# TOWN COUNCIL
# REGULAR MEETING AGENDA

Herndon Council Chambers
765 Lynn Street, Herndon, VA 20170

Tuesday, July 28, 2026 | 7:00 PM

1. **Call to Order**

2. **Closed Meeting (5:30 PM)**

   a. A Closed Meeting pursuant to the Code of Virginia Section 2.2-3711(A)(8), consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, relating to employment law

3. **Pledge of Allegiance to the Flag of the United States of America**

4. **Presentations/Reports/Comments**

   a. Town Manager Report

   b. Councilmember Comments

5. **Comments from the Audience**
   *Members of the public may, for one 3-minute period, provide public comments, requests, consent or general item comments, and comments on matters not included on the agenda.*

6. **Public Hearings**

   a. Resolution 26-G-41 to approve Special Exception – SE #26-03, 310 Missouri Avenue, to permit a home-based daycare use within the R-10, Residential Single-Family District

   b. Resolution 26-G-42 to approve a Special Exception – SE #26-04, 865 3rd Street, to permit a home-based business use within the R-15, Residential Single-Family District

   c. Ordinance 26-O-18 to approve an Encroachment Agreement with AM Worldgate Owner, LLC, to permit the encroachment of stormwater ponding backup and overland relief resulting from development of the Worldgate Property in accordance with site plan MJP24-02, over a portion of Town owned property known as Chandon Park

d. Ordinance 26-O-19 to amend the Fiscal Year (FY) 2027 Adopted Budget for the General Fund, Water and Sewer Fund, Chestnut Grove Cemetery Fund, Herndon Centennial Golf Fund, Capital Projects Fund, Stormwater Management Fund, and American Rescue Plan Act (ARPA) Fund

**7. General**

a. Resolution 26-G-43 to authorize the Reserve of Fiscal Year (FY) 2026 funding for ongoing operations and maintenance, capital projects, and for outstanding encumbrances on June 30, 2026 for the FY 2027 Adopted Budget

**8. Consent**

a. Resolution 26-G-44 to adopt the Commonwealth of Virginia 457 Deferred Compensation Plan for the Town of Herndon Employees

b. Resolution 26-G-45 to accept a generous donation of a vehicle from Leidos, Inc.

c. Approval of the June 23, 2026, Town Council Regular Meeting Minutes

d. Approval of the July 8, 2026, Town Council and Planning Commission Joint Work Session Minutes

**9. Adjournment**

Interpretación en Español está disponible en esta sesión.

TOWN OF Herndon VIRGINIA

# Town Council Regular Meeting
## Agenda Item 6.a.

**Agenda Item:** **Resolution 26-G-41 to approve Special Exception – SE #26-03, 310 Missouri Avenue, to permit a home-based daycare use within the R-10, Residential Single-Family District**

**Meeting Date:** July 28, 2026

**Category:** Public Hearings

**Prepared by:** Aaron Zoellick, Zoning Services Specialist

**Description:**

| | |
|---|---|
| Proposed Modification | This is an application for a special exception to permit a home-based child daycare with a maximum of 12 children enrolled, operating from 6:00 a.m. to 10:00 p.m. |
| Address | 310 Missouri Avenue |
| Fairfax County Tax Map Number | 0162 18110009 |
| Owner(s) | Barbara Lopez Otero, Justin A. Portillo-Lopez |
| Applicant(s) | Barbara Lopez Otero |
| Business/Organization | Kemberly's Home Daycare LLC |
| Property Use | Residential |
| Zoning District | R-10, Residential Single-Family |
| Lot Size | 11,572 square feet |
| Building Size | 2,432 square feet of above-grade living area |

| | | |
|---|---|---|
| Adjacent Zoning | North: R-10 | South: R-10 |
| | East: PD-R | West: R-10 |
| Date of Construction | 1968 | |
| Comprehensive Plan Land Use Designation | Neighborhood Conservation | |

**Background/Timing Impact:**
The applicant currently operates a home-based daycare for up to seven children under Zoning Inspection Permit (ZIP) #26-013. The applicant's request for a special exception to allow up to 12 children to be enrolled in the home-based daycare was presented to the Planning Commission during their June 8, 2026, work session and June 22, 2026, regular meeting. The Planning Commission recommended approval of the special exception, with conditions.

**Strategic Focus Area:**
Environmental and Economic Sustainability
Thriving Community

**Fiscal Impact:**
BPOL (business, professional, occupational, and license) fees can be collected on home-based businesses.

**Legal Impact:**
Code of Virginia Sec. 15.2-2310 and Herndon Town Code Sec. 78-155.3 outline the requirements of applications for special exceptions. If approved, the special exception and compliance with the conditions will allow the applicant to operate a home-based daycare with a maximum of 12 clients enrolled per day. If denied, the applicant will still be able to operate a home-based daycare with a maximum of seven clients enrolled per day.

**Staff Recommendation/Next Steps:**
Approve Special Exception SE #26-03, with the seven conditions, as written in the attached resolution.

**Attachments:**
1. Resolution (Proposed)
2. Staff Report
3. Special Exception Criteria Matrix
4. Pre-Application Materials
5. Pre-Application Summary Notes

6. Legal Ad
7. Presentation

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

**RESOLUTION**

**JULY 28, 2026**

**Resolution- to approve a Special Exception SE #26-03, 310 Missouri Avenue, to permit a home-based daycare use within the R-10, Residential Single-Family District.**

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

1. The Town Council approves Special Exception (SE) #26-03, which, pursuant to §78-155.3(f)(3), shall not run with the land.

2. The conditions set forth below are necessary to achieve compliance with the standards found in §78-155.3(e)(1):

   a. The site shall be developed and maintained in substantial conformance with the submitted special exception application that is 33 percent or less of the gross floor area in conformance with §78-80.5 of the zoning ordinance.

   b. The applicant shall use 310 Missouri Avenue as their primary residence as long as the home-based child daycare is in operation.

   c. The hours of operation are permitted to extend from 6:00 a.m. to 10:00 p.m.

   d. The total number of children present on site for the home-based child daycare use shall not exceed 12 enrolled. The state-required ratio of employees to children shall be maintained.

   e. All children enrolled in the daycare shall be within the fenced rear yard when playing outside.

   f. Child drop-off and pick-up shall be limited to the driveway or curb directly in front of the residence.

   g. No signage shall be permitted.

# STAFF REPORT

**Agenda Item:** Special Exception – SE #26-03, 310 Missouri Avenue – Application to Permit a Home-Based Child Daycare Use

**Meeting Date:** July 28, 2026

**Staff Contact:** Aaron Zoellick, Zoning Services Specialist
aaron.zoellick@herndon-va.gov (703) 787-7380
David Stromberg, AICP, Zoning Administrator
david.stromberg@herndon-va.gov (703) 787-7380

**Site Description & Background:**




310 Missouri Avenue is located between the east end of Mississippi Drive and Stuart Court. The property's designation as Neighborhood Conservation in the Town of Herndon 2030 Comprehensive Plan reflects the Town's intent to preserve and enhance the established character and quality of existing residential neighborhoods while allowing limited, compatible residential uses. The regulations of the R-10 district are "meant to encourage uses that would substantially complement the development of single-family detached dwellings and that would contribute to the quiet residential nature of the district." Sec. 78-30.2(a).

The applicant applied for and received approvals for Zoning Inspection Permit (ZIP) #26-008 and Zoning Inspection Permit (ZIP) #26-013 to operate a child daycare use as a home-based business. ZIP #26-008 was issued on September 22, 2025, and permitted a maximum enrollment of four children. ZIP #26-013 was issued on March 13, 2026, and permitted a maximum enrollment of seven children. No complaints have been submitted to the town regarding the daycare.

**Case Details & Proposed Operations:**

The applicant seeks a special exception to increase the maximum number of children permitted in their home-based childcare business from seven to twelve. The proposed use will operate between 6:00 a.m. and 10:00 p.m., with staggered pick-up and drop-off schedules to accommodate families with varying needs. Most children attend during a day session (approximately 7:00 a.m. to 5:00 p.m.). The applicant is requesting extended hours for the option of providing after-school and evening care.

The home-based childcare operation currently takes place primarily on the first level of the dwelling, within a dedicated area of approximately 265 square feet. Access to the childcare area is through the main entrance. The first level includes one bathroom and a kitchen. The fenced rear yard of the property is approximately 5,500 square feet. At this time, Ms. Lopez-Otero is the sole employee of the childcare operation, with her son providing occasional assistance.

The proposed use will continue to operate under its existing conditions with respect to facilities provided. As enrollment increases to the maximum permitted, the applicant will need to hire additional staff and the space dedicated to the home-based business will need to increase to comply with state regulations. The exterior appearance of the building will remain unchanged. No additional impervious area or land disturbance is proposed.

**Staff Analysis:**

State Regulations

Under the regulations of the Virginia Office of Child Care Health and Safety, a licensed Family Day Home may care for up to 12 children, exclusive of the provider's own children and any children residing in the home, within a single-family dwelling. Virginia regulations require 35 square feet of indoor wall-to-wall space per child. 8VAC20-780-310.

Zoning Ordinance Compliance

The zoning ordinance establishes general standards for home-based businesses and standards specific to childcare or daycare uses as a home-based business. Sec. 78-80.5(a)&(b). The standards are intended to balance the provision of childcare services with considerations related to traffic management, neighborhood compatibility, and adherence with applicable zoning and planning regulations.

**Floor Area -** Sec. 78-80.5(a)(3) of the zoning ordinance requires that "a home-based business shall occupy no more than 33 percent of the floor area of the principal dwelling, up to a maximum of 1,000 square feet…." As enrollment increases to the maximum enrollment, the applicant would need to increase the wall-to-wall space available to a minimum of 420 square feet to comply with state regulations while staying

under the 803 square-feet maximum permitted by the zoning ordinance, based on the current footprint of the principal dwelling.

**Enrollment and Employees -** The Town of Herndon zoning ordinance allows a maximum of seven children, exclusive of the provider's own children and resident children, with approval of a ZIP. Care for up to twelve children is permitted with approval of a special exception. Home-based childcare operations are permitted one nonresident employee by right. The application complies with the requirements concerning the number of children and non-resident employees. Sec. 78-80.5(b)(1)&(2).

**Outdoor Play Area -** The proposed application satisfies the minimum requirement of 75 square feet of outdoor play area per child enrolled in the childcare business. Sec. 78-80.5(b)(3). The applicant was not able to provide a plat demonstrating outdoor play area, as required by the Zoning Ordinance. Sec. 78-80.5(b)(3)(c). In lieu of a plat, a site visit was performed on May 20, 2026. The property is less than 1000 feet from Haley M. Smith Park which further supports the requirement for available play area. Sec. 78-80.5(b)(3)(d).

**Sec. 78-155.3(e) Criteria -** Staff evaluated the criteria for review of special exceptions found in Zoning Ordinance Sec. 78-155.3(e). Criteria (a)–(e), and (g)–(i) were found to be applicable to the analysis. Criteria (f) and (j) – (m) were found to be not applicable to the analysis because there are no physical alterations to the structure proposed and the building is not located within the floodplain overlay. The proposed application meets six of the eight relevant criteria. Staff believes that the remaining criteria can be met with appropriate conditions. A complete review of the criteria is available in the Sec. 78-155.3(e) Criteria Matrix.

**Parking -** The zoning ordinance does not require additional parking for a home-based daycare or any other home-based business.

**Comprehensive Plan -** The proposal is consistent with the Herndon 2030 Comprehensive Plan Neighborhood Conservation Land Use Policies and encourages uses that provide a variety of goods and services as well as promote economic development that help increase employment and add to the community tax base.

Analysis of Conditions

Staff recommends seven conditions for this special exception, as listed in the proposed resolution. The conditions are consistent with previously approved special exceptions. Staff believes these conditions provide reasonable ways in which the existing childcare use can be expanded while properly mitigating potential impacts, as well as achieving the purpose and intent of the applicable zoning district.

Any violation of the 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).

**Fiscal Impact:**

BPOL (business, professional, occupational, and license) fees can be collected on home-based businesses.

**Town Council Alternatives:**

The following alternatives are available to the Town Council for its decision on SE #26-03:

1. Approve the application without conditions.
2. Approve the application with the seven conditions.
3. Deny the application. The daycare continues its operations with seven children as a by-right use.
4. Continue the application to the August 25, 2026, regular meeting.

**Staff Recommendation:**

Staff recommends the Town Council approve the application with the seven conditions listed in the proposed resolution.

**Sec. 78-155.3(e) Special Exception Criteria Matrix**
**SE #26-03**
**310 Missouri Avenue**

| Criteria Section 78-155.3(e)(1) | Assessment | Reasoning |
|---|---|---|
| a. Is consistent with the Comprehensive Plan. | Meets | The proposed use will be in conformance with the Comprehensive Plan policies on provision of good and services to the local community and positive economic benefits of new businesses. |
| b. 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 | The proposed Special Exception uses are provisioned with the base zoning district and do not create any substantial conflicts with other regulatory requirements. The use and business operations will be conditioned to ensure the use continually meets the purpose and intent of the R-10, Residential Single-Family zoning district. |
| c. Does not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use. | Meets with conditions | The proposed uses are generally compatible with the site / neighborhood. The proposed conditions will limit the impact to parking and vehicle trips by restricting maximum number of clients. |
| 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. | Meets | The proposed conditions will remain compatible with the intent of the uses of the R-10 district. |
| e. Minimizes adverse visual impact of the proposed use on adjacent lands. | Meets | The proposed conditions will not generate visual changes to the site. |
| g. Minimizes adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration, and should not create a nuisance. | Meets with conditions | Staff recommended conditions to limit the distribution of customers to prevent negative impacts to parking, drop-off/pickup, and noise. |
| 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. | Meets | The proposed use has virtually no external impacts and provides a needed community service. |
| i. 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 conditions will not involve any expansion of floor area or conversion of pervious area to impervious area. |

TOWN OF Herndon VIRGINIA

| FOR OFFICE USE Date Received: | |
|---|---|
| Date & Time of Meeting: | |
| Pre-Application #: | |

# PRE-APPLICATION CONFERENCE REQUEST FORM

*Department of Community Development*

Submission Date: 03/30/2026
Project Name: Barbara Lopez Otero
Project Address: 310 Missouri Ave Herndon VA 20170
Project Contact: [redacted]
Mailing Address: 310 Missouri Ave Herndon VA 2017[redacted]
Phone [redacted] Email [redacted]
Current Zoning:
Current or Previous Land Use:
Proposed Land Use: On the First level of the house's entrance.

Applications to be submitted (check all that may apply):

- ☐ Special Exception
- ☐ HTOC Development Plan
- ☐ Zoning Map Amendment
- ☑ Other
- ☐ Proffer Condition Amendment

*Note: If planning to submit a **by-right site or subdivision plan or plat**, there is a separate pre-application conference form that must be submitted. Those conferences are administered by the Department of Public Works and the conference form is available online.*

Brief description of project to be discussed at pre-application conference:

I would like to obtain a permit For a home-based daycare.
I have a permit For seven children, but I would like to obtain a permit For twelve Children.

Specific issues or questions related to the project you would like discussed at the conference:

About Home daycare.

**In addition to this form, pre-application requests should include conceptual plans, drawings, and any other supporting documents that will help the town best understand the project and provide the best possible feedback.

****Completed forms with all supporting materials must be submitted electronically and list all expected pre-application attendees' name, titles, relation and email to the project must be provided at the time of pre-application request submission.** ***(See form on next page)***

****For questions, further information, and to submit the request, contact Lisa Webster at lisa.webster@herndon-va.gov or 703.787.7380.**

Created 3.9.21

TOH CD

# Commonwealth of Virginia

## DEPARTMENT OF EDUCATION

## CONDITIONAL LICENSE
## FAMILY DAY HOME

**Issued to:** Barbara Lopez Otero, d.b.a. Kemberly's Home Daycare LLC

**Address:** 310 Missouri Avenue, Herndon, Virginia 20170

**This CONDITIONAL license is issued in accordance with provisions of Chapter 14.1, Title 22.1, Code of Virginia and other relevant laws, the regulations of the State Board of Education, and the specific limitations prescribed by the Superintendent of Public Instruction, as follows:**

| CAPACITY | |
|---|---|
| 7 | |
| **AGE** | |
| 2 months through 12 years | |

☒ **This conditional license is issued to allow for the licensee to demonstrate compliance with sections of the standards, which could not be determined, because the facility is not yet fully operational.**

☒ **This conditional license is issued because the licensee is temporarily unable to comply with the following section(s) of standards: 8VAC20-800-(11)-760-A**

**This license is not transferable and will be in effect 03/23/2026 through 09/22/2026 unless revoked for violations of the provisions of law or failure to comply with the limitations stated above.**

**ISSUING OFFICE:**

**Virginia Department of Education**
**Office of Child Care Health and Safety (Region)**
**PO Box 2120**
**Richmond, Virginia 23218**

**Email Address: fairfax.cclicensing@ doe.virginia.gov**

**FDH-1111099**
**LICENSE NUMBER**

**JENNA CONWAY**
**SUPERINTENDENT OF PUBLIC INSTRUCTION**

**By** Nancy Radcliffe Digitally signed by Nancy Radcliffe Date: 2026.03.24 20:37:16 -04'00'

**NANCY RADCLIFFE**

**Title** LICENSING ADMINISTRATOR

**Date** March 24, 2026

# Family Escape plan

Day Care

11.4 × 23.3
= 265 SQFT

Front Yard

Exit

Meeting

Closet

Living Room
11.4 × 18.2
= 207 SQFT

Stairs

half Island

Dining Room
11.4 × 14
= 159.6 SQFT

Kitchen
14 × 11.6
= 162 SQFT

Bathroom

Closet

Exit

Exit

Back Yard


CYAN
B C D E F
H I J K L




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12
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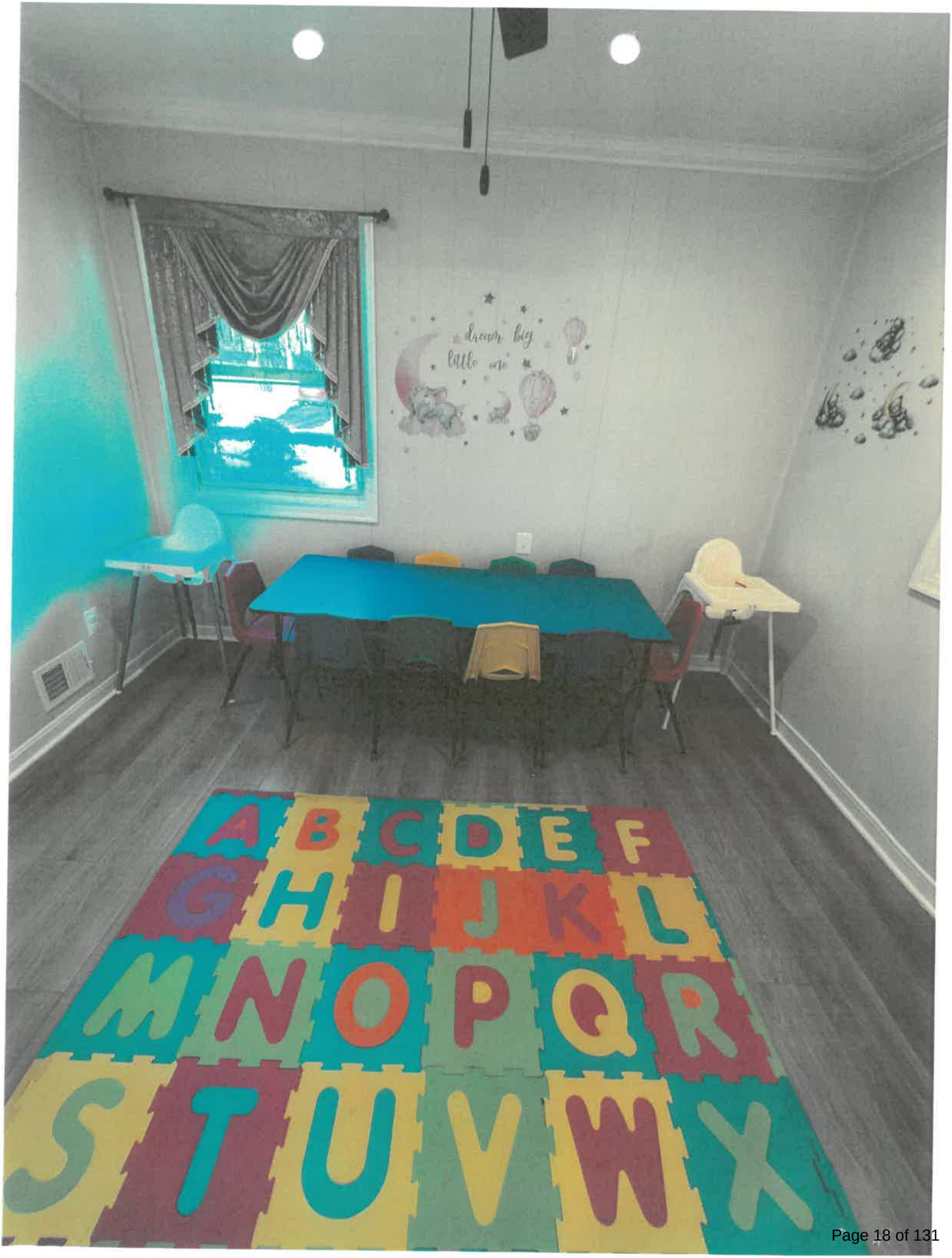

dream big
little one
A B C D E F
G H I J K L
M N O P Q R
S T U V W X


EXIT

TOWN OF

Department of Community Development

ZIP26-013

www.herndon-va.gov

**APPLICATION FORM**

# Zoning Inspection Permit

*Home-Based Businesses*

***Instructions**: Complete this form and submit to community.development@herndon-va.gov or in person at 777 Lynn Street, 2nd Floor, Herndon, VA 20170. Typed signatures will be accepted. Please also submit the application fee in accordance with the fee schedule on our forms and fees page or TABLE 78-152.2(b)(3): FEES FOR DEVELOPMENT APPLICATIONS in the Town Code.*

*The undersigned certifies that all information in this application is true and correct and that the requirements of this application have been read and are understood.*

## Home Based Business Information

**Name of Home-Based Business:** Kemberly' Home Daycare LLC

**Name of Business Owner:** Barbara Lopez Otero

**Business Street Address:** 310 Missouri Ave Herndon VA 20170

**Business Phone Number:** [redacted] **Business Email** [redacted]

**Business Website:** **Total floor area used by this business:** **SF**

## Business Description

**Describe:** The type of products, merchandise, or services the business will provide.
**Attach:** Pictures or catalog representations of the product or merchandise for sale.

**Are client visits scheduled by appointment?** ☑ **No** ☐ **Yes**

**Is this a home-based daycare?** ☐ **No** ☑ **Yes*** *If yes, number of children 4

**Do you have any company vehicles?** ☑ **No** ☐ **Yes*** *If yes, list quantity and type below:

**Will you receive deliveries after normal business hours?** ☑ **No** ☐ **Yes** ****If yes, please explain below**

**Restrictions occur between 10PM--7AM*

## Applicant Signature

I hereby certify that I have authority of the owner or agent to make this application, that the information is complete, and that if a permit is issued the construction and/or use will conform to the Zoning Ordinance, the Building Code, applicable laws and regulations including private building restrictions, if any, which relate to the property. I further certify that I have received and read the prohibited sign regulations.

**Applicant Signature (REQUIRED)** Barbara Lopez Otero
***A Typed Signature is acceptable**

**Applicant Name (PRINTED)** Barbara Lopez Otero

**Phone** [redacted] **Email** [redacted]

**Please see reverse side for Property Owner's Consent Certifications**

**Property Owner or Owner Agent Signature**

I hereby authorize the home-based business as presented by the applicant to be conducted in conformance to the Section 78-80.5 of the Zoning Ordinance.

