



APPLICATION ACCEPTED: September 4, 2009
APPLICATION AMENDED: October 8, 2009
PLANNING COMMISSION: January 7, 2009
BOARD OF SUPERVISORS: TBD

County of Fairfax, Virginia

December 23, 2009

STAFF REPORT

APPLICATIONS SE 2009-PR-021
(concurrent with PCA 91-P-027)

PROVIDENCE DISTRICT

APPLICANT: JSH Enterprise, LLC

PRESENT ZONING: C-8 and HC

PARCEL(S): 49-2 ((1)) 93

ACREAGE: 20,901 square feet

FAR: 0.27

OPEN SPACE: 21%

PLAN MAP: Retail

SE CATEGORY: Category 5: Vehicle Light Service Establishments
Category 6: Waiver of Minimum Lot Size Requirements

PCA PROPOSAL: The applicant seeks to amend the previously approved proffers and general development plan associated with RZ 91-P-027 for a commercial development to allow the construction of a 5,650 square foot vehicle light service establishment building with five service bays.

SEA PROPOSAL: The applicant seeks approval of an SE application to permit a Vehicle Light Service Establishment use and to modify the minimum lot size requirements in a C-8 District from a minimum lot area of 40,000 square feet to 20,901 square feet and from a minimum lot width of 200 feet to 125 feet.

William O'Donnell

Staff recommends approval of PCA 91-P-027 subject to proffers consistent with those found in Appendix 1 of this report.

Staff recommends approval of SE 2009-PR-021 subject to the development conditions found in Appendix 2 of this report.

Staff recommends approval of a waiver of the requirements to construct a major paved trail along the site frontage on Route 29 (Lee Highway) in favor of the right of way dedication and the existing sidewalk shown on the GDP/ SE Plat.

Staff recommends approval of a modification of the transitional screening and barrier requirements along the southern property line in favor of the landscaping shown on the GDP/ SE Plat.

Staff recommends that the Board of Supervisors direct the Director of DPWES to permit a deviation from the tree preservation target percentage in favor of the proposed landscaping shown on the CDP/FDP and as proffered.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, 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 recommendation of staff; it does not reflect the position of the Board of Supervisors.

The approval of this rezoning does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application. 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.

O:\wodonn\ZED\PCAWSH Enterprise Merrifalls PCA 91-P-027\Report\PCA 91-P-027_Merifalls_Staff_Report_Cover.doc



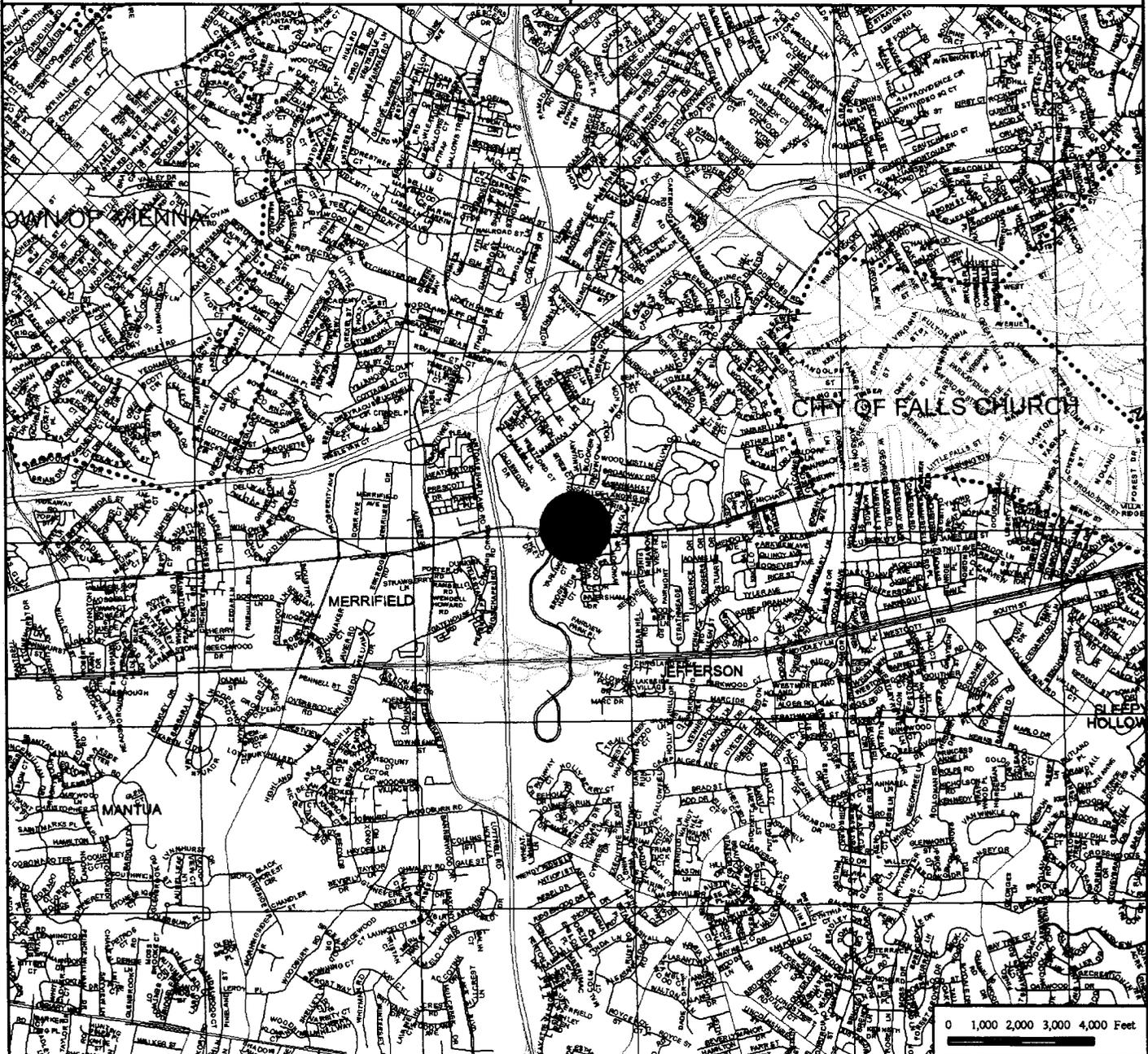
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Proffered Condition Amendment
PCA 91-P-027

Special Exception
SE 2009-PR-021

Applicant: JSH ENTERPRISES, LLC
 Accepted: 09/04/2009
 Proposed: AMEND RZ 91-P-027 PREVIOUSLY APPROVED FOR COMMERCIAL DEVELOPMENT TO PERMIT CONSTRUCTION OF A BUILDING AND SITE MODIFICATIONS AND WAIVER OF THE MINIMUM LOT SIZE AND LOT WIDTH REQUIREMENTS
 Area: 20,901 SF OF LAND; DISTRICT - PROVIDENCE
 Zoning Dist Sect:
 Located: 7800 LEE HIGHWAY
 Zoning: C- 8
 Overlay Dist: HC
 Map Ref Num: 049-2- /01/ /0093

Applicant: JSH ENTERPRISES, LLC
 Accepted: 09/04/2009
 Proposed: LIGHT VEHICLE SERVICE ESTABLISHMENT AND WAIVER OF MINIMUM LOT SIZE AND LOT WIDTH REQUIREMENTS
 Area: 20,901 SF OF LAND; DISTRICT - PROVIDENCE
 Zoning Dist Sect: 04-0604 09-0610
 Art 9 Group and Use: 5-23 6-06
 Located: 7800 LEE HIGHWAY
 Zoning: C- 8
 Plan Area: 1,
 Overlay Dist: HC
 Map Ref Num: 049-2- /01/ /0093



Proffered Condition Amendment
PCA 91-P-027

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SE 2009-PR-021

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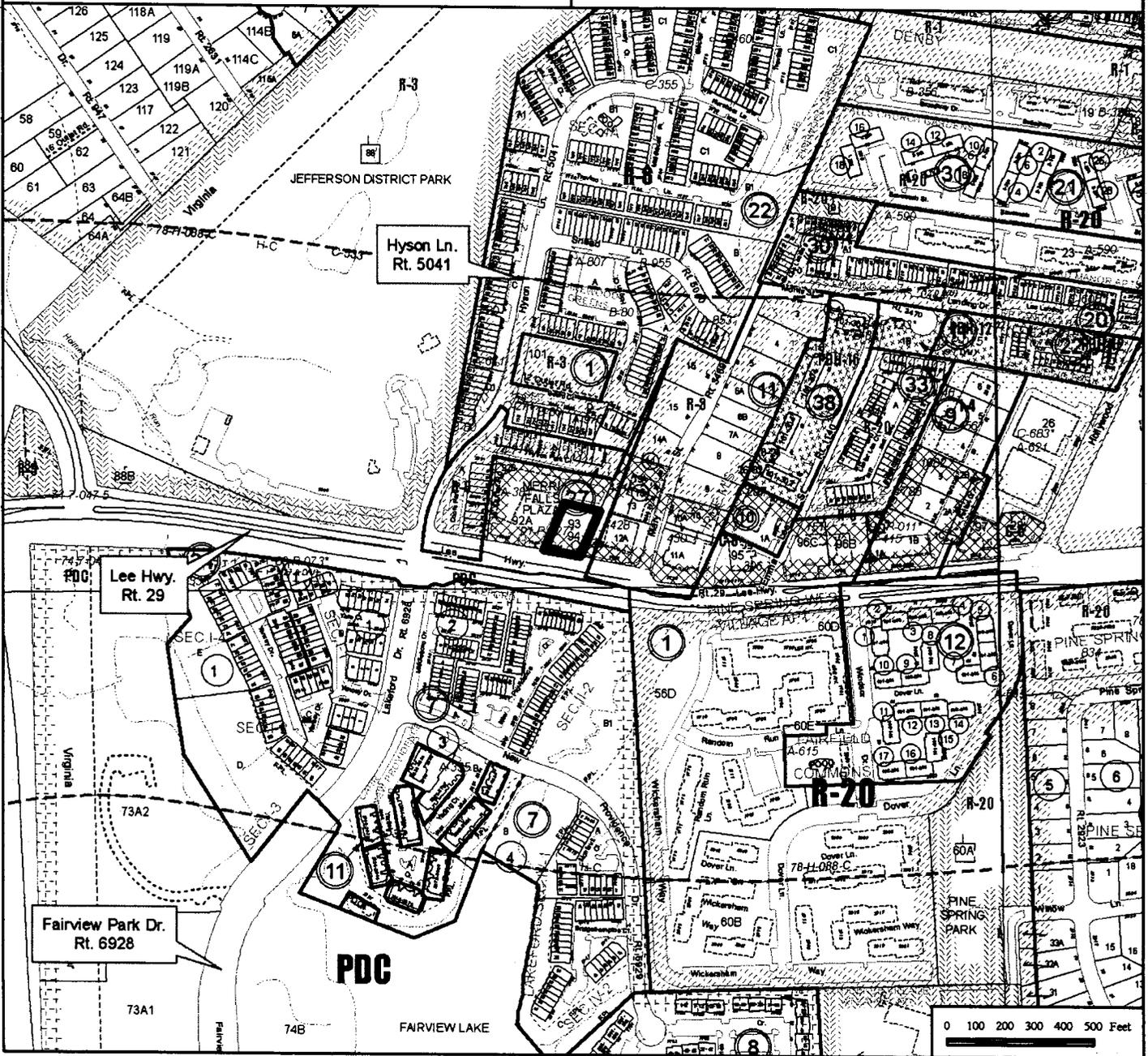
Applicant: JSH ENTERPRISES, LLC
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Proposed: LIGHT VEHICLE SERVICE ESTABLISHMENT AND WAIVER OF MINIMUM LOT SIZE AND LOT WIDTH REQUIREMENTS

