

**TOWN OF HERNDON, VIRGINIA
WORK SESSION AGENDA
HERNDON COUNCIL CHAMBERS BUILDING *
765 LYNN STREET
April 20, 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during Pandemic Disaster (COVID-19), as amended and readopted by the Herndon Town Council on September 8, 2020, which superseded previously adopted amendments.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. Pandemic Update (Town Manager)
4. Council Initiatives Update (Town Manager)

PUBLIC HEARINGS

5. Ordinance 21-O-06, to amend Chapter 74 (UTILITIES), Article II (Sewers & Sewage Disposal), Division 5 (Sanitary Sewer System Rates & Charges), Section 74-262 (Schedule of Rates); and Article III (Water), Division 2 (Service), Subdivision II (In-Town Service Charges), Section 74-326 (Schedule of Charges), to increase the usage charges for sanitary sewer and water, effective for meter readings taken on or after July 1, 2021
6. Ordinance 21-O-07, to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2022 Budget
7. Resolution 21-G-37, to Adopt a Fiscal Planning Resolution for the Fiscal Year 2022 Budget for the Town of Herndon
8. Ordinance 21-O-08, to Appropriate Funds to implement the Fiscal Year 2022 Budget for the Town of Herndon, establishing the Pay Plan, and reserving on-going and Capital Funding for this Fiscal Year

9. Resolution 21-G-40, to consider a special exception amendment, SE #19-02, 525 Grove Street, Virginia Dominion Energy Substation, to amend the conditions associated with the construction of a new telecommunications facility that includes a monopole
10. Resolution 21-G-41, to consider a special exception, SE #21-01, 400 Herndon Parkway, Peppertree Montessori & Preschool, to permit a private school/daycare within an existing office building

GENERAL

11. Resolution 21-G-42, to approve an amended funding agreement to supersede and replace that previously approved funding agreement between Board of Supervisors of Fairfax County and the Town of Herndon dated September 25, 2018, in order to receive additional funds to complete the design and implement the Sugarland Run (South) Stream Restoration Project
12. Ordinance 21-O-11 – to release from sequester and make available for expenditure \$1,473,625 appropriated for expenditure but sequestered during the Fiscal Year 2020-2021 by Ordinance #20-O-29, adopted by the Town Council on May 26, 2020

DISCUSSION

13. Multicultural Ad Hoc Advisory Committee, presentation by the Town Clerk and Chief Deputy Clerk
14. Organizational Orientation Discussion by the Town Manager and the Director of Parks and Recreation and Chestnut Grove Cemetery

ROUNDTABLE

TOWN OF HERNDON, VIRGINIA

ORDINANCE

APRIL 27, 2021

Ordinance- to amend Chapter 74 (UTILITIES), Article II (Sewers & Sewage Disposal), Division 5 (Sanitary Sewer System Rates & Charges), Section 74-262 (Schedule of Rates); and Article III (Water), Division 2 (Service), Subdivision II (In-Town Service Charges), Section 74-326 (Schedule of Charges), to increase the usage charges for sanitary sewer and water, effective for meter readings taken on or after July 1, 2021.

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

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

CHAPTER 74 (UTILITIES)

Article II. Sewers & Sewage Disposal

Division 5. Sanitary Sewer System Rates & Charges

Sec. 74-262. – Schedule of Rates.

- (a) The rate schedule for sanitary sewer service shall be determined on the basis of water consumed and shall be charged at the rate of ~~\$6.19~~ **\$6.28** per 1,000 gallons of water used, except as otherwise provided in this division.

Article III. Water

Division 2. Service

Subdivision II. In-Town Service Charges

Sec. 74-326. Schedule of charges.

- (a) The water usage charge shall be ~~\$3.16~~ **\$3.21** per 1,000 gallons, based on the consumption of water as measured by readings of the water meter serving the property.

(c) All water consumed during the peak use periods in excess of the average consumption of the preceding two winter quarter billing periods shall be charged an additional amount of ~~\$5.38~~ **\$5.46** per 1,000 gallons. This peak use period charge shall be applied in addition to the base water usage charge in subsection (a) above.

2. This ordinance shall be effective for all meter readings taken on or after July 1, 2021.

TOWN OF HERNDON, VIRGINIA

ORDINANCE

APRIL 27, 2021

Ordinance- to Levy Taxes on Real Estate and Manufactured Homes, and Other Subjects for the Fiscal Year 2022 Budget.

BE IT ORDAINED by the Town Council of the Town of Herndon, Virginia, that the Town Council fixes and orders the tax levies for the fiscal year beginning July 1, 2021 and ending June 30, 2022, as follows:

Real Estate

On each \$100.00 of the valuation of real estate and improvements to the Town.
\$.2650

Personal Property and Merchants' Capital

On each \$100.00 of the valuation of tangible personal property classified by Section 58.1-3503 and 58.1-3510 of the Code of Virginia.
\$.00

Vehicles Used as Manufactured Homes and Offices

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

\$.2650

Farm Machinery, Farm Tools and Farm Livestock

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

\$.00

Machinery and Tools

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

\$.00

Other Classifications of Tangible Personal Property

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

\$.00

Miscellaneous Levies

Except as provided above and other ordinances adopted by the Town Council in this budget cycle all other taxes and licenses previously enacted by the town are imposed and levy made to the same extent and at the same rate as during the Fiscal Year 2020-2021.

TOWN OF HERNDON, VIRGINIA

RESOLUTION

April 27, 2021

Resolution- to adopt a Fiscal Planning Resolution for the Fiscal Year 2022 Budget for the Town of Herndon.

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

WHEREAS, the town properly advertised the April 13 and April 27, 2021 public hearings on the budget; and

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

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby adopts for the purpose of fiscal planning during the fiscal year 2021-2022 for the Town of Herndon, Virginia, the budget prepared by the Town Manager, set out in "Proposed FY 2022 Budget" dated April 1, 2021, on file in the office of the Town Manager.

TOWN OF HERNDON, VIRGINIA

ORDINANCE

APRIL 27, 2021

Ordinance- to Appropriate Funds to implement the Fiscal Year 2022 Budget for the Town of Herndon, establishing the Pay Plan, and reserving on-going and Capital Funding for this Fiscal Year.

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

1. There is appropriated and authorized for expenditure during the Fiscal Year 2021-2022 such sums as appear in the Fiscal Planning Budget for the Fiscal Year 2021-2022 as set out in "Proposed Annual Budget 2021-2022" dated April 1, 2021, on file in the office of the Town Manager, and as may be subsequently modified by the Town Council.
2. No money shall be withdrawn from the treasury of the town and no obligation for expenditure of money can be incurred, except in accordance with the Fiscal Planning Budget, or with supplemental appropriations as may be made by the Town Council.
3. The town advertised the public hearing at least once in "The Times" and held a public hearing on the budget at least seven days prior to approval of the budget.
4. The 2021-2022 proposed schedule of salaries, set out in the Fiscal Planning Budget, are adopted effective July 1, 2021.
5. The Town Council may award to the Town Manager and the Town Attorney bonuses as provided for in the Fiscal Planning Budget for Fiscal Year 2021-2022 for exceptional services rendered. Any such bonuses shall not become a part of these officers' annual salary.
6. The Town Council reserves, encumbers, and appropriates for Fiscal Year 2021 funding for capital and on-going projects, for which funds were previously appropriated. The Town Manager as of July 1, 2021, shall take the appropriate accounting steps to reserve and encumber these funds as of that date for Fiscal Year 2021-2022 and to report to the Mayor and Town Council in this regard.

STAFF REPORT

Town Council

April 20, 2021

Title: Resolution, to consider a special exception amendment, **SE #19-02, 525 Grove Street, Virginia Dominion Energy Substation**, to amend the conditions associated with the construction of a new telecommunications facility that includes a monopole.

Synopsis

This case proposes to amend the conditions associated with a previously approved Special Exception that allows the construction of a telecommunications facility including a monopole. The proposed amendment would increase the amount of time allowed to construct the telecommunications facility before the approval expires.

This Special Exception was determined to be compliant with all applicable zoning regulations during its review and was approved based on that compliance. Section 78-71.13(d), provided to this report as Attachment #6, contains the zoning regulations specific to the approved telecommunications facility land use. Additional conditions were placed on the Special Exception approval to mitigate the impacts of the telecommunications facility on surrounding and nearby properties. The approved conditions, redlined with the proposed amendment, are provided as Attachment #2. The proposed use, as originally approved, is not changing in any manner.

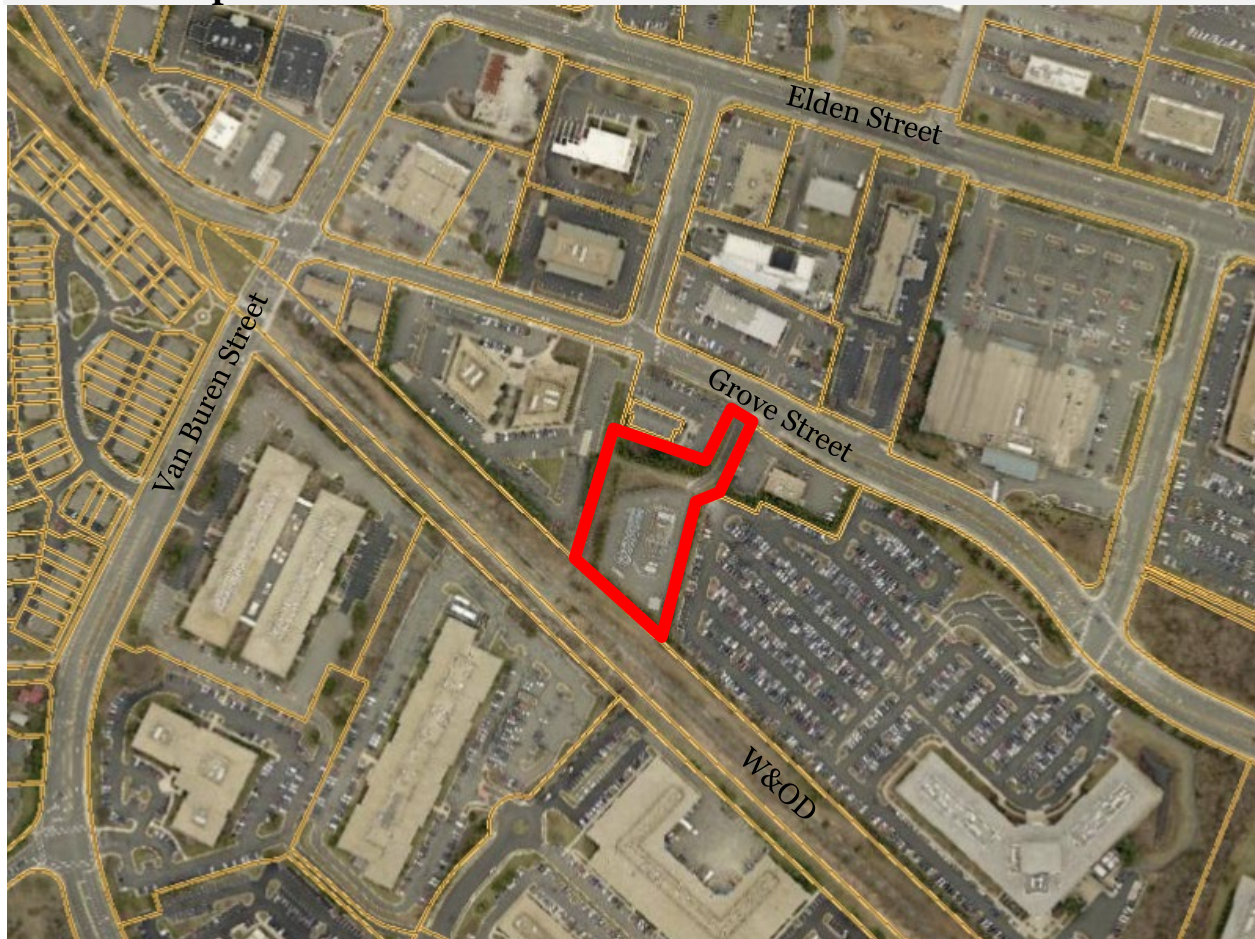
The staff and Planning Commission reviewed this application and believe that it, as amended, maintains compliance with the criteria listed in Section 78-155.3(e) of the zoning ordinance that apply to all special exception applications and included in this report as Attachment #7.

Summary Information

Address	525 Grove Street
Fairfax County Tax Map Number	0162-02-0190E
Owner	Virginia Electric & Power Company
Applicant	Vertical Bridge
Agent	Tessia Knight, Network Building & Consulting, LLC
Existing Zoning	Office & Light Industrial (O&LI); Commercial Service (CS)
Existing Use	Commercial Utilities (Electrical Substation)
Adjacent Land Uses	North: Office/retail building South: W&OD Regional Trail/Office building East: Office building West: Office building
Total Site Area	1.4621 acres / 63,688 square feet

Planning Commission Recommendation	Approval, in accordance with resolution (Attachment #5)
Staff Recommendation	Approval with staff conditions (Alternative #1)

Location Map



Site Description

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

Background

The subject property was first re-zoned from residential to commercial in 1987 through Zoning Map Amendment (ZMA) #87-102. It was further re-zoned with ZMA#01-002 along with abutting properties as part of an effort to develop the properties with commercial uses and build Grove Street through to Herndon Parkway. The subject property was not developed as part of either rezoning case and both were voided in 2002

when the property was again re-zoned with ZMA#02-102 and ZMA#02-103 to permit the construction of an electric utility substation and subsequently developed with that use as approved by the two Zoning Map Amendments with their associated Generalized Development Plan and proffers. Both of those ZMAs were amended in 2019, concurrent with SE#19-02, to allow the telecommunications facility. The SE Plan for this case is provided as Attachment #4.

The Special Exception was extended for 6 months by the Town Council and in accordance with Section 78-155.3(g) in January 2021. The extension was intended to keep the SE active for longer than the SE conditions, as originally approved, would allow. The zoning ordinance allows for a one-time 6 month extension. The applicant has since determined that 6 months is not enough time to obtain a final building inspection. This amendment would keep the SE active for a longer period, as explained in the Proposal section below.

Proposal

The applicant proposes to amend the second trigger for SE expiration, as expressed in the approved Special Exception conditions, Condition H. That condition states:

- H. **Expiration.** This Special Exception shall run with the land except under the following condition(s):*
- i. A discontinuance of the use for which the special exception was granted for a continuous 12-month period;*
 - ii. Failure to obtain a final building inspection for the monopole within eighteen (18) months of approval of the special exception.*

The applicant has made this request to account for unexpected administrative and funding delays, keep the SE active, and allow the project to be constructed pursuant to the approved SE. The applicant explains the delays in more detail in the letter provided as Attachment #3.

Staff Comments

Staff Recommended Condition

Staff recommends the amended condition state:

- H. **Expiration.** This Special Exception shall run with the land except under the following condition(s):*
- a. A discontinuance of the use for which the special exception was granted for a continuous 12-month period;*
 - b. Failure to obtain a final building inspection for the monopole within five (5) years of approval of the special exception.*

This extends the time permitted to keep the SE active prior to final building inspections from 18 months to 5 years, which would make the required completion date April 23,

2024. The proposed amended expiration deadline aligns with other town approvals. The five year time frame is also consistent with the length of time the approved site plan remains active.

The applicant has indicated that this additional time will be sufficient to construct the monopole and pass all required town inspections. Staff has no reason to think otherwise. The applicant has demonstrated diligent progress pursuant to their existing approvals. They pursued and received site plan approval and Architectural Review Board approval in the Fall of 2020 and are currently preparing for the submission of building permits. The circumstances that caused the delays have been resolved, according to the applicant.

Zoning Ordinance Compliance

This project, as originally approved and, if amended as requested, continues to comply with the applicable zoning ordinance regulations as contained in Zoning Ordinance Section 78-71.13(d) and, staff believes, continues to meet the special exception general standards of Section 78-155.3.

Comprehensive Plan Adherence

The subject property is designated as a Community Facilities land use in the Herndon 2030 Comprehensive Plan. The proposed use as originally approved and, if amended as requested, adheres to the goal and applicable policies stated for this land use designation.

Impact Analysis

The proposed amendment of the conditions does not change the physical and operational parameters of the project in any manner and thus the impacts of the project would not change nor would how those impacts are managed based on the approved SE.

Planning Commission Recommendation

The Planning Commission reviewed this case at its work session on March 8, 2021 and its public hearing on March 22, 2021. There was general agreement on the merits of the amendment given the unanticipated circumstances causing the project delay. There was some discussion regarding the importance, for future legislative land use cases, that the Planning Commission carefully consider whether any expiration deadlines proposed as a condition account for the inherent unpredictability of major construction projects. Staff agreed with that sentiment.

The Planning Commission voted 7-0 to approve.

Staff Recommendation

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

The amendment is very minor in nature and does not change the substance of any component of the land use and development as originally approved. The change allows the SE to remain active and accounts for justified reasons for the delay in construction.

Town Council Alternatives

The following alternatives are available to the Town Council for its decision on an amendment to Special Exception SE #19-02:

1. Approval with conditions as recommended by staff
2. Approval with revisions to the conditions as recommended by staff
3. Denial of proposed amendment
4. Continuance of the application to the next Town Council public hearing if additional time for review is necessary

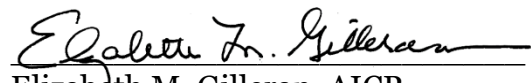
Attachments

1. Draft Resolution
2. Draft Conditions (redlined)
3. Applicant Amendment Letter
4. Approved SE Plan
5. Planning Commission Resolution
6. Zoning Ordinance Section 78-71.13(d)
7. Zoning Ordinance Section 78-155.3(e)

Staff Signatures



Bryce A. Perry
Deputy Director of Community Development



Elizabeth M. Gilleran, AICP
Director of Community Development

**TOWN OF HERNDON, VIRGINIA
TOWN COUNCIL
RESOLUTION**

April 27, 2021

Resolution- to consider a special exception amendment, **SE #19-02, 525 Grove Street, Virginia Dominion Energy Substation**, to amend the conditions associated with the construction of a new telecommunications facility that includes a monopole.

