RZ 2008-PR-017 ACCEPTED: November 20, 2008
SE 2006-PR-018 ACCEPTED: July 25, 2006; **AMENDED** November 20, 2008
PLANNING COMMISSION: June 25, 2009
BOARD OF SUPERVISORS: July 13, 2009
@ 3:30 pm

County of Fairfax, Virginia

June 10, 2009

STAFF REPORT

RZ 2008-PR-017 & SE 2006-PR-018

PROVIDENCE DISTRICT

APPLICANT:	Merrifield Garden Center Corporation
PLAN MAP:	Mixed Use
RZ 2008-PR-017:	
PROPOSAL:	Rezoning from the R-3 to the C-8 District to permit retail sales (plant nursery), in conjunction with surrounding C-8 property currently in use as a plant nursery
EXISTING ZONING:	R-3, HC
PROPOSED ZONING:	C-8, HC
PARCEL(S):	49-2 ((1)) 28A
ACREAGE:	10,155 square feet
FAR:	0.32
OPEN SPACE:	15%+

Tracy Strunk

SE 2006-PR-018:

PROPOSAL:	Special Exception approval to permit a plant nursery in the I-5 District, in conjunction with surrounding C-8 property currently in use as a plant nursery
ZONING:	I-5, HC
PARCEL(S):	49-2 ((1)) 28
ACREAGE:	3.91 acres
FAR:	0.18
OPEN SPACE:	20%+
SE CATEGORY:	Category 5; Plant Nursery

STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2008-PR-017, subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends approval of a waiver of the minimum lot size.

Staff recommends approval of SE 2006-PR-018, subject to conditions consistent with those contained in Appendix 2.

Staff recommends approval of a modification of the Additional Standards for Plant Nurseries #9, parking, in favor of that shown on the SE Plat and as conditioned.

Staff recommends approval of a waiver of the service drive requirement along Lee Highway.

Staff recommends approval of a modification of frontage improvements on Lee Highway in favor of that shown on the SE Plat in accordance with VDOT Project #0029-029-119.

Staff recommends approval of a waiver of Section 2-504 of the Zoning Ordinance to permit outdoor storage and sales in a required yard and of Section 5-505 (3) to permit outdoor storage and sales in a front yard.

It should be noted that it is not the intent of the staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards; and that, should this application be approved, such approval does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application

It should be noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290 TTY 711 (Virginia Relay Center).

N:\Merrifield Garden RZ 2008-PR-017 SE 018\RZ 2008-PR-017 SE 018.doc

Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Rezoning Application

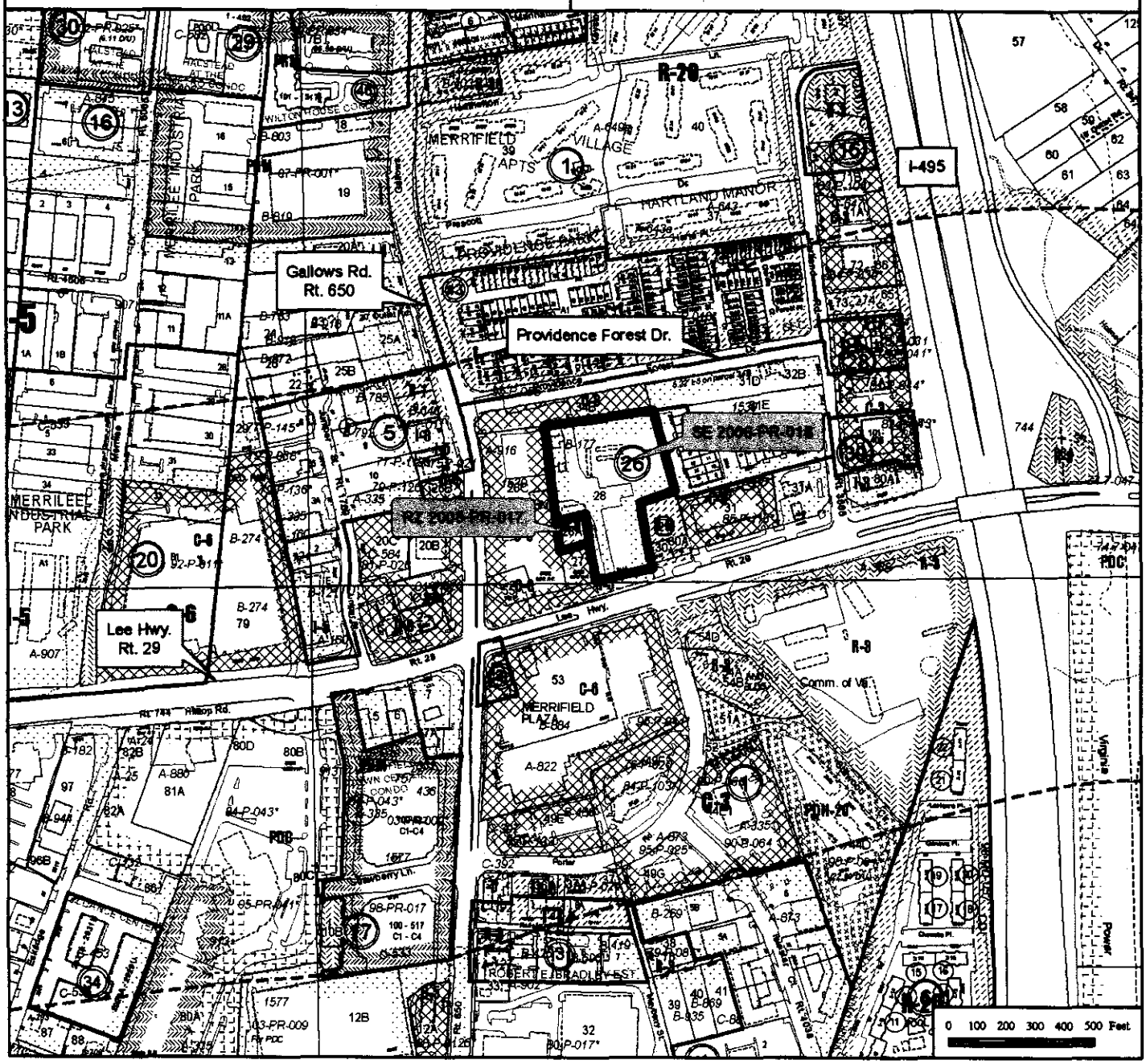
RZ 2008-PR-017

Applicant:	MERRIFIELD GARDEN CENTER CORPORATION
Accepted:	11/20/2008
Proposed:	COMMMERCIAL
Area:	10,155 SF OF LAND; DISTRICT - PROVIDENCE
Zoning Dist Sect:	
Located:	EAST OF GALLOWS ROAD AND NORTH OF LEE HIGHWAY
Zoning:	FROM R- 3 TO C- 8
Overlay Dist:	HC
Map Ref Num:	049-2- /01/ /0028A

Special Exception

SE 2006-PR-018

Applicant:	MERRIFIELD GARDEN CENTER CORPORATION
Accepted:	07/25/2006- AMENDED 11/20/2008
Proposed:	PLANT NURSERY
Area:	3.91 AC OF LAND; DISTRICT - PROVIDENCE
Zoning Dist Sect:	05-0504
Art 9 Group and Use:	5-19
Located:	8112 LEE HIGHWAY
Zoning:	I- 5
Plan Area:	2,
Overlay Dist:	HC
Map Ref Num:	049-2- /01/ /0028



MERRIFIELD GARDEN CENTER

GENERALIZED DEVELOPMENT PLAN/SPECIAL EXCEPTION

RZ 2008-PR- 017/SE 2006-PR-018

PROVIDENCE DISTRICT - FAIRFAX COUNTY, VIRGINIA

OWNER/APPLICANT

MERRIFIELD GARDEN CENTER CORPORATION

8112 LEE HIGHWAY FALLS CHURCH, VIRGINIA 22042

SEPTEMBER 19, 2008

•GENERAL NOTES:

1A. LOCATION. THE AREA SUBJECT TO THIS REZONING (RZ) APPLICATION CONSISTS OF TAX MAP 49-2 ((1)) PARCEL 28A (10,[illegible] SF) AND IS ZONED R-3 AND HC.

1B. LOCATION. THE AREA SUBJECT TO THIS SPECIAL EXCEPTION (SE) APPLICATION CONSISTS OF TAX MAP 49-2 ((1)) PARCEL 28 (TM, 464 ± SF) AND IS ZONED I-5 AND HC.

2. OWNERSHIP. THE SITE IS LOCATED AT [illegible] LEE HIGHWAY, IS OWNED BY MERRIFIELD GARDEN CENTER CORP (PARCEL 28A) AND [illegible] AND WILLIAMS, L.L.C. (PARCEL 28). THIS INFORMATION IS CONTAINED ON THE AFFIDAVIT SUBMITTED SEPARATELY.

3. GDP/SE REQUEST. THE SITE GENERALLY OPERATES AS A GRANDFATHERED EXISTING PLANT NURSERY USE, AND FUNCTIONS AS A WHOLE FOR THE ENTIRE SITE. THE R-3 PORTION OF THE SITE IS REQUESTED TO BE REZONED (VIA A GENERALIZED DEVELOPMENT PLAN, OR GDP) TO THE C-8 ZONING DISTRICT, AND WILL INCLUDE A RETAIL SALES ESTABLISHMENT WITH OUTDOOR SALES DISPLAY (PLANT NURSERY). THE SPECIAL EXCEPTION (SE) IS A REQUEST TO ALLOW THE CONTINUATION OF THE PLANT NURSERY USE ON THE I-5 ZONED PORTION OF THE SITE. THE C-8 PORTIONS OF THE PROPERTY WILL CONTINUE TO BE OPERATED AS A PLANT NURSERY BY RIGHT.

4. HISTORY. SPECIAL PERMIT SPA[illegible]-PR-[illegible] TO ALLOW A PORTION OF BLDG. S-1 TO REMAIN IN A FRONT YARD WHERE A MIN. SETBACK OF 40 FT. IS ALLOWED PER SEC. 4-[illegible] WAS APPROVED BY THE BZA ON JUNE [illegible], [illegible]. NOTWITHSTANDING THE PAST SITE PLAN APPROVALS FOR MERRIFIELD GARDEN CENTER (PER [illegible] AND SITE PLAN WAIVER No. [illegible]), GENERAL NOTE [illegible] BELOW DETAILS THE APPLICANT'S WAIVER AND MODIFICATION REQUESTS. SEVERAL OF THESE REQUESTS ARE SIMPLY TO ALLOW THE EXISTING USES TO REMAIN, UNTIL LEE HIGHWAY IS WIDENED BY FUTURE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) ROAD IMPROVEMENTS.

5. BOUNDARY/TOPOGRAPHY. BOUNDARY & TOPOGRAPHIC INFORMATION WAS PREPARED BY WILLIAM H. GORDON AND ASSOCIATES (WHGA). THE FEATURES SHOWN ARE BASED ON A JANUARY [illegible] FIELD SURVEY TO REFLECT EXISTING CONDITIONS. NO TITLE REPORT WAS FURNISHED FOR THE PREPARATION OF THIS PLAT.

6. RIGHTS-OF-WAY. LEE HIGHWAY - ROUTE 29/211 IS PRESENTLY A FOUR LANE ROAD WITH OFF-STREET PARKING ALONG THE SUBJECT PROPERTY. GALLOWS ROAD IS PRESENTLY A FOUR LANE ROAD. THE COMPREHENSIVE PLAN CALLS FOR SIX (6) LANE ROAD WIDENING TO BOTH GALLOWS ROAD AND LEE HIGHWAY IN THIS AREA.

VDOT HAS PREPARED FIELD INSPECTION (F.I.) PLANS FOR IMPROVEMENTS TO GALLOWS ROAD AND LEE HIGHWAY UNDER PROJECT No. [illegible]. THE ASSOCIATED ULTIMATE RIGHT-OF-WAY LINES ARE SHOWN ON THE GDP/SE. THE APPLICANT INTENDS TO UTILIZE THE SITE IN ITS PRESENT CONFIGURATION - AS SHOWN ON THIS GDP/SE, UNTIL SUCH TIME AS VDOT BEGINS CONSTRUCTION.

7. SITE ACCESS. THERE ARE NO NEW PUBLIC STREETS PROPOSED WITH THIS APPLICATION. PRESENTLY, THE APPLICANT MAINTAINS FIVE (5) DRIVEWAY ENTRANCES, TWO (2) ENTRANCES OFF OF LEE HIGHWAY, ONE (1) ENTRANCE OFF OF GALLOWS ROAD, AND TWO (2) ENTRANCES OFF OF PROVIDENCE FOREST DRIVE. THERE ARE NO NEW ENTRANCES PROPOSED WITH THIS APPLICATION. UNTIL FUTURE VDOT ROAD WIDENING IMPROVEMENTS COMMENCE, THE APPLICANT REQUESTS USE OF ITS EXISTING ENTRANCES AS SHOWN. UPON ANTICIPATED VDOT WIDENING IN ASSOCIATION WITH VDOT PROJECT [illegible], THE APPLICANT WILL RETAIN ONE ENTRANCE ON LEE HIGHWAY AND ONE ENTRANCE ON GALLOWS ROAD AND TWO ENTRANCES ON PROVIDENCE FOREST DRIVE.

8. TRAILS. THE COUNTY TRAILS PLAN SHOWS AN ON-ROAD BICYCLE PATH WITHIN THE ROW OF GALLOWS ROAD AND MAJOR TRAILS ALONG THE EAST SIDE OF GALLOWS ROAD AND ALONG THE NORTH SIDE OF LEE HIGHWAY (RT. 29). THESE TRAILS ARE PROPOSED WITH THE FUTURE CONSTRUCTION BY VDOT PROJECT NO. [illegible].

9. EASEMENTS. THERE ARE NO UTILITY EASEMENTS HAVING A WIDTH OF 25 FEET OR MORE. ALL KNOWN UNDERGROUND UTILITY EASEMENTS ARE PRESENTED.

10. UTILITIES. THE SITE IS SERVICED BY PUBLIC WATER AND PUBLIC SEWER AS SHOWN.

11. WAIVERS/MODIFICATIONS. THE EXISTING PLANT NURSERY USE(S) WILL REMAIN ON THE I-5 ZONED PARCEL. THE PROPOSED RETAIL SALES USE AND OUTDOOR SALES DISPLAY AREA USE FOR THE RESULTANT C-8 ZONED PARCEL SHALL BE IN CONFORMANCE WITH ALL APPLICABLE ORDINANCES, REGULATIONS, ADOPTED STANDARDS AND PREVIOUSLY APPROVED PLANS AND CONDITIONS WITH THE EXCEPTION OF:

A. ROW DEDICATIONS & CONSTRUCTION. A MODIFICATION TO THE PROVISIONS OF SEC. 17-201 PARA 4 TO ALLOW THE COMPREHENSIVE PLAN'S RIGHT-OF-WAY REQUIREMENTS TO BE CONSISTENT WITH VDOT PROJECT No. [illegible], AND A WAIVER OF THE FRONTAGE ROAD WIDENING IMPROVEMENTS, ALONG LEE HIGHWAY.

B. TRAILS. IN ACCORDANCE WITH SEC. 17-201 PARA. 3, A WAIVER OF THE COUNTY TRAILS REQUIREMENT FOR A 6-FOOT-WIDE MULTIPURPOSE TRAIL ALONG THE NORTH SIDE OF LEE HIGHWAY, LOCATED WITHIN THE PROPOSED RIGHT-OF-WAY LIMITS SINCE THE TRAIL IS TO BE CONSTRUCTED AS PART OF VDOT PROJ. NO. [illegible].

C. SERVICE DRIVE. PURSUANT TO SEC. 17-201 PARA. 5, A WAIVER OF THE SERVICE DRIVE REQUIRED ALONG THE SITE'S LEE HIGHWAY FRONTAGE IN ACCORDANCE WITH VDOT PROJECT No. [illegible].

D. C-8 MINIMUM LOT SIZE/MINIMUM LOT WIDTH. A WAIVER OF SEC. 4-[illegible] PARAs. 1 & 2 TO ALLOW A PORTION OF A RETAIL SALES ESTABLISHMENT ON A C-8 ZONED LOT OF LESS THAN 40,000 SF & LESS THAN 200 FT. IN WIDTH.

E. PARKING REDUCTIONS. A MODIFICATION OF THE PKG. REQUIREMENTS AS ALLOWED UNDER SEC. 11-[illegible] PARA. [illegible]. APPROVAL IS SOUGHT BY THE BOS. TO ALLOW A LESSER NUMBER OF PARKING SPACES THAN THAT REQUIRED DUE TO THE UNIQUE CONFIGURATION AND OPERATION OF THE SITE AND THE USES THEREON.

F. YARDS & SCREENING. IN ACCORDANCE WITH SEC. 2-[illegible], A WAIVER OF THE PROVISION IN PARA. 3 PROHIBITING DISPLAYING, STORING, OR OFFERING FOR SALE GOODS WITHIN THE MINIMUM REQUIRED YARD AREAS DUE TO THE LOCATION OF THE SUBJECT PARCEL WHOLLY WITHIN THE SUBJECT SITE AND WHOLLY SURROUNDED BY THOSE ASSOCIATED USES.

G. STORAGE. PER SEC. [illegible] PARA. 3, A WAIVER SO AS TO ALLOW STORAGE OF PLANT MATERIALS IN PLANT BEDS LOCATED WITHIN A PORTION OF THE MINIMUM REQUIRED FRONT YARDS.

12. SWM. STORM WATER MANAGEMENT TO SERVE THE SITE IS PROVIDED BY AN EXISTING UNDERGROUND DETENTION POND AND PROPOSED UNDERGROUND FACILITIES AS GENERALLY SHOWN TO HONOR THE NATURAL DRAINAGE DIVIDES. (SEE SHEETS 4 AND 5)

13. EQC/FLOODPLAIN/RPA. NO EQC, FLOODPLAIN, OR RPA EXISTS ON SITE.

14. CLEARING & GRADING. THE LIMITS OF CLEARING AND GRADING FOR THE SITE COINCIDE WITH THE EXISTING PERIPHERAL PROPERTY LINES AS SHOWN ON THE GDP/SE PLAT. DUE TO THE DEVELOPED NATURE OF THE SITE, THE APPLICANT ANTICIPATES NO ADDITIONAL SITE CLEARING OR GRADING, EXCEPTING CONSTRUCTION TO ALLOW FUTURE ENTRANCE RECONFIGURATION AND INSTALLATION OF THE ADJUSTED PARKING AREAS AS SHOWN, AS MAY BE REQUIRED TO SUPPORT ANY NEW SWM/BMP FACILITIES THAT WILL BE DETERMINED AT THE TIME OF SITE PLAN SUBMISSION, AND AS NECESSARY TO PROVIDE FOR AN ADDITIONAL TRUCK LOADING DOCK AND ITS ASSOCIATED RAMPING BACK TO GRADE.

15. GRAVES. TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THERE ARE NO GRAVES ON THE SITE NOR DOES THE ADJACENT MERRIFIELD CEMETERY EXTEND ONTO THE SITE.

16. SITE LIGHTING/LOUDSPEAKERS. SITE LIGHTING CONSISTS OF EXISTING LIGHT POLES AND BUILDING MOUNTED LIGHTS. LOUDSPEAKERS ARE USED FOR THE SITE'S INTERCOM SYSTEM. THE APPLICANT INTENDS NO MODIFICATIONS TO THE SITE'S LIGHTS/LOUDSPEAKERS OTHER THAN MODIFICATIONS NECESSITATED BY THE AFOREMENTIONED POSSIBLE ROW IMPROVEMENTS. NEVERTHELESS, ANY NECESSITATED FUTURE LIGHTING MODIFICATIONS WILL FULLY COMPLY WITH ART. 14-[illegible] (OUTDOOR LIGHTING STANDARDS) OF THE ZONING ORDINANCE. SIMILARLY, ANY NECESSITATED LOUDSPEAKER MODIFICATIONS WILL FULLY COMPLY WITH ART. 14-[illegible] (NOISE STANDARDS).

17. SIGNAGE. EXISTING SIGNS SHALL BE RETAINED AS SHOWN. SEE SIGNAGE INSERT ON SHT. 3 IN THIS SUBMISSION.

18. HAZMAT. THE APPLICANT SHALL COMPLY WITH ALL LAWS GOVERNING THE STORAGE OF ANY EXISTING HAZARDOUS OR TOXIC SUBSTANCES, HAZARDOUS WASTES, OR PETROLEUM PRODUCTS KEPT ON THE SUBJECT PROPERTY.

19. PLANT SHADING. WITHIN THE PROPOSED OUTDOOR SALES DISPLAY AREAS SHOWN ON THE GDP/SE PLAT, PLANT MATERIALS REQUIRING PROTECTION FROM THE ELEMENTS MAY BE COVERED WITH TEMPORARY SHADE STRUCTURES THAT SHALL BE PORTABLE, MOVABLE, AND SHALL NOT EXCEED TWENTY-TWO FEET (22') IN HEIGHT. THESE AREAS HAVE BEEN INCLUDED IN THE FAR CALCULATIONS, BUT WILL BE CONSIDERED OUTDOOR SALES DISPLAY.

20. STORAGE OF PLANTS. NURSERY STOCK AND LANDSCAPE MATERIAL MAY BE LOCATED ANYWHERE ON THE SITE EXCEPT WHERE OTHERWISE RESTRICTED.

21. OTHER STORAGE. THE I-5 ZONE MAY INCLUDE (BUT IS NOT LIMITED TO) STORAGE OF SUCH ITEMS AS PLANTS, PLANT BEDS, COVERED OUTDOOR STORAGE BINS, VEHICLES, EQUIPMENT, LANDSCAPE CONTRACTING EQUIPMENT, LANDSCAPE MATERIALS, SOIL, GRAVEL, SEASONAL HOOP HOUSES, OVERFLOW PARKING, AND THE LIKE, AS ALLOWED BY THE ORDINANCE AND NOT OTHERWISE PROHIBITED ELSEWHERE. ENCLOSED STORAGE CONTAINERS SHALL BE ALLOWED ANYWHERE WITHIN THE STORAGE AREA.

22. PARKING. THE TOTAL PARKING SPACES FOR THE USE ARE REPRESENTED BY EXISTING AND PROPOSED PARKING SPACES. THE APPLICANT RESERVES THE RIGHT TO MODIFY THE LAYOUT AND INCREASE OR REDUCE THE QUANTITIES SHOWN AT THE TIME OF SITE PLAN SUBMISSION PROVIDED THE MINIMUM SETBACKS TO THE PROPERTY LINE ARE NOT REDUCED AND THE MINIMUM NUMBER OF PARKING SPACES REQUIRED BY THIS GDP/SE PLAT ARE PROVIDED.

23. PHASING - PARKING. CONSTRUCTION OF THE PERMANENT ENTRANCE DRIVE AND THE RELOCATION OF THE PARKING LOT WILL OCCUR AFTER COMPLETION OF THE VDOT ROAD WIDENING ON LEE HIGHWAY AND GALLOWS ROAD.

24. EMPLOYEES. THE NUMBER OF EMPLOYEES SHOWN IS FOR THE PURPOSE OF PROVIDING PARKING TABULATIONS PURSUANT TO THE GDP/SE PLAT SUBMITTAL REQUIREMENTS, AND SHALL NOT CONSTITUTE THE TOTAL NUMBER OF EMPLOYEES PERMITTED.

SITE TABULATIONS

SITE INFORMATION

EXISTING ZONING	R-3 (PARCEL 28A), I-5 (PARCEL 28)
PROPOSED ZONING	C-8 (PARCEL 28A), I-5 (PARCEL 28)
C-8 AREA	0.23± ACRES, 10,[illegible]± SF
I-5 AREA	3.[illegible]± ACRES, [illegible]± SF
EMPLOYEES	[illegible] TOTAL, [illegible] ON PARCEL 28-A, [illegible] ON PARCEL 28
CO. VEHICLES	2 TOTAL, NONE ON PARCELS 28-A AND 28

OPEN SPACE REQUIRED: C-8 [illegible]% REQUIRED / I-5 [illegible]% REQUIRED
OPEN SPACE PROVIDED: C-8 >[illegible]% PROVIDED / I-5 >[illegible]% PROVIDED
OPEN SPACE PROVIDED: ENTIRE SITE >[illegible]% ([illegible]% REQUIRED FOR I-5 AND C-8)

INTERIOR PARKING LOT LANDSCAPING REQUIRED/PROVIDED: [illegible]% REQUIRED / [illegible]% PROPOSED
TREE COVER: [illegible]% MIN. REQUIRED [illegible]% MIN. PROVIDED (FOR BOTH PARCELS)

PARCEL 28-A: C-8

F.A.R. ALLOWED	[illegible] F.A.R.
F.A.R. PROPOSED	[illegible] F.A.R.
EXISTING/ PROPOSED FLR. AREA	3,2[illegible] GSF +/-

EXISTING/ PROPOSED FLR. AREA	
PORTION OF BLDG. S-[illegible] (OFFICES)	1,[illegible] GSF +/-
PORTION OF BLDG. S-[illegible] (STORAGE)	[illegible] GSF +/-
PORTION OF BLDG. S-[illegible] (SNACK SHOP)	[illegible] GSF +/-
HOOP HOUSES ([illegible] TOTAL)	1,7[illegible] GSF +/-
	3,2[illegible] GSF +/-

PARCEL 28: I-5

F.A.R. ALLOWED	[illegible] F.A.R.
F.A.R. PROPOSED	[illegible] F.A.R.
PROPOSED FLR. AREA	[illegible] GSF +/-

EXISTING FLR. AREA	
PORTION OF BLDG. S-[illegible] (OFFICES)	[illegible] GSF +/-
PORTION OF BLDG. S-[illegible] (STORAGE)	[illegible] GSF +/-
PORTION OF BLDG. S-[illegible] (SNACK SHOP)	[illegible] GSF +/-
BLDG. S-[illegible] (STORAGE)	[illegible] GSF +/-
BLDG. S-7 (STORAGE)	1,[illegible] GSF +/-
BLDG. S-[illegible] (STORAGE)	[illegible] GSF +/-
BLDG. S-[illegible] (STORAGE)	[illegible] GSF +/-
HOOP HOUSES ([illegible] TOTAL)	[illegible] GSF +/-
	[illegible] GSF +/-

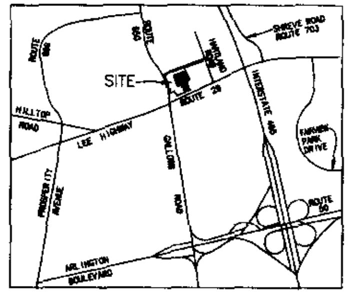
PROPOSED FLR. AREA	
EXISTING FLR. AREA	[illegible] GSF +/-
BLDG. S-[illegible] (STORAGE)	[illegible] GSF +/-
	[illegible] GSF +/-

ZONING REQUIREMENTS:

	(C-8)	(I-5)
ALLOWABLE BUILDING HEIGHT:	40'	[illegible]'
ACTUAL BUILDING HEIGHT:	25'	[illegible]'
MINIMUM FRONT YARD:	40' / 45° ABP	40' / 45° ABP
PROVIDED FRONT YARD:	40' MIN.	40' MIN.
MINIMUM SIDE YARD:	NONE	NONE
MINIMUM REAR YARD:	20' MIN.	NONE
PROVIDED REAR YARD:	20' MIN.	[illegible] MIN.