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Zoning Dist Sect:
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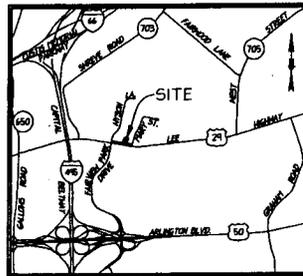
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Zoning: C- 8
Plan Area: 1,
Overlay Dist: HC
Map Ref Num: 049-2- /01/ /0093



DATE	REVISION

SPECIAL EXCEPTION PLAT/
PROFFER CONDITION AMENDMENT PLAT
**MERRIFALLS AUTO
CARE SERVICE**

PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA



VICINITY MAP
SCALE: 1" = 200'

SHEET INDEX

1. COVER SHEET
2. NOTES & TABULATIONS
3. EXISTING CONDITIONS PLAN
4. EXISTING VEGETATION MAP AND TREE CONSERVATION PLAN
5. SPECIAL EXCEPTION PLAT/
PROFFER CONDITION AMENDMENT PLAT
6. LANDSCAPE PLAN
7. BMP & SWM COMPUTATIONS
8. CONCEPTUAL ELEVATIONS

DATE OF FIRST SUBMISSION: June 29, 2009
DATE OF SECOND SUBMISSION: November 4, 2009
DATE OF THIRD SUBMISSION: November 30, 2009
(Revisions to Pages 1, 2, 4, 5, 6 and 7 based on Fairfax County
comments received at Review Meeting on November 16, 2009)

APPLICANT/DEVELOPER
JSH ENTERPRISE, LLC
8138 RIDGE CREEK WAY
SPRINGFIELD, VA
22153



PREPARED BY:
christopher consultants
engineering · surveying · land planning



8000 Peach Street (South Road) Fairfax, VA 22031-2807
703.573.8880 · Fax: 703.573.7636

GENERAL NOTES

1. THE SUBJECT PROPERTY IS IDENTIFIED ON THE FAIRFAX COUNTY ASSESSMENT MAP AS 44-3 (11) PARCELS 93.
2. FOR THE PURPOSES OF THIS APPLICATION, THE TOTAL SITE AREA OF THE PROPERTY IS 30,950 SQUARE FEET OR 0.706 ACRES, BASED ON A BOUNDARY SURVEY COMPLETED BY christopher consultants, INC., DATED JULY 2006. THE REAL ESTATE DIVISION OF THE FAIRFAX COUNTY DEPARTMENT OF TAX ADMINISTRATION LISTS THE AREA OF THIS PROPERTY WITHIN THEIR TAX RECORDS AS 20,950 SQUARE FEET.
3. THE OWNER OF THE PROPERTY IS REESE HERRFALLS LTD LLC, 1816 PACIFIC LANE, ANNANDALE VA 22003 (DEED BOOK 1884, PAGE 108). THE APPLICANT/DEVELOPER OF THE PROPERTY IS JSH ENTERPRISE, LLC, 1538 RIDGE CREEK WAY, SPRINGFIELD, VA 22151.
4. THE EXISTING AND PROPOSED ZONING OF THE SUBJECT PROPERTY IS C-8 (HIGHWAY COMMERCIAL), HIGHWAY CORRIDOR OVERLAY DISTRICT (HCOOD).
5. THIS SUBMISSION IS AN APPLICATION FOR A CATEGORY 5 SPECIAL EXCEPTION AND A PROFFER CONDITION AMENDMENT TO PERMIT A VEHICLE LIGHT SERVICE ESTABLISHMENT. THE TOTAL PROPOSED GROSS FLOOR AREA IS +/- 5,100 SF AND THE PROPOSED PAR IS +/- 0.27.
6. THE BOUNDARY SURVEY IS BASED ON A CURRENT FIELD SURVEY COMPLETED BY christopher consultants, INC., DATED JULY 2006.
7. TOPOGRAPHIC INFORMATION IS FROM A FIELD RUN TOPOGRAPHIC SURVEY BY christopher consultants, INC., DATED JUNE 19, 2006. THE CONTOUR INTERVAL IS ONE (1) FOOT.
8. THE PROPERTY SWASH WETLAND IS LOCATED ON F.F.I.A. MAP CONTINENT PANEL NUMBER 5525 079 D, DATED MARCH 5, 1993, ZONE "W" AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN.
9. NO TITLE REPORT IS FURNISHED.
10. THE SUBJECT PROPERTY IS LOCATED IN THE PROVIDENCE DISTRICT AND THE CANTON RUN WATERSHED OF FAIRFAX COUNTY, VA. REFER TO SHEET 7 FOR INFORMATION AND NARRATIVES FOR STORM WATER MANAGEMENT (SWM), BEST MANAGEMENT PRACTICES (BMP) AND SITE CUTOFFALL.
11. THE SUBJECT PROPERTY IS CURRENTLY SERVED BY PUBLIC WATER PROVIDED BY THE CITY OF FALLS CHURCH AND PUBLIC SEWER PROVIDED BY FAIRFAX COUNTY.
12. TO THE BEST KNOWLEDGE OF THE ENGINEER AND DEVELOPER, THERE ARE NO EXISTING GRAVES OR BURIAL SITES LOCATED ON THE PROPERTY.
13. NO ADVERSE EFFECTS TO NEIGHBORING PROPERTIES ARE ANTICIPATED WITH THIS PROJECT.
14. THERE ARE NO SCENIC ASSETS OR NATURAL FEATURES DESERVING OF PROTECTION OR PRESERVATION ON THE SUBJECT PROPERTY.
15. TO THE BEST KNOWLEDGE OF THE ENGINEER AND DEVELOPER, THIS SPECIAL EXCEPTION PLAT AND PROFFER CONDITION AMENDMENT PLAT CONFORMS TO ALL APPLICABLE ORDINANCES, REGULATIONS AND ADOPTED STANDARDS, INCLUDING THE ADOPTED COMPREHENSIVE PLAN FOR THE COUNTY, UNLESS OTHERWISE SPECIFICALLY NOTED.
16. NOTWITHSTANDING THE IMPROVEMENTS AND TABULATIONS SHOWN ON THIS PLAN, THE APPLICANT RESERVES THE RIGHT TO MAKE MODIFICATIONS TO THE FINAL DESIGN TO COMPLY WITH FINAL ENGINEERING AND NEW CRITERIA AND REGULATIONS WHICH MAY BE ADOPTED BY FAIRFAX COUNTY SUBSEQUENT TO THE SUBMISSION OF THIS APPLICATION, PROVIDED THAT SUCH MODIFICATIONS ARE CONSISTENT WITH THE APPROVED SPECIAL EXCEPTION PLAT/PROFFER CONDITION AMENDMENT PLAT.
17. SITE IMPROVEMENTS SWASH WETLAND ARE PRELIMINARY. FINAL SITE IMPROVEMENTS WILL BE CONSIDERED AT THE TIME OF SITE PLAN APPROVAL, SUBJECT TO MARKET CONDITIONS, BUT CONSISTENT WITH THE APPROVED SPECIAL EXCEPTION AMENDMENT PLAT/PROFFER CONDITION AMENDMENT PLAT.
18. THERE ARE NO EXISTING UTILITY EASEMENTS HAVING A WIDTH OF GREATER THAN 25 FEET ON THE PROPERTY. ALL PALER UNDERGROUND UTILITY EASEMENTS, REGARDLESS OF WIDTH, ARE SHOWN ON THE EXISTING CONDITIONS PLAN.
19. A BIKE RACK WILL BE PROPOSED ON THE PROPERTY, AS SHOWN ON THE PLAN.
20. SOME ADDITIONAL TREE PLANTINGS, INCLUDING A PICNIC TABLE AND/OR BENCH, WILL BE PROVIDED OFFSITE ALONG THE WESTERN PROPERTY LINE, AS SHOWN ON THE PLAN.
21. OFFSITE EASEMENT WILL BE REQUIRED FOR GRADING, TREE PLANTING, TREE REMOVAL AND FOR SANITARY SEWER LATERAL CONNECTION.

WAIVERS AND MODIFICATIONS

1. A WAIVER IS BEING REQUESTED FOR THE REQUIREMENT TO PROVIDE A "MAJOR PAVED TRAIL" (ASPHALT OR CONCRETE THAT IS 8' OR MORE IN WIDTH) AS SHOWN ON THE FAIRFAX COUNTY COMPREHENSIVE PLAN COUNTYWIDE TRAILS PLAN (LIT-10) ALONG THE NORTH SIDE OF THE ROUTE 241/LEE HIGHWAY SERVICE DRIVE. THE APPLICANT HAS INSTEAD AGREED WITH FAIRFAX COUNTY TO PROVIDE A 3 FOOT RESERVATION OF RIGHT-OF-WAY ALONG THE SOUTHERN PROPERTY LINE ALONG THE NORTH SIDE OF THE ROUTE 241/LEE HIGHWAY SERVICE DRIVE. THERE IS ALSO AN EXISTING SIDEWALK ALONG THE SERVICE DRIVE.
2. A WAIVER IS BEING REQUESTED FOR THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENT (C-8-10) BETWEEN THE PROPOSED USE AND THE PROPERTY ACROSS LEE HIGHWAY. NOT ONLY IS THE PROPOSED USE SEPARATED BY A 4-LAND DIVIDED ROADWAY, BUT AN 8 TO 10 FOOT SOLID WALL EXISTS BETWEEN THE ROADWAY AND THE RESIDENTIAL HOUSING ACROSS THE STREET.
3. MODIFICATIONS ARE BEING REQUESTED FOR THE MINIMUM LOT AREA REQUIREMENT OF 40,000 SF, (4-206.1) AND MINIMUM LOT WIDTH REQUIREMENT OF 300 FEET (4-206.2) WITHIN THE C-8 ZONING DISTRICT. WHILE THIS PROPERTY (PARCELS 93) WAS COINED WITH PARCELS 90A AND RECORDED TO C-8 (92-9-P-27) AND APPROVED ON 5.4.00, FAIRFAX COUNTY HAS AGREED THAT THE APPLICATION FOR THIS SPECIAL EXCEPTION / PROFFER CONDITION AMENDMENT WILL ONLY HAVE TO INCLUDE PARCELS 93, WHICH DOES NOT MEET THESE STANDARDS.

ANGLE OF BULK PLANE DETAIL



DATE	REVISION
8.04.09	Revised to Special Exception Plat/Proffer Condition Amendment
	based on Fairfax County Pre-Staffing Comments October 05, 2009
8.04.09	Revised to Special Exception Plat/Proffer Condition Amendment
	based on Fairfax County comments received at Review Meeting on November 04, 2009

ZONING TABULATION C-8 HIGHWAY COMMERCIAL DISTRICT, HCOOD CATEGORY 5 SPECIAL EXCEPTION		
SUBJECT PROPERTY IDENTIFIED AS: PARCEL NUMBER: 44-3 (11)-93 EXISTING ZONING: C-8 (HCOOD) ACREAGE: 30.95 AC.		
ZONING REGULATIONS: C-8 HIGHWAY COMMERCIAL DISTRICT, HCOOD MINIMUM LOT AREA: 40,000 SF MINIMUM LOT WIDTH: 300 FEET MINIMUM BUILDING HEIGHT: 40 FEET MINIMUM YARD REQUIREMENTS: FRONT YARD: 45° ANGLE OF BULK PLANE, BUT NOT LESS THAN 40° SIDE YARD: NO REQUIREMENT REAR YARD: 30' MINIMUM FLOOR AREA RATIO: 0.50 OPEN SPACE: 3% REQUIRED TREE COVER: 1% REQUIRED INTERIOR PARKING LOT LANDSCAPING: NO REQUIREMENT (SINCE PARKING LOT HAS LESS THAN 30 TOTAL SPACES) PERIPHERAL PARKING LOT LANDSCAPING: NO REQUIREMENT (SINCE PARKING LOT HAS LESS THAN 30 TOTAL SPACES)		

PROPOSED DEVELOPMENT TABULATIONS	
DEVELOPMENT STANDARDS	DEVELOPMENT TABULATIONS
TOTAL GROSS FLOOR AREA	+/- 5,100 SF
FLOOR AREA RATIO	+/- 0.27
MINIMUM BUILDING HEIGHT	+/- 30'
OPEN SPACE	+/- 30.8 % +/- 4,350 SF
TREE COVER	1 ON SITE: +/- 10.0 % +/- 2,500 SF
1 AN ADDITIONAL TEN OFFSITE TREES (+/- 1,000 SF) ARE PROPOSED ALONG THE NORTH AND WESTERN PROPERTY BOUNDARY.	