WHEREAS, Network Building & Consulting, LLC, the applicant, has submitted an Special Exception amendment application to alter the conditions of the approved Special Exception, SE#19-02, which allows a telecommunications facility on the parcel identified as Fairfax County Tax Map Reference Number 0162-02-0190E; and

WHEREAS, the proposed amendment changes Condition H to allow for a longer period of time prior to final building inspection in which the SE would remain active; and

WHEREAS, the Planning Commission has reviewed this application and has held a public hearing, in accordance with the provisions of §15.2-2204 of the State Code, on March 22, 2021; 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, on April 27, 2021; and

WHEREAS, if granted, the uses permitted under the original Special Exception SE#19-02 approval and as amended, are pursuant to this resolution and associated conditions; and

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

Approves the amendment to Special Exception SE#19-02, in accordance with the following conditions:

[INSERT CONDITIONS]

SE#19-02 Approved Conditions with proposed amendment:

- A. **Substantial Conformity.** The site shall be developed and maintained in substantial conformance with the NB+C/Vertical Bridge plan exhibit, dated March 19, 2019, except where modified by these conditions and with the removal of the modification requests #2 and #3 listed on the cover sheet of the plan exhibit.
- B. **Permitted use.** The use shall be limited to one 125-foot telecommunications monopole and associated ground equipment and enclosure.
- C. **Site Plan Revision.** A site plan revision indicating all proposed modifications to the site shall be submitted to the Town of Herndon for administrative staff review.
- D. **Stormwater Management.** The proposed improvements shall not negatively impact the existing stormwater BMP. The applicant shall include an analysis with the site plan submission and, if required, associated site improvements demonstrating that the proposed project will not negatively impact the existing stormwater BMP.
- E. **Architectural Review Board (ARB).** An application for the proposed new construction, to include the required screening and access barriers, shall be submitted for review by the Architectural Review Board (ARB.) All permits and construction must comply with the ARB approval.
- F. **Access to the Site.** The telecommunications facility compound shall not be accessed from the existing trail near the western property boundary. A physical barrier shall be installed preventing any vehicular access from the private access road off-site. The design of the barrier shall be submitted to the ARB in accordance with Condition E. Access into the enclosure shall be limited to a single gate as shown in the referenced plan unless provided along the enclosure's eastern side adjacent to the substation.
- G. **Inspection.** The property owner and tenant shall allow Town officials to inspect the property during reasonable hours upon prior notice
- H. **Expiration.** This Special Exception shall run with the land except under the following condition(s):
 - i. A discontinuance of the use for which the special exception was granted for a continuous 12-month period;
 - ii. Failure to obtain a final building inspection for the monopole within ~~eighteen (18) months~~ five (5) years of approval of the special exception.
- I. **Revocation.** Any violation of the aforementioned conditions or other sections of the Herndon Town Code shall be grounds for revoking the special exception pursuant to the manner described in Section 78-155.3(h) of the zoning ordinance.

2/12/2021

Town of Herndon
Planning Commission
777 Lynn St
Herndon, VA 20170

RE: Vertical Bridge US-VA-5060
SE #19-02 Amendment
525 Grove Street

Please accept the enclosed application to amend the conditions of SE #19-02, granted for the construction of a telecommunications monopole by Vertical Bridge at the Dominion substation located at 525 Grove Street. Network Building & Consulting is the authorized applicant on behalf of Dominion, Vertical Bridge, and T-Mobile the proposed tenant for this facility.

Presently, the condition H states the following:

Expiration: This Special Exception shall run with the land except under the following conditions:

- i. A discontinuance of the use for which the special exception was granted for a continuous 12-month period;*
- ii. Failure to obtain a final building inspection for the monopole within eighteen months of approval of the special exception.*

We are requesting amendment to condition H to provide more time to complete this project.

Unfortunately, due to numerous circumstances beyond our control there have been delays to this project. T-Mobile merged with Sprint, another provider of wireless services in the area and temporarily held funding for this project. For that reason, our work was put on hold from approximately September of 2019 – April of 2020, while we were in the process of obtaining site plan approval. During this time, the coronavirus pandemic began, causing additional delays in obtaining various documents required for site plan approval. We received approval from the ARB in October and are working diligently to move this project forward. We are finishing our final construction drawings to apply for a building permit, but

Vertical Bridge US-VA-5060

525 Grove St

Justification Statement

condition H will allow the special exception to expire prior to final building inspections being completed.

For this reason, we are requesting the condition be amended to provide us with additional time to complete permitting and inspections.

Please contact me directly with any questions related to this matter.

Thank you,

Tessia Knight

Land Use Specialist

NETWORK BUILDING + CONSULTING

6095 Marshalee Dr. | Suite 300 | Elkridge MD | 21075

M 240.481.8461

Attachment #4

CASH ESCROW BOND ESTIMATE					
ITEM NO.	ITEM	QUANTITY	UNIT	UNIT PRICE	COST
1	EROSION/SEDIMENTATION CONTROL (SEE ZONING ORD. FOR APPROPRIATE FEE, MIN. \$1000)				
2	TREE REPLACEMENT				
3	ARBORIST FEE				
4	DAMAGE TO EXISTING PUBLIC UTILITIES (TO BE COMPUTED BY THE TOWN OF HERNDON)	_____	L.S.	_____	
5	LANDSCAPING	_____	L.S.	_____	
				TOTAL:	

APPLICATION FEES

(SEE SECTION 78-201.2 OF THE TOWN CODE FOR FEES)

TYPE OF APPLICATION: _____
 CALCULATION OF APPLICATION FEE: _____
 APPLICATION FEE PAID (Official Use Only): DATE: AMOUNT: _____

REVIEW AND INSPECTION FEE SCHEDULE (SEE SECTION 78-201.2 AND SECTION 26-335 OF THE TOWN CODE FOR FEES)					
ITEM	QUANTITY	UNIT	FEE PER UNIT		FEE
			FOR SUBDS.	FOR SITE PLANS	
BITUMINOUS SURFACE		SQ. YDS.	.51	.51	
CURB & GUTTER OR HEADER CURB		LIN. FT.	.92	.92	
SIDEWALK		LIN. FT.	1.35	1.35	
SANITARY SEWER		LIN. FT.	2.34	2.34	
T.V. INSPECTION		LIN. FT.	2.32	2.32	
WATERLINE		LIN. FT.	1.75	1.75	
STORM DRAINAGE		LIN. FT.	4.39	4.39	
VSMP STORMWATER MANAGEMENT FEE (see Town Code Section 26-335)		LUMP SUM			
BIORETENTION FACILITIES (RAIN GARDENS)		EACH	250.00	250.00	
STORMWATER DETENTION/SMP MEASURES (other than rain gardens)		EACH	1000.00	1000.00	
OVERLOT GRADING AND SURFACE DRAINAGE PLAN (per division of land or per disturbed acre, whichever is greater)		LOT/ACRE	200.00	200.00	
STREETLIGHTS		PER LIGHT	50.00	50.00	
MISCELLANY		ACRE	675.00(min.)	675.00(min.)	
SCREENING		LIN. FT.	2.34	2.34	
¢ LINEAR FEET OF STREET		LIN. FT.	1.20		
ESTIMATED FEE - TOTAL					
INITIAL FEE PAYMENT (50% OF ESTIMATED FEE)			(RECEIPT #		DATE
BALANCE OF FEE (COMPUTED BY TOWN)			(RECEIPT #		DATE

NOTES

1. THE METHODS AND MATERIALS USED IN THE CONSTRUCTION OF THE IMPROVEMENTS HEREIN SHALL CONFORM TO THE CURRENT STANDARD SPECIFICATIONS, CURRENT FAIRFAX COUNTY DESIGN AND CONSTRUCTION STANDARDS, AND THE CURRENT VDOT ROAD AND BRIDGE SPECIFICATIONS. IN THE EVENT OF CONFLICT BETWEEN THE STANDARDS AND SPECIFICATIONS, PREVAILING GUIDELINES SHALL BE SELECTED BY THE TOWN OF HERNDON.
2. A PERMIT MUST BE OBTAINED FROM THE TOWN OF HERNDON BEFORE ANY CONSTRUCTION IS STARTED IN CONFORMITY WITH THESE PLANS.
3. A PERMIT MUST BE OBTAINED FROM THE OFFICE OF THE RESIDENT ENGINEER, VDOT, FAIRFAX, VIRGINIA, BEFORE ANY CONSTRUCTION IS STARTED ON ANY EXISTING STATE HIGHWAY.
4. THE DEVELOPER IS REQUIRED TO NOTIFY THE TOWN OF HERNDON, PRIOR TO THE BEGINNING OF CONSTRUCTION. THE DEVELOPER SHALL REQUIRE THAT ALL OF HIS CONTRACTORS SPECIFICALLY REQUEST INSPECTION AT LEAST TWENTY FOUR (24) HOURS BEFORE BEGINNING:
 - (A) CLEARING AND GRUBBING
 - (B) INSTALLATION OF SILTATION AND EROSION CONTROL MEASURES
 - (C) EARTHWORK
 - (D) INSTALLATION OF ANY UNDERGROUND UTILITY
 - (E) INSTALLATION OF ANY FORMS
 - (F) PLACING ANY CONCRETE
 - (G) BEFORE PLACING SUBBASE, BASE, OR PAVING SURFACEFAILURE TO DO SO FOR ANY REASON SHALL CONSTITUTE REJECTION OF SAID WORK.
5. ALL EXISTING UNDERGROUND UTILITIES SHALL BE PHYSICALLY LOCATED BY THE DEVELOPER OR HIS ENGINEER PRIOR TO THE BEGINNING OF ANY CONSTRUCTION IN THE VICINITY OF THESE UTILITIES.
6. ALL UTILITIES INSTALLED AS A PART OF THIS DEVELOPMENT SHALL BE PLACED UNDERGROUND.
7. ALL UNDERGROUND UTILITIES WITHIN THE STREET RIGHT OF WAY AND ALL SERVICE CONNECTIONS SHALL BE INSTALLED TO THE REQUIRED DISTANCE BEYOND THE RIGHT OF WAY LINE PRIOR TO THE INSTALLATION OF ANY SUBBASE MATERIAL, CURB AND GUTTER, OR SIDEWALK.
8. ALL UTILITIES TO BE TAKEN OVER BY THE TOWN FOR MAINTENANCE PURPOSES, MUST BE INSPECTED, TESTED AND APPROVED BY THE TOWN BEFORE BEING ACCEPTED INTO THE TOWN'S SYSTEM.
9. CUT SHEETS SHALL BE SUBMITTED TO AND APPROVED BY THE TOWN OF HERNDON PRIOR TO THE START OF CONSTRUCTION OF ANY UNDERGROUND UTILITIES, STREETS, OR CURBS AND GUTTERS.
10. SANITARY SEWERS: ALL SANITARY SEWER MATERIALS AND METHODS OF CONSTRUCTION SHALL COMPLY WITH THE CURRENT TOWN OF HERNDON STANDARDS AND SPECIFICATIONS.
11. STORM SEWERS:
 - (A) STORM SEWER AND CULVERT PIPE SHALL BE REINFORCED CONCRETE PIPE, TO CONFORM TO THE CURRENT A.A.S.H.T.O. DESIGNATION WITH UNLESS OTHERWISE DESIGNATED ON THE PLANS. CLASS II PIPE WILL BE PERMITTED BEYOND THE LIMITS OF THE STREET RIGHT OF WAY. CLASS III PIPE WILL BE REQUIRED WITHIN THE LIMITS OF THE RIGHT OF WAY.
 - (B) UNDERDRAINS AND/OR CROSSDRAINS SHALL BE INSTALLED BY THE DEVELOPER WHERE DEEMED NECESSARY BY THE TOWN OF HERNDON.
12. STREETS:
 - (A) ALL BASE AND SUBBASE MATERIAL SHALL BE COMPACTED TO 95% OF THEORETICAL MAXIMUM DENSITY AS DETERMINED BY A.A.S.H.T.O. T-99 METHOD A, WITHIN PLUS OR MINUS 20% OF OPTIMUM MOISTURE FOR THE FULL WIDTH OF ANY DEDICATED RIGHT OF WAY AND ALL TOWNHOUSE STREETS, COMMERCIAL AND INDUSTRIAL PARKING LOTS, PRIVATE STREETS, PARKING BAYS, CURB AND GUTTER, AND SIDEWALKS ADJACENT TO STREETS AND PARKING LOTS (NOT INTENDED TO INCLUDE LEAD SIDEWALKS).
 - (B) SOIL REPORTS AND SUBGRADE SPECIFICATIONS SHALL BE SUBMITTED TO THE TOWN OF HERNDON FOR APPROVAL PRIOR TO THE START OF CONSTRUCTION OF ANY SIDEWALKS, CURBS AND GUTTERS, STREETS OR PARKING AREAS.
 - (C) ROADWAY DESIGN IS BASED ON A CBR OF 10. CBR TESTS OF SUBGRADE SOILS MUST BE CONDUCTED FOR ACTUAL DETERMINATION OF ROADWAY DESIGN. ROADWAY DESIGNS SHALL BE IN ACCORDANCE WITH THE CURRENT VDOT PAVEMENT DESIGN GUIDE FOR SUBDIVISION AND SECONDARY ROADS, AND SHALL BE SUBMITTED TO THE TOWN FOR REVIEW AND APPROVAL.
 - (D) STANDARD STREET NAME SIGNS SHALL BE APPROVED BY FAIRFAX COUNTY SIGN SHOP AND SHALL BE INSTALLED AT EACH INTERSECTION BY THE DEVELOPER, AS WELL AS REQUIRED TRAFFIC CONTROL SIGNS IN THE DEVELOPMENT. SIGN FASTENERS SHALL BE 5/16" #18 STAINLESS STEEL HEX BOLTS AND NUTS USS-NO RIVETS PERMITTED.
 - (E) WHERE INSTALLATION OF ROADWAY SIGN IS ANYTHING OTHER THAN IN SOIL AREA, A PVC SLEEVE SHALL BE INSTALLED. SLEEVE SHALL BE MINIMUM 18" DEEP. SIZE OF PVC SLEEVE SHALL BE APPROPRIATE TO SIZE OF POST BEING INSTALLED, AND SHALL ALLOW FOR WEDGING TO STABILIZE SIGN POST.
 - (F) WHERE SIGN IS DESIGNED TO BE INSTALLED IN CONCRETE MEDIAN, A 12" X 12" AREA SHALL BE LEFT VOID OF CONCRETE. PVC SLEEVE SHALL BE INSTALLED AS INDICATED ABOVE.
 - (G) SIGN MATERIAL SHALL BE MINIMUM HIGH INTENSITY SHEETING, AND NO ENGINEER GRADE MATERIAL SHALL BE ALLOWED.
 - (H) A MINIMUM OF ONE DRIVEWAY ENTRANCE SHALL BE PROVIDED PER LOT. DRIVEWAY ENTRANCES SHALL BE INSTALLED IN CONFORMITY WITH THE STANDARDS. PIPESTEM LOT DRIVEWAYS ARE SUBJECT TO APPROVAL BY THE TOWN OF HERNDON.
 - (I) SURFACED STREETS SHALL BE MAINTAINED IN A CLEAN CONDITION, MUD AND DUST FREE AT ALL TIMES, AND ADEQUATE MEANS SHALL BE PROVIDED TO CLEAN TRUCKS AND OTHER EQUIPMENT USING THE COMPLETED STREETS.
 - (J) PRIOR TO COMMENCING NEW WORK, THE CONTRACTOR SHALL PROTECT FROM DAMAGE ALL EXISTING ADJACENT AREAS. A PRE-CONSTRUCTION SURVEY SHALL OCCUR WITH CONSTRUCTION AND INSPECTION STAFF TO DOCUMENT EXISTING CONDITIONS. IF TOWN'S EXISTING PUBLIC INFRASTRUCTURE IS DAMAGED DURING CONSTRUCTION, THE APPLICANT SHALL REPAIR THE SAME TO THE SATISFACTION OF THE TOWN.
 - (K) ALL STREET CUT AND PATCH WORK LOCATED IN PUBLIC RIGHTS OF WAY SHALL BE PERFORMED IN ACCORDANCE WITH THE TOWN OF HERNDON STANDARDS AND SPECIFICATIONS. LIMITS OF ASPHALT OVERLAY TO BE DETERMINED BY TOWN INSPECTOR.
 - (L) STREET LIGHTS SHALL BE INSTALLED ACCORDING TO TOWN OF HERNDON STANDARDS.
 - (M) ALL WORK IN THE RIGHT-OF-WAY SHALL BE CONDUCTED BETWEEN 9AM AND 3PM, MONDAY THROUGH FRIDAY, EXCEPT HOLIDAYS.
 - (N) DEVELOPER SHALL COMPLY WITH STREET CUT PERMIT REQUIREMENTS. COPY OF APPROVED STREET CUT PERMIT MUST BE KEPT ON SITE AT ALL TIMES.
 - (O) DEVELOPER SHALL COORDINATE ALL TRAFFIC CONTROL ACTIVITIES WITH THE STREET CUT PERMIT INSPECTION SECTION (703-435-8860).
13. WATER DISTRIBUTION:
 - (A) ALL WATER MAIN MATERIALS AND CONSTRUCTION SHALL COMPLY WITH THE REGULATIONS OF THE STANDARD SPECIFICATIONS AND PLANS OF THE TOWN OF HERNDON AND THE CURRENT WATERWORKS REGULATIONS OF THE VIRGINIA STATE BOARD OF HEALTH.
 - (B) ALL WATER MAINS SHALL HAVE A MINIMUM COVER OF 4.0 FEET. WATER MAINS SHALL BE INSTALLED EIGHT (8) FEET NORTH OR EAST OF THE CENTERLINE OF THE STREET UNLESS OTHERWISE DESIGNATED ON THE PLANS.
 - (C) WORKING PRESSURE SHALL BE >20.0 PSI.
14. LAND CONSERVATION NOTES:
 - (A) MEASURES TO CONTROL EROSION AND SILTATION SHALL BE PROVIDED PURSUANT TO AND IN COMPLIANCE WITH CURRENT STATE AND LOCAL REGULATIONS. HOWEVER, THE APPROVAL OF THESE PLANS SHALL IN NO WAY RELIEVE THE DEVELOPER OR HIS AGENT OF ANY LEGAL RESPONSIBILITY WHICH MAY BE REQUIRED BY THE CODE OF VIRGINIA OR ANY ORDINANCE ENACTED BY THE TOWN OF HERNDON.
 - (B) NO DISTURBED AREA WILL BE DENuded FOR MORE THAN 30 CALENDAR DAYS.
 - (C) ALL EROSION AND SILTATION CONTROL MEASURES ARE TO BE PLACED PRIOR TO OR AS THE FIRST STEP IN CLEARING.
 - (D) ALL STORM AND SANITARY SEWER TRENCHES NOT IN STREETS ARE TO BE MULCHED AND SEEDED WITHIN 7 DAYS AFTER BACKFILL. NO MORE THAN 500 YFT ARE TO BE OPEN AT ANY ONE TIME.
 - (E) ELECTRIC POWER, TELEPHONE AND GAS SUPPLY TRENCHES ARE TO BE COMPACTED, SEEDED AND MULCHED, WITHIN 7 DAYS AFTER BACKFILL.
 - (F) ALL TEMPORARY EARTH BERM DIVERSIONS AND SILT DAMS ARE TO BE MULCHED AND SEEDED FOR TEMPORARY VEGETATIVE COVER IMMEDIATELY AFTER GRADING. STRAW OR HAY MULCH IS REQUIRED. THE SAME APPLIES FOR ALL STOCKPILES.
 - (G) DURING CONSTRUCTION, ALL STORM SEWER INLETS WILL BE PROTECTED BY SILT TRAPS, MAINTAINED AND MODIFIED AS REQUIRED BY CONSTRUCTION PROGRESS.
 - (H) ALL DISTURBED AREAS NOT PAVED, SODDED, OR BUILT UPON BY NOVEMBER 1, OR DISTURBED AFTER THAT DATE, IS TO BE SEEDED WITHIN 7 DAYS WITH OATS, ABRUZZI RYE, OR EQUIVALENT AND MULCHED WITH HAY OR STRAW AT THE RATE OF 2 TONS PER ACRE.
 - (I) PRIOR TO BEGINNING OF ANY WORK ON THIS SITE, THE CONTRACTOR MUST READ AND ADHERE TO THE "VEGETATION PRESERVATION AND PLANTING" GUIDELINES OF FAIRFAX COUNTY PUBLIC FACILITIES MANUAL, AND SECTION 26, ARTICLE II OF THE TOWN CODE.
 - (J) PRIOR TO ANY LAND DISTURBANCE OF THE SITE THAT IS GREATER THAN, OR EQUAL TO 2500 SQ FT, THE CONTRACTOR MUST SUBMIT GENERAL PERMIT REGISTRATION STATEMENT TO VIRGINIA DEQ AND PROVIDE A COPY TO THE TOWN.
 - (K) IF REQUIRED BY LAW, THE OWNER/DEVELOPER SHALL PROVIDE STATEMENT CERTIFYING THAT ALL WETLANDS PERMITS WILL BE OBTAINED PRIOR TO COMMENCING LAND DISTURBING ACTIVITIES.
15. THESE PLANS AND SPECIFICATIONS ARE BASED ON THE MINIMUM REQUIREMENTS FOR _____ ZONING. THIS PLAN CONTAINS _____ DWELLING UNITS.
16. ALL ELEVATIONS MUST BE BASED ON THE U.S.G.S. & OR THE N.G.S. MEAN SEA LEVEL DATUM.
17. PRIOR TO ANY APPROVED CLEARING AND GRADING ON A SITE, TREE PROTECTION FENCE SHALL BE ERECTED IN ACCORDANCE WITH FENCE DETAIL ON THE APPROVED LANDSCAPE PLAN, AND BE INSPECTED AND APPROVED BY THE URBAN FORESTER.

