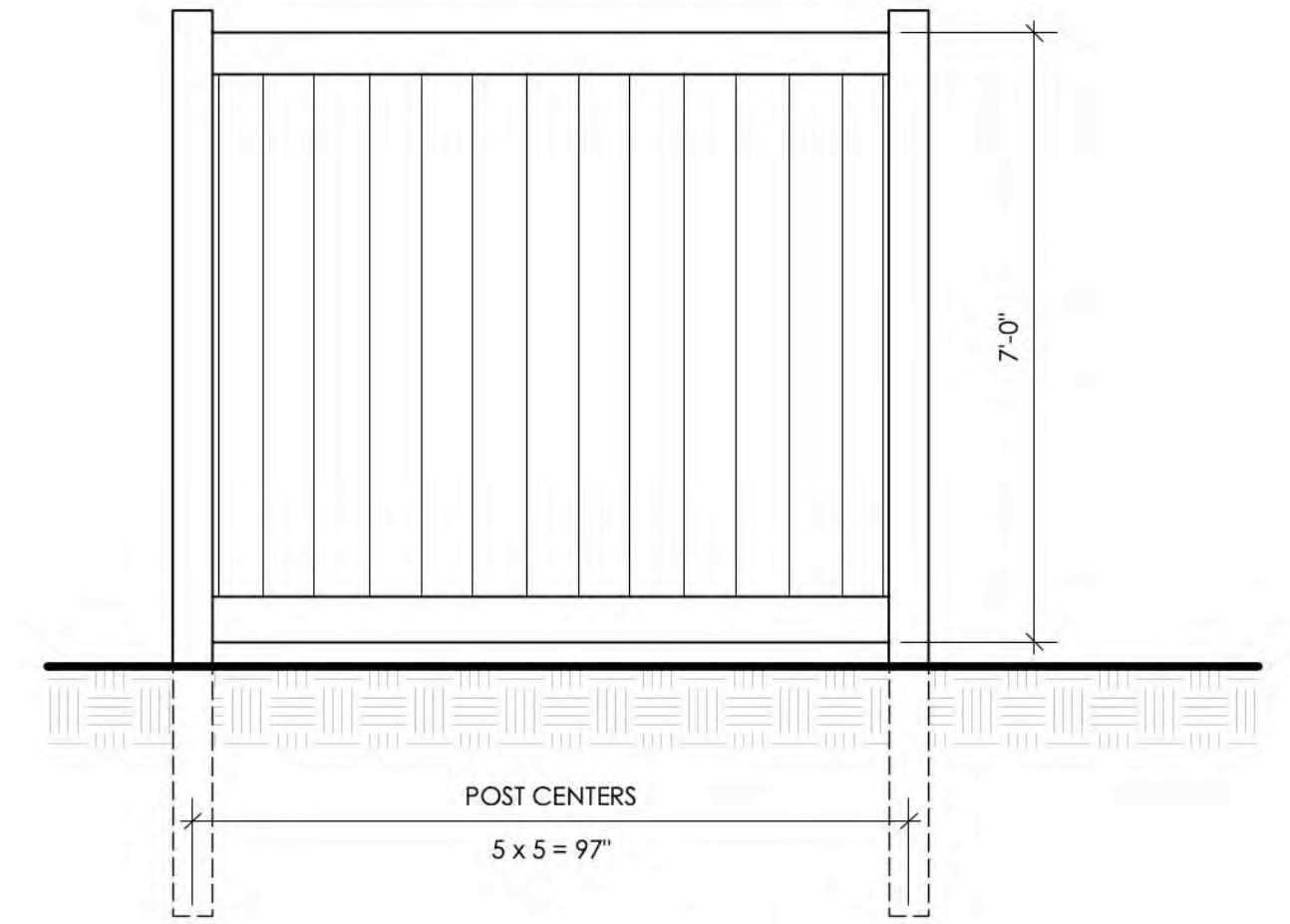






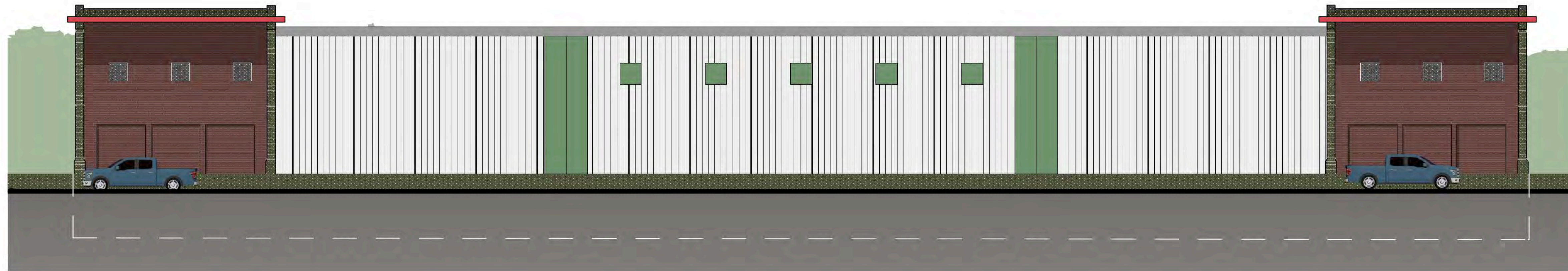


4 Elevation Facing Neighborhood
P-204



HIGH QUALITY SOLID PRIVACY FENCE:
Pickets : 7/8" Deep x 7" Wide Pickets
Horizontal Rails : 2x6"
Posts : 4" sq. , 6" @ Corner Points
Post Spacing : 8'-0" OC
Height : 7'-0"

5 Privacy Fence
P-204



3 Elevation Facing Victory Drive
P-204



1 Elevation Facing Existing Phase 1 Building
P-204



2 Elevation Facing Existing Phase 2 Building
P-204



MEMORANDUM

To: Chair Michael Romeo, Planning Commission

From: Chair Leslie Blaker-Glass, Architectural Review Board

Date: June 24, 2022

Subject: ARB Review of ZMA#21-02, 331 Victory Drive, Herndon Virginia

This memo serves as a report of the ARB's preliminary review of the above referenced case's proposed architecture. The ARB reviewed this case at its April 6, 2022 work session.