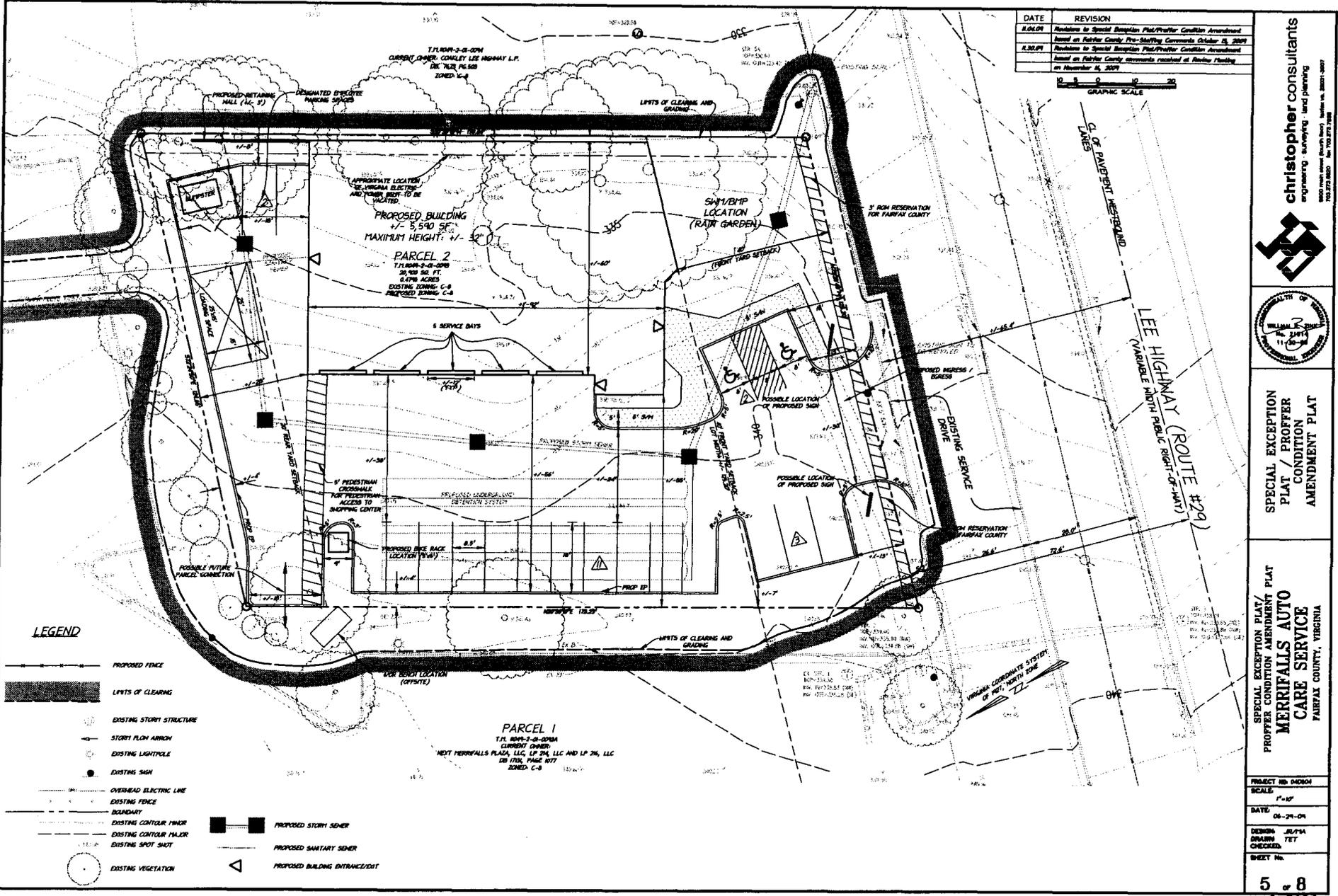
PARKING TABULATION FOR PROPERTY	
PARKING SPACES REQUIRED:	1 2 SPACES PER SERVICE BAY 2 1 SPACE PER EMPLOYEE 3 1 SPACE PER 300 SQUARE FEET OF NET FLOOR AREA
PARKING SPACES PROVIDED:	4 8 SPACES (INCLUDES 2 HANDICAP SPACES, 1 IS VAN ACCESSIBLE AND INCLUDES 3 EMPLOYEE DESIGNATED SPACES)
LOADING SPACES REQUIRED:	1 SPACE PER FIRST 10,000 SF OF GROSS FLOOR AREA
LOADING SPACES PROVIDED:	1 SPACE
* THERE WILL BE A MAXIMUM OF 6 SERVICE BAYS	
* THERE WILL BE A MAXIMUM OF 6 EMPLOYEES	
*** AFTER SUBTRACTING OUT THE AREAS FOR THE SERVICE BAYS, THERE WILL BE A MAXIMUM OF 400 SQUARE FEET REMAINING OF NET FLOOR AREA	

christopher consultants
 engineering surveying land planning
 9800 MAIN STREET, SUITE 1000, FALLS CHURCH, VA 22028-1807
 (703) 272-7800 FAX (703) 272-7808

NOTES & TABULATIONS

SPECIAL EXCEPTION PLAT/
 PROFFER CONDITION AMENDMENT PLAT
MERRIFALLS AUTO CARE SERVICE
 FAIRFAX COUNTY, VIRGINIA

PROJECT NO.	080204
SCALE	AS SHOWN
DATE	06-29-09
DESIGN	JRV/FA
DRAWN	TT
SHEET NO.	



DATE	REVISION
8.04.09	Revisions to Special Exception Plat/Proffer Condition Amendment
8.30.09	Based on Fairfax County Pre-Staffing Comments October 15, 2009
	Revisions to Special Exception Plat/Proffer Condition Amendment
	Based on Fairfax County comments received at Public Hearing on November 16, 2009



LEGEND

- PROPOSED FENCE
- LIMITS OF CLEARING
- EXISTING STORY STRUCTURE
- STORY PLAN ARROW
- EXISTING LIGHTPOLE
- EXISTING SIGN
- OVERHEAD ELECTRIC LINE
- EXISTING FENCE
- BOUNDARY
- EXISTING CONTOUR 1/8"
- EXISTING CONTOUR 1/4"
- EXISTING SPOT SHEET
- EXISTING VEGETATION
- PROPOSED STORY SEWER
- PROPOSED SANITARY SEWER
- PROPOSED BUILDING ENTRANCE/DET

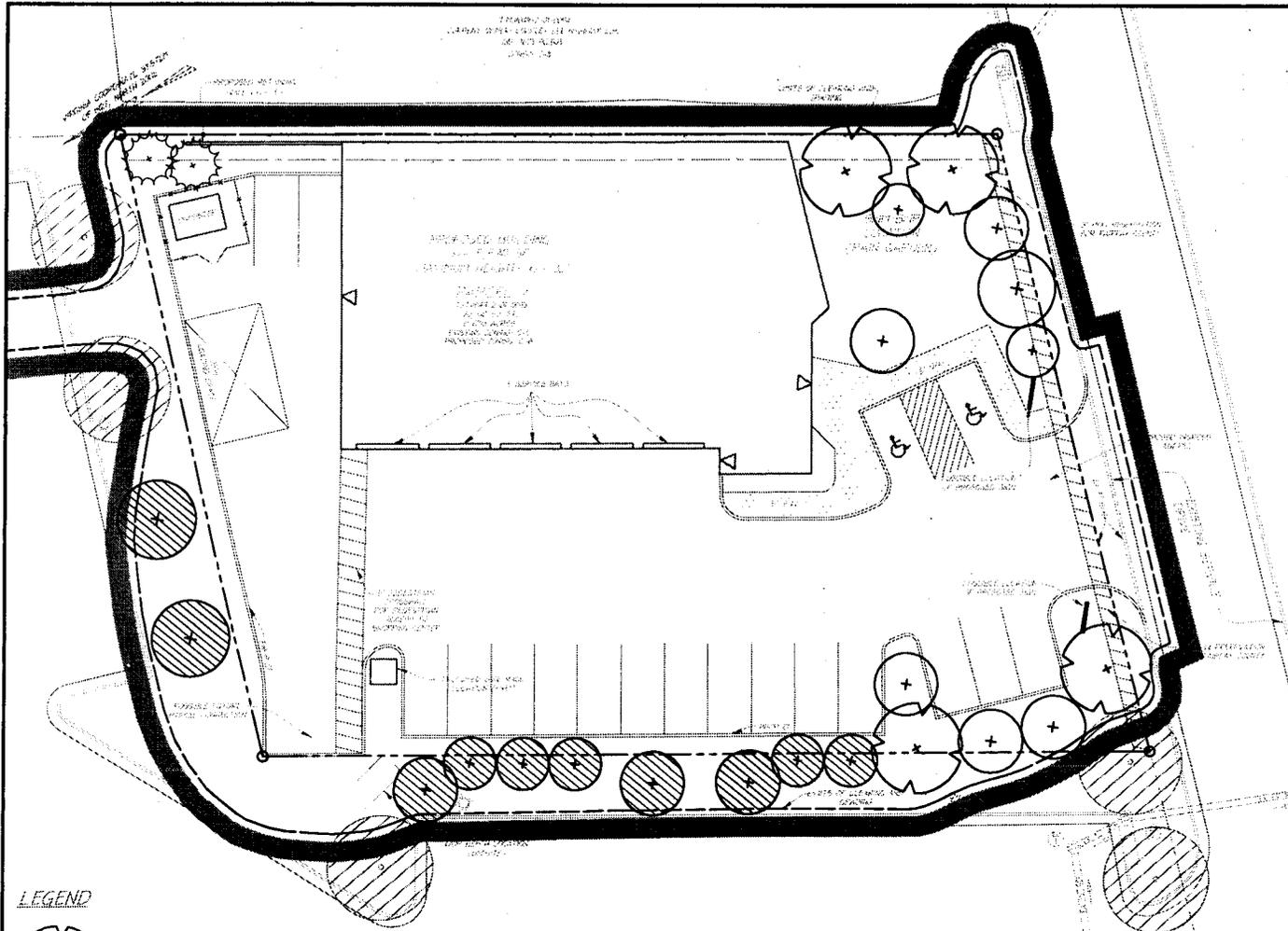
PARCEL 1
 TYP. 8044-3-B-2020A
 CURRENT OWNER:
 NEXT MERRIFALLS PLAZA, LLC, LP 204, LLC AND LP 204, LLC
 DB 1704, PAGE 1077
 ZONED: C-8

christopher consultants
 engineering, surveying, land planning

SPECIAL EXCEPTION PLAT / PROFFER CONDITION AMENDMENT PLAT

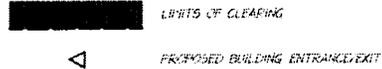
SPECIAL EXCEPTION PLAT / PROFFER CONDITION AMENDMENT PLAT
MERRIFALLS AUTO CARE SERVICE
 FAIRFAX COUNTY, VIRGINIA

PROJECT NO. 042604
 SCALE: 1"=40'
 DATE: 08-24-09
 DESIGN: JRM/TM
 DRAWING: TET
 CHECKED:
 SHEET NO. **5 of 8**



LEGEND

- PROPOSED CATEGORY IV DECIDUOUS (250 SF)
- PROPOSED CATEGORY III DECIDUOUS (170 SF)
- PROPOSED CATEGORY II DECIDUOUS (105 SF)
- PROPOSED CATEGORY I DECIDUOUS (75 SF)
- PROPOSED CATEGORY I EVERGREEN (75 SF)
- PROPOSED OFF SITE TREES
- EXISTING OFF SITE TREES TO BE PRESERVED



ALL CONSTRUCTION SHALL CONFORM TO THE CURRENT
FALLEN COUNTY AND VIRGINIA DEPARTMENT OF
TRANSPORTATION STANDARDS AND SPECIFICATIONS.