•VICINITY MAP

SCALE: 1"=2000'



•LIST OF DRAWINGS

1. COVER SHEET
2. EXISTING CONDITIONS
3. GENERALIZED DEVELOPMENT PLAN/ SPECIAL EXCEPTION PLAT
4. STORMWATER MANAGEMENT EXHIBIT
5. ADEQUATE OUTFALL ANALYSIS

William H. Gordon Associates, Inc.
Engineers · Land Planners · Landscape Architects · Surveyors
4501 DALY DRIVE CHANTILLY, VIRGINIA 20151
(703) 263-1900

REVISIONS	
September 19, 2008	Original Submission
March 10, 2009	County Comments
May 8, 2009	County Comments

COMMONWEALTH OF VIRGINIA
ROBERT W. WALKER
NO. [illegible]
5/8/09
PROFESSIONAL ENGINEER

0413-0501
0413-CS.DWG

SHEET 1 OF 5

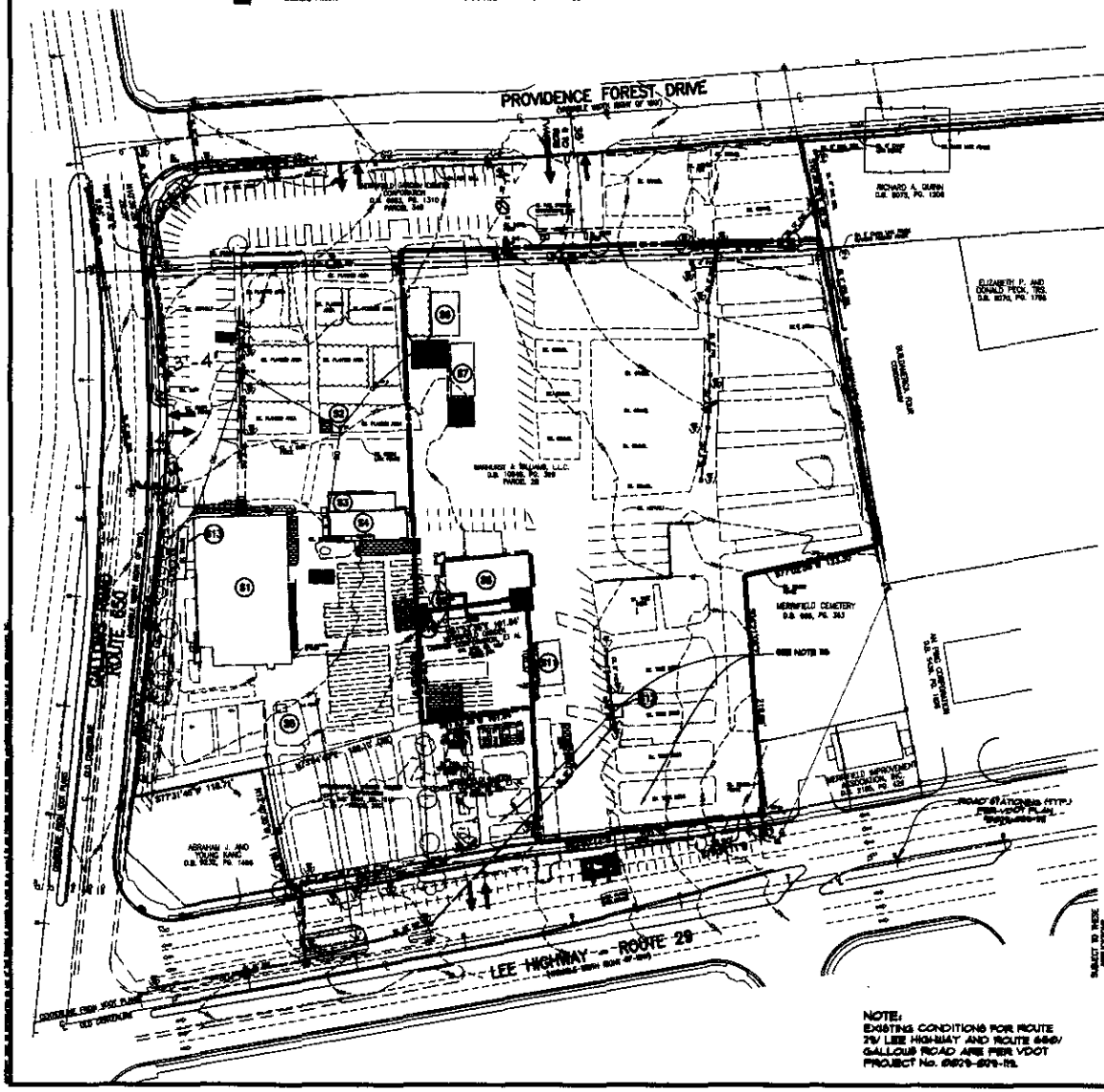
LEGEND

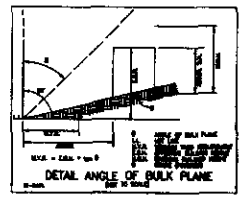
NORTH

GRAPHICAL SCALE: 1" = 50'

CURVE TABLE:

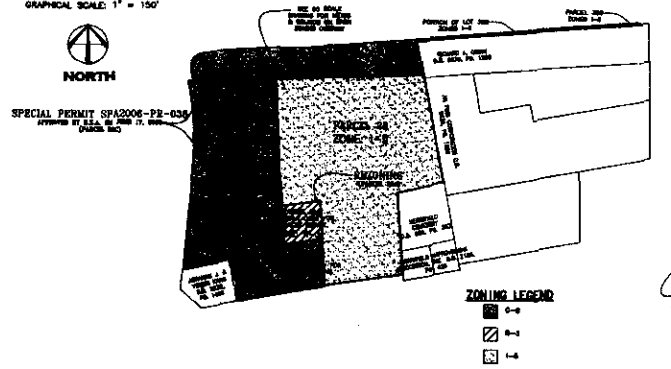
CURVE	ARC LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BEARING
C1	32.20'	562.95'	3°16'44"	16.10'	32.19'	N83°45'36"E
C2	109.60'	1262.65'	4°58'24"	54.83'	109.56'	N87°53'10"E
C3	89.84'	1035.00'	4°58'24"	44.96'	89.81'	N87°53'10"E
C4	17.08'	26.50'	37°38'20"	8.86'	16.77'	S75°47'05"E
C5	204.98'	758.70'	15°28'20"	103.07'	204.26'	N02°08'20"W
C6	25.76'	1843.34'	0°48'03"	12.88'	25.76'	N04°14'58"W
C7	6.18'	41.00'	7°14'31"	2.58'	6.18'	N08°36'12"W





EXISTING ZONING DISTRICTS

GRAPHICAL SCALE: 1" = 150'



EXISTING STRUCTURES

(ALL STRUCTURES TO BE RETAINED)

STRUCTURE	USE	APPROX. CONSTRUCTION DATE	DIMENSIONS	GROSS FLOOR AREA	ESTIMATED HEIGHT	DISTANCE TO B	ZONING ACTIONS
S1	RETAIL	1973	138'± x 88'±	11,806 SF +/-	26'	315'±/N, 101'±/S, 116'±/E, 36'±/W	S1 BUILDING SUBJECT TO PREV. APPROV. SPECIAL PERMIT SPA2006-PR-036
S2	STORAGE	1988	11'± x 10'±	110 SF +/-	30'	189'±/N, 462'±/S, 71'±/E, 141'±/W	
S3	STORAGE	1987	61'± x 17'±	1,037 SF +/-	35'	223'±/N, 378'±/S, 10'±/E, 189'±/W	
S4	STORAGE	1978	75'± x 27'±	2,025 SF +/-	35'	340'±/N, 341'±/S, 6'±/E, 186'±/W	
S5	STORAGE	2001	9'± x 7'±	63 SF +/-	20'	413'±/N, 208'±/S, 122'±/E, 121'±/W	
S8	STORAGE	1980	41'± x 28'±	1,013 SF +/-	20'	40'±/N, 524'±/S, 334'±/E, 248'±/W	
S7	STORAGE	1987	49'± x 28'±	1,036 SF +/-	20'	87'±/N, 463'±/S, 338'±/E, 269'±/W	
S8	OFFICE	1981	84'± x 51'±	8,320 SF +/-	36'	282'±/N, 263'±/S, 314'±/E, 280'±/W	BUILDINGS SUBJECT TO REZONING
S9	STORAGE	1986	20'± x 16'±	320 SF +/-	15'	---------	
S10	RETAIL	1985	17'± x 8'±	138 SF +/-	13'	---------	
S11	RETAIL	1984	40'± x 25'±	1,000 SF +/-	20'	342'±/N, 189'±/S, 174'±/E, 248'±/W	
S12	STORAGE	2001	10'± x 9'±	93 SF +/-	20'	434'±/N, 146'±/S, 121'±/E, 74'±/W	
S13*	STORAGE	2001	9'± x 46'±	412 SF +/-	15'	264'±/N, 186'±/S, 613'±/E, 18'±/W	

SUBTOTAL S1-S13 — 25,252 SF +/-
HOOP HOUSES ** — 22,215 SF +/-
TOTAL GSF ON ALL PARCELS — 47,467 SF +/-

TOTAL GSF SUBJECT TO REZONE APPLICATIONS (PARCELS 28 AND 28-A ONLY) — 32,637 SF +/-

* S13 TO BE RELOCATED TO PARCEL 28 AS SHOWN ON SHEET 3

** HOOP HOUSES ARE A TEMPORARY STRUCTURES AND HAVE BEEN LISTED HERE FOR GROSS FLOOR AREA TABULATIONS. SEE NOTE 10 ON SHEET 1.

NOTE:
EXISTING CONDITIONS FOR ROUTE 29/ LEE HIGHWAY AND ROUTE 650/ GALLOWS ROAD ARE PER VDOT PROJECT No. 6029-029-113.

REVISIONS
03-10-08 County Comments
05-08-08 County Comments

SURVEY: WHGA
DESIGN: WHGA
DRAWN: T. OLSON
CHECKED: R. WALKER

ENGINEERS · SURVEYORS · LAND PLANNERS · LANDSCAPE ARCHITECTS
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DATE: SEPTEMBER 19, 2008
SCALE: HORIZ: AS NOTED
VERT: N/A
SEAL: COMMONWEALTH OF VIRGINIA — ROBERT W. WALKER — 5/7/09 — PROFESSIONAL ENGINEER

EXISTING CONDITIONS

MERRIFIELD GARDEN CENTER

PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA

JOB: 0413-0501
DWG: 0413-GDP-SE.DWG
SHEET: 2 OF 5

PROVIDENCE FOREST DRIVE

PARCEL 32B ZONE: I-5

HAMLINE ROAD ROUTE 308

PARCEL 33B ZONE: C-8

ZONE: I-5

TRAILER TO BE MOVED TO I-5 ZONE

EXISTING LOADING AREA

PARCEL 26C ZONE: C-8 USE: RETAIL SALES

PARCEL 27 ZONE: C-8

PROPOSED 8'x30' CONCRETE PAD FOR BUS STOP AND ASSOCIATED EASEMENT (TRAILER TO BE PROVIDED BY OWNER)

EXISTING BUS POLE RELOCATED WITH LEE HIGHWAY ROAD IMPROVEMENTS

VDOT TEMPORARY CONSTRUCTION EASEMENT

ROAD WARRANTS (TYP) PER VDOT PLAN

PROPOSED VDOT R/W 75'

LEE HIGHWAY — ROUTE 29

THE I-5 PORTION OF THE PROPERTY SHALL BE PERMITTED TO HAVE COMMERCIAL RETAIL SALES DISPLAYS FOR PURCHASE ON THE C-8 PORTION OF THE PROPERTY.

SEE SEASONAL PARKING PLAN (TH-09 SHEET)

4' MIN.

LIMITS OF SPECIAL EXCEPTION

OUTDOOR SALES DISPLAY

LOCATION OF TRAFFIC ROSE PER VDOT PLAN

PROPOSED DELIVERY VEHICLE ONLY

PROPOSED 30' RADIUS

24'

SEASONAL PARKING PLAN

SCALE 1"=50'

PARKING SPACE TABULATIONS

The parking requirements for each zone are based on the either Article 9 (Section 9-617 paragraph 3) or Article 11's off-street parking requirements for pertinent uses. This application seeks a reduction in the parking requirement for the I-5 Zone based on Section 9-617 paragraph A.

I-5 Zone, Parcel 32 (Parking requirement based on Article 9-617 paragraph 3) Subject to Special Exception

Description	GSF	NSF	Requirement	Required Spaces
Bldg 5-6 Storage	1,312	918		
Bldg 5-7 Storage	1,000	500		
Portion of Bldg 5-8 Office	5,100	4,600		
Portion of Bldg 5-9 Storage	160	128	1 space/ 300 NSF for the 1st 1000 SF +	
Portion of Bldg 5-9 Snack Shop	160	128	6 spaces / additional 1000 SF	
Bldg 5-11 Storage	1,000	800		
Bldg 5-12 Storage	80	64		
Bldg 5-13 Storage	413	298		
Total GSF/NSF	9,665	7,172		43
Outdoor Sales Display	42,094		1 space/ 500 sf + 1 space/ employee	126 (B)
30 Employees			1 space / employee	30
2 Company vehicles			1 space/ company vehicle	2
Subtotal I-5 Zone Parking				200 (C)
Permanent Spaces (phase 1)				108
Seasonal Spaces (phase 1)				92
Total Provided I-5 Zone Parking				200 (D)

C-8 Zone, Parcel 26-A (Parking requirement based on Article 11) Subject to Rezoning (A)

Description	GSF	NSF	Requirement	Required Spaces
Portion of Bldg 5-9 Office	1,200		3.5 spaces/ 1000 GSF	5
Portion of Bldg 5-9 Storage	160	128	1 space per 1.5 employees + 1 space/ company vehicle + minimum of 1 space/ 1000 GSF	1
Portion of Bldg 5-10 Snack Shop	160	128	1 space/ 300 NSF for the 1st 1000 SF + 6 spaces / additional 1000 SF	1
Outdoor Sales/ Display Area	5,500		1 space/ 500 sf + 1 space/ employee	11
1 Employee				1
Subtotal C-8, Parcel 26 Zone Parking				20
Total Provided C-8, Parcel 26 Zone Parking				6

C-8 Zones, Parcels 26C, 27, 34B (Parking requirement based on Article 11) (A)

Description	GSF	NSF	Requirement	Required Spaces
Bldg 5-1 Retail Center/ Retail Sales	11,000	8,387	1 space/ 300 NSF for the 1st 1000 SF + 6 spaces / additional 1000 SF	55
Bldg 5-2 Storage	130			
Bldg 5-3 Storage	1,027		1 space per 1.5 employees + 1 space/ company vehicle + minimum of 1 space/ 1000 GSF	
Bldg 5-4 Storage	2,000			
Bldg 5-5 Storage	80			
Total Bldgs SF	3,238			4
Outdoor Sales Display Area	34,875		1 space/ 500 sf + 1 space/ employee	130
35 Employees				35
Subtotal C-8 Zone Parking				224
Permanent Spaces (phase 1)				122
Seasonal Spaces (phase 1)				17
Total Provided C-8 Zone Parking				139 (D)

Total Parking Required	439
50% Parking Space reduction for I-5 Zone/ Parcel 32 based on Section 9-617 paragraph	(139) (C)
Net Required Parking Spaces	300
Total Parking Permanent	330
Total Parking Seasonal	73 (B)
Total Parking Provided	403 (D)

LOADING SPACE TABULATIONS

LOADING (PER SEC. 11-300 PARA. 1B)

2 Spaces Required/ 2 Spaces Provided

NOTES

(A) FOR MULTIPLE REQUIREMENTS (E.G. EMPLOYEE PARKING) THE MOST STRINGENT ONE SHALL APPLY.

(B) AREA FOR SEASONAL OVERFLOW PARKING ESTIMATED AT 413 SPACES BASED ON PRELIMINARY PARKING LOT LAYOUT.

(C) SEE GEN. NOTE 1-E ON SHEET 1 FOR REDUCTION OF PARKING REQUIRED. DUE TO THE PROVISIONS OF SEC. 9-617 PARA. 9, THIS APPLICATION SEEKS TO REDUCE THE REQUIRED PARKING ON PARCEL 32 PER SEC. 9-617 PARA. 9 BY 139 PARKING SPACES.

(D) PARKING IS PROVIDED THROUGHOUT THE ENTIRE SITE INCLUDING PARCELS 26C, 32, AND 34B

(E) HOOP HOUSES ARE NOT LISTED IN THE PARKING TABULATIONS BECAUSE THE AREAS THAT WOULD OCCUPY THE HOOP HOUSES ARE INCORPORATED INTO THE OUTDOOR SALES DISPLAY AREAS.

PROPOSED LEGEND

- EXISTING BUILDING-RETAIL AND OFFICE
- OUTDOOR SALES DISPLAY
- ACCESSORY RETAIL AREA
- LIMITS OF CLEARING AND GRADING (SAME AS PROPERTY LINE)
- LIGHT POLES
- YARD SETBACK

NOTE:
EXISTING CONDITIONS FOR ROUTE 29/ LEE HIGHWAY AND ROUTE 638/ GALLOWS ROAD ARE PER VDOT PROJECT No. 6638-029-101.

SIGNAGE

SIGN ID. LTR.	SIZE (L x H)	LIGHTED VERIFY	SEASONALLY VERIFY
G	1'7"x 2'	NO	YES
H	1'-6"x 2'-6"x 2'-6"	NO	NO
I	2'x 2'	YES	NO
J	1'7"x 2'	YES	YES
K	1'-6"x 2'-6"x 2'-6"	YES	NO

NORTH

GRAPHICAL SCALE: 1" = 50'

SECTION A-A'

LEE HIGHWAY/ ROUTE 29

SECTION B-B'

GALLOWS ROAD/ ROUTE 638

SECTION C-C'

PROVIDENCE FOREST DRIVE

REVISIONS
03-10-09 County Comments
05-08-09 County Comments

SURVEY WHGA
DESIGN WHGA
DRAWN T. OLSON
CHECKED R. WALKER

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DATE SEPTEMBER 19, 2008
SCALE HORZ: 1"50' VERT: N/A
SEAL COMMONWEALTH OF VIRGINIA ROBERT W. WALKER NO. 37904 5/7/09 PROFESSIONAL ENGINEER

GENERALIZED DEVELOPMENT PLAN/SPECIAL EXCEPTION PLAT

PROJECT **MERRIFIELD GARDEN CENTER**
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA

JOB 0413-0801
CADD 0413-GDP-SE.DWG
SHEET 3 OF 5

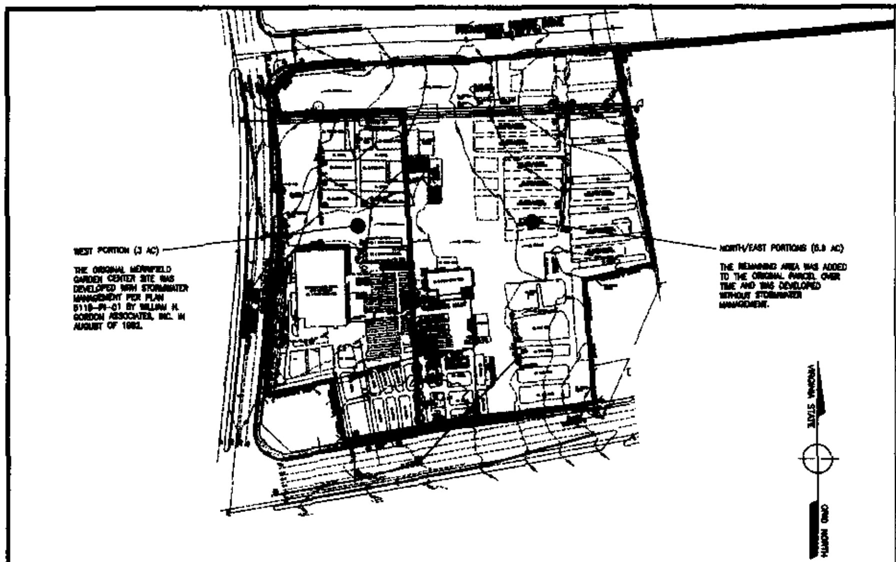
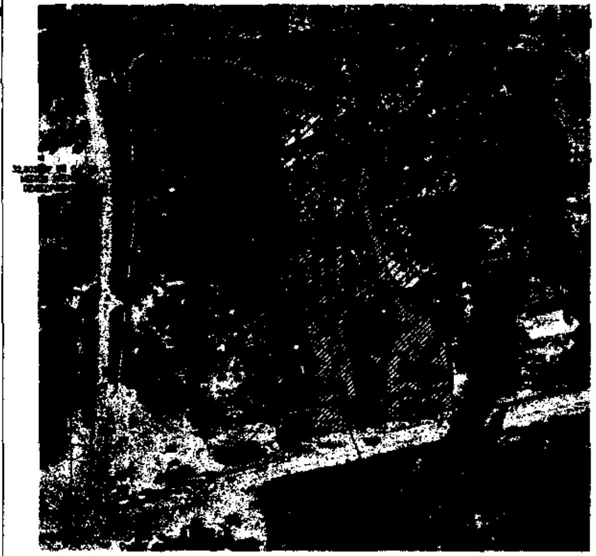


EXHIBIT A

MAP SHOWING EXISTING SITE (FOR WHICH SWM IS PROVIDED) AND ADDITIONAL PARCELS (FOR WHICH SWM HAS NOT YET BEEN PROVIDED)



AERIAL PHOTOGRAPH OF
MERRIFIELD GARDEN CENTER
1970

1970 DRAINAGE ANALYSIS FOR NORTH/EAST PARCEL

FROM THE PHOTOGRAPH, THE FOLLOWING ASSUMPTIONS WERE MADE: THE BRIGHT AREAS (OBVIOUS ROADWAYS, ETC) ARE ASSUMED TO BE HIGH INTENSITY DEVELOPMENT WITH A C VALUE OF 0.9. THE MEDIUM AREAS (OBVIOUS DEVELOPMENT, BUT NOT ROADWAYS, ETC), ARE ASSUMED TO BE MEDIUM INTENSITY DEVELOPMENT WITH A C VALUE OF 0.60. THE DARK AREAS (OBVIOUS TREE COVER) ARE ASSUMED TO BE VEGETATED AREAS WITH A C VALUE OF 0.30

HIGH INTENSITY DEVELOPMENT	61,111 SF OR 1.4 AC.
MEDIUM INTENSITY DEVELOPMENT	113,907 SF OR 2.6 AC.
TREE COVER	83,302 SF OR 1.9 AC.

TOTAL SITE AREA WITHOUT DETENTION = 258,320 SF OR 5.9 AC,

TOTAL WEIGHTED C VALUE FOR THE SITE
1.4 AC * 0.90 = 1.26
2.6 AC * 0.60 = 1.56
1.9 AC * 0.30 = 0.57
3.39/5.9 = 0.57

2004 DRAINAGE ANALYSIS FOR NORTH/EAST PARCEL

PAVEMENT/ROOFS	152,992 SF OR 3.5 AC.
GRAVEL TREE/PLANT BEDS	56,800 SF OR 1.3 AC.
TREE COVER	48,428 SF OR 1.1 AC.

TOTAL SITE AREA WITHOUT DETENTION = 258,320 SF OR 5.9 AC,

TOTAL WEIGHTED C VALUE FOR THE SITE
3.5 AC * 0.90 = 3.15
1.3 AC * 0.60 = 0.78
1.1 AC * 0.30 = 0.33
4.26/5.9 = 0.72

Q2(2004) = C*I*A = 0.72 * 5.92 * 5.9 = 25.2 CFS (POST-DEVELOPED)
Q2(1970) = C*I*A = 0.57 * 5.92 * 5.9 = 19.9 CFS (PRE-DEVELOPED)

Q10(2004) = C*I*A = 0.72 * 7.27 * 5.9 = 30.9 CFS (POST-DEVELOPED)
Q10(1970) = C*I*A = 0.57 * 7.27 * 5.9 = 24.5 CFS (PRE-DEVELOPED)

EXHIBIT B

MAP AND PHOTOGRAPH SHOWING SITE CONDITIONS IN 1970 (FOR ANALYSIS OF NORTH/EAST PARCEL)

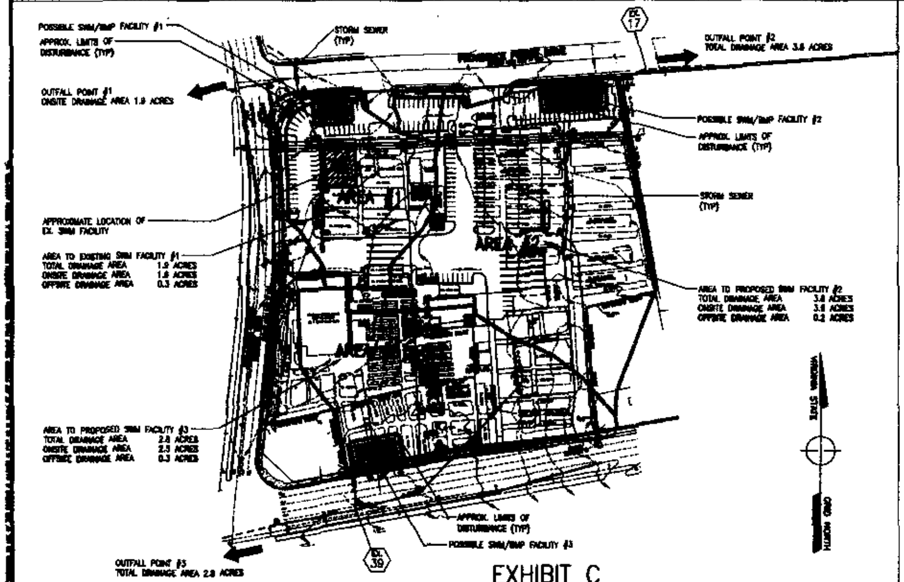


EXHIBIT C

MAP SHOWING CURRENT SITE CONDITIONS IN 2004

STORMWATER MANAGEMENT NARRATIVE

THE ORIGINAL MERRIFIELD GARDEN CENTER SITE CONSISTED OF 3 (THREE) ACRES. STORMWATER MANAGEMENT FOR THE ORIGINAL SITE WAS PROVIDED ACCORDING TO PLAN 5119-PI-01 BY WILLIAM H. GORDON ASSOCIATES, INC. ENTITLED 'MERRIFIELD GARDEN CENTER' AND DATED AUGUST 1982. THE ORIGINAL PARCEL IS SHOWN ON EXHIBIT 'A' AND REFERRED TO AS THE 'WEST PORTION'. THE EXISTING STORMWATER MANAGEMENT FACILITY CONSISTS OF AN UNDERGROUND POND FILLED WITH GRAVEL. THE 40% VOID SPACE IN THE GRAVEL PROVIDES THE REQUIRED STORAGE VOLUME.