This project proposes the demolition of an existing warehouse and constructing a self-storage facility. The board's preliminary review and feedback is part of the official review process of the Zoning Map Amendment (ZMA) land use case currently in review for the project. In accordance with the review process, following board review, the ARB chair produces a report of the Board's findings and provides it to the Planning Commission for consideration during its deliberation of the ZMA case. As this was a pre-application discussion item, the review is preliminary and not comprehensive.

The project is located at 331 Victory Drive. The new self-storage facility will be multi-story with maximum height of 24 feet. Major material and design elements of this project include cladding (high rib insulated metal panels, brick masonry, decorative shale accent tiles, decorative prefinished false pilasters), red metal awnings above entrances and along corners, and entrances of three-bay glass and aluminum telescoping automatic doors. It is designed specifically to continue an aesthetic established at the self-storage building immediately to the north of the proposed building within the same business park.

Board Findings

Following a presentation of the pre-application by staff, the board discussed the project with staff and the project representatives. The board's comments were centered on aspects of the project which they would like to see either addressed differently or more concretely when the project is formally before the board.

- Façade scale and massing. The board expressed concern regarding the mass of the side elevations and suggested that options could be explored to visually break up the facade. According to the materials provided, the façade facing Victory Drive and the façade facing the residential property line consist primarily of corrugated metal paneling with intermittent architectural elements. These architectural elements are primarily located at the corners and entrances of the proposed building. Given its height and length, this results in a over-scaled stark elevation. The board suggested that elements used in other areas of the building (brick,

decorative tiles, false pilasters, etc.) could be used more throughout the façade to make the overall appearance less massive. The board also mentioned the use of paint or other use of color could be explored to the same effect.

- Adjacent residential property line. Members of the board asked for clarification of the site treatments between the building and the residential property line to the west and voiced concerns with the level of increased visibility of the new building from the residences. The drawings and plans provided imply that the green space would be added to this area and the applicant confirmed that a fence would be added near the property line. The board was supportive of the added green area and fencing but indicated the potential for further attention to that side of the building to mitigate any notable increase in the visual impact of the new building.

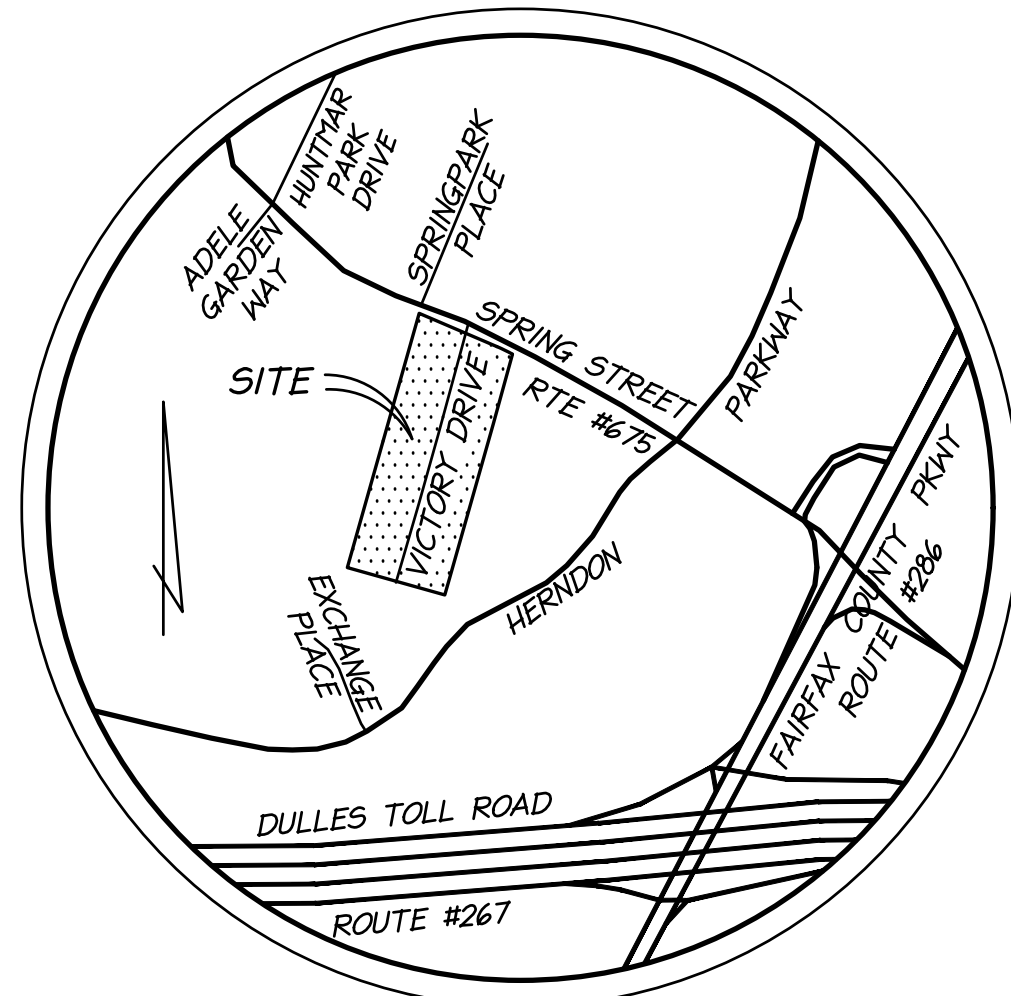
The board was overall supportive of the project's architecture and saw it as generally compatible and appropriate improvement to the building design of the greater business park. They look forward to reviewing a formal application in the coming months.