DATE	REVISION
8.06.07	Revisions to Special Exception Plat/Proffer Condition Amendment based on Fairfax County Pro-Staffing Comments (October 19, 2007)
8.30.07	Revisions to Special Exception Plat/Proffer Condition Amendment based on Fairfax County comments received at Public Hearing on November 16, 2007

christopher consultants
November 22, 2008

Mr. Michael Krupp
Director of Urban Forestry
Department of Public Works and Environmental Services
Fairfax County
1200 Government Center Parkway
Suite 200
Fairfax, VA 22033-6807

Re: Merrifalls Auto Service
Special Exception Plat/Proffer Condition Amendment Plat
of Project #002604.00

Dear Mr. Krupp:

We are requesting a variance from the Tree Preservation Target of 5% (per Section 12-0027.2 of the Fairfax County Public Facilities Manual (PFM)). As per Section 12-0027.2(A)(2), the variance shall meet the minimum standards for health, size, diversity, maturity, and species diversity along the non-transportation property line. Most trees along the boundary are therefore Category II (deciduous) and Category III (deciduous) trees. The variance is requested to allow for preservation, planting health and structural trees, as per Tables 12.7 and 12.8, Chapter 12-0027 of the PFM. To meet per Section 12-0027.2(A)(2), the variance request is to allow for the preservation, planting health and structural trees, as per Tables 12.7 and 12.8, Chapter 12-0027 of the PFM. In addition, the variance request is to allow for the preservation, planting health and structural trees, as per Tables 12.7 and 12.8, Chapter 12-0027 of the PFM. In addition, the variance request is to allow for the preservation, planting health and structural trees, as per Tables 12.7 and 12.8, Chapter 12-0027 of the PFM.

Very truly yours,
Lindsay Burleigh, Cyprien Adams
Landscape Designer

cc: Matt Krupp
John Kelley

TREE COVER CALCULATIONS

GROSS SITE AREA	20,920 SF
TREE CANOPY REQUIREMENT (C-4-10K)	x .10
TREE COVER REQUIRED	2,092 SF
TREE PRESERVATION	
TREE PRESERVATION TARGET AREA (PROFFER TABLE 8.2)	5.4%
TOTAL EXISTING TREE PRESERVATION (REFER TO LETTER ON THIS PAGE)	0 SF
TOTAL 10-YEAR TREE CANOPY PROVIDED	
TOTAL TREE CANOPY AREA PROVIDED THROUGH ON-SITE TREE PLANTING	2,100 SF (10.0% OF GSA)
TOTAL TREE CANOPY AREA PROVIDED THROUGH OFF-SITE TREE PLANTING	1,100 SF (5.3% OF GSA)

christopher consultants
engineering, surveying, land planning
1200 Government Center Parkway, Suite 200
Fairfax, VA 22033-6807
Tel: 703.772.1000 Fax: 703.772.1001

LANDSCAPE PLAN

SPECIAL EXCEPTION PLAT/
PROFFER CONDITION AMENDMENT PLAT
MERRIFALLS AUTO
CARE SERVICE
FAIRFAX COUNTY, VIRGINIA

PROJECT NO	042604
SCALE	1"=10'
DATE	06-24-08
DESIGN	JB/TJA
DRAWING	TET
CHECKED	
SHEET NO.	6 of 8

BMP CALCULATIONS

PLAN NAME: MERRIFALLS AUTO CARE SERVICE DATE: 06/24/04

ENGINEER: ERIC JACKSON

1. WATER QUALITY NARRATIVE:

BMP = C/DESAPAKE BAY PRESERVATION AREA

FARFAX COUNTY REQUIREMENT = 45%

DESIGN EFFICIENCY PERCENTAGE

BIORETENTION 45%

ROOF AREA = 0.088 ACRES

2. WATERED INFORMATION

SUBAREA DESIGNATION AND DESCRIPTION C² ACRES

BUILDING 0.10 0.203

PAVEMENT / SIDEWALK 0.10 0.250

BIORETENTION 0.35 0.270

GRASS AREA 0.35 0.243

OFFSITE AREA - GRASS 0.35 0.1075

WEIGHTED AVERAGE C² FACTOR FOR THE SITE

AREA OF THE SITE 0.48 ACRES

SUBAREA DESIGNATION C² ACRES PRODUCT

BUILDING 0.10 0.088 0.164

PAVEMENT 0.10 0.250 0.275

BIORETENTION 0.35 0.270 0.094

GRASS AREA 0.35 0.243 0.080

TOTAL = 0.378

AVERAGE C² FACTOR FOR SITE 0.378/0.48 = 0.77

4. PASADENUS REMOVAL FOR THE SITE

NOTE: ONLY THE INTERVENING ROOF AREA OF 8800 SQUARE FEET IS BEING TREATED BY THE BIORETENTION FILTER

SUBAREA BMP TYPE REMOVAL EFF. AREA C² PRODUCT

BIORETENTION 45% (0.48/0.48) (0.65) = 2.14

BIORETENTION 45% (0.48/0.48) (1.25) = 7.75

BIORETENTION 45% (0.48/0.48) (1.85) = 10.29

BMP-ROBERT 30% (0.48/0.48) (1.85) = 8.47

BMP-ROBERT 30% (0.48/0.48) (1.85) = 2.85

BIORETENTION (OFFSITE) 45% (0.48/0.48) (0.48) = 0.10

TOTAL = 4.36

8. COMPLIANCE WITH PASADENUS REMOVAL REQUIREMENT

REQUIRED PASADENUS REMOVAL FOR HOLMES RUN MATTERMED = 45%

ACHIEVED/REQUIRED FROM ABOVE = 4.36

STORMWATER RUNOFF CALCULATIONS

NOTE: THE AREA OF THE SITE IS 33,100 SQ.FT. (0.48 AC.) AND IS BEING USED TO DETERMINE THE INCREASE IN THE 10-YEAR STORM RUNOFF.

PRE-DEVELOPMENT

AREA = 0.48 AC TC = 5 FPM

I₂ = 5.48"/HR

I₀ = 7.37"/HR

C = 0.35

Q₂ = (0.35) (7.48) (0.48) = 0.70 CFS

Q₀ = (0.35) (7.37) (0.48) = 1.22 CFS

POST-DEVELOPMENT

AREA = 0.48 AC TC = 5 FPM

I₂ = 5.48"/HR

I₀ = 7.37"/HR

C = 0.71

Q₂ = (0.71) (5.48) (0.48) = 2.07 CFS

Q₀ = (0.71) (7.37) (0.48) = 2.64 CFS

10-YEAR STORM RUNOFF DIFFERENCE = 2.64 - 1.22 = 1.41 CFS

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 waiver request of the subdivision requirements with justification shall be obtained. Note: Violations will be noted upon inspection. Failure to adequately address the required information may result in a delay in processing the application.

This information is required under the following zoning Ordinance paragraphs:
 Special Districts (24-911.2A & 24-911.2B)
 Cluster Development (24-911.4B & 24-911.4C)
 Development Plans (24-911.4D & 24-911.4E)
 PDP (24-911.4F) (24-911.4G) (24-911.4H) (24-911.4I) (24-911.4J) (24-911.4K) (24-911.4L) (24-911.4M) (24-911.4N) (24-911.4O) (24-911.4P) (24-911.4Q) (24-911.4R) (24-911.4S) (24-911.4T) (24-911.4U) (24-911.4V) (24-911.4W) (24-911.4X) (24-911.4Y) (24-911.4Z)

1. Plot to be at a minimum scale of 1"=40' and to be placed on one sheet with a minimum scale of 1"=40'.

2. A graphic depicting the stormwater management (hydrology and hydraulics) and grading components of the stormwater management facility, showing drainage pipe network and outlet profiles, pond settings, storage tanks, flow control, energy dissipation devices, and storm water quality treatment on sheet 2.1.7.

Flowing Element	Channel Area	Channel Slope	Channel Velocity	Channel Capacity	Channel Length	Channel Material	Channel Elevation	Channel Inlet	Channel Outlet
BIORETENTION	2,100	0.001	0.1	100	100	Grass	100	100	100
BIORETENTION	2,100	0.001	0.1	100	100	Grass	100	100	100
BIORETENTION	2,100	0.001	0.1	100	100	Grass	100	100	100

3. Check drainage elements, outlets and pipe systems are shown on sheet 2.1.7.

4. Stormwater storage pond to be shown on sheet 2.1.7.

5. Landscaping and tree preservation shown to and over the stormwater management facility to be shown on sheet 2.1.7.

6. A stormwater management control which contains a description of how detention and best management practices requirements will be met to be shown on sheet 2.1.7.

7. A description of the existing conditions of each watershed site including detention from the site to a pond which is at least 100 feet from the site area or which has a storage area of at least one acre and only 400 feet from the site area to be shown on sheet 2.1.7.

8. A description of how the outlet system, including stormwater storage areas of the Public Facilities, is to be shown on sheet 2.1.7.

9. A description of the outlet system, including stormwater storage areas of the Public Facilities, is to be shown on sheet 2.1.7.

10. A description of the outlet system, including stormwater storage areas of the Public Facilities, is to be shown on sheet 2.1.7.

11. A subdivision report is required for "PARTIAL STORMWATER MANAGEMENT".

12. Stormwater management is not required because:

14. PARTIAL MAJOR OF THE STORM WATER MANAGEMENT REQUIREMENTS MAY BE NECESSARY IF THE ENTIRE INCREASE IN THE 10-YEAR STORM RUNOFF CANNOT BE CAPTURED AND DETAINED IN THE PROPOSED ON-SITE SYSTEMS.

SWM/BMP NARRATIVE

THE MERRIFALLS AUTO CARE SERVICE SITE IS CURRENTLY SITUATED ON 6.48 ACRES OF LAND IN THE PROSPERITY DISTRICT OF FAIRFAX COUNTY AND THE NORTH SIDE OF LEE HIGHWAY BETWEEN PART 2 AND 3 AND 4 AND 5. THE EXISTING SITE CONDITIONS CONSIST OF AN OPEN GRASSY AREA WITH SOME EXISTING TREES ALONG THE EASTERN BOUNDARY. THE SITE DRAINS TO THE SOUTHWEST TO AN EXISTING PAVED SYSTEM WHICH CONVEYS THE RUNOFF APPROXIMATELY 140 FEET TO AN UNPAVED TRIBUTARY OF HOLMES RUN WHICH FLOWS TO A REGIONAL FACILITY, FAIRFAX LAKE, IN THE WESTERN AND NORTHERN BOUNDARIES. CURRENTLY THE EXISTING SITE DRAINS TO THE PROPOSED BUILDING AND ASPHALT PAVEMENT WILL BE 10.38 ACRES OR 2.7%.

BIORETENTION

A BIORETENTION FILTER OR MANAGEMENT FACILITY IS PROPOSED TO TREAT BMP RUNOFF FROM THE SITE. THE BIORETENTION FILTER WILL RECEIVE RUNOFF FROM THE 8800 SQUARE FOOT ROOF AREA OF THE PROPOSED AUTO SERVICE BUILDING AND A PORTION OF THE ASPHALT PARKING AREA. THE FILTER WILL BE SIZED TO ACCOMMODATE THE FIRST 1.0 INCH OF RUNOFF AND WILL HAVE A FILTER SURFACE AREA EQUAL TO OR GREATER THAN 8% OF THE IMPERVIOUS AREA OR 200 SQUARE FEET. THE FILTER SHALL BE PROVIDED BELOW THE ROOF DRAIN COLLECTOR AND THE CURB GRADING FROM THE PARKING AREA TO REDUCE THE VELOCITY OF THE RUNOFF ENTERING THE BIORETENTION FILTER. THE MAINTENANCE OF THE BIORETENTION FILTER WILL BE THE RESPONSIBILITY OF THE OWNER AND SHALL BE PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS OF THE VIRGINIA STORMWATER MANAGEMENT HANDBOOK AND THE FAIRFAX COUNTY PUBLIC FACILITIES MANUAL. VORTEX TRITON CATCH BASIN INSETS OF ADOBES WATER QUALITY UNITS WITH INTEGRATED INLETS OR OTHER COUNTY APPROVED INDIVATIVE BMP SYSTEMS COMPATIBLE WITH A RESPECTIVE PUBLIC FACILITIES MANUAL SHALL BE USED IN THE FILTER STRUCTURES THAT CAPTURE RUNOFF FROM THE RESERVING PARKING AREAS.