PARCELS WERE ADDED TO THE SITE OVER TIME, BUT NO ADDITIONAL STORMWATER MANAGEMENT WAS PROVIDED. THE ADDITIONAL PARCELS, SHOWN ON EXHIBIT 'A' CONTAIN 5.9 ACRES, AND ARE REFERRED TO AS THE NORTH/EAST PORTION. STORMWATER MANAGEMENT FOR THE NORTH/EAST PORTION WILL BE PROVIDED UNLESS OTHERWISE WAIVED.

TO DETERMINE THE REQUIRED VOLUME FOR PROVISION OF STORMWATER MANAGEMENT, THE SITE CONDITIONS WERE EVALUATED AS THE SITE EXISTED IN 1970. IN EXHIBIT 'B', A MAP OF THE SITE OVERLAYS A PHOTOGRAPH FROM 1970 AND AN EVALUATION OF THE INTENSITY OF LAND USE WAS PERFORMED. BASED ON THAT ANALYSIS, A C VALUE OF 0.57 FOR THE NORTH/EAST PARCELS WAS ESTABLISHED. AN ANALYSIS OF THE CURRENT CONDITIONS ESTABLISHES THE CURRENT C VALUE FOR THE NORTH/EAST PORTION AT 0.72. BASED ON THE PREVIOUS ANALYSES, A STORAGE VOLUME OF APPROXIMATELY 8,250 CF IS REQUIRED TO PROVIDE STORMWATER MANAGEMENT FOR THE NORTH/EAST PORTION, ASSUMING AN UNDERGROUND SYSTEM OF SOME TYPE WOULD BE PROVIDED.

THE CURRENT CONDITIONS MAP, EXHIBIT 'C', SHOWS THAT THE DRAINAGE FROM THE SITE DEPARTS IN THREE DIRECTIONS (AREAS 1, 2, & 3). DRAINAGE FROM THE NORTH/EAST PORTION DEPARTS IN TWO DIRECTIONS, NORTH (AREA #2) TO AN EXISTING STORM DRAINAGE SYSTEM IN PROVIDENCE FOREST DRIVE AND SOUTH (AREA #1) TO AN EXISTING STORM DRAINAGE SYSTEM IN LEE HIGHWAY. IF STORMWATER MANAGEMENT IS REQUIRED, BECAUSE THE DRAINAGE IS FAIRLY SPLIT, TWO SEPARATE STORMWATER MANAGEMENT SYSTEMS SHOULD BE DEVELOPED.

AT AREA #1 OF THE SITE, AN EXISTING STORMWATER MANAGEMENT FACILITY CONSISTS OF AN UNDERGROUND POND FILLED WITH GRAVEL. THE 40% VOID SPACE IN THE GRAVEL PROVIDES THE REQUIRED STORAGE VOLUME.

AT AREA #2 OF THE SITE, DEPTH IS AN ISSUE AS THE EXISTING GRADE IS APPROXIMATELY 364 AND THE INVERT OF THE OUTFALL STRUCTURE (STRUCTURE #17 ON PROVIDENCE FOREST DRIVE) IS 358.74. AS SUCH, ANY UNDERGROUND STRUCTURE COULD NOT BE MORE THAN 3-4 FEET DEEP. ASSUMING 60% OF THE REQUIRED DETENTION PROVIDED IN AREA #2 (APPROXIMATELY 4800 CF), A SHALLOW SYSTEM FOR UNDERGROUND STORAGE MIGHT CONSIST OF A PRE-MANUFACTURED STORAGE SYSTEM SUCH AS RAIN TANK WITH THE REQUIRED STORAGE VOLUME OF 4,800 CF.

AT AREA #3 OF THE SITE, THE EXISTING GRADE IS APPROXIMATELY 388 AND THE INVERT OF THE OUTFALL STRUCTURE (STRUCTURE #38 ON LEE HIGHWAY) IS APPROXIMATELY 381. ASSUMING 40% OF THE REQUIRED DETENTION WOULD BE PROVIDED IN THE SOUTHWEST CORNER (APPROXIMATELY 3,450 CF), A SYSTEM FOR UNDERGROUND STORAGE MIGHT CONSIST OF A PRE-MANUFACTURED STORAGE SYSTEM SUCH AS RAIN TANK WITH THE REQUIRED STORAGE VOLUME OF 3,450 CF.

NOTABLY, THE POSSIBLE SOLUTIONS PRESENTED HERE ARE NOT THE ONLY OPTIONS FOR PROVISION OF THE REQUIRED STORAGE VOLUME. OTHER OPTIONS MIGHT INCLUDE GRAVEL-FILLED EXCAVATIONS, PRE-MANUFACTURED STORAGE SYSTEMS, OR SURFACE SYSTEMS (IE, PONDS). A PFM MODIFICATION MAY BE REQUIRED FROM DPWES TO PERMIT SHALLOW UNDERGROUND STORAGE SYSTEMS AT THE TIME OF SITE PLAN.

BEST MANAGEMENT PRACTICES (BMP) NARRATIVE

THE WEST PORTION OF THE SITE AS SHOWN ON EXHIBIT A (THE ORIGINAL THREE ACRES) WAS DEVELOPED PRIOR TO THE ADOPTION OF THE CHESAPEAKE BAY PRESERVATION ORDINANCE. THEREFORE, WATER QUALITY MEASURES WERE NOT REQUIRED FOR THE WEST PORTION. THIS PLAN PROPOSES TO PROVIDE BMP FOR THE WEST PORTION BY USE OF AN UNDERGROUND RAIN TANK (FILTRATION) OR STRUCTURAL METHODS SUCH AS FILTERRAS.

BMP'S WILL BE PROVIDED FOR THE REMAINDER OF THE PROPERTY UNLESS OTHERWISE WAIVED. IF REQUIRED, BMP'S MAY BE LOCATED GENERALLY IN THE SAME LOCATIONS AS THE PROPOSED POSSIBLE SWM LOCATIONS AND MAY CONSIST OF BIO-RETENTION, INFILTRATION AREAS, PRE-MANUFACTURED BMP PRODUCTS, TREE FILTERS, VEGETATED/ GRASS SWALES, INNOVATIVE USE OF THE PLANT BED AREAS, OR A COMBINATION OF MEASURES.

BMP CALCULATIONS

TOTAL SITE AREA = 8.5 ACRES

EXISTING DEVELOPMENT
TOTAL SITE AREA = 8.5 ACRES
Cw= 0.57
Q2pre = 0.57 * 5.46 * 8.5 = 26.4 CFS
Q10pre = 0.57 * 7.27 * 8.5 = 35.2CFS

POST DEVELOPMENT
TOTAL SITE AREA = 8.5 ACRES
Cw= 0.72
Q2post = 0.72 * 5.46 * 8.5 = 33.4 CFS
Q10post = 0.72 * 7.27 * 8.5 = 44.5CFS

SITE AREA 1 = 1.9 ACRES
DA TO RAIN TANK 1 = 1.6 ACRES
Cw = 0.72
Q2post = 0.72 * 5.46 * 1.6 = 6.3 CFS
Q10post = 0.72 * 7.27 * 1.6 = 8.4 CFS
Q100post = 0.72 * 9.84 * 1.6= 11.3 CFS X 1.25 = 14.1 CFS

SITE AREA 2 = 3.6 ACRES
DA TO RAIN TANK 2 = 3.6 ACRES
Cw = 0.72
Q2post = 0.72 * 5.46 * 3.6 = 14.1 CFS
Q10post = 0.72 * 7.27 * 3.6 = 18.8 CFS
Q100post = 0.72 * 9.84 * 3.6 = 25.5 CFS X 1.25 = 31.9 CFS

SITE AREA 3 = 2.8 ACRES
DA TO RAIN TANK 3 = 2.5 ACRES
Cw =0.72
Q2post = 0.72 * 5.46 * 2.5 = 9.8 CFS
Q10post = 0.72 * 7.27 * 2.5= 13.1 CFS
Q100post = 0.72 * 9.84 * 2.5= 17.7 CFS X 1.25 = 22.1 CFS

UNCONTROLLED AREA = 0.8 ACRES
Cw = 0.72
Q2uncontrolled = 0.72 * 5.46 * 0.80 = 3.1 CFS
Q10uncontrolled = 0.72 * 7.27 * 0.80 = 4.2 CFS

ALLOWABLE RELEASE RATE
Qallow = Qexit - Quncontrolled =
Q2allow = 26.4 CFS - 3.1 CFS = 23.3 CFS
Q10allow = 35.2 CFS - 4.2 CFS = 31.0 CFS

NOTE:

AN ASSUMED INFILTRATION RATE OF 1/2" PER HOUR WAS USED FOR PRELIMINARY CALCULATIONS. AT TIME OF SITE PLAN, FINAL ENGINEERING WILL REQUIRE GEOTECHNICAL INVESTIGATION OF SOILS TO CONFIRM INFILTRATION RATES. IF INFILTRATION BELOW THE SWM/BMP FACILITIES PROVE INADEQUATE, SOILS WOULD BE AMENDED ACCORDINGLY OR OTHER STRUCTURAL OPTIONS WILL BE CONSIDERED.

POSSIBLE RAIN TANK 1
IMPERVIOUS AREA = 1.60 ACRES @ 0.72 = 50181 SF
VOLUME REQUIRED FOR FIRST ½" FLUSH
50181 SF * 0.0417' = 2,093 FT3
Q = f I SA
Q = EXFILTRATION RATE INTO SOIL
F @ INFILTRATION RATE OF THE SOIL= 0.50 IN/HR (ASSUMED)
I = HYDRAULIC GRADIENT = 1
SA = BOTTOM SURFACE AREA OF RT1 = 30 * 52 = 1560 FT2
Q= 0.0417 FT/HR * HR/60 MIN * 1560 SF = 1.08 CFS
VOLUME PROVIDED
DEPTH OF BMP = 1.4 FT
VOLUME PROVIDED 1560 * 1.4 =2,184 FT3
DRAW DOWN TIME = 1.4 FT / 0.0417/HR = 33.6 HRS

POSSIBLE RAIN TANK 2
IMPERVIOUS AREA = 3.60 ACRES @ 0.72 = 112,920 SF
VOLUME REQUIRED FOR FIRST ½" FLUSH
112,920 SF * 0.0417' = 4,705 FT3
Q = f I SA
Q = EXFILTRATION RATE INTO SOIL
F = INFILTRATION RATE OF THE SOIL= 0.50 IN/HR (ASSUMED)
I = HYDRAULIC GRADIENT = 1
SA = BOTTOM SURFACE AREA OF RT1 = 30 * 100 = 3,000 FT2
Q= 0.0417 FT/HR * HR/60 MIN * 4,705 SF = 5.27 CFS
VOLUME PROVIDED
DEPTH OF BMP = 1.6 FT
VOLUME PROVIDED 3000 * 1.6 =4800 FT3
DRAW DOWN TIME = 1.6 FT / 0.0417/HR = 38.4 HRS

POSSIBLE RAIN TANK 3
IMPERVIOUS AREA = 2.50 ACRES @ 0.72 = 78408 SF
VOLUME REQUIRED FOR FIRST ½" FLUSH
78408 SF * 0.0417' = 3270 FT3
Q = f I SA
Q = EXFILTRATION RATE INTO SOIL
F = INFILTRATION RATE OF THE SOIL= 0.50 IN/HR (ASSUMED)
I = HYDRAULIC GRADIENT = 1
SA = BOTTOM SURFACE AREA OF RT1 = 30 * 72 = 2160 FT2
Q= 0.0417 FT/HR * HR/60 MIN * 2160 SF = 1.50 CFS
VOLUME PROVIDED
DEPTH OF BMP = 1.6 FT
VOLUME PROVIDED 2160 * 1.6 =3456 FT3
DRAW DOWN TIME = 1.6 FT / 0.0417/HR = 38.4 HRS

REVISIONS
03-10-09 County Comments
05-06-09 County Comments

SURVEY: WHGA
DESIGN: WHGA
DRAWN: T. OLSON
CHECKED: R. WALKER

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DATE: SEPTEMBER 19, 2008
SCALE: HORZ: 1"=100' VERT: N/A
SEAL: COMMONWEALTH OF VIRGINIA · ROBERT W. WALKER · NO. 37808 · 5/7/09 · PROFESSIONAL ENGINEER

STORM WATER MANAGEMENT ANALYSIS

PROJECT: MERRIFIELD GARDEN CENTER
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA

JOB: 0413-0501
CADD: 0413-SWM-A0.DWG

MINIMUM STORMWATER INFORMATION FOR REZONING, SPECIAL EXCEPTION, SPECIAL PERMIT AND DEVELOPMENT PLAN APPLICATIONS

The following information is required to be shown or provided in all zoning applications, or a written statement of the submittable requirement with justification must be attached. Incomplete submissions will be rejected upon receipt. Failure to adequately address the required submittable information may result in a delay in processing this application.

This information is required under the following Zoning Ordinance paragraphs:

Special Permits (9-011 3J & 3L)	Special Exceptions (9-011 3J & 3L)
Cluster Subdivision (9-615 1G & 1H)	Commercial Revitalization Districts (9-622 2A (1G) & (1H))
Development Plans PRC Districts (10-102 3 A (6))	PRC Plan (10-202 1E & 1G)
PDP P Districts (except PRC) (10-202 1F & 1G)	Amendments (10-202 1H1 & 1H)

✓ 1. Plat is at a minimum scale of 1"=50' (unless it is depicted on one sheet with a minimum scale of 1"=100')

✓ 2. A graphic depicting the stormwater management facility(ies) and limits of clearing and grading accommodate the stormwater management facility(ies), storm drainage pipe systems and outfall protection, pond spillways, access roads, site outlets, energy dissipation devices, and erosion stabilization measures as shown on Sheet 4

✓ 3. Provide:

Facility Number/ Type & Size	On-site area served (acres)	Off-site area served (acres)	Drainage area (acres)	Peak pond elev.(ft)	Storage volume (cf)	If pond, dam height (ft)
1. [illegible]	0.0 AC		0.0 AC	1,000	0,000	N/A
2. [illegible]	0.0 AC	0.0 AC	0.0 AC	1,000	0,000	N/A
3. [illegible]	0.0 AC	0.0 AC	0.0 AC	1,000	0,000	N/A
Totals						

✓ 4. Onsite drainage channels, outlets and pipe systems are shown on Sheet 3
Pond inlet and outlet pipe systems are shown on Sheet 3

✓ 5. Maintenance access (road) to stormwater management facility(ies) are shown on Sheet N/A
Type of maintenance access road surface noted on the plat is N/A (asphalt, gravel, grass, etc.).

✓ 6. Landscaping and tree preservation shown in and near the stormwater management facility is shown on Sheet 3

✓ 7. A stormwater management narrative which contains a description of how detention and best management practices requirements will be met is provided on Sheet 4

✓ 8. A description of the existing conditions of each contained site outfall extended downstream from the site to a point which is at least 100 times the site area or which has a drainage area of at least one square mile (plot areas) is provided on Sheet 5

✓ 9. A description of how the outfall requirements, including complying drainage areas of the Public Facilities Manual will be satisfied is provided on Sheet 5

✓ 10. Existing topography with maximum contour intervals of two (2) feet and a note as to whether it is an air survey or field run is provided on Sheets 2

☐ 11. A contribution waiver is requested for N/A

☐ 12. Stormwater management is not required because N/A

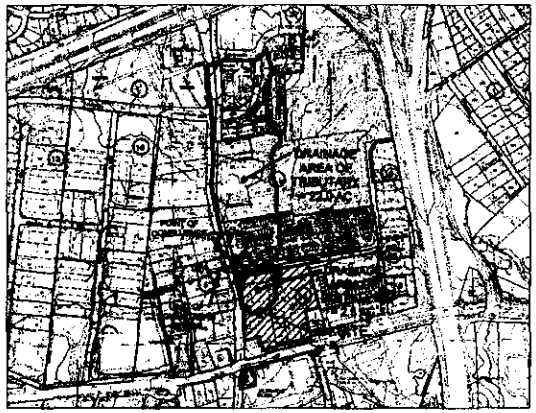

EXHIBIT A
MAP SHOWING DRAINAGE AREAS FOR OUTFALL #1
SCALE: 1"=500'

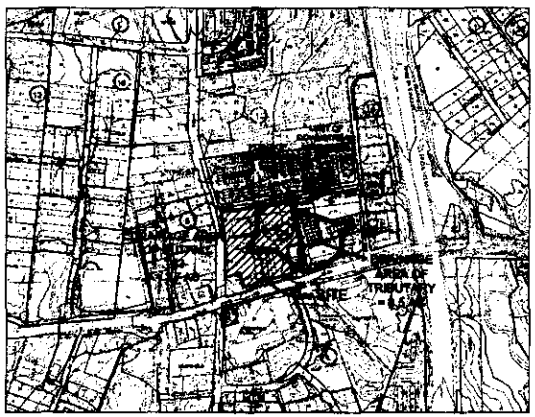

EXHIBIT B
MAP SHOWING DRAINAGE AREAS FOR OUTFALL #2
SCALE: 1"=500'

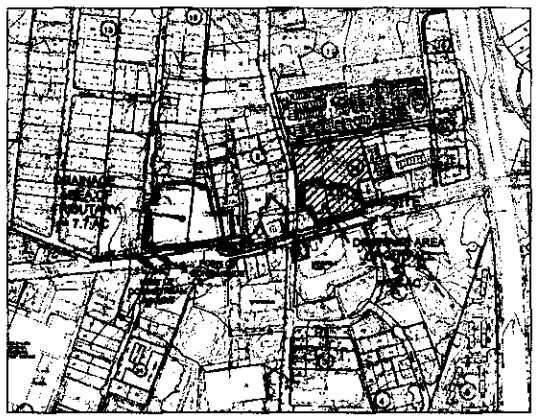

EXHIBIT C
MAP SHOWING DRAINAGE AREAS FOR OUTFALL #3
SCALE: 1"=500'

ADEQUATE OUTFALL NARRATIVE

THE CURRENT CONDITIONS MAP, EXHIBITS "A"-"C", SHOW THAT THE DRAINAGE FROM THE SITE DRAINS IN THREE DIRECTIONS...

1) NORTH TO AN EXISTING STORM DRAINAGE SYSTEM IN PROVIDENCE FOREST DRIVE
2) SOUTH TO AN EXISTING STORM DRAINAGE SYSTEM IN LEE HIGHWAY, AND
3) WEST TO AN EXISTING STORM DRAINAGE SYSTEM IN GALLOWS ROAD.

DESCRIPTION OF OUTFALLS FROM THE SITE

THE SITE IS LOCATED AT A HIGHER ELEVATION THAN ITS NEIGHBORING PROPERTIES AND THEREFORE DOES NOT BECOME OUTSIDE RUNOFF. THE SITE DRAINS INTO THREE DIFFERENT OUTFALLS IN THREE DIFFERENT DIRECTIONS WHICH ARE ILLUSTRATED ON THE EXHIBITS ON THIS SHEET.

LIMITS OF DOWNSTREAM REVIEW

ACCORDING TO THE PFM SECTION 6-0203.3.A, THE LIMITS OF DOWNSTREAM REVIEW IS TO A POINT THAT IS AT LEAST 150 DOWNSTREAM OF A POINT WHERE THE RECEIVING PIPE OR CHANNEL IS JOINED BY ANOTHER TRIBUTARY THAT HAS A DRAINAGE AREA AT LEAST 50% OF THE SIZE OF THE FIRST DRAINAGE AREA AT THE POINT OF CONFLUENCE. THIS METHOD IS USED FOR ALL THREE OUTFALLS.

OUTFALL #1 (EXHIBIT A)

THE TOTAL DRAINAGE AREA LEAVING THE SITE FROM OUTFALL #1 IS 2.5 ACRES. AT THE POINT OF CONFLUENCE, THE TRIBUTARY JOINING THE DOWNSTREAM STORM SEWER DRAINS 22.0 ACRES WHICH IS MORE THAN 50% OF THE FIRST AREA (2.5 ACRES). THE LIMIT OF DOWNSTREAM REVIEW IS TO A POINT 150' FROM THIS POINT OF CONFLUENCE.

OUTFALL #2 (EXHIBIT B)

THE TOTAL DRAINAGE AREA LEAVING THE SITE FROM OUTFALL #2 IS 3.7 ACRES. AT THE POINT OF CONFLUENCE, THE TRIBUTARY JOINING THE DOWNSTREAM SEWER DRAINS 3.5 ACRES WHICH IS MORE THAN 50% OF THE FIRST AREA (3.7 ACRES). THE LIMIT OF DOWNSTREAM REVIEW IS TO A POINT 150' FROM THIS POINT OF CONFLUENCE.

OUTFALL #3 (EXHIBIT C)

THE TOTAL DRAINAGE AREA LEAVING THE SITE FROM OUTFALL #3 IS 3.3 ACRES. AT THE POINT OF CONFLUENCE, THE TRIBUTARY JOINING THE DOWNSTREAM SEWER DRAINS 7.7 ACRES WHICH IS MORE THAN 50% OF THE FIRST AREA (3.3 ACRES). THE LIMIT OF DOWNSTREAM REVIEW IS TO A POINT 150' FROM THIS POINT OF CONFLUENCE.

OUTFALL ANALYSIS

OUTFALL #1 DRAINS INTO AN EXISTING 12" PVC STORM SEWER AND INTO THE SEWER SYSTEM WHICH CONSISTS OF UNDERGROUND CONCRETE STORM SEWER PIPES. THE POST-DEVELOPMENT CONDITIONS GIVE A C FACTOR OF 0.78 YELDING A Q10 OF 0.78*7.27*2.8 = 14.4 CFS. BECAUSE THE DOWNSTREAM SYSTEM WAS DESIGNED AND APPROVED USING FAIRFAX COUNTY AND VDOT CRITERIA, AND BECAUSE THE IMPERVIOUSNESS HAS NOT CHANGED SIGNIFICANTLY OVER TIME, IT IS EXPECTED THAT THE EXISTING STORM SEWERS WILL PROVE TO BE ADEQUATE.

OUTFALL #2 DRAINS INTO THE EXISTING STORM SEWER SYSTEM WHICH CONSISTS OF UNDERGROUND CONCRETE STORM SEWER PIPES. THE POST-DEVELOPMENT CONDITIONS GIVE A C FACTOR OF 0.65 YELDING A Q10 OF 0.65*7.27*3.7 = 17.5 CFS. BECAUSE THE DOWNSTREAM SYSTEM WAS DESIGNED AND APPROVED USING FAIRFAX COUNTY AND VDOT CRITERIA, AND BECAUSE THE IMPERVIOUSNESS HAS NOT CHANGED SIGNIFICANTLY OVER TIME, THE EXISTING STORM SEWERS WILL PROVE TO BE ADEQUATE.

OUTFALL #3 DRAINS INTO AN EXISTING 18" RCP STORM SEWER AND INTO THE SEWER SYSTEM WHICH CONSISTS OF UNDERGROUND CONCRETE STORM SEWER PIPES. THE POST-DEVELOPMENT CONDITIONS GIVE A C FACTOR OF 0.80 YELDING A Q10 OF 0.80*7.27*3.3 = 19.2 CFS. BECAUSE THE DOWNSTREAM SYSTEM WAS DESIGNED AND APPROVED USING FAIRFAX COUNTY AND VDOT CRITERIA, AND BECAUSE THE IMPERVIOUSNESS HAS NOT CHANGED SIGNIFICANTLY OVER TIME, THE EXISTING STORM SEWERS WILL PROVE TO BE ADEQUATE.

REVISIONS
03-10-09 County Comments
05-08-09 County Comments

SURVEY: WHCA
DESIGN: WHCA
DRAWN: T. OLSON
CHECKED: R. WALKER

ENGINEERS · SURVEYORS · LAND PLANNERS · LANDSCAPE ARCHITECTS
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4501 Daly Drive · Chantilly, Virginia 20151
(703) 263-1900 · METRO (703) 803-9646 · FAX (703) 263-9798

DATE: SEPTEMBER 19, 2008
SCALE: HORZ: 1"=500' VERT: N/A
SEAL: COMMONWEALTH OF VIRGINIA ROBERT W. WALKER NO. 37908 5/7/09 PROFESSIONAL ENGINEER

ADEQUATE OUTFALL ANALYSIS

PROJECT: MERRIFIELD GARDEN CENTER
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA

JOB: 0413-0501
GRID: 0413-SWM-AO.DWG
SHEET: 5 OF 5

A GLOSSARY OF TERMS FREQUENTLY USED IN STAFF REPORTS WILL BE FOUND AT THE BACK OF THIS REPORT

DESCRIPTION OF THE APPLICATIONS

RZ 2008-PR-017:

Request to rezone from the R-3 and HC (Highway Corridor Overlay) Districts to the C-8 and HC Districts to permit a retail plant nursery.

Tax Map: Tax Map 49-2 ((1)) 28A

Land Area: 10,155 square feet

FAR: 0.32

SE 2006-PR-018:

Request to permit a special exception for a plant nursery in the I-5 District.

Tax Map: Tax Map 49-2 ((1)) 28

Land Area: 3.91 acres

FAR: 0.18

It should be noted that the site under review, Merrifield Garden Center, encompasses the industrially zoned property that is the subject of SE 2006-PR-018 [Tax Map 49-2 ((1)) 28], the residentially zoned property that is the subject of RZ 2008-PR-017 [Tax Map 49-2 ((1)) 28A], and adjacent commercial property zoned to the C-8 District [Tax Map 49-2 ((1)) 26C, 27, 32B, and 34B]. Because a plant nursery is a by-right use in the C-8 District, the Special Exception is not necessary on the C-8 portion of the site. However, because the property functions as a whole, staff's evaluation for these two applications has considered the entire site, with note taken where appropriate of the differences in zoning and legal status. To ensure that the site will function as a single entity, the applicant has agreed, through proffers and conditions, to bring the entire site under a single site plan.