☐ **In lieu of having property owner sign, I as the applicant, have provided the front page and signature page of a legally executed lease.**

**Property Owner Signature (REQUIRED)** Barbara Lopez Otero
*A Typed Signature is acceptable

**Property Owner Name (PRINTED)** Barbara Lopez Otero

**Phone** [redacted] **Email** [redacted]

**Note:**
An approved inspection is required before a business license will be issued for the home-based business. Submission of photos or a videoconference may be allowed in lieu of an in-person visit, at the discretion of the Community Inspector.

Please contact the office for details at 703-787-7380

***List of Prohibited Businesses***

The on-site storage of explosives, hazardous and/or toxic materials; on-site services to clients other than by appointment; on-site sales of any goods other than by appointment; on -site restaurant or carry-out service; on-site repair or painting of motor or other vehicles; animal hospitals, kennels or any other business involving the on-site care or feeding of animals; boarding house or similar; mortuary or funeral home; a delivery service by which goods or other property to be delivered are stored or brought on-site; welding, machine shop, pipe fitting operation, or similar; rental of on-site equipment, goods or property; nursing home; small -scale alcohol production facility; similar uses to those above. The above businesses are a summary of Section 78-80.5(a)(2) and not a comprehensive list.

**Zoning Administrator Decision**

☑ **APPROVED** ○ **DENIED**

**Comments:**

**Signature of Zoning Administrator:** [signature] **Date:** 03/13/2026

**Intake Notes—Office Use Only**

Application Received By: KW Date: 3/13/26 Fee Paid: $50.00

Case Number: ZP #26-013 Zoning District: R-10 Tax Map Number: 0162181100049

# Your EIN

https://sa.www4.irs.gov/applyein/einAssignment

3/5/26, 8:10 AM IRS Apply for an Employer Identification Number (EIN) online

## Your EIN Details

| | |
|---|---|
| **EIN assigned** | **41-4663936** |
| **Legal name** | **KEMBERLYS HOME DAYCARE LLC** |
| **Name control** | **KEMB** |
| **Confirmation letter** | This confirmation letter is your official IRS notice and contains important information regarding your EIN: Download EIN confirmation Letter [PDF] |

## Summary of your information

### Legal Structure

| | |
|---|---|
| **Organization Type** | SINGLE MEMBER LIMITED LIABILITY COMPANY (LLC) |

### Limited Liability Company (LLC) Information

| | |
|---|---|
| **Legal name** | KEMBERLYS HOME DAYCARE LLC |
| **Trade name/doing business as** | KEMBERLYS HOME DAYCARE |
| **County** | FAIRFAX |
| **State/Territory** | VA |

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF EDUCATION

# CONTACT WITH LOCAL ZONING ADMINISTRATOR

THE FOLLOWING INDIVIDUAL PLANS TO SUBMIT AN APPLICATION FOR A LICENSE TO OPERATE A FAMILY DAY HOME PURSUANT TO §§ 22.1-289.02 and 22.1-289.011 OF THE CODE OF VIRGINIA

**To Be Completed by Operator of Family Day Home**

NAME OF APPLICANT Barbara Lopez Otero

PHYSICAL ADDRESS 310 Missouri Ave Herndon VA 20170
STREET OR ROUTE NO. CITY STATE ZIP

APPLICANT'S PHONE NO. [redacted] EMAIL ADDRESS [redacted]

THE HOME IS LOCATED IN THE COUNTY OR CITY OF Fairfax

APPLICANT IS REQUESTING A LICENSE TO CARE FOR THE FOLLOWING NUMBER OF CHILDREN (NOT INCLUDING CHILDREN WHO RESIDE IN THE HOME): 7

**To Be Completed by Local Zoning Administrator**

THE ZONING ADMINISTRATOR'S SIGNATURE ON THIS FORM VERIFIES THAT THE APPLICANT HAS INFORMED THE ZONING ADMINISTRATOR OF HIS/HER PLANS TO APPLY FOR A LICENSE TO OPERATE A FAMILY DAY HOME AT THE ADDRESS ABOVE.

| Tax Map # | Parcel # | Zoning District |
|---|---|---|
| 0162 18110009 | | R-10 |

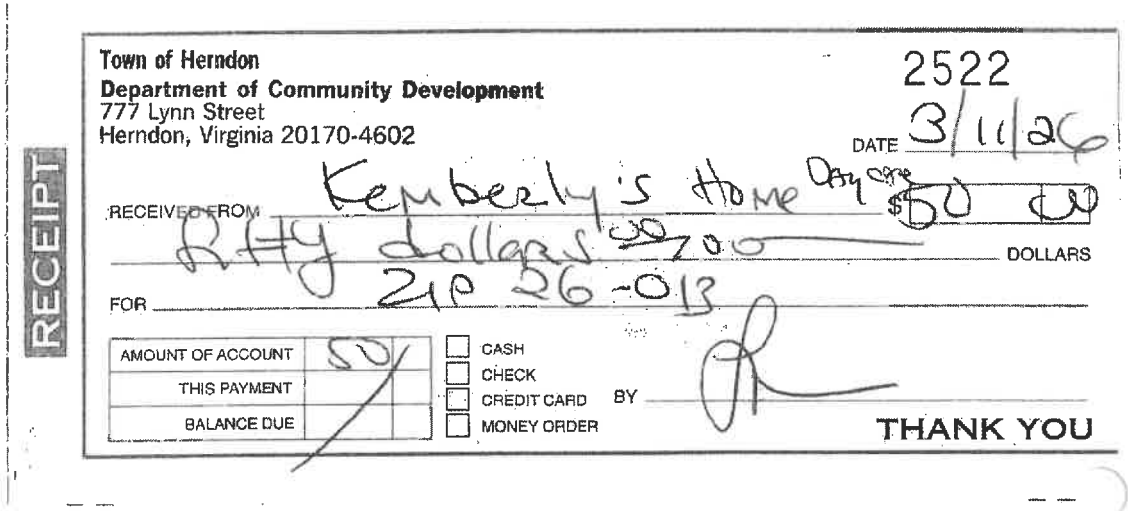
David Stromberg
Printed Name of Zoning Administrator

Signature of Zoning Administrator 2/12/2026
Date

Telephone Number: 703-787-7380

Email Address: community.development@herndon-va.gov

Comments: Maximum 7 clients



RECEIPT

Town of Herndon
**Department of Community Development**
777 Lynn Street
Herndon, Virginia 20170-4602

2522

DATE 3/11/26

RECEIVED FROM Kemberly's Home Day Care $50.00

Fifty dollars and 00/100 DOLLARS

FOR ZP 26-013

| | |
|---|---|
| AMOUNT OF ACCOUNT | 50 |
| THIS PAYMENT | |
| BALANCE DUE | |

☐ CASH
☐ CHECK
☐ CREDIT CARD
☐ MONEY ORDER

BY

THANK YOU

# Printable page

MAP #: 0162 18110009
LOPEZ-OTERO BARBARA 310 MISSOURI AVE

## Owner

| | |
|---|---|
| Name | LOPEZ-OTERO BARBARA, |
| Mailing Address | 310 MISSOURI AVE HERNDON VA 20170 5425 |
| Book | 28563 |
| Page | 1783 |

## Co-Owners

PORTILLO-LOPEZ JUSTIN A

## Parcel

| | |
|---|---|
| Property Location | 310 MISSOURI AVE HERNDON VA 20170 5425 |
| Map # | 0162 18110009 |
| Tax District | H0000 |
| District Name | DRANESVILLE TOWN OF HERNDON |
| Land Use Code | Single-family, Detached |
| Land Area (acreage) | |
| Land Area (SQFT) | 11,572 |
| Zoning Description | R-10(Res Single fam-10 Dist) |
| Utilities | WATER CONNECTED<br>SEWER CONNECTED<br>GAS CONNECTED |
| County Inventory of Historic Sites | NO |
| County Historic Overlay District | NO<br>For further information about the Fairfax County Historic Overlay Districts, CLICK HERE<br>For properties within the towns of Herndon, Vienna or Clifton please contact the town to determine if the property is within a town historic district. |
| Street/Road | PAVED |
| Site Description | BUILDABLE-AVERAGE LOT |

## Stub Number

411380402

## Legal Description

# Printable page

MAP #: 0162 18110009
LOPEZ-OTERO BARBARA 310 MISSOURI AVE

**Stub Number**

411380402

**Summary of 2025 Taxes**

| Year | General Fund Net Taxes | Special Tax District | Service Charges | Interest | Penalty | Other Charges | Amount Paid | Balance Due |
|---|---|---|---|---|---|---|---|---|
| 2025 1ST HALF DUE | $3,438.89 | $929.81 | $.00 | $.00 | $.00 | $.00 | -$4,368.70 | $.00 |
| 2025 2ND HALF DUE | $3,438.89 | $929.79 | $.00 | $.00 | $.00 | $.00 | -$4,368.68 | $.00 |
| Total: | $6,877.78 | $1,859.60 | $.00 | $.00 | $.00 | $.00 | -$8,737.38 | $.00 |

**Prepays and Refunds**

| | |
|---|---|
| Prepays | $.00 |
| Pending Refunds | $.00 |
| GRAND TOTAL | $.00 |

**Special tax districts include levies for pest infestation control (i.e. gypsy moth, mosquitoes), Community Center taxes, and Transportation Districts. For more information see http://www.fairfaxcounty.gov/taxes/real-estate/tax-rates.**

Source: Fairfax County Department
of Tax Administration, Real Estate Division.

TOWN OF Herndon VIRGINIA

**Community Development**
**T** (703) 787-7380
community.development@herndon-va.gov

**April 30, 2026**

**RE: Summary notes for 310 Missouri Avenue, (Home Daycare-12 children)**
**Date of Meeting: April 23, 2026**
**Time: 2:00pm**
**Location: HMC Large Conference Room**

**Attendees:**

**Town Staff:**

**Community Development Department**

- Ben Schitter, Development Program Planner, Aaron Zoellick, Zoning Services Specialist, and Lisa Webster, Administrative Assistant

**Department of Public Works**

- Mike Farr, Utility Manager

**Applicant:**

- Barbara Lopez Otero
- Carla Falconi (interpreter)

**** NOTE ** The *information provided herein is intended to be a general summary of the information discussed in the pre-application meeting for this project and may not address all aspects of the project. Please be advised that any information provided both herein or in the meeting does not relieve the owner/applicant from the obligation to comply with any applicable codes or regulations. If there is a conflict between the information provided herein and any applicable code or regulation, the code or regulation will govern. If a conflict is identified with town code, a formal waiver must be submitted to the town and approved prior to site plan approval. The information herein does not imply that a waiver would be supported by staff, unless specifically stated, nor does it guarantee approval by the Director.***

**Project Description**

Proposed 12 children for home daycare with hours of operation from 6:00am to 10:00pm located at 310 Missouri Avenue.

**Applicant Comments:**

none

DRAFT

**Community Development Comments:**
**Ben Schitter and Aaron Zoellick:**
Emails:ben.schitter@herndon-va.gov; aaron.zoellick@herndon-va.gov

- The Special Exception cannot move forward if there are any open building permits
- A plat of the property needs to be submitted with the application
- Any home-based business shall occupy no more than 33 percent of the floor area, up to a total maximum floor area of 1,000 square feet on any one property
- One nonresident employee or associate of the home-based daycare is permitted between the hours of 6:00 a.m. and 9:00 p.m.
- Seventy-five square feet of outdoor play area must be provided on site per child enrolled in the daycare
- Outdoor play area must be enclosed by a fence with a minimum height of four feet
    - Requirements for an on-site outdoor play area may be waived when the applicant can demonstrate the home care service is located within 1,000 feet of an existing suitable play area, such as a park

**Public Works Department/Building Inspections/Utilities Comments:**
**Mike Farr**
Email:mike.farr@herndon-va.gov

- Trash and Recycle collection cannot exceed the cart capacity
- Trash and Recycle collection requires the use of Town of Herndon provided carts ( note the Town only provided one cart for each collection type)
- Trash and Recycle carts cannot be used for any other purpose
- If needed an additional cart can be purchased through the town, here is a link to the application https://www.herndon-va.gov/home/showpublisheddocument/16960/638083396809770000 .
- Note the maximum allowed number of carts. The request can be done in person at the second-floor counter of the HMC.

**Action Items**

1. If a plat is not available, provide pictures of the property. Specifically, the outdoor space that would be available for the customers.
2. Complete application must be submitted by May 8 in order to get the Special Exception on the agenda for the June Planning Commission meetings.

**Town of Herndon, Virginia**
**Notice of Public Hearing**

Notice is hereby given that the Town Council of the Town of Herndon, Virginia, will hold a public hearing on Tuesday, July 28, 2026, at 7:00 p.m. in the Herndon Council Chambers Building, located at 765 Lynn Street, Herndon, Virginia, on the following items:

**Ordinance, to approve an Encroachment Agreement with AM Worldgate Owner, LLC,** owner of real property known as Fairfax County Map 0161 30 B, (Worldgate Property), to permit the encroachment of stormwater ponding backup and overland relief resulting from development of the Worldgate Property in accordance site plan MJP-02, over a portion of Town owned property known as Chandon Park containing 7.9144 acres, located at 900 Palmer Drive, Herndon, Virginia, in the southwest corner of the intersection of Palmer Drive and Herndon Parkway, known as Fairfax County Map 0161 19 D1.

**Resolution, to consider a Special Exception – SE #26-03, 310 Missouri Avenue,** to approve a home-based daycare use within the R-10, Residential Single-Family District. The property is designated in the Herndon 2030 Comprehensive Plan as "Neighborhood Conservation." The 11,572 square-foot lot is located between the intersections of Stuart Court and Missouri Avenue to the north and Mississippi Drive and Missouri Avenue to the south. Fairfax County Tax Map Reference Number: 0162 18110009. Applicant and owner: Barbara Lopez-Otero and Justin A. Portillo-Lopez.

**Resolution, to consider a Special Exception – SE #26-04, 865 3rd Street,** to approve a home-based business use within the R-15, Residential Single-Family District. The property is designated in the Herndon 2030 Comprehensive Plan as "Neighborhood Conservation." The 20,038 square-foot lot is located at the southeast corner of Monroe Street and 3rd Street. Fairfax County Tax Map Reference Number: 0104 03080005. Applicant and owner: Ekaterina Mansouri and Farrokh Mansouri.

The public is encouraged to participate in the town's public hearing process. Individuals having an interest in the above items are invited to attend the public hearing and state their opinions. Individuals may also submit comments to town.clerk@herndon-va.gov.

The proposed items are available for examination by the public at the 2nd floor counter of the Herndon Municipal Center, 777 Lynn Street, Herndon, during normal business hours (Monday – Friday) and also available for review on the town's website www.herndon-va.gov.

The Town of Herndon supports the Americans with Disabilities Act by making reasonable accommodations for persons with disabilities so that they may participate in services, programs, or activities, offered by the town. Please call (703) 435-6804 to arrange for any accommodation that may be necessary to allow for participation.

Amanda Morrow Kertz, Town Clerk

Note to Publisher:
Publish on July 10, 2026/July 17, 2026

# Special Exception (SE) #26-03
# 310 Missouri Ave
# Home-Based Child Daycare Use

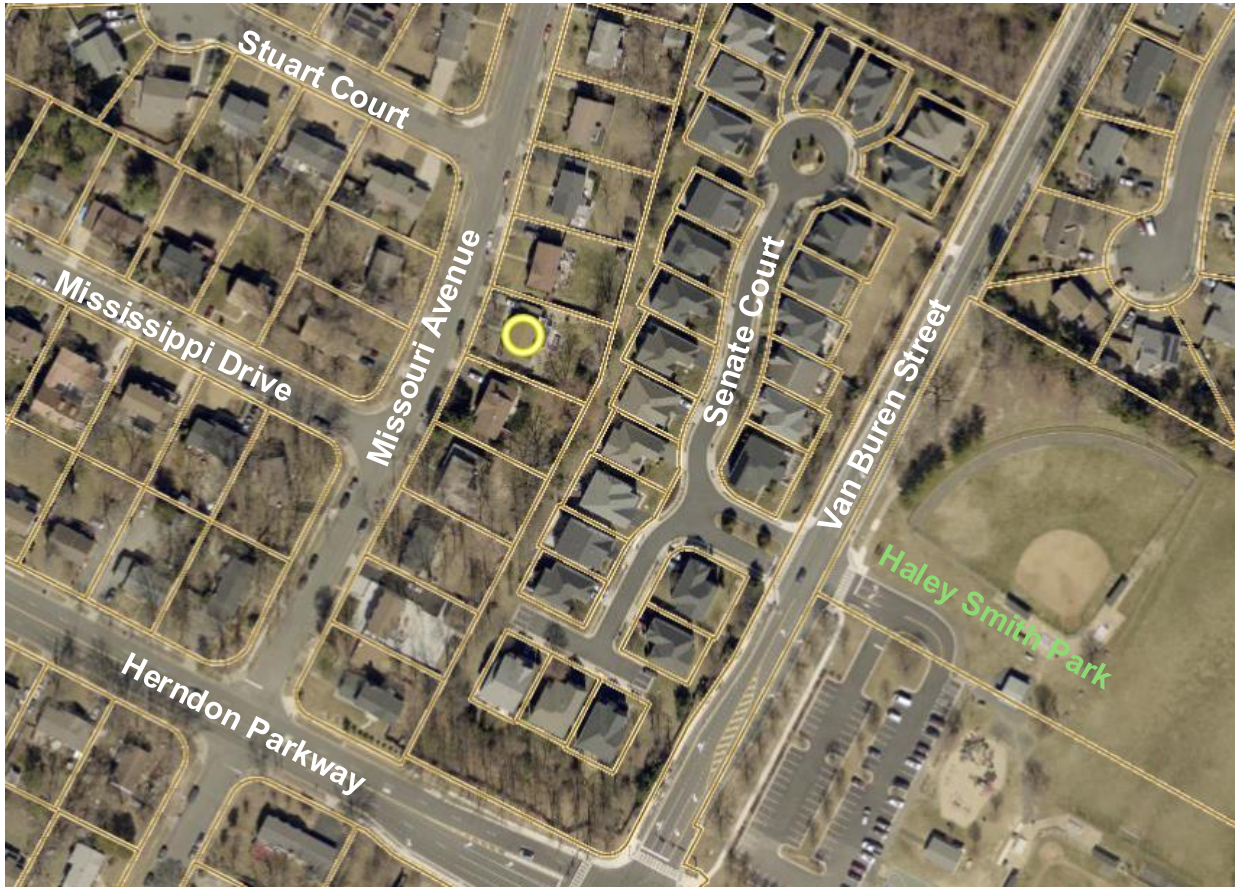
Town Council Regular Meeting

July 28, 2026



LIVE DIFFERENTLY. TOWN OF Herndon

# 310 Missouri Ave – Site Location






# 310 Missouri Ave Site Photos





# 310 Missouri Ave Interior Site Photos






# Staff Analysis

| | Criteria Sec. 78-155.3(e)(1) | Assessment | Reasoning |
|---|---|---|---|
| a. | Is consistent with the Comprehensive Plan | Meets | The proposed use will be in conformance with the Comprehensive Plan policies on provision of good and services to the local community and positive economic benefits of new businesses. |
| b. | 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 | The proposed Special Exception uses are provisioned within the base zoning district and do not create any substantial conflicts with other regulatory requirements. The use and business operations will be conditioned to ensure the use continually meets the purpose and intent of the R-10, Residential Single-Family zoning district. |
| c. | Does not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use. | Meets with conditions | The proposed uses are generally compatible with the site / neighborhood. The proposed conditions will limit the impact to parking and vehicle trips by restricting maximum number of clients. |
| 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. | Meets | The proposed conditions will remain compatible with the intent of the uses of the R-10 district. |
| e. | Minimizes adverse visual impact of the proposed use on adjacent lands. | Meets | The proposed conditions will not generate visual changes to the site. |
| g. | Minimizes adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration, and should not create a nuisance. | Meets with conditions | Staff recommended conditions to limit the distribution of customers to prevent negative impacts to parking, drop-off/pickup, and noise. |
| 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. | Meets | The proposed use has virtually no external impacts and provides a needed community service. |
| i. | 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 conditions will not involve any expansion of floor area or conversion of pervious area to impervious area. |

# Proposed Conditions

| # | Condition | Criteria Addressed |
|---|---|---|
| a. | The site shall be developed and maintained in substantial conformance with the submitted special exception application that is 33 percent or less of the gross floor area in conformance with Section 78-80.5 of the zoning ordinance. | C and G |
| b. | The applicant shall use 310 Missouri Avenue as their primary residence as long as the home-based child daycare is in operation. | C and G |
| c. | The hours of operation are permitted to extend from 6:00 a.m. to 10:00 p.m. | C and G |
| d. | The total number of children present on site for the home-based daycare use shall not exceed 12 enrolled. The state-required ratio of employees to children shall be maintained. | C and G |
| e. | All children enrolled in the daycare shall be within the fenced playground area when playing outside. | C and G |
| f. | Child drop-off and pick-up shall be limited to the driveway or curb directly in front of the residence. | C and G |
| g. | No signage shall be permitted. | G |

# Recommendations

- At the June 22, 2026, regular meeting, the Planning Commission voted 6-0 to recommend approval of SE #26-03 with conditions to Town Council.

- Staff recommends the Town Council approve SE #26-03 with the conditions as stated in the proposed resolution.

# Town Council
# Regular Meeting
# Agenda Item 6.b.

**Agenda Item:** **Resolution 26-G-42 to approve a Special Exception – SE #26-04, 865 3rd Street, to permit a home-based business use within the R-15, Residential Single-Family District**

**Meeting Date:** July 28, 2026

**Category:** Public Hearings

**Prepared by:** Aaron Zoellick, Zoning Services Specialist

**Description:**

| | | |
|---|---|---|
| Proposed Modification | This is an application for a special exception to permit a home-based instructional program for robotics and coding. | |
| Address | 865 3rd Street | |
| Fairfax County Tax Map Number | 0104 03080005 | |
| Owner(s) | Farrokh Mansouri, Ekaterina Mansouri | |
| Applicant | Ekaterina Mansouri | |
| Business/Organization | Launch Hub Learning, LLC | |
| Property Use | Residential | |
| Zoning District | R-15, Residential Single-Family | |
| Lot Size | 20,038 square feet | |
| Building Size | 3,464 square feet of above-grade living area | |
| Adjacent Zoning | North: R-10 | South: R-15 |

| | | |
|---|---|---|
| | East: R-15 | West: R-15 |
| Date of Construction | 2004 | |
| Comprehensive Plan Land Use Designation | Neighborhood Conservation | |

**Background/Timing Impact:**
The applicant currently provides robotics and coding lessons to their own children and a few classmates. The applicant's request for a special exception to allow up to 10 children per session and time-intensive lessons, up to six hours per day, during the summer was presented to the Planning Commission at the June 8, 2026, work session and June 22, 2026, regular meeting. The Planning Commission recommended approval of the special exception, with conditions as reflected in the attached proposed resolution.

**Strategic Focus Area:**
Environmental and Economic Sustainability
Thriving Community

**Fiscal Impact:**
BPOL (business, professional, occupational, and license) fees can be collected on home-based businesses.

**Legal Impact:**
The Code of Virginia Sec. 15.2-2310 and Herndon Town Code Sec. 78-155.3 outline the requirements of applications for special exceptions. If approved, the special exception and compliance with the conditions will allow the applicant to operate a home-based business with a maximum of 10 clients per session.

**Staff Recommendation/Next Steps:**
Approve Special Exception (SE) #26-04, with the six conditions, as written in the attached resolution.

