

**TOWN OF HERNDON, VIRGINIA
PLANNING COMMISSION VIRTUAL PUBLIC HEARING AGENDA
SEPTEMBER 28, 2020
HERNDON COUNCIL CHAMBERS BUILDING
765 LYNN STREET
7:00 P.M.**

CALL TO ORDER

1. Roll Call

APPROVAL OF AGENDA

APPROVAL OF MINUTES

2. **February 10, 2020 Work Session Minutes Draft Minutes**
3. **February 24, 2020 Public Hearing Draft Minutes**
4. March 9, 2020 Work Session Minutes, *Cancellation*
5. March 23, 2020 Public Hearing Minutes, *Cancellation*
6. April 13, 2020 Work Session Minutes, *Cancellation*
7. April 27, 2020 Public Hearing Minutes, *Cancellation*
8. May 11, 2020 Work Session Minutes, *Cancellation*
9. May 18, 2020 Public Hearing, *Cancellation*
10. June 8, 2020 Work Session Minutes, *Cancellation*
11. June 22, 2020 Public Hearing Minutes, *Cancellation*
12. July 13, 2020 Work Session Minutes, *Cancellation*
13. July 27, 2020 Public Hearing Minutes, *Cancellation*
14. **August 10, 2020 Work Session Minutes Draft Minutes**
15. August 24, 2020 Public Hearing Minutes, *Cancellation*

COMMENTS

16. Comments from the Staff Members

17. Comments from the Commissioners

18. Comments from the Audience

PUBLIC HEARING

19. **ZONING MAP AMENDMENT – ZMA #20-01, 450, 455, 460, 465, 470, 475, 480, and 485 Springpark Place**, to consider a zoning map amendment from PD-B, Planned Development – Business, to PD-B with proffered conditions to allow a Unified Commercial Subdivision. The proposed rezoning would allow for the subdivision of four parcels into eight parcels with each parcel containing a building and associated improvements. Proffers are proposed to allow continued functioning as one cohesive development regardless of future ownership regimes of individual parcels. No changes to existing uses or overall allowed density are proposed with this rezoning. The properties are located at the northeast and northwest corners of the intersection of Springpark Place and Spring Street and extend along Springpark Place to its terminus. The property is designated in the Comprehensive Plan as “Office Parks and Flexible Space.” The application includes requests for zoning ordinance modifications to the following sections of the zoning ordinance: Section 78-50.5(f)(2) regarding density/floor area ratio in PD-B, Section 78-50.5(g) regarding open space in PD-B, Section 78-100.2 regarding minimum parking, Section 78-100.5 regarding dimensional requirements for parking, and Section 78-130.9 regarding exterior lighting. Fairfax County Tax Map Reference Numbers: 0162-02-0164B, 0162-02-0164C, 0162-02-0164D, and 0162-02-0164E. Agent: Wire Gill, LLP. Applicant: Penzance. Property Owner: Springpark Place, LLC.

ADJOURNMENT



MEMORANDUM

To: Chairman Romeo and Members of the Planning Commission

From: David Stromberg, AICP, Zoning Administrator DS

Date: September 23, 2020

Subject: ZMA #20-01 – Springpark Place zoning map amendment for unified commercial subdivision

At the September 14, 2020 Planning Commission, staff articulated its concerns regarding the following:

- The deficiency of existing parking and how shared parking would work in the future
- Future maintenance of shared, existing infrastructure

In traditional unified commercial subdivisions, parking is open and shared throughout the unified development. The applicant desired for each lot to have a guaranteed minimum number of spaces for each lot as shown on sheets C-04 and Sheets C-05 of the generalized development plan. The applicant stated there would be a mechanism to manage parking demand among the parcels, but insufficient detail was provided.

The revised proffer statement, dated September 23, 2020 (attachment 1), provides language that ensures that an association will be created that manages the parking. If a new, more parking intensive use is proposed on a lot without enough existing parking, then the association can require shared parking with other lots, provided there is excess parking available.

The other issue raised by staff was a lack of details related to the maintenance of existing infrastructure, other site improvements, and stormwater management facilities. This concern has been resolved with the revised proffer statement. The proffer specifies that if any lots share infrastructure then they are jointly responsible; furthermore, it states that the association may intervene to maintain any common areas if the property owner(s) fail to do so.

The proffers set the parameters that will regulate these properties and will run with the land. The more detailed specifics will be reviewed in the Declaration of Association Covenants and the Deed of Resubdivision that must be submitted with their administrative subdivision application.