Waivers and Modifications Requested:

RZ 2008-PR-017

- Waiver of the minimum lot area (size and width)

SE 2006-PR-018

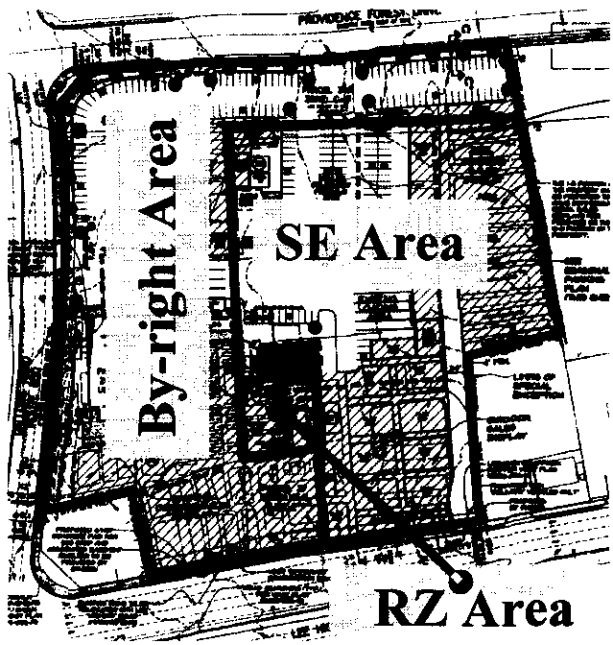
- Modification of Additional Standards for Plant Nurseries #9, parking, in favor of that shown on the SE Plat and as conditioned

- Waiver of the service drive requirement along Lee Highway
- Modification of frontage improvements on Lee Highway in favor of that shown on the SE Plat in accordance with VDOT Project #0029-029-119
- Waiver of Section 2-504 of the Zoning Ordinance to permit outdoor storage and sales in a required yard and of Section 5-505 (3) to permit outdoor storage and sales in a front yard
- Modification of the streetscape requirements along Lee Highway in favor of that to be installed by VDOT with Project #0029-029-119

LOCATION AND CHARACTER

Site Description:

The application property, known as the Merrifield Garden Center, is located in the northeast quadrant of intersection of Lee Highway (Rt. 29) and Gallows Road. Providence Forest Drive forms the northern boundary of the site. As noted, the 8.52 acre Merrifield Garden Center encompasses C-8 property fronting Lee Highway, Gallows Road, and Providence Forest Drive, I-5 property fronting Lee Highway, and an R-3 parcel with no road frontage. The graphic to the right shows the various parcels and current zoning districts. Existing access to the site is provided via one entrance on Lee Hwy, one entrance on Gallows Road, and two entrances on Providence Forest Drive; of these entrances only one (on Lee Hwy) is located on the property subject to the SE application (the other three are located on the C-8 portion of the site).



The majority of the permanent buildings are located on the C-8 portion of the site,, oriented to Gallows Road. The buildings on Parcel 28 (subject to the SE) include four storage buildings, an office, and a small retail building. Buildings on Parcel 28A (subject to the RZ) include a small retail building and a portion of the office building. Both parcels may have temporary structures (commonly called hoop houses) erected on them. In addition to these buildings on the SE and RZ subject properties, the C-8 portion of the nursery has several storage structures and a large retail building. No changes are proposed to the permanent buildings on the site; with the exception that

an existing trailer from the C-8 portion (located directly adjacent to Gallows Rd) is shown to be relocated to the I-5 section for storage use.

Parking is currently located in both the C-8 and I-5 sections of the site, as are plant storage beds and display gardens. The I-5 section of the site is also utilized for landscape contractor services.

Surrounding Area Description:

	Use	Zoning	Plan
North & West	Merrifield Garden Center	C-8, HC	Mixed Use
East	Condominium Style offices Cemetery; Public Benefit Assoc.	I-5, HC R-3, HC	Mixed Use
South	Retail (Merrifield Plaza Shopping Center)	C-8, HC	Retail and Other

BACKGROUND

Site History:

According to the applicant, the application properties and the adjacent C-8 properties have been utilized as a plant nursery since 1971. Its existence and operation prior to the 1978 Zoning Ordinance would confer upon it the status of a legally non-conforming use, were it to continue to be operated in accordance with the definition of a plant nursery in effect at that time.

On November 27, 2002, Notices of Violation were issued to the owners of the property for expanding a plant nursery use onto the I-5 and R-3 portions of the site without special exception, site plan or building permit approval or issuance of a Non-residential Use Permit (Non-RUP). Notices of Violation were also issued for the C-8 portions of the site for operation of a plant nursery without site plan or building permit approval or issuance of a Non-RUP, as well as for the installation of fuel pumps and underground storage tanks. The applicant appealed these notices, and has filed the subject applications to clear the violations (on the I-5 and R-3 portions of the property). See Appendix 5 for notices of violation.

Special Permit SP 2006-PR-038 was approved by the Board of Zoning Appeals on February 27, 2007, to permit a reduction in minimum yard requirements based on an error in building location. The application permitted a 438 square foot portion of the 11,282 square foot retail sales building to remain 28 feet from the front lot line along Gallows Road. The special permit included a condition requiring building permit approval and final inspections within one year from approval.

Because the required approvals were not received within one year, the applicant requested an amendment, and **SPA 2006-PR-038** was approved by the BZA on June 17, 2008. This amendment included a condition requiring building permits and inspections to be diligently pursued within 60 days (of the SPA approval), and received within one year. The appropriate approvals were received in the appropriate time frame.

Currently, a VDOT road improvement project to the intersection of Gallows Road and Lee Hwy is on-going (VDOT Project #0029-029-119). The current application has been coordinated with that project, the majority of the road improvements shown will actually be constructed by that project.

COMPREHENSIVE PLAN PROVISIONS (See Appendix 6)

Plan Area	Area I
Planning District:	Merrifield Suburban Center, Land Unit B5
Plan Map:	Mixed-Use
Plan Text:	

Fairfax County Comprehensive Plan, 2007 Edition, Area I, Merrifield Suburban Center, as amended through August 6, 2007, Sub-Unit B5, page 58, states:

"Sub-unit B-5 is located at the northeastern quadrant of Route 29 and Gallows Road and is planned for retail use and has developed with a garden center and a service station. Any modification, expansion and/or reuse of the existing buildings should be consistent with guidelines for Existing Uses and Buildings under the Area-Wide Land Use section. In addition, any new building that is added that continues the existing use should be consistent with guidelines for Existing Uses and Buildings under the Area-Wide Land Use section."

See Appendix 6 for additional Plan text.

ANALYSIS

Combined Generalized Development Plan /Special Exception Plat (GDP/SE Plat)

(Copy at front of staff report)

Title of GDP/SE Plat:	Merrifield Garden Center
Prepared By:	by William H. Gordon, Associates, Inc.
Original and Revision Dates:	September 19, 2008, as revised through May 8, 2009

The SE Plat consists of five sheets. All drawings show the entire garden center, including the by-right portion, the area subject to RZ 2008-PR-017, and the area subject to SE 2006-PR-018.

Sheet 1 is a title sheet and includes notes, tabulations, a vicinity map and a sheet index.

Sheet 2 shows the existing conditions, as well as a drawing illustrating the existing zoning districts on the property. A table of existing structures is also included.

Sheet 3 shows the proposed layout for the site, including a seasonal parking layout inset. Parking tabs are provided, as are cross-sections of the streetscape areas.

Sheets 4 and 5 include the stormwater management details.

Site Use:

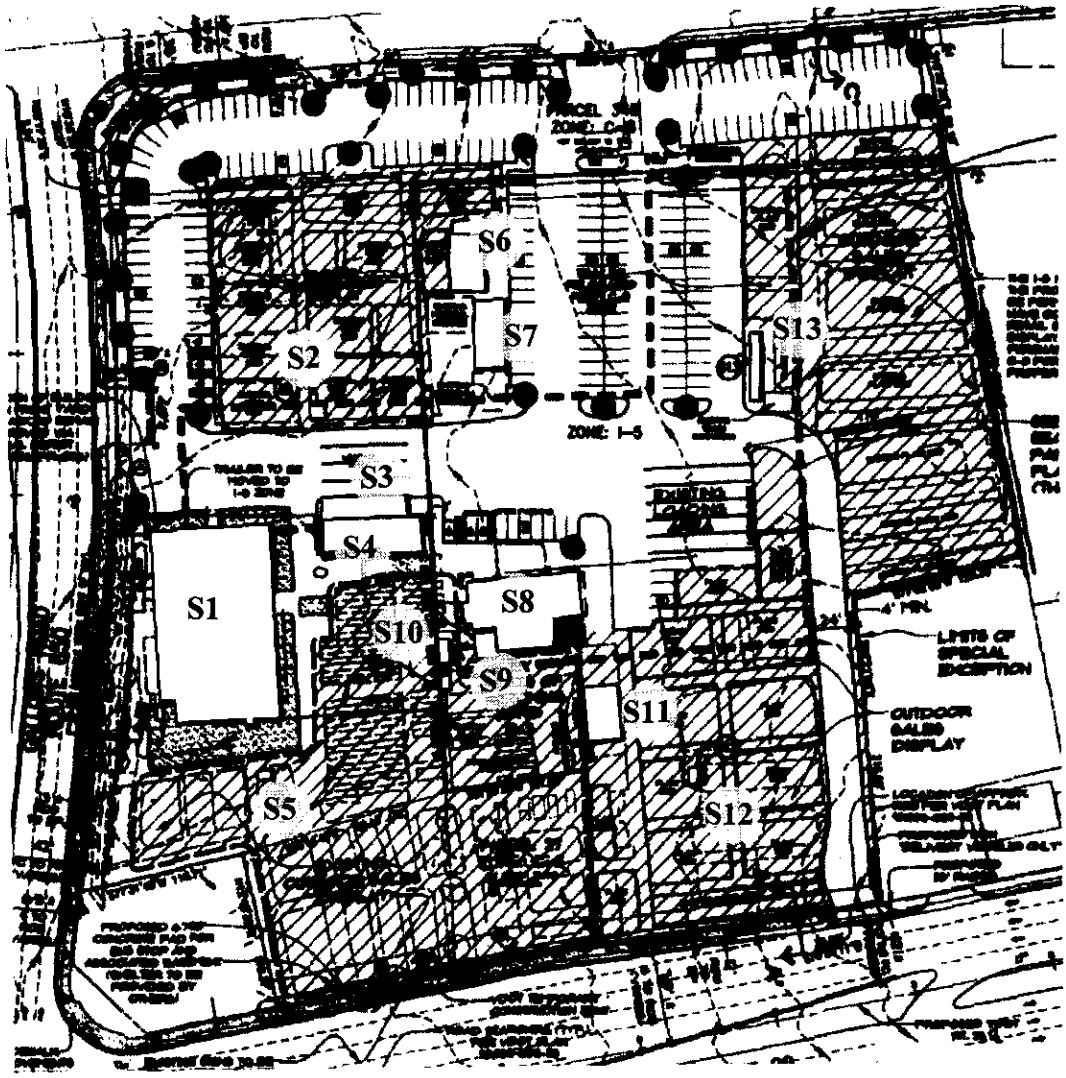
The proposed use for the entire site area is a retail plant nursery with accessory landscape contracting services. Although the two concurrent applications do not put any use restrictions on the by-right portion of the site, the commitment to combine the entire site together under one site plan will result in some limitations on that area.

As shown in the following graphic, the main retail building is adjacent to Gallows Road, in the by-right portion of the site. Planting bed and outdoor display areas are shown around the main building, as well as some small storage sheds. In the center of the site, at the boundary between the by-right area and the SE area, are a number of small storage buildings, an office building, and a small snack shop (which is located on that portion of the site which is subject to the rezoning; the snack shop is not located in the SE portion of the site). The eastern portion of the site (generally that area covered by the SE) is utilized for outdoor storage and display areas, including plant beds and the area in which temporary hoop houses may be located. A large portion of that area is also utilized for parking, including contractor parking and loading areas.

Landscape contracting is proposed to be located on the site within the SE Area. This will primarily consist of vehicles, to be used off-site, which are parked overnight at the plant nursery, as well as office services for customers. All contractor vehicles and equipment stored on the site will be located within the area designated for "contractor parking."

Structures: The SE Plat shows the following existing structures, all to be retained in their current location, except for S13, which is currently located along Gallows Road, and will be relocated into the SE portion of the site, as shown.

	Structure	Use	Gross Floor Area	Est. Height
by-right	*S1*	*Retail*	*11,696 square feet*	*26 feet*
	S2	*Storage*	*110 sf*	*20 ft*
	S3	*Storage*	*1,037 sf*	*35 ft*
	S4	*Storage*	*2,025 sf*	*35 ft*
	S5	*Storage*	*63 sf*	*20 ft*
subject to RZ & SE	S6	Storage	1,012 sf	20 ft
	S7	Storage	1,038 sf	20 ft
	S8	Office	6,320 sf	35 ft
	S9	Storage	320 sf	15 ft
	S10	Retail	136 sf	15 ft
	S11	Retail	1,000 sf	20 ft
	S12	Storage	83 sf	20 ft
	S13	Storage	412 sf	15 ft



Access and Parking: As noted earlier, there is one point of access to Lee Hwy, which will be right-in/right-out only at the conclusion of the VDOT project, and which will be limited to delivery access only. The Lee Hwy access is the only access in the SE Area, and brings traffic to the center of the site; there is no parking directly adjacent to the Lee Hwy access. There is an additional access on Gallows Road to the west (also right-in/right-out) and two points of access on Providence Forest Drive to the north.

Parking is generally located along the northern portion of the Gallows Road frontage and along Providence Forest Drive; these lots will be generally as existing today, although the lot along Providence Forest Drive will be extended to the property boundary to the east, and additional plantings will be installed. The center of the site (northern portion of the SE area) is also shown to become permanent parking, with a loading area located to the north of the retail building in the center access drive. This loading area, as well as the edges of several plant storage/display areas, will be designated for seasonal parking during high-traffic times (generally, four weekends during the spring).

Streetscape: As noted, the ongoing VDOT project will reconstruct the site frontages as shown on the GDP/SE Plat. These include a six foot wide concrete sidewalk along the Lee Hwy and Gallows Road frontages, with a three foot wide turf strip adjacent to the street. Existing plantings on a berm along the southern portion of the Gallows Road frontage will be retained; additional street trees will be installed along the northern portion of the Gallows Road frontage and along Providence Forest Drive. A four foot wide concrete sidewalk will be provided along the Providence Forest Drive frontage.

Stormwater Management: No stormwater management facilities currently exist on the SE portion of the site, although the by-right portion does have detention facilities. With the combined site plan, the applicant intends to provide stormwater facilities (both detention and water quality) for the entire site.

Land Use Analysis

This site is planned for mixed-use, with several options for development. The applicant is seeking these concurrent applications based on the text that recognizes existing uses which may not be consistent with the long-term vision, and notes that such uses may remain, or even be reused or expanded. The Plan recommends that, in such instances, the application should incorporate design features to help implement the Plan's intent, to the extent possible.

In this case, the plan recommends (along Gallows Road and Lee Hwy) a planting strip a minimum of eight feet in width adjacent to the street, an eight foot wide sidewalk, and an additional planting area (six feet wide, when adjacent to parking). Although the GDP/SE Plat shows only a three foot wide turf strip adjacent to the

roads and six foot wide sidewalks (four feet on Providence Forest) this improvement addresses the Plan's desire to improve pedestrian connections, even without full redevelopment. Some additional street trees are shown, as is the retention of existing vegetation along Gallows Road. It is staff's opinion that the application meets the recommendations for existing uses.

Transportation Analysis (See Appendix 7)

As noted, there is an on-going project by VDOT to improve the intersection of Gallows Road and Lee Hwy. The applicant has coordinated the improvements shown on the GDP/SE Plat with the VDOT project to ensure they do not conflict. In response to staff's request, the applicant has revised the SE Plat to relocate the entrance on Lee Hwy to move it out of the right turn lane. The applicant has also agreed to sign the Lee Hwy entrance for deliveries only, and to manage the uses on-site to direct customers to the Gallows Road and Providence Forest Drive entrances. The applicant has also agreed to install the requested bus stop, and has agreed to a development condition to allow interparcel access to the east, should that be requested in the future. With the imposition of the proposed development conditions, staff believes that the transportation issues have been satisfactorily addressed.

Environmental Analysis (See Appendix 8)

Water Quality and Quantity:
Stormwater management (SWM) to serve the subject property is provided by an existing underground detention pond that was designed to serve the original nursery site that consisted of three acres. No additional SWM facilities have been added as the nursery expanded over time. To meet the water quantity control requirements, for the entire site, as it exists today, the applicant proposes underground facilities which may include piping, gravel-filled excavations, pre-manufactured storage systems or ponds. The applicant proposes to provide BMPs, which may consist of bio-retention, infiltration areas, pre-manufactured BMP products, innovative use of plant bed areas, or a combination of measures. Two possible SWM/BMP facility locations are identified in Exhibit C in the northeast and southwest corners of the site. A modification from the Department of Public Works and Environmental Services (DPWES) may be required to permit shallow underground storage systems. Staff strongly encourages the applicant to optimize SWM and provide BMPs for the entire site.

Public Facilities Analysis

The applications under review do not propose any new uses, but would legalize previous expansions of an existing use. The proposals have been reviewed for impacts on the water and sewer systems, and no impacts have been identified. Stormwater management has been reviewed, as discussed in the Environmental

section, and will be addressed for the entire area (by-right, rezoning and special exception) through a site plan to be filed for the entire site.

ZONING ORDINANCE PROVISIONS (See Appendix 9)

Bulk Standards *This chart reviews the C-8 standards for the portion of the site subject to the rezoning RZ 2008-PR-017 only, not the existing C-8 portion of the site*		
Standard	**Required**	**Provided**
Lot Size	C-8: 40,000 square feet I-5: 20,000 square feet	C-8: 10,155 square feet [1] I-5: 3.91 acres
Lot Width	C-8: 200 feet I-5: 100 feet	C-8: 100 feet [1] I-5: 205 feet
Building Height	C-8: 40 feet I-5: 75 feet	varies, maximum is 35 ft
Front Yard	C-8: NA I-5: 45° angle of bulk plane, but not less than 40 ft (40 ft)	C-8: NA I-5: 100 feet
Rear Yard	C-8: 20 feet I-5: none	C-8: NA I-5: 150 feet
FAR	C-8: 0.5 I-5: 0.5	C-8: 0.32 I-5: 0.18
Parking Spaces (per 9-517)	438 spaces (entire site-	229 permanent spaces + 73 seasonal spaces [2]
Transitional Screening & Barrier: none required (for RZ and SE areas)		

[1] The applicant has requested a waiver of lot size and of Additional Standard #9 (Parking) of 9-517.
[2] The applicant has requested a modification of Additional Standard #9 (Parking) of 9-517.

WAIVERS AND MODIFICATIONS

RZ 2008-PR-017

- *Waiver of the minimum lot area (size and width)*

The parcel that is the subject of the rezoning application is a land-locked parcel surrounded by the other parcels of the Merrifield Garden Center. No additional land is available to be consolidated. This rezoning, with the applicant's proffer commitment to unite the site under a single site plan, will in fact result in a larger consolidation. As such, staff supports the requested waiver.

SE 2006-PR-018

- *Waiver of the service drive requirement along Lee Highway*

The application property sits at an intersection, and has no potential connection to the west. To the east is a small public benefit association with a small parking area and direct access to Lee Hwy. As shown on the GDP/SE Plat, the Lee Hwy entrance will be relocated from its current location to the extreme eastern edge of the site. In the

new location, there are no uses (storage, retail, etc.) located between the new driveway and the property line. It would, therefore, be relatively simple to provide interparcel access without impacting the nursery use, at such time as the parcel to the east (or the County) requests such access. The applicant has agreed to a condition requiring such interparcel access; with the imposition of this condition, staff does not object to the requested waiver.

- *Modification of frontage improvements on Lee Highway in favor of that shown on the SE Plat in accordance with VDOT Project #0029-029-119*

The application site is an existing use and is not proposing to expand. VDOT Project #0029-029-119 to improve the Gallows Road and Lee Hwy intersection encompasses the street frontages of the site. Staff is satisfied that the frontage improvements with that project are acceptable.

- *Waiver of Section 2-504 of the Zoning Ordinance to permit outdoor storage and sales in a required yard and of Section 5-505 (3) to permit outdoor storage and sales in a front yard*

The existing and proposed use is an existing plant nursery. As such, the expected items for outdoor storage are plants. Bulk materials are shown to be located interior to the site, outside of the required yards or front yards. Additionally, the areas proposed for outdoor storage are not located in areas that will impact vehicular sight lines for the surrounding street network. As such, staff does not object to the requested waiver.

- *Modification of the streetscape requirements along Lee Highway in favor of that to be installed by VDOT with Project #0029-029-119*

As noted in the Plan text recommending the retention of existing uses, streetscape and such amenities should be provided to the extent possible. As discussed in the Land Use analysis, the proposed facilities do not meet the full streetscape standards for Merrifield, but are an improvement over the existing conditions. Staff believes these meet the intent of the Plan, as it relates to existing uses, and therefore does not object to the requested modification.

OTHER ZONING ORDINANCE REQUIREMENTS

Sect. 9-006 General (Special Exception) Standards

The General Special Exception Standards require that the proposal be in harmony with the Comprehensive Plan, that there be a finding of no significant negative impacts on surrounding properties, and that safe and adequate vehicular and pedestrian access be provided. As noted, the applicant's proposal is in conformance with Plan recommendations relating to existing uses. No transitional screening or barriers are required on the RZ or SE application property. The by-right C-8 portion of the nursery is subject to transitional screening requirements against the residential

uses to the north, which will be addressed with the site plan. ("Off-site" improvements, those that are not on the land area in the SE or RZ, cannot be waived or modified in the SE or RZ.) The site exceeds the required minimum open space. Access to the site will be changed only minimally from that existing today, and the proposed improvements are in accord with the current VDOT project on Gallows Road and Lee Hwy. Staff believes that, as conditioned, the proposal satisfies all of the General Special Exception Standards.

Sect. 9-503 Standards for all Category 5 Uses

The standards for all Category 5 Uses require that the use comply with lot size and bulk requirements and performance standards, and be subject to the provisions of Article 17, Site Plans. With the exception of the waiver of lot size requested for RZ 2008-PR-017, all lot size and bulk requirements are met, and the site is subject to performance standards. The property will be subject to Site Plans, and as noted elsewhere, the applicant has committed to provide a single site plan for the entire Merrifield Garden Center (the portions subject to the rezoning and the special exception and the by-right portion). Staff believes these standards have been addressed.

Sect. 9-517 Additional Standards for Plant Nurseries

Standard 1 defines a plant nursery as "*an establishment designed primarily for the propagation, cultivation, growing, and/or maintenance of nursery stock for gardens, grounds, yards, and indoor use, such as trees, plants, shrubs, sod, seeds and vines, and the retail sales of such nursery stock and of items designed solely to maintain and preserve the life and health of nursery stock such as soil, mulch, plant food/nutrients, fertilizers, herbicides and insecticides.*" The standard further provides guidance allowing limited sale of "ancillary retail items" that are often seen in today's nurseries, such as gardening books, botanical lotions, dried flowers and ribbons, yard art, Christmas ornaments and other tchotchkes. While the applicant has committed that the majority of such ancillary retail items will be sold on the C-8 portion of the site, where retail sales are permitted by-right, notes on the plan indicate that certain "commercial retail displays" may be located in the outdoor sales display area. This would allow items such as landscaping materials, outdoor statuary and birdbaths to be displayed in the I-5 portion. Staff has therefore proposed a list of items which would be permitted to be displayed in conjunction with this note. With the imposition of this condition, this standard has been addressed.

Standard 2 permits landscape contracting services to be permitted as accessory to the plant nursery use. The GDP/SE Plat notes that landscaping services, including truck parking, would be located in the center of the site, on the I-5 portion. Staff believes that the provision of accessory landscaping services is appropriate on industrially zoned property in this location, but has proposed conditions limiting the use of heavy equipment on the site because of the proximity of residential uses to the

north. The applicant has further committed that all contracting vehicles or equipment which are kept on-site will be parked in that area marked "contractor parking" when not in use; staff has included a condition to that effect.

Standard 3 allows the Board to approve special events, festivals or classes as an accessory use to a plant nursery. The applicant has requested permission for limited festivals on the site (such as visiting Santa), as well as classes such as the Master Gardener program. Classroom facilities are already in existence and use on the site. Suitable parking exists, and staff believes that classes and the limited festivals requested would not result in any intensification of the use. Therefore, staff has included a development condition specifying that classes and festivals are permitted.

Standards 4-8 apply additional conditions for cases in the R-A through R-4 Districts, and thus do not apply to this application.

Standard 9 provides a parking requirement for a plant nursery use. The GDP/SE Plat indicates that, based on this Paragraph, the applicant would be required to provide 200 parking spaces for the I-5 portion of the site (based on this standard) and 215 parking spaces for the C-8 portion of the site. 229 permanent spaces are provided, along with an additional 73 seasonal spaces. These spaces are shown across the entire area (which will be unified under a single site plan). The applicant has requested a modification of this standard, and has justified the lesser number of spaces by citing the number of actual items (plants) that can be stored in the greenhouses, and open sales areas. The applicant is not proposing to add additional buildings or uses to the site, and the proposed 229 spaces are in excess of the 134 spaces existing today (44 on the I-5 special exception area and 90 on the by-right C-8 area). Staff has reviewed the applicant's information, and supports the requested modification of the additional standard, but only with the imposition of the proposed development condition that would require a single site plan be filed on the entire nursery. The applicant has agreed to this condition, and has further proffered the same condition as part of RZ 2008-PR-017.

Summary of Zoning Ordinance Provisions

With the implementation of the proposed development conditions, staff believes that all applicable standards have been satisfied.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff concludes that the subject application is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions with the

implementation of the proffers contained in Appendix 1 and the proposed development conditions contained in Appendix 2 of this Staff Report.

Staff Recommendations

Staff recommends approval of RZ 2008-PR-017, subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends approval of a waiver of the minimum lot size.

Staff recommends approval of SE 2006-PR-018, subject to conditions consistent with those contained in Appendix 2.

Staff recommends approval of a modification of the Additional Standards for Plant Nurseries #9, parking, in favor of that shown on the SE Plat and as conditioned.

Staff recommends approval of a waiver of the service drive requirement along Lee Highway.

Staff recommends approval of a modification of frontage improvements on Lee Highway in favor of that shown on the SE Plat in accordance with VDOT Project #0029-029-119.

Staff recommends approval of a waiver of Section 2-504 of the Zoning Ordinance to permit outdoor storage and sales in a required yard and of Section 5-505 (3) to permit outdoor storage and sales in a front yard.

Staff recommends approval of a modification of the streetscape requirements along Lee Highway in favor of that to be installed by VDOT with Project #0029-029-119.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Planning Commission.

APPENDICES

1. Draft Proffers (RZ 2008-PR-017)
2. Proposed Development Conditions (SE 2006-PR-018)
3. Affidavits
4. Statement of Justification
5. Notices of Violation

APPENDICES (Cont.)