INDEX		PAGE
T-1	TITLE SHEET	1 OF 7
Z-1	SITE PLAN	2 OF 7
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D-1	CONSTRUCTION DETAILS	5 OF 7
L-1	EXISTING LANDSCAPE PLAN	6 OF 7
L-2	PROPOSED LANDSCAPE PLAN	7 OF 7

MODIFICATION REQUESTS

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

1. SECTION 78-114.2.a.2 TO ALLOW A 7' CHAIN LINK FENCE INSTEAD OF A MASONRY WALL AND OPAQUE METAL GATES.
2. SECTION 78-115.2 TO ALLOW BARBED WIRE ON TOP OF THE CHAIN LINK FENCE
3. SECTION 78-110.4.b TO ALLOW THE 10' ACCESS EASEMENT WITHIN A PORTION OF THE 7.5' REQUIRED PERIMETER LANDSCAPE BUFFER.

WAIVER REQUESTS

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

FEE = \$200.00 PER REQUEST

WAIVER FROM SECTION: _____ OF _____ = \$200.00

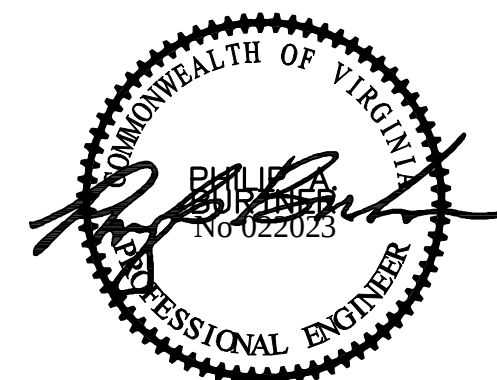
WAIVER FROM SECTION: _____ OF _____ = \$200.00

NUMBER OF REQUESTS: _____ X \$200.00 = _____

DATE FEE COLLECTED (Official Use Only): _____

EXISTING CONDITION SURVEY NOTES

1. HORIZONTAL DATUM _____
VERTICAL DATUM _____
2. UTILITY INFORMATION, AS SHOWN ON THIS PLAN, IS TAKEN FROM THE RECORDS AND/OR FIELD SURVEY COMPLETED BY _____
DATED _____; AND CANNOT BE GUARANTEED. FOR EXACT LOCATIONS OF EXISTING UNDERGROUND UTILITIES, NOTIFY "MISS UTILITY" AT 1-800-552-7001, 72 HOURS BEFORE THE START OF ANY EXCAVATION OR CONSTRUCTION.
3. LOCATION AND DEPTH OF ALL EXISTING UNDERGROUND UTILITIES TO BE VERIFIED BY CONTRACTOR PRIOR TO CONSTRUCTION.
CONTRACTOR/ENGINEER SHOULD DIG TEST PITS BY HAND AT ALL UTILITY CROSSINGS TO VERIFY EXCAVATION LOCATION.



PROFESSIONAL SEAL AND SIGNATURE

VICINITY MAP



LOCATION OF BENCHMARKS

APPROVED

FOR SITE CONSTRUCTION UNDER THIS PLAN.
BUILDING PERMITS TO BE ISSUED SEPARATELY.

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

SECTION 70-203(2)(1): SUBDIVISION APPROVAL VOID IF FINAL SUBDIVISION PLAT IS NOT SUBMITTED WITHIN ONE YEAR OF APPROVAL OF A PRELIMINARY SUBDIVISION PLAN.

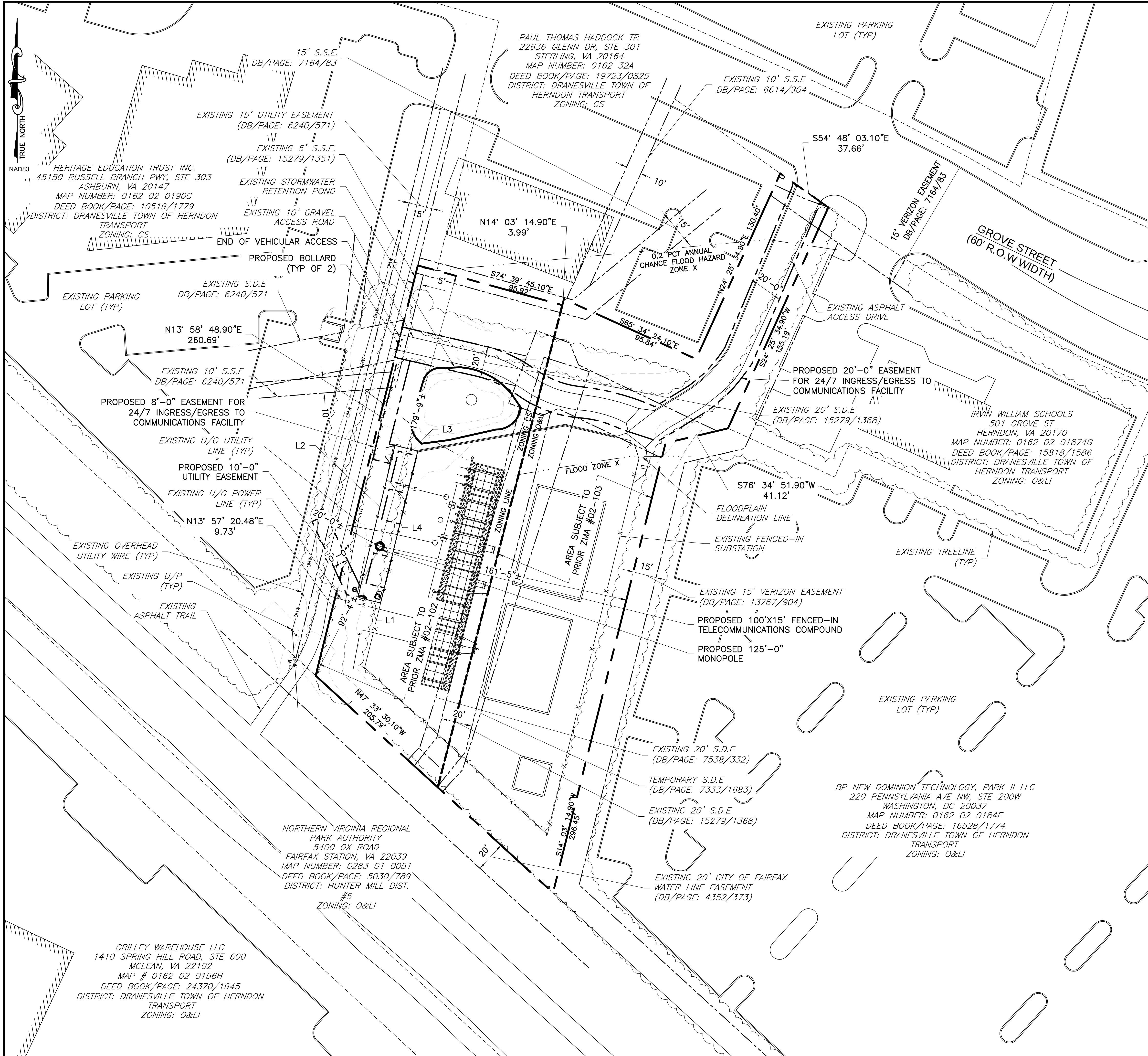
SECTION 78-202.6(h): SITE PLAN AND SINGLE LOT DEVELOPMENT PLAN APPROVAL SHALL AUTOMATICALLY EXPIRE AT THE END OF A FIVE-YEAR PERIOD FOLLOWING THE DATE OF ITS APPROVAL BY THE ZONING ADMINISTRATOR FOR ANY PHASE OR PART OF AN APPROVED SITE PLAN FOR WHICH A BUILDING PERMIT HAS NOT BEEN APPROVED.

BEFORE YOU DIG
CALL "MISS UTILITY" 811
OR 1-800-552-7001
visit online at va811.com

TOWN PLAN #: _____

TOWN OF HERNDON, VIRGINIA COVER SHEET

SUBDIVISION OR SITE PLAN NAME		US-VA 5060 HERNDON	
OWNER, ADDRESS, INCLUDE ZIP CODE AND TELEPHONE NUMBER		VIRGINIA ELECTRIC AND POWER COMPANY 701 E CARY ST RICHMOND, VA 23219	
DEVELOPER, ADDRESS, INCLUDE ZIP CODE AND TELEPHONE NUMBER		VERTICAL BRIDGE, 750 PARK OF COMMERCE DR, STE 200 BOCA ROTON, FL 33487 PHONE: 859-494-1600	
CERTIFIED ENGINEER, ARCHITECT OR SURVEYOR SUBMITTING PLAN, ADDRESS, INCLUDE ZIP CODE AND TELEPHONE NUMBER		NB&C ENGINEERING SERVICES, LLC. 6095 MARSHALEE DR, STE 300 ELK RIDGE, MD 21075 PHONE: 410-712-7092	
FAIRFAX COUNTY TAX MAP NUMBER		0162 02 0190E	
TOTAL AREA 1.46 AC		PRESENT ZONING CS/COMM SERVICES DISTRICT	
REVISED:		PAGE 1 OF 7 PAGES	



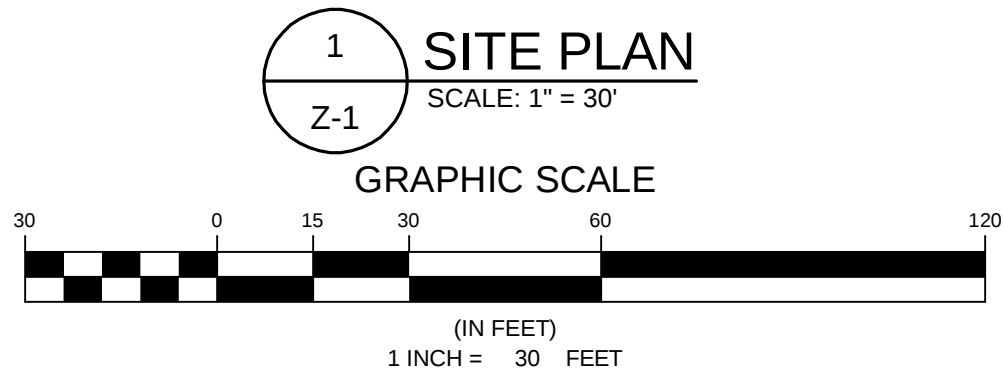
ZONING INFORMATION		
JURISDICTION: THE TOWN OF HERNDON		
ZONING: COMMERCIAL SERVICES DISTRICT		
DIMENSION	REQUIRED ±	PROPOSED ±
FRONT YARD SETBACK:	50'-0"	92'-4"
SIDE YARD SETBACK:	7'-6"	161'-5" / 20'-0"
REAR YARD SETBACK:	7'-6"	179'-9"
LOT AREA: 1.4621 ACRES		
TOTAL DISTURBED AREA: 1.690± SQUARE FEET		
(ALL MEASUREMENTS ARE IN FEET ± UNLESS OTHERWISE NOTED)		
NOTES:		
1) SITE PLAN IS THE RESULT OF A FIELD SURVEY AND LOCAL GIS INFORMATION COMBINED. SURVEY CONDUCTED BY POINT TO POINT SURVEY COMPANY.		
2) ALL SETBACKS SHOWN ARE FROM PROPOSED EQUIPMENT TO EXISTING PROPERTY LINES.		

LEGEND	
	PROPERTY LINE - SUBJECT PARCEL
	PROPERTY LINE - ABUTTERS
	EXISTING FENCE LINE
	EXISTING ROAD
	EXISTING ZONING BORDER
	EXISTING EASEMENT LINE
	EXISTING FLOODPLAIN BORDER LINE
	EXISTING UNDERGROUND UTILITY LINE
	EXISTING UNDERGROUND POWER LINE
	EXISTING MAJOR CONTOUR LINE
	EXISTING MINOR CONTOUR LINE
	EXISTING TREELINE
	PROPOSED MAJOR CONTOUR LINE
	PROPOSED MINOR CONTOUR LINE
	EXISTING BUILDING

SITE INFORMATION	
SITE ADDRESS:	525 GROVE STREET HERNDON, VA 20170
PROPERTY OWNER:	VIRGINIA ELECTRIC & POWER COMPANY
ADDRESS:	701 E CARY STREET C/O BLAINE GARRETT RICHMOND, VA 23219
PARCEL ID #:	0162 02 0190C
PARCEL AREA:	1.4621± ACRES
LATITUDE (NGVD29):	38° 57' 58.17" NAD 83
LONGITUDE (NGVD29):	-77° 22' 45.64" NAD 83
JURISDICTION:	THE TOWN OF HERNDON
ZONING:	COMMERCIAL SERVICES DISTRICT (CS + O&LI)
GROUND ELEVATION:	346.7' (AMSL)
STRUCTURE TYPE:	MONOPOLE
STRUCTURE HEIGHT:	125.0' (AGL)
LIMITS OF DISTURBANCE:	1.690R±

LINE CHART		
LINE	BEARING	DISTANCE
L1	N76°17'00"W	15.00'
L2	N13°43'00"W	100.00'
L3	S76°17'00"W	15.00'
L4	S13°43'00"W	100.00'

NOTE:
THE ENTIRE PARCEL IS SUBJECT
TO SE #19-02 AND PCA #19-01.



