

**TOWN OF HERNDON, VIRGINIA
WORK SESSION AGENDA
HERNDON COUNCIL CHAMBERS BUILDING *
765 LYNN STREET
March 16, 2021
7:00 PM**

* The meeting is being held electronically pursuant to Virginia Code Section 2.2-3708.2, as amended; the Governor's Executive Orders, as amended; and in accordance with Ordinance 20-O-23, Continuity of Governmental Operations during Pandemic Disaster (COVID-19), as amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments. Individuals are encouraged to submit written comments for the record to town.clerk@herndon-va.gov

CALL TO ORDER

1. Roll Call & Determination of Quorum
2. Comments from the Town Manager

TOWN MANAGER UPDATES

3. COVID
4. Council Initiatives

INFORMATIONAL ITEM

5. Special Exception Informational Item (Director of Community Development)

PUBLIC HEARINGS

6. Resolution 21-G-33, to consider Special Exception, SE #20-05, 385 Spring Street, Security Public Storage, to permit the addition of four moving trucks for rent accessory to a self-service storage facility
7. Ordinance 21-O-05, to amend Chapter 78 (ZONING), Article IV (Business Districts), Section 78-40.2 (CS – Commercial Services District), to reduce the minimum front setback requirement in the CS zoning district
8. Resolution 21-G-32, to consider special exception, SE #20-01, 1131 Elden Street, Pollo Campero, to permit drive-through service accessory to an eating establishment in a CS, Commercial Services, zoning district

GENERAL

9. Resolution 21-G-34, to award contract RFP #21-01, Financial Audit Services
10. Resolution 21-G-35, to authorize the submission of a Creative Communities Partnership Grant Application/Virginia Commission for the Arts

CONSENT

11. Resolution 21-G-36, to award contract IFB #21-06, Contract Mowing and Landscape Services

DISCUSSION

12. Organizational Orientation Discussion by the Town Manager and the Directors of The Department of Public Works and Communications and Economic Development
13. FY 2022 Budget, Enterprise Funds (Town Manager)

ROUNDTABLE

STAFF REPORT

Town Council

March 16, 2021

Title: Resolution, to consider special exception, **SE #20-05,** 385 Spring Street, Security Public Storage, to permit the addition of four moving trucks for rent accessory to a self-service storage facility.

Synopsis

The requirement for a special exception comes from the zoning ordinance. The zoning ordinance lists which uses requires a special exception in particular districts. The requirement for a special exception can apply to either a principal use or an accessory use.

The existing use of a self-service storage facility is the principal use and is allowed by-right at this location. The special exception application is only to add the rental of moving trucks as an accessory use.

The staff and Planning Commission reviewed this application and believes that, with the recommended conditions, the application complies with the criteria that apply to all special exception applications that are listed in Section 78-155.3(e) of the zoning ordinance.

Summary Information

Address	385 Spring Street
Fairfax County Tax Map Number	0162 02 0173B
Owners	Herndon Storage, LLC
Applicant	Man Choi
Business	Security Public Storage
Existing Zoning	Planned Development - Business (PD-B)
Existing Use	Self-Service Storage Facility
Land Use Designation	Regional Corridor Mixed Use
Adjacent Land Uses	North: Office Park (Springpark Place) South: Light Manufacturing (Reston-Herndon Business Park) East: Retail and Flex Space (Reston-Herndon Business Park) West: Townhouses (Spring Park Station)
Total Site Area	80,476 square feet
Building Size	One-story, 48,400 square feet

Planning Commission Recommendation	Approval with staff conditions
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Staff Recommendation	Approval with staff conditions (alternative #1)
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Location Map



Site Description

The site is one of six parcels that comprise the Reston-Herndon Business Park, which started being developed in 1979. This parcel is located at the southwest corner of Spring Street and Victory Drive. Victory Drive is a private street that provides vehicle access to the business park.

The applicant's parcel is 80,476 acres and the self-service storage facility is 48,800 square feet. Some of the self-service storage facility is located below ground so only one story is above grade. The building was constructed in 2004 and has been operating as Security Public Storage. The on-site office part of the building is 1,000 square feet and located right at the Victory Drive entrance. The self-service storage parts of the building are a mix of climate and non-climate-controlled units that are individually leased. The site has 47 parking spaces.

Proposal

The applicant is proposing to add U-Haul rental service as an accessory use to the self-service storage facility. The proposal is to accommodate up to a maximum of 4 trucks on site. The largest size truck proposed at this location is a 10-foot box truck, which is 19'11" long in the standard U-Haul specification.

In-person transactions are proposed in the existing office, at the existing staff level, and during the existing office hours of 9:00 AM to 6:00 PM Monday through Saturday and

10:00 AM to 4:00 PM on Sunday. Two of the U-Haul trucks are proposed to be available for 24-hour pickup and/or drop-off. The applicant has explained that all after-hours pickups and drop-offs must be scheduled through the website or mobile app which will automatically remove this site as an authorized drop-off if there are already 4 trucks on site.

The locations of where the four trucks will be kept is shown on attachment #4. Two of the spaces, marked “A” and “B”, will be parked in the parallel parking spaces located at the northwest corner of the building. The trucks parked in these spaces will only be moved during office hours by the staff. They are not available for 24-hour pickup and drop-off.

The spaces marked “C” and “D” are located adjacent to the loading dock. These are the two spaces proposed for 24-hour pickup and drop-off.

Background

Previous Reviews

The initial submissions of this special exception were reviewed by Community Development and Public Works staff and revised based on early staff feedback. A revised subsequent submission was submitted after the planning commission work session based on comments from the commission. The plan as presented to the town council has not changed since the planning commission public hearing.

Review Terminology

For review of special exceptions there are three distinct terms that are referenced; criteria for evaluating special exceptions, zoning standards, and conditions of approval. Each term is explained further below:

- Criteria: These are the items that the zoning ordinance in Section 78-155.3(e) require to be considered when evaluating special exceptions. These are listed in the table on page 4-6 of this report. This criteria applies to all special exceptions.
- Standards: The zoning ordinance does not list any specific standards for vehicle rental accessory to a self-service storage facility.
- Conditions: These are the additional provisions added to a specific special exception approval that are associated with the proposed use and the means by which the town is requiring the proposed use to mitigate or manage impacts.

Required steps after the Special Exception

The special exception is a legislative land use case that enables the applicant to pursue administrative approvals. Following this special exception approval, the next step for the applicant is to submit a sign license application (for condition 7) and a Zoning Inspection Permit application.

Under the zoning and the existing proffers for this property, the self-service storage facility is a by-right use. The self-service storage facility is allowed to continue regardless of whether this application is approved or denied.

Staff Analysis

Zoning Ordinance Compliance

The ordinance contains criteria applicable to all special exceptions and in some cases additional standards specific to certain uses. Rental vehicles accessory to self-storage uses are not one of the uses with supplemental provisions.

As proposed, staff has not identified any noncompliance issues with the applicable special exception zoning ordinance regulations.

Upon review of this proposal, staff discovered that the site is not in compliance with the applicable landscaping requirements pursuant to the existing proffered plan and contained within the zoning ordinance for the buffer area along the northern boundary adjacent to Spring Street. To address this, staff is requiring that the applicant plant five native, deciduous, canopy trees in the front buffer with a minimum size of two-inch caliper. This added landscaping will help to further screen the site and the proposed parked moving trucks from the right-of-way.

The criteria are provided in the zoning ordinance as the means by which potential impacts of the use to adjacent properties, the neighborhood, and the town are evaluated. Note that the green shaded areas indicate a criterion is met, the blue shaded areas indicate where a criterion is met with a specific condition, and the unshaded areas are not applicable to the case.

Criteria from Section 78-153.3(e)	Meets or Does Not Meet	Why the application meets or does not meet the criteria of Section 78-153.3(e)
Is consistent with the Comprehensive Plan	Meets	The Comprehensive Plan encourages redevelopment and a mix of uses in the Regional Corridor Mixed Use
Is free of conflict with any provision of this chapter and related regulations or any other applicable local, state, or federal laws and regulations	Meets	As proposed, this application complies with the zoning ordinance, and other local, state, and federal laws.
Does not adversely affect the health or safety of persons residing or working in the	Meets with Conditions	There are conditions to limit the maximum number of trucks on-site to four and a condition to limit the

neighborhood of the proposed use.		maximum size of the trucks to the 10-foot box truck. The two spaces dedicated for 24 hour pickup and drop-off are in the loading dock area which faces Victory Drive and is opposite of the residential townhouses.
Minimizes adverse visual impact of the proposed use on adjacent lands	Meets with Conditions	There is a heavy landscape buffer along Spring Street and the property line adjacent to the residential townhomes. These buffers must be maintained. Conditions prevent any of the moving trucks from being parked in the front parking lot.
Contributes to a logical and orderly development pattern consistent with accepted or emerging planning practices	Not Applicable	This application does not involve any physical alterations to the site.
Minimizes adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration, and should not create a nuisance.	Meets with Conditions	Through the conditions, there is not expected to be an adverse impact to the adjacent properties. The two moving truck spaces nearest the townhomes will only be utilized from 9 AM to 6 PM and only by the office staff.
Avoids significant adverse impacts on the property values of surrounding lands or substantially and permanently injures the use of neighboring property for those uses that are permitted in the zoning district	Meets with Conditions	The conditions limit the number, size, location of the rentable moving trucks and with these conditions it is expected there will not be adverse impacts on neighboring properties.
Does not significantly and adversely impact the natural environment, including but not limited to, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment	Meets with Conditions	The rental moving trucks are limited in size so that the impact to noise and air is negligible compared to a standard passenger vehicle
Results in development that is adequately served by transportation facilities,	Meets with Conditions	The limited number of trucks available for rent will not impact the transportation network.

including whether or not a substantial deterioration of the level of service on the town's transportation network would occur and whether or not the proposed use is designed to ensure safe ingress and egress onto the site and safe road conditions on and around the site		
Results in development that is adequately served by public facilities (roads, potable water and sewage, schools, parks, police, and fire and emergency medical facilities)	Not Applicable	This proposal does not include physical changes to the site.
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.	Not Applicable	This proposal does not include physical changes to the site.
If located in the floodplain overlay district, meets floodplain overlay standards.	Not Applicable	This property is not located within the floodplain overlay district.

Truck Size

The proposed trucks are almost 20' in length, whereas the existing parking spaces are only 18' in length. This is not a concern for the two dedicated rental truck spaces near the loading dock because the drive aisle is much wider than the minimum required. This is also not an issue at the two parallel space because with the gutter pan and a striped area there is added space to fit the extra two feet. These locations were chosen because if the moving trucks were parked in the other spaces on site they would protrude into the Fire Lane.

Comprehensive Plan Adherence

The Regional Corridor Mixed Use land use designation in the Herndon 2030 Comprehensive Plan encourages flexibility and a mixture of uses. Land Use Policy #2 for Regional Corridor Mixed Use encourages the creation of an attractive environment where companies and businesses locate and remain within the town limits. The proposal

adheres to this objective by allowing an existing business to diversify without having any physical impacts to the site. This would also be the first moving truck rental location within town limits.

Analysis of Conditions

Staff is recommending several conditions for this special exception. Those conditions are listed in the following conditions analysis table. Staff believes these conditions provide reasonable ways in which the proposed use can have properly mitigated and managed impacts.