6. Plan Citations
7. Transportation Analysis
8. Environmental Analysis
9. Applicable Zoning Ordinance Provisions Checklist
10. Glossary of Terms

RZ 2008-PR-017
MERRIFIELD GARDEN CENTER
PROFFER STATEMENT

MAY 18, 2009
MAY 29, 2009

Pursuant to Section 15.2-2303(A) of the Code of Virginia, as amended, and subject to the Fairfax County Board of Supervisors' (the "Board") approval of rezoning application RZ 2008-PR-017, as proposed, from the R-3 and HC Districts, to the C-8 and HC Districts (collectively, the "Rezoning"), Merrifield Garden Center Corporation (the "Applicant"), for themselves and for their successors and assigns, hereby proffer that development of Tax Map Parcel 49-2(1)) 28A, containing approximately 10,155 square feet (the "Property") shall be in accordance with the following proffered conditions (the "Proffers"). In the event this application is denied, these proffers shall immediately be null and void.

1. **Substantial Conformance**. Subject to the Proffers and the provisions of Section 18-204 of the Zoning Ordinance, the Property shall be developed in substantial conformance with the Generalized Development Plan and Special Exception Plat prepared by William H. Gordon Associates, Inc., dated September 19, 2008 with revisions through May 8, 2009 (the "GDP/SE Plat"), as further modified by these proffered conditions.

2. **Consolidated Site Plan**. The Applicant shall file a consolidated site plan to permit the retention of existing uses and site modifications as depicted on the GDP/SE Plat for this Property and Tax Map Parcels 49-2((1))27, 49-2((1))28, 49-2((1))28C, and 49-2((1))34B (the "Consolidated Site Plan"). The Applicant shall provide the Providence District Supervisor's office with a copy of each submission and final approved version of the site plan.

3. **Stormwater Management/Best Management Practices**. Stormwater management and Best Management Practices shall be provided for the Property as depicted on the GDP/SE Plat, subject to applicable waivers and/or modifications of Public Facilities Manual ("PFM") requirements deemed necessary to provide appropriate stormwater management and Best Management Practices for the entire Merrifield Garden Center use (the "Entire Site") pursuant to the Consolidated Site Plan.

4. **Landscaping**. Landscaping for the Entire Site pursuant to the Consolidated Site Plan shall be provided in conformance with that depicted on the GDP/SE Plat.

5. **Distribution of Transit Materials**. The Applicant shall provide literature regarding available transit opportunities within the vicinity of the Property (Metro rail, Metro bus, and Fairfax County Connector) to its employees. Transit materials shall be accessible to all employees and shall be located in a common employee area.

6. **Rain Barrels**. Prior to the issuance of a Non-RUP for the uses depicted on the Consolidated Site Plan, the Applicant shall install rain barrels to the downspouts of existing gutter systems on the respective buildings.

7. **Minor Modifications**. Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, the Applicant may make minor adjustments which may be required as a result of final engineering, if such changes are in substantial conformance with the GDP and these proffers, and if the changes do not decrease the distance to property lines as shown on this GDP/SE Plat or reduce open space.

8. **Successors and Assigns**. Each reference to "Applicant" in this proffer statement shall include within its meaning, and shall be binding upon, Applicant's successors(s) in interest and/or developer(s) of the site or any portion of the site.

[SIGNATURE ON FOLLOWING PAGE]

MERRIFIELD GARDEN CENTER CORPORATION, *Applicant and Title Owner of Parcel 49-2-((1))-28A*

BY:_____

Robert P. Warhurst, President

DEVELOPMENT CONDITIONS

SE 2006-PR-018

June 10, 2009

If it is the intent of the Board of Supervisors to approve SE 2006-PR-018 located at 8112 Lee Highway, Tax Map 49-2 ((1)) 28, to permit a plant nursery pursuant to Section 5-504 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.

2. This Special Exception is granted only for the purpose(s), structure(s), and/or use(s) indicated on the Special Exception Plat (SE Plat) approved with this application, as qualified by these development conditions.

3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved SE Plat entitled "Merrifield Garden Center" consisting of five sheets, prepared by William H. Gordon, Associates, Inc., dated September 19, 2008, as revised through May 8, 2009. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

4. A consolidated site plan shall be filed for the application property and adjacent lots which are part of the Merrifield Garden Center (Tax Map 49-2 ((1)) 27, 28, 28A,28C and 34B). Such site plan shall be approved and implemented prior to the issuance of a Non-residential Use Permit (Non-RUP).

5. Building permits shall be obtained for any buildings requiring permits on site which have not been so permitted, prior to the issuance of a Non-RUP.

6. Parking shall be provided as shown on the SE Plat. Parking spaces shall consist of a minimum of 229 permanent, striped spaces and a minimum of 73 seasonal overflow spaces.

7. Contractor vehicles and equipment on-site shall only be parked/stored in that area shown on the SE Plat as "contractor parking."

8. The entrance on Lee Highway shall be signed "delivery vehicles only." Customers shall be directed to use the other entrances to the site. No signage advertising the use shall be placed adjacent to the entrance on Lee Highway.

9. Upon request by the Board of Supervisors or the owner of the adjacent parcel to the east [Tax Map 49-2 ((1)) 30], an interparcel access easement shall be granted to allow that parcel access through the Lee Highway entrance to the site.

10. All signage shall be in conformance with Article 12 of the Zoning Ordinance. Any signs which do not have permits shall be removed or receive approved sign permits prior to the issuance of a Non-RUP.

11. All lighting, including security, pedestrian and/or other incidental lighting, shall meet the standards of Article 14 of the Zoning Ordinance.

12. Stormwater Management/Best Management Practices (SWM/BMPs) for the entire area under the combined site plan shall be provided as determined by DPWES.

13. Broadcast application of chemical pesticides and/or fertilizers shall not be permitted on-site. The applicant may hand-fertilize and/or hand-spray the individual plants on a remedial basis for pests and disease to maintain or restore the health and appearance of the plant material.

14. As determined necessary by DPWES, measures shall be taken to ensure the safe use, storage, and handling of any chemicals including fertilizers, pesticides, and herbicides utilized, stored, and/or sold on site. All chemicals (including fertilizers, pesticides, and herbicides) shall be contained in storage shed(s) or other buildings with concrete floors, completely protected from the weather.

15. Outside storage areas and/or structures for the storage of bulk (loose, unpackaged) materials such as soil, manure, peat moss, humus, mulches, etc., shall be kept covered or located within the areas which drain to the SWM/BMP facilties, or which are confined by erosion and sedimentation measures to the satisfaction of DPWES to prevent any adverse impacts on water quality.

16. The plant nursery shall operate primarily for the propagation, cultivation, growing, and/or maintenance of nursery stock for gardens, grounds, yards, and indoor use, such as trees, plants, shrubs, sod, seeds and vines, and the retail sales of such nursery stock and of items designed solely to maintain and preserve the life and health of nursery stock such as soil, mulch, plant food/nutrients, fertilizers, herbicides and insecticides.

17. Outdoor display of accessory retail items listed in Exhibit 1 attached to these conditions, shall be permitted in those areas shown on the SE Plat. In no event shall items such as the following be stored for sale or displayed within the SE area (the I-5 portion of the site): electric or gasoline powered tools; motorized equipment; sheds and outdoor storage containers; play houses or play sets; indoor furniture or outdoor lawn or patio furniture (except benches as included in Exhibit 1); hot tubs, spas or pools; barbecue grills; propane fuel; foodstuffs (except in conjunction with an approved special event or festival); or clothing.

18. No heavy equipment (such as wood chippers) shall be operated on the site prior to noon on Sundays.

19. As required by Sect. 9-517 of the Zoning Ordinance, all landscape contracting services provided from this site, including the related number of employees and commercial vehicles, shall remain accessory to the plant nursery.

20. The Applicant may conduct on-site educational classes, including school field trips and other group instruction, provided that classes are related to the propagation of trees, plants and other plant nursery related topics. Said classes may be offered on a year-round basis.

21. Festivals may be held on-site during regular hours of operation. All parking for such festivals must be accommodated on-site.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, eighteen (18) months after the date of approval unless, at a minimum, the use has been established, as evidenced by the issuance of a Non-RUP, or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

DEVELOPMENT CONDITIONS

SE 2006-PR-018

June 10, 2009

If it is the intent of the Board of Supervisors to approve SE 2006-PR-018 located at 8112 Lee Highway, Tax Map 49-2 ((1)) 28, to permit a plant nursery pursuant to Section 5-504 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

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2. This Special Exception is granted only for the purpose(s), structure(s), and/or use(s) indicated on the Special Exception Plat (SE Plat) approved with this application, as qualified by these development conditions.

3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved SE Plat entitled "Merrifield Garden Center" consisting of five sheets, prepared by William H. Gordon, Associates, Inc., dated September 19, 2008, as revised through May 8, 2009. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

4. A consolidated site plan shall be filed for the application property and adjacent lots which are part of the Merrifield Garden Center (Tax Map 49-2 ((1)) 27, 28, 28A,28C and 34B). Such site plan shall be approved and implemented prior to the issuance of a Non-residential Use Permit (Non-RUP).

5. Building permits shall be obtained for any buildings requiring permits on site which have not been so permitted, prior to the issuance of a Non-RUP.

6. Parking shall be provided as shown on the SE Plat. Parking spaces shall consist of a minimum of 229 permanent, striped spaces and a minimum of 73 seasonal overflow spaces.

7. Contractor vehicles and equipment on-site shall only be parked/stored in that area shown on the SE Plat as "contractor parking."

8. The entrance on Lee Highway shall be signed "delivery vehicles only." Customers shall be directed to use the other entrances to the site. No signage advertising the use shall be placed adjacent to the entrance on Lee Highway.

9. Upon request by the Board of Supervisors or the owner of the adjacent parcel to the east [Tax Map 49-2 ((1)) 30], an interparcel access easement shall be granted to allow that parcel access through the Lee Highway entrance to the site.

10. All signage shall be in conformance with Article 12 of the Zoning Ordinance. Any signs which do not have permits shall be removed or receive approved sign permits prior to the issuance of a Non-RUP.

11. All lighting, including security, pedestrian and/or other incidental lighting, shall meet the standards of Article 14 of the Zoning Ordinance.

12. Stormwater Management/Best Management Practices (SWM/BMPs) for the entire area under the combined site plan shall be provided as determined by DPWES.

13. Broadcast application of chemical pesticides and/or fertilizers shall not be permitted on-site. The applicant may hand-fertilize and/or hand-spray the individual plants on a remedial basis for pests and disease to maintain or restore the health and appearance of the plant material.

14. As determined necessary by DPWES, measures shall be taken to ensure the safe use, storage, and handling of any chemicals including fertilizers, pesticides, and herbicides utilized, stored, and/or sold on site. All chemicals (including fertilizers, pesticides, and herbicides) shall be contained in storage shed(s) or other buildings with concrete floors, completely protected from the weather.

15. Outside storage areas and/or structures for the storage of bulk (loose, unpackaged) materials such as soil, manure, peat moss, humus, mulches, etc., shall be kept covered or located within the areas which drain to the SWM/BMP facilties, or which are confined by erosion and sedimentation measures to the satisfaction of DPWES to prevent any adverse impacts on water quality.

16. The plant nursery shall operate primarily for the propagation, cultivation, growing, and/or maintenance of nursery stock for gardens, grounds, yards, and indoor use, such as trees, plants, shrubs, sod, seeds and vines, and the retail sales of such nursery stock and of items designed solely to maintain and preserve the life and health of nursery stock such as soil, mulch, plant food/nutrients, fertilizers, herbicides and insecticides.

17. Outdoor display of accessory retail items listed in Exhibit 1 attached to these conditions, shall be permitted in those areas shown on the SE Plat. In no event shall items such as the following be stored for sale or displayed within the SE area (the I-5 portion of the site): electric or gasoline powered tools; motorized equipment; sheds and outdoor storage containers; play houses or play sets; indoor furniture or outdoor lawn or patio furniture (except benches as included in Exhibit 1); hot tubs, spas or pools; barbecue grills; propane fuel; foodstuffs (except in conjunction with an approved special event or festival); or clothing.

18. No heavy equipment (such as wood chippers) shall be operated on the site prior to noon on Sundays.

19. As required by Sect. 9-517 of the Zoning Ordinance, all landscape contracting services provided from this site, including the related number of employees and commercial vehicles, shall remain accessory to the plant nursery.

20. The Applicant may conduct on-site educational classes, including school field trips and other group instruction, provided that classes are related to the propagation of trees, plants and other plant nursery related topics. Said classes may be offered on a year-round basis.

21. Festivals may be held on-site during regular hours of operation. All parking for such festivals must be accommodated on-site.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

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Exhibit 1

Merrifield Garden Center: Merrifield Location

List of Accessory Retail Items
Pursuant to Paragraph 1 of Section 9-517 of the Zoning Ordinance

- Landscaping materials such as railroad ties, landscape timbers, wall stones, pavers, edging, drain pipe, spikes, rebar, straw, jute netting, erosion control cloth, tree stakes, tree wire, tree kote, tree wrap, sod staples, gravel, sand and stone
- Pots/planters such as plant containers, grow pots, hanging baskets, hayrack and moss planters, coconut linters, baskets, saucers, urns, outdoor vases, pot feet
- Garden accents such as statuary, birdhouses, birdfeeders, bird seed, birdbaths, squirrel feeders and baffles, butterfly houses, decorative plant hangers, plant stands, arbors, trellises, gazing balls, pink flamingos, garden flags, windsocks, pedestals, sundials, wind chimes, fountains, garden stepping stones, weather vanes, garden plaques, garden benches, garden bridges
- Water gardens such as water plants, fish, snails and other water garden animals, pumps, filters, pipes, liners and pond forms, waterfalls, tubing and fittings, pond heaters and de-icers, fish food, aquatic pharmaceuticals and water quality products, submersible lights, pond statues
- Wheelbarrows, garden carts
- Firewood
- Seasonal/holiday decorations such as live or cut trees, tree stands, live and artificial wreaths, swags, garland and roping.

REZONING AFFIDAVIT

DATE: May 22, 2009
(enter date affidavit is notarized)

I, Robert P. Warhurst, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) [ ] applicant
[✓] applicant's authorized agent listed in Par. 1(a) below

102713a

in Application No.(s): RZ 2008-PR-017
(enter County-assigned application number(s), e.g. RZ 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS,** and **LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS,** and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(**NOTE**: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	**ADDRESS** (enter number, street, city, state, and zip code)	**RELATIONSHIP(S)** (enter applicable relationships listed in **BOLD** above)
Merrifield Garden Center Corporation(1) Agents: Hampton C. Williams, III Robert P. Warhurst R. Kevin Warhurst C. David Watkins	P. O. Box 848 Merrifield, VA 22116	Applicant/Title Owner of Parcel 49-2-((1))-28A
Hunton & Williams LLP(2)	1751 Pinnacle Drive, Suite 1700 McLean, VA 22102	Attorneys/Agents for Applicant
Francis A. McDermott John C. McGranahan, Jr. Nicholas H. Grainger	1751 Pinnacle Drive, Suite 1700 McLean, VA 22102	Attorneys/Agents for Applicant
Aaron L. Shriber Elaine O'Flaherty Cox	1751 Pinnacle Drive, Suite 1700 McLean, VA 22102	Planners/Agents for Applicant

(check if applicable) [✓] There are more relationships to be listed and Par. 1(a) is continued on a "Rezoning Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Rezoning Attachment to Par. 1(a)

102713a

DATE: May 22, 2009
(enter date affidavit is notarized)

for Application No. (s): RZ 2008-PR-017
(enter County-assigned application number (s))

(**NOTE**: All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.

NAME (enter first name, middle initial, and last name)	**ADDRESS** (enter number, street, city, state, and zip code)	**RELATIONSHIP(S)** (enter applicable relationships listed in **BOLD** above)
Jeannie A. Mathews	1751 Pinnacle Drive, Suite 1700 McLean, VA 22102	Paralegal/Agent for Applicant
William H. Gordon Associates, Inc.(3) Agents: Robert W. Walker	4501 Daly Drive Chantilly, VA 20151	Planners/Engineers/Agents for Applicant

(check if applicable) [ ] There are more relationships to be listed and Par. 1(a) is continued further on a "Rezoning Attachment to Par. 1(a)" form.

REZONING AFFIDAVIT

DATE: May 22, 2009
(enter date affidavit is notarized)

102713a

for Application No. (s): RZ 2008-PR-017
(enter County-assigned application number(s))

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders, **and if the corporation is an owner of the subject land, all of the OFFICERS and DIRECTORS of such corporation:**

(**NOTE:** Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES,** and **REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
(1)Merrifield Garden Center Corporation
P. O. Box 848
Merrifield, VA 22116

DESCRIPTION OF CORPORATION: (check one statement)

[✓] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)
Robert P. Warhurst
Hampton C. Williams, III

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g. **President, Vice President, Secretary, Treasurer**, etc.)
Robert P. Warhurst, President/Director
Hampton C. Williams, III, Sec/Treas/Director
Billie Jean Warhurst, Director
Doris I. Williams, Director

(check if applicable) [✓] There is more corporation information and Par. 1(b) is continued on a "Rezoning Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. ***In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.*** Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Rezoning Attachment to Par. 1(b)

102713.a

DATE: May 22, 2009
(enter date affidavit is notarized)

for Application No. (s): RZ 2008-PR-017
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(3)William H. Gordon Associates, Inc.
4501 Daly Drive
Chantilly, VA 20151

DESCRIPTION OF CORPORATION: (check one statement)

[ ] There are 10 or less shareholders, and all of the shareholders are listed below.
[✓] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

William H. Gordon
Joseph W. McClellan
R. Steven Hulsey
Eugene C. Dorn

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. **President, Vice-President, Secretary, Treasurer**, etc.)

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

[ ] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. **President, Vice-President, Secretary, Treasurer**, etc.)

(check if applicable) [ ] There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

REZONING AFFIDAVIT

DATE: May 22, 2009
(enter date affidavit is notarized)

102713a

for Application No. (s): RZ 2008-PR-017
(enter County-assigned application number(s))

1(c). The following constitutes a listing*** of all of the **PARTNERS,** both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state and zip code)
(2)Hunton & Williams LLP
1751 Pinnacle Drive
Suite 1700
McLean, VA 22102

(check if applicable) [✓] The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner)**

Benjamin C. Ackerly
Robert A. Acosta-Lewis
Lawrence C. Adams
Michael F. Albers
Virginia S. Albrecht
Kenneth J. Alcott
Fernando C. Alonso
Chris M. Amantea
Thomas E. Anderson
Walter J. Andrews
W. Christopher Arbery
Charles E. G. Ashton
L. Scott Austin
Ian Phillip Band
Haywood A. Barnes
Rudene M. Bascomb
Philip M. Battles, III
Sean M. Beard
John J. Beardsworth, Jr.

(check if applicable) [✓] There is more partnership information and Par. 1(c) is continued on a "Rezoning Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. ***In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.*** Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Rezoning Attachment to Par. 1(c)

102713a

DATE: May 22, 2009
(enter date affidavit is notarized)

for Application No. (s): RZ 2008-PR-017
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

(2)Hunton & Williams LLP (Continued)
1751 Pinnacle Drive
Suite 1700
McLean, VA 22102

(check if applicable) [✓] The above-listed partnership has no limited partners·

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner)**

Steven H. Becker
Kenneth D. Bell
Stephen John Bennett
Melinda R. Beres
Lucas Bergkamp (nmi)
Lon A. Berk
Douglas M. Berman
Mark B. Bierbower
Stephen R. Blacklocks
Jeffry M. Blair
Michael J. Blayney
James W. Bowen
Lawrence J. Bracken, II
James P. Bradley
Sheldon T. Bradshaw
David F. Brandley, Jr.
Jeannie P. Breckinridge
Craig A. Bromby
A. Todd Brown
Tyler P. Brown
F. William Brownell
Peter N. Brudenall
Kevin J. Buckley
Kristy A. Niehaus Bulleit
Joseph B. Buonanno
Nadia S. Burgard
Eric R. Burner
M. Brett Burns
Brian M. Buroker
P. Scott Burton
Ferdinand A. Calice
Matthew J. Calvert
Daniel M. Campbell
Thomas H. Cantrill
Curtis G. Carlson
Grady K. Carlson
Jean Gordon Carter
Charles D. Case
Thomas J. Cawley
Lawrence Chek (nmi)
James N. Christman
Whittington W. Clement
R. Noel Clinard
Herve' Cogels (nmi)
Cassandra C. Collins
Stacy M. Colvin
Joseph P. Congleton
Terence G. Connor
Stephen Gregory Cope
Cameron N. Cosby
T. Thomas Cottingham, III
Ted C. Craig
Cyane B. Crump
Ashley Cummings (nmi)
Alexandra B. Cunningham
Sean B. Cunningham
William D. Dannelly
Samuel A. Danon
Barry R. Davidson
John Deacon (nmi)
John A. Decker
John J. Delionado
Stephen P. Demm
Kenneth L. Dobkin
Dee Ann Dorsey
Edward L. Douma
Mark S. Dray
Sean P. Ducharme
L. Traywick Duffie
Deidre G. Duncan
George C. Dunlap, Jr.
Roger Dyer (nmi)
Frederick R. Eames
Maya M. Eckstein
Joseph C. Edwards
W. Jeffery Edwards
John C. Eichman
Whitney C. Ellerman
Edward W. Elmore, Jr.
Charles Elphicke (nmi)
Frank E. Emory, Jr.
Juan C. Enjamio
John D. Epps
Patricia K. Epps
Steven B. Epstein
Phillip J. Eskenazi
Joseph P. Esposito
Kelly L. Faglioni
Susan S. Failla
Eric H. Feiler
Chet A. Fenimore
Edward F. Fernandes
Norman W. Fichthorn
Andrea Bear Field
Kevin J. Finto
William M. Flynn
Laura M. Franze
Lauren E. Freeman
Matthew Freimuth (nmi)
Edward J. Fuhr
Charles A. Gall
Daniel C. Garner
Douglas M. Garrou
Richard D. Gary
Andrew A. Gerber
John T. Gerhart, Jr.
Jeffrey W. Giese
Neil K. Gilman
C. Christopher Giragosian
Timothy S. Goettel
Allen C. Goolsby
L. Raul Grable
Douglas S. Granger
J. William Gray, Jr.
Charles E. Greef
Robert J. Grey, Jr.
Greta T. Griffith

(check if applicable) [✓] There is more partnership information and Par. 1(c) is continued further on a "Rezoning Attachment to Par. 1(c)" form.

Rezoning Attachment to Par. 1(c)

DATE: May 22, 2009
(enter date affidavit is notarized)

102713a

for Application No. (s): RZ 2008-PR-017
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

(2)Hunton & Williams LLP (Continued)
1751 Pinnacle Drive
Suite 1700
McLean, VA 22102

(check if applicable) [✓] The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner)**

Bradley W. Grout
Jeffrey W. Gutchess
Miles B. Haberer
Virginia H. Hackney
Robert J. Hahn
Jarrett L. Hale
John F. Haley
Eric J. Hanson
Ronald M. Hanson
Richard L. Harden
Lowell W. Harrison
Ray V. Hartwell, III
James A. Harvey
Timothy G. Hayes
Mark S. Hedberg
Douglas J. Heffner
Michael S. Held
Gregory G. Hesse
George H. Hettrick
David A. Higbee
Thomas Y. Hiner
D. Bruce Hoffman
Robert E. Hogfoss
John M. Holloway, III
John R. Holzgraefe
Cecelia Philipps Horner
George C. Howell, III
Thomas M. Hughes
Kevin F. Hull
Eric W. Hurlocker
Donald P. Irwin
Judith H. Itkin
Makram B. Jaber
Lori M. Jarvis
Matthew D. Jenkins
Andrew E. Jillson
Harry M. Johnson, III
James A. Jones, III
Kevin W. Jones
Laura E. Jones
Dan J. Jordanger
Roland Juarez (nmi)
Thomas R. Julin
W. Alan Kailer
E. Peter Kane
Thomas F. Kaufman
Geoffrey S. Kay
Joseph C. Kearfott
Michael G. Keeley
G. Roth Kehoe, II
Douglas W. Kenyon
Michael C. Kerrigan
Ryan T. Ketchum
Robert A. King
Robert Klotz (nmi)
Sylvia K. Kochler
Edward B. Koehler
John T. Konther
Torsten M. Kracht
Christopher G. Kulp
Christopher Kuner (nmi)
David Craig Landin
David C. Lashway
Andrew W. Lawrence
Wood W. Lay
Daniel M. LeBey
David O. Ledbetter
Bradley T. Lennie
L. Steven Leshin
Ronald J. Lieberman
Thomas F. Lillard
Catherine D. Little
Robert H. Lockwood
David C. Lonergan
Nash E. Long, III
Audrey C. Louison
Carlos E. Loumiet
David S. Lowman, Jr.
Tyler Maddry (nmi)
Kimberly M. Magee
Manuel E. Maisog
Alan J. Marcuis
Brian R. Marek
Fernando Margarit (nmi)
Stephen S. Maris
Thelma Marshall (nmi)
Jeffrey N. Martin
John S. Martin
J. Michael Martinez de Andino
Walfrido J. Martinez
Christopher M. Mason
Michael P. Massad, Jr.
Joseph Clarke Mathews
Laurie Uustal Mathews
John Gary Maynard, III
Fraser A. McAlpine
William H. McBride
Michael C. McCann
Thomas A. McConnell
Patrick J. McCormick, III
Robert G. McCormick
Francis A. McDermott
Alexander G. McGeoch
John C. McGranahan, Jr.
David T. McIndoe
Mark W. Menezes
Gary C. Messplay
Patrick E. Mitchell
Jack A. Molenkamp
Charles R. Monroe, Jr.
Will S. Montgomery
T. Justin Moore, III
Thurston R. Moore
Bruce W. Moorhead, Jr.
Robert J. Morrow
Ann Marie Mortimer
Michael J. Mueller

(check if applicable) [✓] There is more partnership information and Par. 1(c) is continued further on a "Rezoning Attachment to Par. 1(c)" form.