ENGINEER

APPLICANT

SITE INFORMATION

DESIGN RECORD

PROFESSIONAL STAMP

ENGINEER

SHEET TITLE

SHEET NUMBER

NB+C ENGINEERING SERVICES, LLC.
6095 MARSHALLEE DRIVE, SUITE 300
ELK RIDGE, MD 21075
(410) 712-7092

verticalbridge
750 PARK OF COMMERCE DRIVE, SUITE 200
BOCA RATON, FLORIDA 33487
PHONE: 859-494-1600

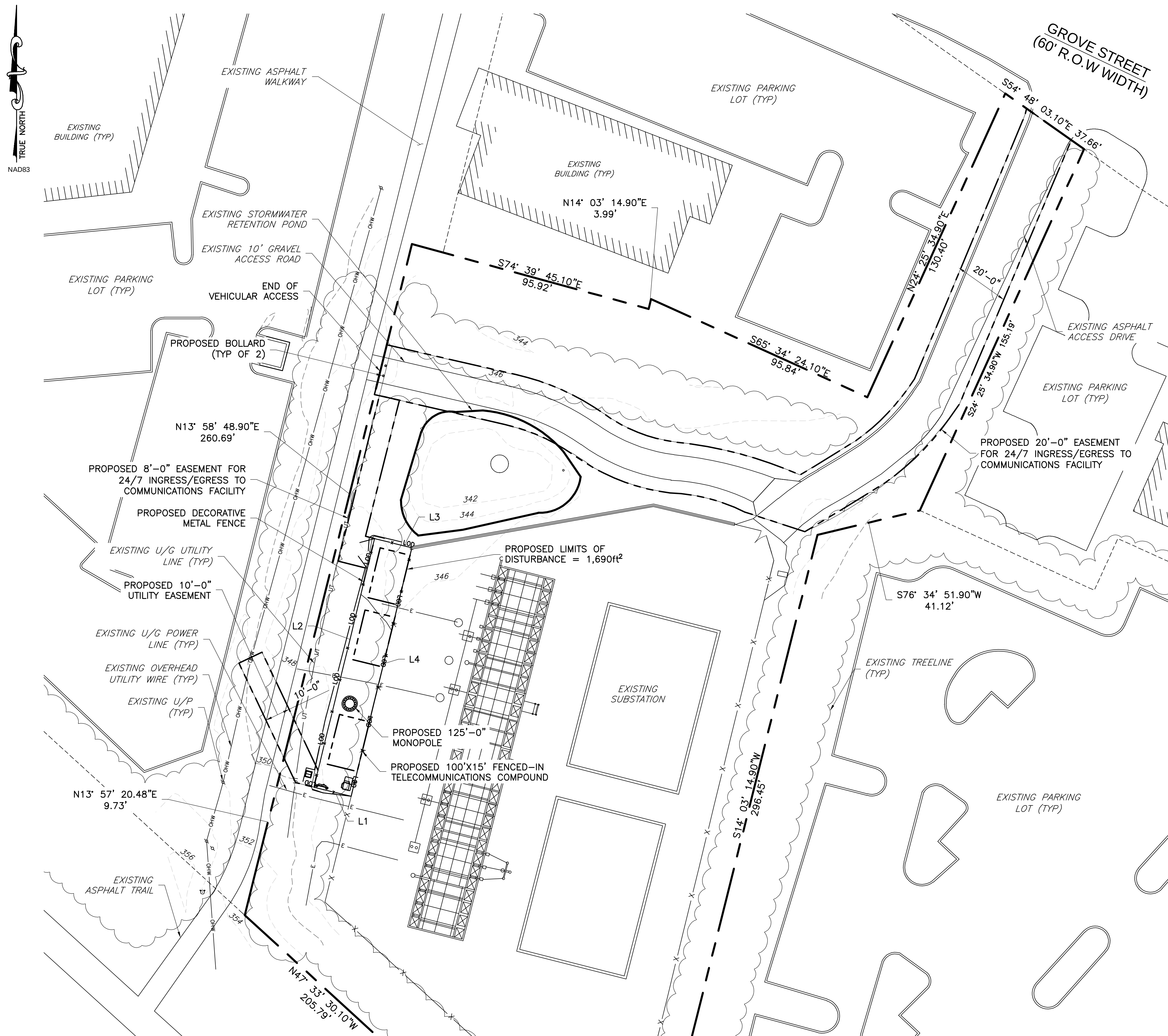
US-VA-5060 HERNDON
525 GROVE STREET
HERNDON, VA 20170
THE TOWN OF HERNDON

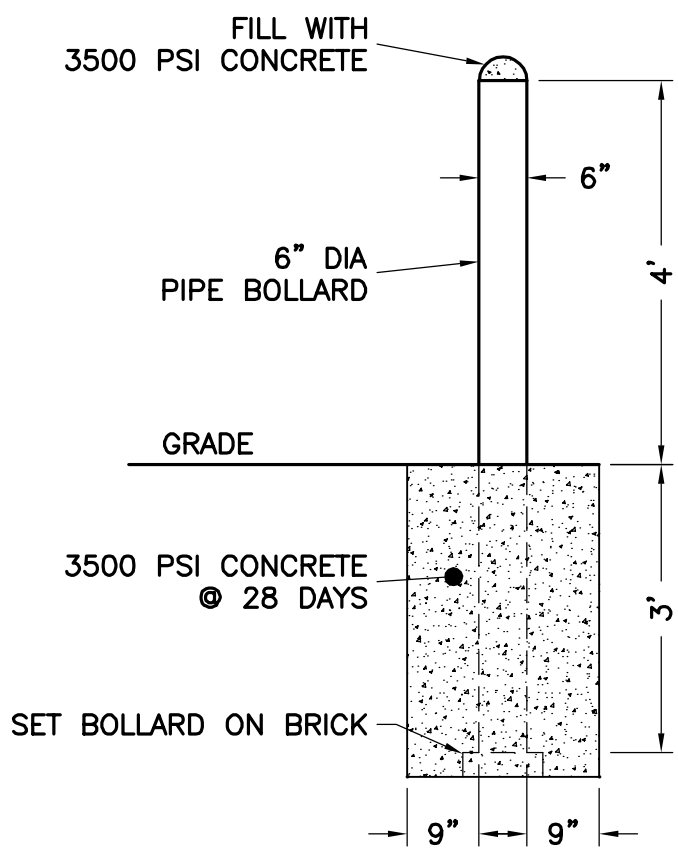
REV	DATE	DESCRIPTION	BY
2	03/19/19	REVISED PER COMMENTS	CES
1	02/25/19	REVISED PER COMMENTS	CES
0	12/11/18	ZONING DRAWINGS	CES

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

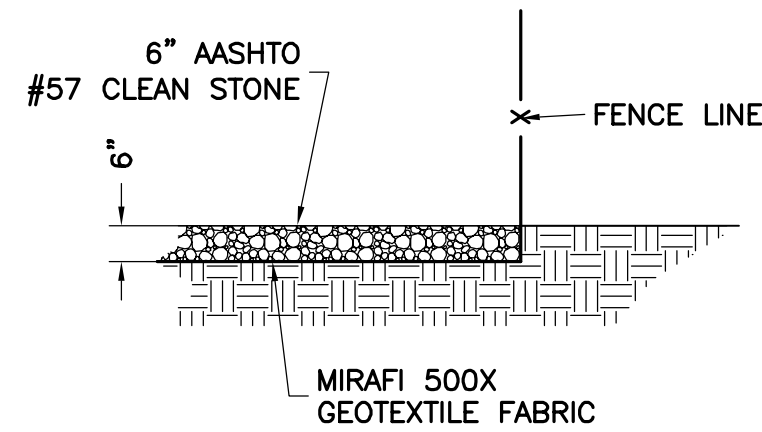
SITE PLAN

Z-1
SHEET 2 OF 7

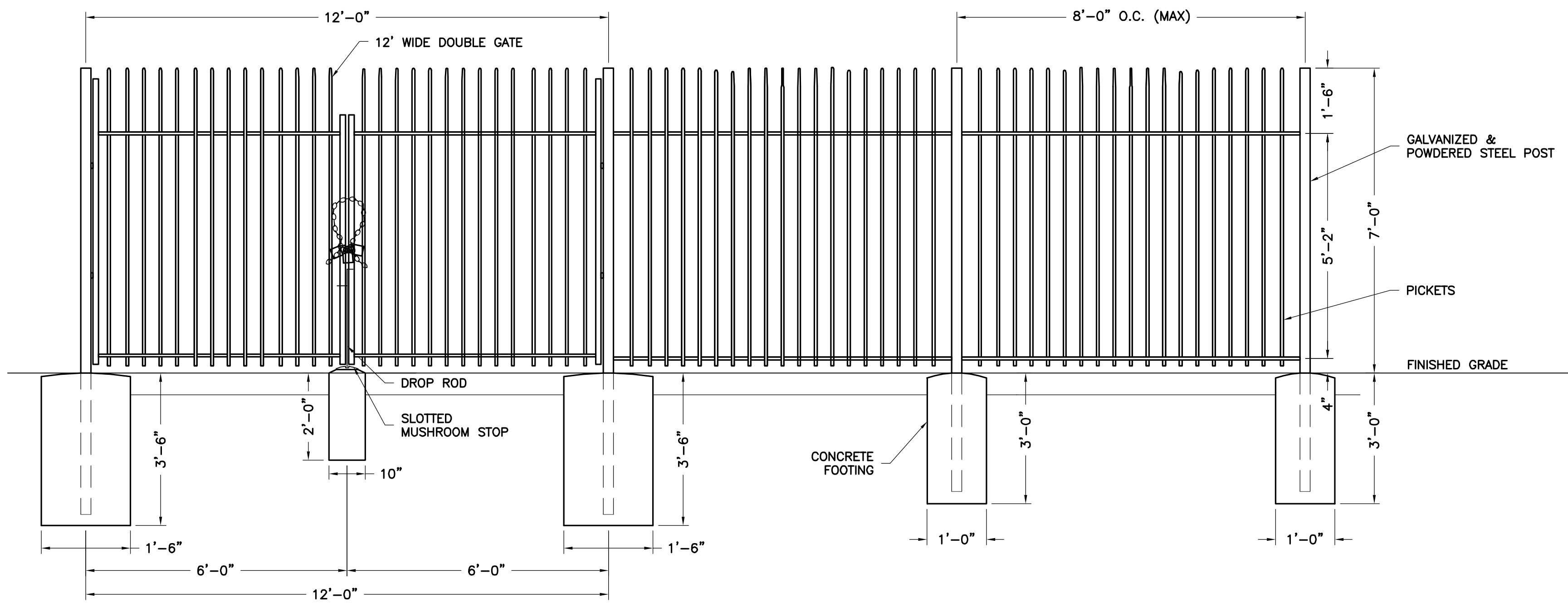




1 BOLLARD DETAIL
D-1 NTS

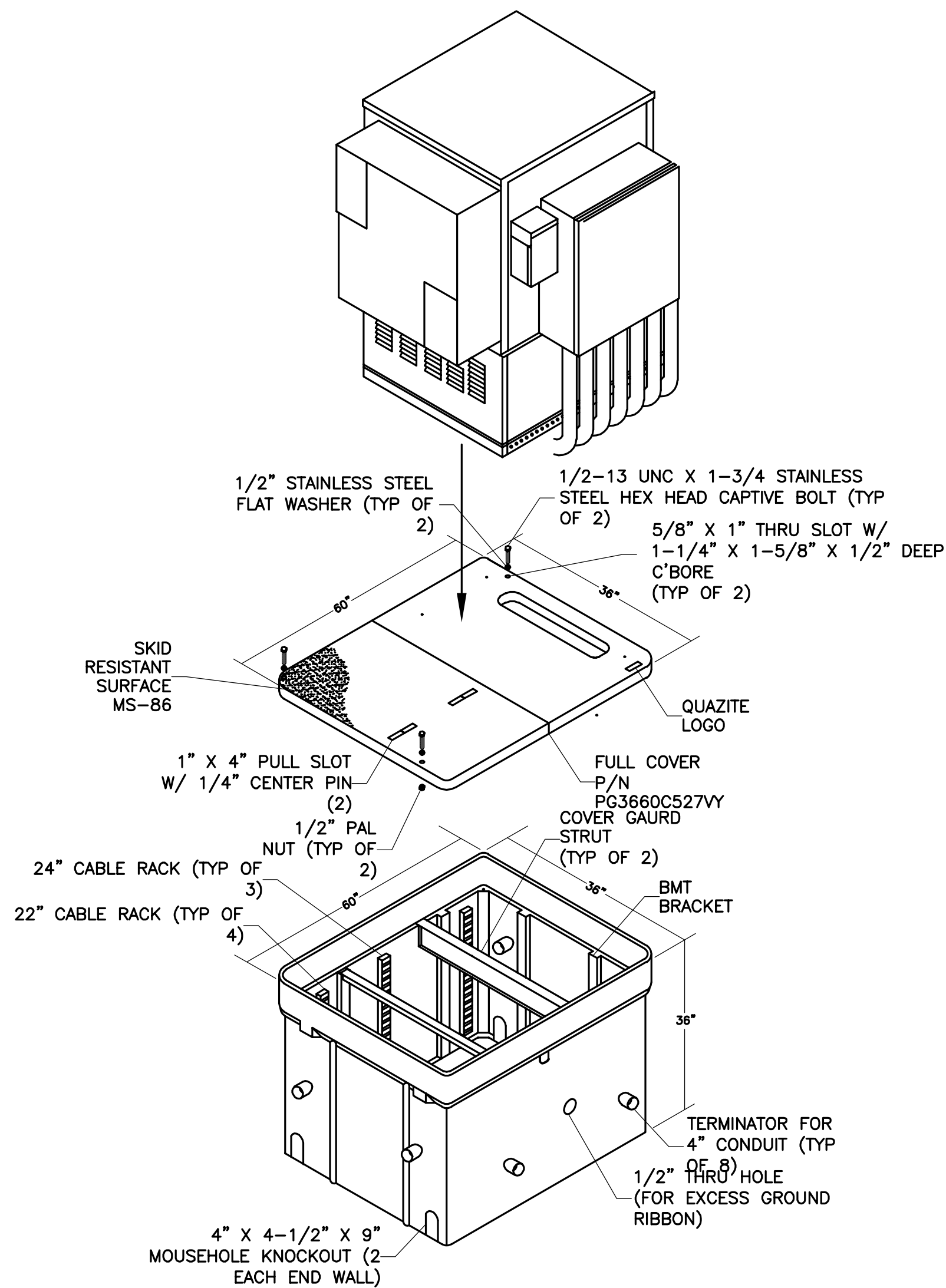


2 GRAVEL COMPOUND DETAIL
D-1 NTS

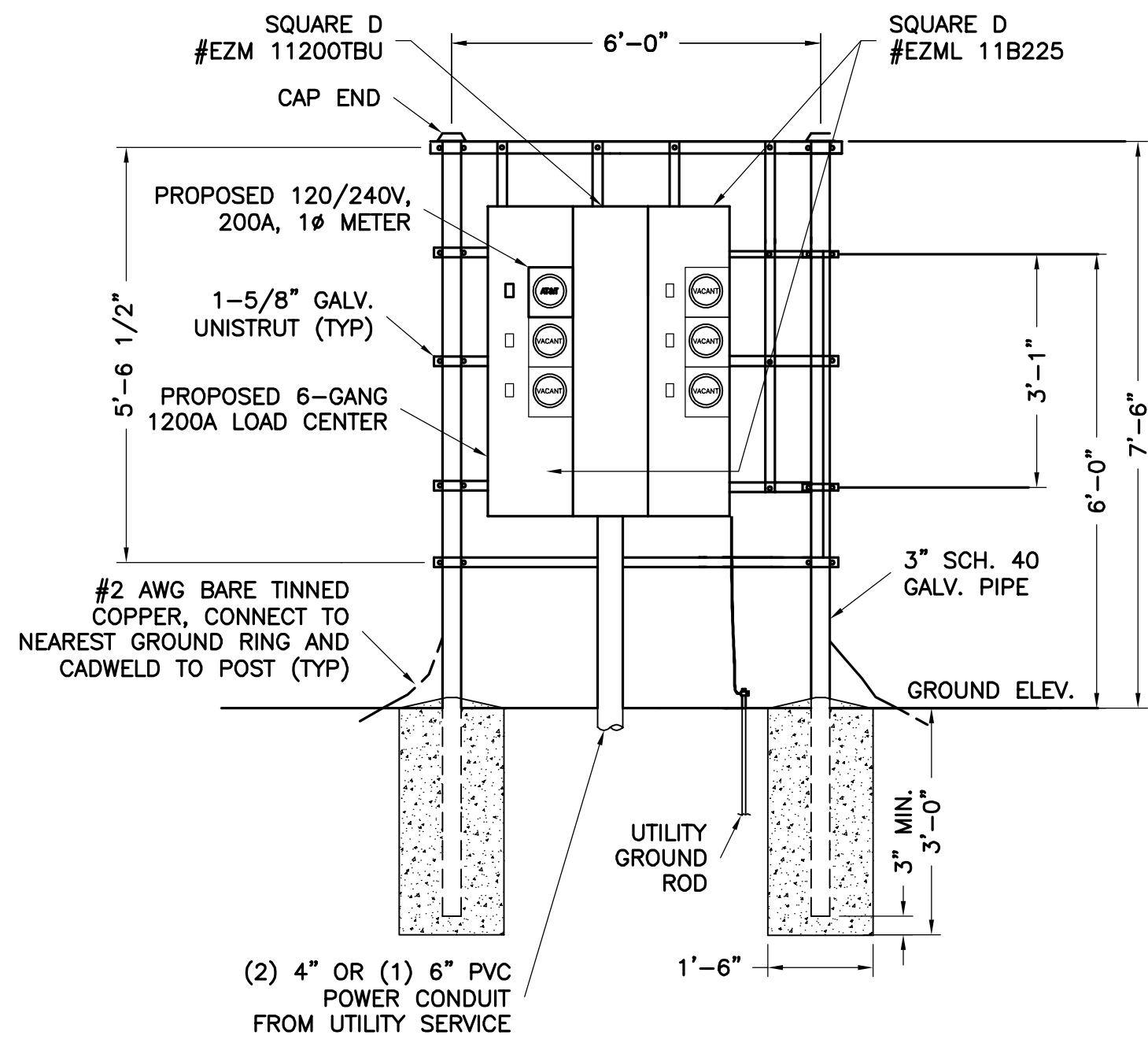


NOTE:
FINAL FENCING AND SCREENING SUBJECT
TO REVIEW AND APPROVAL BY THE A.R.B.

4 TYPICAL FENCE DETAIL
D-1 NTS



3 MESA CABINET DETAIL
D-1 NTS



5 METER BOARD DETAIL
D-1 NTS

ENGINEER

APPLICANT

SITE INFORMATION

DESIGN RECORD

PROFESSIONAL STAMP

ENGINEER

SHEET TITLE

SHEET NUMBER

NB+C
TOTALLY COMMITTED.