**Attachments:**
1. Resolution (Proposed)
2. Staff Report
3. Special Exception Criteria Matrix
4. Sample Schedule
5. Operational Document
6. Explanation Letter
7. Floor Plan
8. Legal Ad

9. Presentation

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

**RESOLUTION**

**JULY 28, 2026**

**Resolution- to approve Special Exception (SE) #26-04, 865 3rd Street, to permit a home-based business use within the R-15, Residential Single-Family District.**

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

1. The Town Council approves Special Exception (SE) #26-04, which, pursuant to §78-155.3(f)(3), shall not run with the land.

2. The conditions set forth below are necessary to achieve compliance with the standards found in §78-155.3(e)(1):

   a. The site shall be developed and maintained in substantial conformance with the submitted special exception application that is 33 percent or less of the gross floor area in conformance with §78-80.5 of the zoning ordinance.

   b. The maximum number of clients on site shall not exceed 10.

   c. Child drop-off and pick-up shall be limited to the driveway.

   d. One employee shall be present in the driveway to direct children from the vehicle to the home at drop-off and from the home to the vehicle at pick-up.

   e. Lessons shall be offered in substantial conformance with the following schedule:

      1. During the Fairfax County Public Schools year, one lesson per day, no longer than two hours, may be offered Monday through Friday between 4:00 p.m. and 9:00 p.m.

      2. During the Fairfax County Public Schools year, one lesson per day, no longer than two hours, may be offered on Saturday and Sunday between 8:00 a.m. and 9:00 p.m.

      3. During the Fairfax County Public Schools summer recess, lessons may be offered Monday through Friday either:

a. One per day, no longer than eight hours, between 8:00 a.m. and 9:00 p.m.; or,

b. Two per day; each lesson shall be no longer than three hours. The first lesson shall take place between 8:00 a.m. and 2:00 p.m., with the second lesson beginning no sooner than one hour after the first lesson concludes.

f. No signage shall be permitted.

# STAFF REPORT

**Agenda Item:** Special Exception – SE #26-04, 865 3rd Street - Application to Permit a Home-Based Business not Consistent with the Standards Set Forth in Sec. 78-80.5 – Standards for Home-Businesses as Accessory Uses

**Meeting Date:** July 28, 2026

**Staff Contact:** Aaron Zoellick, Zoning Services Specialist
aaron.zoellick@herndon-va.gov (703) 787-7380
David Stromberg, AICP, Zoning Administrator
david.stromberg@herndon-va.gov (703) 787-7380

**Site Description & Background:**




865 3rd Street is located on the southeast corner of the intersection of 3rd Street and Monroe Street. The property's designation as Neighborhood Conservation in the Town of Herndon 2030 Comprehensive Plan reflects the Town's intent to preserve and enhance the established character and quality of existing residential neighborhoods while allowing limited, compatible accessory residential uses. The regulations of the R-15 district are "meant to encourage uses that would substantially complement the development of single-family detached dwellings and that would contribute to the quiet residential nature of the district." Sec. 78-30.1(a).

The applicant currently provides robotics and coding lessons to their own children and a few classmates. The applicant is requesting a special exception to allow up to 10 children per session and to offer time-intensive lessons, up to six hours per day, during the summer.

**Case Details & Proposed Operations:**

The applicant seeks a special exception to increase the maximum number of children permitted in their home-based business from three to 10. The proposed use will operate one weekday evening and from 9:30 a.m. to 11:30 a.m. on Sundays during the school year. A more intensive one-week program may be offered during the summer, with lessons lasting up to six hours.

The coding and robotics lessons are proposed to take place primarily on the basement level of the dwelling, which has an area of approximately 1,300 square feet. The lessons will be offered in the den, which has an area of approximately 267 square feet. Access to the area will be through the walkout basement entrance. The basement level includes one bathroom. The applicant and one other instructor will be on-site for each instructional session. Parents will drop off the students and return at the end of the lesson to pick them up.

The exterior appearance of the building will remain unchanged. No additional impervious area or land disturbance is proposed.

**Staff Analysis:**

Zoning Ordinance Compliance

The zoning ordinance establishes general standards for home-based businesses. Sec. 78-80.5(a). The standards are intended to balance the interests of home-based businesses with considerations related to traffic management, neighborhood compatibility, and adherence with applicable zoning and planning regulations. Town Council has the authority to approve a home-based business that is not consistent with the standards. Sec. 78-80.5(c).

**Floor Area –** Sec. 78-80.5(a)(3) of the zoning ordinance requires that “a home-based business shall occupy no more than 33 percent of the floor area of the principal dwelling, up to a maximum of 1,000 square feet….” Lessons are proposed to take place in the basement den, which is approximately 267 square feet. The proposed operation complies with the standards.

**Nonresident employees -** The zoning ordinance permits no more than two nonresident employees or associates of the home-based business. Sec. 78-80.5(a)(11)(a). The proposed operation complies with the standards, with the applicant and one other instructor on site for lessons.

**Customers or Clients –** The zoning ordinance permits “[u]p to three customers or clients at the site for no more than two consecutive hours per day.” Sec. 78-80.5(a)(11)(b). The zoning ordinance further limits the number of arrivals per day to “[n]o more than four arrivals of nonresident persons who are employees, clients, customers, or associates of the home-based business” during any 24-hour period. Sec.

78-80.5(a)(11)(c). The applicant wishes to have up to 10 students per class with an option for multiple sessions during certain days of the week, as well as the proposed six hour sessions during the summer. While this use is not a childcare business, it should be noted that childcare home-based businesses are allowed up to 15 arrivals per day by-right. Sec. 78-80.5(c). The proposed operation does not comply with the standards. Town Council approval is necessary in accordance with Sec. 78-80.5(c).

**Sec. 78-155.3(e) Criteria –** Staff evaluated the criteria for review of special exceptions found in Zoning Ordinance Sec. 78-155.3(e). Criteria (a)–(e), and (g)–(i) were found to be applicable to the analysis. Criteria (f) and (j) – (m) were found to be not applicable to the analysis because there are no physical alterations to the structure proposed and the building is not located within the floodplain overlay. The proposed application meets six of the eight relevant criteria. Staff believes that the remaining criteria can be met with appropriate conditions. A complete review of the criteria is available in the Sec. 78-155.3(e) Criteria Matrix.

**Parking –** The zoning ordinance does not require additional parking for a home-based business.

**Comprehensive Plan –** The proposal is consistent with the Herndon 2030 Comprehensive Plan Neighborhood Conservation Land Use Policies and encourages uses that provide a variety of goods and services as well as promotes economic development that helps increase employment and add to the community tax base.

Analysis of Conditions

Staff recommend six conditions for this special exception. The conditions are consistent with previously approved special exceptions for home-based business daycares, which have similar operational characteristics as the current application. Staff believes these conditions provide reasonable ways in which the proposed use can operate while properly mitigating potential impacts, as well as achieving the purpose and intent of the applicable zoning district.

There was discussion during the June 8, 2026, Planning Commission work session and the June 22, 2026, Planning Commission regular meeting regarding Condition 2(e). The condition is drafted to capture the applicant's proposed lesson schedule while still: (1) providing flexibility as the availability of the applicant or clients may change; and (2) allowing the home-based business to grow while still maintaining the character of the R-15 zoning district.

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 Sec. 78-155.3(h).

**Fiscal Impact:**

BPOL (business, professional, occupational, and license) fees can be collected on home-based businesses.

**Town Council Alternatives:**

The following alternatives are available to the Town Council for its decision on SE #26-04:

1. Approve the application without conditions.
2. Approve the application with the six conditions.
3. Deny the application.
4. Continue the application to the August 25, 2026, regular meeting.

**Staff Recommendation:**

Staff recommends the Town Council approve the application with the six conditions listed in the proposed resolution.

**Sec. 78-155.3(e) Special Exception Criteria Matrix**
**SE #26-04**
**865 3rd Street**

| Criteria Section 78-155.3(e)(1) | Assessment | Reasoning |
|---|---|---|
| a. Is consistent with the Comprehensive Plan. | Meets | The proposed use will be in conformance with the Comprehensive Plan policies on provision of goods and services to the local community and positive economic benefits of new businesses. |
| b. 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 | The proposed special exception uses are provisioned with the base zoning district and do not create any substantial conflicts with other regulatory requirements. The use and business operations will be conditioned to ensure the use continually meets the purpose and intent of the R-15 Residential Single-Family District. |
| c. Does not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use. | Meets with conditions | The proposed uses are generally compatible with the site / neighborhood. The proposed conditions will limit the impact to parking and vehicle trips by restricting maximum number of clients per session. |
| 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. | Meets | The proposed conditions will remain compatible with the intent of the uses of the R-15 district. |
| e. Minimizes adverse visual impact of the proposed use on adjacent lands. | Meets | The proposed conditions will not generate visual changes to the site. |
| g. Minimizes adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration, and should not create a nuisance. | Meets with conditions | Staff recommended conditions to limit the distribution of customers to prevent negative impacts to parking, drop-off/pickup, and noise. |
| 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. | Meets | The proposed use has virtually no external impacts and provides a needed community service. |
| j. 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 conditions will not involve any expansion of floor area or conversion of pervious area to impervious area. |

TOWN OF HERNDON I.T. DEPT. CAUTION
This is an **EXTERNAL EMAIL** Do NOT click links or open attachments unless you trust the sender. Do NOT reply to unknown or unexpected senders.

Hi Aaron,

It's an all-day session, sort of like an intensive summer course that we offer only once a summer.

On Wed, Jun 3, 2026 at 9:49 AM Zoellick, Aaron <aaron.zoellick@herndon-va.gov> wrote:

> Hi, Kate:
>
> Can you clarify the summer session? Is 9 a.m. To 4 p.m. One all-day session? Or would that be multiple one-hour sessions?
>
> Best regards,
>
> **Aaron Zoellick, MPA, CZA**
> *Zoning Services Specialist*
> Community Development
> 703-787-7380
>
> TOWN OF Herndon VIRGINIA
>
> ---
>
> **From:** Kate Mansouri [redacted]
> **Sent:** Monday, June 1, 2026 2:47 PM
> **To:** Zoellick, Aaron <aaron.zoellick@herndon-va.gov>
> **Cc:** Annie Aristide [redacted]
> **Subject:** Re: SE #26-04 Follow Up Questions
>
> TOWN OF HERNDON I.T. DEPT. CAUTION
> This is an **EXTERNAL EMAIL** Do NOT click links or open attachments unless you trust the sender. Do NOT reply to unknown or unexpected senders.
>
> Hi Aaron,
>
> I apologize for the late response. Here is the sample schedule:
>
> Summer:
> July 27 31: Robotics and Coding, 9 AM 4 PM **we will cancel this if it cannot be approved; we do not want this to impact the approval**
>
> Fall/Winter:
> Sunday, 9:30 11:30 AM: Robotics and Coding
> One other workday, 5:00 6:00 PM: Robotics
>
> Thank you!
> Kate

# Operational Statement: Special Exception Application

**To:** Town of Herndon Department of Community Development
**Subject:** Operational Plan for Home-Based Robotics and Coding Instruction - Launch Hub LLC

## 1. Overview of Proposed Use

The applicant, operating as **Launch Hub LLC**, a registered limited liability company, proposes to utilize a dedicated basement area of the residence for the purpose of providing educational instruction in Robotics and Computer Coding. Launch Hub LLC is an approved educational partner with Fairfax County Public Schools (FCPS). The primary objective of this program is to foster STEM (Science, Technology, Engineering, and Math) skills within the local youth community through structured weekend and evening sessions.

## 2. Operational Schedule

Instructional activities are designed to minimize neighborhood impact by primarily operating during non-peak business hours:

- **Standard Weekly Classes:** Sessions will be held during weekday evenings and throughout the day on Saturdays and Sundays. Each standard session will have a duration of exactly one (1) hour.
- **Summer Program (Limited):** Occasionally, the facility may host an intensive summer program. This program would involve longer instructional periods of up to six (6) hours per day.
- **Summer Frequency Constraints:** The extended summer program will be strictly limited to a maximum of three (3) weeks per calendar year. The applicant acknowledges that if any proposed summer program falls outside of the allowed limits set by the Town of Herndon, it will not be held at this location.

## 3. Instruction and Supervision

To ensure a high-quality educational environment and maintain the highest safety standards:

- **Staffing:** There will consistently be two (2) adults present during all instructional sessions (the primary instructor plus one additional adult instructor).
- **Professional Standards:** All instructors are covered by comprehensive professional liability insurance and undergo background checks.
- **Class Size:** Each group will consist of no more than ten (10) children per session, maintaining a 5:1 student-to-teacher ratio.

## 4. Parking and Traffic Mitigation

The applicant has developed a traffic management plan to prevent street congestion and ensure

the safety of students and neighbors:

| Feature | Capacity/Procedure |
| --- | --- |
| **Driveway Capacity** | The existing driveway can accommodate up to seven (7) cars simultaneously. |
| **Traffic Flow** | Parents will drop off students and return for pick-up at the conclusion of the session. |
| **Mitigation Strategy** | With a maximum of 10 students and a 7-car driveway capacity, the impact on street parking will be negligible. |

## 5. Compliance Statement

The applicant is committed to maintaining the residential character of the neighborhood. All activities will be conducted entirely within the basement level of the home. No external modifications or permanent signage are proposed. Launch Hub LLC will adhere to all local ordinances and conditions set forth by the Town of Herndon regarding this Special Exception.

## Formal Letter of Intent: Special Exception Request

**To the Town of Herndon Zoning Department:**

I am writing to request a special exception for my home located at 865 3rd Street, Herndon, VA 20170.

This project began very personally: I started teaching robotics to my two daughters in our basement. As word got out, their interest grew into a small business, Launch Hub Learning LLC, which I now use to teach at various schools in the area.

While the business supports my daughters' passion for STEM, many of their friends attend different grades or schools where Launch Hub does not offer classes. These friends have asked to join my daughters so they can learn together. My goal is simply to host small lessons in my basement for my daughters and their peers to explore robotics and coding in a familiar, quiet setting.

I want to be very mindful of my neighbors and ensure this has a minimal footprint:

- **Parking & Traffic:** My driveway can accommodate up to six cars. Since the parents already know me, they will simply be dropping the kids off and picking them up two hours later—exactly like a typical playdate.
- **Environment:** This is a quiet, indoor activity held entirely within my home. There will be no outdoor noise, specialized equipment, or changes to the residential look of the property.

Ultimately, I want to create a space where my kids and their friends can continue to learn and grow together. Thank you so much for your time and for helping us with this request.

Sincerely,

**Kate Mansouri** Owner, Launch Hub Learning LLC



| | |
|---|---|
| PROJECT NAME | STONE RESIDENCE |
| SHEET TITLE | FDN./BSMT. PLAN |
| SCALE | 1/4" = 1'-0" |
| DRAWN BY | LDY |
| ISSUE DATE | 11/15/03 |
| RE-ISSUE DATE | |

| REVISION LOG | |
|---|---|
| DATE | DESCRIPTION |
| | |
| | |
| | |
| | |

STONE RESIDENCE

SHEET # A-1

LOGAN ARCHITECTURE, P.C. INC. EXPRESSLY RESERVES ITS COMMON-LAW COPYRIGHT AND ALL OTHER PROPERTY RIGHTS TO THESE PLANS. THESE PLANS ARE NOT TO BE REPRODUCED, MODIFIED, OR COPIED IN ANY FORM OR MATTER WHATSOEVER WITHOUT THE WRITTEN CONSENT OF L.A. P.C.INC. ALL THE DIMENSIONS, DETAILS AND SPECIFICATIONS ARE TO BE REVIEWED/VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION.

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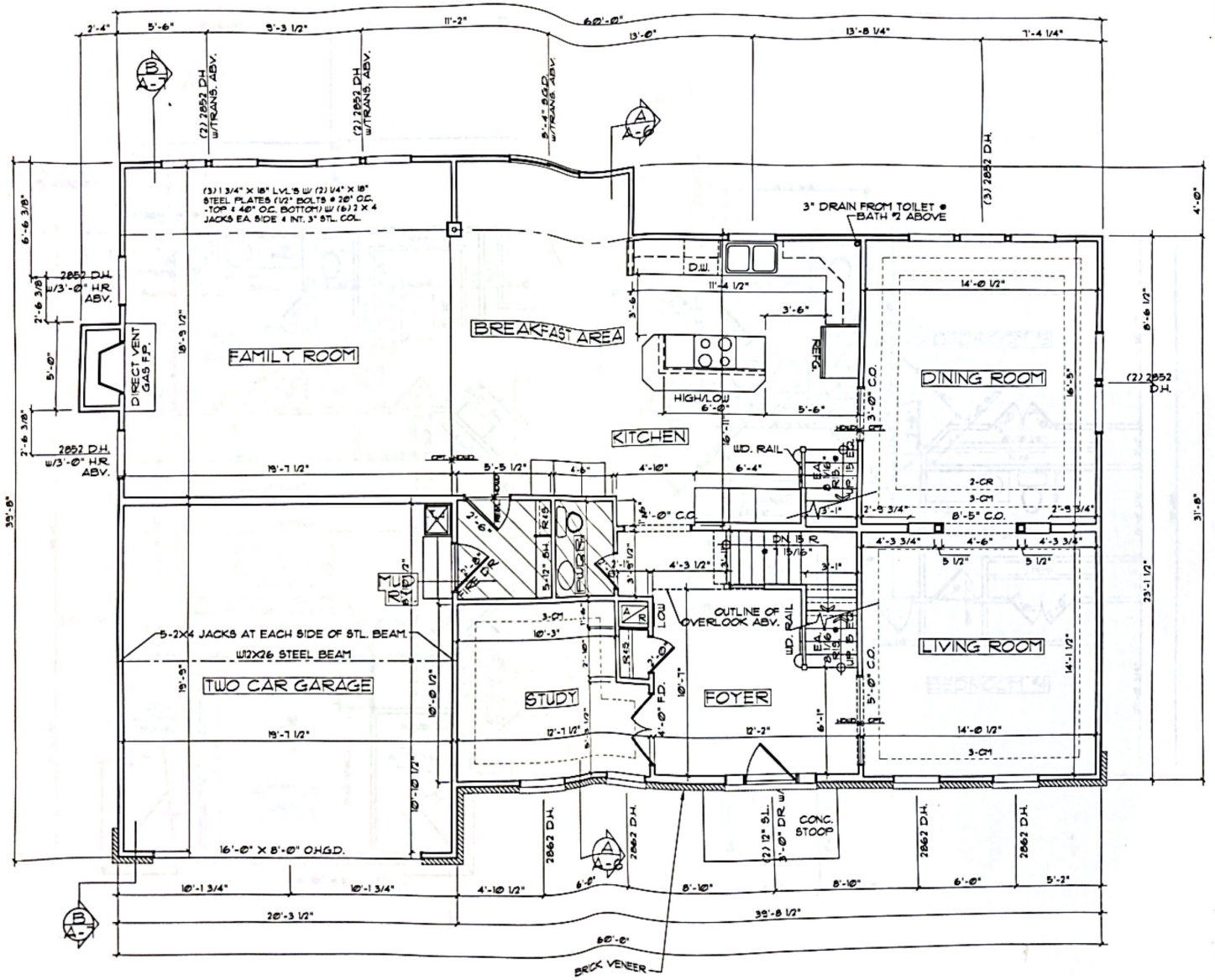


PROJECT NAME: STONE RESIDENCE
SHEET TITLE: FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"
DRAWN BY: LDY
ISSUE DATE: 11/15/03
RE-ISSUE DATE

REVISION LOG
DATE | DESCRIPTION

STONE RESIDENCE

SHEET #
A-2

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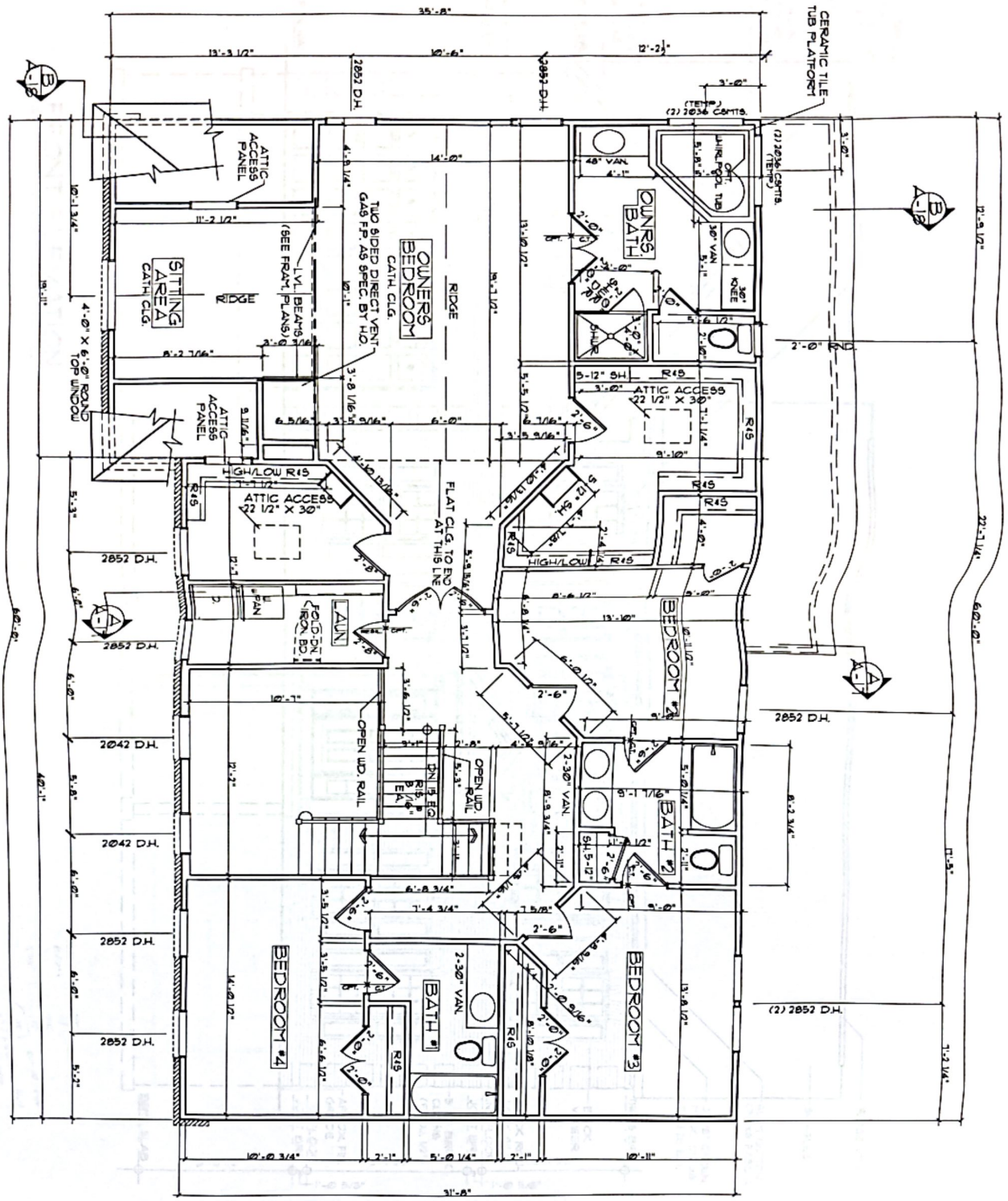
# SECOND FLOOR PLAN




| | | | |
|---|---|---|---|
| PROJECT NAME | STONE RESIDENCE | | |
| SHEET TITLE | SECOND FLOOR PLAN | | |
| SCALE | 1/4" = 1'-0" | DRAWN BY | LDY |
| ISSUE DATE | 11/15/03 | RE-ISSUE DATE | |

| REVISION LOG | |
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STONE RESIDENCE

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SHEET # A-3

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**Town of Herndon, Virginia**
**Notice of Public Hearing**

Notice is hereby given that the Town Council of the Town of Herndon, Virginia, will hold a public hearing on Tuesday, July 28, 2026, at 7:00 p.m. in the Herndon Council Chambers Building, located at 765 Lynn Street, Herndon, Virginia, on the following items:

**Ordinance, to approve an Encroachment Agreement with AM Worldgate Owner, LLC,** owner of real property known as Fairfax County Map 0161 30 B, (Worldgate Property), to permit the encroachment of stormwater ponding backup and overland relief resulting from development of the Worldgate Property in accordance site plan MJP-02, over a portion of Town owned property known as Chandon Park containing 7.9144 acres, located at 900 Palmer Drive, Herndon, Virginia, in the southwest corner of the intersection of Palmer Drive and Herndon Parkway, known as Fairfax County Map 0161 19 D1.

