



# County of Fairfax, Virginia

*To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County*

August 5, 2009

Michelle A. Rosati  
Holland & Knight LLP  
1600 Tysons Boulevard, Suite 700  
McLean, Virginia 22102

RE: Special Exception Amendment Application SEA 79-V-073-04

Dear Ms. Rosati:

At a regular meeting of the Board of Supervisors held on August 3, 2009, the Board approved Special Exception Amendment Application SEA 79-V-073-04 in the name of American Horticultural Society. The subject property is located at 7931 East Boulevard Drive on approximately 24.69 acres of land zoned R-2 in the Mount Vernon District [Tax Map 102-2 ((1)) 20]. The Board's action amends Special Exception Application SE 79-V-073, previously approved for a public benefit association to permit modifications of development conditions and site design pursuant to Section 3-204 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions which incorporate and supersede all previous development conditions. Previously approved conditions or those slightly modified are marked with an asterisk (\*).

- \*1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.
- \*2. This Special Exception Amendment is granted only for the purpose(s), structure(s), and/or use(s) indicated on the Special Exception Amendment Plat approved with this application, as qualified by these development conditions.
- \*3. A copy of this Special Exception Amendment and the Non-Residential Use Permit shall be posted in a conspicuous space on the property of the use and be made available to all departments of Fairfax County during the hours of operation of the permitted use.

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**Office of the Clerk to the Board of Supervisors**  
12000 Government Center Parkway, Suite 533  
Fairfax, Virginia 22035

Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903  
Email: [clerktothebos@fairfaxcounty.gov](mailto:clerktothebos@fairfaxcounty.gov)  
<http://www.fairfaxcounty.gov/bosclerk>

- \*4. This Special Exception Amendment is granted for the buildings and uses indicated on the plat submitted with this application only. This Special Exception Amendment is granted to the American Horticultural Society (AHS) only, and is not transferable without another action by appropriate County authorities. This Special Exception Amendment 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 Amendment shall be in substantial conformance with the approved Special Exception Amendment Plat entitled The American Horticultural Society and prepared by Huntley, Nyce, & Associated, Ltd. which is dated October 28, 2008 and revised through May 27, 2009 and these conditions. Minor modifications to the approved Special Exception Amendment may be permitted pursuant to Paragraph 4 of Section 9-004 of the Zoning Ordinance.
- \*5 The maximum hours of operation for the use shall be 8:00 am to 6:00 pm Monday through Friday, and 9:00 am to 4:00 pm Saturday and Sunday, which does not include the hours permitted for special events. The maximum hours of operation for special events of the AHS, including the house and grounds, shall be limited to 8:30 am to 10:00 pm Sunday – Thursday, and 8:30 am to 11:00 pm Friday and Saturday.
6. All vehicle parking shall occur on-site. At no time shall vehicles be parked on East Boulevard Drive. A maximum of fifteen (15) times per year, but no more than two (2) times per month, as referenced in Development Conditions 8, 9, and 12-14, vehicles may be parked on designated grassed areas of the site. At all other times, vehicles shall be parked on the paved parking surfaces, as shown on the Special Exception Amendment Plat.
- \*7. As it applies to this Special Exception Amendment, the term “attendance” shall be interpreted to mean the total number of persons who attend any particular event from its beginning to end, not the total number of persons in attendance at any one time. A single event shall not exceed one twenty-four (24) hour time period.
- \*8. Outdoor event functions shall be permitted by the applicant, provided they are directly related to the advancement of horticulture, on a maximum of four (4) days per calendar year during the normal hours of operation, but in no event shall such functions be permitted to be located any closer to the house on Tax Map Parcel 102-1 ((1)) 22 (immediately to the south) than the main house of the AHS. If parking overflows into grassed areas of the site, the event shall be counted as one of the fifteen (15) times per year off-pavement parking is permitted, as referenced in Development Condition 6.
- \*9. Social functions which are directly related to the advancement of horticulture may be held on the property, provided total attendance at any such function does not exceed 250 persons, and provided such functions are concluded by 10:00 pm

Sunday through Thursday, and by 11:00 pm Friday and Saturday. During these functions all vehicle parking shall be on paved parking surfaces. If parking overflows into grassed areas of the site, the event shall be counted as one of the fifteen (15) times per year off-pavement parking is permitted, as referenced in Development Condition 6.