NB+C ENGINEERING SERVICES, LLC.
6095 MARSHALEE DRIVE, SUITE 300
ELK RIDGE, MD 21075
(410) 712-7092

verticalbridge

750 PARK OF COMMERCE DRIVE, SUITE 200
BOCA RATON, FLORIDA 33487
PHONE: 859-494-1600

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

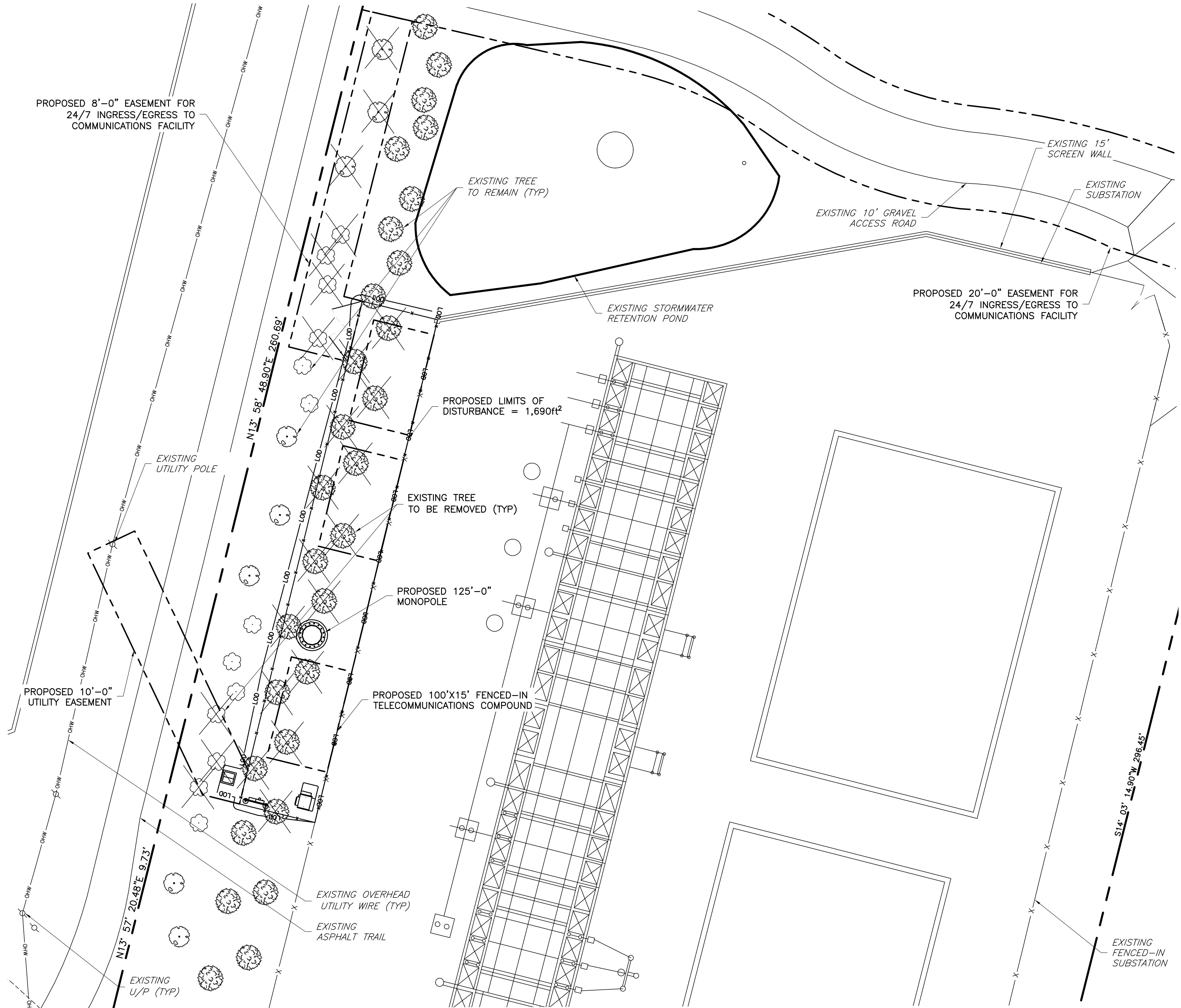
REVISIONS			
REV	DATE	DESCRIPTION	BY
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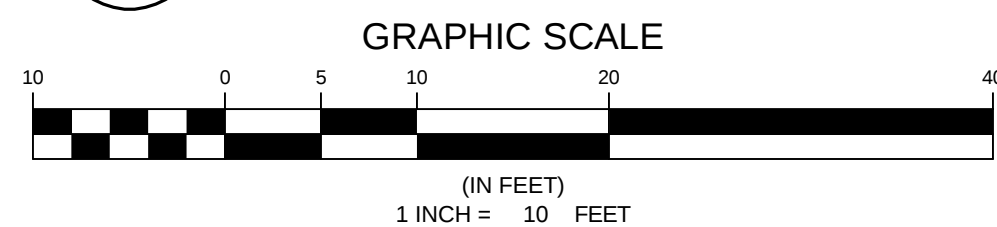
PHILIP BURTNER, P.E.
VA PROFESSIONAL ENGINEER LIC. #022023

CONSTRUCTION
DETAILS & NOTES

D-1
SHEET 5 OF 7



1 EXISTING LANDSCAPE PLAN
L-1 SCALE: 1" = 10'



LEGEND

---	PROPERTY LINE - SUBJECT PARCEL
---	PROPERTY LINE - ABUTTERS
-x-	EXISTING FENCE LINE
---	EXISTING ROAD
---	EASEMENT LINE
	EXISTING TREE TO BE REMOVED
	EXISTING TREE TO REMAIN

PLANT LEGEND

SYMBOL	PLANT MATERIAL	QUANTITY TO BE REMOVED	QUANTITY TO BE PLANTED
	CARPINUS CAROLINIANA AMERICAN HORNBEAM	7	7
	AMELANCHIER CANADENSIS SHADBLOW SERVICEBERRY	3	3
	THUJA OCCIDENTALLS "NIGRA" DARK AMERICAN ARBORVITAE	15	15

NOTE:

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

ENGINEER

APPLICANT

SITE INFORMATION

DESIGN RECORD

PROFESSIONAL STAMP

ENGINEER

SHEET TITLE

SHEET NUMBER

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TOTALLY COMMITTED.
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US-VA-5060 HERNDON
525 GROVE STREET
HERNDON, VA 20170
THE TOWN OF HERNDON

REVISIONS

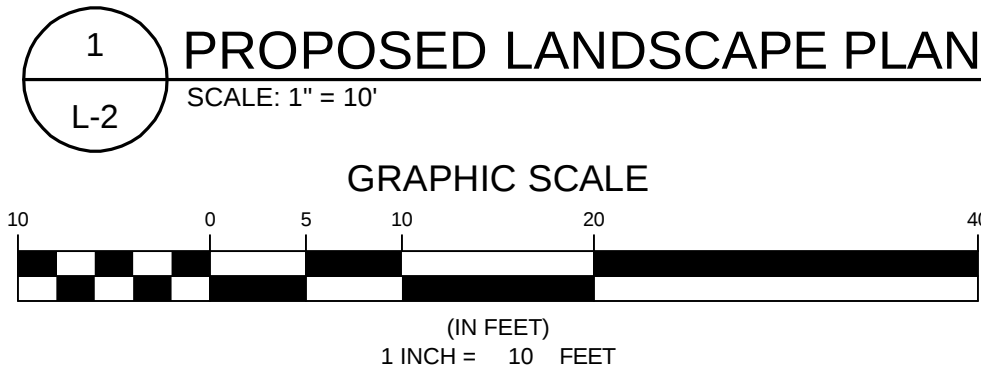
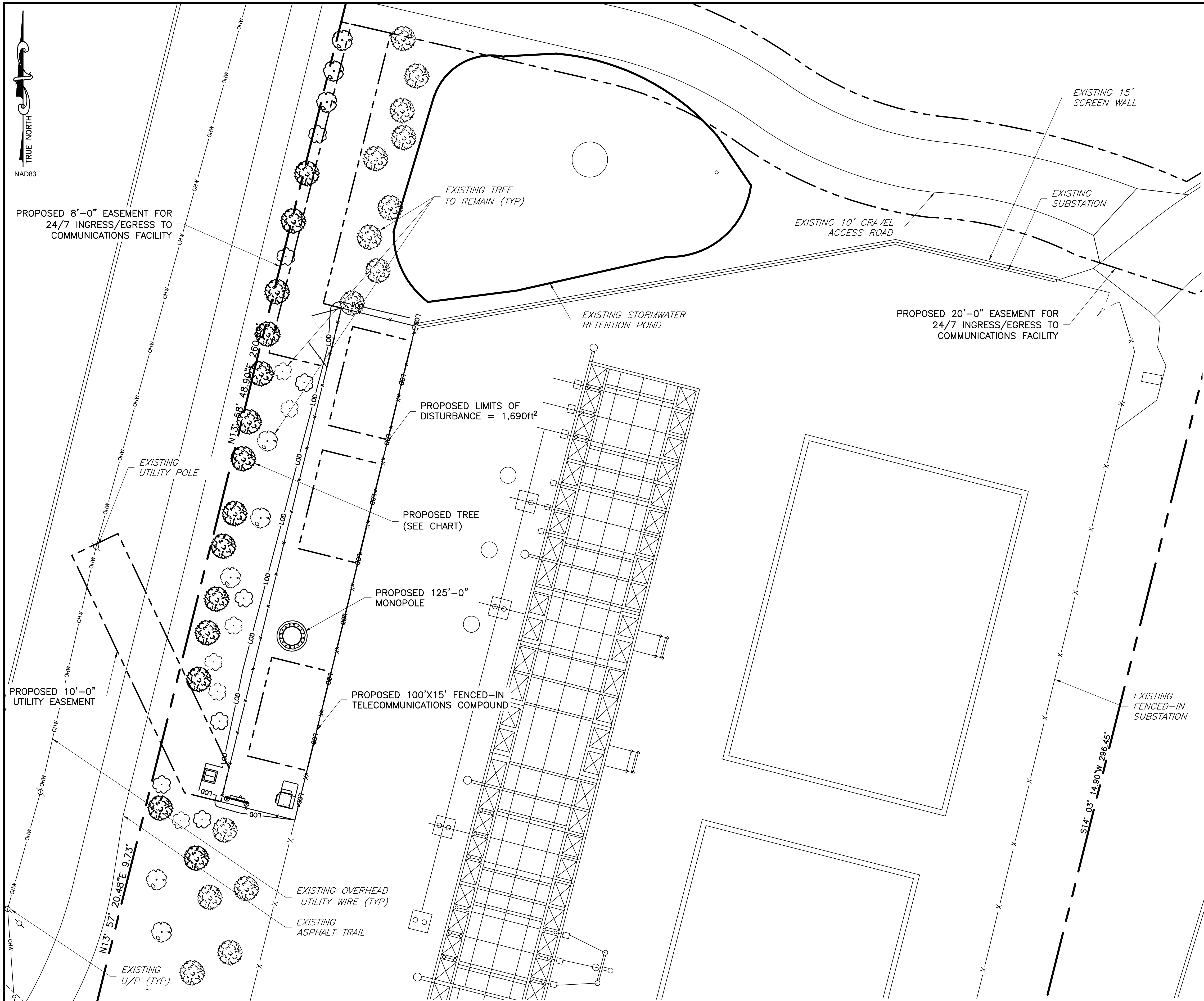
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PHILIP BURTNER, P.E.
VA PROFESSIONAL ENGINEER LIC. #022023

EXISTING
LANDSCAPE PLAN

L-1
SHEET 6 OF 7



LEGEND	
	PROPERTY LINE - SUBJECT PARCEL
	PROPERTY LINE - ABUTTERS
	EXISTING FENCE LINE
	EXISTING ROAD
	EASEMENT LINE
	EXISTING TREE TO BE REMOVED
	EXISTING TREE TO REMAIN

PLANT LEGEND			
SYMBOL	PLANT MATERIAL	QUANTITY TO BE REMOVED	QUANTITY TO BE PLANTED
	CARPINUS CAROLINIANA AMERICAN HORNBEAM	7	7
	AMELANCHIER CANADENSIS SHADBLOW SERVICEBERRY	3	3
	THUJA OCCIDENTALLS "NIGRA" DARK AMERICAN ARBORVITAE	15	15

PLANTING SCHEDULE		
SPECIES	SIZE	SPACING/LOCATION
CARPINUS CAROLINIANA AMERICAN HORNBEAM	3'-4'	AS SHOWN
AMELANCHIER CANADENSIS SHADBLOW SERVICEBERRY	6'-8'	AS SHOWN
THUJA OCCIDENTALLS "NIGRA" DARK AMERICAN ARBORVITAE	8±	AS SHOWN

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

ENGINEER	 NB+C ENGINEERING SERVICES, LLC. 6095 MARSHALLEE DRIVE, SUITE 300 ELK RIDGE, MD 21075 (410) 712-7092																
APPLICANT	 750 PARK OF COMMERCE DRIVE, SUITE 200 BOCA RATON, FLORIDA 33487 PHONE: 859-494-1600																
SITE INFORMATION	US-VA-5060 HERNDON 525 GROVE STREET HERNDON, VA 20170 THE TOWN OF HERNDON																
DESIGN RECORD	<table><tr><th>REV</th><th>DATE</th><th>DESCRIPTION</th><th>BY</th></tr><tr><td>2</td><td>03/19/19</td><td>REVISED PER COMMENTS</td><td>CES</td></tr><tr><td>1</td><td>02/25/19</td><td>REVISED PER COMMENTS</td><td>CES</td></tr><tr><td>0</td><td>12/11/18</td><td>ZONING DRAWINGS</td><td>CES</td></tr></table>	REV	DATE	DESCRIPTION	BY	2	03/19/19	REVISED PER COMMENTS	CES	1	02/25/19	REVISED PER COMMENTS	CES	0	12/11/18	ZONING DRAWINGS	CES
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PROFESSIONAL STAMP																	
ENGINEER	PHILIP BURTNER, P.E. VA PROFESSIONAL ENGINEER LIC. #022023																
SHEET TITLE	PROPOSED LANDSCAPE PLAN																
SHEET NUMBER	L-2 SHEET 7 OF 7																

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

March 22, 2021

Resolution- to consider an amendment to Special Exception, SE#19-02, 525 Grove Street, to change the condition for SE expiration.

WHEREAS, Network Building & Consulting, LLC, the applicant, has submitted an Special Exception amendment application to alter the conditions of the approved Special Exception, SE#19-02, which allows a telecommunications facility on the parcel identified as Fairfax County Tax Map Reference Number 0162-02-0190E; and

WHEREAS, the proposed amendment changes Condition H to allow for a longer period of time prior to final building inspection in which the SE would remain active; and

WHEREAS, the Planning Commission has reviewed this application and has held a public hearing, in accordance with the provisions of §15.2-2204 of the State Code, on March 22, 2021 and continued; and

WHEREAS, the Planning Commission has found that the proposed amendment meets the purpose and intent of the Zoning Ordinance, in particular Section 78-71.13(d) and 78-155.3; and

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

Recommends approval of the amendment to Special Exception SE#19-02, as proposed, and in accordance with the following conditions:

- A. **Substantial Conformity.** The site shall be developed and maintained in substantial conformance with the NB+C/Vertical Bridge plan exhibit, dated March 19, 2019, except where modified by these conditions and with the removal of the modification requests #2 and #3 listed on the cover sheet of the plan exhibit.
- B. **Permitted use.** The use shall be limited to one 125-foot telecommunications monopole and associated ground equipment and enclosure.
- C. **Site Plan Revision.** A site plan revision indicating all proposed modifications to the site shall be submitted to the Town of Herndon for administrative staff review.
- D. **Stormwater Management.** The proposed improvements shall not negatively impact the existing stormwater BMP. The applicant shall include an analysis with the site plan submission and, if required, associated site improvements demonstrating that the proposed project will not negatively impact the existing stormwater BMP.

- E. **Architectural Review Board (ARB).** An application for the proposed new construction, to include the required screening and access barriers, shall be submitted for review by the Architectural Review Board (ARB.) All permits and construction must comply with the ARB approval.
- F. **Access to the Site.** The telecommunications facility compound shall not be accessed from the existing trail near the western property boundary. A physical barrier shall be installed preventing any vehicular access from the private access road off-site. The design of the barrier shall be submitted to the ARB in accordance with Condition E. Access into the enclosure shall be limited to a single gate as shown in the referenced plan unless provided along the enclosure's eastern side adjacent to the substation.
- G. **Inspection.** The property owner and tenant shall allow Town officials to inspect the property during reasonable hours upon prior notice
- H. **Expiration.** This Special Exception shall run with the land except under the following condition(s):
 - i. A discontinuance of the use for which the special exception was granted for a continuous 12-month period;
 - ii. Failure to obtain a final building inspection for the monopole within five (5) years of approval of the special exception.
- I. **Revocation.** Any violation of the aforementioned conditions or other sections of the Herndon Town Code shall be grounds for revoking the special exception pursuant to the manner described in Section 78-155.3(h) of the zoning ordinance.

This is certified to be a true and accurate copy of the resolution associated with Special Exception Application SE #19-02, adopted at a legally convened meeting of the Town of Herndon Planning Commission on March 22, 2021.

Clerk of Boards & Commissions

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

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

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

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

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

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

Sec. 78-155.3. - Special exception Review Standards for Special Exception.

(e) *Review standards for special exceptions.*

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



STAFF REPORT

Town Council

April 20, 2021

Title: Resolution, to consider a special exception, SE #21-01, **400 Herndon Parkway, Peppertree Montessori & Preschool**, to permit a private school/daycare within an existing office building.

Synopsis

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

This special exception application is to allow a private school/daycare to operate in an existing office building that is zoned Office and Light Industrial district. The previous use of the space as an office is allowed by-right.

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

Summary Information

Address	400 Herndon Parkway
Fairfax County Tax Map Number	0171-06-F3
Owners	DK Herndon Parkway, LLC
Applicant	Gwendolyn Dozier
Business	Peppertree Montessori and Preschool
Existing Zoning	Office & Light Industrial (O&LI)
Existing Use	Office Space
Land Use Designation	Office Parks & Flexible Space
Adjacent Land Use Designation	North: Office Parks & Flexible Space South: Community Facilities, Office Parks and Flexible Space East: Community Facilities West: Office Parks & Flexible Space
Total Site Area	241,835 square feet (5.55 acres)
Building Area	19,547 square feet (1 story building)
Tenant Space Area	4,951 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 existing 241,835 square foot Sugarland West Business Center sits on the western side of Herndon Parkway, just north of the Washington & Old Dominion (W&OD) Trail. The Sugarland West Business Center is composed of two, one-story office buildings, addressed as 380 and 400 Herndon Parkway, which were constructed in 1984. The proposed Peppertree Montessori and Preschool is located in 400 Herndon Parkway, which has one other tenant. The location of the proposed Montessori and preschool is suite 150, towards the rear (west side) of the building. The other tenant is Honeywell, located towards the front of the building, in suite 100. The tenant at 380 Herndon Parkway is the Smithsonian Institute Office of the Chief Information Officer.

The site includes 199 surface-level parking spaces, including 9 handicap accessible stalls, shared amongst the two buildings. Vehicular access to the site is achieved by accessing the driveway curb cut which fronts 400 Herndon Parkway or a second driveway curb cut which fronts 380 Herndon Parkway. The driveway curb cut fronting 400 Herndon Parkway allows full vehicular turning movements, while the driveway curb cut fronting 380 Herndon Parkway is right-in/right-out. Two-way vehicular circulation can be achieved throughout the site. Mature landscaping exists also throughout the site.

Proposal

The applicant is requesting a maximum of 50 children at one time to be allowed in the school. The students will be instructed by up to eight teachers. The proposal includes three shifts starting at 8:00 AM and ending at either noon, 3:00 PM, or 5:30 PM. The facility offers an attendance schedule of either three, four, or five days per week. The applicant has proposed to have up to eight classes running concurrently and no individual class will exceed 10 children. The classes are also separated by age groups. The full breakdown of the projected number of children in a group and the number of classes for that group is included as attachment 3.