#	Condition	Covered by language in the Zoning Code	Reason for Condition
1	Substantial Conformance with the submitted plan	No	This condition is what gives the town the authority to ensure the proposed use operates in the way that is presented to the town council.
2	Size Limit	No	Staff recommends restricting the size of the truck to no more than a 10-foot box truck in order to mitigate unwanted noise, vibration, and visual clutter.
3	Parking	No	Restricting the trucks to the spaces marked “A”, “B”, “C”, and “D” on attachment #4 reduces or eliminates the impact on the residential townhouses that could otherwise occur by granting this special exception.
4	Hours of Operation	No	The hours of operation for the moving truck spaces labeled as “A” and “B” on the plan are limited to 9:00 AM to 6:00 PM Monday through Saturday and 10:00 AM to 4:00 PM on Sunday. This prohibits 24 hour pickup/drop-off adjacent to the townhouses.
5	After hours pickup and drop-off	No	This condition specifies that 24 hour pickup/drop-off is allowed in spaces “C” and “D” near the loading dock next to Victory Drive.

6	Not to be separate business	No	This condition states that the moving truck rental is accessory to the self-service storage facility and may no longer continue operating if the self-service storage facility ceases operating.
7	Pickup/Drop-off Signage	No	This condition was added by the planning commission and requires signage be added that clearly marks where the 24 hour, 7 day per week pickup and drop-off spaces are located.

Planning Commission Recommendation

The Planning Commission first heard this application at the work session on February 8, 2021. Originally, five moving trucks were proposed at the site, but the commission expressed concern about the location of where the fifth truck would be located, which was about midway down the building along the side that is next to the townhouses. The downsides of this location are that the buffer is not as extensive in this area and the truck would have protruded into the fire lane.

The applicant revised the application for the public hearing on February 22, 2021 to be only four trucks and at the locations shown in attachment #4. During the public hearing, the commission questioned the applicant on how they would prevent oversize or excessive trucks from dropping off at this location. The applicant explained that U-Haul requires a reservation to be made online or through the U-Haul app to drop off a truck. The system is programmed with what size trucks are accepted at each location and how many slots are available for drop-off on a given day.

The commission voted 6-0 to approve the application with an additional condition (condition #7) that requires signage showing the location of the 24 hour pickup/drop-off spaces.

Staff Recommendation

Staff recommends approval in accordance with **Alternative #1**.

Staff believes this proposal meets the criteria for approval of a special exception and recommends approval of the rental moving trucks with the attached conditions.

Town Council Alternatives

The following alternatives are available to the Town Council for its decision on Special Exception #20-05:

1. Approval with conditions as recommended by staff

2. Approval with revisions to the conditions as recommended by staff
3. Denial based on failure to meet applicable criteria
4. Continuance of the application to the next Town Council public hearing if additional time for review is necessary

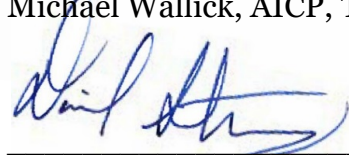
Attachments

1. Draft Resolution
2. Draft Conditions
3. Planning Commission Resolution
4. Proposed Special Exception Plan, dated February 12, 2021
5. Applicant Narrative
6. U-Haul Dimensions

Staff Signatures



Michael Wallick, AICP, Transportation Planner



David Stromberg, AICP, Zoning Administrator

TOWN OF HERNDON, VIRGINIA

RESOLUTION

MARCH 23, 2021

Resolution- to consider Special Exception, SE #20-05, 385 Spring Street, Security Public Storage, to permit the addition of four moving trucks for rent accessory to a self-service storage facility.

WHEREAS, the applicant, Man Choi, has submitted a request for a special exception to permit the addition of five moving trucks for rent accessory to a self-service storage facility located at 385 Spring Street and identified as Fairfax County Tax Map #0162-02-0173B; and

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

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

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

WHEREAS, if granted, the uses permitted under the special exception are pursuant to this resolution and associated conditions; and

WHEREAS, if granted, special exceptions may be amended pursuant to Section 78-155.3(j) of the Town of Herndon Zoning Ordinance; and

WHEREAS, if granted, special exceptions may be revoked pursuant to Section 78-155.3(h) of the Town of Herndon Zoning Ordinance.

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

Approves Special Exception Application SE #20-05, in accordance with the conditions set forth below to achieve compliance with the standards found in Section 78-155.3;

[INSERT CONDITIONS]

DRAFT CONDITIONS

SPECIAL EXCEPTION SE #20-05

385 SPRING STREET

FEBRUARY 22, 2021

1. Substantial Conformity. The development and maintenance of the special exception use described in Condition 2 below shall be in substantial conformance with the SE #20-05 application materials submitted February 12, 2021. Approval of this application on the parcel identified as Fairfax County Tax Map Number 0162-02-0173B, known as 385 Spring Street, Herndon, Virginia (the "Property"), shall not relieve the applicant or the owners of the Property, or their successors or parties developing, establishing, or operating the approved special exception, from the obligation to comply with and conform to any other Zoning Ordinance, codified ordinance, or regulatory requirement.
2. Size Limit. The moving trucks shall be no larger than a 10' rental box truck, with the vehicle measuring no greater than 19'11" in length and 6'4" in width.
3. Parking. The moving trucks shall be parked in the designated parking spaces as shown on the special exception plan, dated February 12, 2021.
4. Hours of Operation. The hours for picking up and dropping off the two moving trucks labeled as "Option A" and "Option B" on the special exception plan, dated February 12, 2021, shall be limited to 9:00 AM through 6:00 PM, Monday through Saturday, and 10:00 AM through 4:00 PM, on Sunday.
5. After Hours Picking Up and Dropping Off. Any moving truck pickups and returns that occur outside of the hours specified in condition #5 shall be in the marked spaces adjacent to the loading dock and Victory Drive.
6. Not to be Separate Business. The moving truck business operations shall be accessory to the self-service storage facility.
7. Pickup/Dropoff Signage. Signage shall clearly mark where 24 hour, 7 day per week, pickup and drop-offs will occur on the site to be conspicuously located at the entrance of the site in a location approved by the Zoning Administrator.

TOWN OF HERNDON, VIRGINIA

PLANNING COMMISSION

RESOLUTION

FEBRUARY 22, 2021

Resolution- to consider Special Exception Application SE #20-05, to permit the addition of five moving trucks for rent accessory to a self-service storage facility in a PD-B, Planned Development - Business, zoning district.

WHEREAS, the applicant, Man Choi, has submitted a request for a special exception to permit the addition of five moving trucks for rent accessory to a self-service storage facility located at 385 Spring Street and identified as Fairfax County Tax Map #0162-02-0173B; and

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

WHEREAS, the Planning Commission has found that the application, SE #20-05 with conditions, meets the purpose and intent of the Zoning Ordinance, in particular Sections 78-80.4(o) and 78-155.3.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the Town of Herndon, Virginia, hereby:

Recommends approval of Special Exception Application SE #20-05, in accordance with the conditions set forth below to achieve compliance with the standards found in Sections 78-80.4(o) and 78-155.3;

1. Substantial Conformity. The development and maintenance of the special exception use described in Condition 2 below shall be in substantial conformance with the SE #20-05 application materials submitted February 12, 2021. Approval of this application on the parcel identified as Fairfax County Tax Map Number 0162-02-0173B, known as 385 Spring Street, Herndon, Virginia (the "Property"), shall not relieve the applicant or the owners of the Property, or their successors or parties developing, establishing, or operating the approved special exception, from the obligation to comply with and conform to any other Zoning Ordinance, codified ordinance, or regulatory requirement.
2. Permitted Use. This special exception is granted to allow the addition of four moving trucks for rent on the Property pursuant to Section 78-80.4(o) of the Town of Herndon Zoning Ordinance (the "Zoning Ordinance").

3. Size Limit. The moving trucks shall be no larger than a 10' rental box truck, with the vehicle measuring no greater than 19'11" in length and 6'4" in width.
4. Parking. The moving trucks shall be parked in the designated parking spaces as shown on the special exception plan, dated February 12, 2021.
5. Hours of Operation. The hours for picking up and dropping off the two moving trucks labeled as "Option A" and "Option B" on the special exception plan, dated February 12, 2021, shall be limited to 9:00 AM through 6:00 PM, Monday through Saturday, and 10:00 AM through 4:00 PM, on Sunday.
6. After Hours Picking Up and Dropping Off. Any moving truck pickups and returns that occur outside of the hours specified in condition #5 shall be in the marked spaces adjacent to the loading dock and Victory Drive.
7. Not to be Separate Business. The moving truck business operations shall be accessory to the self-service storage facility.
8. Zoning Inspection Permit and Inspections. A Zoning Inspection Permit for the accessory moving truck rental use is required prior to issuance of the business license. Following the business license, the accessory use shall be inspected by zoning and building officials during reasonable hours and upon reasonable prior notice.
9. Amendment of Special Exception. Any proposed changes to this special exception shall follow the process described in Section 78-155.3(j) of the Zoning Ordinance.
10. Revocation. Any violation of the aforementioned conditions or other sections of the Herndon Town Code shall be grounds for revoking the special exception pursuant to the manner described in Section 78-155.3(h) of the Zoning Ordinance.
11. Pickup/Dropoff Signage. Signage shall clearly mark where 24 hour, 7 day per week, pickup and drop-offs will occur on the site to be conspicuously located at the entrance of the site in a location approved by the Zoning Administrator.

This is certified to be a true and accurate copy of the resolution associated with Special Exception Application SE #20-05, adopted at a legally convened meeting of the Town of Herndon Planning Commission on February 22, 2021.