UNDERGROUND DETENTION

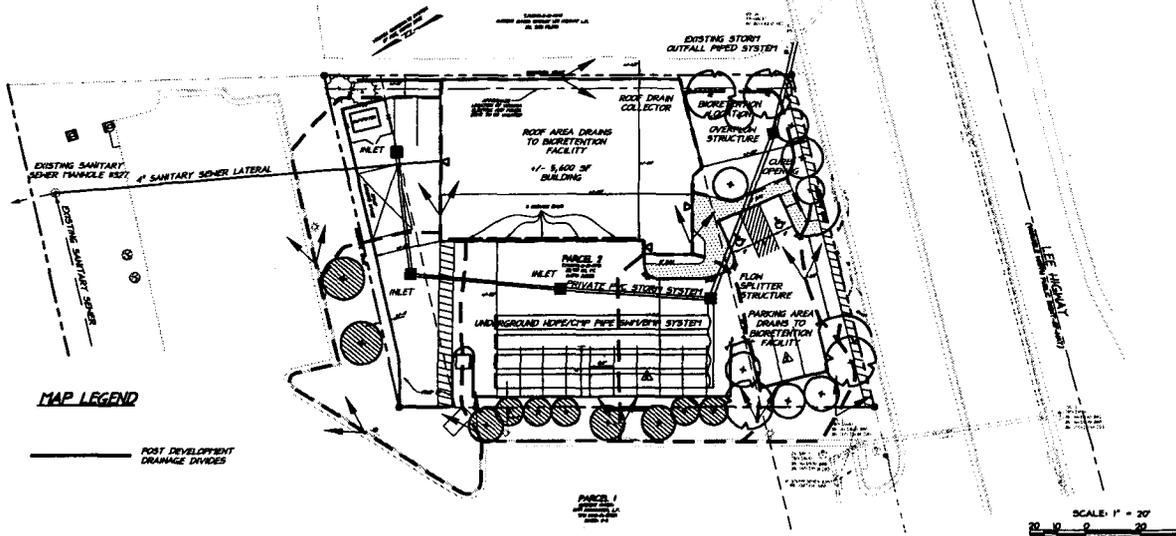
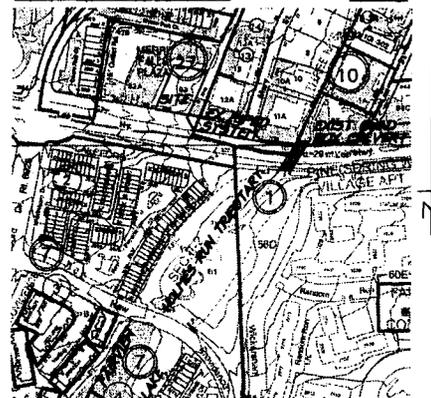
AN UNDERGROUND PIPED SYSTEM IS PROPOSED TO TREAT STORM WATER MANAGEMENT REQUIREMENTS FOR THE SITE. A SERIES OF GRADE INLETS WILL COLLECT RUNOFF FROM THE PAVED AREAS OF THE SITE. A FLOW SPLITTER STRUCTURE WILL DIVERT STORM WATER IN EXCESS OF PREDETERMINED RATES TO A PIPE STORAGE SYSTEM. THE PIPED SYSTEM WILL BE SIZED TO ACCOMMODATE RUNOFF VOLUME FROM A 10 YEAR STORM EVENT ESTIMATED TO BE APPROXIMATELY 400 CUBIC FEET. MAINTENANCE OF THE UNDERGROUND PIPED STORMWATER MANAGEMENT SYSTEM WILL BE THE RESPONSIBILITY OF THE OWNER AND SHALL BE PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS OF THE VIRGINIA STORMWATER MANAGEMENT HANDBOOK AND THE FAIRFAX COUNTY PUBLIC FACILITIES MANUAL.

ADEQUATE OUTFALL

AN EXISTING PIPED STORM SYSTEM IN THE VORTEX INLET OF LEE HIGHWAY CONVEYS RUNOFF FROM THE SITE TO THE EAST INTO A SANDPILE BOX CALVERT. DOWNSTREAM OF THE CALVERT IS THE RED AND BANKS AND THE 10 YEAR FLOOD PLAN OF AN UNPAVED TRIBUTARY OF HOLMES RUN. THE TRIBUTARY FLOWS SOUTH INTO FAIRFAX LAKE (COUNTY RESERVOIR 2A, A REGIONAL FACILITY) WHERE IT JOINS THE MAIN STREAM OF HOLMES RUN WHICH FLOWS TO LAKE BARCROFT AND THEN THEN TO CANTON RUN.

AN ANALYSIS OF THE EXISTING DOWNSTREAM PIPED SYSTEM ALONG LEE HIGHWAY BASED ON THE 10 YEAR STORM WILL BE PROVIDED WITH THE SITE PLAN. THE ADEQUATE OUTFALL REQUIREMENTS OF THE PUBLIC FACILITIES WILL BE MET BY DIVERTING ALL STORMWATER RUNOFF LEAVING THE SITE IS ADEQUATELY CONVEYED TO THE RECEIVING STREAM (HOLMES RUN TRIBUTARY).

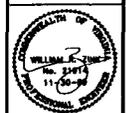
DRAINAGE AREA MAP



MAP LEGEND

POST DEVELOPMENT DRAINAGE DEVICES

christopher consultants
 engineering, surveying, land planning

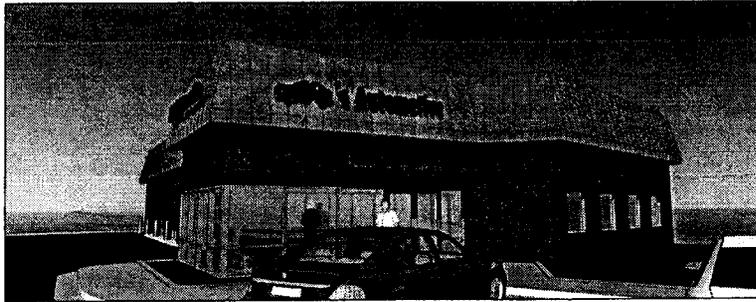


BMP & SWM COMPUTATIONS

SPECIAL EXCEPTION PLAT/
 PROPER CONDITION AMENDMENT PLAT
 MERRIFALLS AUTO
 CARE SERVICE
 FAIRFAX COUNTY, VIRGINIA

PROJECT NO. 04024
 SCALE: 1"=20'
 DATE: 06-24-04
 DESIGN (SCALE) DRAWN: E/J CHECKED: [blank]
 SHEET NO. 7 of 8

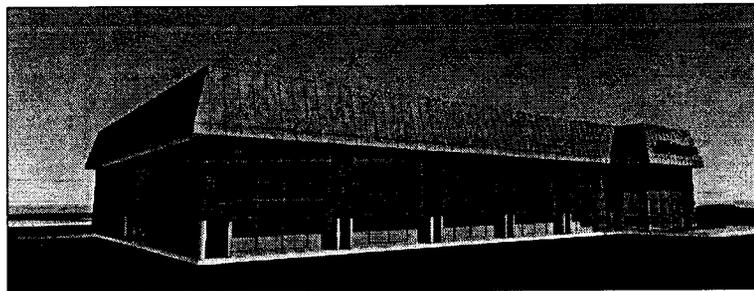
DATE	REVISION
8.14.09	Revisions to Special Exception Plat/Proffer Condition Amendment based on Fairfax County Pro-Staffing Comments October 15, 2009
8.30.09	Revisions to Special Exception Plat/Proffer Condition Amendment based on Fairfax County comments received at Review Meeting on November 15, 2009



FRONT VIEW OF PROPOSED BUILDING FROM SITE ENTRANCE OFF SERVICE DRIVE ALONG LEE HIGHWAY



FRONT VIEW OF PROPOSED BUILDING ENTRANCE FROM PROPOSED PARKING AREA

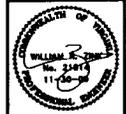


SIDE VIEW OF PROPOSED BUILDING FROM ADJACENT SHOPPING CENTER

FOR ILLUSTRATIVE PURPOSES ONLY, WITHOUT LANDSCAPING. NOT FOR CONSTRUCTION PURPOSES.

THIS SHEET IS ONLY CERTIFIED AS PART OF OUR PLAN SET.

christopher consultants
 engineering, surveying, land planning
 5400 Wilson Branch (South Side) Fairfax VA 22031-3807
 703.271.8000 Fax 703.271.1300



CONCEPTUAL ELEVATIONS

SPECIAL EXCEPTION PLAT/
 PROFFER CONDITION AMENDMENT PLAT
**MERRIFALLS AUTO
 CARE SERVICE**
 FAIRFAX COUNTY, VIRGINIA

PROJECT	BD 042004
SCALE	AS SHOWN
DATE	06-29-09
DESIGN	JR/TJA
DRAWN	TT
CHECKED	
SHEET	18

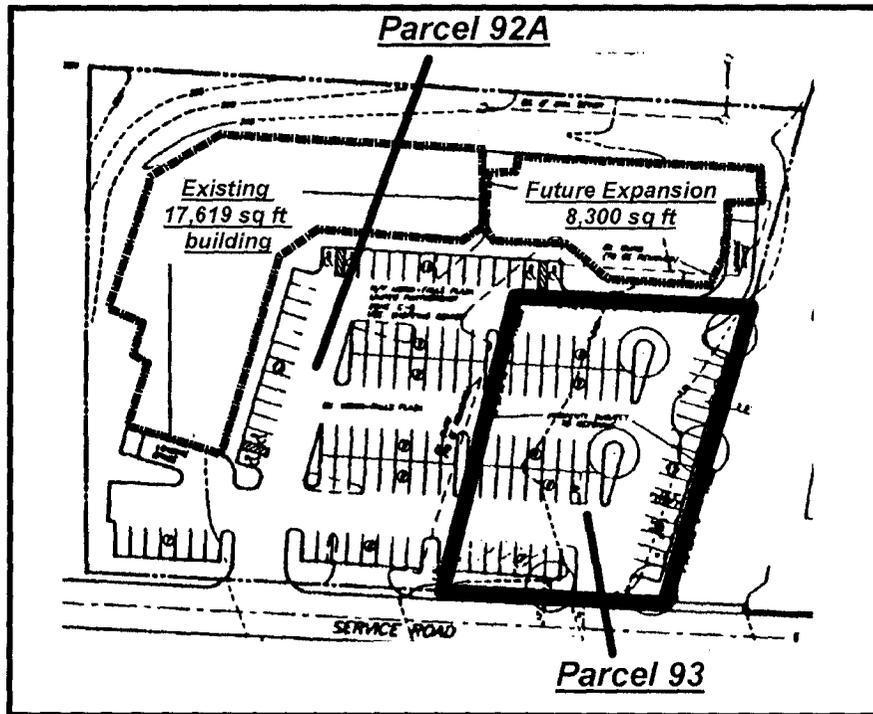
**A GLOSSARY OF TERMS FREQUENTLY
USED IN STAFF REPORTS MAY BE
FOUND AT THE BACK OF THIS REPORT**

DESCRIPTION OF THE APPLICATION

Proposal:

The applicant, JSH Enterprise, LLC, seeks approval of a Proffered Condition Amendment (PCA) to amend the previously approved rezoning (RZ 91-P-027) of Tax Map 49-2 ((1)) 93 (Parcel 93) for additional parking for the Merrifalls Plaza Shopping Center to allow the construction of a 5,650 square foot vehicle light service establishment building with five service bays on the 20,901 square foot site. According to the previously approved Generalized Development Plan (GDP), 59 additional parking spaces would have been constructed on Parcel 93 and would have extended the existing parking lot on the adjacent Tax Map Parcel 49-2((1)) 92A (Parcel 92A) serving the existing by-right one-story 17,619 square foot shopping center building. The approved GDP also showed a potential 8,300 square foot by-right expansion of the shopping center building that was not part of the rezoning application. Graphic 1 shows the approved GDP.