The proposed Montessori school and daycare is 4,951 square feet. The proposed floor plan layout (attachment #4) includes a large open classroom area, two proposed infant rooms, botany room, library, kitchen, utility closet, staff lounge, conference room, and restrooms for boys and girls. Access to the suite is achieved by entering the door which leads from the porch into a foyer. A second door from the foyer leads into the open classroom area. A proposed new door at the rear of the suite, located within proposed infant room #1, would be installed in order to comply with the building code.

The proposal includes 10 parking spaces located directly in front of the building to be reserved for pick-up and drop-off only.

Background

Previous Reviews

The initial submissions of this special exception were reviewed by Community Development and Public Works staff. 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 found in Section 78-155.3(e) of the zoning ordinance, which the zoning ordinance requires be considered when evaluating special exceptions. These are listed in the table on page 5-7 of this report. This criteria applies to all special exceptions.
- Standards: The specific standards for preschools and daycares are listed in Section 78-71.2(d)(2) of the zoning ordinance. These standards are required.
- 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 minor site plan for the fencing and play area, obtain a building permit for the emergency exit door, and obtain approval for the new fire alarm.

By-right Use

Under the Office and Light Industrial zoning for this property, offices (the previous use for this tenant space), medical facilities, research and development, light manufacturing, and electronic warehousing are allowed without the need for a special exception.

Staff Analysis

Zoning Ordinance Compliance

The zoning ordinance requires a special exception for daycare centers, childcare centers, and preschools in the Office and Light Industrial zoning district. The ordinance contains standards specific to proposed daycare centers, childcare centers, and preschools. Those standards are listed below:

- *Location.* If not located in a stand-alone building, daycare centers, childcare centers and preschools shall be located on the first floor of a principal structure, and be separated (including the restrooms) by a physical barrier from the remaining portion of the building in which it is located.
- *Recreation areas.* Daycare centers, childcare centers, and preschools shall include an outdoor recreation area with a minimum of 100 square feet for each child permitted, meeting the following standards:
- *Fencing.* Be enclosed by a fence which allows air and light to penetrate it and be capable of containing each child using the area;
 - Not be within a required building setback
 - Not be closer than 15 feet to the edge of any public right-of-way; and
 - Not be within a parking area.
- *Parking and circulation.* Daycare centers, childcare centers, and preschools shall design parking areas and vehicular circulation patterns to:
 - Enhance the safety of children as they arrive at and leave the facility;
 - Include a designated pickup and delivery area, providing a minimum one stacking space per 20 children, and
 - Include parking spaces at a rate of one per employee plus one space per five children located adjacent to the childcare structure in such a way that visitors may avoid walking across vehicular travel ways to enter or exit the center;
 - Ensure that all stacking lanes are located at least ten feet from the principal building with either an on-site turnaround or separate points for ingress and egress.

- *Outdoor play activity hours.* Daycare centers, childcare centers, and preschools shall not conduct outdoor play activities before 8:00 AM or after 8:00 PM.
- *Required Permits.* Daycare centers, childcare centers, and preschools shall be licensed with the state commissioner of social services in accordance with Code of Virginia § 631-196, and comply with 22-VAC-15-13 and all other relevant state laws.

Section 78-155.3(e) of the zoning ordinance lists the criteria 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 Office Parks and Flexible Space category.
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 with conditions	The ordinance requires 100 square feet of outdoor play area per child. The play area would need to be 5,000 square feet if all children were outside at once. The applicant is proposing 10 children at one time, so a condition has been added for a minimum of 1,000 square foot play area. The condition allows for more children if the applicant expands the play area in the future.
Does not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use.	Meets	The proposed use does not adversely affect health or safety and provides a needed service to those working in the neighborhood.
Minimizes adverse visual impact of the proposed use on adjacent lands	Meets	The proposed use is primarily indoors. The outdoor play area is screened from the Washington & Old Dominion trail and adjacent properties by an existing property landscape buffer.

Contributes to a logical and orderly development pattern consistent with accepted or emerging planning practices	Not Applicable	The only physical alterations to the site are a fence and non-permanent play equipment.
Minimizes adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration, and should not create a nuisance.	Meets	The parking and drop-off area is fully accommodated by the existing parking lot. The outdoor play area is adjacent to an existing recreational use (W&OD trail) and an existing pre-school is on the opposite side of the trail.
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 has limited external impacts and provides a needed service to neighboring commercial 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	The proposed use is primarily indoors. The outdoor play area is screened from the Washington & Old Dominion trail and adjacent properties by an existing property landscape buffer. Vegetation is not planned to be removed for the play area.
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	Public transportation facilities currently service the site and are adequate for the proposed use. The proposed use will not create undue demand on these services.
Results in development that is adequately served by public facilities (roads, potable water	Not Applicable	This proposal does not include physical changes to the site with the exception of a play area. Public safety and

and sewage, schools, parks, police, and fire and emergency medical facilities)		infrastructure currently service the site, and are adequate for the proposed use. The proposed use will not create undue demand on these services.
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 with the exception of a play area.
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 Office Parks & Flexible Space land use designation within the Herndon 2030 Comprehensive Plan primarily includes business offices, flexible space, warehousing, light industrial workshops, and maintenance facilities. The goals of the land use category encourages more modest commercial activity not designated in the Regional Corridor Mixed-Use land use designation. Land Use Policy #1 for Office Parks & Flexible Space encourages the creation of an attractive environment that encourages companies and businesses to locate and remain within the town limits. The proposal adheres to this objective by providing an essential service to nearby office and light industrial workers.

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 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	Child Pick-up & drop-off	Partially	The ordinance requires a designated pick-up and drop-off area for children. The condition specifies the exact location where the 10 designated spaces will be located on the site. The school does not propose to use a queue for child drop-off and pick-up.
3	Number of permitted children	No	This condition limits the number of children based on the size of the tenant space, available area for outdoor play area, and available parking.
4	Outdoor recreation area	Partially	An outdoor recreation area is required by Section 78-71.2(d)(2)(b) of the zoning ordinance. This condition references the location of the play area as shown on the concept plan.
5	Number of permitted children in outdoor recreation area	Partially	Section 78-71.2(d)(2)(b) of the zoning ordinance requires 100 square feet of outdoor play area per child. This condition requires a minimum of 1,000 square feet of area for 10 children and allows for more children in the future if the play area is expanded.
6	Zoning Inspection Permit	No	This condition requires inspection and approval by a zoning inspector to ensure all requirements of the zoning ordinance and daycare are complied with prior to issuing a certificate of occupancy.

Planning Commission Recommendation

The planning commission first heard this application at the work session on March 8, 2021 and again at the public hearing on March 22, 2021. The planning commission expressed concern regarding how the children would get from the front door to the play area and requested that the applicant examine the possibility of installing an additional door on the rear of the building that is separate from the emergency egress door in the infant room. No members of the public spoke at the planning commission public hearing.

The commission voted 7-0 to approve the application with staff recommended conditions.

Staff Recommendation

The applicant has explained to staff that adding the emergency egress door required by the building code and an additional rear door that would connect directly into the play area is cost prohibitive. The applicant further explained that there will always be a minimum of two staff to escort the children from the front door to the play area and that all staff are equipped with wireless radios if additional assistance is required in the play area. Staff revised the conditions to require at least two staff members be outside any time the play area is in use.

Town Council Alternatives

The following alternatives are available to the Town Council for its decision on Special Exception #21-01:

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 Resolution
2. Draft Conditions
3. Planning Commission Resolution
4. Applicant Narratives
5. Proposed Special Exception Plan, dated March 5, 2021

Staff Signatures



Michael Wallick, AICP, Transportation Planner



David Stromberg, AICP, Zoning Administrator

TOWN OF HERNDON, VIRGINIA

RESOLUTION

APRIL 27, 2021

Resolution- to consider a special exception, SE #21-01, 400 Herndon Parkway, Peppertree Montessori & Preschool, to permit a private school/daycare within an existing office building.

WHEREAS, the applicant, Gwendolyn Dozier, has submitted a request for a special exception to permit a private school/daycare within an existing office building located at 400 Herndon Parkway and further identified as Fairfax County Tax Map # 0171-06-F3; 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, Sections 78-71.2 and 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 #21-01, 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 #21-01

400 HERNDON PARKWAY

APRIL 27, 2021

1. Substantial Conformity. The development and maintenance of the special exception use for a Montessori school and daycare pursuant to Section 78-71.2 of the Herndon Zoning Ordinance (the “Zoning Ordinance”) shall be in substantial conformance with the SE #21-01 application materials submitted January 22, 2021 and concept plan dated March 5, 2021 (the “Concept Plan”). Approval of this application on the parcel identified as Fairfax County Tax Map Number 0171-06-F3, known as 400 Herndon Parkway, 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. Child & Pick-Up & Drop-Off. Child pick-up and drop-off shall occur in the 10 marked parking spaces located in front of the entrance to the Montessori & preschool, as shown on the special exception plan dated March 5, 2021.
3. Number of Permitted Children. The number of children present on site shall not exceed 50 at any one time.
4. Outdoor Recreation Area. An outdoor, fenced playground area, no less than 1,000 square feet, shall be constructed in the approximate location as shown on the Concept Plan, prior to the issuance of a business license or final certificate of occupancy. When playing outside, all children shall be within the fenced recreation area. There shall be a minimum of two staff members supervising the children while in the outdoor recreation area. If the number of staff required by the Virginia Department of Social Services is greater than two, then that shall be the minimum number of staff required.
5. Number of Permitted Children in Outdoor Recreation Area. The maximum number of children permitted in the outdoor recreation area at any one time shall comply with Section 78-71.2(d)(2)(b) of the zoning ordinance, which requires 100 square feet for per child.
6. Zoning Inspection Permit and Inspections. A Zoning Inspection Permit is required prior to issuance of the business license. Following the business license, the use shall be inspected by zoning and building officials during reasonable hours and upon reasonable prior notice.

TOWN OF HERNDON, VIRGINIA

PLANNING COMMISSION

RESOLUTION

MARCH 22, 2021

Resolution- to consider Special Exception Application SE #21-01, to permit a private school/daycare within an existing building in an Office & Light Industrial, O&LI, zoning district.

WHEREAS, the applicant, Gwendolyn Dozier, has submitted a request for a special exception to permit a private school/daycare located at 400 Herndon Parkway and identified as Fairfax County Tax Map #0171-06-F3; 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 #21-01 with conditions, meets the purpose and intent of the Zoning Ordinance, in particular, Sections 78-71.2 and 78-155.3; and

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

WHEREAS, if granted, the special exception may expire pursuant to Sections 78-155.3(f)(3) or Section 78-155.3(g) of the Zoning Ordinance; and

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

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

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

Recommends approval of Special Exception Application SE #21-01, in accordance with the conditions set forth below to achieve compliance with the standards found in Sections 78-71.2 and 78-155.3;

PLANNING COMMISSION DRAFT CONDITIONS
SPECIAL EXCEPTION SE #21-01
400 HERNDON PARKWAY
MARCH 22, 2021

1. Substantial Conformity. The development and maintenance of the special exception use for a Montessori school and daycare pursuant to Section 78-71.2 of the Herndon Zoning Ordinance (the "Zoning Ordinance") shall be in substantial conformance with the SE #21-01 application materials submitted January 22, 2021 and concept plan dated March 5, 2021 (the "Concept Plan"). Approval of this application on the parcel identified as Fairfax County Tax Map Number 0171-06-F3, known as 400 Herndon Parkway, 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. Child Pick-Up & Drop-Off. Child pick-up and drop-off shall occur in the 10 marked parking spaces located in front of the entrance to the Montessori & preschool, as shown on the special exception plan dated March 5, 2021.
3. Number of Permitted Children. The number of children present on site shall not exceed 50 at any one time.
4. Outdoor Recreation Area. An outdoor, fenced playground area, no less than 1,000 square feet, shall be constructed in the approximate location as shown on the Concept Plan, prior to the issuance of a business license. When playing outside, all children shall be within the fenced playground area.
5. Number of Permitted Children in Outdoor Recreation Area. The maximum number of children permitted in the outdoor recreation area at any one time shall comply with Section 78-71.2(d)(2)(b) of the zoning ordinance, which requires 100 square feet for per child.
6. Zoning Inspection Permit and Inspections. A Zoning Inspection Permit is required prior to issuance of the business license. Following the business license, the use shall be inspected by zoning and building officials during reasonable hours and upon reasonable prior notice.

This is certified to be a true and accurate copy of the resolution associated with Special Exception Application SE #21-01, adopted at a legally convened meeting of the Town of Herndon Planning Commission on March 22, 2021.


Clerk of Boards & Commissions

**Town of Herndon Department of Community Development
Peppertree Montessori School and Preschool
Response to Pre-Application Conference for Special Exception Application**

Pre-application conference date: Thursday, December 17, 2020 **Conference Time:** 2:00pm

Meeting Attendees:

Gwendolyn Dozier, Applicant(703) 485-5395; peppertreemainoffice@gmail.com

Liezal Dozier, Applicant (703) 485-5395; peppertreemainoffice.@gmail.com

David Stromberg, Zoning Administrator, Town of Herndon

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Bryce Perry, Deputy Director of Community Development, Town of Herndon

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Richard Smith, Engineer, Town of Herndon

(703) 435-6853, richard.smith@herndon-va.gov

Jonathan Franssell, Project Engineer, Town of Herndon

(703) 435-6853, jonathan.franssell@herndon-va.gov

Michael Wallick, Transportation Planner, Town of Herndon

(703) 787-7380, michael.wallick@herndon-va.gov

Lisa Webster, Administrative Assistant, Town of Herndon

(703) 787-7380, lisa.webster@herndon-va.gov

COVID-19 Protocols

1. We will use the Infrared Braun 3in1 Infrared Touchless thermometers which scan in 2 seconds. Each student, parent and teacher will be scanned daily upon arrival and departure. Persons whose temperature exceeds 99.5 degrees will not be admitted.
2. All staff will attend COVID-19 training prior to employment in the implementation and consistency of required cleaning, reporting and contact tracing.
3. Staff will be updated weekly on COVID-19 updates including information from the Virginia Department of Health and the CDC.
4. Only parents with infants will be allowed inside the building.
5. All individuals that must enter the premises including delivery and maintenance personnel will be required to wear a mask prior to entering the building. 6 feet of distance will be maintained between all individuals.

6. Children will be escorted in and out of the building by school personnel. Parents will have a contactless sign-in and sign-out method provided by the school's software system with an app on their cell phone or by tablet. Teachers will also use the same process on the school's tablet.
7. Students will not move from room to room and will remain with the same classmates throughout the day.
8. Class size will be limited to 10 or fewer students.
9. Students two years old and older will wear masks except when they are eating.
10. Teachers will wear masks and face shields.
11. Only two students at a time will be allowed in restrooms. The school has three stalls for girls, two stalls for boys and one urinal.
12. The girls' and boys' bathrooms will have a sneeze shield placed between the sinks.
13. Touchless foot pedals will be on each door.
14. Trash receptors are all peddle operated.
15. There are touchless soap dispensers in each restroom.
16. Xlerator hand dryers are being installed at a height that children can comfortably reach.
17. Serv-Pro will provide nightly child safe products for bio-tech cleaning.
18. Additional gloved sanitizing of desks, chairs, doorknobs, tables, light switches and classroom equipment by teachers and students will also take place three times daily and recorded on forms provided by the Director.
19. The IQ Air HEPA hyper air purifying will be installed.
20. No equipment will be shared such as laptops, telescopes, etc. Any such equipment shall be sanitized after each use by the teacher-aides.
21. Hand washing will take place throughout the day as needed and as required by the Virginia Department of Social Services.
22. Touchless hand sanitizing stations are placed throughout the school for staff.
23. Children will go outdoors every three hours.

Parking Availability

Peppertree Montessori is located in an office park setting. Our school has 20 available parking spaces in front of the school. There will be signage in front of the school to distinguish a **Kid Drop-Off Zone** for parents to drive up and wait for their child as they are escorted out of the school to their vehicle. In addition, there are several available parking spaces for parents to park and a sidewalk that runs in front of the school. There are two separate exits that allow traffic to flow in and out of our office park to prevent congestion. All parking spaces are clearly marked.

Playground Area

We will not be installing a playground or fence at this time as the Virginia Department of Social Services, Child Care Licensing Division informed us that playgrounds are not required unless the building is within 35 square feet of a dangerous area such as a railroad track.

Peppertree Montessori and Preschool
400 Herndon Parkway, Suite 150
Herndon, Virginia 20170

Response to Town of Herndon Community Development

Date: March 3, 2021

Classrooms

There will be eight classes running concurrently and are projections are as follows:

<u>Age Group</u>	Number of Classes	Group Total
Students Birth to 16 months	Three	Twelve
Students 16 months 23 months	Two	Ten
Students two years old	One	Eight
Students three years old through those eligible to attend public school who will by five years old by September 30.	One	Ten
Students five years old by September 30 through students eight years of age	One	Ten
TOTAL:	8	50

Floor Plan

There have been no changes since the initial package submission on January 22, 2021.

Peppertree Montessori and Preschool
400 Herndon Parkway, Suite 150
Herndon, Virginia 20170

Response to Town of Herndon Community Development

Date: March 3, 2021

Parking

We have been given a capacity of 136 children, however, we are limiting our enrollment to 50 children until further notice. If we use the capacity of 136 with one space for every five students plus 8 teachers we would need approximately 29 spaces. We have 25 available, 20 along the front of our building with a sidewalk and clearly marked spaces. There are also have 5 spaces on the side of our building with clearly marked spaces but no sidewalk. We cannot use the entire lot and we only have 8 workers during the day. We also have three shifts, several children will be leaving at noon, several more at 3:00 and those left at 5:30. We don't offer after school care therefore the enrollment decreases instead of increasing throughout the day.

A Smithsonian Museum office is directly across the lot however, their entrance door is around the corner and they park there. They don't have walk in traffic. We could ask them for the ability to use four spaces if we had overflow if so required. No one usually parks there during the day.

As mentioned in our initial response, there are two street entrance/exits to the school on the left and right sides of the office park.

We will designate Kids Zone Drop Off Pick-Up with signage.

**Peppertree Montessori and Preschool
400 Herndon Parkway, Suite 150
Herndon, VA 20175
703-485-5395**

March 17, 2021

Mr. Michael Wallick:

I wanted to follow-up regarding the comments of the Town of Herndon Work Session held on March 8, 2021 regarding Peppertree Montessori. I want to make sure we navigate through this process successfully therefore I will provide comments on the questions asked during the session to bring clarity to the topics.