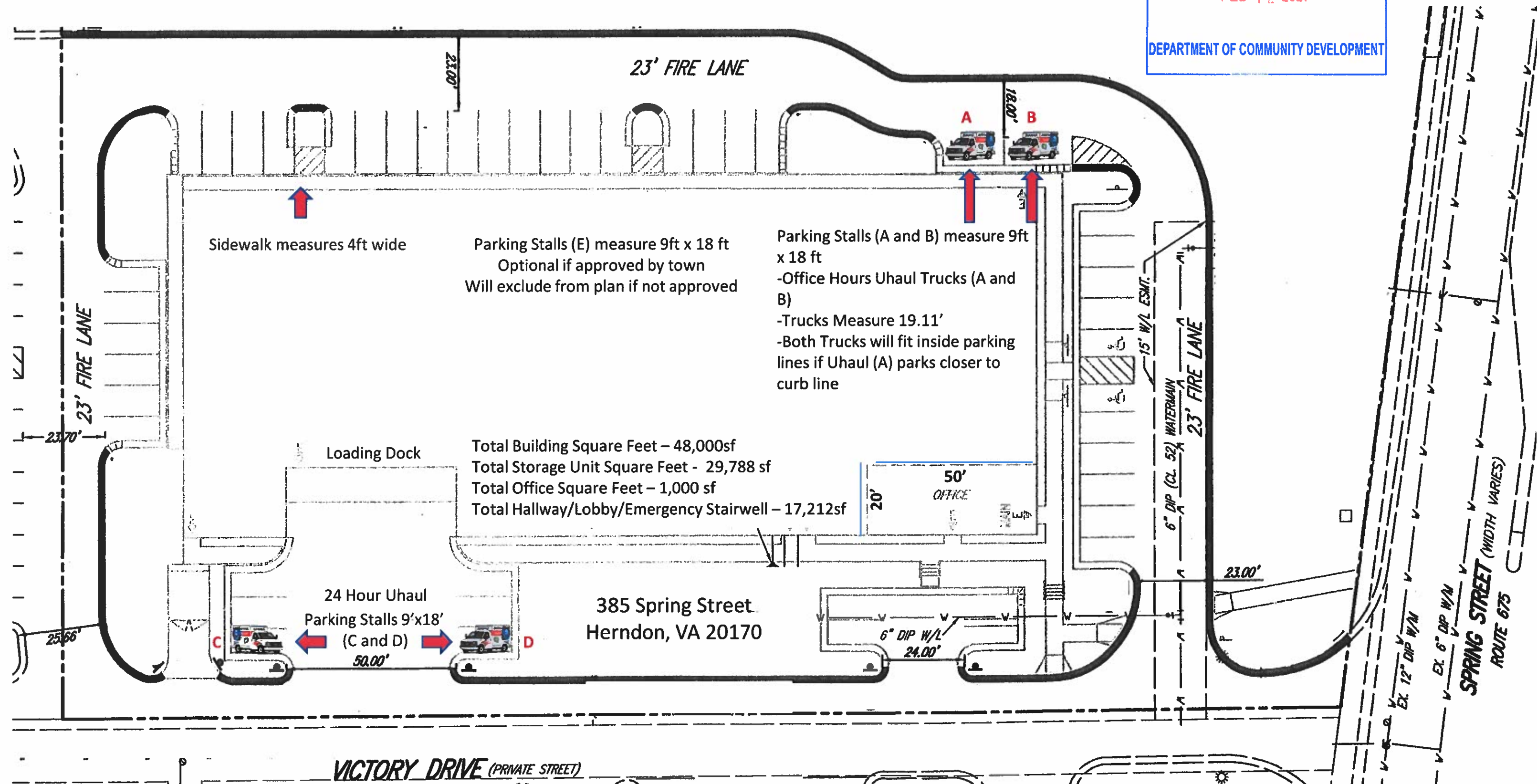


Clerk of Boards & Commissions

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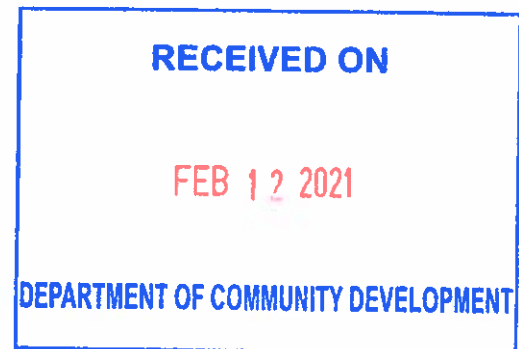
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DEPARTMENT OF COMMUNITY DEVELOPMENT



Security Public Storage
385 Spring Street
Herndon, VA 20170
703-244-4799

December 17, 2020



Dear Michael Wallick,

Thank you for you and the Town of Herndon's assistance with our special exception application thus far.

We currently operate as a self-storage company which includes climate controlled, non-climate controlled, and drive up style storage units. There are 2 full time resident managers and 1 relief manager who works on Sunday and Monday. We have ample parking surrounding our main building on Spring Street and have limited vehicular traffic due to us not being a traditional retail environment. Our site activity generally consists of limited walk in transactions ranging from 5-10 people per day, limited tenant move ins and move outs. Approximately 80% of our business is done online or over the phone.

With the addition of U-Haul, we anticipate a limited amount of impact to our traffic patterns. Our other self-storage properties with U-Haul dealership attached will typically rent 1-2 trucks a day. Traffic increase will be minimal. Peak season occurs in Spring and Summer. We plan to limit the total numbers of trucks to 4 to avoid any congestion in the existing business park.

Trucks A and B as marked on the site plan will have limited rental hours that will match our office hours, Monday through Saturday from 9am – 6pm and Sunday 10am to 4pm. Trucks C and D will be set as designated 24 trucks that can be rented 24 hours a day through Uhaul's mobile app. Uhaul's app and settings will restrict our facility to 4 trucks at any given time. It will not allow transfers if our facility has 4 trucks onsite, it will redirect any incoming or renter preferred location truck returns to the next closest Uhaul dealer within the parameters. These restrictions are hard limits set in the app by our area field manager.

24 hour trucks have controlled access through a pin coded lock box that is mated with the app. This lock box will be placed in our loading dock area where truck keys will be picked up and returned. This will assist with the controlled area for truck returns.

In response to the work session regarding moving all trucks to the loading dock area, we strongly prefer to maintain the marked spaces on the site plan. Truck E has been removed from the site plan to reduce the overhang into the drive lanes. The loading dock has the largest activity and would cause obstruction and inconvenience tenants needing to move their moving trucks/movers in order for us to gain access to the Uhaul rental trucks. It would cause an overflow of traffic to our loading area.

The site plan submitted is accurate and will have clearly identified parking spots either by sign posting or markings on the parking space itself.

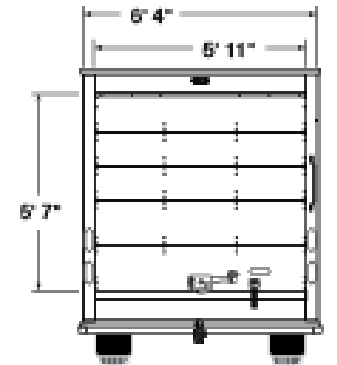
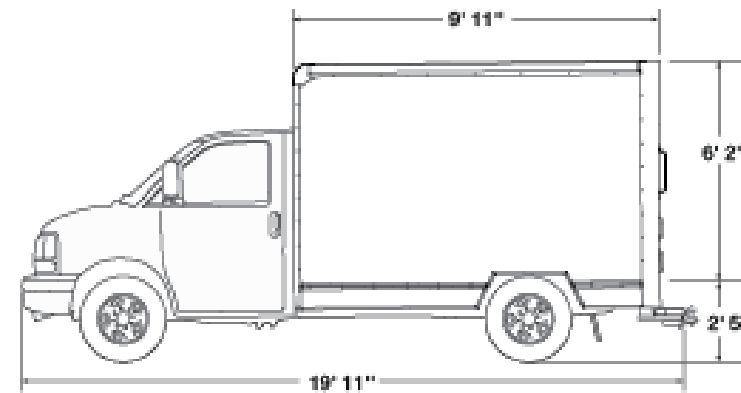
Please feel free to contact me with any feedback or concerns at 703-244-4799 or mchoi@securitypublicstorage.com.

Sincerely,

A handwritten signature in black ink, appearing to be 'Man Choi', written over a horizontal line.

Man Choi

Uhaul Dimensions



STAFF REPORT

Town Council

March 16, 2021

Title: Ordinance – to amend Chapter 78 (ZONING), Article IV (Business Districts), Section 78-40.2 (CS – Commercial Services District), to reduce the minimum front setback requirement in the CS zoning district.

Summary Information

A zoning ordinance text amendment (ZOTA) changes zoning regulations that control or govern the use and development of land and buildings in the Town of Herndon.

This zoning ordinance text amendment will reduce the minimum front setback requirement between the edge of the Town owned public right-of-way and the front of the building for buildings in the CS, Commercial Services, zoning district. The change will allow a distance of 25 feet instead of 50 feet. The zoning ordinance currently requires 50 feet.

This zoning ordinance text amendment will **not** change any other standards in the zoning ordinance, including the following:

- The size of a required landscape buffer
- The minimum amount of open space required
- The minimum amount of parking required
- The maximum density allowed
- The maximum height of a building

Background

This zoning ordinance text amendment is one of several amendments intended to implement the South Elden Area Plan (Comprehensive Plan Amendment CPA #18-01) that was adopted by the town council on February 12, 2019. The South Elden Area Plan is a “small area plan” that describes what development should be like in the future along Elden Street between Sterling Road and just north of Worldgate Drive. Small area plans are plans developed to guide future redevelopment of specific geographical areas within Herndon. These small area plans are adopted into the town’s comprehensive plan by the town council, after review and recommendation by the planning commission.

Staff identified several zoning ordinance text amendments that should be adopted in order to further the goals of the South Elden Area Plan. The first zoning ordinance text amendment was ZOTA #19-01, which created the PD-UR, Planned Development – Urban Residential zoning district. Zoning Map Amendment (ZMA) #19-02 was approved last year by the town

council to rezone one of the existing, underutilized, office properties from Commercial Office to PD-UR to allow the Park Place residential development.

Another identified zoning text amendment was to modify the dimensional standards of the CS zoning district in order to encourage reuse or redevelopment of commercial sites to support increased pedestrian, bicycle, and transit access.

Many of the properties that are zoned CS on South Elden Street only have a lot depth of between 150 and 200 feet. The 50-foot minimum building setback requirement limits the design flexibility available to property owners who are seeking to redevelop their lots. Staff identified a reduction in the front setback requirement as one of the ways to encourage property owners to redevelop their commercial properties. This is a specific tool on the lots where it would be difficult or impractical for property owners to merge with other parcels as part of a larger redevelopment. In most instances, the existing development has asphalt drive-aisles or parking covering the majority of the 50 foot setback.

The timing of this text amendment is influenced by the submission of a land use application (SE #20-01) to redevelop a property with Commercial Services zoning within the boundaries of the South Elden Area Plan. ZOTA #21-01 needs to be approved prior to SE #20-01 in order for the applicant to be able to utilize the design flexibility that the new language would provide. It should be noted that if approved, this zoning text amendment would apply to all properties that are zoned CS.

Additional zoning ordinance text amendments will be necessary in the future to facilitate redevelopment of the larger parcels within the South Elden Area Plan that have been identified for higher density mixed use, such as the shopping center properties at the intersection of Herndon Parkway and Elden Street.

The town council approved Resolution 21-G-22 to initiate consideration of this zoning ordinance text amendment during a public hearing on January 26, 2021.

Staff Analysis

Reducing the front setback requirement provides property owners that are zoned CS additional options for how to design and locate buildings on their site.

Properties that are zoned CS are concentrated along two sections of Elden Street (attachment 2). The section of Elden Street that runs south of Sterling Road to the town border with Fairfax County and comprises most of the properties in the South Elden Area Plan. The other section is Elden Street extending from Monroe Street to Laurel Way, just before the Fairfax County Parkway, where the majority of parcels are zoned CS. This section of Elden Street is not part of a small area plan, but staff does not anticipate negative impacts by reducing the

front setback requirement. It is expected that reducing the front setback requirement will result in fewer legal nonconformities that may have been created as a result of right-of-way acquisition associated with the Elden Street Widening Project.

Both the southern and eastern portions of Elden Street have minimum cross section requirements of a six foot planting verge and six foot sidewalk to be located within the town owned right-of-way. The front setback requirement starts from where the right-of-way ends and private property begins.

This zoning text amendment will not increase the density permitted on properties zoned CS and it will not reduce the amount of open space that is required. The FAR (Floor Area Ratio), which is how density is measured and regulated in some zoning districts, will remain at 0.3 and the area dedicated for open space will remain at 25%.

Standards for Zoning Ordinance Text Amendments

Standard from Section 78-155.2(g)	Meets or Does not Meet Criteria	Why the proposed amendment meets or does not meet the criteria
Consistent with the Comprehensive Plan	Meets	The amendment is intended to help implement goals of the South Elden Area Plan; specifically, redeveloping existing commercial sites in a way that can be more pedestrian, bicycle, and transit friendly.
Free of conflict with any provision of this chapter, related town regulations, or any other applicable local, state, or federal laws and regulations	Meets	The amendment does not create conflicts with other sections of the zoning ordinance or town code.
Changed conditions justify an amendment	Meets	The 50-foot building setback requirement was included in the zoning ordinance in a time period where parking lots in front of the building was the preferred form of development for commercial corridor properties. Property acquisition for road improvements along East Elden Street have reduced the size of lots and this amendment will provide some relief for owners.