NOTES

1. THE PROPERTIES DELINEATED ON THIS PLAT ARE LOCATED ON FAIRFAX COUNTY CADASTRAL MAP No. 16-2 ((2)) PARCELS 173B, 174C AND 174D AND 16-4 ((2)) PARCELS 10C, 10D AND 10E AND ARE CURRENTLY ZONED PD-B. THE PROPOSED USE IS SELF SERVICE STORAGE.
2. THE PROPERTIES SHOWN HEREON ARE CURRENTLY IN THE NAMES OF THE FOLLOWING :
PARCEL 1 - HERNDON-RESTON INDUSTRIAL, LLC, DEED BOOK 18051 AT PAGE 1637
PARCEL 2 - HERNDON-RESTON INDUSTRIAL, LLC, DEED BOOK 18051 AT PAGE 1637
PARCEL 3 - HERNDON-RESTON INDUSTRIAL, LLC, DEED BOOK 18051 AT PAGE 1637
PARCEL 4 - HERNDON STORAGE, LLC, DEED BOOK 18053 AT PAGE 571
PARCEL 5 - PARCEL 5 PARTNERS, LLC, DEED BOOK 24481 AT PAGE 1965
PARCEL 6 - HERNDON STORAGE, LLC, DEED BOOK 18053 AT PAGE 571
ALL RECORDED AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.
3. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT, THEREFORE, MAY NOT SHOW ALL EASEMENTS, RIGHT-OF-WAYS, OR RESTRICTIONS OF RECORD.
4. THE PROPERTY SHOWN HEREON LIES WITHIN A ZONE "X", AN AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS DELINEATED ON FLOOD INSURANCE RATE MAP No. 51059C010E, PANEL 110 OF 450, WITH AN EFFECTIVE DATE OF SEPTEMBER 17, 2010.
5. THE BOUNDARY SHOWN HEREON IS BASED ON A FIELD RUN BOUNDARY SURVEY PERFORMED BY THIS FIRM ON AUGUST 3, 2021 FOR PARCEL 5 AND INFORMATION OF RECORD FOR PARCELS 1, 2, 3, 4 AND 6.
6. THE PLAT OF THE PROPERTY SHOWN HEREON IS REFERENCED TO THE VIRGINIA COORDINATE SYSTEM OF 1983 (VCS 83), NORTH ZONE, US SURVEY FOOT UNITS AS COMPUTED FROM A FIELD RUN BOUNDARY AND HORIZONTAL CONTROL SURVEY THAT TIES THIS BOUNDARY TO FAIRFAX COUNTY MONUMENT MAG12(HV8698).
THE COMBINED GRID AND ELEVATION FACTOR IS 0.999954027.
7. THE TOTAL AREA SUBJECT TO CHANGE IN USE IS 707,801# OR 15.2489 ACRES.
8. THIS PLAT IS FOR THE PURPOSE OF CHANGING THE USE, AND THEREFORE DOES NOT PURPORT TO SHOW EASEMENTS OF RECORD.