- \*10. Social functions which are non-horticulture or related events may be held on the property between the hours of 11:00 am to 2:00 pm, provided total attendance at any such function does not exceed fifty (50) persons. During these functions all vehicle parking shall be on paved parking surfaces.
- \*11 The facility shall be permitted to be rented by the applicant, including the house and grounds, for non-horticulture or related events with a maximum attendance of sixty (60) during the normal hours of operation, seven (7) days per week. During these events all vehicle parking shall be on paved surfaces.
- \*12 The facility shall be permitted to be rented by the applicant, including the house and grounds, for non-horticulture or related events with attendance of between sixty (60) and two-hundred fifty (250) persons during the normal operating hours on Friday, Saturday, and Sunday as long as all vehicle parking is confined to paved parking areas. Contracts between the applicant and lessees for these events shall specify the restrictions on attendance, parking and noise contained in these conditions. If parking overflows onto grassed areas of the site, the event shall be counted as one of the fifteen (15) times per year off-pavement parking is permitted, as referenced in Development Condition 6.
- \*13 The facility shall be permitted to be rented by the applicant, including the house and grounds, for non-horticulture or related events with attendance between two-hundred fifty (250) and five-hundred (500) during the hours of 5:00 pm to 11:00 pm Friday, from 12:00 noon until 11:00 pm Saturday, and from 12:00 noon until 10:00 pm Sunday. Contracts between the applicant and lessees for these events shall specify the restrictions on attendance, parking, and noise contained in these conditions. If parking overflows onto grassed areas of the site, the event shall be counted as one of the fifteen (15) times per year off-pavement parking is permitted, as referenced in Development Condition 6.

- \*14 The facility shall be permitted to be rented by the applicant, including the house and grounds, to a civic and charitable organization for two (2) special event functions per year with a maximum attendance of eight-hundred (800) persons during the normal hours of operation on Saturday or Sunday. For these events maximum attendance shall be controlled by a ticketing system which permits no more than 800 tickets to be sold for admission. Persons without tickets, with the exception of staff, shall not be admitted to the ground during these events. Contracts between the applicant and lessees for these events shall specify the restrictions on attendance, parking, and noise contained in these conditions. During these events vehicles may be parked on designated grassy areas of the site, as referenced in Development Condition 6.
- \*15 Outdoor rental events shall not occur any closer to the house located on Tax Map Parcel 102-2 ((1)) 22 than the main house of the AHS.
- \*16 A minimum of two (2) hours shall be allowed between any scheduled events to avoid any overlapping of vehicles needing to park and to reduce vehicle conflict at the site entrance and on East Boulevard Drive. No events shall be scheduled so that they overlap.
- \*17 Food and/or beverages shall be permitted to be prepared, served and/or sold by the applicant for only its own functions. During rental events all food and beverages shall be provided by outside caterers and all food preparation, with the exception of coffee and tea service, shall be done off-site.
- \*18 Signs shall be limited to those of a colonial character and should direct traffic to the entrance of the facility.
- \*19 The use of loudspeakers or electronic or amplified music during outdoor events shall not be permitted. Further, during all outdoor events, the applicant shall have a representative on the grounds who can be reached via telephone and/or pager to ensure that this condition is enforced. The name and number for this contact person shall be provided to the Mount Vernon District Supervisor's office and to the Wellington Civic Association.
- \*20 Clean-up after all outdoor events held on-site must be completed within one hour of the scheduled conclusion of the event, if such time is the conclusion of the hours of operation of the facility.

- \*21 Any new outdoor lighting fixtures shall be fully shielded and directed downward and/or inward to prevent glare and light spillover onto the surrounding residential properties. Any parking lot lighting, with the exception of necessary security lighting, shall be turned off within one hour of the last scheduled evening event.
- 22. This Special Exception Amendment (SEA 79-V-073-4) shall be valid from the date of issuance of the Non-RUP.
- \*23. Any violation of the conditions of this Special Exception Amendment that has not been resolved satisfactorily may be cause for revocation of this Special Exception Amendment approval by the Board pursuant to Paragraph 2 of Section 9-016

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 Amendment shall not be valid until this has been accomplished.