Addresses a demonstrated community need	Meets	Targeted relaxation of zoning standards can be an incentive to redevelop vacant properties or those reaching the end of their usable lifespan. Redevelopment can provide additional community services and provide tax revenue.
Consistent with the purpose and intent of the zoning districts in the chapter, or will improve compatibility among uses and will ensure efficient development within the town	Meets	Providing additional flexibility for locating the building on a site provides more opportunities for coordination with adjacent properties.
Results in a logical and orderly development pattern consistent with accepted or emerging planning practices	Meets	This amendment allows parking lots to be located along the side or rear of a building which has been the predominant trend in urban design the past two decades. The amendment is also consistent with the streetscape design of the East Elden Street plan.
Avoids adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment	Meets	Majority of the properties zoned CS were developed prior to 2014 state stormwater management requirement to treat nitrogen, phosphorous, and sediment from sites. Amendments that encourage the redevelopment of a site requires compliance with current stormwater management standards.
Results in development that is adequately served by public facilities (roads, potable water and sewage, schools, parks, police, and fire and emergency medical facilities	N/A	This amendment is not expected to have any direct impacts to public facilities.

Planning Commission Recommendation

This zoning ordinance text amendment was presented to the planning commission at the work session on February 8, 2021 and at the public hearing on February 22, 2021. In their

review of the zoning ordinance text amendment, the commission found that the amendment met the standards and they did not voice any concerns with this text amendment. No members of the public spoke at the public hearing.

The planning commission voted 5-0 to recommend the town council approve this zoning ordinance text amendment.

Staff Recommendation

Staff recommends approval in accordance with **alternative 1**.

Recommending approval of this zoning ordinance text amendment will provide an additional tool for implementing the goals of the South Elden Area Plan.

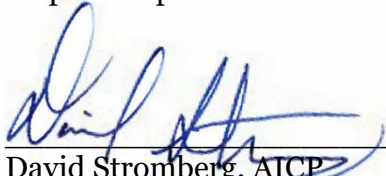
Town Council Alternatives

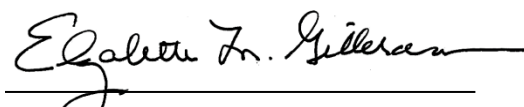
The following alternatives are available to the town council for its decision on zoning ordinance text amendment ZOTA #21-01:

1. Motion to adopt the zoning ordinance text amendment
2. Motion to deny the zoning ordinance text amendment
3. Motion to continue the zoning ordinance text amendment to a date certain
4. Motion to refer the zoning ordinance text amendment back to the planning commission

Attachments

1. Draft Ordinance
2. Map of Properties Zoned CS, Commercial Services



David Stromberg, AICP
Zoning Administrator

Elizabeth Gilleran, AICP
Director of Community Development

TOWN OF HERNDON, VIRGINIA

ORDINANCE

MARCH 23, 2021

Ordinance – to amend Chapter 78 (ZONING), Article IV (Business Districts), Section 78-40.2 (CS – Commercial Services District), to reduce the minimum front setback requirement in the CS zoning district.

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

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

Section 78-40.2 – CS – Commercial Services district.

...

g. *Dimensional standards.* All primary and accessory structures in the CS zoning district are subject to the dimensional standards set forth in Table 78-40.2(g): CS Table of Dimensional Standards. These standards may be further limited or modified by other applicable sections of this chapter. Accessory structures are subject further to the standards in Article VIII, *Accessory Uses*. Definitions; for terms in this section may be found in Article XVIII, Definitions.

TABLE 78-40.2(g): CS DIMENSIONAL STANDARDS	
STANDARD	ALL USES
Lot Area, Minimum (sq. ft.)	None
Lot Width, Minimum at setback line (feet)	None
Setback, Minimum (feet)	Greater of: 50', or as specified in the buffer classification in See also section 78-110.4(e)(3)a. and section 78-110.4(e)(3)b.. <i>25'</i>
Setback, Maximum (feet)	100'
Side Yard, Minimum (feet)	Adjacent to Residential District. ¹ : Greater of 25' or building height ² ; or as specified in the buffer classification in See also section 78-110.4(e)(3)a. and section 78-110.4(e)(3)b.

	Not Adjacent to Residential District: 7.5', or as specified in the buffer classification in section 78-110.4(e)(3)a. and section 78-110.4(e)(3)b.
Rear Yard, Minimum (feet)	Adjacent to Residential District. ¹ : Greater of 25' or building height ² ; or as specified in the buffer classification in See also section 78-110.4(e)(3)a. and section 78-110.4(e)(3)b. Not Adjacent to Residential District: 7.5', or as specified in the buffer classification in section 78-110.4(e)(3)a. and section 78-110.4(e)(3)b.
Height, Maximum (feet)	45' (See also Sec. 78-40.6 Downtown for CS Property Located within sector 3 of the Downtown)
Floor Area Ratio, Maximum	.3
Open Space, Minimum	25%
Notes: ¹ Adjacent to Residential District: indicates that a special side or rear yard requirement applies for every lot line abutting a parcel zoned for residential use when the parcel is used for residential purposes or is undeveloped. The special yard requirement is as indicated above. ² Building Height: indicates that the required setback or yard is equal to the height of the tallest building on the site where the setback or yard is required.	

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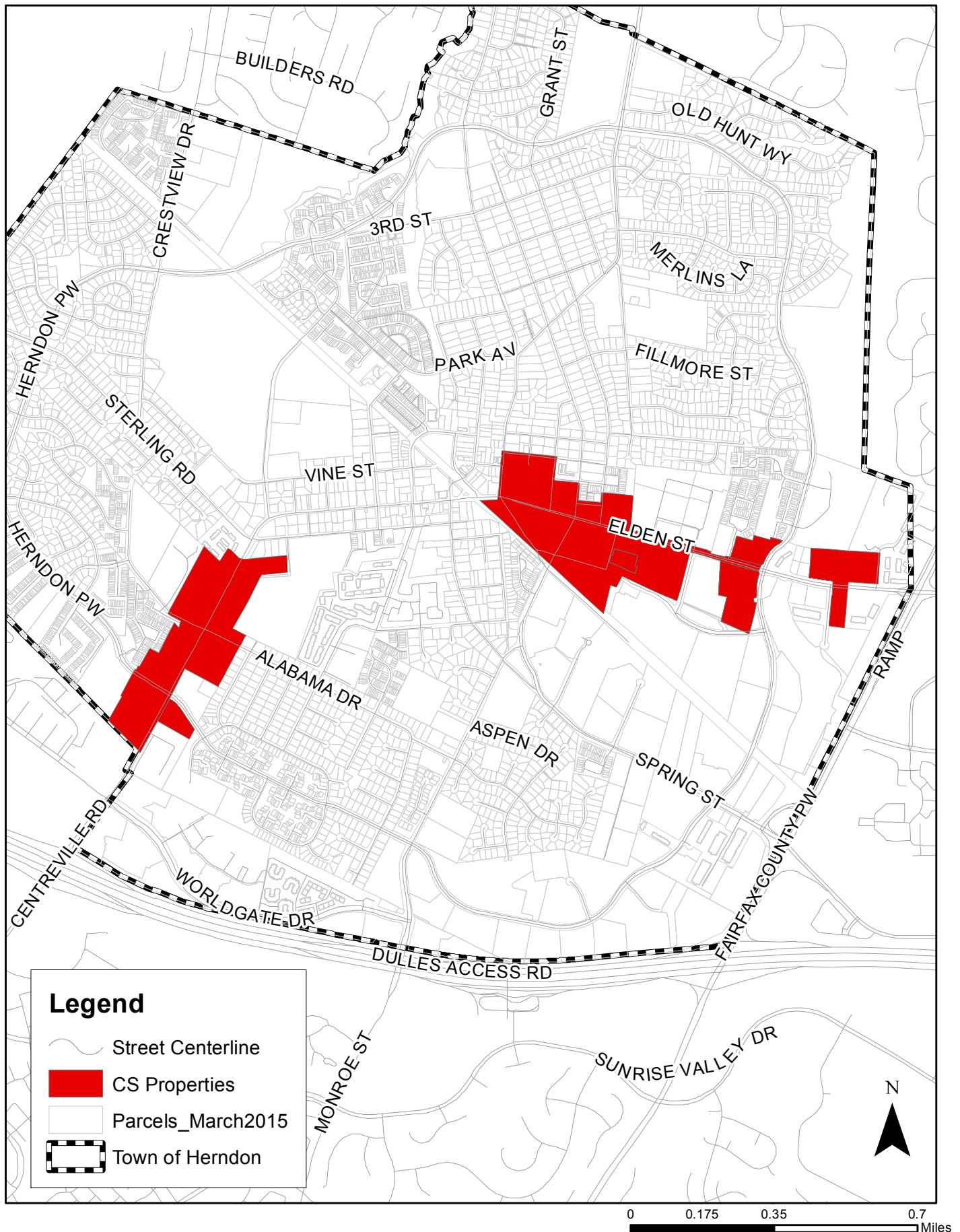
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2. This ordinance shall be effective on and after the date of its adoption.

Town Properties Zoned CS, Commercial Services





STAFF REPORT

Town Council

March 16, 2021

Title: Resolution, to consider special exception, **SE #20-01**, 1131 Elden Street, Pollo Campero, to permit drive-through service accessory to an eating establishment in a CS, Commercial Services, zoning district.

Synopsis

The applicant is requesting approval of a special exception to allow drive-through service in association with a future restaurant. The applicant plans on submitting a site plan to the town to permit the redevelopment of the property. The future redevelopment replaces the existing, vacant car repair facility/service station with a new Pollo Campero restaurant. The property is zoned Commercial Service (CS) and has a land use designation of Adaptive. It is within the boundaries of the South Elden Area Plan. Restaurant use is allowed by-right, but drive-through accommodations and service require a special exception.

The requirement for a special exception comes directly from the zoning ordinance. Each zoning district specifies which types of uses require special exception approval. The requirement for a special exception can apply to either a principal use or an accessory use. A use will be listed in the zoning ordinance as a special exception use if it has the potential to disrupt other uses in the vicinity or have other adverse impacts due to the specific proposal and location. Section 78-155.3(e) of the zoning ordinance lists the criteria that applies to all special exception uses. Section 78-80.4(j) of the zoning ordinance lists standards specific to drive-through service accessory to the restaurant. Those standards are required and the applicant's proposal meets all of them.

Staff and the Planning Commission have reviewed this application and recommend approval in accordance with the draft resolution and conditions provided in this report as Attachments #1 and #2. Staff believes that the proposal meets the applicable standards and have a managed impact as conditioned. Tables evaluating each applicable standard and each proposed condition are contained within the staff analysis section of this report.

