

TOWN OF HERNDON, VIRGINIA

ORDINANCE

OCTOBER 25, 2022

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

In adopting this Ordinance, the Town Council has considered the factors set out in 15.2-2284, Code of Virginia (1950) as amended.

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

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

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

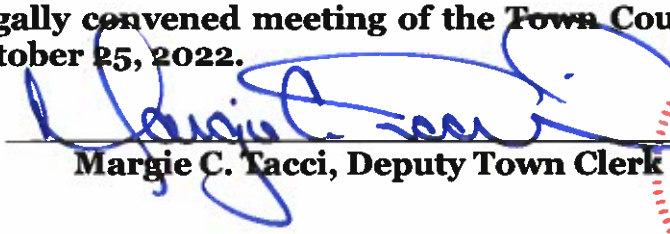
Pursuant to Section 15.2-2303 of the Code of Virginia (1950, as amended) and Section 78-155.1 of the Town of Herndon Zoning Ordinance (2021, as amended) (the “Zoning Ordinance”), the Applicant and Owners, for themselves, and their respective successors and/or assigns, hereby voluntarily proffer that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

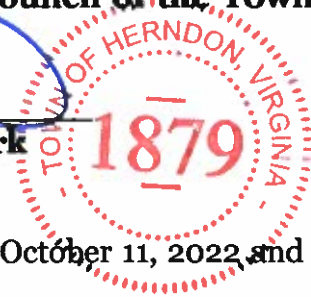
Application is approved by the Council, the proffered conditions identified below will supersede and fully replace all previous proffers applicable to the Business Park property, including those approved with PCA #17-01 dated March 28, 2017. In the event this Application is denied by the Council, the Proffers will immediately be null and void and the prefer statement accepted in PCA #17-101 will remain in full force and effect with respect to all the property in the Business Park.

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

- B. This rezoning shall be governed by this ordinance, the Town of Herndon Zoning Ordinance, the above referenced Proffer Statement for ZMA #21-02, and the above referenced Generalized Development Plan for ZMA #21-02. The Proffer Statement is included as an attachment to this ordinance. This Zoning Map Amendment is consistent with the adopted 2030 Comprehensive Plan of the Town of Herndon.
- C. The Town Council approves the following **modifications** to the zoning regulations, as allowed under Section 78-50.2(d):
 - i. A modification to Section 78-50.5(f)(4)(b) to allow the loading space to be 54 feet from the residential (western) property line instead of 60 feet.
 - ii. A modification of Section 78-110.4(e)(3)(b) to allow a seven-foot solid fence along the residential (western) property line instead of a six-foot masonry fence called for with a Class C buffer.
- D. As to the modifications set out in item C. above, the Town Council finds that such modifications will afford equal or greater assurance of meeting the goals of the zoning ordinance, Town of Herndon, Virginia, as set out in the preamble of that ordinance.
- E. This ordinance shall be effective on and after its adoption.

This is certified to be a true and accurate copy of Ordinance 22-O-25 adopted at a legally convened meeting of the Town Council of the Town of Herndon on October 25, 2022.


Margie C. Tacci, Deputy Town Clerk



Attached for reference are the signed Proffer Statement dated October 11, 2022, and the Generalized Development Plan dated July 28, 2022.

RESTON-HERNDON BUSINESS PARK

ZMA #21-02

PROFFER STATEMENT

OCTOBER 11, 2022

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

Pursuant to Section 15.2-2303 of the Code of Virginia (1950, as amended) and Section 78-155.1 of the Town of Herndon Zoning Ordinance (2021, as amended) (the “**Zoning Ordinance**”), the Applicant and Owners, for themselves, and their respective successors and/or assigns, hereby voluntarily proffer that redevelopment of the Application Property shall be in accordance with the following conditions (the “**Proffers**”) and be in substantial conformance with the general development plan entitled “Victory Drive Generalized Development Plan revised July 28, 2022 and prepared by LDC (the “**GDP**”), if, and only if, the Application, as proposed by the Applicant, is granted by the Herndon Town Council (the “**Council**”). If the Application is approved by the Council, the proffered conditions identified below will supersede and fully replace all previous proffers applicable to the Business Park property, including those approved with PCA #17-01 dated March 28, 2017. In the event this Application is denied by the Council, the Proffers will immediately be null and void and the proffer statement accepted in PCA #17-101 will remain in full force and effect with respect to all the property in the Business Park.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Successors and Assigns

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

Counterparts

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

THE APPLICANT AND OWNERS SIGNATURES TO FOLLOW ON THE NEXT PAGE

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

PARCEL 5 PARTNERS LLC

By: Nova Industrial, LLC, its Managing Member

By: RH Investments, LLC, its Manager

P. C. Ackley
By: Philip C. Ackley
Its: Member

State of *Virginia*

City/County of *Arlington*, to wit:

The foregoing instrument was acknowledged before me this *18* day of *October*,

20*22* by *Philip C. Ackley* as *member* of and on behalf of
Parcel 5 Partners LLC



Kimberly K Follin
Notary Public

Notary Registration No.: *283945*

My Commission Expires: *11/30/2023*

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

HERNDON-RESTON INDUSTRIAL LLC

By: Nova Industrial, LLC, its Managing Member

By: RH Investments, LLC, its Manager

P. C. Ackley
By: Philip C. Ackley
Its: Member

State of Virginia

City/County of Arlington, to wit:

The foregoing instrument was acknowledged before me this 18 day of October,

2022 by Philip C. Ackley as member of and on behalf of
Herndon-Reston Industrial LLC

Kimberly K. Follin
Notary Public



Notary Registration No.: 283 945

My Commission Expires: 11/30/2023

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

By: [Signature]
Name: Benjamin D. Eiler
Title: Partner

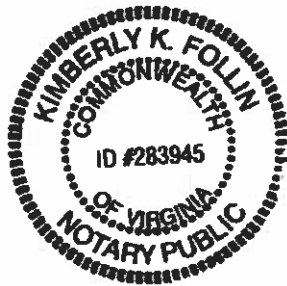
State of Virginia

City/County of Arlington, to wit:

The foregoing instrument was acknowledged before me this 18 day of October,

2022 by Benjamin D. Eiler as partner of and on behalf of
Herndon Storage LLC

[Signature]
Notary Public



Notary Registration No.: 288948

My Commission Expires: 11/30/2023