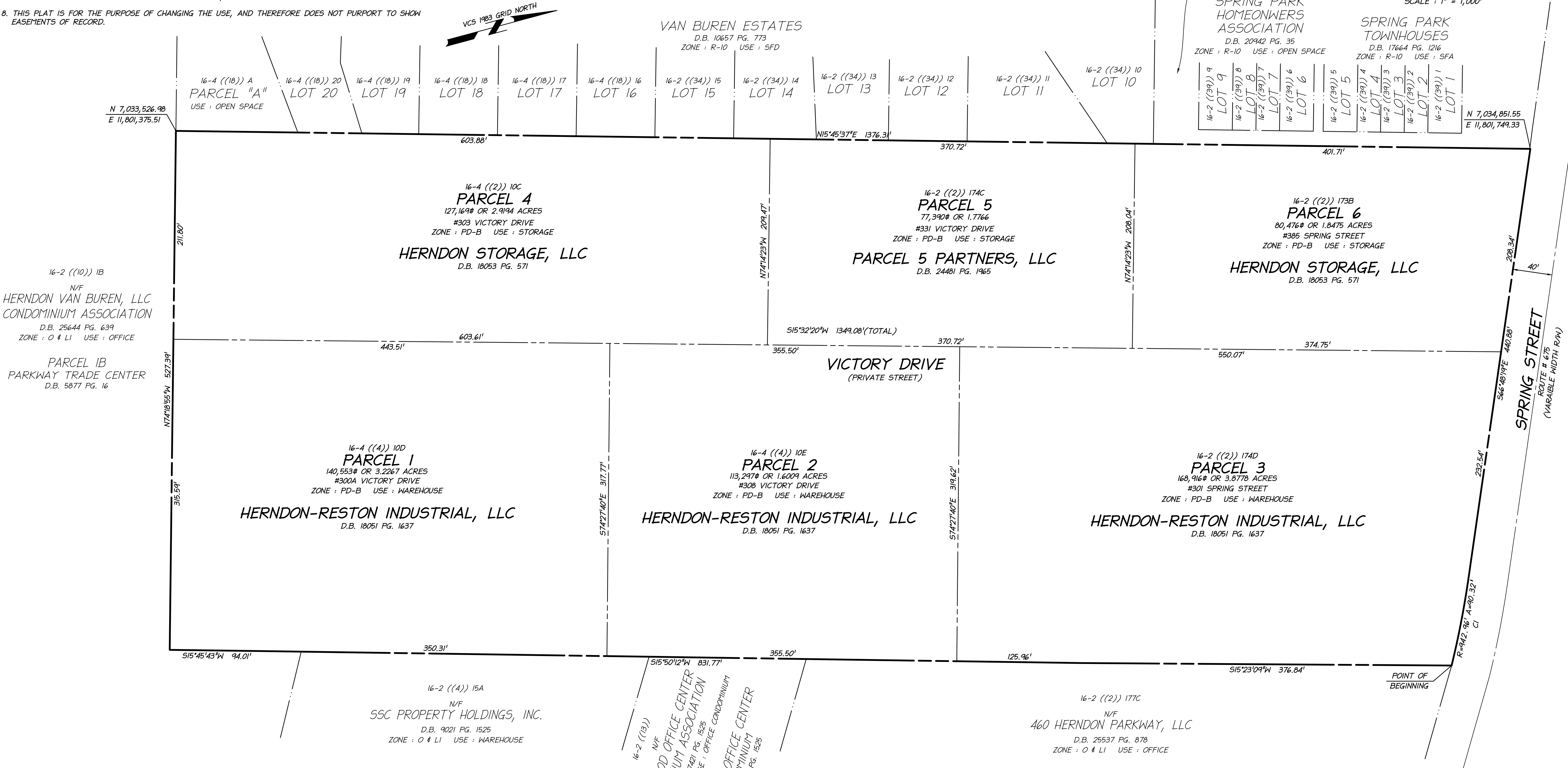
ADJOINING OWNERS

VAN BUREN ESTATES
LOT 10 - MOHAMMAD CHAUDRY, DEED BOOK 25433, PAGE 1138
LOT 11 - EMLYN H. MARSTELLER, TRUSTEE, AND RHONDA J. MARSTELLER, TRUSTEE, DEED BOOK 23342, PAGE 778
LOT 12 - TODD FORRIS PETERS AND TAMELA LYNN PETERS, DEED BOOK 26089, PAGE 1921
LOT 13 - BRUCE R. NELSON AND MOMOKO S. NELSON, DEED BOOK 23470, PAGE 39
LOT 14 - HAZIM OUMERA AND RUBA OMEIRA, DEED BOOK 23363, PAGE 908
LOT 15 - OMER B. ABDULLAH AND HASEEBAH OMER, DEED BOOK 11123, PAGE 1804
LOT 16 - JASON J. NEGRETTE AND ANGELA RAMACCI, DEED BOOK 21374, PAGE 1365
LOT 17 - FRANCESCO E. DEANGELIS AND CHRISTINE A. LECLOUX, DEED BOOK 22624, PAGE 73
LOT 18 - PAUL ESCALERA AND SARAH ESCALERA, DEED BOOK 26477, PAGE 36
LOT 19 - TAM MINH NGUYEN AND BINH NHU LAI, DEED BOOK 11164, PAGE 1086
LOT 20 - GEETA SHYAMALA AND PRAVEEN SHYAMALA, DEED BOOK 18205, PAGE 1997
PARCEL A - VAN BUREN ESTATES HOMEOWNERS ASSOCIATION, DEED BOOK 10657, PAGE 776



VICINITY MAP

SCALE : 1" = 1,000'

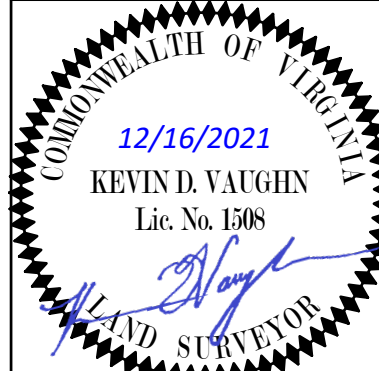


CURVE DATA

No.	RADIUS	DELTA	ARC	TANGENT	CHORD	CHORD BEARING
CI	942.96'	5°29'17"	90.32'	45.20'	90.29'	S64°03'40"E

REZONING PLAT

PARCELS 1 THROUGH 6
HERNDON INDUSTRIAL
VENTURE SUBDIVISION
DEED BOOK 5513 PAGE 947
DRANESVILLE DISTRICT, TOWN OF HERNDON
FAIRFAX COUNTY, VIRGINIA



SCALE:
1" = 50'

SHEET /
OF /

DATE:
DECEMBER 15, 2021
DRAFT: DKA CHECK: KDV
FILE NUMBER:
21079-1-0 03.2

WELLS + ASSOCIATES**MEMORANDUM**

1420 Spring Hill Road,
Suite 610,
Tysons, VA 22102
703-917-6620

WellsandAssociates.com

To: Town of Herndon

Cc: Phil Ackley
Elizabeth Baker

From: John F. Cavan, IV, P.E., PTOE
Michael J. Workosky, PTP, TOPS, TSOS
Wells + Associates, Inc.

Date: September 21, 2022

Re: Herndon Self-Storage
Determination of VDOT Chapter 870 Compliance
and Trip Generation Comparison
Herndon, Virginia

Introduction

This memorandum presents a Virginia Department of Transportation (VDOT) Chapter 870 compliance assessment and a trip generation analysis and comparison conducted for a proposed Herndon Self-Storage facility. The facility is proposed to be located at 335 Victory Drive, south of Spring Street in Town of Herndon, Virginia.

The site is currently occupied by a warehouse building of 36,921 S.F., and is proposed to be redeveloped as a 91,098 S.F. (including cellar space) self-storage facility.

Chapter 870 Compliance Assessment

In support of the application, Wells + Associates has completed a trip generation assessment as required by 24 VAC 30-155 (Chapter 870) for the proposed redevelopment. According to the 24 VAC 30-155 regulations, all land use applications in the Commonwealth are subject to Chapter 870 review based on certain trip generation thresholds. All development proposals, which meet those specific trip generation thresholds are subject to the regulations as outlined in VDOT's Traffic Impact Analysis Regulations Administrative Guidelines ("Administrative Guidelines"). Based on the guidelines, a development proposal is considered to substantially impact the transportation network if it generates more than 5,000 net new daily vehicle trips.

WELLS + ASSOCIATES

MEMORANDUM

In compliance with the regulations, trip generation calculations must meet the following trip criteria:

- Shall be based upon the rates or equations published in the Institute of Transportation Engineers Trip Generation (described in the Reference Documents chapter, page 73) or, if approved by VDOT, from alternative published guides or local trip generation studies.
- Shall *not be reduced* through internal capture rates, pass by rates, or any other reduction methods. The opportunity to properly use these reduction rates will be provided in the traffic impact analysis itself.
- For *redevelopment sites* only (defined in the Definitions chapter on page 5), when the existing use is to be developed as a different or denser use, trips currently generated by the existing development that will be removed may be deducted from the total trips that will be generated by the proposed land use (24VAC30-155-40 A)

For a rezoning or special exception proposal, in which VDOT has maintenance responsibility for the secondary highway system, a traffic impact analysis will be required as part of a rezoning submission to VDOT for a proposal that will generate more than 5,000 vehicle trips per day at the site's connection to the state highway.

Trip generation estimates as required above were determined based on the Institute of Transportation Engineers (ITE) Trip Generation, 11th Edition rates/equations and is provided in Table 1. In accordance with the VDOT Chapter 870 regulations for compliance, excluding adjustments for internal trips and passby trips,

As shown in Table 1, the proposed Herndon Self-Storage facility is anticipated to generate 150 daily trips. Since the proposed project would generate fewer than 5,000 daily trips, the subject application would not require a VDOT Chapter 870 traffic impact study.

Trip Generation Comparison

The number of peak hour and daily trips was compared for the existing and proposed uses and is summarized on Table 1. As shown the existing warehouse uses are estimated to generate 28 AM peak hour trips, 31 PM peak hour trips, and 97 daily trips.

The proposed self-storage uses are estimated to generate eight (8) AM peak hour trips, 14 PM peak hour trips, and 132 daily trips. Thus, the proposed uses would generate 20 fewer AM peak hour trips, 17 fewer PM peak hour trips, and 35 more daily trips than the existing uses.

WELLS + ASSOCIATES**MEMORANDUM**

Since the proposed uses would generate significantly fewer peak hour trips and a only a marginal increase in daily trips, it is anticipated that the proposed uses would have less impact on the roadway network during peak hours when levels of service and delays are evaluated than the existing uses. Thus, the site redevelopment would not require additional roadway improvements.