Summary Information

Address	1131 Elden Street
Fairfax County Tax Map Number	0161-04050009B
Owners	BXA, LLC
Applicant	Campero USA Corporation
Existing Zoning	Commercial Services (CS)

Existing Use	Vacant car repair and service station
Adjacent Land Uses	North: Gas station South: Parking lot & Office building East: Restaurant & mixed retail/office building West: Verizon utility building
Land Use Designation	Adaptive
Total Site Area	28,873 square feet (0.66 acres)
Building Size	One-story, 2,991 square feet (Proposed)
Related Cases	ZOTA #21-01
Planning Commission Recommendation	Approval in accordance with Planning Commission resolution (Attachment #3)
Staff Recommendation	Approval in accordance with draft Resolution (Attachment #1)

Location Map



Site Description

The site is located on a flat lot on the east side of Elden Street, mid-block between Alabama Drive and Herndon Parkway. The site currently consists of a vacant service

station previously occupied by Herndon Auto Care. The 2,280 square foot service station was constructed in 1968. Most of the site is covered with asphalt and concrete pavement. Some landscaping exists on the perimeter of the lot. The abutting properties are commercial with surface parking lots largely along the shared property lines.

Development Description

Pollo Campero operates an existing eating establishment within the town at 496 Elden Street. The existing location does not include a drive-through service. The applicant is looking to move its operations within the town to 1131 Elden Street and is seeking a special exception to permit a drive-through service accessory to an eating establishment at the new location.

The proposed redevelopment would demolish the existing building and asphalt and replacement it with a new building for the restaurant, a new parking lot, all new landscaping, a new public sidewalk, and the subject of this special exception, a drive-through. These features are shown in the Special Exception Plan provided in this report as Attachment #4.

The new restaurant would be 2,991 square feet and would include indoor dining for up to 80 customers, an outdoor dining area, and a walk-up ordering window for to-go orders. The proposed stacking lane for the drive-through is 188'. The proposed parking lot contains 24 parking spaces, including 2 dedicated handicap accessible spaces. The design of the site and arrangement of the building and the parking lot are predicated by the location, size, and operation of the drive-through.

The site provides one vehicle ingress/egress off Elden Street, which would be limited to right turns in accordance with Section 78-80.4(j)(5) of the zoning ordinance. Vehicular traffic is proposed to circulate the site in a one-way, counter clockwise direction. A trash enclosure will be located adjacent to the drive-through stacking lane. The hours of operation for the business are expected to be Monday-Sunday from 10:00 AM to 11:00 PM.

Background

Previous Reviews

This initial submissions of this special exception were reviewed by Community Development and Public Works staff and revised based on early staff feedback. A revised subsequent submission was reviewed by the Planning Commission. The plan as presented to the Town Council has not changed since the Planning Commission review. Though not required for the special exception review, the Architectural Review Board informally considered the building design at a work session.

Review Terminology

For review of special exceptions to permit drive-through service there are three distinct terms that are referenced; criteria for evaluating special exceptions, zoning standards, and conditions of approval. Each term is explained further below:

- Criteria: These are the items that the zoning ordinance in Section 78-155.3(e) require to be considered when evaluating special exceptions. These are listed in the table on page 7 of this report. This criteria applies to all special exceptions.
- Standards: These are the requirements specified in Section 78-80.4(j) of the zoning ordinance that must be met for the proposed drive-through service. These standards are listed on page 5 of this report.
- Conditions: These are the additional provisions added to a specific special exception approval that are associated with the proposed use and the means by which the town is requiring the proposed use to mitigate or manage impacts.

Required steps after the Special Exception

The special exception is a legislative land use case that enables the applicant to pursue administrative site plan review, Architectural Review Board (ARB) review, and the necessary building permits. Following a special exception approval, the next step for the applicant is to submit the final engineering site plan.

Concurrent Review of ZOTA#21-01

The layout of this proposed development is dependent upon consideration and approval of ZOTA #21-01, which is being considered concurrently. This proposed zoning text amendment would reduce the minimum front setback requirement in the CS, Commercial Services, zoning district. As it applies to this project, the ZOTA would allow the proposed building to be placed less than the now required 50' from the front property line. Both staff and the applicant have acknowledged the challenge of adhering to certain dimensional requirements of the Town of Herndon Zoning Ordinance, while still providing the required parking and landscaping. This zoning ordinance text amendment will provide the applicant with more flexibility in the location of the restaurant and will also help achieve the vision of the South Elden Small Area Plan, which envisioned redevelopment along Elden Street with more urban building and site design typologies to include closer proximity between streets and buildings, a focus on pedestrian access and design, and a relocation of parking and other vehicle-centric facilities to the rear of buildings. Compliance with the South Elden Area Plan is discussed in greater detail in a subsequent section of this report.

By-right Use

Under the zoning for this property, a restaurant without a drive-through service to include all required parking, landscaping and other site components could be built without the need for a special exception. In that scenario, the proposed redevelopment would move directly to the administratively reviewed and approved site plan process.

Staff Analysis

Zoning Ordinance Compliance

The zoning ordinance requires a special exception for drive-through service accessory to restaurants, pharmacies, and banks because of unique characteristics a drive-through may have on vehicle circulation to, from, and through sites and how addressing that circulation may affect the layout and design of a site. The ordinance contains standards specific to proposed development with drive-through service. Those standards are listed below:

- *Special exception required.* A drive-through lane be allowed only by special exception as accessory to a principal commercial use in an enclosed structure. In approving the use, the town may impose conditions relating to the location, configuration, and operational aspects of such drive-through service as to ensure its compatibility with surrounding uses, its consistency with the layout of the site, and its compliance with the town's building codes and all relevant state laws and regulations.
- *Stacking lane required.* A stacking lane shall be provided for the drive-through window as follows:
 - The stacking lane shall be a minimum of 12 feet wide and 180 feet long as measured from the drive-through window, except that for uses which include a remote ordering device, the width and length of the required stacking lane shall be measured from the remote ordering device.
 - The stacking lane shall be used solely for drive-through window service vehicle stacking and shall not conflict with or extend into vehicle parking areas, drives, aisles, or loading areas. For uses other than eating establishments, a shorter stacking lane may be approved based upon technical information relating to stacking requirements of a particular use.
 - Except for that portion of the lane which is adjacent to the building, the vehicle stacking lane shall be located adjacent to a landscaped open space area on at least one side.
 - The vehicle stacking lane and drive-through window shall be screened to avoid being a dominant visual feature of the site when it is viewed from adjacent streets.
- *Site landscaping.* Notwithstanding the provisions of section 78-110, landscaping, a landscaped buffer a minimum of 15 feet wide shall be provided along all street frontages and shall provide the amount and types of landscape materials as specified in section 78-110.

- *Ingress and egress limitations.* One vehicle ingress and egress is permitted, except that the town may approve additional vehicle ingress and egress in the following instances:
 - The principal use shares a vehicle ingress and egress with a commercial use on an adjoining property;
 - The principal use is developed as an integral feature of a site plan for a commercial shopping center or mixed-use development; or
 - The use is located on a parcel with frontage on more than one street and the town finds that an additional vehicle ingress and egress will improve on-site and off-site circulation.
- *Location of ingress and egress.* All ingress and egress for vehicles shall be in accordance with the standards in the public facilities manual and shall be located at least ten feet from the property line of adjoining parcels. Egress located on urban minor arterial or higher classification shall be posted with signs prohibiting left-hand turning movements from the site accompanying any entrance configuration to prohibit left turns.
- *Pedestrian access.* A pedestrian access path from public sidewalks to every building entrance shall be provided, and shall include access ramps at all curbs. Where any pedestrian access path crosses a drive-through aisle or stacking lane, the pavement of the drive-through aisle or stacking lane shall be constructed of a material which differs in color from the rest of the drive-through aisle or stacking lane pavement. No pedestrian access path shall cross any parking or loading space.
- *Bicycle parking.* Bicycle parking facilities shall be provided.
- *Signage.* Any exterior drive-through service price sign placed in association with any drive-through window use shall be positioned so that the message content is not visible from adjacent streets.
- *Canopy lighting.* Lighting for canopies for drive-through service shall not exceed an average of 12 foot-candles as measured at ground level at the inside of the outside edge of the canopy.
- *Screening.* A masonry screening wall a minimum of six feet high shall be provided along any side lot or rear lot line adjacent to a residential use or district.

Staff relies on the criteria listed in Section 78-155.3(e) in its evaluation of special exceptions. The table below shows a summary of this application and the criteria for approval. This criteria is provided in the zoning ordinance as the means by which

potential impacts of the use to adjacent properties, the neighborhood, and the town are evaluated. Note that the green shaded areas indicate a criterion is met, the blue shaded areas indicate where a criterion is met with a specific condition, and the unshaded areas are not applicable to the case.

Criteria from Section 78-155.3(e)	Meets or Does Not Meet	Why the application meets or does not meet the criteria of Section 78-153.3(e)
Is consistent with the Comprehensive Plan	Meets	The Comprehensive Plan encourages redevelopment and a mix of uses in the Adaptive Areas
Is free of conflict with any provision of this chapter and related regulations or any other applicable local, state, or federal laws and regulations	Meets	As proposed, this application complies with the zoning ordinance, and other local, state, and federal laws, such as state stormwater regulations and federal accessibility policy, provided that ZOTA #21-01 is approved.
Does not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use.	Meets	The proposed use should not adversely affect the health or safety of nearby workers. The reduction of a curb cut, site circulation, and new streetscape creates an improved environment of pedestrians. Any noises and fumes typical of car repair would no longer emanate from this site. Redevelopment of a vacant site would improve security concerns. The Herndon Police department has received calls for service at this property that have occurred since the business left.
Minimizes adverse visual impact of the proposed use on adjacent lands	Meets	The proposed use would be screened by landscaping, a fence, and the building itself. The overall site will need to meet perimeter buffer and streetscape landscaping requirements that will bring much more plant material to the site than what is there today. The building to include the drive-through windows and signage will require review and approval by the ARB.

Contributes to a logical and orderly development pattern consistent with accepted or emerging planning practices	Meets	The site design to include the drive-through is consistent in form with similar uses along Elden Street. The reduction in a curb cut is consistent with the access management goals of the future Elden Street improvements. The location of the building, closer to the street, and the shifting of parking from the front of the building to the side of the building represents urban design objectives to make site equally accessible to pedestrians and vehicles.
Minimizes adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration, and should not create a nuisance.	Meets with Conditions	Staff believes the use will have minimal impacts off-site but is recommending certain conditions to help mitigate and manage those impacts. See the conditions analysis table on page 12 of this report. Note that all parking, trash, and loading services are provided on-site.
Avoids significant adverse impacts on the property values of surrounding lands or substantially and permanently injures the use of neighboring property for those uses that are permitted in the zoning district	Meets	The proposed use will redevelop a vacant and poor conditioned site with a new building and fresh landscaping along a highly visible right-of-way. The restaurant would also bring in customers and activity and provided a neighborhood service. For those reasons, it is expected that the redevelopment would not harm abutting properties' uses and values.
Does not significantly and adversely impact the natural environment, including but not limited to, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment	Meets	The proposed use will be required to meet all the necessary stormwater, landscaping, and applicable ecological requirements, which will be verified for compliance during site plan review. The site it currently almost 100% impervious surface with very little vegetation and no stormwater management facilities. The proposed use would greatly increase the landscaping on the site and will meet all current pollutant removal requirements.