Graphic 1: Previously Approved GDP



The 59 space parking lot expansion shown on Parcel 93 and the 8,300 square foot future expansion of the shopping center on Parcel 92A were never

constructed. Parcel 93 remains vacant (grass). The applicant seeks approval of an SE application to permit a Vehicle Light Service Establishment use on Parcel 93 and to modify the minimum lot size requirements in a C-8 District from a lot area of 40,000 square feet to 20,908 square feet and a lot width of 200 feet to 125 feet. The overall FAR for Parcel 93 would be 0.27.

Copies of the proffers, the SEA conditions, affidavit, and statement of justification for these applications are contained in Appendices 1, 2, 3, 4 and 5 respectively.

Waivers & Modifications:

- Waiver of the requirements to construct a major paved trail along the site frontage on Lee Highway (Route 29) in favor of the right of way dedication and existing sidewalk as shown on the GDP/ SE Plat.
- Modification of the transitional screening and barrier requirements along the southern property line in favor of the landscaping shown on the GDP/ SE Plat.
- Deviation from the tree preservation target percentage in favor of the proposed landscaping shown on the CDP/FDP and as proffered.

LOCATION AND CHARACTER

Site Description:

The subject property is located on Tax Map 49-2 ((1)) 93 on the north side of Lee Highway (Route 29) just west of Mary St. The properties to the north, east and west are zoned C-8 and developed with commercial uses. To the south, across Route 29 are townhomes zoned PDC. The site is currently vacant grassland. Site access is provided from an access point off a service road that intersects Mary Street to the east. The following table provides a description of surrounding area.

Surrounding Area Description

DIRECTION	USE	ZONING	PLAN
North	Merrifalls Plaza Shopping Center	C-8	Retail
South	Townhomes (Fairview Park)	PDC	Industrial
East	Office	C-8	Retail
West	Merrifalls Plaza Shopping Center	C-8	Retail

BACKGROUND

- On January 27, 1962, the Board of Supervisors approved RZ A-381 to rezone 2.1 acres located northwest of the subject property (Merrifalls Plaza Shopping Center) from the R-12 District to the C-G District. No proffers were executed.
- In 1978, the Board of Supervisors adopted the current Zoning Ordinance which converted C-G (Commercial General) District to the C-8 (Highway Commercial) District.
- On June 30, 1989, Site Plan (7291-SP-04) was approved for a 17,619 square foot retail building, which is the current Merrifalls Plaza Shopping Center.
- On May 20, 1992, the Board of Supervisors approved RZ 91-P-027 to rezone the subject property 49-2((1)) 93 consisting of 0.43 acres from R-3 to C-8 to allow additional parking (59 parking spaces) for the Merrifalls Plaza Shopping Center and any future shopping center expansions. The minimum lot area, width and open space requirements were waived. ***Copies of the approved proffers and GDP are in Appendix 6. In these approved proffers, Proffer 3 required the applicant to relocate and/or place underground the VEPCO transformer located behind the Merrifalls Plaza Shopping Center. Since the subject property for the current application is now considered to be separate from the shopping center, this proffer would be an off-site improvement.***

COMPREHENSIVE PLAN PROVISIONS (See Appendix 7)

Plan Area: I
Planning Sector: Shreve-West Community
Plan Map: Retail
Plan Text:

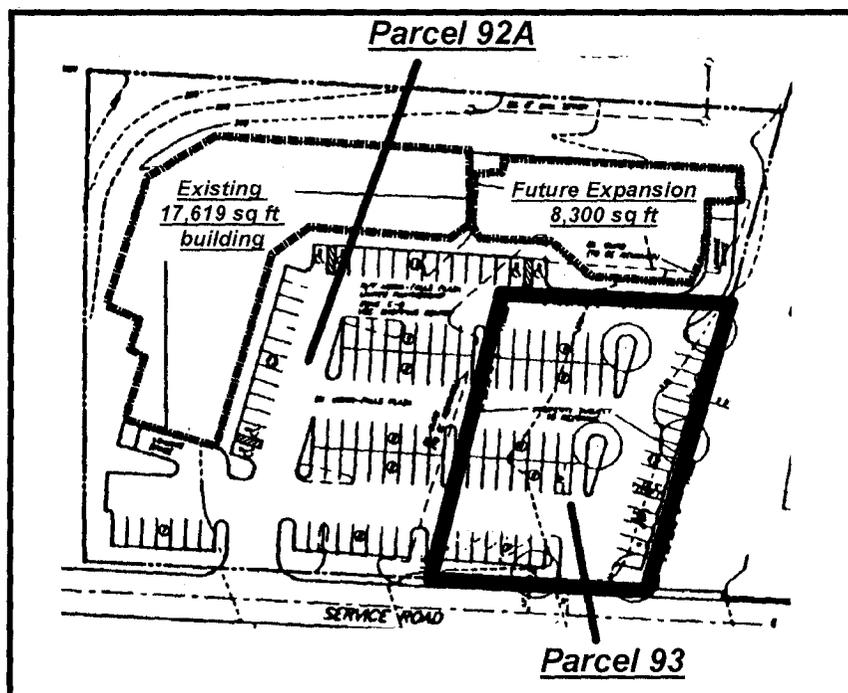
In the Fairfax County Comprehensive Plan, 2007 Edition as amended through August 8, 2007, Area I, Shreve-West Community (J8), the Plan states:

“1. The area fronting on Route 29, bounded by Hollywood Road and Hyson Lane is planned for various uses as follows:

A. The parcels fronting Route 29, between Fairfax Drive and Hyson Lane and abutting commercially zoned parcels are planned for community-serving retail uses up to .35 FAR.”

ANALYSIS**Generalized Development Plan/Special Exception Plat
(GDP/ SE Plat) (Copy at front of staff report)****Title of GDP/ SE Plat:** "Merrifield Auto Care Service"**Prepared By:** Christopher Consultants**Date:** June 29, 2009 as revised through
November 30, 2009**Description of the plan:**Previously Approved GDP

The subject property associated with the previously approved GDP is Parcel 93, which is the property subject to this application for a vehicle light service establishment use. The approved GDP shows a 59 space surface parking lot expansion on Parcel 93 that would have extended the existing surface parking lot on Parcel 92A, which currently serves an existing 17,619 square foot shopping center. An option for an 8,300 square foot building expansion to the shopping center was shown on Parcel 92A, but was not part of the application associated with the approved GDP. Graphic 2 shows the layout of the proposed surface parking lot on the previously approved GDP.

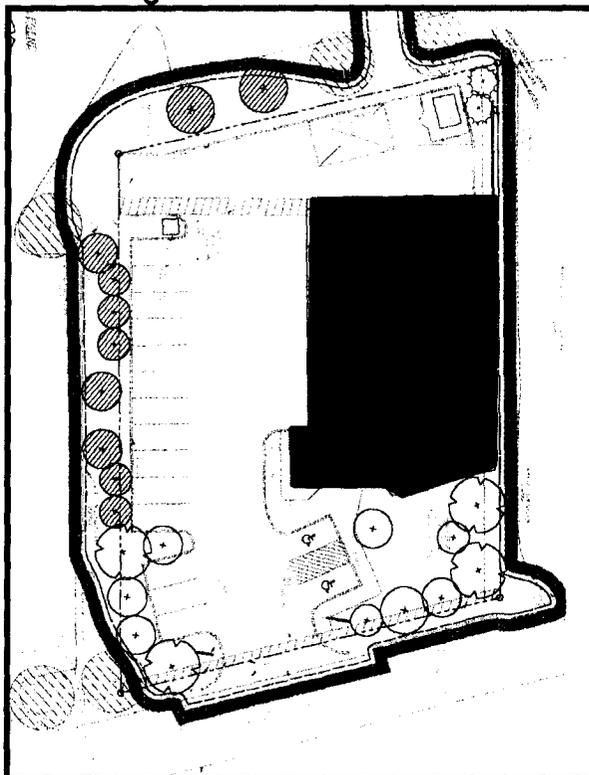
Graphic 2: Previously Approved GDP

The applicant seeks to amend this previously approved general development plan and its associated proffers related to RZ 91-P-027 for additional parking to allow the construction of a 5,650 square foot vehicle light service establishment building with five service bays. The current PCA application seeks to modify the previously approved proffers and to separate Parcel 93 from Parcel 92A. In the proposed proffers, the applicant lists other permitted uses in the C-8 District including office, personal service and repair service establishments; all of these uses are permitted in the C-8 District by right, except for offices (which must meet certain provisions) and vehicle light service establishments which require a special exception. If office uses are proposed, they will need to meet the Zoning Ordinance restrictions. Unless noted, the analysis below pertains to the SE application to allow the construction of a 5,650 square foot vehicle light service establishment building with five service bays.

Proposed Changes

The previously approved GDP was never implemented and neither the 59 space surface parking lot expansion on Parcel 93 nor the proposed 8,300 square foot future expansion of the existing shopping center on Parcel 92A were ever constructed. Parcel 93 is currently vacant grassland. The applicant seeks approval of an SE application to construct a Vehicle Light Service Establishment use on Parcel 93 with five service bays. The FAR for Parcel 93 would be 0.27. Graphic 3 shows the proposed use and change.

Graphic 3: Proposed Change in GDP/ SE Plat



Graphic 3 is a picture of Sheet 5 of the proposed General Development Plan/Special Exception Plat (GDP/ SE Plat) which consists of 8 sheets containing the following information.

GDP/ SE Plat Merrifield Auto Care Service	
Sheet #	Description of Sheet
1 of 8	Cover Sheet, Sheet Index, Vicinity Map
2 of 8	Site Tabulations, Bulk Plane Angle Detail and General Notes
3 of 8	Existing Conditions: Demonstrates the perimeter of subject property
4 of 8	Existing Conditions: Existing Vegetation Map and Tree Conservation Plan
5 of 8	GDP/ SE Plat: Shows building orientation and parking layout
6 of 8	Conceptual Landscape Plan
7 of 8	Outfall Analysis/SWM/BMP
8 of 8	Conceptual Elevations

Layout: As previously discussed, the Applicant proposes to construct a 5,650 square foot rectangular-shaped vehicle light service establishment at a 0.27 FAR with a maximum of 5 service bays and 6 employees. The building would be located on the eastern portion of the site with the proposed service bays oriented to the west. Approximately 400 square feet of the building would be used for an office and waiting area. An eighteen (18) space surface parking lot is proposed to be located along the western portion of the site.

Sheet 8 of the GDP shows the proposed elevations of the building and shows the use of similar construction materials to that of the existing Merrifalls Plaza Shopping Center. The applicant has also proffered to design the building to complement the existing shopping center and to use building materials that consist of brick façades along the elevations of the building that are viewed from Lee Highway (Route 29) Windows would be incorporated along the side of the building fronting Lee Highway (Route 29).

Access: The previous approval shows two access points from a service road that intersects Mary Street to the east; one to Parcel 92A (the existing shopping center) and one to Parcel 93 (the subject property). The applicant proposes to construct one access point to Parcel 93 from the service drive and to provide for a future inter-parcel connection with Parcel 92A at the northwest corner of

Parcel 93. The applicant has also proffered to provide a stub access driveway up to the property line and a public access easement that allows the Merrifield Plaza shopping center to connect and access with future redevelopment.