Pursuant to Sect. 9-015 of the Zoning Ordinance, this Special Exception Amendment shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established as evidenced by the issuance of the Non-RUP. 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 Amendment. 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.

**The Board also:**

- Modification of the transitional screening requirements along the northern and southern property lines in favor of the existing vegetation, as shown on the SEA Plat.
- Waived the barrier requirements along the northern and southern property lines of the site, in lieu of the existing vegetation, as shown on the SEA Plat.

Sincerely,



Nancy Vehrs  
Clerk to the Board of Supervisors  
NV/dms

Cc: Chairman Sharon Bulova  
Supervisor Gerald Hyland, Mount Vernon District  
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration  
Regina Coyle, Director, Zoning Evaluation Division, DPZ  
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning  
Angela K. Rodeheaver, Section Chief, Transportation, Planning Division  
Ellen Gallagher, Capital Projects and Operations Div., Dept. of Transportation  
Ken Williams, Plans & Document Control, ESRD, DPWES  
Department of Highways-VDOT  
Sandy Stallman, Park Planning Branch Manager, FCPA  
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division  
District Planning Commissioner  
Barbara J. Lippa, Executive Director, Planning Commission  
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation



COUNTY OF FAIRFAX  
 Department of Planning and Zoning  
 Zoning Evaluation Division  
 12055 Government Center Parkway, Suite 801  
 Fairfax, VA 22035 (703) 324-1290, TTY 711  
[www.fairfaxcounty.gov/dpz/zoning/applications](http://www.fairfaxcounty.gov/dpz/zoning/applications)

APPLICATION No: SEA 79-V-073-04  
 (Staff will assign)  
 RECEIVED  
 Department of Planning & Zoning

FEB 26 2009

**APPLICATION FOR A SPECIAL EXCEPTION** Zoning Evaluation Division  
 (PLEASE TYPE or PRINT IN BLACK INK)

<b>APPLICANT</b>	<b>NAME</b> American Horticultural Society
	<b>MAILING ADDRESS</b> 7931 East Boulevard Drive Mt. Vernon, Virginia 22121
	<b>PHONE HOME</b> ( ) <b>WORK</b> ( )
	<b>PHONE MOBILE</b> ( )
<b>PROPERTY INFORMATION</b>	<b>PROPERTY ADDRESS</b> 7931 East Boulevard Drive Mt. Vernon, Virginia 22121
	<b>TAX MAP NO.</b> 102-2 ((1)) 20 <b>SIZE (ACRES/SQ FT)</b> 24.6937
	<b>ZONING DISTRICT</b> R-2 <b>MAGISTERIAL DISTRICT</b> Mt Vernon
	<b>PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION:</b>
<b>SPECIAL EXCEPTION REQUEST INFORMATION</b>	<b>ZONING ORDINANCE SECTION</b> Section 3-204, Section 9-302, Public Benefit Association
	<b>PROPOSED USE</b> Amend SE79-V-073 for a public benefit association to permit site modifications
<b>AGENT/CONTACT INFORMATION</b>	<b>NAME</b> Michelle A. Rosati, Esq., Applicant's Authorized Agent
	<b>MAILING ADDRESS</b> Holland & Knight, LLP 1600 Tysons Blvd., Suite 700 McLean, Virginia 22102
	<b>PHONE HOME</b> ( ) <b>WORK (703 )</b> 720-8079
	<b>PHONE MOBILE</b> ( )
<b>MAILING</b>	Send all correspondence to (check one): <input type="checkbox"/> Applicant -or- <input checked="" type="checkbox"/> Agent/Contact
<p>The name(s) and addresses of owner(s) of record shall be provided on the affidavit form attached and made part of this application. The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter the subject property as necessary to process the application.</p> <p>Michelle A. Rosati, Esq., Applicant's Authorized Agent</p> <p><b>TYPE/PRINT NAME OF APPLICANT/AGENT</b> <b>SIGNATURE OF APPLICANT/AGENT</b> <i>[Signature]</i></p> <p style="text-align: right;">SEA 2008-0323</p>	

DO NOT WRITE IN THIS SPACE

Date Application accepted: 3/5/09

Application Fee Paid: \$ und