**Resolution, to consider a Special Exception – SE #26-03, 310 Missouri Avenue,** to approve a home-based daycare use within the R-10, Residential Single-Family District. The property is designated in the Herndon 2030 Comprehensive Plan as "Neighborhood Conservation." The 11,572 square-foot lot is located between the intersections of Stuart Court and Missouri Avenue to the north and Mississippi Drive and Missouri Avenue to the south. Fairfax County Tax Map Reference Number: 0162 18110009. Applicant and owner: Barbara Lopez-Otero and Justin A. Portillo-Lopez.

**Resolution, to consider a Special Exception – SE #26-04, 865 3rd Street,** to approve a home-based business use within the R-15, Residential Single-Family District. The property is designated in the Herndon 2030 Comprehensive Plan as "Neighborhood Conservation." The 20,038 square-foot lot is located at the southeast corner of Monroe Street and 3rd Street. Fairfax County Tax Map Reference Number: 0104 03080005. Applicant and owner: Ekaterina Mansouri and Farrokh Mansouri.

The public is encouraged to participate in the town's public hearing process. Individuals having an interest in the above items are invited to attend the public hearing and state their opinions. Individuals may also submit comments to town.clerk@herndon-va.gov.

The proposed items are available for examination by the public at the 2nd floor counter of the Herndon Municipal Center, 777 Lynn Street, Herndon, during normal business hours (Monday – Friday) and also available for review on the town's website www.herndon-va.gov.

The Town of Herndon supports the Americans with Disabilities Act by making reasonable accommodations for persons with disabilities so that they may participate in services, programs, or activities, offered by the town. Please call (703) 435-6804 to arrange for any accommodation that may be necessary to allow for participation.

Amanda Morrow Kertz, Town Clerk

Note to Publisher:
Publish on July 10, 2026/July 17, 2026

# Special Exception (SE) #26-04
# 865 3rd Street
# Home-Based Business

Town Council Regular Meeting

July 28, 2026



LIVE DIFFERENTLY. TOWN OF Herndon VIRGINIA

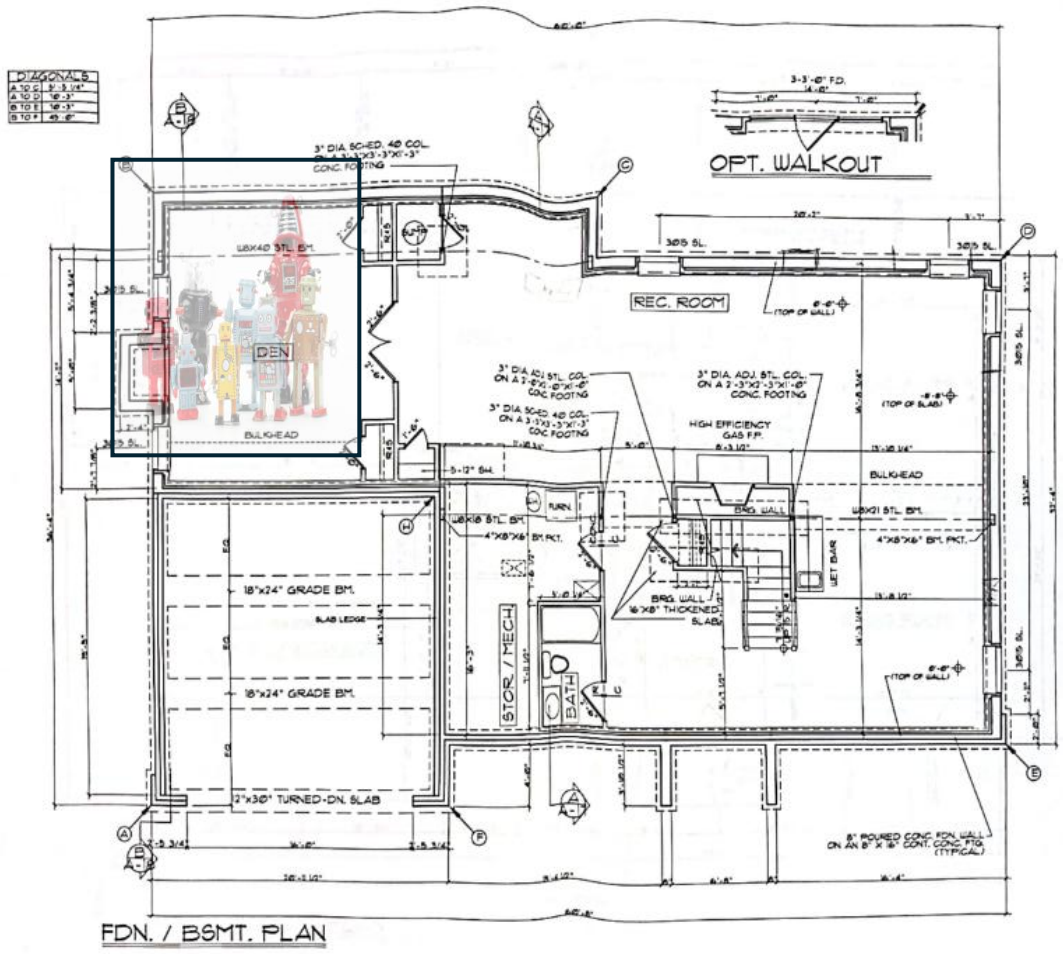
# 865 3rd Street – Site Location






# 865 3rd Street – Proposed Use

- The applicant currently provides robotics and coding lessons to their own children and a few classmates.
- The applicant formed Launch Hub Learning LLC - an approved educational partner with Fairfax County Public Schools.
- The applicant and one employee will offer lessons to groups of ten children in the basement den of the applicant's home
- Proposed Hours:
  - During School Year
    - One weekday 5:00 p.m. to 6:00 p.m.
    - Sundays 9:30 a.m. to 11:30 a.m.
  - During Summer
    - One week of lessons from 9:00 a.m. to 4:00 p.m.



# Staff Analysis

| | Criteria Sec. 78-155.3(e)(1) | Assessment | Reasoning |
|---|---|---|---|
| a. | Is consistent with the Comprehensive Plan | Meets | The proposed use will be in conformance with the Comprehensive Plan policies on provision of goods and services to the local community and positive economic benefits of new businesses. |
| b. | 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 | The proposed Special Exception uses are provisioned within the base zoning district and do not create any substantial conflicts with other regulatory requirements. The use and business operations will be conditioned to ensure the use continually meets the purpose and intent of the R-15, Residential Single-Family zoning district. |
| c. | Does not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use. | Meets with conditions | The proposed uses are generally compatible with the site / neighborhood. The proposed conditions will limit the impact to parking and vehicle trips by restricting maximum number of clients. |
| 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. | Meets | The proposed conditions will remain compatible with the intent of the uses of the R-15 district. |
| e. | Minimizes adverse visual impact of the proposed use on adjacent lands. | Meets | The proposed conditions will not generate visual changes to the site. |
| g. | Minimizes adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration, and should not create a nuisance. | Meets with conditions | Staff recommended conditions to limit the distribution of customers to prevent negative impacts to parking, drop-off/pickup, and noise. |
| 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. | Meets | The proposed use has virtually no external impacts and provides a needed community service. |
| i. | 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 conditions will not involve any expansion of floor area or conversion of pervious area to impervious area. |

# Proposed Conditions

| | Condition | Criteria Addressed |
|---|---|---|
| a. | The site shall be developed and maintained in substantial conformance with the submitted special exception application that is 33 percent or less of the gross floor area in conformance with Section 78-80.5 of the zoning ordinance. | C and G |
| b. | The maximum number of clients per session shall not exceed 10. | C and G |
| c. | Child drop-off and pick-up shall be limited to the driveway. | C and G |
| d. | One employee shall be present in the driveway to direct children from the vehicle to the home at drop-off and from the home to the vehicle at pick-up. | C and G |
| e. | Lessons shall be offered in substantial conformance with the following schedule: | C and G |
| | 1. During the Fairfax County Public School year, one lesson per day, no longer than two hours, may be offered Monday through Friday between 4:00 p.m. and 9:00 p.m. | |
| | 2. During the Fairfax County Public School year, one lesson per day, no longer than two hours, may be offered on Saturday and Sunday between 8:00 a.m. and 9:00 p.m. | |
| | 3. During the Fairfax County Public School summer recess, lessons may be offered Monday through Friday either: | |
| | a. One per day, no longer than eight hours, between 8:00 a.m. and 9:00 p.m.; or | |
| | b. Two per day; each lesson shall be no longer than three hours. The first lesson shall take place between 8:00 a.m. and 2:00 p.m., with the second lesson beginning no sooner than one hour after the first lesson concludes. | |
| f. | No signage shall be permitted. | G |

# Recommendations

- At the June 22, 2026, regular meeting, the Planning Commission voted 6-0 to recommend approval of SE #26-04 to Town Council with conditions.

- Staff recommends the Town Council approve SE #26-04 with the conditions as stated in the proposed resolution.

TOWN OF Herndon VIRGINIA

# Town Council Regular Meeting

## Agenda Item 6.c.

**Agenda Item:** **Ordinance 26-O-18 to approve an Encroachment Agreement with AM Worldgate Owner, LLC, to permit the encroachment of stormwater ponding backup and overland relief resulting from development of the Worldgate Property in accordance with site plan MJP24-02, over a portion of Town owned property known as Chandon Park**

**Meeting Date:** July 28, 2026

**Category:** Public Hearings

**Prepared by:** Lauri Sigler, Deputy Town Attorney

**Description:**
The proposed ordinance approves an Encroachment Agreement with AM Worldgate Owner, LLC ("Worldgate") related to the redevelopment of Worldgate's property. The Agreement permits increased temporary inundation, stormwater ponding backup, and overland relief flow during a 100-year rain event over a portion of Chandon Park.

**Background/Timing Impact:**
Worldgate owns property identified as Tax Map 0161 30 B, located south of and adjacent to Town-owned property known as Chandon Park. Chandon Park contains 7.9144 acres, is located at 900 Palmer Drive in Herndon, Virginia, and is identified as Fairfax County Tax Map 0161 19 D1. The Worldgate property is being redeveloped under site plan MJP24-02 ("Site Plan"), which requires construction of a retaining wall on the Worldgate property along its northern boundary with Chandon Park. In its existing condition, Chandon Park is subject to temporary inundation, stormwater ponding backup, and overland relief flow within a natural drainage channel located away from current park improvements and amenities.

During a 100-year rain event, stormwater ponding and backup currently encroach on approximately 10,691 square feet of Chandon Park. Construction of the retaining wall on the Worldgate property will increase the area subject to stormwater ponding and backup to approximately 25,621 square feet, resulting in an additional encroachment of approximately 14,930 square feet. The Town Attorney and staff have approved the terms of the Encroachment Agreement ("Agreement"), and Worldgate has signed and accepted the Agreement. Under the Agreement, the permitted encroachment area for the 100-year temporary inundation, stormwater ponding backup, and overland relief flow increases to 25,621 square feet as shown on the plat attached to the Agreement. Worldgate has agreed to pay the Town a one-time fee of $16,012.00 for the right to use Chandon Park for the encroachment.

The consideration was calculated as follows: assessed value of Chandon Park per square foot × 25% × increase in encroachment area, or $4.29 × 25% × 14,930 = $16,012.00. The Agreement also requires Worldgate to restore or repair any park property or improvements disturbed or damaged by the encroachment and to maintain insurance naming the Town as an additional insured. Town Council approval of the Agreement is required under Virginia Code § 15.2-1800, which requires a governing body to hold a public hearing before conveying any interest in real property.

**Strategic Focus Area:**
Good Governance

**Fiscal Impact:**
The Town is being compensated $16,012.00 for the encroachment.

**Legal Impact:**
The Code of Virginia requires a governing body to hold a public hearing before conveying any interest in real property.

**Staff Recommendation/Next Steps:**
Staff recommends approval of the proposed Ordinance to approve the Encroachment Agreement.

**Attachments:**
1. Ordinance (Proposed)
2. Encroachment Agreement
3. Legal Ad
4. Presentation

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

**ORDINANCE**

**JULY 28, 2026**

**Ordinance-** **to approve an Encroachment Agreement with AM Worldgate Owner, LLC, owner of real property known as Fairfax County Map 0161 30 B, (Worldgate Property), to permit the encroachment of stormwater ponding backup and overland relief resulting from development of the Worldgate Property in accordance with site plan MJP24-02, over a portion of Town owned property known as Chandon Park containing 7.9144 acres, located at 900 Palmer Drive, Herndon, Virginia, in the southwest corner of the intersection of Palmer Drive and Herndon Parkway, known as Fairfax County Map 0161 19 D1.**

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

1. The Town Council approves an Encroachment Agreement to permit AM Worldgate Owner, LLC (Worldgate) to install and maintain a retaining wall on Worldgate Property causing temporary inundation, stormwater ponding backup and overland relief flow to encroach on Town owned property at Chandon Park.

2. Chandon Park is currently subject to some temporary inundation, stormwater ponding backup and overland relief flow. The construction of the retaining wall on the Worldgate Property will increase the level of temporary inundation, stormwater ponding backup and overland relief flow for a 100-year rain event on the Town property.

3. Worldgate has agreed to pay a one-time fee of $16,012.00 as consideration for the right to use the Town property.

4. The mayor is authorized to sign and deliver the Encroachment Agreement and any instrument necessary to evidence or effectuate the Encroachment Agreement, provided they are consistent with this ordinance and on such form approved by the Town Attorney.

5. This ordinance shall be in effect on and after the date of its adoption.

# ENCROACHMENT AGREEMENT

This Encroachment Agreement is made this ____ day of _____, by and between the TOWN OF HERNDON, VIRGINIA, a municipal corporation (**"Town"**), Grantor and Grantee; and AM WORLDGATE OWNER, L.L.C., a Delaware limited liability company, its successors and assigns (**"Worldgate"**), Grantee.

W I T N E S S E T H:

WHEREAS, the Town is the fee owner of certain property upon which the Town has established a public park named Chandon Park containing approximately 7.9144 acres identified with Fairfax County Tax Map No. 016-1-19-D1 (**"Town Property"**) having acquired the property by virtue of deeds recorded in Deed Book 3788, at Page 169 and Deed Book 4490, at Page 564, among the land records of Fairfax County (**"Land Records"**), as further depicted on that plat dated _____ entitled "Plat Showing Encroachment of Stormwater Ponding Backup and Overland Relief on the Property of the Town of Herndon, Virginia" and prepared by Urban, Ltd. of Chantilly, Virginia attached hereto and incorporated herein (**"Plat"**); and

WHEREAS, the Town Property has been improved with public amenities including asphalt walking trails, tennis courts, playground equipment, a baseball diamond, dog park and asphalt paved parking areas, all of which are open to the public to enjoy (**"Park Improvements"**); and

WHEREAS, Worldgate is the owner of certain real property south and adjacent to the Town Property, referred to as "Parcel B" ("**Worldgate Parcel**") in the Deed of Subdivision, Dedication, Easement, and Vacation (the "**Deed of Subdivision**") dated April 15, 2026 and recorded at Deed Book 28674, Page 504 among the Fairfax County Land Records (the "**Land Records**"), and plat numbered R.P. 2024-101 dated July 25, 2024 entitled "Record Plat Showing Subdivision, Dedication of Right-of-Way and the Creation and Vacation of Various Easements Worldgate Town of Herndon" and prepared by Urban, Ltd. of Chantilly, Virginia, attached to the Deed of Subdivision and appearing beginning at Deed Book 28674, Page 517 among the Land Records; and

WHEREAS, the Worldgate Parcel is subject of a Town land use development application for the redevelopment of the Property with single-family attached and multi-family residential uses (**"Project"**) identified as ZMA #22-02, 13100 and 13500 Worldgate Drive, approved by the Town Council March 26, 2024 (**"Application"**), and associated Major Site Plan prepared by Urban Ltd., identified as MJP24-02 (**"Plan"**); and

WHEREAS, the Plan includes the construction of a retaining wall along a portion of the Worldgate Parcel's northern property line, adjacent to the Town Property and includes an opening for the passage of stormwater from the Town Property on and over the Worldgate Parcel where it will eventually be carried off-site as depicted on Sheet 03A of the Plan (**"Retaining Wall"**); and

WHEREAS, the topography of the Town Property includes a natural drainage channel that has been improved with a cement culvert in order to create passage for an asphalt walking trail from a paved parking lot across the channel to access the tennis courts and dog park on the

Town Property, all as shown on **Exhibit A** attached hereto and made a part hereof; and

WHEREAS, in its existing condition, the Town Property is currently subject to some temporary inundation, stormwater ponding backup and overland relief flow according to the hydraulic analysis shown on Sheet 20C of the Plan as "EX. 10-YEAR WSE=379.73 EXTENT OF PONDING" and "EX. 100-YEAR WSE=380.57 EXTENT OF PONDING" and includes an area as shown on the Plat as "Area of Existing 100-Year Stormwater Ponding Backup 10,691 S.F. or 0.24543 Acres".

WHEREAS, the construction of the Retaining Wall on the Worldgate Parcel will increase the level of temporary inundation and stormwater ponding backup on the Town Property for a 10-year rain event and increase the temporary inundation, stormwater ponding backup and overland relief flow for a 100-year rain event on the Town Property according to the hydraulic analysis shown on Sheet 20B of the Plan as "PROP. 10-YEAR WSE=380.82 EXTENT OF PONDING" and "PROP. 100-YEAR WSE=382.06 EXTENT OF PONDING" (the **"Encroachment"**); and

WHEREAS, the full extent of the 100-year rain event on the Town Property includes and area shown on the Plat as "Area of Proposed 100-Year Stormwater Ponding Backup and Overland Relief 25,621 S.F. or 0.58819 Acres" (**"Encroachment Area"**); and

WHEREAS, the Parties enter into this Agreement to set forth the terms and conditions upon which Worldgate will be permitted to construct, install and/or place the Retaining Wall located on the Worldgate Property in the location depicted on the Plan whereby causing the Encroachment upon the Town Property and the mitigation of any damage to Town Property as a result of the increase to such temporary inundation, stormwater ponding backup and overland relief flow in the Encroachment Area.

NOW, THEREFORE, in consideration of the above recitals, the sum of Ten Dollars ($10.00), cash in hand paid, and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The Recitals set forth at the outset of the Agreement are incorporated herein and made a part of the Agreement.

2. **Encroachment.**

2.1. Installation of Retaining Wall. Following approval of the Plan in accordance with all applicable Town development requirements, the Town hereby agrees to permit Worldgate to construct the Retaining Wall in the location depicted on the Plan, and in accordance with the Plan as finally approved by the Town and all development requirements imposed or applicable in connection therewith. Worldgate shall keep the Retaining Wall in good repair and comply with all applicable local, state, and federal stormwater regulations.

2.2. Grading and Temporary Construction on Town Property. The Town hereby agrees to grant Worldgate a right of entry on the Town Property shown on Sheets 9 and 10 of the Plan that depicts an area of disturbance on Town Property for grading and temporary construction access for the

construction of the Retaining Wall and proposed bridge abutment. Worldgate hereby agrees that it and its agents or contractors will not use Town Property as a staging or lay down area unless a separate agreement is entered into between the Parties. No other grading on the Town Property or in the Encroachment Area shall be permitted. Worldgate, at its own expense, shall restore to its original condition, as nearly as practical, any of the Town Property disturbed by the grading and construction of its improvements pursuant to the Plan. Such restoration shall include reseeding or sodding, the replacement or repair of any pavement which has been disturbed, any appropriate backfilling of trenches, the reinstallation of any fence removed, and the planting of any shrubs or trees removed or destroyed by Worldgate.

2.3. Alteration, Removal or Disturbance by the Town. The Town hereby agrees that following the construction of the Retaining Wall as permitted by Section 2.1 the Town shall not alter, remove, or disturb the Encroachment Area except as specifically provided in the Agreement.

2.4. Restoration of Town Property. Worldgate acknowledges that the Encroachment Area contains improvements including a culvert and asphalt trail, and Worldgate also acknowledges that the Town Property contains other Park Improvements adjacent to and in the immediate vicinity of the Encroachment Area. Following construction of the Retaining Wall as permitted by Section 2.1, Worldgate, at its own expense, shall restore to its post-development condition as shown on the Plan, as nearly as practical, any of the Town Property or Park Improvements disturbed or damaged to the extent of the Encroachment. Such restoration shall include reinstallation of trees, reseeding or sodding, the replacement or repair of any culvert, pavement, fencing, or other Park Improvements, and also include the removal of trash or debris that may have accumulated in the Encroachment Area as a result of the stormwater ponding and overland relief. Worldgate shall not take any action on Town Property under this Section 2.4 without first submitting a restoration or repair plan for review and approval by the Town.

Town shall promptly notify Worldgate of any observed damage to Town Property or Park Improvements resulting to the extent of the Encroachment. Within 15 days following the date of receipt of the notice from the Town, Worldgate shall submit a restoration or repair plan for review and approval by the Town, and, following the approval by the Town, proceed with the restoration or repairs for which Worldgate is expressly responsible under this Agreement in a timely manner, but shall not exceed 90 days unless agreed to in writing by the Town. If Worldgate fails to proceed with such restoration or repairs in a timely manner or if the Town determines in the interest of public safety that such restoration or repairs must be attended to immediately, and the Town performs work of any nature or expends any funds to restore, replace or repair Town Property or Park Improvements, Worldgate shall reimburse the Town

within 10 days of receipt of notice of demand for payment of all associated costs incurred by the Town in this work to the extent such work is required to the extent of the Encroachment. If such reimbursement is not made within the ten-day period, interest shall accrue on the sum due at the legal rate of interest, and the Town shall be entitled to recover from Worldgate Town's reasonable attorney's fees in pursuing recovery of the sums due to the Town.

2.5. Expansion or Relocation of Encroachment Area. Worldgate shall not take any action on the Worldgate Parcel to cause an expansion or relocation of the Encroachment Area on Town Property without first obtaining the written consent of the Town which may be granted, conditioned, or withheld in the Town's sole discretion. The Town may request any information or documentation it deems necessary to evaluate the impact of the requested expansion or relocation action. In addition to any substantive conditions imposed by the Town, Town approval of any expansion or relocation may be conditioned upon an amendment to this Agreement.

3. **Payment to the Town.** Worldgate shall pay the Town a one-time fee of $16,012.00 for consideration for the right to use the Town Property for the Encroachment which is due upon the signing of this Agreement.

4. **Retainage of Rights by the Town.** The Town retains all rights of ownership, use, full and free access and maintenance of the Encroachment Area including but not limited to the right to construct, maintain, repair, or remove Park Improvements, utilities, trails, fences, landscaping, trees and other improvements and make any lawful use of the Encroachment Area consistent with its function as a public park provided that such activities do not materially obstruct or diminish the stormwater conveyance, temporary storage or flowage capacity through the Encroachment Area, Worldgate shall have no right to construct any fence or other structure, or install landscaping or other screening upon the Town Property or Encroachment Area, or perform any grading except as shown in the approved Plan.