Results in development that is adequately served by transportation facilities, including whether or not a substantial deterioration of the level of service on the town's transportation network would occur and whether or not the proposed use is designed to ensure safe ingress and egress onto the site and safe road conditions on and around the site	Meets with Conditions	A Traffic Impact Analysis was completed for this project. It concluded that there are no additional traffic impacts to the town's network service levels. The reduction of a curb cut and limit to right turns improves motorist, pedestrian, and cyclist safety. There is a bus stop just off-site which will not be impacted by this use. A walk-up ordering window and a walkway from the public streetscape to the walk-up window would be provided to accommodate an expected customer base that may often walk or bike instead of drive to the restaurant.
Results in development that is adequately served by public facilities (roads, potable water and sewage, schools, parks, police, and fire and emergency medical facilities)	Meets	The Department of Public Works has reviewed this proposal and found no or negligible impacts to roads, water, or sewer.
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	The proposed use is compatible with the existing land uses, removes the existing site from a nonconforming status, does not have any additional impact to town services, has access to transit with a bus stop just off-site, improves the landscaping on the site and would use native species, limits impervious surface where possible, will be evaluated by the ARB to ensure the architecture fits contextually within the neighborhood, has a design meant to accommodate pedestrians.
If located in the floodplain overlay district, meets floodplain overlay standards.	Not Applicable	This property is not located within the floodplain overlay district.

Comprehensive Plan Adherence

The proposal is consistent with the South Elden Small Area Plan, adopted on February 12, 2019 as Comprehensive Plan Amendment (CPA) #18-01, which was integrated into the Herndon 2030 Comprehensive Plan, Chapter III Land Use Plan. The South Elden Area

Plan is a “small area plan” that describes what development should be like in the future along Elden Street between Sterling Road and just north of Worldgate Drive. Small area plans are plans developed to guide future redevelopment of specific geographical areas within Herndon. These small area plans are adopted into the town’s comprehensive plan by the town council, after review and recommendation by the planning commission. The South Elden Small Area Plan provides five subareas or tiers established to guide and facilitate redevelopment. The tiers were developed based on a variety of factors, such as existing parcel size, depth, street access, character of abutting uses, and adjacency to existing residential uses. Additional density, which is not being requested by this applicant, is only appropriate in certain areas and is dependent upon the approval of a zoning map amendment.

This subject parcel is included in “Tier 3 – South Elden Commercial”. Tier 3 recommends commercial uses at a density of 0.3 FAR. The design of Tier 3 is intended to promote transitions, consolidation of properties, open space, and streetscape improvements. The comprehensive plan acknowledges that consolidation of properties in Tier 3 may not be suitable in some instances and states that parcels designated Tier 3, through a mix of reuse and redevelopment can provide commercial uses for future residents of the future mixed-use development as well as the existing residential development within and surrounding the plan area.

In conjunction with the South Elden Small Area Plan, the Town Council adopted a design concept for improvements to Elden Street extending from Sterling Road to Herndon Parkway, as Comprehensive Plan Amendment (CPA) #18-02 on February 26, 2019. The street plan adds a shared-use sidewalk on the west side of Elden Street and redesigns the existing 5-lane section of Elden Street to 4-lanes with a raised median and protected turning lanes. When constructed, the raised median along Elden Street will prevent motorists from being able to turn left while entering or exiting the subject site.

With adoption of the street improvements plan, the Town Council directed town staff to pursue funding to improve the existing sidewalk on the east side of Elden Street, where the Pollo Campero site is located. The proposed streetscape improvements would align with this direction by improving an existing 4’ wide non-ADA-compliant sidewalk to a 6’ wide ADA compliant sidewalk. The streetscape improvements are a requirement associated with the future review and potential approval of the site plan and are not a criteria or standard associated with this special exception application.

The project aligns with the land use policies for its land use designation, Adaptive, as expressed in the 2030 Comprehensive Plan and adheres to the applicable Redevelopment Criteria as explained in more detail in the SE Criteria Table on page 7 of this report.

Transportation Analysis

The site is served by three Fairfax Connector bus routes: 926, 937, 950. The northbound bus stop (ID: 4001) is located just to the south of the 1131 Elden Street property line and includes a bus stop shelter. The southbound bus stop (ID: 4000) is located on the opposite side of Elden Street, just to the north of the property line. The site is located just over 1 mile from the Hendon Metrorail Station and Innovation Metrorail Station.

The site provides the required number of parking stalls which were designed to mitigate potential obstruction by the drive-through stacking lane. The applicant has stated an expectation that many of the customers will walk or bike to the site and is providing an accessible walk-up ordering window for accommodate to-go orders.

The existing site includes two curb cuts with both left and right turning movements in and out of the site. This arrangement creates an uninviting and unsafe environment for pedestrians and cyclists and increases the number of potential vehicle movement conflicts. The proposed redevelopment reduces the site to one curb cut which feeds into the parking lot and stacking lane of the drive-through. It also greatly improves the public streetscape with ADA-compliant sidewalks, marked crosswalks, and landscaped buffers.

The Traffic Impact Analysis (TIA) Executive Summary is provided in this report as Attachment #5. A full copy of the analysis can be provided to council members upon request. The TIA ran modeling scenarios based on the existing conditions, future conditions without development, and future conditions with development. The future conditions with development accounted for the adopted Elden Street improvements which includes a raised median in front of the subject parcel and would thus prohibit left turn movements. Trips were calculated using the Institute of Transportation Engineers (ITE) *Trip Generation, 10th Edition*. The TIA found that the traffic generated from the proposed use had no discernible impacts to nearby intersection level-of-service above what the traffic volumes would be without the development. A right turn warrant analysis was included in the TIA and found that a right turn was warranted into the site off Elden Street. This condition however was not recommended given the right-of-way constraints and character and operation of Elden Street which is not currently or planned to be improved to include dedicated right turn lanes. Such turn lanes are considered detrimental to a multimodal environment which seeks equity between the pedestrian, cyclist, and automobile.

Analysis of Conditions

Staff is recommending several conditions for this special exception. Those conditions are listed in the following conditions analysis table. Staff believes these conditions provide reasonable ways in which the proposed use can have properly mitigated and managed impacts.

#	Condition	Covered by language in the Zoning Code	Reason for Condition
1	Substantial Conformance with the submitted plan	No	This condition is what gives the town the authority to ensure the proposed use operates in the way that is presented to the town council.
2	Required fencing	No	Staff recommends fencing between the drive-through lane and the property line to provide a further buffer and to prevent unsafe pedestrian passage in the lane from off-site.
3	Loading zone	No	Staff recommends restricted loading zone hours. The loading zone is shared with parking stalls and the restriction on hours mitigates the potential conflict between the two uses and the drive-through operation by requiring loading outside of business hours.
4	Trash collection	No	Staff recommends restricting trash collection hours. The trash enclosure abuts the drive-through lane and pick-up would obstruct drive-through operability. The recommended hours are outside the business hours to prevent this conflict.
5	Limit on one drive-through service window	No	The site design and intended vehicle circulation is heavily dependent on the use of only one ordering window. If another window is added which results in a shorter stacking lane, vehicle waiting in the drive-through may obstruct parking or circulation around and through the parking lot.

Planning Commission Recommendation

The Planning Commission initially heard this application at the work session on February 8, 2021. The Planning Commission voted, 6-0, on February 22, 2021 to approve a

resolution recommending approval of this special exception for a new restaurant with drive-through service. That resolution, including recommended conditions, is provided in this report as Attachment #3.

Several items regarding the operation of the drive-through and the impacts of the drive-through to other site components were discussed with the Planning Commission. Based on that feedback, the application was changed to its current one-way, counter clockwise vehicle circulation. This change reduced conflicts points between vehicles and improves mobility around the parking lot and drive-through. The Planning Commission also discussed the preference to remove the parking stall closest to the site entrance to decrease the potential of conflict between vehicle backing up out of the stall and vehicles entering the site. Staff agrees with this comment. The current Special Exception Plan under consideration does not include that change, so staff has included it as a condition as explained in the conditions analysis table on page 12.

Staff Recommendation

Staff recommends approval in accordance with **Alternative #1** stated below
Staff believes this proposal meets the criteria for approval of a special exception and recommends approval of the drive-through with the attached conditions.

Town Council Alternatives

The following alternatives are available to the Town Council for its decision on Special Exception #20-01:

1. Approval with conditions as recommended by staff
2. Approval with revisions to the conditions as recommended by staff
3. Denial based on failure to meet applicable criteria
4. Continuance of the application to the next Town Council public hearing if additional time for review is necessary

Attachments

1. Draft Town Council Resolution
2. Draft Conditions
3. Planning Commission Resolution
4. Proposed Special Exception Plan, dated February 3, 2021
5. Traffic Impact Study Executive Summary, dated September 25, 2020

Staff Contacts

Michael Wallick, AICP, Transportation Planner
michael.wallick@herndon-va.gov (703) 787-7380



Bryce Perry, Deputy Director of Community Development
bryce.perry@herndon-va.gov (703) 787-7380



TOWN OF HERNDON, VIRGINIA

RESOLUTION

MARCH 23, 2021

Resolution- to consider Special Exception Application SE #20-01, 1131 Elden Street, Pollo Campero, to permit a drive-through service accessory to an eating establishment in a CS, Commercial Services, zoning district.

WHEREAS, the applicant, Campero USA Corporation, has submitted a request for a special exception to permit a drive-through service accessory to an eating establishment on a property located at 1131 Elden Street and identified as Fairfax County Tax Map #0161-04050009B; and

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

WHEREAS, following the public hearing, the Planning Commission recommended that the application be approved with conditions based upon the finding that the proposed use meets the purpose and intent of the Zoning Ordinance, in particular Sections 78-155.3 and 78-80.4(j);

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

WHEREAS, if granted, the uses permitted under the special exception are pursuant to this resolution and associated conditions; and

WHEREAS, if granted, special exceptions may be amended pursuant to Section 78-155.3(j) of the Town of Herndon Zoning Ordinance; and

WHEREAS, if granted, special exceptions may be revoked pursuant to Section 78-155.3(h) of the Town of Herndon Zoning Ordinance.

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

Approves Special Exception Application SE #20-01, that shall run with the land and not be voided or extinguished from a change in ownership of the property, and be in accordance with the conditions set forth below;

[INSERT CONDITIONS]

DRAFT CONDITIONS

SPECIAL EXCEPTION SE #20-01

1131 ELDEN STREET

MARCH 23, 2021

1. Substantial Conformity. The development and maintenance of the special exception use, described in Condition 2 below, shall be in substantial conformance with the SE #20-01 application plans, prepared by Menemsha Solutions and dated February 16, 2021. Approval of this application on the parcel identified as Fairfax County Tax Map Number 0161-04050009B, known as 1131 Elden Street, Herndon, Virginia (the “Property”), shall not relieve the applicant or the owners of the Property, or their successors or parties developing, establishing, or operating the approved special exception, from the obligation to comply with and conform to any other Zoning Ordinance, codified ordinance, or regulatory requirement.
 - 1.a. Parking Lot Adjustments. At the time of site plan submittal, the parking space located at the southwest corner of the site nearest to the ingress/egress to the site shall be removed or relocated. Removal or relocation of this space shall comply with all other provisions of the Zoning Ordinance. Furthermore, the central parking bay shall be adjusted to the east or west as necessary based on feedback from the Town of Herndon Department of Public Works and the Fairfax County Fire Marshal.
2. Fencing. A decorative metal fence, subject to approval by the Architectural Review Board, shall be installed and maintained along the northern property boundary and shall be a minimum of 5 feet in height, unless otherwise restricted by Section 78-115.2 of the Zoning Ordinance.
3. Loading Zone. Use of the loading zone shall be restricted to the hours of 7:00AM to 10:00AM. The loading zone area shall be identified on the site with signage, markings on the pavement, or both.
4. Trash Collection. Trash collection shall be restricted to the hours of 7:00AM to 10:00AM.
5. One Drive-Through Service Window per Lot. There shall be no more than one accessory drive-through service window on the Property.