Questions regarding this document should be directed to Wells + Associates.

O:\Projects\8501-9000\8707 Herndon Self-Storage\Documents\Correspondence\Herndon Self Storage - Chapter 870 Compliance Letter (9.21.2022).docx



Table 1
Herndon Self Storage
Site Trip Generation Analysis ⁽¹⁾

Scenario	Land Use Code	Amount	Units	Weekday							
				AM Peak Hour			PM Peak Hour			Average Daily Trips	
				In	Out	Total	In	Out	Total		
<u>Existing Use</u>											
Warehouse ⁽²⁾	150	36,921	S.F.	22	6	28	9	22	31		97
<u>Proposed Use</u>											
Self Storage ⁽³⁾	151	91,098	S.F.	5	3	8	7	7	14		132
Difference (Proposed vs. Existing)				-17	-3	-20	-2	-15	-17		35

Notes: (1) Trip generation based on the Institute of Transportation Engineers' Trip Generation, 11th Edition.

(2) Based on equation that provides a more conservative estimate.

(3) Includes cellar space.

STAFF REPORT

Town Council
October 18, 2022

Title:

Ordinance - to amend Chapter 63 (SOLID WASTE), Section 63-5 (Storage and maintenance) and Section 63-6 (Collection by town) to clarify requirements for collections.

Staff Contact:

Tammy Chastain, Deputy Director of Public Works
(phone) 703-435-6803
(e-mail) tammy.chastain@herndon-va.gov

Background:

The proposed ordinance recommends amendments and clarifications due to changes occurring with refuse and recycling collections. The town budgeted for and purchased additional refuse and recycling containers to provide to areas of the town that did not previously have town- provided containers. These containers will be delivered over the next few weeks. With the delivery of these containers, the code needs to be amended to provide guidance to citizens regarding storage and maintenance of the containers, as well, as collections by the town.

The most significant amendment incorporates all types of collections by the town under the same section instead of having a separate section for the automated collection routes and the rearload collection routes. The code will also change the maximum number of containers allowed in the rearload collection route areas to the same number currently allowed in the automated route areas, two each for refuse and recycling. As with the automated collection routes, citizens will be given one container each for refuse and recycling. If a second container is necessary, the citizen will be able to purchase one of each from the town.

Fiscal Impact:

The main fiscal impact relates to the purchase of the containers, which occurred early in fiscal year 2023.

October 18, 2022

Staff Report

Page 2

Staff Recommendation:

Staff recommends Town Council approve the Ordinance to amend Chapter 63 Solid Waste, making the storage and maintenance section and the collections by town sections consistent across both types of collection routes (automated and rearload) in the town.

Attachments:

Draft Ordinance

Staff:

A handwritten signature in black ink, appearing to read "Tammy Chastain", is written over a light gray dotted rectangular background.

Tammy L. Chastain
Deputy Director of Public Works

TOWN OF HERNDON, VIRGINIA

ORDINANCE

OCTOBER 25, 2022

Ordinance – to amend Chapter 63 (SOLID WASTE), Section 63-5 (Storage and maintenance) and Section 63-6 (Collection by town) to clarify requirements for collections.

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

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

CHAPTER 63 (SOLID WASTE)

Sec. 63-5. – Storage and maintenance.

(b) *Responsibility of owners.*

- (1) Owners of each single-family, duplex or townhouse residential dwelling shall be responsible for the following:
 - a. All carts and containers shall be identified by address or unit number painted in contrasting letters and figures, at least two inches in height, approximately halfway between the bottom and top of the container. The identification on carts shall be placed on the handle side of the cart.
 - ~~b. In rear loaded collection route areas as designated by the town, owners shall provide a sufficient number of approved containers for storage of MSW and single stream recyclables to prevent overflow or obnoxious odor between times of collection and maintain the premises in accordance with the provisions of this chapter. The maximum number of containers shall be as specified in section 63-6(a)(1)f.~~
 - e.b.** In automated collection route areas designated by the town, owners shall use and maintain the carts that are provided by the town (one MSW and one single-stream recycling) for storage of MSW and recyclables to prevent overflow or obnoxious odor between times of collection and maintain the premises in accordance with the provisions of this chapter. Town provided carts are the property of the town and shall not be removed from the property to which provided. If additional carts are needed, they may be purchased from the town following receipt of a written request from the

owner, at purchase cost with no markup. Additional carts shall not exceed the number specified in section 63-6(a)(1)f.

d.c. Brush/yard waste shall be stored in approved paper bags or container(s). Exception: bundled brush/yard waste, compost and stacked firewood; loose leaves are only permitted during the seasonal leaf collection program.

e.d. Segregate solid waste and recycling as prescribed by the authorized agent.

Sec. 63-6. – Collection by town.

(a) Residential.

(1) *Single-family, duplex or townhouse residential dwelling.* Curbside collection of MSW, single-stream recyclables, and brush/yard waste shall be collected no less than once a week from single-family, duplex or townhouse residential dwelling. It shall be collected more frequently if the authorized agent determines that more collections are necessary for the preservation of the public health. Collection days are determined by the town and if needed can be changed to maintain compliance with this chapter. The following requirements shall apply:

- a. Place only approved MSW, single-stream recyclable containers/carts and brush/yard waste at the location(s) designated in subsection ~~(2)~~(b) below, no earlier than 12 hours prior to the scheduled collection day, but no later than 6:00 a.m. of the scheduled collection day and remove all containers/carts before 6:00 a.m. on the day after the refuse/recycling has been collected.

d. ~~Items requiring special collection for a fee (as defined in section 63-8) or collected during special collection events as designated by the town:~~ **Items requiring special collection for a fee (as defined in section 63-8):** Single-family, duplex or townhouse residential dwellings which receive curbside collection services from the town and multiple-unit (residential condominium) dwellings that receive collection from the town through a contractor and request special collection in writing may place at a location acceptable to the authorized agent the following items for collection:

1. Furniture; couches, chairs, mattresses, tables, etc., with a corresponding weight not to exceed 100 pounds per item.
2. Large appliances; stoves, dishwashers, washing machines, clothes dryers, refrigerators, etc., with a corresponding weight not to exceed 100 pounds per item. (Doors which may be hazardous due to the potential for trapping a person inside shall be removed from all appliances prior to set out.)