5. **Indemnification.**

5.1. Responsibility for Costs, Repairs or Replacement. Worldgate hereby assumes responsibility for all costs for repairs or replacement of the Retaining Wall (except to the extent caused by the Town or its agents or contractors) and agrees to defend, hold harmless and indemnify the Town, its employees and agents from any and all third party claims attributable to property damage or bodily injury to the extent such claims result from or arise out of Worldgate's negligence in proceeding with its express obligations under this Agreement relative to constructing, maintaining and restoring the Retaining Wall. Notwithstanding the foregoing, Worldgate shall not be liable for any consequential, punitive, special, or incidental damages or losses arising from or in connection with this Agreement.

5.2. No Town Liability for Damages or Injuries. Except to the extent caused by the negligence of the Town or its agents or contractors, the Town accepts no responsibility for damages or injuries incurred by Worldgate or third parties involving the Encroachment and no responsibility or liability for conditions with the Encroachment Area. Worldgate accepts the Encroachment Area as is and the Town makes no representations or warranties regarding its condition, suitability, or safety. Subject to the preceding sentence and the provisions of Section 5.1 above, the Town shall not be liable for any loss, damage, or injury to Worldgate, its Retaining Wall, or any third party arising out of the presence, use, or behavior of stormwater with the Encroachment Area.

6. **Insurance.** Worldgate shall maintain or cause to be maintained commercial general liability insurance with limits not less than $2,000,000.00 per occurrence and $2,000,000.00 aggregate. All required insurance coverage must be obtained from insurers authorized to do business in the Commonwealth of Virginia and acceptable to Owner. The insurers must have a rating of "A-" (financial strength) in the latest edition of the A.M's Best Company's Insurance Reports. The Town is to be named as an additional insured. A thirty (30) day written notice of cancellation or non-renewal shall be furnished. Evidence of coverage shall be provided upon request.

7. **Rights and Obligations to Run with the Land.** This Agreement shall be recorded among the Land Records. The rights and obligations set forth herein shall run with the land and shall be binding upon and shall inure to the benefit of the Parties hereto and their respective successors, assigns and beneficiaries. Any conveyance of title to any part of the Worldgate Parcel is, except as otherwise set forth herein, subject to the provisions of this Agreement, and any transferee of any interest in the Worldgate Parcel is deemed to have agreed, by acceptance of such interest, to be bound by all of the provisions of this Agreement. It is expressly agreed that the terms of this Agreement shall be binding upon and inure to the benefit of any property owner's association formed under Virginia Nonstock Corporation Act, Section 13.1-801. *et seq.* of the Code of Virginia, and in accordance with the Virginia Property Owners' Association Act, Section 55.1-1801 *et seq.* of the Code of Virginia) that shall acquire by any means (including but not limited to deed or declaration of covenants), any ownership interest or maintenance duty with respect to the Encroachment, regardless of whether the Encroachment is defined as a common element, common area, or otherwise.

8. **Notices.** Any notice or other communication required or permitted to be given under this Agreement shall be in writing and shall be made by hand delivery, or overnight courier service or by certified mail, postage prepaid, return receipt requested, addressed to each respective party at the address set forth below, and shall be considered to have been effectively given as of the date of hand delivery, as of the date specified for delivery if by overnight courier, or as of three (3) business days after the date of mailing by certified mail, as the case maybe. The Parties shall have the right to designate a different recipient and address for the receipt of notices, in accordance with this Section 8.

Any notice to Worldgate shall be sent to:

_____

_____

_____

_____

With a copy to:

_____

_____

_____

_____

Any notice to the Town shall be sent to:
Dan Hoffman, Town Manager
Town of Herndon, Virginia
777 Lynn Street
Herndon, VA 20170

With a copy to:
Lesa J. Yeatts, Town Attorney
Town of Herndon, Virginia
777 Lynn Street
Herndon, VA 20170

9. **Termination by the Town.** The Town may unilaterally terminate the Agreement as follows:

9.1. Upon 60 days' written notice if: (a) the Application or Plan is revised by Worldgate such that the Encroachment is no longer necessary; or (b) final site plan approval, if granted by the Town, expires or becomes null and void in accordance with Sec. 70-203(e) of the Town Code prior to construction of the Retaining Wall.

9.2. The Town shall have the power and authority to execute and record a written instrument evidencing termination under this section with the signature and consent of Worldgate.

10. **Reservation of Town Rights.** This Agreement is not a development approval, and nothing in this Agreement shall: (a) confer any approval of the Plan or any component thereof; or (b) impose upon the Town, or alter or relieve Worldgate from its obligations in connection with the construction of the Project pursuant to the Plan including those obligations set forth in associated bonding documents to be submitted by Worldgate. Worldgate acknowledges that if final Town development approvals result in any material change in the location of the Retaining Wall or the Encroachment, an amendment to this Agreement will be required.

11. **General Provisions.**

11.1. Term. This Agreement shall remain in full force and effect so long as the

Encroachment, or any portion thereof, remain in the locations depicted on the Plat, as it may be amended from time to time.

11.2. Amendment. This Agreement may be terminated in accordance with Section 9 hereof but may be amended only by an instrument in writing executed by both Parties, or their successors with respect to the Town Property, the Worldgate Parcel, and the Encroachment.

11.3. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia and shall be binding upon the Parties and their respective successors and/or assigns. The Parties further agree that any dispute that may occur as a result of the terms of this Agreement will be resolved in the Fairfax County Circuit Court or the Fairfax County General District Court. In the event of such dispute, each party shall be responsible for its own attorney's fees and costs incurred as a result of such dispute.

11.4. No waiver of Sovereign Immunity. Notwithstanding any other provision of this Agreement to the contrary, nothing in this Agreement, nor any action taken by the Town pursuant to this Agreement, nor any document that arises out of this Agreement shall constitute or be construed as a waiver of either the sovereign immunity or governmental immunity of the Town, or of its elected and appointed officers and officials, employees. contractors and agents.

11.5. Authority. The signatories of this Agreement affirm that they have the authority to execute this Agreement.

11.6. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall be deemed to be one and the same agreement. A signed copy of this Agreement delivered by e-mail or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original signed copy of this Agreement.

[SIGNATURES BEGIN ON NEXT PAGE]

**AM WORLDGATE OWNER, LLC**
a Delaware limited liability company

By: ABXP WORLDGATE INVESTMENTS LLC,
a Delaware limited liability company

By: BXP WORLDGATE MEMBER LLC,
a Delaware limited liability company, its managing member

By: BOSTON PROPERTIES LIMITED PARTNERSHIP,
a Delaware limited partnership, its managing member

By: BXP, Inc., a Delaware corporation, its general partner

By: _____
Name: Peter V. Otteni
Its: EVP, Co-Head of the Washington, DC Region

DISTRICT OF COLUMBIA
~~COMMONWEALTH OF VIRGINIA~~
~~COUNTY OF~~ _____, to wit:

I, the undersigned Notary Public, in and for the jurisdiction aforesaid, do hereby certify that Peter V. Otteni as EVP, Co-Head of the Washington, DC Region of BXP, Inc., a Delaware corporation, the general partner of Boston Properties Limited Partnership, a Delaware limited partnership, the managing member of BXP Worldgate Member LLC, a Delaware limited liability company, the managing member of ABXP Worldgate Investments LLC, a Delaware limited liability company, the sole member of AM WORLDGATE OWNER, LLC, whose name is signed to the foregoing instrument, appeared before me and personally acknowledged the same in my jurisdiction aforesaid, on behalf of the company.

GIVEN under my hand and seal this 7th day of July, 2026.

Sarah Alicia Johnson
Notary Public

My Commission Expires: 10/14/26
My Notary Registration Number: N/A

Sarah Alicia Johnson
NOTARY PUBLIC
District of Columbia
My Commission Expires 10/14/2026

SARAH ALICIA JOHNSON
NOTARY PUBLIC
DISTRICT OF COLUMBIA
COMMISSION EXPIRES OCT. 14, 2026

**TOWN OF HERNDON, VIRGINIA**

By _____
Keven J. LeBlanc, Jr., Mayor

ATTEST

_____
Town Clerk

COMMONWEALTH OF VIRGINIA
COUNTY OF _____, to wit:

I, the undersigned Notary Public, in and for the jurisdiction aforesaid, do hereby certify that Keven J. LeBlanc, Jr., as Mayor of the Town of Herndon, Virginia, a Virginia municipal corporation, whose name is signed to the foregoing Agreement, appeared before me and personally acknowledged the same in my jurisdiction aforesaid.

GIVEN under my hand and seal this _____ day of _____,_____.

_____
Notary Public

My Commission Expires: _____

My Notary Registration Number: _____

APPROVED AS TO FORM:

_____
Town Attorney

# Exhibit A

## Chandon Park (2025 Imagery)






Legend

Parcels

0 0.07 0.1 Miles

This map is intended for reference purposes only. Fairfax County does not provide any guarantee of the accuracy or completeness regarding the map information.

Notes:

Town of Herndon, Owner
Tax Map 0161 19 D1
900 Palmer Drive

Map produced: 3/30/2026

## NOTES

1. THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON FAIRFAX COUNTY TAX ASSESSMENT MAP 016-1-19-D1 AND IS CURRENTLY ZONED PD-R.
2. THE BOUNDARY INFORMATION SHOWN HEREON IS BASED ON A FIELD SURVEY OF THIS PROPERTY PERFORMED BY URBAN LTD, DATED NOVEMBER 17, 2022. BEARINGS AND NORTH ARROWS SHOWN ARE REFERENCED TO THE VIRGINIA STATE GRID, NORTH ZONE, NAD 83 DATUM.
3. ANY FUTURE EASEMENT OR AUTHORIZATION FOR ELECTRIC, CABLE, TELEPHONE OR GAS SERVICES TO BE FURNISHED TO THE PROPERTY MUST COMPLY WITH THE PROVISION OF §15.2-2241(6) OF THE VIRGINIA CODE.
4. THE BOUNDARY SURVEY OF THE LANDS DELINEATED HEREON MEETS THE MINIMUM ERROR OF CLOSURE OF 1 IN 20,000.
5. ALL PREVIOUSLY RECORDED RIGHT-OF-WAY, EASEMENTS OR OTHER INTEREST OF THE COUNTY AND THE TOWN OF HERNDON REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SHOWN ON THIS PLAT.
6. THE APPLICATION IS ASSOCIATED WITH TOWN PLAN #MJP24-02.
7. THERE ARE NO KNOWN BURIAL SITES OR EXISTING GRAVES FOUND ON THIS SITE.
8. THERE ARE NO HAZARDOUS OR TOXIC SUBSTANCES ON THIS SITE. IF ANY SUBSTANCES ARE FOUND, THE METHODS FOR DISPOSAL SHALL ADHERE TO COUNTY, STATE, OR FEDERAL LAW.

## SURVEYOR'S CERTIFICATE

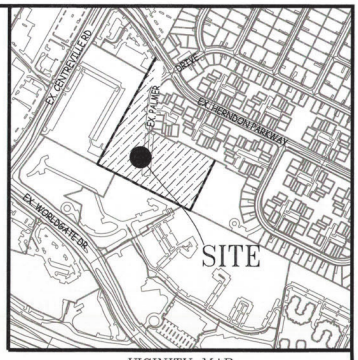
I, KEVIN P. O'CONNOR, A DULY LICENSED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT I HAVE CAREFULLY SURVEYED THE PROPERTY DELINEATED ON THIS PLAT SHOWING ENCROACHMENT OF STORMWATER PONDING BACKUP AND OVERLAND RELIEF, THAT THE PROPERTY IS IN THE NAME OF THE TOWN OF HERNDON, AS RECORDED IN DEED BOOK 3788 AT PAGE 169, AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.

I FURTHER CERTIFY THE LAND EMBRACED BY THIS SUBDIVISION LIES ENTIRELY WITHIN THE BOUNDS OF THE ORIGINAL TRACT, THAT THIS PLAT REPRESENTS ACCURATE SURVEY OF THE SAME AND THE PROPERTIES SHOWN HEREON. GIVEN UNDER MY HAND AND SEAL THIS 22nd DAY OF JUNE, 2026

OWNER:
THE TOWN OF HERNDON
777 LYNN STREET
HERNDON VA 20170

COMMONWEALTH OF VIRGINIA
KEVIN P. O'CONNOR
Lic. No 1987
6/22/26
LAND SURVEYOR

VCS 1983 NORTH ZONE
N




VICINITY MAP
SCALE: 1"=500'

## LINE DATA FOR AREA OF PROPOSED 100-YEAR STORMWATER PONDING BACKUP AND OVERLAND RELIEF

| LINE | BEARING | DISTANCE |
|---|---|---|
| DL1 | N 20°08'39" W | 6.30' |
| DL2 | N 36°16'27" W | 18.46' |
| DL3 | N 60°16'19" W | 3.86' |
| DL4 | S 38°35'11" W | 2.80' |
| DL5 | N 78°05'02" W | 5.35' |
| DL6 | N 48°37'40" W | 6.85' |
| DL7 | N 10°27'49" W | 1.79' |
| DL8 | N 40°02'39" E | 1.59' |
| DL9 | N 29°07'30" E | 3.27' |
| DL10 | N 41°50'19" W | 13.57' |
| DL11 | N 44°46'19" W | 11.65' |
| DL12 | N 50°48'33" W | 9.94' |
| DL13 | N 68°16'06" W | 6.13' |
| DL14 | N 52°55'26" W | 15.81' |
| DL15 | N 48°06'46" W | 12.18' |
| DL16 | N 66°26'47" W | 16.03' |
| DL17 | N 55°07'04" W | 9.06' |
| DL18 | N 52°52'46" W | 7.10' |
| DL19 | N 76°58'40" W | 5.82' |
| DL20 | N 80°14'36" W | 6.01' |
| DL21 | N 64°33'13" W | 9.93' |
| DL22 | N 50°25'16" W | 10.46' |
| DL23 | N 48°50'06" W | 13.88' |
| DL24 | N 62°09'51" W | 11.55' |
| DL25 | N 60°28'39" W | 13.56' |
| DL26 | N 53°38'56" W | 11.85' |
| DL27 | N 18°01'36" W | 12.43' |
| DL28 | N 24°32'37" W | 22.21' |
| DL29 | N 62°21'49" W | 70.86' |
| DL30 | N 61°42'49" W | 27.70' |
| DL31 | N 38°59'40" W | 22.48' |
| DL32 | N 25°43'33" W | 39.44' |
| DL33 | N 06°09'11" E | 71.93' |
| DL34 | N 01°46'57" E | 29.18' |
| DL35 | N 09°32'17" E | 60.94' |
| DL36 | N 06°09'14" E | 22.79' |
| DL37 | N 00°57'21" W | 31.81' |
| DL38 | S 32°22'45" W | 9.75' |
| DL39 | S 17°04'02" W | 16.82' |
| DL40 | S 11°43'15" W | 30.88' |
| DL41 | S 16°22'20" W | 33.01' |
| DL42 | S 12°41'21" W | 35.01' |
| DL43 | S 03°49'04" W | 31.96' |
| DL44 | S 11°20'10" W | 65.67' |
| DL45 | S 29°18'42" W | 30.91' |
| DL46 | S 46°00'46" W | 13.02' |
| DL47 | S 65°19'58" W | 13.67' |
| DL48 | S 72°04'18" W | 11.87' |
| DL49 | N 86°44'45" W | 15.33' |
| DL50 | S 46°05'35" W | 8.53' |
| DL51 | S 84°48'40" W | 9.36' |
| DL52 | S 89°09'07" W | 10.81' |
| DL53 | N 76°58'46" W | 1.92' |

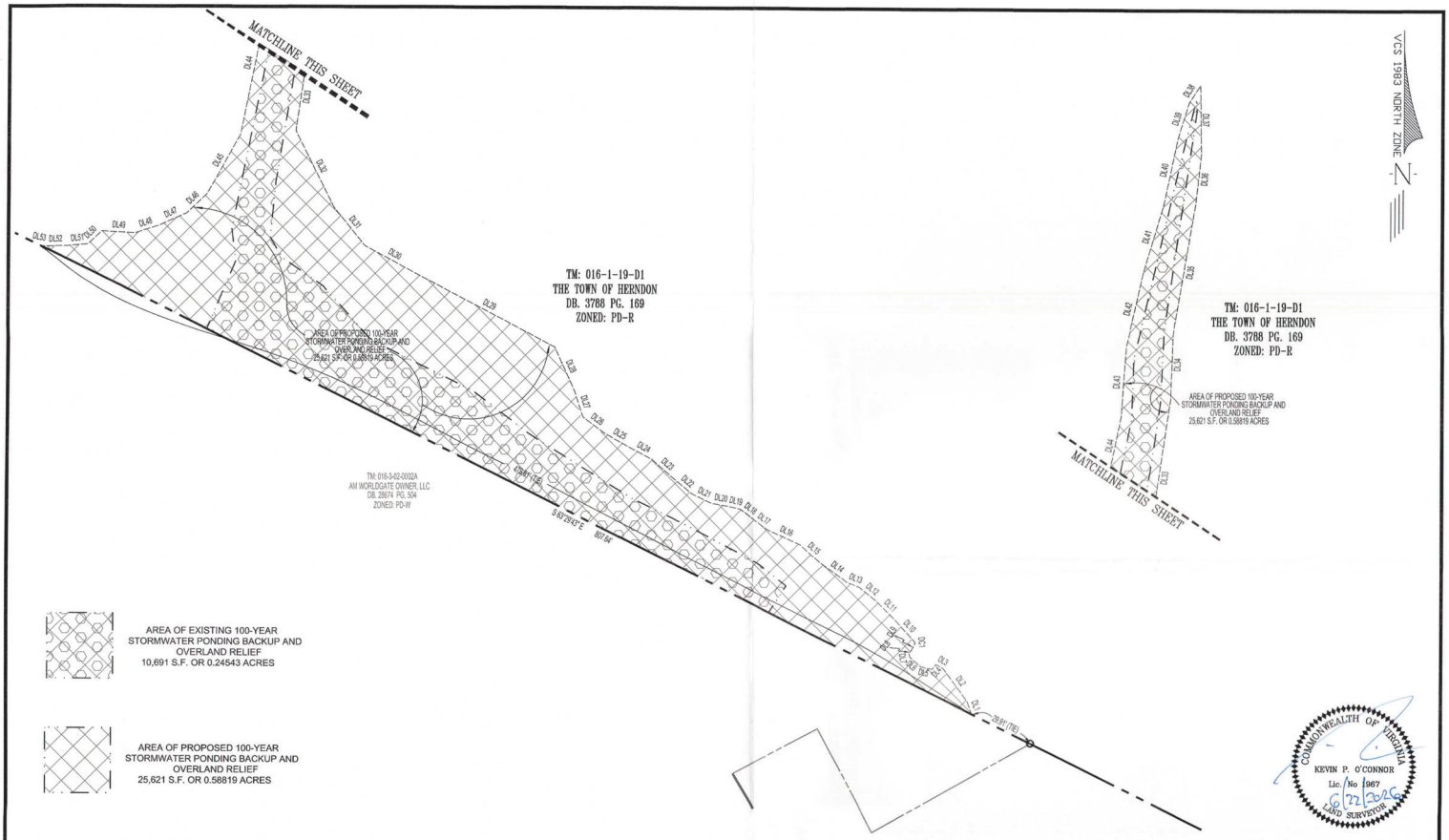
## CURVE DATA FOR AREA OF PROPOSED 100-YEAR STORMWATER PONDING BACKUP AND OVERLAND RELIEF

| CURVE | RADIUS | ARC LENGTH | DELTA ANGLE | CHORD BEARING | CHORD LENGTH | TANGENT |
|---|---|---|---|---|---|---|
| DC1 | 1.44' | 1.32' | 52°33'55" | N 06°18'37" W | 1.27' | 0.71' |

PLAT SHOWING
ENCROACHMENT OF STORMWATER
PONDING BACKUP AND OVERLAND
RELIEF
ON THE PROPERTY OF
THE TOWN OF HERNDON
DEED BOOK 3788 PAGE 0169
TOWN OF HERNDON
FAIRFAX COUNTY, VIRGINIA
SCALE: N/A DATE: JUNE 22, 2026

urban
Urban, Ltd.
4200 D Technology Court
Chantilly, Virginia 20151
Tel. 703.642.2306
www.urban-ltd.com
Planners · Engineers · Landscape Architects · Land Surveyors

SHEET 1 OF 2




## TABULATION

| | |
|---|---|
| AREA OF PROPOSED 100-YEAR STORMWATER PONDING BACKUP AND OVERLAND RELIEF | 25,621 S.F. OR 0.58819 ACRES |
| - AREA OF EXISTING 100-YEAR STORMWATER PONDING BACKUP AND OVERLAND RELIEF | 10,691 S.F. OR 0.24543 ACRES |
| ADDITIONAL AREA OF 100-YEAR STORMWATER PONDING BACKUP AND OVERLAND RELIEF | 14,930 S.F. OR 0.34276 ACRES |

COMMONWEALTH OF VIRGINIA
KEVIN P. O'CONNOR
Lic. No 1967
6/22/2026
LAND SURVEYOR

PLAT SHOWING
ENCROACHMENT OF STORMWATER PONDING BACKUP AND OVERLAND RELIEF
ON THE PROPERTY OF
THE TOWN OF HERNDON
DEED BOOK 3788 PAGE 169
TOWN OF HERNDON
FAIRFAX COUNTY, VIRGINIA
SCALE: 1"= 30' DATE: JUNE 22, 2026

urban
Urban, Ltd.
4200 D Technology Court
Chantilly, Virginia 20151
Tel. 703.642.2306
www.urban-ltd.com
Planners · Engineers · Landscape Architects · Land Surveyors

SHEET 2 OF 2

**Town of Herndon, Virginia**
**Notice of Public Hearing**

Notice is hereby given that the Town Council of the Town of Herndon, Virginia, will hold a public hearing on Tuesday, July 28, 2026, at 7:00 p.m. in the Herndon Council Chambers Building, located at 765 Lynn Street, Herndon, Virginia, on the following items:

**Ordinance, to approve an Encroachment Agreement with AM Worldgate Owner, LLC,** owner of real property known as Fairfax County Map 0161 30 B, (Worldgate Property), to permit the encroachment of stormwater ponding backup and overland relief resulting from development of the Worldgate Property in accordance site plan MJP-02, over a portion of Town owned property known as Chandon Park containing 7.9144 acres, located at 900 Palmer Drive, Herndon, Virginia, in the southwest corner of the intersection of Palmer Drive and Herndon Parkway, known as Fairfax County Map 0161 19 D1.

**Resolution, to consider a Special Exception – SE #26-03, 310 Missouri Avenue,** to approve a home-based daycare use within the R-10, Residential Single-Family District. The property is designated in the Herndon 2030 Comprehensive Plan as "Neighborhood Conservation." The 11,572 square-foot lot is located between the intersections of Stuart Court and Missouri Avenue to the north and Mississippi Drive and Missouri Avenue to the south. Fairfax County Tax Map Reference Number: 0162 18110009. Applicant and owner: Barbara Lopez-Otero and Justin A. Portillo-Lopez.

**Resolution, to consider a Special Exception – SE #26-04, 865 3rd Street,** to approve a home-based business use within the R-15, Residential Single-Family District. The property is designated in the Herndon 2030 Comprehensive Plan as "Neighborhood Conservation." The 20,038 square-foot lot is located at the southeast corner of Monroe Street and 3rd Street. Fairfax County Tax Map Reference Number: 0104 03080005. Applicant and owner: Ekaterina Mansouri and Farrokh Mansouri.