Parking: For the proposed vehicle light service establishment use on Parcel 93, the Zoning Ordinance requires a minimum of 2 spaces per service bay, 1 space per employee and 1 space per 200 square feet of net floor area, for a total of 18 parking spaces. The applicant has proposed to provide 18 spaces to meet the Zoning Ordinance requirement. No change is proposed to the total number of existing parking spaces of the adjacent Parcel 92A (Merrifalls Plaza Shopping Center). As indicated in the statement of justification in Appendix 5, the Merrifalls Plaza Shopping Center currently has the exact number of parking spaces required per use in the Zoning Ordinance. Any future change to the shopping center would require a parking tabulation ensuring compliance with the Zoning Ordinance during Site Plan Review.

Vehicle Display: No vehicle display or storage areas are proposed on the site. A development condition has been written to ensure the vehicles are not stored on either the adjacent properties or the service drive.

Loading: The Zoning Ordinance requires one loading space for the proposed use. The applicant has provided one loading space located to the north of the proposed building.

Pedestrian access: A five (5) foot wide sidewalk exists along the property's frontage on the service drive. A five (5) foot wide sidewalk is proposed to connect the building to the existing sidewalk. In addition, a five (5) foot wide crosswalk is proposed along the south side of the proposed inter-parcel connection located at the northwest corner of the site to provide pedestrian access to the adjacent shopping center.

Right-of-Way Dedication: The applicant has reserved three (3) feet of right-of-way along the property's frontage along the service drive for future right-of-way. A development condition has been written to ensure that this dedication occurs at the request of the County.

Tree Save: The site is mostly treeless with the exception of a few poor quality trees and several invasive species located along the northern and eastern boundary lines. As shown on Sheet 4 of the GDP/ SE Plat, the applicant proposes to remove the poor quality trees and the invasive species along these boundary lines. In addition, five existing off-site trees located along the northern boundary and at the southwest corner of the site are proposed to be preserved. The applicant has proffered to preserve the off-site trees and to provide a tree preservation plan as part of the first and all subsequent site plan submissions. This plan would be submitted for review and approval by Urban Forest Management (UFM).

Landscaping & Open Space: A minimum of 15% open space is required for the site; 20% open space would be provided. In addition, the applicant has proposed to plant a mix of deciduous and evergreen trees around the perimeter of the site, including plantings of additional offsite trees along the western property line. The applicant has proffered to obtain the easements necessary from the owner of Parcel 92A to allow the planting of off-site trees and the provision of picnic tables at the northwest corner of the site.

Stormwater Management: The applicant proposes to connect to an existing piped system that conveys stormwater to an unnamed tributary of Holmes Run, which flows to a regional facility, Fairview Lake, in the Cameron Run watershed. An underground piped system is proposed to meet the SWM requirements for the site through a series of inlets and a pipe storage system located below the parking lot. A bio-retention filter is proposed to be located to the south of the proposed building to provide BMP for stormwater runoff from the building and a portion of the parking lot.

Land Use Analysis

No land use issues were identified. The parcels fronting Lee Highway (Route 29), between Fallfax Drive and Hyson Lane and the abutting commercially zoned parcels are planned for community-serving retail uses up to 0.35 FAR. The applicant proposes a commercial use at a 0.27 FAR.

Environment Analysis (Appendix 7)

The Environmental Development Review Branch (EDRB) of the Department of Planning and Zoning (DPZ) reviewed the application and commented on the tree cover, green building, stormwater management and trails.

Tree Cover

Staff indicated that there is currently little tree cover on the site, and that the trees located along the north and east sides of the site would be removed. The applicant has proffered to adhere to the limits of clearing and grading now shown on the GDP/ SE Plat and to the landscaping plan shown on Sheet 6 of the GDP/ SE Plat which includes a mix of deciduous and evergreen trees around the perimeter of the site and additional offsite trees along the western property line. The applicant has also proffered to obtain the easements necessary from the owner of Parcel 92A to allow the planting of additional off-site trees along the western property line.

Urban Forest Management (UFM) further commented that the proposed landscaping does not appear to meet the intent of the transitional screening type 3 and barrier E, F, or G requirements (see Appendix 8). A modification of this requirement is requested and discussed below. UFM also commented that a deviation from the tree preservation target was requested. The Zoning

Ordinance requires 10% of the site to include tree cover. The applicant is proposing to provide 10% tree cover on the site through the proposed landscaping plan. Sheet 4 of the GDP/ SE Plat also indicates that 3.9% of the tree cover should be met through tree preservation. Since there are few trees on the site, UFM indicated that they would not object to a deviation from the tree preservation target. Staff supports a directive from the Board of Supervisors to the Urban Forest Management Division, DPWES, or Director of DPWES to permit a deviation from the tree preservation target percentage.

In addition, the applicant has proffered to preserve off-site trees and to provide a tree preservation plan as part of the first and all subsequent site plan submissions. UFM commented that several draft proffers do not appear to be in conformance with the new Tree Conservation Ordinance and highlighted the deficiencies in their memo in Appendix 8. The applicant has revised the proffers and this issue is now resolved.

Green Building

Staff encouraged the applicant to incorporate green building elements into the design of the structure. The applicant has agreed and proffered to several green building practices, including:

- Having a LEED accredited professional (AP) as a member of the design team who will work with the team to incorporate LEED design elements into the project;
- Providing space for storage of recyclables, including but not limited to, fluorescent light bulbs, paper, cardboard, aluminum, plastic, and glass, and for collection of recyclables within each building;
- Using insulated low e glass, or equivalent functioning glass;
- Utilizing Energy Star (or equivalent) appliances, such as soft drink machines, to the extent possible;
- Using thermoplastic polyolefin membrane (TPO) roofing material with a Solar Reflectance Index (SRI) of greater than 0.50 which is the Energy Star Standard; and
- Providing EDRB of DPZ evidence of satisfaction of the above five requirement(s) prior to issuance of building permits for the proposed building.

Landscaping/Screening

Adjacent property owners have expressed concerns about the existing conditions of the landscaping to the west, north and east of Parcel 92A (the existing shopping center) which abuts the subject property. Since an application to amend the proffer in the previously approved RZ application is part of this application and involves offsite improvements on Parcel 92A, staff recommends that the applicant proffer to supplement the existing landscaping if necessary and provide a barrier along the north, west and east property boundaries. This concern has not been addressed at this time but staff is continuing to work with the applicant.

Stormwater Management

Staff indicated that the proposed development creates a large impervious area (79%) of the lot and recommended that the applicant consider additional Low Impact Development (LID) measures to reduce the impact of the impervious surface and keep the stormwater on-site, such as pervious pavers or rain gardens. The applicant proposes to locate a bio-retention filter to the south of the proposed building that would provide BMP for stormwater runoff from the building and a portion of the parking lot. In addition, the applicant has proffered to incorporate LID measures into the site design that include, but are not limited to, the use of pervious pavers, pervious asphalt, pervious concrete, Filterrras. The applicant also proffered to provide hydrocarbon removal measures for the parking areas in order to reduce hydrocarbon concentrations in runoff from the site. Final determination of the adequacy of these techniques would be determined by the Department of Public Works and Environmental Services (DPWES) at the time of Site Plan Review.

Trails

The Countywide Trails Map shows a major paved trail along the property boundary with Lee Highway (Route 29). The applicant seeks a waiver of this trail requirement in favor of a three (3) foot wide right of way dedication and the existing sidewalk as shown on the GDP/ SE Plat. Staff does not object to this trail waiver request.

Transportation Analysis (Appendix 9)

The Fairfax County Department of Transportation (FCDOT) reviewed the application and indicated that the applicant should construct an inter-parcel access to the existing Merrifalls Plaza Shopping Center on Parcel 92A. The GDP/ SE Plat shows a future inter-parcel connection with Parcel 92A at the northwest corner of the subject property. The applicant has proffered to provide a stub access driveway up to the property line and a public access easement

that allows the Merrifield Plaza shopping center to connect and access with future redevelopment. This proffer commitment satisfies staff's issue. No other issues were identified.

Public Facilities Analysis

Fairfax County Park Authority (Appendix 10)

The Fairfax County Park Authority reviewed the application and indicated that the application bears no adverse impact on land or resources of the Park Authority.

Stormwater Analysis (Appendix 11)

The applicant proposes to connect to an existing piped system that conveys stormwater to an unnamed tributary of Holmes Run, which flows to a regional facility, Fairview Lake, in the Cameron Run watershed. An underground piped system is proposed to meet the Stormwater Management (SWM) requirements for the site through a series of inlets and a pipe storage system located below the parking lot. A bio-retention filter is proposed to be located to the south of the proposed building to provide BMP for stormwater runoff from the building and a portion of the parking lot. The Department of Public Works and Environmental Services (DPWES) reviewed the application and indicated that the manufactured BMP devices included in the BMP calculations should be depicted on the GDP/ SE Plat. The applicant indicated that the bio-retention filter would provide BMP from the building and a portion of the parking lot, and that the proposed inlet structures shown on the GDP/ SE Plat may include additional BMP measures which would drain into the proposed underground storage facility before draining to the existing piped system below Lee Highway (Route 29). Final determination of the adequacy of these facilities would be made during site plan review.

In addition, a note on the GDP/ SE Plat indicates that a partial waiver of stormwater management requirements may be necessary if the entire increase in the 10 year storm runoff cannot be captured in the proposed onsite system. DPWES indicated that a justification for this waiver would be required at Site Plan Review. DPWES also indicated that the use of HDPE pipes for the underground storage facility would require a Public Facility Manual (PFM) modification that would not likely be approved. The applicant has revised the GDP/ SE Plat to include Corrugated Metal Pipes (CMP) pipes for the underground facility which are permitted in the PFM. The applicant has also proffered to ensure that the proposed SWM system would be determined adequate by DPWES during site plan review. This proffer commitment satisfies staff's issue.

Fairfax County Water Authority (Appendix 12)

No issues from the proposed development were identified.

Sanitary Sewer Analysis (Appendix 13)

No issues from the proposed development were identified.

Fire and Rescue Analysis (Appendix 14)

The property is serviced by the Fairfax County Fire and Rescue Department Station #418, Jefferson. The requested rezoning currently meets fire protection guidelines, as determined by the Fire and Rescue Department.

ZONING ORDINANCE PROVISIONS (Appendix 15)

In order to amend RZ 91-P-027 to permit a vehicle light service establishment use with five service bays on Parcel 93, the request must fulfill all applicable provisions of the Zoning Ordinance. These sections are attached as Appendix 14 and include the General Standards (Section 9-006), Standards for all Category 5 Uses (Section 9-503), and the Provisions for Waiving Minimum Lot Size Requirements (Sect. 9-610), among others.

The following chart depicts how the subject 20,901 square foot site meets the C-8 District zoning requirements:

Standard	Required (C-8)	Provided
Lot Size	40,000 square feet	20,901 square feet
Lot Width	200 feet	125.20 feet
Building Height	40 feet maximum	32 feet
Front Yard	Angle of Bulk Plane of 45 degrees but not less than 40 feet	40 feet
Rear Yard	20 feet	28 feet
FAR	0.50	0.27
Open Space	10%	20%
Parking Spaces	18 spaces	18 spaces
Loading Spaces	1 spaces	1 spaces

As shown in the table above, the proposal conforms to all of the minimum bulk regulations for the C-8 District except for the minimum lot size and lot width which are under review as part of the SE application. See the analysis below addressing Section 9-610 of the Zoning Ordinance for the Provisions for Waiving Minimum Lot Size Requirements.

Waiver and Modifications

Waiver of the requirements to construct a major paved trail along the site frontage on Lee Highway (Route 29) in favor of the right of way dedication and the existing sidewalk shown on the GDP/ SE Plat.

The Comprehensive Plan recommends a major paved trail along the site frontage on Lee Highway (Route 29). The applicant has agreed to dedicate three feet of additional right-of-way along the site frontage. Subject to this dedication, staff recommends approval of a modification of the trail requirements in favor of the right-of-way dedication and the existing sidewalk shown on the SE Plat.