Rezoning Attachment to Par. 1(c)

DATE: May 22, 2009
(enter date affidavit is notarized)

102713a

for Application No. (s): RZ 2008-PR-017
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

(2)Hunton & Williams LLP (Continued)
1751 Pinnacle Drive
Suite 1700
McLean, VA 22102

(check if applicable) [✓] The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner**)

Eric J. Murdock
Frank J. Murphy, Jr.
Ted J. Murphy
Thomas P. Murphy
David A. Mustone
James P. Naughton
Michael Nedzbala (nmi)
Henry V. Nickel
Lonnie D. Nunley, III
Leslie A. Okinaka
John D. O'Neill, Jr.
Pam Gates O'Quinn
Michael A. O'Shea
Brian V. Otero
Randall S. Parks
Peter S. Partee, Sr.
R. Hewitt Pate
J. Steven Patterson
William S. Patterson
Michael P. F. Phelps
R. Dean Pope
Laurence H. Posorske
Kurtis A. Powell
Lewis F. Powell, III
Wesley R. Powell
Donna M. Praiss
J. Waverly Pulley, III
Robert T. Quackenboss
Dearbhla Quigley (nmi)
Dionne C. Rainey
Gordon F. Rainey, Jr.
Katherine E. Ramsey
John Jay Range
Stuart A. Raphael
Craig V. Rasile
John M. Ratino
Robert S. Rausch
Keila D. Ravelo
Belynda B. Reck
Baker R. Rector
Shawn P. Regan
Sona Rewari (nmi)
Thomas A. Rice
Jennings G. Ritter, II
Kathy E. B. Robb
Daryl B. Robertson
Gregory B. Robertson
Robert M. Rolfe
Ronald D. Rosener
Michael Rosenthal (nmi)
William L. S. Rowe
Marguerite R. Ruby
D. Alan Rudlin
Mary Nash K. Rusher
Karen M. Sanzaro
Stephen M. Sayers
Arthur E. Schmalz
Gregory J. Schmitt
John R. Schneider
Howard E. Schreiber
Robert M. Schulman
Jeremy R. Schwer
P. Watson Seaman
James S. Seevers, Jr.
Douglass P. Selby
Joel R. Sharp
Michael R. Shebelskie
Rita A. Sheffey
Michael A. Silva
William P. Silverman
Edmund W. Sim
Jo Anne E. Sirgado
Thomas G. Slater, Jr.
Brooks M. Smith
Caryl Greenberg Smith
John R. Smith
Steven P. Solow
Yisun Song (nmi)
Lisa J. Sotto
Joseph C. Stanko, Jr.
Marty Steinberg (nmi)
Todd M. Stenerson
John J. Stenger
Gregory N. Stillman
C. Randolph Sullivan
Chanmanu Sumawong (nmi)
R. Michael Sweeney, Jr.
Henry Talavera (nmi)
Andrew J. Tapscott
Robert M. Tata
Rodger L. Tate
W. Lake Taylor, Jr.
Wendell L. Taylor
Robin Lyn Teskin
Paul R. Tetlow
John Charles Thomas
Martin K. Thomas
Gary E. Thompson
B. Cary Tolley, III
Timothy J. Toohey
Bridget C. Treacy
Thomas B. Trimble
Estelle J. Tsevdos
Melvin E. Tull, III
Julie I. Ungerman
Surasak Vajasit (nmi)
Travis E. Vanderpool
Mark C. Van Deusen
C. Porter Vaughan, III
Enid L. Veron
Emily Burkhardt Vicente
Mark R. Vowell
Linda L. Walsh
William A. Walsh, Jr.
Lynnette R. Warman
Abigail C. Watts-FitzGerald
William L. Wehrum

(check if applicable) [✓] There is more partnership information and Par. 1(c) is continued further on a "Rezoning Attachment to Par. 1(c)" form.

Rezoning Attachment to Par. 1(c)

102713a

DATE: May 22, 2009
(enter date affidavit is notarized)

for Application No. (s): RZ 2008-PR-017
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

(2)Hunton & Williams LLP (Continued)
1751 Pinnacle Drive
Suite 1700
McLean, VA 22102

(check if applicable) [✓] The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner)**

Peter G. Weinstock
David B. Weisblat
Malcolm C. Weiss
Mark G. Weisshaar
Hill B. Wellford, Jr.
David E. Wells
G. Thomas West, Jr.
Kevin J. White
Jerry E. Whitson
Jonathan M. Wilan
Amy McDaniel Williams
Matthew J. Williams
Holly H. Williamson
Michael G. Wilson
Robert K. Wise
Allison D. Wood
John W. Woods, Jr.
David C. Wright
Richard L. Wyatt, Jr.
Scott F. Yarnell
William F. Young
Andrew D. Zaron
Lee B. Zeugin
Manida Zinmerman (nmi)

FORMER PARTNERS:
Jeffery R. Banish
Myron D. Cohen
L. Neal Ellis, Jr.
James E. Farnham
Robert M. Fillmore
David R. Fricke
Conan P. Grames
Robert W. Hawkins
Louanna O. Heuhsen
John E. Holloway
Robert H. Huey
Leslie O. Juan
Dana S. Kull
Christine E. Larkin
Gregory G. Little
Timothy A. Mack
C. King Mallory, III
Thomas J. Manley
Michael F. Marino, III
Scott H. Matheson
Richard E. May
James E. Meadows
Thomas McN. Millhiser
John E. Moeller
Arnold H. Quint
James M. Rinaca
Michael D. Rist
D. Kyle Sampson
Patricia M. Schwarzschild
James W. Shea
B. Darrell Smelcer
Catherine B. Stevens
Franklin H. Stone
Madeleine M. Tan
Michael L. Teague
Paul M. Thompson
Randolph F. Totten
Stephen R. Voelker

FORMER PARTNERS (Cont'd)
Mark R. Wasem
Paul O. Wickes

(check if applicable) [ ] There is more partnership information and Par. 1(c) is continued further on a "Rezoning Attachment to Par. 1(c)" form.

REZONING AFFIDAVIT

DATE: May 22, 2009
(enter date affidavit is notarized)

102713a

for Application No. (s): RZ 2008-PR-017
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

[ ] In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER,** or **LESSEE*** of the land:

[✓] Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER,** or **LESSEE*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (**NOTE**: If answer is none, enter "**NONE**" on the line below.)

NONE

(check if applicable) [ ] There are more interests to be listed and Par. 2 is continued on a "Rezoning Attachment to Par. 2" form.

REZONING AFFIDAVIT

DATE: May 22, 2009
(enter date affidavit is notarized)

102713a

for Application No. (s): RZ 2008-PR-017
(enter County-assigned application number(s))

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than $100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "**NONE**" on line below.)

William H. Gordon of William H. Gordon Associates, Inc. has contributed in excess of $100.00 on behalf of 4501 Daly L.P. to Supervisor Frey; however, 4501 Daly L.P. is not associated with this application.

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [ ] There are more disclosures to be listed and Par. 3 is continued on a "Rezoning Attachment to Par. 3" form.

4. **That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.**

WITNESS the following signature: [signature]

(check one) [ ] Applicant [✓] Applicant's Authorized Agent

Robert P. Warhurst, President
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 22 day of May 2009, in the State/Comm. of Virginia, County/City of Fairfax

[signature]
Notary Public

My commission expires: 1-31-2012
NR# 132200

EUGENIA KAY MYERS
Notary Public
Commonwealth of Virginia
132200
My Commission Expires Jan 31, 2012

FORM RZA-1 Updated (7/1/06)

SPECIAL EXCEPTION AFFIDAVIT

DATE: May 22, 2009
(enter date affidavit is notarized)

I, Robert P. Warhurst, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) [ ] applicant
[✓] applicant's authorized agent listed in Par. 1(a) below 922226

in Application No.(s): SE 2006-PR-018
(enter County-assigned application number(s), e.g. SE 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS,** and **LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS,** and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(**NOTE:** All relationships to the application listed above in **BOLD** print are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	**ADDRESS** (enter number, street, city, state, and zip code)	**RELATIONSHIP(S)** (enter applicable relationships listed in **BOLD** above)
Merrifield Garden Center Corporation(1) Agents: Hampton C. Williams, III Robert P. Warhurst R. Kevin Warhurst C. David Watkins	P. O. Box 848 Merrifield, VA 22116	Applicant/Agent for Title Owner of Parcel 49-2-((1))-28
Warhurst & Williams, L.L.C.(2)	8132 Lee Highway Falls Church, VA 22042	Title Owner of Parcel 49-2-((1))-28
Hunton & Williams LLP(3)	1751 Pinnacle Drive, Suite 1700 McLean, VA 22102	Attorneys/Agents for Applicant
Francis A. McDermott John C. McGranahan, Jr. Nicholas H. Grainger	1751 Pinnacle Drive, Suite 1700 McLean, VA 22102	Attorneys/Agents for Applicant
Aaron L. Shriber Elaine O'Flaherty Cox	1751 Pinnacle Drive, Suite 1700 McLean, VA 22102	Planners/Agents for Applicant

(check if applicable) [✓] There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Special Exception Attachment to Par. 1(a)

922226

DATE: May 22, 2009
(enter date affidavit is notarized)

for Application No. (s): SE 2006-PR-018
(enter County-assigned application number (s))

(**NOTE**: All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel (s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	**ADDRESS** (enter number, street, city, state, and zip code)	**RELATIONSHIP(S)** (enter applicable relationships listed in **BOLD** above)
Jeannie A. Mathews	1751 Pinnacle Drive, Suite 1700 McLean, VA 22102	Paralegal/Agent for Applicant
William H. Gordon Associates, Inc.(4) Agent: Robert W. Walker	4501 Daly Drive Chantilly, VA 20151	Planners/Engineers/Agents for Applicant

(check if applicable) [ ] There are more relationships to be listed and Par. 1(a) is continued further on a "Special Exception Attachment to Par. 1(a)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: May 22, 2009
(enter date affidavit is notarized)

922226

for Application No. (s): SE 2006-PR-018
(enter County-assigned application number(s))

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(**NOTE**: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES,** and **REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and number, street, city, state, and zip code) (1)Merrifield Garden Center Corporation
P. O. Box 848
Merrifield, VA 22116

DESCRIPTION OF CORPORATION: (check one statement)

[✓] There are 10 or less shareholders, and all of the shareholders are listed below.

[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial and last name)

Robert P. Warhurst
Hampton C. Williams, III

(check if applicable) [✓] There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. ***In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.*** Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Special Exception Attachment to Par. 1(b)

DATE: May 22, 2009
(enter date affidavit is notarized)

922226

for Application No. (s): SE 2006-PR-018
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
(2)Warhurst & Williams, L.L.C.
8132 Lee Highway
Falls Church, VA 22042

DESCRIPTION OF CORPORATION: (check one statement)

[✓] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
Robert P. Warhurst
Hampton C. Williams, III
Billie Jean Warhurst
Doris I. Williams

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
(4)William H. Gordon Associates, Inc.
4501 Daly Drive
Chantilly, VA 20151

DESCRIPTION OF CORPORATION: (check one statement)

[ ] There are 10 or less shareholders, and all of the shareholders are listed below.
[✓] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
William H. Gordon
Joseph W. McClellan
R. Steven Hulsey
Eugene C. Dorn

(check if applicable) [ ] There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: May 22, 2009
(enter date affidavit is notarized)

922226

for Application No. (s): SE 2006-PR-018
(enter County-assigned application number(s))

1(c). The following constitutes a listing*** of all of the **PARTNERS,** both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, and number, street, city, state, and zip code)
(3)Hunton & Williams LLP
1751 Pinnacle Drive, Suite 1700
McLean, VA 22101

(check if applicable) [✓] The above-listed partnership has no limited partners·

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner)**

Benjamin C. Ackerly
Robert A. Acosta-Lewis
Lawrence C. Adams
Michael F. Albers
Virginia S. Albrecht
Kenneth J. Alcott
Fernando C. Alonso
Chris M. Amantea
Thomas E. Anderson
Walter J. Andrews
W. Christopher Arbery
Charles E. G. Ashton
L. Scott Austin
Ian Phillip Band
Haywood A. Barnes
Rudene M. Bascomb
Philip M. Battles, III
Sean M. Beard
John J. Beardsworth, Jr.
Steven H. Becker
Kenneth D. Bell
Stephen John Bennett
Melinda R. Beres
Lucas Bergkamp (nmi)
Lon A. Berk
Douglas M. Berman
Mark B. Bierbower
Stephen R. Blacklocks
Jeffry M. Blair
Michael J. Blayney
James W. Bowen
Lawrence J. Bracken, II
James P. Bradley
Sheldon T. Bradshaw
David F. Brandley, Jr.
Jeannie P. Breckinridge
Craig A. Bromby
A. Todd Brown
Tyler P. Brown
F. William Brownell
Peter N. Brudenall
Kevin J. Buckley
Kristy A. Niehaus Bulleit
Joseph B. Buonanno
Nadia S. Burgard
Eric R. Burner
M. Brett Burns
Brian M. Buroker
P. Scott Burton
Ferdinand A. Calice
Matthew J. Calvert

(check if applicable) [✓] There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. ***In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.*** Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Special Exception Attachment to Par. 1(c)

DATE: May 22, 2009
(enter date affidavit is notarized)

922226

for Application No. (s): SE 2006-PR-018
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

(3)Hunton & Williams LLP (continued)
1751 Pinnacle Drive, Suite 1700
McLean, VA 22101

(check if applicable) [✓] The above-listed partnership has no limited partners·

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner)**

Daniel M. Campbell
Thomas H. Cantrill
Curtis G. Carlson
Grady K. Carlson
Jean Gordon Carter
Charles D. Case
Thomas J. Cawley
Lawrence Chek (nmi)
James N. Christman
Whittington W. Clement
R. Noel Clinard
Herve' Cogels (nmi)
Cassandra C. Collins
Stacy M. Colvin
Joseph P. Congleton
Terence G. Connor
Stephen Gregory Cope
Cameron N. Cosby
T. Thomas Cottingham, III
Ted C. Craig
Cyane B. Crump
Ashley Cummings (nmi)
Alexandra B. Cunningham
Sean B. Cunningham
William D. Dannelly
Samuel A. Danon
Barry R. Davidson
John Deacon (nmi)
John A. Decker
John J. Delionado
Stephen P. Demm
Kenneth L. Dobkin
Dee Ann Dorsey
Edward L. Douma
Mark S. Dray
Sean P. Ducharme
L. Traywick Duffie
Deidre G. Duncan
George C. Dunlap, Jr.
Roger Dyer (nmi)
Frederick R. Eames
Maya M. Eckstein
Joseph C. Edwards
W. Jeffery Edwards
John C. Eichman
Whitney C. Ellerman
Edward W. Elmore, Jr.
Charles Elphicke (nmi)
Frank E. Emory, Jr.
Juan C. Enjamio
John D. Epps
Patricia K. Epps
Steven B. Epstein
Phillip J. Eskenazi
Joseph P. Esposito
Kelly L. Faglioni
Susan S. Failla
Eric H. Feiler
Chet A. Fenimore
Edward F. Fernandes
Norman W. Fichthorn
Andrea Bear Field
Kevin J. Finto
William M. Flynn
Laura M. Franze
Lauren E. Freeman
Matthew Freimuth (nmi)
Edward J. Fuhr
Charles A. Gall
Daniel C. Garner
Douglas M. Garrou
Richard D. Gary
Andrew A. Gerber
John T. Gerhart, Jr.
Jeffrey W. Giese
Neil K. Gilman
C. Christopher Giragosian
Timothy S. Goettel
Allen C. Goolsby
L. Raul Grable
Douglas S. Granger
J. William Gray, Jr.
Charles E. Greef
Robert J. Grey, Jr.
Greta T. Griffith
Bradley W. Grout
Jeffrey W. Gutchess
Miles B. Haberer
Virginia H. Hackney
Robert J. Hahn
Jarrett L. Hale
John F. Haley
Eric J. Hanson
Ronald M. Hanson
Richard L. Harden
Lowell W. Harrison
Ray V. Hartwell, III
James A. Harvey
Timothy G. Hayes
Mark S. Hedberg
Douglas J. Heffner
Michael S. Held
Gregory G. Hesse
George H. Hettrick
David A. Higbee
Thomas Y. Hiner
D. Bruce Hoffman
Robert E. Hogfoss
John M. Holloway, III
John R. Holzgraefe
Cecelia Philipps Horner
George C. Howell, III
Thomas M. Hughes
Kevin F. Hull
Eric W. Hurlocker
Donald P. Irwin
Judith H. Itkin
Makram B. Jaber
Lori M. Jarvis
Matthew D. Jenkins
Andrew E. Jillson
Harry M. Johnson, III
James A. Jones, III

(check if applicable) [✓] There is more partnership information and Par. 1(c) is continued further on a "Special Exception Attachment to Par. 1(c)" form.

Special Exception Attachment to Par. 1(c)

DATE: May 22, 2009
(enter date affidavit is notarized)

922226

for Application No. (s): SE 2006-PR-018
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

(3)Hunton & Williams LLP (continued)
1751 Pinnacle Drive, Suite 1700
McLean, VA 22102

(check if applicable) [✓] The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner)**

Kevin W. Jones
Laura E. Jones
Dan J. Jordanger
Roland Juarez (nmi)
Thomas R. Julin
W. Alan Kailer
E. Peter Kane
Thomas F. Kaufman
Geoffrey S. Kay
Joseph C. Kearfott
Michael G. Keeley
G. Roth Kehoe, II
Douglas W. Kenyon
Michael C. Kerrigan
Ryan T. Ketchum
Robert A. King
Robert Klotz (nmi)
Sylvia K. Kochler
Edward B. Koehler
John T. Konther
Torsten M. Kracht
Christopher G. Kulp
Christopher Kuner (nmi)
David Craig Landin
David C. Lashway
Andrew W. Lawrence
Wood W. Lay
Daniel M. LeBey
David O. Ledbetter
Bradley T. Lennie
L. Steven Leshin
Ronald J. Lieberman
Thomas F. Lillard
Catherine D. Little
Robert H. Lockwood
David C. Lonergan
Nash E. Long, III
Audrey C. Louison
Carlos E. Loumiet
David S. Lowman, Jr.
Tyler Maddry (nmi)
Kimberly M. Magee
Manuel E. Maisog
Alan J. Marcuis
Brian R. Marek
Fernando Margarit (nmi)
Stephen S. Maris
Thelma Marshall (nmi)
Jeffrey N. Martin
John S. Martin
J. Michael Martinez de Andino
Walfrido J. Martinez
Christopher M. Mason
Michael P. Massad, Jr.
Joseph Clarke Mathews
Laurie Uustal Mathews
John Gary Maynard, III
Fraser A. McAlpine
William H. McBride
Michael C. McCann
Thomas A. McConnell
Patrick J. McCormick, III
Robert G. McCormick
Francis A. McDermott
Alexander G. McGeoch
John C. McGranahan, Jr.
David T. McIndoe
Mark W. Menezes
Gary C. Messplay
Patrick E. Mitchell
Jack A. Molenkamp
Charles R. Monroe, Jr.
Will S. Montgomery
T. Justin Moore, III
Thurston R. Moore
Bruce W. Moorhead, Jr.
Robert J. Morrow
Ann Marie Mortimer
Michael J. Mueller
Eric J. Murdock
Frank J. Murphy, Jr.
Ted J. Murphy
Thomas P. Murphy
David A. Mustone
James P. Naughton
Michael Nedzbala (nmi)
Henry V. Nickel
Lonnie D. Nunley, III
Leslie A. Okinaka
John D. O'Neill, Jr.
Pam Gates O'Quinn
Michael A. O'Shea
Brian V. Otero
Randall S. Parks
Peter S. Partee, Sr.
R. Hewitt Pate
J. Steven Patterson
William S. Patterson
Michael P. F. Phelps
R. Dean Pope
Laurence H. Posorske
Kurtis A. Powell
Lewis F. Powell, III
Wesley R. Powell
Donna M. Praiss
J. Waverly Pulley, III
Robert T. Quackenboss
Dearbhla Quigley (nmi)
Dionne C. Rainey
Gordon F. Rainey, Jr.
Katherine E. Ramsey
John Jay Range
Stuart A. Raphael
Craig V. Rasile
John M. Ratino
Robert S. Rausch
Keila D. Ravelo
Belynda B. Reck
Baker R. Rector
Shawn P. Regan
Sona Rewari (nmi)
Thomas A. Rice
Jennings G. Ritter, II

(check if applicable) [✓] There is more partnership information and Par. 1(c) is continued further on a "Special Exception Attachment to Par. 1(c)" form.

Special Exception Attachment to Par. 1(c)

DATE: May 22, 2009
(enter date affidavit is notarized)

92222b

for Application No. (s): SE 2006-PR-018
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

(3)Hunton & Williams LLP (continued)
1751 Pinnacle Drive, Suite 1700
McLean, VA 22102

(check if applicable) [✓] The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner)**

Kathy E. B. Robb
Daryl B. Robertson
Gregory B. Robertson
Robert M. Rolfe
Ronald D. Rosener
Michael Rosenthal (nmi)
William L. S. Rowe
Marguerite R. Ruby
D. Alan Rudlin
Mary Nash K. Rusher
Karen M. Sanzaro
Stephen M. Sayers
Arthur E. Schmalz
Gregory J. Schmitt
John R. Schneider
Howard E. Schreiber
Robert M. Schulman
Jeremy R. Schwer
P. Watson Seaman
James S. Seevers, Jr.
Douglass P. Selby
Joel R. Sharp
Michael R. Shebelskie
Rita A. Sheffey
Michael A. Silva
William P. Silverman
Edmund W. Sim
Jo Anne E. Sirgado
Thomas G. Slater, Jr.
Brooks M. Smith
Caryl Greenberg Smith
John R. Smith
Steven P. Solow
Yisun Song (nmi)
Lisa J. Sotto
Joseph C. Stanko, Jr.
Marty Steinberg (nmi)
Todd M. Stenerson
John J. Stenger
Gregory N. Stillman
C. Randolph Sullivan
Chanmanu Sumawong (nmi)
R. Michael Sweeney, Jr.
Henry Talavera (nmi)
Andrew J. Tapscott
Robert M. Tata
Rodger L. Tate
W. Lake Taylor, Jr.
Wendell L. Taylor
Robin Lyn Teskin
Paul R. Tetlow
John Charles Thomas
Martin K. Thomas
Gary E. Thompson
B. Cary Tolley, III
Timothy J. Toohey
Bridget C. Treacy
Thomas B. Trimble
Estelle J. Tsevdos
Melvin E. Tull, III
Julie I. Ungerman
Surasak Vajasit (nmi)
Travis E. Vanderpool
Mark C. Van Deusen
C. Porter Vaughan, III
Enid L. Veron
Emily Burkhardt Vicente
Mark R. Vowell
Linda L. Walsh
William A. Walsh, Jr.
Lynnette R. Warman
Abigail C. Watts-FitzGerald
William L. Wehrum
Peter G. Weinstock
David B. Weisblat
Malcolm C. Weiss
Mark G. Weisshaar
Hill B. Wellford, Jr.
David E. Wells
G. Thomas West, Jr.
Kevin J. White
Jerry E. Whitson
Jonathan M. Wilan
Amy McDaniel Williams
Matthew J. Williams
Holly H. Williamson
Michael G. Wilson
Robert K. Wise
Allison D. Wood
John W. Woods, Jr.
David C. Wright
Richard L. Wyatt, Jr.
Scott F. Yarnell
William F. Young
Andrew D. Zaron
Lee B. Zeugin
Manida Zinmerman (nmi)

FORMER PARTNERS:
Jeffery R. Banish
Myron D. Cohen
L. Neal Ellis, Jr.
James E. Farnham
Robert M. Fillmore
David R. Fricke
Conan P. Grames
Robert W. Hawkins
Louanna O. Heuhsen
John E. Holloway
Robert H. Huey
Leslie O. Juan
Dana S. Kull
Christine E. Larkin
Gregory G. Little
Timothy A. Mack
C. King Mallory, III
Thomas J. Manley
Michael F. Marino, III
Scott H. Matheson
Richard E. May
James E. Meadows

(check if applicable) [✓] There is more partnership information and Par. 1(c) is continued further on a "Special Exception Attachment to Par. 1(c)" form.

Special Exception Attachment to Par. 1(c)

DATE: May 22, 2009
(enter date affidavit is notarized)

922226

for Application No. (s): SE 2006-PR-018
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

(3)Hunton & Williams LLP (continued)
1751 Pinnacle Drive, Suite 1700
McLean, VA 22102

(check if applicable) [✓] The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner)**

FORMER PARTNERS (Cont'd):
Thomas McN. Millhiser
John E. Moeller
Arnold H. Quint
James M. Rinaca
Michael D. Rist
D. Kyle Sampson
Patricia M. Schwarzschild
James W. Shea
B. Darrell Smelcer
Catherine B. Stevens
Franklin H. Stone
Madeleine M. Tan
Michael L. Teague
Paul M. Thompson
Randolph F. Totten
Stephen R. Voelker

(check if applicable) [ ] There is more partnership information and Par. 1(c) is continued further on a "Special Exception Attachment to Par. 1(c)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: May 22, 2009
(enter date affidavit is notarized)

922226

for Application No. (s): SE 2006-PR-018
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

[ ] In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER,** or **LESSEE*** of the land:

[✓] Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER,** or **LESSEE*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (**NOTE**: If answer is none, enter "**NONE**" on the line below.)

NONE.

(check if applicable) [ ] There are more interests to be listed and Par. 2 is continued on a "Special Exception Attachment to Par. 2" form.

Application No.(s): SE 2006-PR-018

(county-assigned application number(s), to be entered by County Staff)

SPECIAL EXCEPTION AFFIDAVIT

DATE: May 22, 2009

(enter date affidavit is notarized)

922226

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than $100, singularly or in the aggregate, with any of those listed in Par. 1 above.
EXCEPT AS FOLLOWS: (**NOTE**: If answer is none, enter "**NONE**" on line below.)

William H. Gordon of William H. Gordon Associates, Inc., has contributed in excess of $100.00 on behalf of 4501 Daly L.P. to Supervisor Frey; however, 4501 Daly L.P. is not associated with this application.

NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [ ] There are more disclosures to be listed and Par. 3 is continued on a "Special Exception Attachment to Par. 3" form.

4. **That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.**

WITNESS the following signature:

(check one) [ ] Applicant [✓] Applicant's Authorized Agent

Robert P. Warhurst, President

(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 22 day of _____ 2009, in the State/Comm. of Virginia, County/City of Fairfax

Eugenia Kay Myers
Notary Public

My commission expires: 1-31-2012

EUGENIA KAY MYERS
Notary Public
Commonwealth of Virginia
132200
My Commission Expires Jan 31, 2012

RECEIVED
Department of Planning & Zoning
SEP 19 2008
Zoning Evaluation Division

APPLICANT'S STATEMENT
MERRIFIELD GARDEN CENTER
REZONING AND SPECIAL EXCEPTION APPLICATIONS

Merrifield Garden Center Corporation (the "Applicant" and "Owner") seeks approval of concurrent Special Exception ("SE") and Rezoning Applications for two parcels of the 8.52 acres which comprise its existing plant nursery and associated uses (the "Property") in the northeast quadrant of the Lee Highway/Gallows Road intersection within the Merrifield Commercial Revitalization Area. Merrifield Garden Center has operated a plant nursery, including retail sales, display, wholesale, landscape contracting and other related uses on the Property since 1971. The Applicant's land currently is zoned to the C-8, I-5, R-3 and HC (Highway Corridor Overlay) Districts and is surrounded by industrial and retail uses to the east, south and west, and townhouse use to the north.