The public is encouraged to participate in the town's public hearing process. Individuals having an interest in the above items are invited to attend the public hearing and state their opinions. Individuals may also submit comments to town.clerk@herndon-va.gov.

The proposed items are available for examination by the public at the 2nd floor counter of the Herndon Municipal Center, 777 Lynn Street, Herndon, during normal business hours (Monday – Friday) and also available for review on the town's website www.herndon-va.gov.

The Town of Herndon supports the Americans with Disabilities Act by making reasonable accommodations for persons with disabilities so that they may participate in services, programs, or activities, offered by the town. Please call (703) 435-6804 to arrange for any accommodation that may be necessary to allow for participation.

Amanda Morrow Kertz, Town Clerk

Note to Publisher:
Publish on July 10, 2026/July 17, 2026

# Encroachment Agreement with AM Worldgate Owner, LLC

## to permit the encroachment of stormwater ponding backup and overland relief over Chandon Park

Town Council Regular Meeting

July 28, 2026

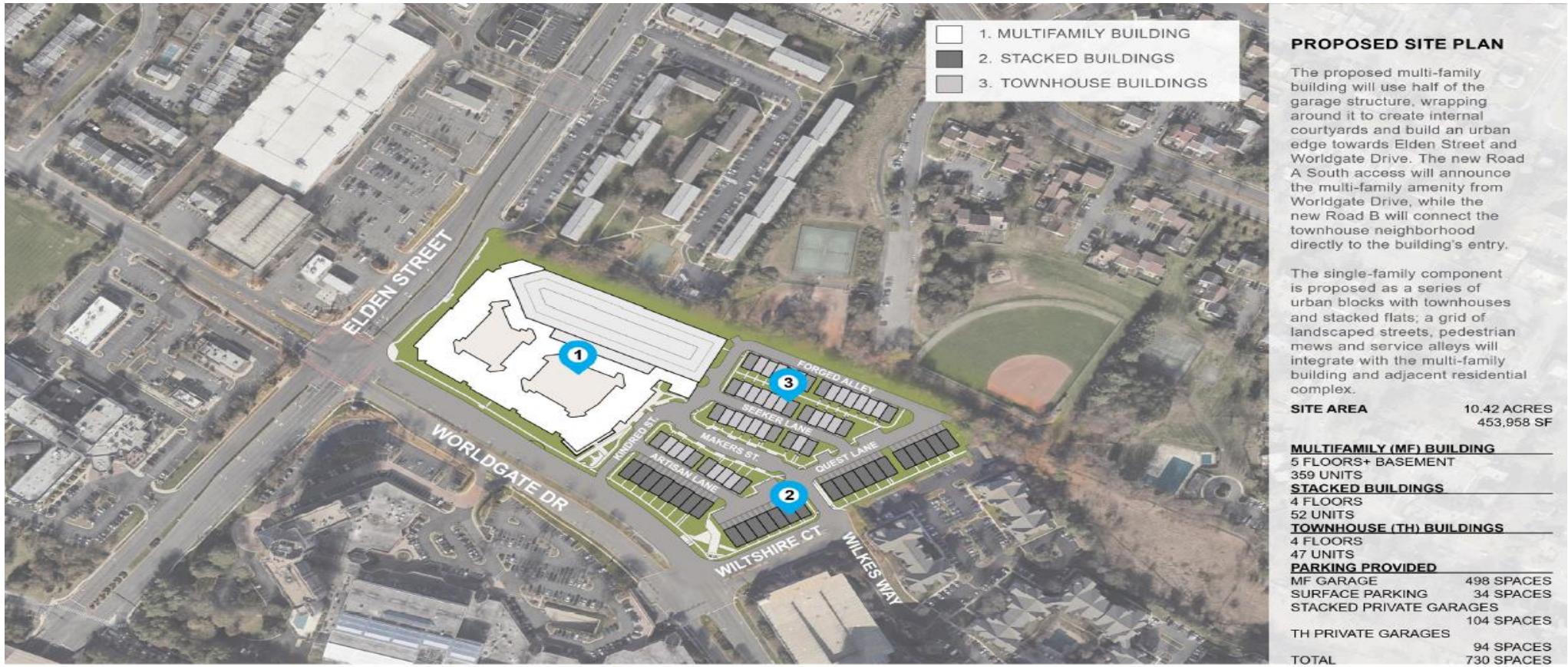
Lauri A.N. Sigler

Deputy Town Attorney

# Chandon Park



# Overview of Worldgate development per Site Plan MJP 24-02




**PROPOSED SITE PLAN**

The proposed multi-family building will use half of the garage structure, wrapping around it to create internal courtyards and build an urban edge towards Elden Street and Worldgate Drive. The new Road A South access will announce the multi-family amenity from Worldgate Drive, while the new Road B will connect the townhouse neighborhood directly to the building's entry.

The single-family component is proposed as a series of urban blocks with townhouses and stacked flats; a grid of landscaped streets, pedestrian mews and service alleys will integrate with the multi-family building and adjacent residential complex.

| | |
|---|---|
| **SITE AREA** | 10.42 ACRES<br>453,958 SF |
| **MULTIFAMILY (MF) BUILDING** | |
| 5 FLOORS+ BASEMENT | |
| 359 UNITS | |
| **STACKED BUILDINGS** | |
| 4 FLOORS | |
| 52 UNITS | |
| **TOWNHOUSE (TH) BUILDINGS** | |
| 4 FLOORS | |
| 47 UNITS | |
| **PARKING PROVIDED** | |
| MF GARAGE | 498 SPACES |
| SURFACE PARKING | 34 SPACES |
| STACKED PRIVATE GARAGES | 104 SPACES |
| TH PRIVATE GARAGES | 94 SPACES |
| TOTAL | 730 SPACES |

**SITE PLAN**



These images are conceptual and are subject to change in accordance with the approved development plans and proffers.
Building materials and colors are subject to change, in accordance with final ARB approval.

# 100-Year encroachment footprint on Chandon Park



# Recommendation

Staff recommends the Town Council approve the Encroachment Agreement in accordance with the draft Ordinance.

# Town Council
# Regular Meeting
# Agenda Item 6.d.

**Agenda Item:** **Ordinance 26-O-19 to amend the Fiscal Year (FY) 2027 Adopted Budget for the General Fund, Water and Sewer Fund, Chestnut Grove Cemetery Fund, Herndon Centennial Golf Fund, Capital Projects Fund, Stormwater Management Fund, and American Rescue Plan Act (ARPA) Fund**

**Meeting Date:** July 28, 2026

**Category:** Public Hearings

**Prepared by:** Marjorie Sloan, Finance Director, Maria Lee, Budget Manager

**Description:**
The Town's annual procedure at fiscal year-end is to set aside specific amounts from the fund balance or net position for the outstanding encumbrances and reserves that exist on June 30 of the prior fiscal year, as described in the Town Council's annual reserve resolution and annual budget ordinance. Town Council's authorization of the Fiscal Year (FY) 2026 reserves and encumbrances are not appropriated or budgeted amounts for FY 2027 as defined in the Code of Virginia. Therefore, a resolution is proposed to authorize the reserve of FY 2026 funding as identified, and the proposed FY 2027 Budget Amendment 1 will recognize the designated reserves and outstanding encumbrances at June 30, 2026, as FY 2027 budget appropriations.

**Background/Timing Impact:**
The proposed ordinance, together with the reserve resolution presented under a separate concurrent item, concludes an annual procedure reflecting the status of in-progress transactions funded for FY 2026. Due to timing, delays, or status, certain identified activities or projects were not completed by June 30, 2026, and will therefore need to be reauthorized and re-appropriated to continue. Budget amendments of this amount require a public hearing.

The notice for public hearing has been duly advertised in the Fairfax County Times Newspapers in the July 10 and July 17, 2026 editions.

**Strategic Focus Area:**
Strong Fiscal Stewardship

**Fiscal Impact:**
Impacted funds have capacity either through grant revenues, grant commitments, unrestricted net positions (enterprise funds), or existing fund balances, to support the

reserves and encumbrances.

**Legal Impact:**
The Code of Virginia §15.2-2507 allows localities to amend their adopted budget. For budget amendments that exceed one percent of the total expenditures, the governing body must hold a public hearing and advertise in accordance with Code of Virginia §15.2-1427.

**Staff Recommendation/Next Steps:**
Staff recommends approval of the proposed Ordinance.

**Attachments:**
1. Ordinance (Proposed)
2. FY 27 Attachment A, Reserves & Encumbrances
3. Presentation
4. Legal Ad

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

**ORDINANCE**

**JULY 28, 2026**

**Ordinance-** **to amend the Fiscal Year (FY) 2027 Adopted Budget for the General Fund, Water and Sewer Fund, Chestnut Grove Cemetery Fund, Herndon Centennial Golf Fund, Capital Projects Fund, Stormwater Management Fund, and American Rescue Plan Act (ARPA) Fund.**

The Town Council, in adopting this ordinance, has considered the Town Manager's recommended budget modifications as described in Attachment A, FY 2027 Budget Amendment Number 1.

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

1. The financial adjustments to the FY 2027 Budget, as described in Attachment A, Reserves & Encumbrances, to this ordinance, are approved.

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

**26-O-19**

**Schedule 1 – Operations & Maintenance Reserves**

| Fund | Description | Amount |
|---|---|---|
| General Fund | Brand activation and IT transformation | $553,121 |
| General Fund | Community Development and HPD grant activities in progress | 94,247 |
| General Fund | DPW professional services | 56,395 |
| Water & Sewer | Water project designs and professional services | 1,165,883 |
| Centennial Golf | Professional services related to Master Plan development | 213,473 |
| | **Total Operations & Maintenance** | **$2,083,119** |

**Schedule 2 – Capital Reserves**

| Fund | Description | Amount |
|---|---|---|
| Capital Outlay | IT transformation projects | $42,287 |
| Capital Outlay | Cruiser equipment | 42,000 |
| Capital Outlay | Energy conservation project | 197,797 |
| Water & Sewer | Sewer Utility Master Plan | 6,215,947 |
| Water & Sewer | General maintenance and replacement projects | 5,967,594 |
| Chestnut Grove | Chestnut Grove Cemetery development project | 1,830,666 |
| Centennial Golf | Fuel tank and other in-progress projects | 433,466 |
| Capital Projects | Energy conservation project | 306,822 |
| Capital Projects | Town Hall Square, security, and wayfinding projects | 150,000 |
| Capital Projects | Transportation projects | 2,222,377 |
| Capital Projects | Sidewalks, trails, and bicycle projects | 286,036 |
| Stormwater | Center St. culvert repair | 850,000 |
| | **Total Capital Reserves** | **$18,544,992** |

**Schedule 3 – Estimated Outstanding Encumbrances - June 30, 2026**

| Fund | Amount |
|---|---|
| General Fund | $2,897,816 |
| Water & Sewer Fund | 882,558 |
| Chestnut Grove Cemetery Fund | 86,888 |
| Herndon Centennial Golf Course Fund | 17,520 |
| Capital Projects Fund | 3,641,618 |
| Stormwater Management Fund | 532,691 |
| ARPA Fund | 403,448 |
| **Total Estimated Outstanding Encumbrances** | **$8,462,539** |

# FY 2027 Budget Amendment 1

Town Council Meeting

*July 28, 2026, Regular Session*

Finance Department

Marjorie Sloan, Maria Lee, Jerry Schulz

TOWN OF Herndon

LIVE DIFFERENTLY.

# Elements of Amendment 1

- Reserves & Encumbrances

  - **Resolution-** to authorize the Reserve of Fiscal Year 2026 funding for ongoing operations & maintenance, Capital Projects, ARPA projects and for Outstanding Encumbrances on June 30, 2026 for the FY 2027 Adopted Budget.

  - **Ordinance-** to amend the Fiscal Year (FY) 2027 Adopted Budget for the General Fund, Water and Sewer Fund, Stormwater Management Fund, Chestnut Grove Cemetery Fund, Herndon Centennial Golf Fund, Capital Projects Fund and ARPA Fund.
    - Includes Reserves and Encumbrances across funds.
    - No additional amendment requests in FY 2027 Amendment 1.

# Proposed Reserves – Operations & Maintenance

**Schedule 1 – Operations & Maintenance Reserves**

| Fund | Description | Amount |
|---|---|---|
| General Fund | Brand activation and IT transformation activities | $553,121 |
| General Fund | Community Development and HPD grants tasks in progress | 94,247 |
| General Fund | DPW In process maintenance and work in progress | 56,395 |
| Water & Sewer | Water project designs and professional services | 1,165,883 |
| Centennial Golf | Professional Fees realated to Master Plan development | 213,473 |
| | **Total Operations & Maintenance Reserves** | **$2,083,119** |

# Proposed Reserves – Capital Reserves

**Schedule 2 – Capital Reserves**

| Fund | Description | Amount |
|---|---|---|
| Capital Outlay | IT transformation projects | $42,287 |
| Capital Outlay | Cruiser equipment | 42,000 |
| Capital Outlay | Energy conservation project | 197,797 |
| Water & Sewer | Sewer Utility Master Plan | 6,215,947 |
| Water & Sewer | General maintenance and replacement projects | 5,967,594 |
| Chestnut Grove Cemetery | Chestnut Grove Cemetery development project | 1,830,666 |
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| Capital Projects | Energy conservation project | 306,822 |
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| Capital Projects | Sidewalks, trails, and bicycle projects | 286,036 |
| Stormwater Management | Center St. culvert repair | 850,000 |
| | **Total Capital Reserves** | **$18,544,992** |

# Estimated Encumbrances June 30, 2026

**Schedule 3 – Estimated Outstanding Encumbrances - June 30, 2026**

| Fund | Amount |
|---|---|
| General Fund | $2,897,816 |
| Water & Sewer Fund | 882,558 |
| Chestnut Grove Cemetery Fund | 86,888 |
| Herndon Centennial Golf Course Fund | 17,520 |
| Capital Projects Fund | 3,641,618 |
| Stormwater Management Fund | 532,691 |
| ARPA Fund | 403,448 |
| **Total Estimated Outstanding Encumbrances** | **$8,462,539** |

**Town of Herndon, Virginia**
**Notice of Public Hearing**

Notice is hereby given that the **Town Council** of the Town of Herndon, Virginia, will hold a public hearing on Tuesday, July 28, 2026, at 7:00 p.m. in the Herndon Council Chambers Building, located at 765 Lynn Street, Herndon on the following item:

**Ordinance** to amend the Fiscal Year (FY) 2027 Adopted Budget for the General Fund, Water and Sewer Fund, Chestnut Grove Cemetery Fund, Herndon Centennial Golf Fund, Capital Projects Fund, Stormwater Management Fund, and American Rescue Plan Act (ARPA) Fund.

**GENERAL FUND**

| Expenditure Appropriations | Amount | Revenue Budget | Amount |
|---|---|---|---|
| Estimated Outstanding **Encumbrances** at June 30, 2026 | $2,897,816 | Use of Fund Balance | $3,883,662 |
| Authorized **Reserves** at June 30, 2026 | 985,846 | | |
| **Total Expenditures Increase** | **$3,883,662** | **Total Revenues Increase** | **$3,883,662** |

**CAPITAL PROJECTS FUND**

| Expenditure Appropriations | Amount | Revenue Budget | Amount |
|---|---|---|---|
| Estimated Outstanding **Encumbrances** at June 30, 2026 | $3,641,618 | Use of Fund Balance | $6,606,853 |
| Authorized **Reserves** at June 30, 2026 | 2,965,235 | | |
| **Total Expenditures Increase** | **$6,606,853** | **Total Revenues Increase** | **$6,606,853** |

**WATER AND SEWER FUND**

| Expenditure Appropriations | Amount | Revenue Budget | Amount |
|---|---|---|---|
| Estimated Outstanding **Encumbrances** at June 30, 2026 | $882,558 | Use of Net Position | $14,231,982 |
| Authorized **Reserves** at June 30, 2026 | 13,349,424 | | |
| **Total Expenditures Increase** | **$14,231,982** | **Total Revenues Increase** | **$14,231,982** |

**CHESTNUT GROVE CEMETERY FUND**

| Expenditure Appropriations | Amount | Revenue Budget | Amount |
|---|---|---|---|
| Estimated Outstanding **Encumbrances** at June 30, 2026 | $86,888 | Use of Net Position | $1,917,554 |
| Authorized **Reserves** at June 30, 2026 | 1,830,666 | | |
| **Total Expenditures Increase** | **$1,917,554** | **Total Revenues Increase** | **$1,917,554** |

**HERNDON CENTENNIAL GOLF COURSE FUND**

| Expenditure Appropriations | Amount | Revenue Budget | Amount |
|---|---|---|---|
| Estimated Outstanding **Encumbrances** at June 30, 2026 | $17,520 | Use of Net Position | $664,459 |
| Authorized **Reserves** at June 30, 2026 | 646,939 | | |
| **Total Expenditures Increase** | **$664,459** | **Total Revenues Increase** | **$664,459** |

**STORMWATER MANAGEMENT FUND**

| Expenditure Appropriations | Amount | Revenue Budget | Amount |
|---|---|---|---|
| Estimated Outstanding **Encumbrances** at June 30, 2026 | $532,691 | Use of Fund Balance | $1,382,691 |
| Authorized **Reserves** at June 30, 2026 | 850,000 | | |
| **Total Expenditures Increase** | **$1,382,691** | **Total Revenues Increase** | **$1,382,691** |

**AMERICAN RESCUE PLAN ACT FUND (ARPA)**

| Expenditure Appropriations | Amount | Revenue Budget | Amount |
|---|---|---|---|
| Estimated Outstanding **Encumbrances** at June 30, 2026 | $403,448 | ARPA grant received | $403,448 |
| Authorized **Reserves** at June 30, 2026 | - | | |
| **Total Expenditures Increase** | **$403,448** | **Total Revenues Increase** | **$403,448** |

The public is encouraged to participate in the town's public hearing process. Individuals having an interest in the above item are invited to attend the public hearing and state their opinions and may also submit comments to town.clerk@herndon-va.gov.

The proposed item is available for examination by the public at the Department of Finance, 777 Lynn Street, Herndon, during normal business hours (Monday – Friday) and on the town's website www.herndon-va.gov.

The Town of Herndon supports the Americans with Disabilities Act by making reasonable accommodations for persons with disabilities, so that they may participate in services, programs, or activities, offered by the town. Please call (703) 435-6804 to arrange for any accommodation that may be necessary to allow for participation. Interpretación en Español está disponible en esta sesión.

Amanda E. Morrow Kertz, Town Clerk

Note to Publisher:
Publish on July 10/July 17, 2026

**Agenda Item:** **Resolution 26-G-43 to authorize the Reserve of Fiscal Year (FY) 2026 funding for ongoing operations and maintenance, capital projects, and for outstanding encumbrances on June 30, 2026 for the FY 2027 Adopted Budget**

**Meeting Date:** July 28, 2026

**Category:** General

**Prepared by:** Marjorie Sloan, Finance Director, Maria Lee, Budget Manager

**Description:**
The Town Council authorized and appropriated monies for specific activities anticipated to occur during Fiscal Year (FY) 2026. Due to timing, delays, and status, some of these activities or projects were not completed by June 30, 2026, and will therefore need to be reauthorized and re-appropriated to continue. This request is an annual housekeeping procedure.

The attached schedules provide detail supporting the recommended reserves and estimated encumbrances as of June 30, 2026.

**Background/Timing Impact:**
N/A

**Strategic Focus Area:**
Strong Fiscal Stewardship
Good Governance

**Fiscal Impact:**
Impacted funds have capacity either through grant revenues, grant commitments, unrestricted net positions (enterprise funds), or assigned fund balances (Capital Projects fund), to support the reserves and encumbrances.

**Legal Impact:**
The Code of Virginia §15.2-2507 allows localities to amend their adopted budget.

**Staff Recommendation/Next Steps:**
Staff recommends the adoption of the resolution.

**Attachments:**

1. Resolution (Proposed)
2. FY 27 Attachment A, Reserves & Encumbrances

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

**RESOLUTION**

**JULY 28, 2026**

**Resolution- to authorize the Reserve of Fiscal Year (FY) 2026 funding for ongoing operations & maintenance, Capital Projects, ARPA Projects, and for Outstanding Encumbrances on June 30, 2026 for the FY 2027 Adopted Budget.**

The Town of Herndon closes its fiscal year (FY) on June 30, 2026. The FY 2026 Annual Budget, and subsequent amendments to the annual budget, authorized and appropriated various monies for specific activities which were expected to be concluded at the close of the fiscal year. It is the intent of the Town Council to reserve, encumber, and re-appropriate these funds into the next fiscal year.

**THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Herndon, Virginia that:

1. The reserved or encumbered amounts for the fiscal year ended June 30, 2026, are established and re-appropriated as listed on the attached schedules for the Fiscal Year 2027 Budget.

2. This resolution is effective retroactively to June 30, 2026.

**26-G-43**

**Schedule 1 – Operations & Maintenance Reserves**

| Fund | Description | Amount |
|---|---|---|
| General Fund | Brand activation and IT transformation | $553,121 |
| General Fund | Community Development and HPD grant activities in progress | 94,247 |
| General Fund | DPW professional services | 56,395 |
| Water & Sewer | Water project designs and professional services | 1,165,883 |
| Centennial Golf | Professional services related to Master Plan development | 213,473 |
| | **Total Operations & Maintenance** | **$2,083,119** |

**Schedule 2 – Capital Reserves**

| Fund | Description | Amount |
|---|---|---|
| Capital Outlay | IT transformation projects | $42,287 |
| Capital Outlay | Cruiser equipment | 42,000 |
| Capital Outlay | Energy conservation project | 197,797 |
| Water & Sewer | Sewer Utility Master Plan | 6,215,947 |
| Water & Sewer | General maintenance and replacement projects | 5,967,594 |
| Chestnut Grove | Chestnut Grove Cemetery development project | 1,830,666 |
| Centennial Golf | Fuel tank and other in-progress projects | 433,466 |
| Capital Projects | Energy conservation project | 306,822 |
| Capital Projects | Town Hall Square, security, and wayfinding projects | 150,000 |
| Capital Projects | Transportation projects | 2,222,377 |
| Capital Projects | Sidewalks, trails, and bicycle projects | 286,036 |
| Stormwater | Center St. culvert repair | 850,000 |
| | **Total Capital Reserves** | **$18,544,992** |

**Schedule 3 – Estimated Outstanding Encumbrances - June 30, 2026**

| Fund | Amount |
|---|---|
| General Fund | $2,897,816 |
| Water & Sewer Fund | 882,558 |
| Chestnut Grove Cemetery Fund | 86,888 |
| Herndon Centennial Golf Course Fund | 17,520 |
| Capital Projects Fund | 3,641,618 |
| Stormwater Management Fund | 532,691 |
| ARPA Fund | 403,448 |
| **Total Estimated Outstanding Encumbrances** | **$8,462,539** |

# Town Council
# Regular Meeting
# Agenda Item 8.a.

**Agenda Item:** **Resolution 26-G-44 to adopt the Commonwealth of Virginia 457 Deferred Compensation Plan for the Town of Herndon Employees**

**Meeting Date:** July 28, 2026

**Category:** Consent

**Prepared by:** Tanya Kendrick, Chief of Staff/Chief Human Resources Officer, Marjorie Sloan, Finance Director

**Description:**
Staff is requesting that Council consider approval of a resolution to move the Town's current Deferred Compensation 457 Plan from the Retirement Plan Company (TRPC) to Virginia Retirement System (VRS). This information has been presented to the Town Manager, and he has approved moving this forward to the Town Council.