The applicant has informed staff that all unenclosed dumpsters have been removed from the property and any proposed new ones will be submitted to the town for review.

Staff is now recommending that the planning commission recommend approval of ZMA #20-01 with the revised proffer statement dated September 23, 2020 (attachment 1) to the town council.

Attachments:

1. Revised Proffers dated September 23, 2020
2. Draft Resolution

DRAFT
PROFFER STATEMENT
ZMA #20-01

Spring Park Office Park: Unified Commercial Subdivision

September 23 August 26, 2020

Pursuant to Section 15.2-2303 of the Code of Virginia (1950, as amended) and Section 78-50.8 of the Town of Herndon Zoning Ordinance, as amended (the “Zoning Ordinance”), the undersigned, for themselves and their successors and/or assigns (referred to hereafter, both collectively and, where appropriate, individually, as the “Applicant”), as owner of the property described as Fairfax County 2015 Tax map parcels 16-2-((2))-164B; 16-2-((2))-164C, 16-2-((2))-164D and 16-2-((2))-164E (the “Property”) hereby proffer that in the event this ZMA# 20-01 is approved and a Unified Commercial Subdivision is granted by the Herndon Town Council as provided for in Section 78-40.5(d) of the Herndon Zoning Ordinance, the development of the Property shall be in substantial conformance with the conditions set forth in these proffers (“Proffers”) and the Generalized Development Plan (the “GDP”) described in Proffer 1 below. The purpose of the proffered rezoning and GDP approval is to allow for the subsequent Unified Commercial Subdivision of the Property with existing improvements to remain. No improvements or modifications to the Property are requested with this proffered rezoning.

1. GDP.

- a. The Property is developed in substantial conformance with the Generalized Development Plan prepared by VIKA, Inc. dated August 24, 2020 (the “GDP”) and these Proffers. It is understood by the Applicant that all other applicable regulations and policies governing land development within the Town of Herndon (the “Town”) shall apply to the Property and unless specifically modified by the language of this approval. Modifications to the applicable Zoning Ordinance for open space, FAR and parking for certain future Lots are shown on the GDP.
- b. Minor modifications of the GDP may be permitted without the need for amendments to this approval when necessitated by final engineering or site design provided that modifications are in substantial conformance with the GDP and these Proffers. Substantial conformity shall be determined as provided in the Zoning Ordinance.
- c. The purpose of this ZMA# 20-01 is to allow for the subdivision of the property from Four (4) lots to Eight (8) lots with the existing buildings and improvements to remain, subject to the requirements of Section 78-40.5(d) of the Zoning Ordinance and subject to administrative subdivision approval pursuant to Chapter 70 of the Herndon Code of Ordinances that can occur upon approval of the ZMA#20-01. Applicant acknowledges the administrative Unified Commercial Subdivision process can occur upon approval of the Zoning Map Amendment and GDP pursuant to these Proffers.

~~d. Each future Lot owner will own and manage all parking spaces within their respective future Lots. As detailed in Proffer 7., a property owners association will require shared parking among future Lots so long as there is excess parking.~~

2. USES.

Any use or combination of uses permitted in the PD-B may be established on the Property.

3. PARKING.

a. Parking shall be provided as shown in the GDP and may be modified administratively should it be permitted by the Zoning Administrator.

~~b. Each future Lot owner will own and manage all parking spaces within their respective future Lots. As detailed in Proffer 7., a property owners association will require shared parking among future Lots so long as there is excess parking.~~

4. APPROVED SITE PLANS.

a. No changes to the existing building or site are proposed as part of this approval.

b. The Applicant agrees to be bound to the approved Phase 1 Site Plan and Phase 2 Site Plan (TP #85-89) approved on May 9, 1985 and April 15, 1986 respectively ("Approved Site Plans") except when modified as outlined in Proffer 4.c.

c. New site plans will govern respective future Lots upon Unified Commercial Subdivision, which will then govern development. The Applicant may seek minor administrative revisions to its site plans and site plan revisions approved by the Town as permitted by the Zoning Ordinance and these proffers.

5. UNIFIED COMMERCIAL SUBDIVISION.

Upon approval of the GDP and these proffers the Applicant shall seek administrative approval of the subdivision of the Property ~~shall be subdivided~~ in substantial conformance with the subdivision plat entitled "Plat Showing Subdivision of Lots 1, 2, 3 & 4 Spring Park Technology Center" prepared by VIK A, Inc. dated June 8, 2020 (the "Plat") and these Proffers. It is understood by the Applicant that all other applicable regulations and policies governing land development within the Town of Herndon (the "Town") shall apply to the Property and its subdivision unless specifically modified by the language of this approval.