3. Small amounts of scrap metal that contains no HHW; lawn mowers, car parts, bed frames, etc., with a corresponding weight not to exceed 50 pounds per item.
 4. Large CDD; toilets, sinks, cabinets, fencing, shingles, lumber, carpet, flooring, etc. that are not listed or deemed unacceptable, with a corresponding weight not to exceed 100 pounds per item.
 5. Tires; two per collection.
 6. Tree trunks and limbs with a diameter estimated to be greater than three inches, a length less than four foot, and a corresponding weight of less than 50 pounds. **This does not apply to multiple-unit (residential condominium) dwellings.**
- e. *Town-wide cleanup events.* The town, at its discretion, may provide pre-scheduled curbside collection of items from single-family, duplex or townhouse residential dwellings normally falling under the category of special collections.
 - f. Unless pre-approved in writing (property specific), the following shall be the maximum number of carts/containers allowed to be set out for MSW and single-stream recycling collection (excluding brush/yard waste), per collection. Any additional required collections shall be considered special collections, and shall be charged according to the fees in section 63-8.
 1. Properties which are part of the automated collection route shall have a maximum of two MSW carts/containers meeting the requirements of this section serviced per collection of MSW and shall have a maximum of two single-stream recycling carts/containers meeting the requirements of this section serviced per collection of single-stream recycling.
 2. Properties which are part of the rear loaded collection route shall have a maximum of ~~four~~ **two** MSW containers meeting the requirements listed elsewhere in this section serviced per collection of MSW and shall have a maximum of ~~five~~ **two** single-stream recycling containers meeting the requirements listed elsewhere in this section serviced per collection of single-stream recycling.
 - g. The maximum allowable loaded weight for rear loaded containers shall not exceed ~~50 pounds~~ **container specifications.**

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

STAFF REPORT

Town Council
October 18, 2022

Title:

Resolution – to award Contract, IFB #23-02, Multi-family Refuse & Recyclables Collection

Staff Contact:

Tammy Chastain, Deputy Director of Public Works
(phone) 703-435-6803
(e-mail) tammy.chastain@herndon-va.gov

Background:

An Invitation for Bid for Multi-Family Refuse & Recyclables Collection was issued with the intent to establish a term contract for the services of a qualified refuse and recyclables collector. Potential vendors were notified via eVA of the opportunity to submit bids.

The term contract covers services, using front load machinery not in the Town's truck inventory, for four multi-family condominium buildings and five town buildings. Service includes the collection of residential recycling in either larger bulk containers, or smaller 96 gallon containers, and refuse collection in containers as listed in the bid. The multi-family pick up locations are Jefferson Mews, Lifestyle, Worldgate Brighton, Worldgate Crescent Condominiums and Metro Square. Town building locations only receive refuse collection, recycling collection is not included in this contract, as it is collected by town staff.

The bid document provides for a base year and four, one-year, renewable options. Price escalations, based on the Producer Price Index (PPI), are permitted at the start of each optional renewal. Proposals were evaluated based upon the pricing and references.

Bids were received from one vendor, which was deemed responsive.

Grand total Bid based on a monthly cost:

	<u>Monthly</u>	or	<u>Annually</u>
Republic Services of Virginia, LLC	\$ 12,224.83		\$ 146,697.96

October 18, 2022

Staff Report: Resolution– Award of Contract for Multi-Family Refuse & Recyclables Collection –IFB #23-02

Page 2 of 2

Fiscal Impact:

The Department of Public Works budget provides for Multi-Family Refuse & Recyclables Collection.

Staff Recommendation:

The staff recommends that the contract be awarded to Republic Services of Virginia, LLC, and that the Town be authorized to enter into four additional one-year contracts to purchase Multi-Family Refuse & Recyclables Collection.

Attachments:

Draft Resolution

Staff:

Tammy Chastain
Deputy Director of Public Works

TOWN OF HERNDON, VIRGINIA

RESOLUTION

October 25, 2022

Resolution- to award Contract, IFB #23-02, Multi-family Refuse & Recyclables Collection.

WHEREAS, the Department of Public Works has engaged in an annual term contract for the service of multi-family refuse & recyclables collection; and

WHEREAS, the invitation for bids solicited services for an initial one year contract with an option of four one-year renewals; and

WHEREAS, the Invitation for Bid was posted August 31, 2022 on the eVA Commonwealth of Virginia procurement website to maximize fullest competition; and

WHEREAS, a non-mandatory pre-bid conference was held on September 8, 2022, and was attended by one firm; and

WHEREAS, one bid was received by Republic Services of Virginia, LLC which was publicly opened and read aloud on September 20, 2022 at 1:00 p.m.; and

WHEREAS, the bidder, Republic Services of Virginia, LLC was found to be responsive and responsible with a favorable grand total per month as follows:

	<u>Monthly</u>	or	<u>Annually</u>
Republic Services of Virginia, LLC	\$ 12,224.83		\$ 146,697.96

WHEREAS, sufficient funds to support this contract are identified in the FY 2023 budget account number 001-08-89-000-420610.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Herndon, Virginia, that contract IFB #23-02 be awarded to Republic Services of Virginia, LLC for Multi-Family Refuse & Recyclables Collection, in the amount of \$12,224.83 per month and that the contract may be renewed for up to four, one-year terms.

STAFF REPORT

Town Council
October 18, 2022

Title:

Ordinance – to amend Chapter 66 (STREETS, SIDEWALKS AND CERTAIN OTHER PUBLIC PLACES) of the Town Code, to add a new Article VII entitled “Designated Outdoor Refreshment Areas”.

Staff Contact:

Dennis Holste, Economic Development Manager
(703) 435-2085
dennis.holste@herndon-va.gov

Lesa J. Yeatts, Town Attorney
(703) 787-7370
lesa.yeatts@herndon-va.gov

Description:

The state recently enacted legislation enabling localities to establish Designated Outdoor Refreshment Areas to authorize the public consumption of alcoholic beverages under certain circumstances. The Code of Virginia now requires that any ordinance adopting such a district must set certain regulations on such consumption, including time limitations, a public safety plan and ABC licensing rules. The Ordinance before you incorporates all of the rules required by the state, prohibits the consumption of alcohol in certain other places and authorizes the Town Manager to establish other rules and regulations to protect the public safety and welfare. A separate ABC license is required to operate such district, therefore the requirements of this ordinance would not take effect until such license has been granted. The Ordinance has a January 1, 2023 effective date.