**Background/Timing Impact:**
The Town has administered a 457(b) Deferred Compensation Plan for current and former employees since the early 2000s. The plan currently serves 217 participants and has an asset value of approximately $17 million through The Retirement Plan Company (TRPC). The Financial Advisor to the town for deferred compensation is Mark Ivcevich, Plan Advisor and Owner of QP Consulting. The Town is currently embarking on an effort to change the current record-keeper to COV 457 through The Virginia Retirement System (VRS) for enhanced customer service, better visibility in the system, lower fees for both the town and the employees, and improved financial education opportunities.

The VRS COV 457 offers target date funds, individual funds and a brokerage window for employees. This is comparable to what we offer today with target date funds, individual funds, and risk-based model portfolios.

Financial Savings, Efficiency Gains and Administrative Impact
In comparison to TRPC, the VRS COV 457 Plan is anticipated to save operating expenses for both the town and plan participants, with no implementation costs for the transfer.

Financial

- Estimated cost savings to the town are approximately $30,000 per year.

Efficiency Gains and Administrative Impact

- Transfer of both plan document and administration, fiduciary and trustee responsibilities from Human Resources/Finance departments to the VRS structure to include VOYA Financial as recordkeeper, reducing organizational risk, knowledge succession factors and internal oversight burden.
- Streamlined administration through a centralized platform with enhanced employer tools and automated processes.
- Improved governance and automation around age-based contribution limits introduced under the Secure 2.0 Act and other legislation, strengthening compliance controls and significantly reducing the risk of excess pre-tax contributions being posted to participant accounts.

Challenges and Considerations

- Temporary increase in workload during implementation, including payroll testing and data validation.
- Short-term adjustment period as HR, Finance and employees become familiar with new tools and processes.

While the transition requires upfront coordination, the move to VRS/VOYA is expected to reduce administrative burden, improve compliance and reduce risk to the Town, save employer and employee costs year over year, and deliver a higher level of service and accountability through system-driven processes.

Why Now?
Though the state has had the VRS COV 457 plan for many years, its partnership with VOYA began in 2025, has gained participating employers considerable efficiencies with consolidation of employee investment accounts and enabling plan management, and risk to transfer under the umbrella of the state plans.

The Town is also preparing for knowledge transfer as staff involved in managing the plan approach retirement.

For Participants - Service Level Improvements

- Research has identified significant benefits for participants with a transfer to the VRS COV 457 Plan, including:
- Enhanced employee experience through a modern, user-friendly platform with robust self-service capabilities, including beneficiary management.
- Employees are already familiar with VRS and VOYA tools, with the majority of the workforce now being VRS/VOYA Hybrid plan employees.
- Employees can manage their DCP accounts through the plan website or by using various online tools, including the VOYA mobile app, self-service education tools and retirement calculators like myOrangeMoney.

- Access to improved retirement planning tools, education resources and dedicated customer support.
- More efficient enrollment and communication processes, supporting increased employee engagement.
- Self-Directed Brokerage Account – The COV 457 plan offers a Do-It-Myself, Self-Directed Brokerage Account.
- Lower investment fees – Do-It-For-Me target date funds total annual operating expenses cost $0.20 per $1,000 less in the COV 457 plan versus the current Herndon 457 plan.

Anticipated Implementation Plan

- The implementation plan to transfer to the VRS COV 457 Plan must follow regulatory requirements. The current target date is February 1, 2027. The key implementation areas are outlined below:
- Council Resolution – A Town Council resolution is required by VRS.
- VRS has a document package; an estimated eight-week process with VRS for foundational work.
- Execute the proper and timely notifications in accordance with established regulations.
- Mapping and transfer of plan assets.
- Execute a communication plan for stakeholders including current contractual partners, plan administrators, and participants; VOYA launches an onboarding team with branded communications and information sessions.

**Timing Impact:**
Staff is proposing adoption of the required resolution for July 28, 2026. Go-live for the implementation is targeted for February 1, 2027.

**Strategic Focus Area:**
Strong Fiscal Stewardship

**Fiscal Impact:**
There will be a reduction in fees paid by both the Town and plan participants, once the implementation is complete.

**Legal Impact:**
As outlined in Section 6.08 of the current Herndon 457(b) Deferred Compensation Plan, the Town of Herndon, as the employer, is allowed to transfer assets to another plan. VRS will require a Town Council Resolution. As stated above, QP Consulting, our Town's financial advisor, will be the lead in the process and mapping. We anticipate a reduction in risk through the transfer of plan administration and fiduciary duties to VRS/VOYA.

**Staff Recommendation/Next Steps:**
Staff recommends adoption of the resolution.

**Attachments:**
1. Resolution (Proposed)
2. COV 457 Plan Adoption Agreement

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

**RESOLUTION**

**JULY 28, 2026**

**Resolution- to adopt the Commonwealth of Virginia 457 Deferred Compensation Plan for the Town of Herndon Employees.**

**WHEREAS**, the Town of Herndon, VA (the "employer"), acting by and through the Town of Herndon Town Council, desires to adopt the Commonwealth of Virginia 457 Deferred Compensation Plan (the "Plan") for its employees as defined in the adoption agreement between the Employer and the Virginia Retirement System (the "VRS"); and

**WHEREAS,** the Plan, which includes both Roth and Traditional options, is authorized by the Code of Virginia § 51.1-600 et seq. and Internal Revenue Code § 457(b), and political subdivisions are authorized to participate in such Plan by the Code of Virginia § 51.1-603.1.

**THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Herndon, Virginia that:

1. The Employer hereby approves the adoption of the Plan for its employees in accordance with applicable law and policy; and

2. The Employer's staff is hereby directed to implement the Plan effective the first day of February, 2027 but no sooner than the date established and confirmed by VRS.

**NOW, THEREFORE**, the officers of the Employer are hereby authorized and directed in the name of the Employer to carry out the provisions of this resolution, enter an adoption agreement with VRS, and pay such sums as are due to be paid by the Employer for this purpose.

_____
Keven J. LeBlanc Jr., Mayor
Governing Body Chair

CERTIFICATE

I, Amanda M. Kertz, Town Clerk of the Employer, certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the Employer held at Town of Herndon, Virginia at 7:00 p.m. on July 28, 2026. Given under my hand and seal of the Employer this 28th day of July, 2026.

**26-G-44**

_____
Amanda M. Kertz, Town Clerk

**26-G-44**

NOTE: The language in this resolution has been approved by VRS Benefits Counsel and is not subject to modification.

Virginia Retirement System

VIRGINIA RETIREMENT SYSTEM
P.O. Box 2500
Richmond, VA 23218-2500

# Commonwealth of Virginia 457 Deferred Compensation Plan
# Employer Adoption Agreement for All Employees

THIS AGREEMENT (the "Agreement"), executed this [insert date] ____ day of _____, 20___, is by and between [insert locality, school division, or other political subdivision] _____ (the "Employer") and the Virginia Retirement System (the "Plan Sponsor") (hereinafter collectively referred to as the "Parties").

WITNESSETH

WHEREAS, the Commonwealth of Virginia established the Commonwealth of Virginia 457 Deferred Compensation Plan (the "Plan") and the Master Trust for the Plan (the "Trust") pursuant to § 51.1-600 et seq. of the *Code of Virginia*, as amended, and Internal Revenue Code ("IRC") § 457(b), including both Roth and Traditional options; and

WHEREAS, pursuant to § 51.1-603.1 of the *Code of Virginia*, as amended, the Employer desires to enter into this Agreement with the Plan Sponsor to permit participation in the Plan by its eligible employees; and

WHEREAS, the Employer is an "eligible employer" within the meaning of IRC § 457(e)(1)(A); and

WHEREAS, pursuant to § 51.1-603.1(B) of the *Code of Virginia*, as amended, the Employer may establish and automatically enroll certain employees in the Plan upon hire; and

WHEREAS, the Employer, by a resolution of its governing body, has directed its responsible official to enter into this Agreement;

NOW, THEREFORE, in consideration of the premises herein, the Parties agree as follows:

1) The Plan Sponsor and the Employer represent and warrant that each shall comply with all applicable laws and policy.

2) The Plan Sponsor represents to the Employer that the Plan Sponsor shall provide sufficient services to administer the Plan.

3) The Employer acknowledges and agrees to the terms and conditions established in the Trust and the Plan, as they may be amended from time to time.

4) For purposes of the Employer's participation in the Plan, "employees" shall mean all "employees" as defined in § 51.1-600 of the *Code of Virginia*.

5) The Employer shall permit the Plan Sponsor's third party administrator ("TPA") to conduct group and individual meetings on the Employer's premises for the purpose of explaining the Plan or enrolling employees.

6) The Employer shall permit the Plan Sponsor and the TPA to communicate directly with eligible employees about plan information and enrollment.

7) The Employer shall remit contributions under the Plan to the TPA in accordance with procedures promulgated by the Plan Sponsor or the TPA. The Employer shall correctly report and withhold employees' wages in accordance with applicable laws and policy.

8) The Employer shall make the appropriate contributions (including associated matching contributions to another plan, if applicable) required under Internal Revenue Service regulations and the Plan Sponsor procedures to correct any failure (i) to inform an employee of the opportunity to defer, (ii) to allow an employee to defer, or (iii) to implement automatic enrollment, reenrollment, or an election or election change by an employee.

9) Should the Employer offer its employees deferred compensation plans in addition to the Plan, then the Employer is responsible for monitoring all plans to ensure that no participants exceed the maximum deferral limits under IRC § 457.

10) If the Employer so desires, it may check the box below and sign the statement of acknowledgment to automatically enroll certain employees in the Plan in a manner prescribed by the Plan Sponsor, subject to an employee (i) commencing employment or reemployment on or after the first day of [insert month and year]_____ but no sooner than the date established and confirmed by the Plan Sponsor, (ii) not participating in the Hybrid Retirement Plan described in § 51.1-169 of the *Code of Virginia*, and (iii) not having affirmatively elected to participate in the plan described in § 51.1-602 of the *Code of Virginia* or a 403(b) plan. If the Employer does not check the box and sign the statement of acknowledgment, then the Employer shall not automatically enroll its employees in the Plan.

☐ By checking this box and signing this statement of acknowledgment, the Employer agrees to automatically enroll in the Plan in a manner prescribed by the Plan Sponsor, all employees who (i) commence employment or reemployment on or after the first day of [insert month and year]_____ but no sooner than the date established and confirmed by the Plan Sponsor, (ii) do not participate in the Hybrid Retirement Plan described in § 51.1-169 of the *Code of Virginia*, and (iii) have not affirmatively elected to participate in the plan described in § 51.1-602 of the *Code of Virginia* or a 403(b) plan. _____

Signature

11) If applicable, the Employer acknowledges it is solely the responsibility of the Employer to instruct the Plan Sponsor's TPA where to map assets from the Employer's existing plan to the available investments under the Plan. Neither the Plan Sponsor nor the Plan Sponsor's TPA will advise or recommend to the Employer how to map assets from the Employer's existing plan.

12) The Employer acknowledges asset transfers from an existing plan with the Employer into the Plan may need to be made over more than one day depending upon the facts and circumstances of each case.

13) The Employer acknowledges upon termination of this Agreement asset transfers out of the Plan may need to be made over more than one day depending upon the facts and circumstances of each case.

14) This Agreement may be amended from time to time only by written agreement between the Plan Sponsor and the Employer.

15) The term of this Agreement shall be for at least a three-year period beginning on the date of its execution and, thereafter, may be terminated by either party upon written notice to the other party, which termination shall become effective on a date established by the Plan Sponsor.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed, intending to be bound thereby.

| **Employer** | **Virginia Retirement System** |
|---|---|
| By: _____ | By: _____ |
| Title: _____ | Title: _____ |
| Date: _____, 20__ | Date: _____, 20__ |

# Town Council
# Regular Meeting
# Agenda Item 8.b.

**Agenda Item:** **Resolution 26-G-45 to accept a generous donation of a vehicle from Leidos, Inc.**

**Meeting Date:** July 28, 2026

**Category:** Consent

**Prepared by:** Steve Pihonak, Chief of Police

**Description:**
This is a request to adopt a resolution authorizing the Town of Herndon to accept a donation from Leidos, Inc. Leidos will donate a 1969 modified Ford van, previously used as an ice cream truck for corporate events, to the Town of Herndon. The vehicle will be utilized by the Herndon Police Department for community events, youth outreach, and other Town-sponsored activities.

**Background/Timing Impact:**

Leidos Inc. reached out to the Town of Herndon Police Department (HPD) and offered to donate a 1969 modified Ford van that has been used as an ice cream truck for corporate events. The company no longer has a need for the vehicle and wishes to transfer it to the Town at no cost.

HPD would like the Town to accept this donation. The plan is to repurpose the vehicle for community engagement. The truck would be used at Town events, neighborhood visits, youth outreach programs, and other community-focused initiatives. Its purpose is to strengthen relationships with children and families in Herndon by providing a fun, approachable, and memorable way for officers to interact with residents.

The vehicle will be wrapped with HPD branding, outfitted with appropriate safety lighting, and maintained by the Town of Herndon. The truck will not be used for enforcement activity. Its sole function will be community engagement and public outreach.

Accepting this donation supports the Town's ongoing efforts to enhance positive police-community interactions, expand youth engagement opportunities, and increase the Police Department's presence at public events in a friendly, non-enforcement capacity.

The HPD is continually seeking new and innovative ways to engage with the community, and the opportunity to acquire this truck comes at an ideal moment. As we expand our presence at Town events and strengthen youth outreach initiatives, this

donation provides a timely and meaningful enhancement to our community engagement efforts.

**Strategic Focus Area:**
Thriving Community

**Fiscal Impact:**
Leidos Inc. has committed to donating this vehicle to the Town of Herndon at no cost. The truck may require cosmetic updates to reflect Town and Police Department branding, as well as potential mechanical work to ensure it is fully serviceable for community use. HPD intends to utilize funds available through the shared asset forfeiture accounts to offset these expenses and minimize any fiscal impact to the Town.

**Legal Impact:**

This item is submitted in accordance with established policy requirements.

**Staff Recommendation/Next Steps:**
Staff recommends approval as presented.

**Attachments:**
1. Resolution (Proposed)
2. Attachment 1, Leidos Photo
3. Attachment 2, Leidos Photo
4. Attachment 3, Leidos Photo

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

**RESOLUTION**

**JULY 28, 2026**

**Resolution- to accept a generous donation of a vehicle from Leidos, Inc.**

The Town of Herndon, Virginia, has been offered a generous donation of a vehicle from Leidos, Inc. The donated vehicle will be used by the Herndon Police Department to support community events, youth outreach programs, and other Town-sponsored activities. The vehicle will help strengthen relationships between the Herndon Police Department and the community by providing an engaging way for officers to interact with children, families, and residents.

**THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Herndon, Virginia that:

1. The donation from Leidos, Inc. of a vehicle to be used for community-focused initiatives has been accepted by the Town of Herndon with much gratitude.

2. The Mayor and the Town Council of the Town of Herndon, Virginia, hereby express their appreciation to Leidos, Inc. for its generosity and commitment to supporting the Town and its residents.

**26-G-45**


leidos
At Leidos Anything is Popsicle
leidos
Serving Solutions since 1969!
INNOVATORS
SLOW CROSSING
BFGoodrich
All-Terrain T/A


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At Leidos Anything is Popsicle
Follow us for the Sweet Life
careers.leidos.com
PATRIOT
6X12
BFGoodrich
All-Terrain T/A


WATCH FOR CONTRACTORS
Serving Customers Since 1969
GOOD
SUPER
FLAVOR METER
FLAVOMATIC
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# Town Council Regular Meeting
## Agenda Item 8.c.

**Agenda Item:** **Approval of the June 23, 2026, Town Council Regular Meeting Minutes**

**Meeting Date:** July 28, 2026

**Category:** Consent

**Prepared by:** Amanda Kertz, Town Clerk

**Description:**
This is a request for approval of the June 23, 2026, Town Council Regular Meeting minutes.

**Background/Timing Impact:**
Town Council minutes are typically presented for approval in chronological order. Action on the minutes is an important function of the Town Council.

**Strategic Focus Area:**
Good Governance

**Fiscal Impact:**
N/A

**Legal Impact:**
Code of Virginia Section 2.2-3707 outlines the requirements for the recording of minutes for the governing body.

**Staff Recommendation/Next Steps:**
Recommend approval as presented.

**Attachments:**
1. Draft Minutes

**HERNDON TOWN COUNCIL**
**Regular Meeting Minutes**
**Tuesday, June 23, 2026**

## 1. Call to Order

Mayor LeBlanc called the June 23, 2026, Town Council meeting to order at 5:30 p.m. in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Councilmember del Aguila, Councilmember Garcia, Councilmember Lloyd, Councilmember Reyes (arrived at 5:39 p.m.), Vice Mayor Hedrick, and Mayor LeBlanc.

Mayor LeBlanc determined there was a quorum of five Councilmembers present, with Councilmember Reyes having not yet arrived. Councilmember Alam was absent.

## 2. Closed Meeting (5:30 p.m.)

**a. A Closed Meeting pursuant to the Code of Virginia Section 2.2-3711(A)(8), consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, relating to employment law; and**

**A Closed Meeting pursuant to the Code of Virginia Section 2.2-3711(A)(1), for discussion and consideration of the performance of a specific appointee of the public body.**

Mayor LeBlanc stated that the Council needed to convene in a closed meeting and that the appropriate meeting notices had been provided in accordance with state law. The closed meeting was held in the Hoover Conference Room in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia.

With the Council's concurrence, the closed meeting agenda was amended to include an additional topic pursuant to Code of Virginia § 2.2-3711(A)(1), for discussion and consideration of the performance of a specific appointee of the public body.

Councilmember del Aguila moved that the Council convene in a closed meeting to discuss the following, as permitted by the Code of Virginia:

- Section 2.2-3711(A)(8), consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by counsel relating to employment law; and

DRAFT

- Section 2.2-3711(A)(1), discussion and consideration of the performance of a specific appointee of the public body.

Vice Mayor Hedrick seconded the motion, which carried by a 5-0 roll call vote. The vote was: Councilmembers del Aguila, Garcia, and Lloyd; Vice Mayor Hedrick; and Mayor LeBlanc voting “Aye.” Councilmember Reyes had not yet arrived. Councilmember Alam was absent.

The Council convened in a closed meeting at 5:31 p.m.

Councilmember Reyes arrived during the closed meeting at 5:39 p.m.

Councilmember Garcia moved that the Council reconvene in open session. Vice Mayor Hedrick seconded the motion, which carried by a 6-0 roll call vote. The vote was: Councilmembers del Aguila, Garcia, Lloyd, and Reyes; Vice Mayor Hedrick; and Mayor LeBlanc voting “Aye.” Councilmember Alam was absent.

The Council reconvened in open session at 6:58 p.m.

Councilmember Reyes moved to certify that, to the best of each member's knowledge, in the closed meeting just concluded, nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed meeting and (2) lawfully permitted to be discussed in a closed meeting under the provisions of the Virginia Freedom of Information Act as cited in that motion. Vice Mayor Hedrick seconded the motion, which carried by a 6-0 roll call vote. The vote was: Councilmembers del Aguila, Garcia, Lloyd, and Reyes; Vice Mayor Hedrick; and Mayor LeBlanc voting “Aye.” Councilmember Alam was absent.

Aye: 6
Nay: 0
Absent: 1

Vote to Approve Action Discussed in Closed Meeting

Mayor LeBlanc moved to approve the action discussed in the closed meeting pursuant to Code of Virginia § 2.2-3711(A)(1), concerning the discussion and consideration of the performance of a specific appointee of the public body. Councilmember del Aguila seconded the motion, which carried by a 6-0 roll call vote. The vote was: Councilmembers del Aguila, Garcia, Lloyd, and Reyes; Vice Mayor Hedrick; and Mayor LeBlanc voting “Aye.” Councilmember Alam was absent.

Recess

At 7:00 p.m., Mayor LeBlanc called a brief recess, and at 7:08 p.m. the June 23, 2026, Town Council meeting reconvened in the Herndon Council Chambers, with

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six Councilmembers present, and Mayor LeBlanc presiding. Councilmember Alam was absent.

Regular Meeting

Staff present during the meeting: Dan Hoffman, Town Manager; Kirstyn Barr Jovanovich, Deputy Town Manager; Lauri Sigler, Deputy Town Attorney; Brent Heavner, Chief Communications Officer; Lisa Gilleran, Director of Community Development; Bob Williams, Director of Parks and Recreation; David Stromberg, Zoning Administrator; Bryce Perry, Deputy Director of Community Development; Reid Okoniewski, Communications and Marketing Supervisor; Taryn Tuttle, Town Manager Extern; and Amanda Kertz, Town Clerk.

**3. Pledge of Allegiance to the Flag of the United States of America**

Mayor LeBlanc led the audience in the Pledge of Allegiance to the Flag of the United States of America.

**Determination of a Quorum**

Mayor LeBlanc noted there was a quorum with six members present. Councilmember Alam was absent.

**Mayor Announcements**

Mayor LeBlanc announced that the Council had previously met in a closed meeting pursuant to Virginia Code requirements.

Mayor LeBlanc offered comments commemorating the first anniversary of “Elden the Bear Day,” which was June 9, 2025.

Mayor LeBlanc provided information on upcoming events, including:

1. A ribbon cutting at Jimmy’s Old Town Tavern on Friday, June 26, at 11:30 a.m. Mayor LeBlanc also stated that several murals had recently been installed in downtown Herndon, including one sponsored by the Herndon Woman’s Club behind Mile 20, which was unveiled on Monday, June 15.

2. The July 4th Celebration and America 250 recognition, beginning at 6:30 p.m. on Saturday, July 4, at Bready Park. He stated that fireworks would begin at 9:30 p.m. with activities going on during the evening.

3. A Herndon Planning Commission and Town Council Joint Work Session on Wednesday, July 8, at 7:00 p.m. in the Herndon Police Department Community Room to further discuss the comprehensive planning process.

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4. Town Square Tuesday concerts, which began the previous week and will continue from 6:30 to 8:00 p.m. every Tuesday at Town Hall Square through August 18. Additionally, Friday Night Live concerts are occurring on Friday evenings in the summer through September 4, on the Town Green.

## 4. Presentations/Reports/Comments

### a. Proclamation to recognize National Parks and Recreation Month, July 2026

Mayor LeBlanc recognized Councilmember Garcia to read the Proclamation to Recognize National Parks and Recreation Month, July 2026, into the record.

### b. Proclamation to Recognize Liberty Amendments Month and America 250, July 2026

Mayor LeBlanc recognized Vice Mayor Hedrick to read the Proclamation to Recognize Liberty Amendments Month and America 250, July 2026, into the record.

### c. Proclamation to Recognize Disability Independence Day, July 26, 2026

Mayor LeBlanc recognized Councilmember Lloyd to read the Proclamation to Recognize Disability Independence Day, July 26, 2026, into the record.

Mayor LeBlanc stated that members of the audience are invited to comment on the proclamations during the “Comments from the Audience” portion of the agenda.

### d. Town Manager Report

Dan Hoffman, Town Manager, provided an update on Parcel H, the Comstock property in downtown Herndon. He stated that staff had hoped to share an update following the most recent hearing in February but had not yet received information from the courts. He added that staff could not take further action to expedite the process and hoped to receive additional information soon.

### e. Councilmember Comments

Councilmember del Aguila: expressed concern about community confusion regarding the level of access Flock receives from license plate readers in the Town. He asked Dan Hoffman, Town Manager, to provide an update and follow up with Delegate Shin regarding the risk of exposure.

Dan Hoffman, Town Manager, stated that the Town owns all data gathered by the license plate reader cameras and that the information is not shared nationally. He indicated that he would contact Delegate Shin regarding the matter. He stated that he and Chief Pihonak would be glad to meet with anyone who would like to

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discuss it in more detail.