TOWN OF HERNDON, VIRGINIA

PLANNING COMMISSION

RESOLUTION

FEBRUARY 22, 2021

Resolution- to consider Special Exception Application SE #20-01, to permit a drive-through service accessory to an eating establishment in a CS, Commercial Services, zoning district.

WHEREAS, the applicant, Campero USA Corporation, has submitted a request for a special exception to permit a drive-through service accessory to an eating establishment on a property located at 1131 Elden Street and identified as Fairfax County Tax Map #0161-04050009B; and

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

WHEREAS, the Planning Commission has found that the application, SE #20-01 with conditions meets the purpose and intent of the Zoning Ordinance, in particular Sections 78-80.4(j) and 78-155.3.

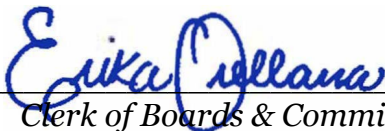
NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the Town of Herndon, Virginia, hereby:

Recommends approval of Special Exception Application SE #20-01, that shall run with the land and not be voided or extinguished from a change in ownership of the property in accordance with the conditions set forth below to achieve compliance with the standards found in Sections 78-80.4(j) and 78-155.3;

1. Substantial Conformity. The development and maintenance of the special exception use, described in Condition 2 below, shall be in substantial conformance with the SE #20-01 application plans, prepared by Menemsha Solutions and dated February 16, 2021. Approval of this application on the parcel identified as Fairfax County Tax Map Number 0161-04050009B, known as 1131 Elden Street, Herndon, Virginia (the "Property"), shall not relieve the applicant or the owners of the Property, or their successors or parties developing, establishing, or operating the approved special exception, from the obligation to comply with and conform to any other Zoning Ordinance, codified ordinance, or regulatory requirement.

- 1.a. Parking Lot Adjustments. At the time of site plan submittal, the parking space located at the southwest corner of the site nearest to the ingress/egress to the site shall be removed or relocated. Removal or relocation of this space shall comply with all other provisions of the Zoning Ordinance. Furthermore, the central parking bay shall be adjusted to the east or west as necessary based on feedback from the Town of Herndon Department of Public Works and the Fairfax County Fire Marshal.
2. Permitted Use. This special exception is granted to allow a drive-through service as accessory to a new-construction eating establishment on the Property pursuant to Section 78-80.4(j) of the Town of Herndon Zoning Ordinance (the "Zoning Ordinance").
3. Fencing. A decorative metal fence, subject to approval by the Architectural Review Board, shall be installed and maintained along the northern property boundary and shall be a minimum of 5 feet in height, unless otherwise restricted by Section 78-115.2 of the Zoning Ordinance.
4. Loading Zone. Use of the loading zone shall be restricted to the hours of 7:00 AM to 10:00 AM. The loading zone area shall be identified on the site with signage, markings on the pavement, or both.
5. Trash Collection. Trash collection shall be restricted to the hours of 7:00 AM to 10:00 AM.
6. One Drive-Through Service Window per Lot. There shall be no more than one accessory drive-through service window on the Property.
7. Amendment of Special Exception. Any proposed changes to this special exception shall follow the process described in Section 78-155.3(j) of the Zoning Ordinance.
8. Revocation. Any violation of the aforementioned conditions or other sections of the Herndon Town Code shall be grounds for revoking the special exception pursuant to the manner described in Section 78-155.3(h) of the Zoning Ordinance.

This is certified to be a true and accurate copy of the resolution associated with Special Exception Application SE #20-01, adopted at a legally convened meeting of the Town of Herndon Planning Commission on February 22, 2021.


Clerk of Boards & Commissions

NEW DIRECTIONAL SIGNAGE.

NEW TWO SHORT TERM BICYCLE SPACES.

NEW SITE LIGHTS, TYP.

NEW MENU BOARD.

NEW TRASH ENCLOSURE.

NEW PREVIEW BOARD.

NEW CLEARANCE BAR.

EXISTING PROPERTY LINE.

CONCRETE PAD EXTENDS 13 FEET IN FRONT OF THE TRASH ENCLOSURE

ALL SIDEWALKS TO MEET ALL APPLICABLE CODES AND ACCESSIBILITY REQUIREMENTS. SIDEWALKS TO BE LEVELED AT 2% MAXIMUM IN THE CROSS SLOPE DIRECTION AND 5% SLOPE MAXIMUM IN THE RUNNING DIRECTION. PROVIDE CONTROL JOINTS AT EVERY 5'-0". FEATHER AT 5% MAXIMUM SLOPE AS REQUIRED TO ALIGN WITH EXISTING ADJACENT CONCRETE SIDEWALK. SIDEWALKS TO BE MINIMUM 5'-0" IN WIDTH AS SHOWN ON PLANS.

NEW 6" BOLLARD, TYP.

NEW DRIVE-THRU CANOPY

NEW DIRECTIONAL SIGNAGE PROHIBITING LEFT-HAND TURN ONTO ELDEN STREET
PER HERNDON TOWN CODE SECTION 78-80.4(j)(5)

A. THE SWM AND BMP PRACTICES THAT ARE REQUIRED FOR THIS PROJECT SHALL MEET ALL APPLICABLE FEDERAL, STATE, AND LOCAL REQUIREMENTS AT THE TIME OF SITE PLAN. ALL SWM QUALITY AND QUANTITY REQUIREMENTS FOR THE PROJECT (INCLUDING REQUIREMENTS GENERATED BY ONSITE AND OFFSITE DISTURBED AREAS AND FRONTAGE IMPROVEMENT AREAS) SHALL BE PROVIDED ON SITE AND BE PRIVATELY MAINTAINED.

B. THE LAYOUT MUST MEET ALL APPLICABLE REQUIREMENTS OF THE FAIRFAX COUNTY FIRE MARSHAL'S OFFICE AT THE TIME OF SITE PLAN. THE PLAN SHALL BE APPROVED BY THE FAIRFAX COUNTY FIRE MARSHAL PRIOR TO APPROVAL OF THE FINAL SITE PLAN.

C. THIS SITE IS CONSIDERED AN ENVIRONMENTAL HOT SPOT DUE TO ITS PREVIOUS USE. AT THE TIME OF SITE PLAN AN ENVIRONMENTAL REPORT MUST BE PREPARED BY A CERTIFIED PROFESSIONAL IDENTIFYING ANY CONTAMINATED SOILS AND THE REPORT MUST BE INCLUDED ON THE FINAL SITE PLAN. IF CONTAMINATED SOILS EXIST, THEY MUST BE REMOVED IN ACCORDANCE WITH STATE AND FEDERAL REGULATIONS.

D. THE FINAL SITE PLAN SHALL IDENTIFY ANY UNDERGROUND TANKS THAT EXIST ON THE SITE. THE SITE PLAN SHALL ADDRESS THE ABANDONMENT OR REMOVAL OF THE UNDERGROUND TANKS IN ACCORDANCE WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL REQUIREMENTS.

E. APPLICABLE SITE LIGHTING REGULATIONS WILL BE MET AND REVIEWED FOR COMPLIANCE DURING THE SITE PLAN REVIEW.

 = PROPERTY LINE
 = NEW LANDSCAPE & IRRIGATION

	S.F.
	7,320

SP100

SCALE: 1"=10'-0"

1

Traffic Impact Study

Elden Street Restaurant

Town of Herndon, Virginia

March 30, 2020

Revised: September 25, 2020

Prepared For:
Menemsha Solutions

GOROVE SLADE
Transportation Planners and Engineers

EXECUTIVE SUMMARY

The following report presents the findings of a traffic impact study conducted for the proposed redevelopment of the 1131 Elden Street site in the Town of Herndon, Virginia. The study was developed in accordance with the Town of Herndon's Traffic Impact Study Guidelines.

Site Location and Study Area

The site is located in the Town of Herndon, Virginia on east side of Elden Street, between Alabama Drive and Herndon Parkway. The vehicular study area includes four (4) intersections along Elden Street.

Description of Proposed Development

The 0.66-acre site is currently zoned CS (Commercial Services) and is occupied by 2,280 SF of vacant Auto Care that is to be removed. The current plan proposes 2,900 SF of restaurant with a drive-through. The anticipated project build-out year is 2021. The existing northern entrance will be removed and the existing southern entrance will be modified to only allow right turns.

Principal Findings and Conclusions

The analysis presented in this report supports the following major conclusion:

- The addition of the site traffic does not cause any additional intersection to have movements operate at an unacceptable level of service over future without development conditions, after mitigation.

Existing Conditions (2020):

- The following intersections currently operate below the Town of Herndon's acceptable level of service (LOS D for overall intersections or LOS E for individual movements):
 - Intersection #1: Elden Street and Alabama Drive
 - Intersection #4: Elden Street and Herndon Parkway

Future Conditions without Development (2021):

The regional growth and background development traffic volumes were added to the existing traffic volumes to develop the future without development (2021) traffic volumes.

- The following background developments were considered for the future conditions:
 - Junction Square – 4,000 SF of retail
 - Elden Corner Center – 10,000 SF of retail
 - Arrowbrook Centre – 640,000 SF of office, 91,450 SF of retail, 1,084 residential units, and 300 room hotel
 - Woodland Park Waterview – 295 multifamily units, 56 two-over-two units, and 32 single family attached units
- The following intersections operate below the Town of Herndon's acceptable level of service (LOS D for overall intersections or LOS E for individual movements). The intersections in **bold** also operate at unacceptable levels under existing conditions:
 - **Intersection #1: Elden Street and Alabama Drive**

- **Intersection #4: Elden Street and Herndon Parkway**

Future Conditions with Development (2021):

Elden Street is ultimately planned to be a four-lane divided roadway in the vicinity of the site. The South Elden Street improvement plan includes the removal of the TWLTL (two-way left turn lane) on Elden Street and closes the median adjacent to the site. The site will be accessed via one RIRO (right-in/right-out) driveway on Elden Street. The future with development analysis is consistent with the ultimate lane configuration of Elden Street.

- The following intersections operate below the Town of Herndon’s acceptable level of service (LOS D for overall intersections or LOS E for individual movements). The intersections in **bold** also operate at unacceptable levels in the future without development scenario:
 - **Intersection #1: Elden Street and Alabama Drive**
 - **Intersection #4: Elden Street and Herndon Parkway**
- Mitigation measures are proposed at the following intersection:
 - Intersection #4: Elden Street and Herndon Parkway – Modify existing signal timing during the PM peak hour to reduced delay and improve signal operation.

CONCLUSIONS

This report presents the findings of a traffic impact study for the proposed redevelopment of the 1131 Elden Street site located in Town of Herndon, Virginia.

The analysis presented in this report supports the following major conclusion:

- The addition of the site traffic does not cause any additional intersection to have movements operate at an unacceptable level of service over future without development conditions, after mitigation.

Existing Conditions (2020):

- The following intersections currently operate below the Town of Herndon's acceptable level of service (LOS D for overall intersections or LOS E for individual movements):
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- Mitigation measures are proposed at the following intersection:
 - Intersection #4: Elden Street and Herndon Parkway – Modify existing signal timing during the PM peak hour to reduced delay and improve signal operation.