Following a request from Town Council to explore implementation of this new law in Herndon, Town staff met with downtown restaurants on Wednesday, July 27th, to discuss holding special events in downtown Herndon pursuant to a Designated Outdoor Refreshment Area license. Town staff worked with Community Development, Parks & Recreation, Police, the Town Attorney’s office and Public Works to develop the proposed map of the Designated Outdoor Refreshment Area and Ordinance. On Friday, October 14th, Town staff held a meeting with downtown businesses to discuss the proposed ordinance that is before you.

Fiscal Impact:

Fiscal impact will be dependent on a several factors to include the ultimate size of the DORA and the number of days each year that the DORA is active. This will dictate the resources that the Departments of Public Works, Herndon Police, and Parks and Recreation will have to commit. These resource commitments will include such budget categories as labor, most likely overtime or contractor support, vehicles and equipment used for road closures, and increases to insurance premiums.

A non-profit taking over as the DORA sponsor would help to reduce the town's fiscal commitment.

Once the events are designed, a deeper discussion on resourcing will be part of a larger conversation staff will need to have with Town Council regarding the number of events that staff can realistically support given resourcing constraints.

Staff Recommendation:

That the Mayor and Town Council consider the attached Ordinance and, if acceptable, adopt as proposed.

Attachments:

- Ordinance
- Exhibit A

Prepared and Approved by:

Dennis Holste

Dennis Holste, Economic Development Manager



Lesa J. Yeatts, Town Attorney

1 **TOWN OF HERNDON, VIRGINIA**

2
3 **ORDINANCE**

4
5 **OCTOBER 25, 2022**

6
7 **Ordinance- to amend Chapter 66 (STREETS, SIDEWALKS AND CERTAIN**
8 **OTHER PUBLIC PLACES) of the Town Code, to add a new**
9 **Article VII entitled “Designated Outdoor Refreshment Areas.”**

10
11 **BE IT ORDAINED** by the Town Council for the Town of Herndon, Virginia, that:

- 12
13 1. The following sections or provisions of the Herndon Town Code (2000), as amended,
14 are amended and re-ordained as follows:

15
16 **CHAPTER 66 - STREETS, SIDEWALKS AND CERTAIN OTHER PUBLIC**
17 **PLACES**

18
19 ...

20
21 **Article VII – Designated Outdoor Refreshment Areas**

22
23 **Sec. 66-150. – Purpose and intent.**

24
25 The purpose and intent of this article is to conform to §4.1-206.3 and §4.1-128.1 of
26 the Code of Virginia, permitting the Town to designate an outdoor refreshment
27 area, subject to approval by the Alcoholic Beverage Control Board (ABC), in which
28 the limited possession of alcoholic beverages in designated public places is
29 allowed.

30
31 **Sec. 66-151. Definitions.**

32
33 The following words, terms and phrases, when used in this ordinance, shall have
34 the meanings ascribed to them in this section, except where the context clearly
35 indicates a different meaning:

36 *Approved consumption area* means the public property and any private property,
37 with the consent of the owner or the owner's designee of such private property,
38 located within the designated outdoor refreshment area.

39 *Approved sales area* means the premises of any permanent retail on-premises
40 licensee that is located within the designated outdoor refreshment area, and selling
41 alcoholic beverages that may be consumed within the approved consumption area.

42 *Designated outdoor refreshment area* means an area open to the public, which
43 has been approved by the ABC, pursuant to § 4.1-206 of the Code of Virginia, where
44 the consumption of alcoholic beverages is permitted in accordance with § 4.1-206
45 of the Code of Virginia.

46 *Retail on-premises licensee* means any businesses licensed by the ABC to offer for
47 sale and allow the consumption of alcoholic beverages on the premises of the
48 establishment.

49 **Sec. 66-152. Designation and boundaries of outdoor refreshment area.**

50
51 The Town, subject to approval by the ABC, hereby designates a portion of the
52 Town's Downtown Herndon Arts District as an Outdoor Refreshment Area. A map
53 of such area is attached hereto as Exhibit "A" and a copy shall be available for
54 public inspection in the Town Clerk's office.

55
56 **Sec. 66-153. License, requirements and compliance.**

57
58 The rules and allowances contained herein shall only become effective upon the
59 granting of a designated outdoor refreshment area license by the ABC to an eligible
60 licensee. Such licensee shall file a copy of their ABC license with the Town
61 Manager. Such licensee shall be prohibited from selling alcoholic beverages
62 pursuant to the designated outdoor refreshment area license and shall be
63 responsible for abiding by the terms of the license and any other ABC laws or
64 regulations to which the licensee is subject. Such licensee shall have no more than
65 sixteen (16) events held pursuant to §4.1-206.3 of the Virginia Code within a single
66 calendar year. No such event shall exceed three (3) consecutive days.

67
68 Any licensee authorized by the ABC to permit the consumption of alcoholic
69 beverages within a designated outdoor refreshment area shall also comply with all
70 applicable license and permit requirements of the Town of Herndon and all
71 applicable regulations and requirements of the Commonwealth of Virginia.

72
73 **Sec. 66-154. Signage.**

74
75 The approved consumption area shall be marked with durable weatherproof
76 signage at all places where a public sidewalk intersects the designated outdoor
77 refreshment area. The signage shall face the interior of the designated outdoor
78 refreshment area and indicate "No alcohol permitted past this point" and "Alcohol
79 prohibited 12:00 a.m. to 10:00 a.m." The construction of the signage shall consist
80 of a permanent and reflective material. All signs must be approved by the Town
81 Manager or Town Manager's designee at least 48 hours prior to licensed event.

82
83 **Sec. 66-155. Exceptions and limitations.**

84
85 Notwithstanding the prohibition on the drinking of alcoholic beverages in public
86 places imposed by §4.1-308 of the Virginia Code, it shall not be unlawful to drink
87 alcohol in any public place within the designated outdoor refreshment area,
88 including outdoor seating, public sidewalks, public plazas, and private businesses
89 lacking an ABC license, subject to the following conditions:

1. Any alcohol consumed within the designated outdoor refreshment area must have been purchased from an ABC-licensed vendor located within the designated outdoor refreshment area.
2. Except when on the premises of an ABC-licensed vendor, any alcohol consumed within the designated outdoor refreshment area must be contained in paper, plastic, or similar disposable containers with a capacity of no more than 16 fluid ounces that clearly display the name or logo of the ABC-licensee from which the alcoholic beverage was purchased.
3. No alcohol may be consumed upon privately-owned property within the designated outdoor refreshment area, unless such privately-owned property consents. Any private property owner, or their designee, within the designated outdoor refreshment area who wishes to prohibit the consumption of alcohol on their property should indicate his preference by signage at the public entrance of the property indicating “no alcohol permitted on premises” or other notice containing similar language. Nothing in this ordinance shall limit a private business from requiring an individual to leave their premises at any time for any lawful reason. Individuals remaining on the property of a private business after being asked to leave are trespassing and may be subject to arrest under State and Town Code.
4. No alcohol may be consumed upon or within Town-owned buildings or facilities, unless such consumption has been approved by a separate license issued by ABC pursuant to State law.
5. No alcohol may be consumed upon the W&OD Trail or upon property of the Northern Virginia Regional Park Authority.