Councilmember del Aguila stated that he had spent several hours in the past week on Worcester Street observing traffic safety issues reported by residents of the neighborhood. He indicated that he observed safety concerns and collected several speed samples using a radar gun near the intersection of Worcester Street with Herndon Parkway and Dranesville Road. Based on those observations and other speeding citations issued in Town, he suggested that the Town consider a “no-tolerance summer” to help reduce speeding violations. He asked the Council to consider discussing the matter at its next work session so he could share the data that he collected.

Mayor LeBlanc asked Councilmember del Aguila to send the information to the Town Manager so it could be provided to the appropriate staff.

Councilmember Reyes: echoed Councilmember del Aguila’s comments regarding roadway safety, particularly near Worcester Street and Herndon Parkway.

Councilmember Reyes offered comments on the proclamations presented that evening and looked forward to Councilmember Lloyd's comment on Disability Independence Day.

Councilmember Reyes shared that he had been appointed to the Virginia Municipal League Human Development and Education Committee. Although the Town does not have its own schools, he hoped to advocate for constituents and bring attention to education concerns through his service on the committee.

Councilmember Lloyd: provided comments on the proclamation recognizing Disability Independence Day, outlining the history of the Civil Rights Act and the Americans with Disabilities Act, which took many years to pass. He expressed concern over the continued protection of the ADA and stated that, while the proclamation provided an opportunity to celebrate, it also served as a reminder of the ongoing work and advocacy needed to support individuals with disabilities.

Councilmember Lloyd reminded residents to keep their pets secure during Fourth of July fireworks displays.

Councilmember Garcia: stated that, on May 28, he had the opportunity to visit the Lieutenant Governor with his youth advisory committee.

Councilmember Garcia congratulated the graduates of the Class of 2026 as they prepared for college and other opportunities. He also stated that he enjoyed volunteering at Herndon High School’s All Night Graduation Party on June 12.

Mayor LeBlanc clarified that as a legal disclaimer, Councilmember Garcia’s youth

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advisory committee trip was a private trip that was not supported by the Town.

Vice Mayor Hedrick: provided an update on the most recent meeting of the Northern Virginia Transportation Authority Planning Coordination Advisory Committee, on which he serves as the Town's representative. At the meeting, the five-year plan was reviewed, and the subcommittee voted unanimously to recommend approximately $4.4 million for the South Elden Street improvements project. That brings the total grant funding for that project to approximately $23 million. He indicated that the project had at least two more steps before the grant funding could be awarded and anticipated an announcement about the funding at the end of July.

Mayor LeBlanc: provided comments on the proclamations presented that evening, including:

1. Thanked the Department of Parks and Recreation for its work in support of the community and highlighted the 50th anniversary of the Herndon Community Center. He also shared that, on June 21, the Department hosted events in conjunction with Play All Day VA on the longest day of the year.

2. Commented on the Liberty Amendments Month and America 250 proclamation and highlighted upcoming Fourth of July events. He also stated that he had attended the Juneteenth commemoration and presented a proclamation at the event. Mayor LeBlanc commented on the need to continue looking forward and ensuring that all individuals are included in representative government.

3. Commented on Disability Independence Day and the importance of supporting individuals with both visible and hidden disabilities.

Mayor LeBlanc provided information on recent events, including:

1. Herndon High School graduation on Friday, June 12, and the Herndon Middle School promotion ceremony on Wednesday, June 10. He congratulated the Class of 2026 at Herndon High School, Herndon Middle School, and other area schools.

2. Several elementary school theater productions that he attended during the month.

3. The Cornerstones Fifth Anniversary Summer Food and Resource Rally on Thursday, June 18, which provided assistance to individuals experiencing food insecurity in the community.

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4. The after-school program at the Neighborhood Resource Center, which several community members had discussed at the previous Town Council meeting. He acknowledged individuals who were present that evening and stated that he was glad they continued to advocate for themselves and for the program. Mayor LeBlanc stated that he continued to work with Fairfax County regarding the program and hoped to hear some positive news soon.

**5. Comments from the Audience**

Mayor LeBlanc reviewed the process and asked those who wanted to provide Comments from the Audience to come forward.

The following individuals provided comments:

- Marlene, last name inaudible and address not provided, requested continued support for the Cornerstones after-school program at the Neighborhood Resource Center and thanked Mayor LeBlanc for his support.

- [Name and address not provided] requested continued support for the Cornerstones after-school program at the Neighborhood Resource Center and thanked Mayor LeBlanc for his support.

- Sabrina Bruce, 859 Dogwood Court, Herndon, expressed concerns about data use, security, and encryption associated with Flock cameras.

- Sofia, last name not provided and a minor, thanked the Town for supporting the after-school program.

- Maria de Reyes, a minor, requested continued support for the after-school program.

- Jay Hadlock, 515 Alabama Drive, Herndon, expressed support for a recent General Assembly amendment concerning the plastic bag tax. On behalf of Friends of Runnymede Park, he also stated that the water fountain at Runnymede Park was open for use.

- Zurma Reyes, 657 Pemberton Court, Herndon, requested continued support for the after-school program and commented on possible staffing changes. She also invited those interested to an event that Saturday recognizing Ms. Karen, who worked with the program.

- Sandra, last name inaudible, 1210 Magnolia Lane, Herndon, requested continued support for the after-school program.

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## 6. Public Hearings

### a. Ordinance 26-O-16 to consider a Zoning Map Amendment - ZMA #24-01, 250 Exchange Place, to amend the zoning from, Office & Light Industrial district (O&LI), to Planned Development – Transit Related Growth Mixed Use, Medium Density Residential, and Office (PD-TRG1), and Planned Development – Transit Related Growth 2 – Low Density Residential and Low Impact Commercial (PD-TRG 2) zoning districts with proffered conditions to allow the redevelopment of the site with stacked townhouses and multi-family residential uses

Certificates of Publication were filed from the Editor of the *Fairfax County Times* newspaper, showing that notice of said public hearing item had been duly advertised in the Friday, June 5 and June 12, 2026, issues.

Mayor LeBlanc opened the public hearing and recognized Bryce Perry, Deputy Director of Community Development, for the staff report. Mr. Perry reviewed the proposed redevelopment timeline, which includes three phases: (1) demolition of existing buildings and construction of major utility infrastructure; (2) multifamily building; and (3) stacked two-over-two residential units. While discussing the design and architecture of the stacked townhouses, he stated that the final two phases could occur in either order.

Mr. Perry discussed the surrounding land uses, proposed parking, outdoor amenities, and requested modifications. The requested modifications included: (1) reduction in the landscape buffer required when abutting land zoned for single-family detached uses; (2) reduction in the building setback required when abutting land zoned for single-family detached uses; and (3) an increase in the maximum permitted depth of the private amenity zone between the sidewalk and building.

Mr. Perry stated that several public transit options served the site and that the project would include transportation improvements. These improvements included a segment of cycle track that would provide a dedicated bicycle facility along the new road proposed as part of the application. Two publicly accessible parks would be provided beginning with the first phase.

Mr. Perry stated that the timing of the parks had remained a point of discussion with the Planning Commission to ensure that open-space amenities would be available when the stacked residential units were constructed. He indicated that open space had also been an important topic in recent discussions with the Comprehensive Plan consultants.

Mr. Perry stated that staff had reviewed five submissions from the applicant and had worked with the applicant’s representatives throughout the review process. He stated that the Architectural Review Board and Planning Commission had reviewed the application and that the Planning Commission had recommended

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approval with conditions. Staff recommended approval of the proposed ordinance, as presented.

There was a discussion between the Town Council and staff on this item, including:

1. The proposed phases and the impacts of each phase, particularly Phase 1, during which the existing buildings would be demolished.

2. The project phasing and timing of the outdoor amenities, some of which would be determined during site plan review.

3. Naming rights for the parks. Mr. Perry stated that naming rights had not been included in the proposed proffers.

Mayor LeBlanc invited the applicant or applicant's agent to speak on the application.

Kenneth Wire, Partner, Wire Gill LLP, 1984 Isaac Newton Square, Reston, applicant’s agent, commented on the significance of the proposal as the first application progressing toward approval in the Transit Related Growth area. He discussed the proposed project and indicated that, under the current business plan, construction was expected to begin in fall 2027. The applicant would need one or two investors committed to Phase 1, with different investors anticipated for each subsequent phase. He expressed support for staff’s recommendation and stated that he looked forward to moving the project ahead.

The public hearing was held, and the following individual provided testimony:

- Yasmin Shafiq, 937 Longfellow Court, Herndon: provided comments supporting the proposed parks and green space. She asked the Council to support affordable housing and stated that she observed that the proffered amounts offered with the application were lower than those associated with another application previously approved by the Council.

Mayor LeBlanc asked the applicant or applicant's agent if they wanted an opportunity for rebuttal.

Mr. Wire stated that affordable housing was not included in this application due to the timing of the application submission and the Council's affordable housing resolution.

In response to the public comments, Mayor LeBlanc stated that, when the Council approved the affordable housing resolution in March, it was understood that four properties had progressed far enough through the review process that the resolution would not apply to them. He indicated that this application was the last

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of those applications.

Seeing no further comments, Mayor LeBlanc closed the public hearing and moved to Council-level discussion and action.

Councilmember del Aguila moved to approve Ordinance 26-O-16 to approve a Zoning Map Amendment - ZMA #24-01, 250 Exchange Place, to amend the zoning from, Office & Light Industrial district (O&LI), to Planned Development – Transit Related Growth Mixed Use, Medium Density Residential, and Office (PD-TRG1), and Planned Development – Transit Related Growth 2 – Low Density Residential and Low Impact Commercial (PD-TRG 2) zoning districts with proffered conditions to allow the redevelopment of the site with stacked townhouses and multi-family residential uses, as presented.

Motion seconded by Councilmember Reyes.

The Town Council discussed affordable housing and how the timing of the application affected the inclusion of affordable housing provisions.

Councilmember del Aguila stated, for the record, that many members of the Town Council supported affordable housing. He also expressed the need for workforce housing in the Town and stated that he would continue working on both issues.

Councilmember Lloyd stated that the Town should also focus on maintaining affordability for existing residents.

The question was called on the motion, which carried by a 6-0 roll call vote. The vote was: Councilmembers del Aguila, Garcia, Lloyd, and Reyes; Vice Mayor Hedrick; and Mayor LeBlanc voting “Aye.” Councilmember Alam was absent.

**b. Resolution 26-G-39 to consider a Special Exception, SE #26-02, 1001 Jeff Ryan Drive, to consider a special exception to permit a home-based child daycare use within the R-10, Residential single-family district**

Certificates of Publication were filed from the Editor of the *Fairfax County Times* newspaper, showing that notice of said public hearing item had been duly advertised in the Friday, June 5 and June 12, 2026, issues.

Mayor LeBlanc opened the public hearing and recognized David Stromberg, Zoning Administrator, for the staff report. Mr. Stromberg discussed the location, square footage, and the applicant’s request to increase the number of children permitted from seven to 12 per day, along with a small increase in the square footage devoted to the use. He reviewed the conditions recommended by the Planning Commission concerning the fenced outdoor play area, as outlined in the staff report and proposed resolution. Staff recommended approval with the conditions, consistent with the Planning Commission’s recommendation.

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The Town Council and staff discussed the application, including the proposed boundaries of the outdoor play area. Vice Mayor Hedrick asked staff to consider whether changes to the ordinance may be appropriate if applicants continued to request similar modifications.

Mayor LeBlanc invited the applicant or applicant's agent to speak on the application.

Sarita Del Pilar Abad Moretti, 1001 Jeff Ryan Drive, Herndon, applicant, commented on the application. She outlined the steps she had taken to bring the application before the Planning Commission and Town Council and stated that she had worked with the Planning Commission to establish an appropriate boundary for the outdoor play area.

The Town Council, applicant, and staff discussed the application. During the discussion, Ms. Moretti stated that the property was her primary residence.

Seeing no comments from the audience, Mayor LeBlanc closed the public hearing and moved to Council-level discussion and action.

Vice Mayor Hedrick moved to approve Resolution 26-G-39, to approve Special Exception SE #26-02, 1001 Jeff Ryan Drive, to permit a home-based child daycare use within the R-10, Residential Single-Family District, as presented.

Councilmember del Aguila seconded the motion.

The question was called on the motion, which carried by a 6-0 roll call vote. The vote was: Councilmembers del Aguila, Garcia, Lloyd, and Reyes; Vice Mayor Hedrick; and Mayor LeBlanc voting “Aye.” Councilmember Alam was absent.

**c. Ordinance 26-O-17 to consider a Zoning Ordinance Text Amendment – ZOTA #26-04 to amend Chapter 78 (ZONING), Article IV (Business Districts), Section 78-40.3 (CO – Commercial office district) and Article VII (Use Regulations), Section 78-70.2 (Table of permitted and allowed uses), to remove the special exception requirement for personal service uses in the CO zoning district**

Certificates of Publication were filed from the Editor of the *Fairfax County Times* newspaper, showing that notice of said public hearing item had been duly advertised in the Friday, June 5 and June 12, 2026, issues.

Mayor LeBlanc opened the public hearing and recognized David Stromberg, Zoning Administrator, for the staff report. Mr. Stromberg stated that the proposed ordinance would allow personal service uses as by-right uses in the CO zoning district rather than requiring a special exception. He outlined several uses included

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within the personal services category and noted locations where those uses were commonly located. He stated that personal service uses were allowed by right in other zoning districts.

Mr. Stromberg stated that the special exception process was time-consuming and costly for staff and business owners. He indicated that the proposed amendment resulted from recommendations developed through the Small Business Process Improvement Initiative. Staff and the Planning Commission recommended approval of the zoning text amendment.

The Town Council and staff discussed the special exception process, staff time, application costs, and the extent to which the recently adjusted Town fees recovered staff costs. Mr. Stromberg stated that allowing personal service uses by right would reduce staff time and costs to applicants.

Councilmember del Aguila requested that the Council review the Town's fees at a future meeting. Dan Hoffman, Town Manager, stated that staff planned to present the matter at a work session later in the summer.

Mayor LeBlanc reviewed the process for receiving public comments and recognized the following speaker:

Sabrina Bruce, 859 Dogwood Court, Herndon, expressed support for considering the total cost to the Town and the effect of small businesses on the community. She asked the Council to consider the cost of these services going forward.

Mayor LeBlanc closed the public hearing and moved to Council-level discussion and action. Councilmember del Aguila moved to approve Ordinance 26-O-17, to approve Zoning Ordinance Text Amendment ZOTA #26-04, to amend Chapter 78, Zoning; Article IV, Business Districts; Section 78-40.3, CO–Commercial Office District; and Article VII, Use Regulations; Section 78-70.2, Table of Permitted and Allowed Uses, to remove the special exception requirement for personal service uses in the CO zoning district, as presented.

Councilmember Reyes seconded the motion.

There were comments from the Town Council on the motion.

The question was called on the motion, which carried by a 6-0 roll call vote. The vote was: Councilmembers del Aguila, Garcia, Lloyd, and Reyes; Vice Mayor Hedrick; and Mayor LeBlanc voting "Aye." Councilmember Alam was absent.

**7. <u>Consent</u>**

**a. Resolution 26-G-40 to Amend the Town Council Rules of Procedures, adopted January 7, 2025**

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**b. Approval of the May 12, 2026 Town Council Work Session Minutes**

**c. Approval of the May 26, Town Council Regular Meeting Minutes**

On motion of Vice Mayor Hedrick, seconded by Councilmember Reyes, the Consent Agenda items were approved and carried by a 6-0 roll call vote, as presented, without comment. The vote was: Councilmembers del Aguila, Garcia, Lloyd, Reyes, Vice Mayor Hedrick, and Mayor LeBlanc voting "Aye." Councilmember Alam was absent.

## 8. Adjournment

There being no further business, Mayor LeBlanc adjourned the June 23, 2026, Town Council Regular Meeting at 9:10 p.m.

**Amanda E.M. Kertz**
**Town Clerk**

Minutes approved by Town Council: _____

[Note: Approved resolutions and ordinances are on file in the Town Clerk's office.]

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# Town Council
# Regular Meeting
# Agenda Item 8.d.

**Agenda Item:** **Approval of the July 8, 2026, Town Council and Planning Commission Joint Work Session Minutes**

**Meeting Date:** July 28, 2026

**Category:** Consent

**Prepared by:** Amanda Kertz, Town Clerk

**Description:**
This is a request for the approval of the July 8, 2026, Town Council and Planning Commission Joint Work Session Minutes.

**Background/Timing Impact:**
Town Council minutes are typically presented for approval in chronological order. Action on the minutes is an important function of the Town Council.

**Strategic Focus Area:**
Good Governance

**Fiscal Impact:**
N/A

**Legal Impact:**
Code of Virginia Section 2.2-3707 outlines the requirements for the recording of minutes for the governing body.

**Staff Recommendation/Next Steps:**
Recommend approval as presented.

**Attachments:**
1. Draft Minutes

**HERNDON TOWN COUNCIL and PLANNING COMMISSION**
**Special Joint Work Session Minutes**
**Wednesday, July 8, 2026**

## 1. Call to Order

Mayor LeBlanc called the July 8, 2026, Town Council and Planning Commission special joint work session to order at 7:00 p.m. in Herndon Police Department Community Room, 397 Herndon Parkway, Herndon, Virginia.

Town Councilmembers in attendance: Mayor Keven LeBlanc; Councilmembers Cesar del Aguila, Kelvin Garcia (arrived at 7:06 p.m.), Michael T. Lloyd, and Alex Reyes.

Planning Commissioners in attendance: Chair Michael Romeo, Vice Chair Meron Yohannes, and Commissioners Andrew Beatty, Yung C. Kim, Stephen Mundt, Samuel F. Richardson, and Brenda Wichman.

Councilmember Naila Alam and Vice Mayor Hedrick were absent.

Staff present during the meeting: Dan Hoffman, Town Manager; Lesa Yeatts, Town Attorney; Kirstyn Barr Jovanovich, Deputy Town Manager; Lisa Gilleran, Director of Community Development; Collin Okoniewski, Economic Development Manager; Bryce Perry, Deputy Director of Community Development; Ahmad Zaki Sarfaraz, Comprehensive Planner; and Amanda Kertz, Town Clerk.

### Determination of a Quorum

Mayor LeBlanc noted for the record that there was a quorum of both bodies, with four members of the Town Council and seven members of the Planning Commission. He stated that the meeting was being recorded and would be posted on the Town's website after the meeting.

Mayor LeBlanc and Chair Romeo provided welcoming comments to the Town Council and Planning Commission.

## 2. Discussion

### a. Herndon 2050 Comprehensive Plan and Market Study and Economic Development Strategy - Project Update and Visioning

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Mayor LeBlanc recognized Lisa Gilleran, Director of Community Development, who provided introductory remarks and introduced the Town's consultant team. Ms. Gilleran recognized Jill Dixon, Project Manager with Agency Landscape + Planning, to continue the presentation. She indicated that Allen Penniman, a Senior Planner at Agency, was participating virtually and could answer questions about the economic and market survey component.

Councilmember Garcia arrived during the presentation of this item at 7:06 p.m.

Ms. Dixon reviewed the schedules for the Comprehensive Plan and Market Study, identified the current stage of each project, and provided an overview of the analysis findings and community engagement completed to date. She stated that the first phase of engagement generated more than 1,650 community contacts, including 480 online survey responses, 75 paper surveys, more than 1,300 interactions at pop-up events, and 73 vision-wall interactions. Ms. Dixon reviewed Herndon's regional strengths resulting from the survey, including its walkable downtown, community character, quality of life, and flexible office and light-industrial space. She reported that parks, open space, and recreation received the highest number of responses on what participants valued in Herndon, followed by community character and restaurants and shops. She also reviewed projected population and housing growth, stating that approximately 32,700 residents were anticipated by 2030, with 39,100 residents by 2040. The number of housing units is projected to increase from approximately 8,000 in 2024 to 17,000 units by 2040.

Ms. Dixon discussed the economic and real estate findings, including expected job growth, anticipated changes in the workforce, commercial office vacancies, demand for flex and industrial space, and the balance between projected residential and commercial property tax revenue. The presentation identified federal spending and contracting, digital infrastructure and artificial intelligence, commercial real estate conditions, and workforce changes as factors expected to affect economic performance. The findings also identified a regional office vacancy rate of approximately 22 percent, and reflected a continued market demand for higher-quality office space and mixed-use development.

The Town Council, Planning Commission, staff and consultants discussed the community survey and market trends analysis, highlighting the following:

1. Herndon's identity and position among neighboring communities in the region.

2. Workforce and affordable housing needs and how that demand could be met.

3. Importance of housing choices for different ages, incomes, and households; emphasis on opportunities for homeownership and long-term financial

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stability.

4. Anticipated job growth; changing commercial space needs; flex space; and the residential and commercial tax balance.

5. Engagement with Spanish-speaking residents and participation from other groups that may be underrepresented in community surveys.

6. Following questions about the numeric and demographic data from the Town Council and Planning Commission, staff stated that the supplemental appendix would be distributed to the Town Council and Planning Commission.

Ms. Dixon continued the presentation and provided an update on the visioning process. She reviewed four community vision themes:

1. Small-town character and thoughtful growth;
2. A vibrant and walkable downtown;
3. Local business and fiscal vitality; and
4. A connected and safe community.

Ms. Dixon presented the draft vision statement. The Town Council, Planning Commission, staff, and consultants discussed the draft statement, focusing on the following:

1. Economic opportunity across income levels.

2. Homeownership and its role in building financial security.

3. The relationship between Herndon’s small-town character and future growth.

4. The importance of the second paragraph’s references to safe and accessible transportation, resilient natural systems, and thoughtfully integrated growth.

5. Connections between downtown and the Metro area, including possible transit connections.

6. Building heights, development patterns, and the types of businesses envisioned for downtown and the Metro area.

7. Connected and inclusive neighborhoods.

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8. The need for more specific and concise language.

Vice Chair Yohannes requested that the final vision statement be translated and made accessible to individuals of all abilities.

Ms. Dixon stated that the vision statement would be refined to use more specific and concise language.

Ms. Dixon reviewed the Downtown and Metro Area Early Action Plans. She stated that the existing-conditions analysis and steering committee visioning had been completed. The next steps included refining the vision statement, preparing draft goals, and developing future scenarios.

Ms. Dixon explained that scenario planning would be used in the next phase to evaluate different land-use, density, transportation, and office-market options. She stated that the process was not meant to select one scenario, but to develop a blended or hybrid approach using preferred elements from multiple potential futures.

The Town Council, Planning Commission, staff, and consultants discussed:

1. Parks, density, and downtown development.

2. Trail connections throughout Town, including to the Washington and Old Dominion Trail.

3. Bicycle, pedestrian, and sidewalk infrastructure.

4. Future corridor studies and Capital Improvement Program priorities.

5. Land-use and development constraints.

6. The utility corridor and the constraints of existing utilities on the Washington and Old Dominion Trail.

Ms. Dixon stated that additional information on the scenarios would be presented at a future meeting. Ms. Gilleran stated that staff would distribute the complete presentation with the appendix.

## 3. Roundtable

Commissioner Beatty, Councilmember Garcia, Chair Romeo, and Mayor LeBlanc thanked staff and the consultants for the presentation and for their work on the project.

Mayor LeBlanc also thanked the members of the Town Council and Planning Commission for participating in that evening’s meeting, and he asked staff to

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identify additional opportunities for the two bodies to meet as the Comprehensive Plan process advances. He stated that the progress on the Early Action Plans and their committees was encouraging and that he looked forward to the next steps.

## 4. Adjournment

There being no further business, Mayor LeBlanc adjourned the July 8, 2026, Town Council and Planning Commission special joint work session at 8:13 p.m.

**Amanda E.M. Kertz**
**Town Clerk**

Minutes approved by Town Council: _____
Minutes approved by Planning Commission: _____

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