STAFF REPORT

Town Council
March 16, 2021

Title:

Resolution, to award contract RFP #21-01 Financial Audit Services

Staff Contact:

Jerry Schulz, Acting Director of Finance
Telephone: (703) 435-6800 ext. 2041
e-mail: jerry.schulz@herndon-va.gov

Description:

The Code of Virginia requires an annual audit of the town's financial and accounting records to be performed by an independent certified public accountant in accordance with the specifications furnished by the Virginia Auditor of Public Accountants (APA). This requirement applies to all Virginia localities (counties, cities, and towns) with populations of 3,500 or more and towns that operate a separate school division.

In February 2021, town staff prepared a request for proposal (RFP) for auditing services which was posted on eVA (Virginia Division of Purchasing and Supply's e-procurement website) and the town's website. In response to its solicitation, the town received five proposals by the response due date of March 5, 2021. These proposals were submitted by regional and national capital area accounting firms specializing in local government accounting and auditing.

The following five firms submitted proposals for consideration:

Brown, Edwards & Company, LLP
Clifton Larson Allen, LLP
PBMares, LLP
Robison, Farmer, Cox Associates
UHY, LLP

A three-member evaluation committee was assembled and included the Deputy Director of Finance, the Budget Manager, and the Purchasing Agent. These individuals reviewed, scored and ranked the five proposals independently. Based on the composite score of the individual rankings, the Committee selected two firms for oral interviews. Both firms were deemed fully qualified to provide the services as described in the RFP. At the conclusion of the informal interviews, on the basis of evaluation factors published in the RFP and all information developed in the selection process, the Committee elected to conduct negotiations with the offeror ranked first. The accounting firm of Brown Edwards was the top-ranked firm. Fee negotiations with Brown Edwards were satisfactorily concluded and the committee recommends awarding the financial auditing services contract to Brown Edwards & Company, LLP for the FY 2021 audit and with up to three one-year extensions (i.e., audits for FY 2021 through FY 2025).

Brown Edwards is a regional accounting and consulting firm with a strong Virginia practice which includes eleven offices, eight of which are in Virginia (Blacksburg, Bristol, Lynchburg, Harrisonburg, Newport News, Richmond, Roanoke, and Wytheville). The other offices are in West Virginia (Bluefield and Charleston) and Tennessee (Kingsport). In 2020, Brown Edwards was listed in *Inside Public Accounting's* Top 100 Public Accounting Firms by net revenue, and the firm was ranked fifth by *Accounting Today* in its listing of top CPA firms in the Capital Region which encompasses Delaware, Maryland, Virginia, Washington, DC, and West Virginia. The firm was formed in 1967 through the merger of two predecessor firms whose histories date back to the 1920's. Today, Brown Edwards employs 400 professionals. Brown Edwards specializes in accounting, assurance (auditing), tax, and management advisory services for clients in several diverse industries including governmental, not-for-profit, health care, higher education, and financial institutions. In total, the firm spends approximately 40,000 hours annually providing audit, accounting, and advisory services to governmental and municipal clients, and other related entities that expend government funding or fall under Government Auditing Standards.

The negotiated base fee is \$78,000 for the FY 2021 audit. Subsequent years' fees will be renegotiated, based on the immediately preceding year's fee and the change in the consumer price index from the previous calendar year.

Fiscal Impact:

The Town Manager's Recommended FY 2022 Budget contains sufficient appropriations within the Non-Departmental organization of the budget, and in the General, Water and Sewer, Golf Course, and Chestnut Grove Cemetery funds to accommodate the anticipated financial auditing services fee.

Town Council Staff Report
March 16, 2021
RFP #21-01 Financial Audit Services

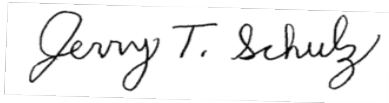
Staff Recommendation:

Recommend that the Mayor and Town Council adopt the attached draft resolution.

Attachment:

Resolution – Award of contract for financial auditing services - RFP # 21-01.

Staff:

A handwritten signature in black ink, reading "Jerry T. Schulz", enclosed in a thin black rectangular border.

Jerry Schulz, Acting Director of Finance

TOWN OF HERNDON, VIRGINIA

RESOLUTION

MARCH 23, 2021

Resolution- to award contract RFP #21-01, Financial Audit Services.

WHEREAS, the Code of Virginia requires an annual audit of the town's financial and accounting records to be performed by an independent certified public accountant in accordance with the specifications furnished by the Virginia Auditor of Public Accountants (APA); and

WHEREAS, town staff prepared and posted (via *eVA* and the town's website) a request for proposal for financial auditing services with five firms returning proposals by the response due date of March 5, 2021; and

WHEREAS, based on the composite ranking of the proposals and subsequent informal interviews, the town's Evaluation Committee recommends the independent certified public accounting firm of Brown, Edwards & Company, LLP to conduct the independent audits of the town's financial and accounting records for FY 2021-2025 and up to three one-year extensions; and

WHEREAS, the negotiated base fee is \$78,000 for the FY 2021 audit which is based on the scope of work; and

WHEREAS, subsequent years' fees will be renegotiated, based on the immediately preceding year's fee and the change in the consumer price index from the previous calendar year.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby awards RFP#21-01, Financial Auditing Services, to the certified public accounting firm of **Brown, Edwards & Company, LLP** for the audit of the town's financial and accounting records for the fiscal years 2021 through 2025.

STAFF REPORT

Town Council
March 15, 2021

Title:

Resolution - to authorize the submission of a Creative Communities Partnership Grant Application/Virginia Commission for the Arts

Staff Contact:

Cindy S. Roeder, Director of Parks & Recreation
703-435-6800 ext. 2123
cindy.roeder@herndon-va.gov

Proposal/Description:

The Virginia Commission for the Arts matches local government contributions up to \$4,500 for grants to independent arts organizations for arts activities in the locality through redistribution to nonprofit arts organizations. To obtain grant requests, a press release announcing the program was sent to local media outlets, and nonprofit arts organizations located in the Town were notified. Applications were received from TBD.

A citizen committee consisting of Al Hobson, Nicole Mitchell, and Christine Vosseler, reviewed the applications, their adherence to the guidelines, and based on their perception of the proposal's impact within the community, recommend that TBD.

Issue:

Approval requested from the Town Council to submit an application to the Virginia Commission for the Arts for a **Creative Communities Partnership Grant** (formerly the Local Government Challenge Grant) in the amount of \$4,500.

Fiscal Impact:

The Challenge grant matches an equal expenditure of funds for arts activities given by the Town to any arts organizations. Up to 50% of the match must be in cash contributions and 50% may be in in-kind services. This is accomplished through the Town Council's approved FY22 budget allocation for arts programming. A local government that has not approved its budget by the grant deadline may apply conditionally and confirm the application as soon as the budget has been approved. The Town then receives the Creative Communities Partnership grant and redirects the funds to the arts organizations.

Staff Comments:

This year's grant process was consistent with previous years. Careful thought and consideration was given by the committee to the requests received.

Recommendation:

Approve submittal of the 2021 Virginia Commission for the Arts Creative Communities Partnership grant application.

Staff:A handwritten signature in black ink, reading "Cindy S. Roeder". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Cindy S. Roeder, Director of Parks & Recreation

TOWN OF HERNDON, VIRGINIA

RESOLUTION

March 23, 2021

Resolution- to authorize the submission of a Creative Communities Partnership Grant Application/Virginia Commission for the Arts.

WHEREAS, the Virginia Commission for the Arts provides grant monies to Virginia localities under the Creative Communities Partnership Grant (formerly the Local Challenge Grant) for redistribution to nonprofit organizations for arts activities; and

WHEREAS, the Town of Herndon has solicited grant applications from organizations and recommends that a \$4,500 grant be submitted for the proposal submitted by TBD.

WHEREAS, the funding for this program requires that the Town appropriate an equal amount of funds for arts activities in the community and recommends funding be included in the proposed FY 2022 budget.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Herndon, Virginia, that the Town Manager is hereby authorized to submit a Creative Communities Partnership Grant application to the Virginia Commission for the Arts.

TOWN OF **Herndon**

DEPARTMENT OF PUBLIC WORKS
STAFF REPORT

Town Council
March 16, 2021

Title:

Resolution, to award contract IFB #21-06, Contract Mowing and Landscape Services

Staff Contact:

Tammy Chastain, Deputy Director of Public Works
(phone) 703-435-6860
tammy.chastain@herndon-va.gov

Gerald Amacker, Purchasing Agent
(phone) 703-435-6813
(e-mail) gerald.amacker@herndon-va.gov

Background:

The Department of Public Works has an annual term contract for mowing and landscape services for various town facilities and rights-of-way. The previous annual contract was approved in March, 2016 with American Lawn Brothers, Inc. in the amount of \$127,637.00

IFB #21-06, Contract Mowing and Landscape Services was advertised on the Town of Herndon website and eVA Commonwealth of Virginia procurement website. On March 1, 2021 at 11:00 a.m., the bids were publicly opened and read aloud and the following bids were received:

	BID BASED ON YEARLY COST
1. Brightview Landscape Services, Inc.	\$123,145.38
2. American Lawn Brothers, Inc.	\$153,492.00
3. Blake Landscapes, Inc.	\$176,532.19
4. The Davey Tree Expert Company	\$188,267.40

The apparent lowest bidder, Brightview Landscape Services, Inc., was found responsive and responsible.

The period of this contract shall be one (1) year from date of award. The Town reserves the right to renew this contract for four (4) additional years, one (1) year at a time.

Fiscal Impact:

Because the contract spans two fiscal years, the costs will be allocated per fiscal year as follows:

FY 2021

Funds to support the work with bid item unit costs established by the contract will be available in the Grounds Contract Mowing Services expenditure account # 0010885-421060. Total estimated cost for FY 2021 is approximately \$48,000.00

FY 2022

Funds to support the work with bid item unit costs established by the contract will be recommended in the Grounds Division's budget for FY 2021, under Contract Mowing Services expenditure account 0010885-421060.

Staff Recommendation:

Staff recommends Contract IFB #21-06, Contract Mowing and Landscape Services, be awarded to Brightview Landscape Services, Inc. in the amount of \$ 123,145.38.

Attachments:

Draft Resolution

Staff:



Tammy Chastain
Deputy Director of Public Works



Gerald W. Amacker
Purchasing Agent

TOWN OF HERNDON, VIRGINIA

RESOLUTION

MARCH 23, 2021

Resolution- to award contract IFB #21-06, Contract Mowing and Landscape Services.

WHEREAS, the Public Works Staff developed a term contract for Contract Mowing and Landscape Services; and

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

WHEREAS, four bids were received and then publicly opened and read aloud on March 1, 2021 at 11:00 a.m. The results are listed below:

	BID BASED ON YEARLY COST
1. Brightview Landscape Services, Inc.	\$123,145.38
2. American Lawn Brothers, Inc.	\$153,492.00
3. Blake Landscapes, Inc.	\$176,532.19
4. The Davey Tree Expert Company	\$188,267.40 and;

WHEREAS, in accordance with the specifications, the contract may be extended by the Town for four successive one-year periods; and

WHEREAS, it is the staff's recommendation to award the contract to the lowest responsive and responsible bidder, Brightview Landscape Services, Inc.; and

WHEREAS, funds to support the work with bid item unit costs established by the contract will be available in the Grounds Division budget under Contract Mowing Services expenditure account #0010885-421060.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby awards Contract IFB #21-06, Contract Mowing and Landscape Services, to Brightview Landscape Services, Inc. in the amount of \$123,145.38.