OVERVIEW OF OUR FACILITY

Proposed Playground

We submitted the site plan and measurements for the playground area earlier this month. I understand that I would need to provide footings, fencing dimensions, woodchip height and depth. We plan on the fence dimensions being 74' X 21' X 4'. We will use woodchips on the surface, and they will measure 6" in depth which will meet the childcare licensing requirements. No piece of equipment will be taller than 6'. No swings.

Regarding space to accommodate children in the outdoor play area we are looking to accommodate 50 students currently due to COVID in our facility. The children would enjoy the play area at different times with different age groups and different schedules. We will not need to accommodate all 50 students at one time. We will divide the groups to accommodate ten children at a time in the playground area.

The walking path the children will take to the outdoor play area will be the front door/main building exit. They will walk to the left coming out of the building on the sidewalk following the path to the back of the building.

The second exit door is being installed in the infant room which will allow for an emergency exit and an exit for the infants and toddlers. This process has been approved by the landlord. When the children exit, they will not enter the fenced playground area as a paved path will allow them to easily exit with the emergency roller cribs.

Restroom Facilities

There are three adult sized toilets/stalls in the girl's restroom. The toilets will have potty seats and step stools for the younger children and an adult may use the same restroom if there is an adult sized toilet. There are two sinks.

The boy's restroom has two adult sized toilets/stalls which will also have potty seats and step stools for the younger children and an adult may use the same restroom if there is an adult sized toilet. The boy's restroom also includes a urinal. There are two sinks.

STATUS OF THE SCHOOL AND OPENING

- Our facility is not open to accept children.
- We provide tours to parents limited to two family members at a time by appointment. Masks are required.
- We have an **Emergency Exempt Status** to operate a childcare center from the Virginia Department of Social Services. Please see attached copy.
- We must first receive our occupancy certificate to obtain our permanent childcare license through the Virginia Department of Social Services. Our licensing application must include the occupancy certificate. Once we submit our application it takes approximately 60 days to issue our permanent childcare license. We can operate and open our facility under the **Emergency Exempt Status** until we receive our permanent license.
- We are complying with all the childcare licensing requirements in the state of Virginia.

Our hours of operation will be 8am-5:30pm Monday through Friday.

Our students can attend one of the following schedules:

8am-12pm either 5 days a week, four days a week or three days a week.

8am-3pm either 5 days a week, four days a week or three days a week.

8am-5:30pm. either 5 days a week, four days a week or three days a week.

PARKING

We want to make sure we are providing the proper safety measures and ample parking space. We will have clearly marked areas for the **“kids drop-off/pick-up Zone”** which will be in front of our facility. We are in an office park that has very little traffic flow. The building directly across from our center generally has no more than five cars parked at any given time. The Honeywell office has a few cars parked on the other side of the building, very low traffic flow. The Herndon Smithsonian Museum office generally has approximately five cars and they are located about two buildings over from our location. There are several empty parking spaces in our parking lot the are not utilized. The photos from an online search/ google search are out-dated and do not reflect the number of cars that utilize the office park. We located a great distance from the main street and we do not have the concern for children wondering onto Herndon Parkway.

We have 25 marked parking spaces in front of the building and an additional five parked spaces on the side of the building walking to the left coming outside our front door. If we need more spaces, we can utilize additional spaces.

If we need to provide additional information prior to the hearing please let us know.

Thank you,

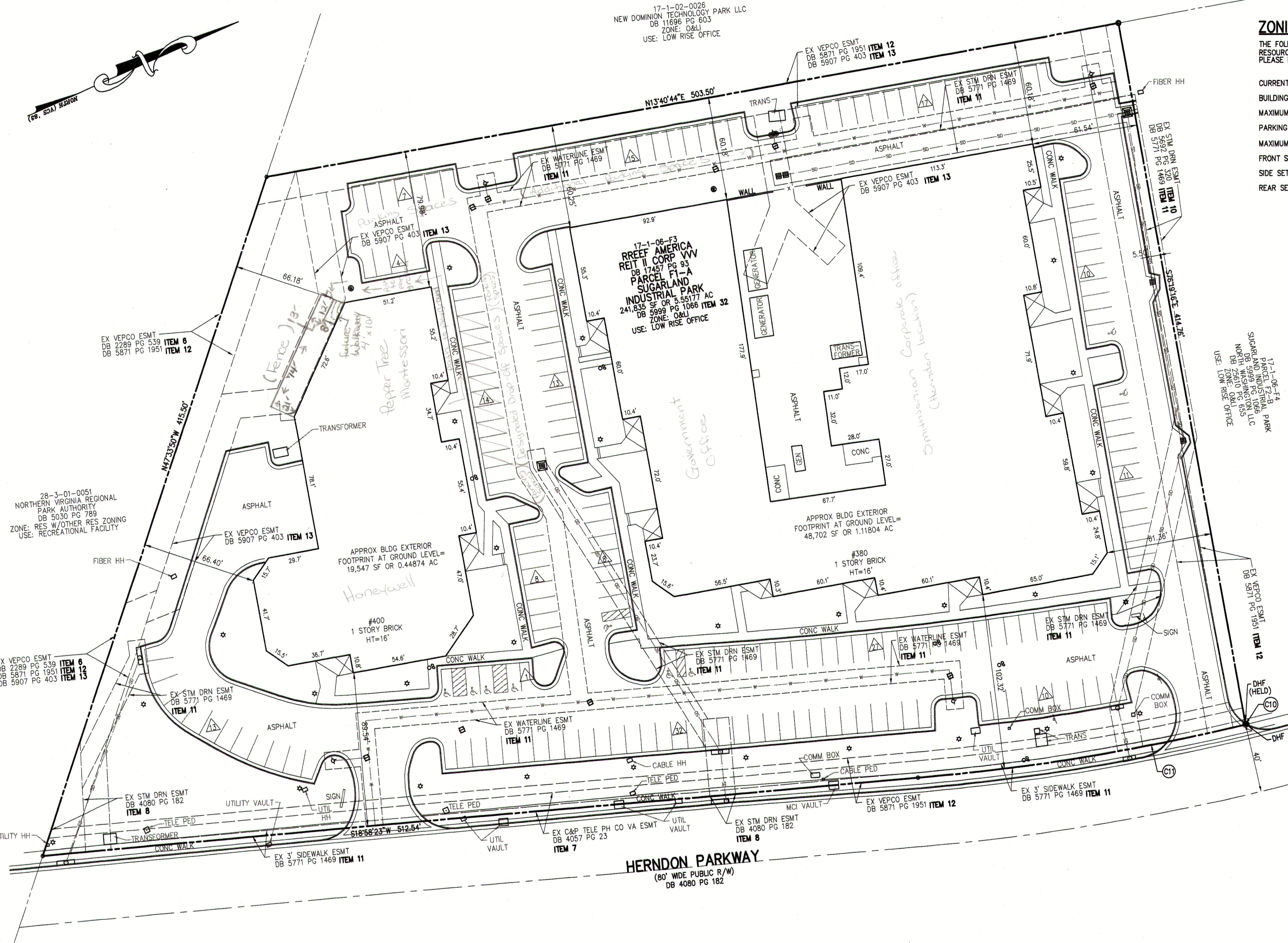
Liezal E. Dozier, President

ZONING NOTE:

THE FOLLOWING INFORMATION WAS TAKEN FROM A ZONING REPORT ISSUED BY THE PLANNING AND ZONING RESOURCE COMPANY, SITE NUMBER 130337-5, DATED: DRAFT (1) - 07/09/2019, DRAFT (2) - 07/22/2019. PLEASE REFER TO THE ZONING REPORT FOR COMPLETE ZONING INFORMATION AND COMPLIANCE.

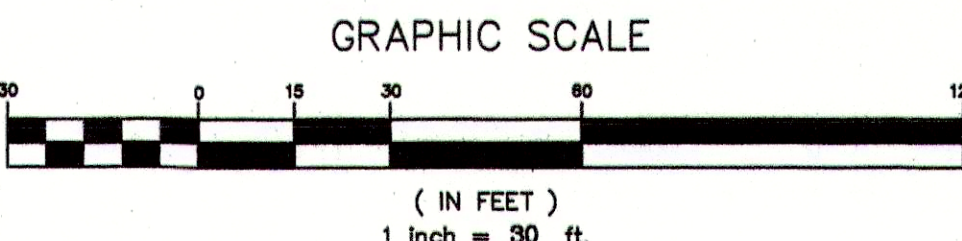
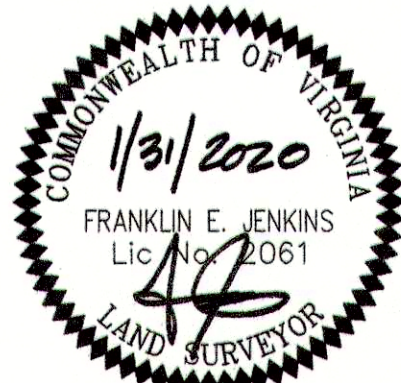
CURRENT ZONING: "O & L" OFFICE AND LIGHT INDUSTRIAL DISTRICT
BUILDING SITE AREA: MIN OPEN SPACE: 20%
MAXIMUM DENSITY: 0.7
PARKING REQUIRED: 222 TOTAL PARKING SPACES
MAXIMUM HEIGHT: 5 STORIES / 75 FEET
FRONT SETBACK: 35 FEET
SIDE SETBACK: 30 FEET
REAR SETBACK: 30 FEET

Received March 5, 2021



LEGEND:

	BUILDING LINE		ELECTRICAL MANHOLE		TREE
	CABLE TV CONDUIT		ELECTRICAL JUNCTION BOX		HANDICAP
	ELECTRICAL CONDUIT		GUY POLE		PARKING METER
	EDGE OF PAVEMENT		LIGHT POLE		HVAC UNIT
	FENCE LINE		GROUND LIGHT		UNKNOWN UTILITY MANHOLE
	NATURAL GAS CONDUIT		UTILITY POLE		BOLLARD
	OVERHEAD WIRES		PHONE MANHOLE		COLUMN
	TELECOM CONDUIT		PHONE PEDESTAL		CENTERLINE
	PROPERTY LINES		CABLE TELEVISION PEDESTAL		SOIL BORING
	PUBLIC UTILITIES EASEMENTS		GAS VALVE		TEST PIT
	SANITARY SEWER CONDUIT		GAS MANHOLE		SIGN POST
	STORM DRAIN CONDUIT		GAS MARKER		WOOD POST
	WATER CONDUIT		TRAFFIC CONTROL BOX		IRON PIPE FOUND
			TRAFFIC SIGNAL POLE		REBAR FOUND
					PKNAIL FOUND
					DRILL HOLE FOUND
					BENCHMARK
					CONCRETE
					CURB AND GUTTER
					ELECTRICAL TRANSFORMER
					ASPHALT
					EASEMENT
					BUILDING
					REINFORCED CONCRETE PIPE
					CORRUGATED METAL PIPE
					RIGHT-OF-WAY
					HANDICAP RAMP
					DEED BOOK
					PAGE
					BUILDING RESTRICTION LINE





STAFF REPORT

Town Council
April 20, 2021

Title:

Resolution to approve an amended funding agreement to supersede and replace that previously approved funding agreement between Board of Supervisors of Fairfax County and the Town of Herndon dated September 25, 2018, in order to receive additional funds to complete the design and implement the Sugarland Run (South) Stream Restoration Project.

Staff Contact:

John Irish, Deputy Director of Public Works
(phone) 703-435-6853
(e-mail) john.irish@herndon-va.gov

Description:

Sugarland Stream Restoration is an identified project in the Capital Improvement Program. The project (SU9207-A) is designed to address the quality of the Town's stream banks and stream valley conditions. The project addresses a regional mandate to improve the condition of the Chesapeake Bay with reduction of the Total Maximum Daily Load (TMDL) of nutrients.

The Town is part of the Fairfax County's Stormwater Service District and the Town entered into a Cooperative Agreement known as the "Cooperative Agreement Between the Fairfax County Board of Supervisors, the Town of Vienna, and Town of Herndon to Share Certain Stormwater Service District Fees and Responsibility for Related Services" to share funds and responsibility to maintain, operate and improve stormwater systems to meet the Chesapeake Bay TMDL and other water quality goals. Under the Cooperative Agreement the County agrees to pay annually the Town a percentage of Stormwater Service District Fees that are collected from the residents of the Town, "Paid Herndon Revenue". The Town is seeking to utilize funds to design and implement the Sugarland Run (South) Stream Restoration Project, which will be located within the boundaries of the Town and will restore a portion of the body of water know as Sugarland Run South, between the W & OD Trail crossing and approximately 1,200 linear feet north of the W & OD crossing ("the Project"). Under the Cooperative Agreement, Stormwater Service District funds can be used for the Project because it meets the water quality objectives with respect to the Chesapeake Bay TMDL obligations.

Pursuant to Resolution 18-G-47 adopted August 14, 2018, the Town Council approved a funding agreement with the Board of Supervisor of Fairfax County, Virginia, which said agreement was entered into on September 25, 2018 (the "2018 Agreement"). In accordance with the terms of

the 2018 Agreement the County agreed to distribute two hundred thousand dollars (\$200,000) to the Town for the design of the Project. Based on negotiated proposals secured after the 2018 Agreement was finalized, the total design cost of the Project will exceed the previous estimate and will cost four hundred one thousand eight hundred dollars (\$401,800). The parties have agreed to enter into an amended funding agreement that will supersede and replace the 2018 Agreement whereby the County will grant funds to the Town in the amount of two hundred one thousand eight hundred dollars (\$201,800) in Fiscal Year 2021 for the completion of the design of the Project. The Project is now estimated to cost one million, four hundred one thousand eight hundred dollars (\$1,401,800), including the increased estimated design cost.

Upon completion of the design, the County will grant to the Town an additional one million dollars (\$1,000,000) for the construction of the project in FY2022. The County's Contribution will not be charged against the "Paid Herndon Revenues", but are a separate grant to the Town from the County.

Fiscal Impact:

The Town will receive County Contribution funds in the amount of \$201,800 in additional funds for a total amount of \$401,800, for the completion of the design of the Sugarland Run Stormwater Restoration in FY 2021 and will receive \$1,000,000 for the construction of the project in FY 2022. The County Contribution is a separate grant and will not be charged against the "Paid Herndon Revenues" as set forth in the Cooperative Agreement.

Attached Documents:

1. Draft Resolution
2. Draft Sugarland Run (South) SU9207-A Stream Restoration Amended Funding Agreement

Staff:



John Irish
Deputy Director of Public Works

TOWN OF HERNDON, VIRGINIA

RESOLUTION

April 27, 2021

Resolution- to approve an amended funding agreement to supersede and replace that previously approved funding agreement between Board of Supervisors of Fairfax County and the Town of Herndon dated September 25, 2018, in order to receive additional funds to complete the design and implement the Sugarland Run (South) Stream Restoration Project.

WHEREAS, the Town requested funds from Fairfax County to design and implement the Sugarland Run (South) Stream Restoration Project (the “Project”), which will be located within the boundaries of the Town and will restore a portion of the body of water known as Sugarland Run South and

WHEREAS, the Project is within the Chesapeake Bay, Potomac River, and Sugarland Run watersheds;

WHEREAS, the Town is part of the County’s Stormwater Service District and the County, Town, and the Town of Vienna have entered into an agreement to share funds and responsibility to maintain, operate, and improve stormwater systems to meet the Chesapeake Bay Total Maximum Daily Load (“TMDL”) and other water quality goals; and

WHEREAS, under the Cooperative Agreement, annually, the County pays the Town a percentage of the Stormwater Service District Fees that are collected from residents of the Town; and

WHEREAS, the Town and County agree that under the Cooperative Agreement, these funds can be used for the Project because the Project meets the water quality objectives of each locality and their respective Chesapeake Bay TMDL obligations; and

WHEREAS, pursuant to Resolution 18-G-47 adopted August 14, 2018, the Town Council approved a funding agreement with the Board of Supervisor of Fairfax County, Virginia whereby the County agreed to distribute two hundred thousand dollars (\$200,000) to the Town for the design of the Project that was entered into on September 25, 2018 (the “2018 Agreement”), and

WHEREAS, at the time the 2018 Agreement was executed, the cost to design and implement the Project was estimated to be one million, two hundred thousand dollars (\$1,200,000); and

WHEREAS, the total design cost, based on negotiated proposals, will exceed the previous estimate and will cost four hundred one thousand eight hundred dollars (\$401,800); and

WHEREAS, the County intends to grant to the Town additional funds in the amount of two hundred one thousand eight hundred dollars (\$201,800) in Fiscal Year 2021 for the completion of the design of the Project; and

WHEREAS, the Project is now estimated to cost a total of one million, four hundred one thousand eight hundred dollars (\$1,401,800), including the increased estimated design cost; and

WHEREAS, the County and Town intend for this Amended Agreement to supersede and replace the 2018 Agreement; and

WHEREAS, the County intends to fund the design and construction of the Project from the Stormwater Budget; and

WHEREAS, the Town intends to dedicate Town staff expertise and time for the purpose of supporting, developing, and implementing the Project.

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Herndon, Virginia, that the Mayor of the Town of Herndon, Virginia is authorized to sign and deliver an amended funding agreement on such form approved by the Town Attorney and any other instrument necessary to evidence or effectuate this agreement.

SUGARLAND RUN (SOUTH) SU9207-A
STREAM RESTORATION AMENDED FUNDING AGREEMENT

This Agreement (“Agreement”) made and entered into this _____ day of _____, 2021, by and between the **BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA** (the "County"), a body politic, and the **TOWN OF HERNDON** (the “Town”) (collectively, the “Parties”).