The purpose of the two applications is to bring pre-existing uses on the Property into compliance with current Zoning Ordinance requirements. As requested by Zoning Evaluation Division Staff, the Applicant is filing the rezoning application to convert the internal R-3 parcel to the C-8 District, where a plant nursery is deemed to be a by-right use under the Zoning Ordinance as a "Retail Sales Establishment." A Special Permit (SPA 2006-PR-038) application was approved by the Board of Zoning Appeals to permit a reduction in front yard setback for Building S-1 based upon error in building location. The Special Exception application is filed to permit the existing nursery to operate on a portion of the Property zoned I-5. The ultimate goal of these applications is to rectify certain pending Zoning Ordinance violations and to permit the existing nursery use to continue.

The combined Generalized Development Plan/Special Exception ("GDP/SE") Plat, dated September 2008, has been prepared by William H. Gordon Associates and consists of five (5) sheets. The GDP and SE Plats are combined on a single plan for a comprehensive, and thus more meaningful, presentation of the operation as a whole. The GDP/SE Plat depicts uses located <u>outside</u> of the application areas showing, the relationship of existing and proposed uses between the I-5 and C-8 portions of the Property. Since a nursery is a by-right use in the C-8 District, these areas are integral to the evaluation of the applications because the Property functions as a unified site with nursery uses, parking areas and travel lanes throughout. At such time as the rezoning and Special Exception applications may be approved by the Board of Supervisors, the Applicant will file a revised, unified Site Plan for the entire Property, in accordance with these approvals and County requirements, to resolve any remaining Zoning Ordinance violations.

The property subject to the rezoning application is identified as Tax Map Parcel 49-2-((1))-28A, is zoned to the R-3 and HC Districts, and consists of approximately 10,155 square feet, or 0.23 acres of land (the "RZ Property"). This rezoning is filed in order to operate a plant nursery (under the category of a "Retail Sales Establishment") in accordance with the definition of a "Plant Nursery" Section 20-300 of the Zoning Ordinance, on this small, internally-oriented parcel which is integral to the existing use. Pursuant to Section 9-610, the Applicant requests that the Board of Supervisors permit a reduction in the 40,000-square foot minimum lot area and 200 foot minimum lot width requirements in the C-8 District. This request is justified based

upon the parcel's small size, and that it is entirely surrounded by the industrial and commercially-zoned portions of the plant nursery business, which has operated on this site for more than 30 years.

The portion of the Property subject to the SE application is identified as Tax Map Parcel 49-2-((1))-28, which is zoned I-5 and HC, and consists of approximately 170,464 square feet, or 3.91 acres. The SE application will allow the existing nursery use to continue as a permitted use in association with the wholesale trade and storage yard uses, which are by-right uses in the I-5 District. The GDP/SE Plat depicts a reconfiguration of the site that will provide additional parking spaces and accommodate changes to the Property as a result of the widening of Lee Highway and Gallows Road along the Property's southern and western frontage.

The following is filed specifically pursuant to the requirements of Paragraph 7 of Section 9-011 of the Zoning Ordinance for the Special Exception application :

A. **Type Of Operation**: Plant nursery.

B. **Hours Of Operation**: Monday through Saturday 7:00 am to 9:00 pm and Sunday 9:00 am to 7:00 pm.

C. **Estimated Number Of Patrons**: Average of 250 per day. Due to the unique seasonal nature of the business, the peak number of patrons occurs on weekends during the months of April, May and the first half of June.

D. **Proposed Number Of Employees**: The applicant employs a total of 85 full- and part-time employees. However, during the busiest part of the peak season, the maximum number of employees on the site at any one time is approximately 60. During other times, the maximum number of employees on the site at any one time is approximately 37.

E. **Estimate Of Traffic Impact Of The Proposed Use**: Volume of vehicle trips to and from the site is at its highest on Saturdays during the peak period. During this peak period, the existing, and proposed, use does not exceed the trip generation threshold (250 vehicles per hour or 2500 vehicles per day) that would require the submission of a Traffic Impact Analysis.

F. **Vicinity Or Area To Be Served**: Eastern Fairfax County, particularly neighborhoods in Merrifield, Vienna, Falls Church and Tysons.

G. **Description Of Building Facade**: No change; as constructed and identified on the existing conditions sheet of the GDP/SE Plat.

H. **Hazardous Materials Statement**: Approved herbicides, pesticides and fertilizers typical for a plant nursery are utilized on site; however, no pesticides shall be applied to plants on site without prior approval of the pesticide by the Fairfax County Health Department.

I. **Conformance Statement**: The uses shall conform to the provisions of all applicable ordinances, regulations, adopted standards and conditions as permitted by special exception in the I-5 and HC Zoning Districts, except those modified herein, or which may be modified

or waived by the Director of DPWES at the time of site plan approval. The Applicant seeks Board of Supervisors' ("BOS") approval of waivers and modifications listed in GDP/SE Plat Note #11. These include:

- Modification of Section 9-610 of the Zoning Ordinance to allow a plant nursery on a lot of less than 40,000 square feet and less than 200 feet wide in the C-8 District. The application parcel is .23 acre in size, is engulfed by the existing plant nursery, and is appropriate for the proposed plant nursery use.

- Pursuant to Paragraph 9 of Section 9-517, the Applicant requests that the BOS approve a modification of the parking requirement to that proposed on the GDP/SE plat. This parking modification is requested due to the peak seasonal and unique nature of a plant nursery, where plants must be displayed and stored in a single-dimensional arrangement (compared to the stacked, shelved and rack displays typical to retail uses). This, combined with the enormous increase in the variety of plants which must be displayed to satisfy market demand, requires a significant land area which results in an inordinately excessive amount of required parking. The proposed number of parking spaces on the entire consolidation of parcels owned by Merrifield Garden Center reflects the Applicant's analysis of actual parking demand during peak periods.

- Waiver of the service drive requirement along the Lee Highway frontage of the Property filed pursuant to Section 17-201 of the Zoning Ordinance. Waiver of the service drive requirement is appropriate in this particular location due to future implementation of the intersection improvements associated with VDOT Project #0029-029-119;

- Modification of the road widening improvements along the Lee Highway and Gallows Road frontages in accordance with VDOT Project #0029-029-119 and as described on the GDP/SE Plat, the need for which improvements is driven by regional traffic demands and not the Property;

- Pursuant to Section 17-201, the Applicant requests that the BOS approve a waiver of the County trails requirement for a six-foot-wide multi-purpose trail along the north side of Lee Highway within the proposed right-of-way limits and along the east side of Gallows Road located within the existing right-of-way, since both are to be constructed as part of VDOT Project #0029-029-119;

- Pursuant to Paragraph 2 of Section 13-104, the Applicant requests that the BOS approve a modification of the Transitional Screening requirement (TS 3) and a waiver of the Barrier requirement (E, F or G) along the northern Property boundary in favor of the previously approved 10 foot wide landscaping strip that buffers the nursery use from Providence Forest Drive and the single family attached dwellings on the north side of Providence Forest Drive.

- Waiver of Section 2-504 of the Zoning Ordinance regarding the prohibition against displaying, storing or offering for sale of goods within any minimum required yard and a waiver of Section 5-505(3) of the Zoning Ordinance regarding the prohibition against the location of outdoor storage within the minimum required front yard of any lot zoned I-5.

Parcel 49-2 ((1)) 28 fronts on Lee Highway and is surrounded on the west and north by other parcels that comprise the Property. The minimum required front yard in the I-5 District is 40 feet, which would not permit the Applicant to use this prime location for the storage of plant materials for sale or for outdoor storage of nursery goods. Absent the approval of these waiver requests, the Applicant would be faced with a hardship considering the encroachment deep into the Property by VDOT's condemnation of right-of-way along the Property's frontage on Lee Highway.

- Modification of the Comprehensive Plan recommended Boulevard Streetscape Guidelines along the Property's Gallows Road and Lee Highway frontages. In concert with the ongoing improvements to these roads by VDOT, certain landscape elements including sidewalks and street trees will be installed along the Property's frontage. Additional streetscape improvements by the Applicant would disrupt the existing use of the Property and would not be any more effective than the landscape elements to be installed by VDOT at the completion of improvements to Gallows Road and Lee Highway.

In addition to the above information, the following is filed pursuant to the requirements of Section 9-517 of the Zoning Ordinance "Additional Standards for Plant Nurseries" for the Special Exception application:

1. **Accessory Retail Sales**: The Applicant conducts retail sales of landscape and nursery related items in addition to the sale of nursery stock items on the Property in a manner that is compatible with, and not obtrusive to, the surrounding industrial and residential properties. Nursery stock and materials used in the maintenance of such items are primarily, though not entirely, stored outdoors. Accessory retail sales of related landscape and nursery items occurs in existing buildings that are located within the C-8 portions of the Property, though one such building is located within the Special Exception application area of the Property. The GDP/SE Plat depicts those outdoor display areas and the buildings where items are stored and/or sold to customers. Seasonal landscape items including, but not limited to, dried plants, flowers and decorations are sold on the Property during holiday seasons. When these items are made available to customers, they are stored within buildings or temporary structures located on the Property. All items sold on site are permitted in accordance with the list of uses provided in Paragraph 1A of Section 9-517 of the Zoning Ordinance.

2. **Landscape Contracting Services**: Merrifield Garden Center provides landscape contracting services on the Property. No portion of the Property is designated solely for landscape contracting services. Regardless, the GDP/SE Plat does depict the location of parking spaces for contractor use, as well as outdoor storage areas of nursery stock and landscape materials.

3. **Special Events, Festivals and Classes**: Merrifield Garden Center does conduct special events, festivals and classes on the Property. These events occur throughout the year and are usually associated with a specific seasonal activity and/or holiday.

4. **Residential District Minimum Lot Size**: N/A

5. **Residential District Building Location**: N/A

6. **Residential District Parking Space Location**: N/A

7. **Subject to Zoning District Regulations**: With approval of the subject rezoning application, the entirety of the Property will be zoned to either the C-8 or I-5 District. The plant nursery use will be operated as a by-right use in the C-8 portion of the Property, and with approval of the subject special exception application, the plant nursery will be a permitted use on the I-5 portion of the Property. The plant nursery use will be conducted in compliance with the applicable provisions of the Zoning Ordinance and in accordance with the approval of the subject special exception application.

8. **Residential District Transitional Screening Modification**: N/A

9. **Off-Street Parking Requirement**: The GDP/SE Plat indicates that 289 parkingspaces are required through strict application of the Zoning Ordinance for the plant nursery use. The site currently contains approximately 160 parking spaces, with approximately 35 of those spaces to be lost due to the widening of Lee Highway. The GDP/SE Plat illustrates how the Property will be reconfigured to provide additional parking spaces, which according to the professional judgment of the Applicant and actual usage, will that meet the minimum number of spaces required for this use. In addition, a seasonal parking area will be provided during peak seasons, which will add another 72 spaces for use by customers. Parking spaces will be located on both the C-8 and I-5 portions of the site. Since the Property functions as a whole, the Applicant requests that the BOS approve a modification of the parking requirement in accordance with Paragraph 9 of Section 9-517 to allow the number of parking spaces delineated on the GDP/SE Plat to satisfy the parking requirement for the Property in its entirety.

Respectfully submitted,

Francis A. McDermott
Attorney and Agent for Applicant

HUNTON& WILLIAMS

HUNTON & WILLIAMS LLP
1751 PINNACLE DRIVE
SUITE 1700
MCLEAN, VIRGINIA 22102

TEL 703 • 714 • 7400
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FRANCIS A. MCDERMOTT
DIRECT DIAL: 703-714-7422
EMAIL: fmcdermott@hunton.com

RECEIVED
Department of Planning & Zoning
MAR 11 2009
Zoning Evaluation Division

March 10, 2009

FILE NO: 47697.9

Tracy Strunk, AICP, Senior Staff Coordinator
Fairfax County Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 800
Fairfax, Virginia 22035

Merrifield Garden Center
SE 2006-PR-018 & RZ 2008-PR-017
Pre-Staffing Comment Response

Dear Tracy:

On January 8, 2009 our team met with you following your Pre-Staffing meeting from earlier that day to discuss Staff's initial comments with the rezoning and special exception applications for Merrifield Garden Center ("MGC"). Though we were to have delivered a revised Generalized Development Plan/Special Exception Plat ("GDP/SE Plat") a few weeks ago, we deferred the applications to afford us additional time to address Staff's comments. Submitted herewith are eight copies of the revised GDP/SE Plat, dated March 10, 2009, which incorporate certain revisions discussed on January 8, 2009 and presented in your Pre-Staffing memo. A few of the issues, though addressed by the revised GDP/SE Plat, warrant further explanation, which is provided below.

Festivals and Classes

The Applicant requests the ability to conduct up to two festivals per year and an unlimited number of classes on the property. Section 9-517(3) permits the approval of festivals and classes as an accessory use to a plant nursery. As an attractive and well known establishment within the Merrifield community, it would be desirable to conduct two seasonal themed festivals on the property in a manner that would not be obtrusive to the neighborhood or in conflict with the Zoning Ordinance. Educational classes are currently conducted on the property year-round for both school groups and mature participants interested in plant nursery topics. The Applicant would like to continue this practice, as it provides a valuable educational service to the Merrifield and greater Fairfax communities.

Parking

The parking tabulations on the GDP/SE Plat have been revised to reflect the requirements of Sect. 9-517(9) for the portion of the property zoned I-5 and subject to the special exception application. The portion of the property currently zoned C-8, and that proposed for C-8 in the rezoning application, are parked according to the requirements of Article 11. Pursuant to Sect. 9-517(9), the Applicant requests a modification of the parking requirement for the portion of the property subject to the special exception application, for a reduction in the requisite number of spaces for the uses located on the I-5 portion of the property. A unified site plan for the entire property, inclusive of the I-5 Special Exception and C-8 areas, will be filed to reflect the existing use, which operates on the entire property across parcel boundary lines and zoning districts. Parking for the C-8 by-right and rezoned areas as well as the I-5 area will be spread throughout the unified site. This requested modification will ensure that a minimum of 229 spaces will be provided throughout the year, with an additional 73 seasonal spaces available during the peak spring months. The provision of 229 spaces, and 302 spaces during the peak spring shopping season, is more parking than available on the site today, and more than enough to accommodate customers and employees in the future.

VDOT Lee Highway/Gallows Road Improvement Project Conformance

The Lee Highway/Gallows Road intersection project (VDOT project 0029-029-119) (the "VDOT Project") improvements relative to the MGC property are depicted on the revised GDP/SE Plat. As this is a VDOT transportation improvement project, waivers of the trail, frontage and streetscape designs recommended by the Comprehensive Plan are requested for consistency with those improvements being constructed in association with this VDOT Project.

The most notable revision to the GDP/SE Plat is the relocation of the Lee Highway entrance to the eastern portion of the site, consistent with the location shown on the VDOT plans. The geometry of this entrance has been modified from that shown on the VDOT plans to provide an acceptable turning radius for commercial vehicles entering the site from Lee Highway.

Streetscape

In some instances, existing development may not be consistent with the long-term vision for the Merrifield Suburban Center. It is not the intent of the Plan to interfere with the continuation of these existing land uses or buildings. If the adaptive reuse and/or expansion of these buildings should occur prior to site redevelopment, the following guidelines should be met:

- *...If design-related improvements (i.e., building facades, open space/pedestrian amenities, and streetscape) are not feasible due to the existing building's location on*

> *the site, or other site constraints, alternative site design improvements should be considered to help implement the Plan's intent.* (Comprehensive Plan, Merrifield Suburban Center, page 13)

The Comprehensive Plan currently recommends that the property be redeveloped with a mix of uses up to a floor area ratio of 1.05. The property will redevelop in the future; until such time it will remain the plant nursery it has been for nearly 40 years. Pursuant to the above Comprehensive Plan recommendation for existing uses in the Merrifield Suburban Center, the Applicant requests a modification of the streetscape requirements along Lee Highway and Gallows Road in favor of the improvements reflected on the GDP/SE Plat and the approved VDOT project design. No major site revisions will be performed in association with these applications; this is not a redevelopment. Certain plant display and parking areas will be reorganized, and the entrance on Lee Highway will be relocated, due to the impact of the VDOT Project and its design. Indeed, the VDOT Project has resulted in the loss of up to a 55-foot depth of plant display area and parking (33 spaces) along the site's Lee Highway/Frontage. All of this parking must be replaced at the expense of further loss of display area. Therefore, it is not possible to provide the 22-foot depth of streetscape treatments recommended by the Comprehensive Plan without inordinately constraining the usability of the site and significantly impacting the economic viability of the existing use. Per the VDOT Project, a six foot wide sidewalk will be installed along the property's Lee Highway and Gallows Road frontages, which will be buffered from the roadway by a three foot wide turf strip. An attractive berm and buffer treatment exists along the southwest property line, and additional landscaping will be provided in the northwest portion of the property where parking spaces will be reconfigured. Sections of the proposed streetscape treatment along the property's frontages are provided on the GDP/SE Plat.

To ensure the viability of the existing use and not create a financial hardship, the Applicant respectfully requests that the streetscape treatment, as depicted on the GDP/SE Plat, be accepted until the site redevelops, which is the appropriate time to implement the full streetscape treatment recommended by the Comprehensive Plan.

I look forward to discussing with you soon these revisions and the results of your Staffing. Should you require any additional information, please do not hesitate to contact me, or Aaron Shriber at (703) 714-7465.

Very truly yours,

Francis A. McDermott

cc: Mr. David Watkins (w/out Encl.)
Mr. Kevin Warhurst (w/out Encl.)
Mr. Rob Walker (w/out Encl.)

APPENDIX 5

FAIRFAX COUNTY

DEPARTMENT OF PLA.

Zoning Administration Division
Zoning Enforcement Branch
12055 Government Center Parkway, Suite 829
Fairfax, Virginia 22035-5505

V I R G I N I A (703) 324-1300 Fax (703) 803-6372

November 27, 2002

Warhurst and William LLC
c/o Merrifield Garden Center Corporation
c/o George H. Ragland Jr., Registered Agent
609 Park Avenue
Falls Church, Virginia 22046

Certified Mail
Return Receipt Requested
Receipt #7099 3400 0017 8312 8219

Re: 8132 Lee Highway
Merrifield, Lot 28
Tax Map Ref: 49-2 ((1)) 28
Zoning District: I-5

Dear Sirs:

Zoning inspections conducted between June 6, 2002, and November 8, 2002, revealed that Merrifield Garden Center Corporation has expanded the nursery operation from lot 26-C to include lot 28 which is in the I-5 District. Specifically, they have expanded the use of the garden center by storing nursery plantings, mulch, wood chips, gravel, temporary greenhouses, erecting or permitting to be erected structures used as offices and for the storage of landscaping products absent approved Building Permits. In addition, this area has been asphalted for foot and vehicular traffic.

Research of aerial photographs revealed that these structures were erected in the following sequences:

- 1978 - Large permanent structure, located at northwest corner of the lot.
- 1982 - Large permanent structure, located at the southwest corner of this lot and extends onto lot 28-A.
- 1986 - Large permanent shade structure, located at the approximate center of this lot.
- 1994 - Large permanent structure used to store mulch, wood chips, gravel, etc.
- 1996 - Large permanent structure used to store mulch, wood chips, gravel, and equipment such as front loaders, etc.

Under the current Zoning Ordinance, which became effective on August 14, 1978, a plant nursery use in the I-5 District requires the approval of a special exception by the Fairfax County Board of Supervisors. Research of records reveals that Merrifield Garden Center has not obtained approval of a special exception from the Fairfax County Board of Supervisors for this plant nursery. Therefore, you are in violation of Par. 1 of Sect. 2-304 of the Fairfax County Zoning Ordinance, which states:

> No use of a structure or land that is designated as a special exception use in any zoning district shall hereafter be established, and no existing use shall hereafter be changed to another use that is designated as a special exception use in such district, unless a special exception has been secured from the Board in accordance with the provisions of Article 9.

Once a special exception has been obtained, this use as a plant nursery will require an approved site plan, as required by of Par. 6 of Sect. 17-103 of the Zoning Ordinance which states:

> Prior to construction and/or establishment, the following uses, including modifications or alterations to existing uses, shall require site plan or minor site plan approval unless exempt under Sect. 104 below:
>
> 6. Those special exception uses which are subject to a site plan as set forth in Article 9.

Finally, the erection of structures absent approved Building Permits by the Fairfax County Zoning Administrator is in violation of Sect. 18-601 of the Ordinance, which states:

> The erection of all buildings and all structures, as well as additions, deletions and modifications thereto, shall be subject to the provisions of Chapter 61 of The Code, Buildings. No building or structure which is required to have a Building Permit pursuant to Chapter 61 of The Code shall be erected until a Building Permit application has been approved by the Zoning Administrator.

In addition, it has been determined that Merrifield Garden Center Corporation is occupying the above referenced property without having obtained the required Non-Residential Use Permit in violation of Sect. 18-701 of the Zoning Ordinance, which states:

> No occupancy or use shall be made of any structure hereinafter erected or of any premises hereinafter improved, and no change in use shall be permitted, unless and until a Residential or Non-Residential Use Permit has been approved in accordance with the provisions of this Part. A Residential or Non-Residential Use Permit shall be deemed to authorize and is required for both the initial and continued occupancy and use of the building or land to which it applies.

You are hereby directed to clear these violations within 30 days of receipt of this notice. Compliance can be accomplished by:

- Removing the structures indicated in this Notice of Violation from the site, and
- Removing nursery stock and the storage of products; or
- Applying for and diligently pursuing approval of a Category 5 special exception for a plant nursery to permit the structures to remain, and to permit the retail sales of items, and
- Subsequent to the approval of a special exception obtaining the required site plan, Building Permit and Non-Residential Use Permit approvals for the structures and uses.

You may have the right to appeal this notice of zoning violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, written statement setting forth the decision being appealed, date of decision, the grounds for the appeal, how the appellant is an aggrieved party and any other information you may wish to submit and a $210.00 filing fee. Once an appeal application is accepted, it is scheduled for public hearing and decision before the BZA.

Failure to comply with this notice may result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance.

Should you have any questions regarding this notice or need additional information, please do not hesitate to contact me at (703) 324-1414 or (703) 324-1300.

Sincerely,

Paul R McAdam

Paul R. McAdam
Senior Zoning Inspector

PRM/jlm

Street

FAIRFAX COUNTY
VIRGINIA

DEPARTMENT OF PLANNING AND ZONING
Zoning Administration Division
Zoning Enforcement Branch
12055 Government Center Parkway, Suite 829
Fairfax, Virginia 22035-5505

(703) 324-1300 Fax (703) 803-6372

November 27, 2002

Merrifield Garden Center Corporation
c/o George H. Ragland Jr., Registered Agent
609 Park Avenue
Falls Church, Virginia 22046

Certified Mail
Return Receipt Requested
Receipt #7099 3400 0008 0169 0028

Re: 8132 Lee Highway
Merrifield, Lot 28-A
Tax map Ref: 49-2 ((1)) 28-A
Zoning District: R-1

Dear Sirs:

Zoning inspections conducted between June 6, 2002, and November 8, 2002, revealed that Merrifield Garden Center Corporation has expanded the nursery operation from lot 26-C to include lot 28-A. Specifically, they have expanded the use of the garden center by storing nursery planting and statuary. In addition, a large shade structure has been erected which is used to cover and protect plantings. Also, a section of a structure, which was built on lot 28, was allowed to encroach onto lot 28-A. Finally, this lot has been asphalted for foot and vehicular traffic.

The use of the property as a plant nursery is allowed in the R-1 District with the approval of a special exception by the Fairfax County Board of Supervisors. Research of records reveals no approved special exception for the use of this property as a plant nursery. Therefore, you are in violation of Par. 1 of Sect. 2-304 of the Fairfax County Zoning Ordinance, which states:

> No use of a structure or land that is designated as a special exception use in any zoning district shall hereafter be established, and no existing use shall hereafter be changed to another use that is designated as a special exception use in such district, unless a special exception has been secured from the Board in accordance with the provisions of Article 9.

Research of available records in the Department of Public Works and Environmental Services (DPWES) has revealed no approved site plan for this property. Once a special exception approval has been obtained for this use as a plant nursery, this use will require an

approved site plan. Therefore, you are in violation of Par. 6 of Sect. 17-103 of the Zoning Ordinance which states:

> Prior to construction and/or establishment, the following uses, including modifications or alterations to existing uses, shall require site plan or minor site plan approval unless exempt under Sect. 104 below
>
> 6. Those special exception uses which are subject to a site plan as set forth in Article 9.

Further, research of available records revealed no approved Building Permit for the structure which encroaches on lot 28. The structure on lot 28 requires a Building Permit approved by the Fairfax County Zoning Administrator. Therefore, you are in violation of Sect. 18-601 of the Ordinance, which states:

> The erection of all buildings and all structures, as well as additions, deletions and modifications thereto, shall be subject to the provisions of Chapter 61 of The Code, Buildings. No building or structure which is required to have a Building Permit pursuant to Chapter 61of The Code shall be erected until a Building Permit application has been approved by the Zoning Administrator.

As a result of these inspections, it has also been determined that Merrifield Garden Center Corporation is occupying the above referenced property without having obtained the required Non-Residential Use Permit in violation of Sect. 18-701 of the Zoning Ordinance, which states:

> No occupancy or use shall be made of any structure hereinafter erected or of any premises hereinafter improved, and no change in use shall be permitted, unless and until a Residential or Non-Residential Use Permit has been approved in accordance with the provisions of this Part. A Residential or Non-Residential Use Permit shall be deemed to authorize and is required for both the initial and continued occupancy and use of the building or land to which it applies.

You are hereby directed to clear these violations within 30 days of receipt of this notice. Compliance can be accomplished by:

- Removing the structures indicated in this Notice of Violation from the site, and
- Removing all of the statuary and nursery stock; or

- Applying for and diligently pursuing approval of a Category 5 special exception for a plant nursery to permit the structures to remain, and to permit the retail sales of items, and

- Subsequent to the approval of a special exception obtaining the required site plan, Building Permit and Non-Residential Use Permit approvals for the structures and uses.

You may have the right to appeal this notice of zoning violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, written statement setting forth the decision being appealed, date of decision, the grounds for the appeal, how the appellant is an aggrieved party and any other information you may wish to submit and a $210.00 filing fee. Once an appeal application is accepted, it is scheduled for public hearing and decision before the BZA.

Failure to comply with this notice may result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance.

Should you have any questions regarding this notice or need additional information, please do not hesitate to contact me at (703) 324-1414 or (703) 324-1300.

Sincerely,

Paul R. McAdam

Paul R. McAdam
Senior Zoning Inspector

PRM/jlm

the existing buildings should be consistent with guidelines for Existing Uses and Buildings under the Area-Wide Land Use section.

Height Limit: The maximum building height in this sub-unit is 50 feet. See the Building Heights Map, Figure 16, and the Building Height Guidelines under the Area-Wide Urban Design section.