Sec. 66-156. Public Safety Plan.

- a. Nothing in this article shall modify any other law pertaining to trespassing or to alcohol, including but not limited to prohibitions on public intoxication, drinking while driving, driving while intoxicated, and illegal alcohol sales
- b. The Herndon Police Department shall regularly patrol the designated outdoor refreshment area to monitor compliance with the provisions of this ordinance and shall coordinate with the licensee regarding the provision of adequate security for all special events within the designated outdoor refreshment area.
- c. The Herndon Police Department shall report any suspected violation of any licensing provisions outlined in Va. Code §4.1-206 to ABC as soon as is practicable.
- d. If deemed necessary for the protection of the public safety, the Herndon Police Department, in coordination with the Town Manager, may close to vehicular

138 traffic any public streets within the designated outdoor refreshment area
139 during any licensed event.

140

141 **Sec. 66-157. Town Manager Authority.**

142 The Town Manager is hereby authorized to take such actions and issue such
143 regulations as deemed necessary to ensure that the public safety and welfare of the
144 public is protected within the designated outdoor refreshment area, including
145 security-related decisions, design and placement of required signage, and
146 provisions for the enforcement of this article.

147 **Sec. 66-158. Violations of Article; Penalty.**

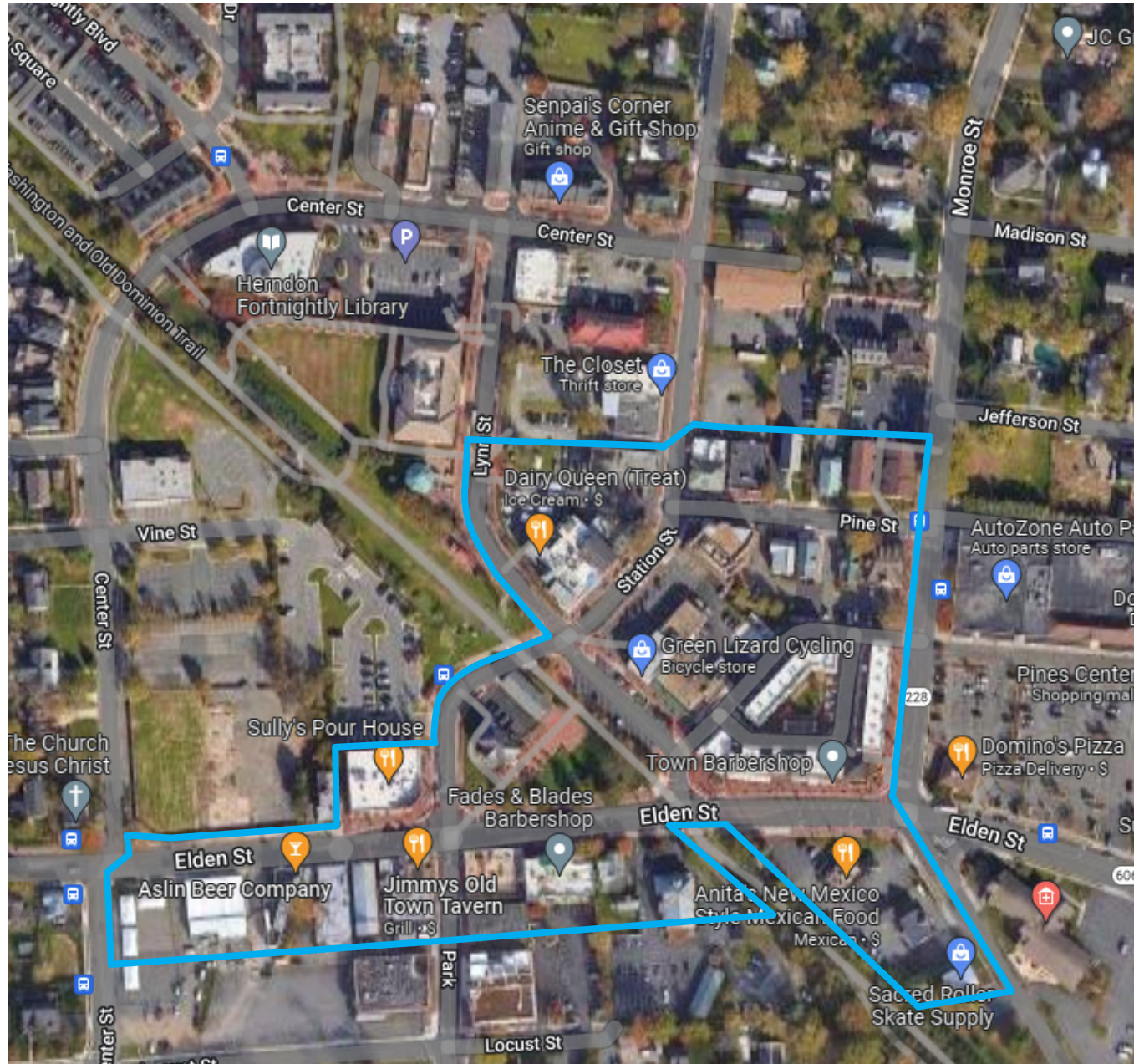
148 Violations of this article shall be guilty of a class 4 misdemeanor.

149 **Secs. 66-159 – 66-170. – Reserved.**

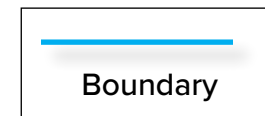
150

151 2. This ordinance shall be effective on or after January 1, 2023.

EXHIBIT A



DRAFT HERNDON DESIGNATED OUTDOOR REFRESHMENT AREA



TOWN OF
Herndon
VIRGINIA