6. ~~DRAFT~~ DEED OF RESUBDIVISION.

Prior to the recordation of the subdivision plat and pursuant to and consistent with Section 78-40.5(d)(1) of the Zoning Ordinance, the Applicant agrees to submit be bound to the attached Deed of Resubdivision for review and administrative approval by the Town that shall include a declaration of covenants, conditions and restrictions, easements and cross-easements or other measures which require the subdivision to be developed, maintained and utilized as a unified whole and will allow for use and access of the Property running to the benefit of future lot owners, lessees, tenants and patrons. ~~The Deed of Resubdivision will be subject to administrative review by the Town of Herndon after approval of these proffers and prior to recordation.~~

7. The Property Applicant shall be subject to an create an owner's association and all Lot owners shall be members of the association that shall be responsible for the management and maintenance of certain shared elements located on the Property. Prior to the recordation of the subdivision plat, ~~The Declaration of Association ("Association") shall be submitted for review and approval by the Town which shall include the following terms and provisions. agrees to create an association for the management and maintenance of certain shared elements located on the Property. The association will address shared elements such as the following but may include others: shared parking, shared stormwater facilities, access, repairs and maintenance.~~
 - a. That the Lot owners will own and manage all improvements and infrastructure on their respective lots in accordance with the GDP and these proffers unless otherwise specifically provided in the Association or deed of subdivision. Future permitted uses per Proffer 2 that require more parking spaces than can be provided within the boundary of future Lots upon Unified Commercial Subdivision is subject to the shared parking requirements of the association agreement referenced above and Town zoning and / or land use processes to demonstrate adequate parking to support the use.
 - b. That the Association shall establish a shared parking system and allocate parking between and among the Lots.
 - c. Lot owners are responsible for stormwater management facilities located on their respective Lots. In the event stormwater management facilities are located on Lot(s) that serve other Lot(s), the Lot(s) that benefit from the shared stormwater management facility and the Lot(s) where the facility is located shall jointly be responsible for its maintenance. The Association shall have the ability to maintain any common area facility if the owner of such Lot(s) fails to do so.
 - d. Lot owners shall allow for inter-parcel vehicular and pedestrian access over all roads, sidewalks, driveways and other surface elements by other Lot owners, tenants, employees, licensees, guests or patrons as shown on the GDP.
8. SUCCESSORS AND ASSIGNS.

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

TOWN OF HERNDON, VIRGINIA

PLANNING COMMISSION

RESOLUTION

September 28, 2020

Resolution – Recommending approval of Zoning Map Amendment #20-01, 450, 455, 460, 465, 470, 475, 480, and 485 Springpark Place, to the Town Council

WHEREAS, Wire Gill, LLP, the applicant, has submitted a zoning map amendment, ZMA #20-01, requesting to subdivide 4 parcels of land, identified as Fairfax County Tax Map Reference Numbers 0162-02-0164B, 0162-02-0164C, 0162-02-0164D, 0162-02-0164E, and containing 2 buildings each, into 8 parcels of land with each parcel containing a building and associated improvements and being regulated under the provisions of a unified commercial subdivision; and

WHEREAS, The request includes a proffer statement dated August 26, 2020 and amended through September 23, 2020, and a generalized development plan dated June 17, 2020 and amended through August 26, 2020; and

WHEREAS, The request does not increase the level of density or land uses permitted on the property; and

WHEREAS, The applicant is requesting modifications to the following sections of the zoning ordinance: Section 78-50.5(f)(2) regarding density/floor area ratio in PD-B, Section 78-50.5(g) regarding open space in PD-B, Section 78-100.2 regarding minimum parking, Section 78-100.5 regarding dimensional requirements for parking, and Section 78-130.9 regarding exterior lighting; and

WHEREAS, On September 28, 2020, the Planning Commission held a public hearing to consider ZMA #20-01; and

WHEREAS, The Planning Commission has determined that the applicant has demonstrated that the above referenced Proffer Statement and generalized development plan adheres to applicable sections of the Town of Herndon Zoning Ordinance, dependent upon a modification of aforementioned sections; and

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

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the Town of Herndon, Virginia that the Commission recommends to the Town Council of the Town of Herndon, Virginia approval of ZMA #20-01.