Sub-Unit B5:

Sub-unit B5 is located at the northeastern quadrant of Route 29 and Gallows Road and is planned for retail use and has developed with a garden center and a service station. Any modification, expansion and/or reuse of the existing buildings should be consistent with guidelines for Existing Uses and Buildings under the Area-Wide Land Use section. In addition, any new building that is added that continues the existing use should be consistent with guidelines for Existing Uses and Buildings under the Area-Wide Land Use section.

Option 1: As an option, redevelopment within this sub-unit to a retail center or mixed-use with office and retail uses up to .65 FAR may be appropriate, provided development proposals under this option address all applicable Area-Wide guidance, as well as provide for the following:

- If developed as a retail center, the center should include community-serving uses such as a grocery store, and not include freestanding and "drive-through" uses such as fast-food restaurants and car washes. Drive-through uses that are low traffic generators such as financial institutions and drug stores may be considered provided that the drive-through facility is integrated within a multi-tenant building and is designed in a manner that does not impact pedestrian access. An office component could be provided, if it is designed as an integral part of the development and does not exceed 50% of the development's gross floor area.

- If developed as mixed-use, office could be the predominant use. To ensure that the development functions as a mixed-use project, retail should be 30%, at a minimum, of the total development and should be designed as an integral part of the development. Retail uses should not, however, include freestanding and "drive-through" uses such as fast-food restaurants and car washes. Drive-through uses that are low traffic generators, such as financial institutions and drug stores, may be considered appropriate provided that the drive-through service is integrated within a multi-tenant building and is designed in a manner that does not impact pedestrian access.

- Any development proposal must provide for full consolidation of the sub-unit.

- A 25-foot landscaped area should be provided adjacent to Providence Forest Drive. This landscaped area, which is measured from the street's curb, is intended to provide a transition to the existing residential development in Sub-unit B4. The landscaped area can be met through the provision of the "cross street" streetscape with additional plantings between the sidewalk and any parking or buildings. See guidance for Cross Street streetscape in the Urban Design section.

- Surface parking in the front yard (i.e., facing Gallows Road or Route 29) should be minimized and should be limited to convenience parking for retail and should be limited to no more than two rows of parking. Any parking structures should be behind and/or under buildings.

- Development should be designed to include pedestrian open space amenities, which should

include a public plaza or green along Gallows Road. This public plaza or green should be designed along with the buildings to create a focal point for the area in the vicinity of the Route 29 and Gallows Road intersection.

Option 2: As an alternative to Option 1, mixed-use and/or hotel may be appropriate up to 1.05 FAR, provided that development proposals meet the Area-Wide Recommendations for alternative uses (see the Area-Wide Recommendations, Land Use Guidelines). Any development proposals under this option must meet the guidance under Option 1, and all applicable Area-Wide guidelines, as well as provide for the following:

- The alternative uses appropriate in this sub-unit are limited to residential, institutional, hotel and retail and service uses. Only the portion of retail and service uses that exceed 5 % of the development's total square footage are considered alternative uses as described under the Alternative Use Guidelines. Retail and service uses should be designed to be an integral part of the development.

- If a hotel is developed under this option, the hotel should provide for community-serving amenities such as meeting spaces and a full-service restaurant.

- Any proposed residential development should be located in the northern portion of the sub-unit, generally adjacent to Providence Forest, and should be designed in a manner that creates a viable living environment by providing recreation and other amenities for the residents as indicated under the Area-Wide Recommendations, Land Use Section. In addition, buffering or screening should be provided between the proposed residential use and adjacent industrial uses located in Sub-Unit B7.

- If residential development is proposed, affordable dwelling units should be provided on-site or as indicated under the Land Use Guidelines in the Area-Wide Land Use Section.

Height Limit: Under the redevelopment options, the maximum building height is 95 feet when development is not integrated with structured parking. In order to encourage structured parking to be located under buildings, a height bonus of up to 20 feet (or a maximum height of 115 feet) is appropriate when at least 2 levels of structured parking are provided under the building, either at or below grade. Building heights should vary with the tallest buildings oriented toward the intersection of Gallows Road and Lee Highway. Building heights should decrease towards Providence Forest Drive to provide a transition to the townhouse development in Sub-Unit B4. The building height bonus should be contingent on increasing the amount of open space amenities. See the Building Heights Map, Figure 16, and the Building Height Guidelines under the Area-Wide Urban Design section.

Sub-Unit B6:

Sub-unit B6 is located at the southwest quadrant of Providence Forest Drive and Hartland Road and is planned to develop with office up to .5 FAR. Any development proposals must provide for all applicable Area-Wide recommendations as well as the following.

- Any development proposal must provide for full consolidation.

- Any parking structures should be behind and/or under buildings.

- A 25-foot landscaped area should be provided along Providence Forest Drive. This landscaped area, which is measured from the street's curb, is intended to provide a transition

Parcel Consolidation – Parcel consolidation should be provided when necessary to achieve planning objectives for the Merrifield Suburban Center. Parcel consolidation should be logical and of sufficient size to allow projects to function in a well-designed, efficient manner, and should not preclude the development of any unconsolidated parcels from developing in conformance with the Plan. Additional consolidation guidelines may be provided in the specific Land Unit Recommendation.

Coordinated Development Plans – Coordinated development plans may be an alternative to consolidation. Coordinated development plans refer to: 1) at least two concurrent and contiguous development applications that have a combined acreage equal or greater than specified in the consolidation guidance within the sub-unit or 2) a development application with at least two acres that demonstrates how the proposed new development integrates with previously approved development application(s) that met the minimum consolidation requirements. In addition, these subsequent applications: 1) should have a similar architectural character and use of building materials as approved in earlier development applications, and 2) should provide connections to established locations for interparcel access and open space areas as approved in earlier development applications. When coordinated development plans are used in lieu of, or in addition to substantial consolidation, development proposals will need to ensure that projects function in a well-designed, efficient manner, and do not preclude development on adjacent parcels from developing in conformance with the Plan. In addition, see specific land unit guidance for those instances where a coordinated development plan may be appropriate in lieu of major parcel consolidation.

Existing Uses and Buildings – In some instances, existing development may not be consistent with the long-term vision for the Merrifield Suburban Center. It is not the intent of the Plan to interfere with the continuation of these existing land uses or buildings. If the adaptive reuse and/or expansion of these buildings should occur prior to site redevelopment, the following guidelines should be met:

- The replacement of existing uses (except for replacements necessitated by casualty, i.e., from storm, fire) or expansion and/or remodeling of existing buildings, should implement certain design-related aspects of the Plan, such as improvements to building façades, open space/pedestrian amenities, and streetscape. If design-related improvements (i.e., building facades, open space/pedestrian amenities, and streetscape) are not feasible due to the existing building's location on the site, or other site constraints, alternative site design improvements should be considered to help implement the Plan's intent. For example, if a double row of street trees is recommended for the streetscape, but cannot be provided due to the location of existing sidewalks, a single row of street trees could be an appropriate alternative. In addition, road improvements, right-of-way dedication and/or right-of-way reservation are appropriate for consideration when there are significant expansions to a structure (i.e., over 15% additional floor area) and/or the existing use is replaced with a more intense use (i.e., a warehouse conversion to office or retail use) that necessitates changes in circulation or other site design issues.

- Retention of existing uses during redevelopment should be encouraged by permitting incorporation of the old use into the new, such as incorporating light industrial uses into a portion of a parking structure, or incorporating community retail or other commercial/ business-related uses into office and residential development.

- Landscaped screening and/or buffering should be used to separate existing industrial uses from office and residential uses where necessary to achieve Plan objectives, but without

blocking the provision of utilities as well as inter-parcel access recommended by the Transportation and Land Unit Recommendations.

Alternative Land Uses within Mixed-Use Option Areas – In order to provide significant opportunities to promote "Merrifield as a place to work, shop, live and play", and to reduce peak-hour traffic, alternative land uses are recommended in the proposed town center, the transit station area, and in areas between the two cores, as indicated under the specific sub-unit recommendations. In these areas, the sub-unit recommendations provide for two development options, in addition to the base Plan. The first development option usually is for office development with support retail and service uses. The second development option encourages a mix of uses that could include residential, retail, hotel, entertainment, and/or institutional uses, as well as office use. Development potential under the second option provides a greater opportunity to create a more pedestrian-oriented environment, as well as an improved sense of place. The mix of uses that results will provide a synergy in the area and high-quality development. To encourage mixed-use areas, the planned office intensity under Option 1 can be converted to any of the sub-unit's recommended alternative uses at a ratio of 1:3 (one office square foot to convert to three alternative use square feet). To ensure a compatible scale, the maximum intensity increase under the above ratio should be limited and could result in an intensity that is 50% to 85% greater than Option 1's office use intensity, as specified in the sub-unit recommendation. In addition, a development's proposed mix of uses should have similar or less traffic impact (i.e., less peak-hour trips or a substantially different peak directional flow) than Option 1. The application of this conversion ratio is illustrated in Figure 4.

FIGURE 4: EXAMPLE OF ALTERNATIVE USE CONVERSION FOR PLANNED OFFICE USE AT AN INTENSITY OF 1.0 FAR WITH A BONUS CAP OF 50%

INTENSITY OF OFFICE	FAR CONVERSION FACTOR OF 1 TO 3 FOR ALTERNATIVE USE	OFFICE AS % OF DEVELOPMENT	ALTERNATIVE USES AS % OF DEVELOPMENT	TOTAL FAR	
1.00 FAR	0	100%	0%	1.00 FAR	
0.85 FAR	.15 FAR x 3 = .45 FAR [0.45 FAR]	65%	35%	1.30 FAR	
0.75 FAR	.25 FAR x 3 = .75 FAR [0.75 FAR]	50%	50%	1.50 FAR	50% BONUS CAP
0.65 FAR	.35 FAR x 3 = 1.05 FAR* [0.85 FAR]	43%	57%	1.50 FAR	
0.45 FAR	.55 FAR x 3 = 1.65 FAR* [1.05 FAR]	30%	70%	1.50 FAR	
0.35 FAR	.70 FAR x 3 =2.1 FAR* [1.15 FAR]	23%	77%	1.50 FAR	
0.00 FAR	1.0 FAR x 3 = 3.0 FAR* [1.50 FAR]	0%	100%	1.50 FAR	

*Note: In this example, when the 50% bonus cap has been reached, regardless of land use mix, the FAR can not be increased above 1.50 FAR. This table identifies what the total FAR and mix would look like without the 50% bonus cap. In some Sub-Units the bonus cap exceeds 50%. The number in brackets is the intensity for the alternative use.

County of Fairfax, Virginia

MEMORANDUM

DATE: February 27, 2009

TO: Regina Coyle, Director
Zoning Evaluation Division, Department of Comprehensive Planning

FROM: Angela Kadar Rodeheaver, Chief
Site Analysis Section, Department of Transportation

FILE: 3-4 (RZ 2008-PR-017)
3-5 (SE 2006-PR-018)

SUBJECT: Transportation Impact

REFERENCE: RZ 2008-PR-017; SE PR-018; Merrifield Garden Center Corp.
Traffic Zone: 1527, Land Identification Map: 49-2 ((01)) 28, 28A

Transmitted herewith are comments from the Department of Transportation with respect to the referenced application. These comments are based the revised development plan dated September 19, 2008.

The purpose of this application is to bring pre-existing uses on the property into compliance with the current zoning ordinance requirement.

This department provides the following comments:

- The applicant should revise their plan to include an overlay of the VDOT Route 29/Gallows Road project. Also, include the VDOT project station numbers in the revision.

- The proposed main access to Route 29 will intersect at a taper of a right turn lane. For reasons of traffic safety, a right turn lane should be provided on Route 29 for this site access.

  Also note: VDOT comment # 3 on their memo dated January 9, 2009, as written, "The entrance on Rte. 29 needs to move to the east. It will not be permitted within the taper for the right turn lane from Rte. 29 to Gallows Road. The spacing should meet the current VDOT Access Management Standards."

- Several parking spacing along the site access to Rte 29, specifically located nearest Rte 29 should be eliminated as they are too close to the curb radius to Route 29. This access should provide a sufficient throat length to disallow vehicle interference from entering Rte 29 traffic.

- Provide a bus shelter pad with a bus shelter easement along the site on Route 29.

- The revised plan should delineate adjacent site access driveways to the east on Rte. 29.

AKR;ak : RZ2008PR017SEPR018MGC cc: Michele Brickner, Director, DPWES

Fairfax County Department of Transportation
12055 Government Center Parkway, Suite 1034
Fairfax, VA 22035-5500
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County of Fairfax, Virginia

MEMORANDUM

DATE: May 19, 2009

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

FROM: Pamela G. Nee, Chief PGN
Environment and Development Review Branch, DPZ

SUBJECT: **ENVIRONMENTAL ANALYSIS:** RZ 2008-PR-017 & SE 2006-PR-018
Merrifield Garden Center Corporation

This memorandum, prepared by Jennifer Bonnette, includes citations from the Comprehensive Plan that list and explain environmental policies for this property. Plan citations are followed by a discussion of concerns including a description of potential impacts that may result from the proposed development as depicted on the Generalized Development Plan (GDP)/Special Exception (SE) dated September 19, 2008 as revised through March 10, 2009. Possible solutions to remedy identified issues are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies.

COMPREHENSIVE PLAN CITATIONS

The Comprehensive Plan is the basis for the evaluation of this application. The assessment of the proposal for conformity with the environmental recommendations of the Comprehensive Plan is guided by the following citations from the Plan:

Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, as amended through February 25, 2008, on pages 7 through 10, the Plan states:

"Objective 2: **Prevent and reduce pollution of surface and groundwater resources. Protect and restore the ecological integrity of streams in Fairfax County.**

Policy a. Maintain a best management practices (BMP) program for Fairfax County and ensure that new development and redevelopment complies with the County's best management practice (BMP) requirements. . . .

Policy j. Regulate land use activities to protect surface and groundwater resources.

Policy k. For new development and redevelopment, apply better site design and low impact development (LID) techniques...

Development proposals should implement best management practices to reduce runoff pollution and other impacts. Preferred practices include: those which recharge groundwater when such recharge will not degrade groundwater quality; those which preserve as much undisturbed open space as possible; and, those which contribute to ecological diversity by the creation of wetlands or other habitat enhancing BMPs, consistent with State guidelines and regulations. . . .

Objective 3: Protect the Potomac Estuary and the Chesapeake Bay from the avoidable impacts of land use activities in Fairfax County.

Policy a. Ensure that new development and redevelopment complies with the County's Chesapeake Bay Preservation Ordinance. . . ."

ENVIRONMENTAL ANALYSIS

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed development. The applicant has filed a concurrent rezoning and special exception on two portions of an 8.52 acre plant nursery to bring pre-existing uses on these portions of the property into compliance with Zoning Ordinance requirements.

Water Quality and Quantity Stormwater management (SWM) to serve the subject property is provided by an existing underground detention pond that was designed to serve the original nursery site that consisted of three acres. No additional SWM facilities were added as the nursery expanded over time. To meet the water quantity control requirements, proposed underground facilities may include piping, gravel-filled excavations, pre-manufactured storage systems or ponds. Best management practices (BMP) were not provided for the original three acre site and are not required now. BMP's will be provided for the remainder of the site unless otherwise waived. The BMPs may consist of bio-retention, infiltration areas, pre-manufactured BMP products, innovate use of plant bed areas, or a combination of measures. Two possible SWM/BMP facility locations are identified in Exhibit C in the northeast and southwest corners of the site. A modification from the Department of Public Works and Environmental Services (DPWES) may be required to permit shallow underground storage systems.

The Comprehensive Plan recommends the optimization of SWM and water quality controls for redevelopment. Staff strongly encourages that the applicant to optimize SWM and provide BMPs for the entire site. The adequacy of the submission materials as well as any proposed SWM/BMP measures will be subject to review and approval by the Department of Public Works and Environmental Services (DPWES).

Trail The Countywide Trails Plan shows major paved trails of 8 feet or more in width along both Gallows Road and Lee Highway and an onroad bike route along Gallows Road. Both

street frontages are part of the Lee Highway/Gallows Road intersection project (Virginia Department of Transportation project 0029-029-119). The applicant has requested waivers of the trail, frontage and streetscape designs recommended by the Comprehensive Plan for consistency with the improvements being constructed in association with the VDOT project. Per the VDOT project, six foot wide sidewalks will be installed along both street frontages.

PGN: JRB

9-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.

2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.

3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.

4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.

5. In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.

6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.

7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.

8. Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.

☐ ☑

9-503 Standards For All Category 5 Uses

In addition to the general standards set forth in Sect. 006 above, all Category 5 special exception uses shall satisfy the following standards:

☑* 1. Except as qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located.

☑ 2. All uses shall comply with the performance standards specified for the zoning district in which located.

☑ 3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

*waiver requested for lot size

9-517 Additional Standards for Plant Nurseries

☑ 1. As stated in the definition, a plant nursery shall be an establishment designed primarily for the propagation, cultivation, growing, and/or maintenance of nursery stock for gardens, grounds, yards, and indoor use, such as trees, plants, shrubs, sod, seeds and vines, and the retail sales of such nursery stock and of items designed solely to maintain and preserve the life and health of nursery stock such as soil, mulch, plant food/nutrients, fertilizers, herbicides and insecticides. A plant nursery shall be compatible with the adjacent residential or industrial area and shall not include the sale of a wide range of products normally associated with a hardware, building supply or craft store. However, if deemed appropriate, the Board may allow the retail sales of related items as an accessory use, in accordance with the following:

☑ A. The type of accessory retail items to be sold shall be reviewed and approved by the Board and may include landscaping materials such as railroad ties, landscaping timbers, wall stones and pavers; pots/planters; garden accents such as statuary, birdhouses, birdfeeders, birdbaths, decorative plan hangers, arbors and trellises; water gardens, water plants, fish and other water garden animals; watering cans and sprinklers; gardening gloves, aprons and hats; gardening and horticulture books and publications; wheelbarrows; garden carts; firewood; non-powered hand tools commonly associated with gardening and landscaping; hoses and hose reels; and other similar items. Additionally, artificial/dried plants and flowers and seasonal/holiday decorations may be sold, provided that, during the months of February through October, the gross floor area devoted to the sale of such items shall not exceed twenty (20) percent, and during the months of November through January, the gross floor area devoted to the sale of such items shall not exceed fifty (50) percent, of the total gross floor area designated on the special exception plat for the sale of all retail items. However, in no event shall items such as the following be sold: electric or gasoline powered tools; motorized equipment; sheds and outdoor storage containers; play houses or play sets; indoor furniture or outdoor lawn or patio furniture; hot tubs, spas or pools; barbecue grills; propane fuel; foodstuffs (except in conjunction with an approved special event or festival); or clothing.

☑ B. The area and extent of all indoor and outdoor areas used for accessory retail sales shall be designated on the special exception plat and shall be clearly subordinate to the plant nursery use. The Board may condition the location, size and extent of any areas or structures used for the retail sale of accessory items, to include a requirement for such sales areas to be within a fully enclosed structure. For nurseries which sell artificial/dried plants and flowers and seasonal/holiday decorations in accordance with Par. 1A above, the floor area devoted to such sales shall be limited to one (1) fully enclosed structure. The location of the areas within such enclosed structure devoted to the sale of such retail items shall be designated by the applicant on the special exception plat. Through such designation, the applicant shall demonstrate compliance with the gross floor area limitations for such sales. Any change in the specific location of such retail items within the approved designated structure may be administratively approved in accordance with Par. 4 of Sect. 004 above.

☑ 2. Landscape contracting services utilizing nursery stock grown on the property and those accessory retail items permitted to be sold by the Board may be allowed as an accessory use to the plant nursery when clearly subordinate to the plant nursery use. Structures, equipment, vehicle storage and other areas dedicated to the landscape contracting services shall be delineated on the special exception plat. In residential districts, the area and amount of such structures, equipment, vehicle storage and other areas dedicated to landscaping services shall be consistent with the residential character of the area and shall not adversely impact neighboring properties.

☑ 3. The Board may approve the holding of special events, festivals or classes as an accessory use to a plant nursery. The Board may impose conditions on such activities, to include, but not be limited to, the type of allowable activities, the number of events, festivals or classes, the time of year for such events, festivals or classes, the area of the site devoted to such activities, the use of lighting and/or public address systems, and to ensure that adequate parking is available to accommodate special event, festival or class participants.

NA 4. In the R-A through R-4 Districts, no plant nursery shall be established except on a lot which has a minimum lot area of five (5) acres and has frontage on an arterial street as defined in the adopted comprehensive plan.

NA 5. In the R-A through R-4 Districts, no building or structure used for or in connection with such use shall be located closer than 100 feet to any lot line which abuts an R district.

NA 6. In the R-A through R-4 Districts, no off-street parking or loading space shall be located closer than fifty (50) feet to any lot line which abuts an R district.

NA 7. Plant nurseries shall be subject to the regulations of the zoning district in which located. In addition, in the R-A through R-4 Districts, the Board shall review the amount of plant nursery lot devoted to accessory uses such as retail sales of items and landscape contracting services as set forth in Paragraphs 1A and 2 above, and shall determine that such accessory uses are clearly subordinate in purpose, area and extent to the principal use of growing and/or maintaining nursery stock and the retail sales of nursery stock and items designed solely to maintain and preserve the life and health of such stock. The Board may impose such conditions and restrictions as it may deem necessary to assure that the use will be compatible with the adjacent residential area. In particular, the Board may impose conditions on the following:

A. Location, size, height and use of structures;

B. Location and number of commercial vehicles and equipment;

C. Lighting, public address systems and hours of operation;

D. Location and type of nursery stock, materials and other items stored, displayed or offered for sale outside, provided, however, that no such storage, parking of equipment or vehicles used for landscape contracting services, display, or sales area shall be located in any minimum required yard.

NA 8. In the R-A through R-4 Districts, notwithstanding the provisions of Sect. 9-003, the Board may vary, modify or waive the provisions of Paragraphs 4, 5 and 6 above and the provisions of Article 13 for a plant nursery which is accessory to a single family detached dwelling, provided the dwelling is the domicile of the nursery operator.

modification requested 9. The off-street parking requirement shall be based on one (1) space per 200 square feet of net floor area for the first 1000 square feet, plus six (6) spaces per each additional 1000 square feet; plus one (1) space per 500 square feet of outdoor sales/display area to include greenhouses used for the sales/display of plant materials; plus one (1) space per employee and company/commercial vehicle and sufficient space for the parking of any related equipment for landscape contracting services as an accessory component. However, the Board, in its review of a plant nursery, may modify this parking requirement, based on the specific characteristics of the plant nursery use, such as the size and scale and/or the types of accessory uses, when the applicant has demonstrated that fewer parking spaces then those required above will adequately serve the plant nursery and all accessory uses. All off-street parking areas, including aisles and driveways shall be constructed and maintained with a dustless surface in accordance with the provisions of the Public Facilities Manual, unless a modification or waiver of the dustless surface requirement is approved by the Director.

GLOSSARY

This Glossary is provided to assist the public in understanding
the staff evaluation and analysis of development proposals.
It should not be construed as representing legal definitions.
Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan
or Public Facilities Manual for additional information.

ABANDONMENT: Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

ACCESSORY DWELLING UNIT (OR APARTMENT): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

AGRICULTURAL AND FORESTAL DISTRICTS: A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

BARRIER: A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

BEST MANAGEMENT PRACTICES (BMPs): Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

BUFFER: Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

CHESAPEAKE BAY PRESERVATION ORDINANCE: Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

CLUSTER DEVELOPMENT: Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

COUNTY 2232 REVIEW PROCESS: A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

dBA: The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

DENSITY: Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

DENSITY BONUS: An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

DEVELOPMENT CONDITIONS: Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

DEVELOPMENT PLAN: A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is s submission requirement for rezoning to the PRC District. A GENERALIZED DEVELOPMENT PLAN (GDP) is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A CONCEPTUAL DEVELOPMENT PLAN (CDP) is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A FINAL DEVELOPMENT PLAN (FDP) is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

EASEMENT: A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDORS (EQCs): An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

ERODIBLE SOILS: Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

FLOOR AREA RATIO (FAR): An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

FUNCTIONAL CLASSIFICATION: A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

GEOTECHNICAL REVIEW: An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

HYDROCARBON RUNOFF: Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

IMPERVIOUS SURFACE: Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

INFILL: Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

INTENSITY: The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

Ldn: Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

LEVEL OF SERVICE (LOS): An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

MARINE CLAY SOILS: Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may be function as a buffer between land uses or for scenic, environmental, or recreational purposes.

OPEN SPACE EASEMENT: An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

P DISTRICT: A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

PROFFER: A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

PUBLIC FACILITIES MANUAL (PFM): A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

RESOURCE MANAGEMENT AREA (RMA): That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

RESOURCE PROTECTION AREA (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

SITE PLAN: A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP): Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

STORMWATER MANAGEMENT: Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

SUBDIVISION PLAT: The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

TRANSPORTATION DEMAND MANAGEMENT (TDM): Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS: This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggared work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

URBAN DESIGN: An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

VACATION: Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

VARIANCE: An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

WETLANDS: Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

TIDAL WETLANDS: Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District
ADU	Affordable Dwelling Unit
ARB	Architectural Review Board
BMP	Best Management Practices
BOS	Board of Supervisors
BZA	Board of Zoning Appeals
COG	Council of Governments
CBC	Community Business Center
CDP	Conceptual Development Plan
CRD	Commercial Revitalization District
DOT	Department of Transportation
DP	Development Plan
DPWES	Department of Public Works and Environmental Services
DPZ	Department of Planning and Zoning
DU/AC	Dwelling Units Per Acre
EQC	Environmental Quality Corridor
FAR	Floor Area Ratio
FDP	Final Development Plan
GDP	Generalized Development Plan
GFA	Gross Floor Area
HC	Highway Corridor Overlay District
HCD	Housing and Community Development
LOS	Level of Service
Non-RUP	Non-Residential Use Permit
OSDS	Office of Site Development Services, DPWES
PCA	Proffered Condition Amendment
PD	Planning Division
PDC	Planned Development Commercial
PDH	Planned Development Housing
PFM	Public Facilities Manual
PRC	Planned Residential Community
RC	Residential-Conservation
RE	Residential Estate
RMA	Resource Management Area
RPA	Resource Protection Area
RUP	Residential Use Permit
RZ	Rezoning
SE	Special Exception
SEA	Special Exception Amendment
SP	Special Permit
TDM	Transportation Demand Management
TMA	Transportation Management Association
TSA	Transit Station Area
TSM	Transportation System Management
UP & DD	Utilities Planning and Design Division, DPWES
VC	Variance
VDOT	Virginia Dept. of Transportation
VPD	Vehicles Per Day
VPH	Vehicles per Hour
WMATA	Washington Metropolitan Area Transit Authority
WS	Water Supply Protection Overlay District
ZAD	Zoning Administration Division, DPZ
ZED	Zoning Evaluation Division, DPZ
ZPRB	Zoning Permit Review Branch