WITNESSETH:

WHEREAS, the County and Town previously entered an agreement on September 25, 2018 (the “2018 Agreement”) to fund the Sugarland Run (South) Stream Restoration Project (the “Project”), which will be located within the boundaries of the Town and will restore a portion of the body of water known as Sugarland Run South; and

WHEREAS, at the time the 2018 Agreement was executed, the cost to design and implement the Project was estimated to be one million, two hundred thousand dollars (\$1,200,000); and

WHEREAS, under the terms of the 2018 Agreement, the County distributed two hundred thousand dollars (\$200,000) for the design of the Project; and

WHEREAS, the total design cost, based on negotiated proposals, will exceed the previous estimate and will cost four hundred one thousand eight hundred dollars (\$401,800); and

WHEREAS, the Project is now estimated to cost one million, four hundred one thousand eight hundred dollars (\$1,401,800) (the “Total Project Cost”), including the increased estimated design cost; and

WHEREAS, the location of the Project is between Longitude 38.959829N and Latitude 77.370957W and 38.962110N and 77.369328W is more specifically shown on the Fairfax County Real Property Identification Map as Tax Map No. 17-1((6)) parcel J4; and

WHEREAS, the Project is within the Chesapeake Bay, Potomac River, and Sugarland Run watersheds; and

WHEREAS, the Town is part of the County’s Stormwater Service District and the County, Town, and the Town of Vienna have entered into an agreement known as the

“Cooperative Agreement Between the Fairfax County Board of Supervisors, the Town of Vienna, and Town of Herndon to Share Certain Stormwater Service District Fees and Responsibility for Related Projects” (the “Cooperative Agreement”) to share funds and responsibility to maintain, operate, and improve stormwater systems to meet the Chesapeake Bay Total Maximum Daily Load (“TMDL”) and other water quality goals. Cooperative Agreement is attached hereto as Attachment 1 and is incorporated herein by reference; and

WHEREAS, under the Cooperative Agreement, annually, the County pays the Town a percentage of the Stormwater Service District Fees that are collected from residents of the Town (the “Paid Herndon Revenues”); and

WHEREAS, the Town and County agree that under the Cooperative Agreement, Stormwater Service District funds can be used for the Project because the Project meets the water quality objectives of each locality and their respective Chesapeake Bay TMDL obligations; and

WHEREAS, the County and Town intend for this Amended Agreement to supersede and replace the 2018 Agreement; and

WHEREAS, that County intends to fund the design and construction of the Project from the Stormwater Budget; and

WHEREAS, the Town intends to dedicate Town staff expertise and time for the purpose of supporting, developing, and implementing the Project.

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein as if restated as binding provisions of this agreement, the mutual promises contained herein, and other good and valuable consideration, the receipt and sufficiency of all of which are hereby acknowledged, the parties hereto further agree as follows:

1. This Amended Agreement supersedes and replaces the 2018 Agreement for the project.
2. The County has distributed two hundred thousand dollars (\$200,000) to the Town under the terms of the 2018 Agreement and that amount is deducted from the Total Project Cost.

3. Upon execution of this Agreement, the County must grant to the Town funds in the amount of two hundred one thousand eight hundred dollars (\$201,800) (the “Design Funds”) in Fiscal Year 2021 for the design of the Project, to be paid with monies from the County’s Stream and Water Quality Improvement Project (fund I/O 2G25-029-001) of the Stormwater Budget (fund 400-C40100, Stormwater Services). The Design Funds plus the amount granted to the Town under the 2018 agreement (\$200,000) equals four hundred one thousand eight hundred dollars (\$401,800) (the “Total Design Funds”).

4. Upon completion of the design of the Project, the County must grant to the Town an additional one million dollars (\$1,000,000) for the construction of the Project, as designed (the “Construction Funds”), except that if those funds are unavailable in the Stormwater Budget at the time of completion, they will be paid at such time as they become available. The Total Design Funds plus the Construction Funds are hereinafter referred to as the “County Contribution”. Completion of the design of the Project occurs when the Town informs the County that all construction docs are complete and all permits for the construction have been obtained.

5. The County Contribution must not be charged against the PAID HERNDON REVENUES as set forth in the Cooperative Agreement, but rather, are a separate grant to the Town from the County.

6. The Town must dedicate Town staff expertise and time for the purpose of supporting, developing, and implementing the Project.

7. The Town must expend the County Contribution for the purpose of supporting the design and construction of the Project.

8. The County Contribution must be used and expended solely for the purpose of design and constructing the Project and not for the cost of any feasibility study or acquisition of any lands or easements necessary for the completion of the Project.

9. The Town must acquire, at its sole expense, any and all land or easements, or other interests in real property, if any, that are necessary to complete the Project.

10. The Town, at its sole expense, must administer the design and construction contracts, obtain approval of all plans, and obtain all permits necessary for the completion of the Project.

11. The Town must notify the County if the Town, at any time, modifies the scope of the Project, which is generally described herein above. If the scope of the Project's design, in the sole judgment of the County, significantly deviates from the design scope described in the Plan, the Town must, within 30 days after notification by the County of such deviation, reimburse to the County the amount of the Total Contribution.

12. The Town must provide to the County a copy of the final site plan for the Project.

13. The Town must retain all invoices and all records of payments for all services rendered for the design, construction, and any related expenses for completion of the Project, and copies of any such invoices and records of payments must be provided to the County upon request within three business days after such a request.

14. If at any time the Town abandons or otherwise ceases the Project for any reason, the Town must immediately return any amount of the County Contribution not expended in accordance with this agreement and all invoices and records of payments. "Abandon," as used herein, includes, but is not limited to, the failure to initiate or the termination of the design or construction before the Project's completion.

15. The County, in its sole discretion, may agree to pay cost overruns that exceed the Total Project Cost, including construction costs that exceed the current estimate, change orders and/or related costs that arise during construction of the Project, but only to the extent that funds are available in the County's Stream and Water Quality Improvement Project (fund I/O 2G25-029-001) of the Stormwater Budget (fund 400-C40100, Stormwater Services) and are not more than 10% of the estimated Project Cost of \$1,401,800.

16. The Town must complete the Project not later than four years after this agreement is executed.

17. The Project must be subject to the Cooperative Agreement, and, as such, the total pollutant load reduction credits for the Project will be apportioned among the parties as established pursuant to the terms of the Cooperative Agreement or any amendments or attachments thereto.

18. This agreement can only be modified in writing and signed by both parties.

[Signatures appear on following page]

TOWN OF HERNDON, Virginia

By: _____
Sheila A. Olem
Mayor

STATE OF VIRGINIA :
: to-wit
COUNTY OF FAIRFAX :

The foregoing Agreement was acknowledged before me by Mayor Sheila A. Olem of the Town of Herndon, this _____ day of _____ 2021, on behalf of the Town of Herndon.

Notary Public

My commission expires: _____

Notary Registration Number: _____

BOARD OF SUPERVISORS OF
FAIRFAX COUNTY, VIRGINIA

By: _____
Bryan J. Hill, County Executive
Fairfax County, Virginia

STATE OF VIRGINIA :
COUNTY OF FAIRFAX : to-wit

The foregoing Agreement was acknowledged before me by Bryan J. Hill, County Executive of Fairfax County, Virginia, on behalf of the Board of Supervisors of Fairfax County, Virginia this _____ day of _____ 2021.

Notary Public

My commission expires: _____

Notary Registration Number: _____



STAFF REPORT

Town Council

April 20, 2021

Title:

Ordinance, to release from sequester and make available for expenditure \$1,473,625 appropriated for expenditure but sequestered during the Fiscal Year 2020-2021 by Ordinance #20-O-29, adopted by the Town Council on May 26, 2020.

Staff Contact:

Bill Ashton, Town Manager
703-435-6860
Bill.Ashton@herndon-va.gov

Background:

On May 26, 2020, the Town Council adopted the FY 2020-2021 budget with an appropriated expenditure level of \$61,060,754 (Ordinance 20-O-29). In the same ordinance, the Town Council only authorized \$49,513,057 be spent to support the General Fund and all enterprise funds during the current fiscal year. Excluded from the authorization was approximately \$5.5 million in General Fund expenditures.

The unprecedented step of sequestering appropriated money was necessitated because of the uncertain economic times related to the Covid-19 pandemic that faced the town. Also under the ordinance, the town was restricted from using any sequestered funds without the express authorization of Town Council.

Ordinance 21-O-11 seeks for Town Council to authorize \$1,473,625 of additional spending. Each item requested (see Attachment 1) was appropriated, but not authorized, by Town Council on May 26, 2020 for FY 2020-2021.

The performance of revenues and restrictions on spending during FY 2021 is projected to create an operating surplus for FY 2021 in excess of \$2.0 million, which supports this action.

The decision process leading to this recommendation took into account that the pandemic persists; the town is still facing unusual fiscal uncertainty; and there may be economic impacts felt in revenue categories in the coming years. This recommendation is made to allow prudent increases in fund balance while addressing some of the town's deferred maintenance and other needs in advance of any additional economic crises. Further, the recommendation before Town Council includes only expenditures that could realistically be encumbered in the two months remaining in the fiscal year.

Fiscal Impact:

\$1,473,625 in additional spending in FY 2020-2021.

Staff Recommendation:

Staff recommends Town Council approve the Ordinance to amend Ordinance 20-O-29.

Attachments:

Draft Ordinance
Attachment 1

Prepared and Approved by:

A handwritten signature in black ink, appearing to read "Bill Ashton", is written over a horizontal line.

Bill Ashton
Town Manager

GENERAL FUND					
Department	Category	FY 2021 Adopted Budget	FY 2021 Sequestered Amounts	FY 2021 Authorization Original	FY 2021 Authorization Additional
	Personnel Services	459,174	37,462	421,712	-
	Operations and Maintenance	98,150	37,850	60,300	-
Legislative - Town Clerk Total		557,324	75,312	482,012	-
	Personnel Services	383,997	1,059	382,938	-
	Operations and Maintenance	71,400	38,275	33,125	-
Administration-Comm & Econ Dev Total		455,397	39,334	416,063	-
	Personnel Services	385,941	-	385,941	-
	Operations and Maintenance	40,550	20,100	20,450	-
Administration - Town Manager Total		426,491	20,100	406,391	-
	Personnel Services	448,900	-	448,900	-
	Operations and Maintenance	148,147	89,172	58,975	10,000
Administration - HR Total		597,047	89,172	507,875	10,000
	Personnel Services	756,533	23,145	733,388	-
	Operations and Maintenance	944,986	258,900	686,086	-
	Capital Outlay	50,500	36,000	14,500	32,000
Administration-Info Technology Total		1,752,019	318,045	1,433,974	32,000
	Personnel Services	680,595	969	679,626	-
	Operations and Maintenance	134,450	46,750	87,700	-
Parks & Recreation - Administration Total		815,045	47,719	767,326	-
	Personnel Services	747,104	177,771	569,333	-
	Operations and Maintenance	726,925	594,075	132,850	-
Parks & Recreation - Rec Programs Total		1,474,029	771,846	702,183	-
	Personnel Services	1,014,049	156,314	857,735	-
	Operations and Maintenance	209,175	101,625	107,550	45,500
Parks & Recreation - CC Operations Total		1,223,224	257,939	965,285	45,500
	Personnel Services	771,410	241,459	529,951	-
	Operations and Maintenance	164,230	50,850	113,380	7,000
Parks & Recreation - Aquatics Total		935,640	292,309	643,331	7,000
	Personnel Services	110,452	43,491	66,961	-
	Operations and Maintenance	92,150	37,375	54,775	20,225
Parks & Recreation - Parks Op & Dev Total		202,602	80,866	121,736	20,225
	Personnel Services	374,528	-	374,528	-
	Operations and Maintenance	105,615	46,904	58,711	-
Finance - Administration Total		480,143	46,904	433,239	-
	Personnel Services	566,389	1,615	564,774	-
	Operations and Maintenance	31,135	8,927	22,208	-
Finance - Accounting Total		597,524	10,542	586,982	-
	Personnel Services	289,515	5,921	283,594	-
	Operations and Maintenance	33,845	3,365	30,480	-
Finance - Revenue Total		323,360	9,286	314,074	-
	Personnel Services	122,823	-	122,823	-
	Operations and Maintenance	2,605	1,532	1,073	-
Finance - Procurement Total		125,428	1,532	123,896	-

GENERAL FUND					
Department	Category	FY 2021 Adopted Budget	FY 2021 Sequestered Amounts	FY 2021 Authorization Original	FY 2021 Authorization Additional
	Personnel Services	1,879,453	431	1,879,022	-
	Operations and Maintenance	119,550	49,775	69,775	-
Community Planning Total		1,999,003	50,206	1,948,797	-
	Personnel Services	198,431	4,228	194,203	-
	Operations and Maintenance	4,900	1,200	3,700	-
Community Inspections Total		203,331	5,428	197,903	-
	Personnel Services	5,186,357	-	5,186,357	-
	Operations and Maintenance	191,500	1,500	190,000	-
	Capital Outlay	249,700	198,400	51,300	142,000
Police - Field Operations Total		5,627,557	199,900	5,427,657	142,000
	Personnel Services	4,009,899	10,765	3,999,134	-
	Operations and Maintenance	646,850	13,500	633,350	-
Police - Support Services Total		4,656,749	24,265	4,632,484	-
	Personnel Services	830,026	7,751	822,275	-
	Operations and Maintenance	26,689	7,740	18,949	-
Public Works - Administration Total		856,715	15,491	841,224	-
	Personnel Services	658,928	-	658,928	-
	Operations and Maintenance	189,100	79,850	109,250	-
Public Works - Engineering Total		848,028	79,850	768,178	-
	Personnel Services	245,701	108	245,593	-
	Operations and Maintenance	400,100	97,725	302,375	-
Public Works - Program Mgmt Total		645,801	97,833	547,968	-
	Personnel Services	521,727	-	521,727	-
	Operations and Maintenance	106,571	8,575	97,996	-
Public Works - Bldg Inspection Total		628,298	8,575	619,723	-
	Personnel Services	513,548	8,074	505,474	-
	Operations and Maintenance	914,900	103,275	811,625	41,900
Public Works - Bldg Maintenance Total		1,428,448	111,349	1,317,099	41,900
	Personnel Services	792,528	10,765	781,763	-
	Operations and Maintenance	303,900	73,600	230,300	-
Public Works - Grounds Maintenance Total		1,096,428	84,365	1,012,063	-
	Personnel Services	750,231	13,994	736,237	-
	Operations and Maintenance	1,074,250	400,150	674,100	-
Public Works - Street Maintenance Total		1,824,481	414,144	1,410,337	-
	Personnel Services	1,095,932	10,765	1,085,167	-
	Operations and Maintenance	856,900	164,800	692,100	20,000
Public Works - Refuse Total		1,952,832	175,565	1,777,267	20,000
	Personnel Services	812,458	5,382	807,076	-
	Operations and Maintenance	416,750	100,575	316,175	75,000
	Capital Outlay	969,504	719,504	250,000	700,000
Public Works - Gen Svcs Total		2,198,712	825,461	1,373,251	775,000
	Personnel Services	255,447	3,229	252,218	-
	Operations and Maintenance	120,500	1,300	119,200	-
	Capital Outlay	20,000	20,000	-	-
Public Works - Traffic Total		395,947	24,529	371,418	-

GENERAL FUND					
Department	Category	FY 2021 Adopted Budget	FY 2021 Sequestered Amounts	FY 2021 Authorization Original	FY 2021 Authorization Additional
	Personnel Services	311,632	1,076	310,556	-
	Operations and Maintenance	10,200	925	9,275	-
	Capital Outlay	4,000	4,000	-	-
Public works - ROW Inspect Total		325,832	6,001	319,831	-
	Personnel Services	686,743	10,334	676,409	-
	Operations and Maintenance	160,050	54,294	105,756	-
Town Attorney Total		846,793	64,628	782,165	-
Interfund Transfers		977,000	977,000	-	200,000
Non-Departmental		578,651	276,199	302,452	180,000
Debt Service		1,750,121	-	1,750,121	-
TOTAL General Fund		38,806,000	5,501,695	33,304,305	1,473,625

Water & Sewer Fund					
Department	Category	FY 2021 Adopted Budget	FY 2021 Sequestered Amounts	FY 2021 Authorization Original	FY 2021 Authorization Additional
	Personnel Services	203,968	-	203,968	-
	Operations and Maintenance	78,400	-	78,400	-
W&S Customer Service Total		282,368	-	282,368	-
	Personnel Services	538,646	-	538,646	-
	Operations and Maintenance	3,143,100	-	3,143,100	-
	Capital Outlay	3,041,200	2,100,000	941,200	-
Sewer Service Total		6,722,946	2,100,000	4,622,946	-
	Personnel Services	433,933	-	433,933	-
	Operations and Maintenance	1,853,300	-	1,853,300	-
	Capital Outlay	2,844,200	2,090,000	754,200	-
Water Service Total		5,131,433	2,090,000	3,041,433	-
	Non-Departmental	570,244	-	570,244	-
	Debt Service	361,888	-	361,888	-
TOTAL Water & Sewer Fund		13,068,879	4,190,000	8,878,879	-

Cemetery Fund					
Department	Category	FY 2021 Adopted Budget	FY 2021 Sequestered Amounts	FY 2021 Authorization Original	FY 2021 Authorization Additional
	Personnel Services	396,834	-	396,834	-
	Operations and Maintenance	181,350	-	181,350	-
	Capital Outlay	137,568	-	137,568	-
	Interfund Transfers	45,490	-	45,490	-
	Non-Departmental	23,550	-	23,550	-
	Debt Service	182,800	-	182,800	-
TOTAL Cemetery Fund		967,592	-	967,592	-

Golf Course Fund					
Department	Category	FY 2021 Adopted Budget	FY 2021 Sequestered Amounts	FY 2021 Authorization Original	FY 2021 Authorization Additional
	Personnel Services	504,875	-	504,875	-
	Operations and Maintenance	239,000	-	239,000	-
Golf Course - Maintenance Total		743,875	-	743,875	-
	Personnel Services	458,608	-	458,608	-
	Operations and Maintenance	113,300	-	113,300	-
Golf Course - Administration Total		571,908	-	571,908	-
	Non-Departmental	60,800	-	60,800	-
	Debt Service	130,700	-	130,700	-
TOTAL Course Fund Total		1,507,283	-	1,507,283	-

Downtown Parking Fund					
Department	Category	FY 2021 Adopted Budget	FY 2021 Sequestered Amounts	FY 2021 Authorization Original	FY 2021 Authorization Additional
	Operations and Maintenance	15,000	-	15,000	-
	Capital Outlay	1,100,000	-	1,100,000	-
	Debt Service	200,000	-	200,000	-
TOTAL Downtown Parking Fund		1,315,000	-	1,315,000	-
Capital Projects Fund					
Department	Category	FY 2021 Adopted Budget	FY 2021 Sequestered Amounts	FY 2021 Authorization Original	FY 2021 Authorization Additional
	Transportation, Capital	2,240,000	-	2,240,000	-
	General Government, Capital	1,856,000	1,856,000	-	-
	Stormwater Management, Capital	1,300,000	-	1,300,000	-
TOTAL Capital Projects Fund		5,396,000	1,856,000	3,540,000	-
GRAND TOTAL		61,060,754	11,547,697	49,513,059	1,473,625