Modification of the transitional screening and barrier requirements along the southern property line in favor of the landscaping shown on the GDP/ SE Plat.

The Zoning Ordinance requires Transitional Screening Type 3 and Barrier E, F, or G requirements along the southern property line. The applicant requested a modification of these requirements to allow the planting of one row of deciduous trees in keeping with a more urban style street presence. Staff believes that the overall site is adequately screened from the residential developments located to the south across Lee Highway (Route 29) and supports the requested modification in favor of the proposed landscaping plan.

Special Exception Requirements

This section discusses how the application addresses the special exception requirements for a Vehicle Light Service Establishment use.

General Special Exception Standards (Sect. 9-006)

General Standard 1 states that the proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan. As stated in the Land Use Analysis, staff believes the proposal is in harmony with the Plan. General Standard 2 states that the proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations. The proposed future uses are in harmony with the general purpose and intent of the regulations as vehicle light service establishments are permitted uses in the C-8 Zoning District. Therefore, this standard is satisfied.

General Standard 3 requires that 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. The applicant proposes to amend the proffers and the general development plan to permit the construction of a 5,650 square foot vehicle light service establishment at a 0.27 FAR. As previously stated, the architecture of the building is proposed to be in harmony with the existing architecture of Merrifalls Plaza Shopping Center. Additional landscaping is proposed along the western and southern property lines including the planting of additional off-site trees on the shopping center property. Staff believes that this standard is satisfied.

General Standard 4 states that 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. Access is provided to the site via one access point from the service drive that intersects Mary Street to the east. Connectivity to the shopping center would be provided through a future inter-parcel connection at the northwest corner of the site. The applicant has proffered to provide a stub access driveway up to the property line and a public access easement that allows the Merrifield Plaza shopping center to connect and access with future redevelopment. In addition, the existing sidewalks and proposed pedestrian connections provide adequate pedestrian access to the site. Staff believes that this standard has been satisfied.

General Standard 5 requires that landscaping and screening be provided in accordance with the provisions of Article 13. The proposed landscape plan is in conformance with Article 13 with respect to tree cover and peripheral and interior lot landscaping. Staff believes that this standard has been addressed. A modification of the transitional screening and barrier requirements along the southern property line was requested in favor of the proposed landscaping along the service drive parallel to Lee Highway (Route 29). Staff does not object to the modification request.

General Standard 6 requires that open space be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located. The subject site is within the C-8 Zoning District, which requires 15% open space. The applicant proposes 20% open space.

General Standard 7 requires 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. Staff believes that the applicant has met or exceeded the requirements of the Zoning Ordinance.

General Standard 8 requires that signs 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. A potential location for a freestanding sign is proposed to be located on west side of the proposed access point. The applicant has proffered to provide a monument sign at this location and/or to provide a building mounted sign that would be a complementary design to the shopping center and be in accordance with Article 12 of the Zoning Ordinance. With this proffer, staff believes that this standard is satisfied.

Standards for all Category 5 uses (Sect. 9-503)

Standard 1 for Category 5 Uses states that all uses shall comply with the lot size and bulk regulations of the zoning district in which the use is located. The subject site is within the C-8 Zoning District. The proposed use complies with all of the bulk regulations of this zoning district except for the minimum lot size and lot width which are under review as part of the SE application.

Standard 2 for Category 5 Uses states that all uses shall comply with the performance standards specified for the zoning district in which located. The applicant has proffered to provide lighting in accordance with the requirements of Part 9 of Article 14 of the Zoning Ordinance. All other performance standards have been met.

Standard 3 for Category 5 Uses states that before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans. With the implementation of the staff proposed development conditions, this standard is satisfied.

Provisions for Waiving Minimum Lot Size Requirements (Sect. 9-610)

The Board may approve, either in conjunction with the approval of a rezoning or as a special exception, the waiving of the minimum district size and/or lot width requirement for an C-8 District... but only in accordance with the following:

Paragraph 1 states that such lot has not been reduced in width or area since the effective date of this Ordinance to a width or area less than required by this Ordinance. The subject property has not been reduced in width or area since the effective date of the Zoning Ordinance; therefore this standard has been met.

Paragraph 2 states that the applicant shall demonstrate that the waiver results in a development that preserves existing vegetation, topography, historic resources and/or other environmental features; provides for reduced impervious

surface; maintains or improves stormwater management systems; and/or similar demonstrable impact. As discussed previously, the subject property is currently vacant grassland with the exception of a few poor quality trees and several invasive species located along the northern and eastern boundary lines. As shown on Sheet 4 of the GDP/SE Plat, the applicant proposes to remove the poor quality trees and the invasive species along these boundary lines. The applicant also proposes to plant several additional trees on and off-site along the north, south and western property lines. Five existing off-site trees located along the northern boundary and at the southwest corner of the site are proposed to be preserved. The applicant has proffered to preserve the off-site trees and to provide a tree preservation plan as part of the first and all subsequent site plan submissions. This plan would be submitted for review and approval by Urban Forest Management (UFM). With the proposed landscaping shown on the GDP/ SE Plat and the proffered tree preservation plan, staff believes the proposed development provides significant environmental improvements.

For stormwater management, the applicant proposes to connect to an existing piped system that conveys stormwater to an unnamed tributary of Holmes Run, which flows to a regional facility, Fairview Lake, in the Cameron Run watershed. An underground piped system is proposed to meet the SWM requirements for the site through a series of inlets and a pipe storage system located below the parking lot. A bio-retention filter is proposed to be located to the south of the proposed building to provide BMP for stormwater runoff from the building and a portion of the parking lot. In addition, the applicant has proffered to incorporate LID measures into the site design that include, but are not limited to, the use of pervious pavers, pervious asphalt, pervious concrete, and/ or Filterras. With that shown on the GDP/ SE Plat and the adoption of the proposed development conditions and proffers, staff believes this standard will be met.

Paragraph 3 states that it shall be demonstrated that development of the subject lot will not have any deleterious effect on the existing or planned development of adjacent properties or on area roadways. The proposed application would not create any significant additional impacts on the surrounding public street system. As previously discussed, the applicant would access the property from an existing service drive intersecting Mary Street. The GDP/ SE Plat also shows a proposed 3-foot wide ROW reservation for future County use along the property's frontage. Therefore, staff finds this standard is satisfied.

Paragraph 4 states that such waiver shall be approved only if the remaining provisions of this Ordinance can be satisfied. As discussed previously, the application satisfies all applicable Zoning Ordinance provisions other than the lot size requirements.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The applications seek to amend the previously approved rezoning (RZ 91-P-027) of Tax Map 49-2 ((1)) 93 (Parcel 93) for additional parking for the Merrifalls Plaza Shopping Center to allow the construction of a 5,650 square foot vehicle light service establishment building with five service bays on the 20,901 square foot site at a 0.27 FAR. In addition, the special exception application seeks to modify the minimum lot size requirements in a C-8 District from a lot area of 40,000 square feet to 20,908 square feet and a lot width of 200 feet to 125 feet. Staff believes that the proposal does not adversely impact the previously approved general development plan and is conformance with the Comprehensive Plan, and with all applicable Zoning Ordinance provisions as proffered and conditioned.

Staff Recommendations

Staff recommends approval of PCA 91-P-027 subject to proffers consistent with those found in Appendix 1 of this report.

Staff recommends approval of SE 2009-PR-021 subject to the development conditions found in Appendix 2 of this report.

Staff recommends approval of a waiver of the requirements to construct a major paved trail along the site frontage on Route 29 (Lee Highway) in favor of the right of way dedication and the existing sidewalk shown on the GDP/ SE Plat.

Staff recommends approval of a modification of the transitional screening and barrier requirements along the southern property line in favor of the landscaping shown on the GDP/ SE Plat.

Staff recommends that the Board of Supervisors direct the Director of DPWES to permit a deviation from the tree preservation target percentage in favor of the proposed landscaping shown on the CDP/FDP and as proffered.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, 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 recommendation of staff; it does not reflect the position of the Board of Supervisors.

APPENDICES

1. Proffers for PCA 91-P-027
2. Proposed Development Conditions SE 2009-PR-021
3. Affidavit for PCA 91-P-027
4. Affidavit for SE 2009-PR-021
5. Statement of Justification
6. Previously approved Proffers for RZ 91-P-027, approved reduction of the GDP
7. Comprehensive Plan Land Use Analysis & Environmental Assessment
8. Urban Forest Management Analysis
9. Transportation Analysis
10. Fairfax County Park Authority
11. Stormwater Management Analysis
12. Fairfax County Water Authority
13. Sanitary Sewer Analysis
14. Fire and Rescue Analysis
15. Zoning Ordinance Provisions
16. Glossary

PROFFERS - PCA 91-P-027

December 16, 2009

Pursuant to Section 2-2301(a) Code of Virginia, 1950 as amended, and subject to the Board of Supervisors approval of the requested Proffer Condition Amendment (PCA), on property identified as Tax Map 49-2((1)) Lot 93, Applicants and Owners for themselves, their successors and assigns proffer that the development of the property shall be subject to proffers associated with RZ 91-P-027 dated May 4, 1991, which shall be superseded. In the event this application is denied, these proffers shall be null and void immediately, and of no further force and effect and the previous Proffers shall remain in effect.

1. Proffer Condition Amendment plan and Special Exception plat. Lot 93 shall be developed in conformance with the General Development Plan and Special Exception (SE) plat prepared by *christopher consultants, Ltd.* consisting of 8 sheets, dated June 29, 2009, revised through November 30, 2009.
2. Minor Modifications. Minor modifications from what is shown on the GDP/SE plan/plat and these proffers due to the final site design or engineering may be permitted pursuant to Section 16-403 (4) of the Zoning Ordinance. The building footprint may be adjusted within the proposed building envelope as shown on the GDP/SE plan/plat so long as the minimum open space identified on the GDP/SE plan/plat tabulations and the minimum dimensions to the lot lines are not diminished and access is provided as shown.
3. Maximum Intensity. The square footage and FAR shall not exceed a maximum 5,650 square feet with a maximum FAR of 0.27.
4. Architectural Compliance. The design of the building shall be in substantial conformance with the elevations shown on Sheet 8 of the GDP/SE plan and will be of a design complementary to the shopping center /plat. Modifications may be made to the final architectural designs if in substantial conformance with the elevations shown on the GDP/SE plans/plats. The building materials shall consist of a brick façade along the elevations of the building as viewed from Lee Highway. Windows will be placed along the frontage of the building fronting Lee Highway. The service area's bay doors shall open on the side facing the shopping center.
5. Uses. The following uses are permitted: Offices, personal service establishments, repair service establishments, retail sales establishments, telecommunication facilities, and vehicle light service establishment.
6. Signs. The sign identifying the use of Lot 93 will be a monument sign and/or building mounted sign with a complementary design to that of the shopping

center. The sign(s) shall be in accordance with Article 12 of the Zoning Ordinance.

7. Lighting. Lighting shall meet the requirements of Part 9 of Article 14 of the Zoning Ordinance.
8. Energy Conservation/Green Building. The Applicant shall utilize green building practices including the following strategies but shall not limited to those listed:
 - (a) Consult a LEED accredited professional in the design of the BUILDING.
 - (b) Provide space for storage of recyclables, including but not limited to, fluorescent light bulbs, paper, cardboard, aluminum, plastic, and glass, and for collection of recyclables within each building.
 - (c) Prohibit smoking in the interior public areas of the building and provision of designated smoking areas away from entries and operable windows; or, prohibit all smoking on the property.
 - (d) Use insulated low e glass, or equivalent functioning glass on the windows facing the service drive.
 - (e) Utilize Energy Star (or equivalent) appliances, such as soft drink machines, to the extent possible.
 - (f) Provide the Environmental Development Review Branch (EDRB) of the Department of Planning and Zoning evidence of satisfaction of the above five requirement(s) prior to issuance of building permits for the proposed building.
 - (g) Use thermoplastic polyolefin membrane (TPO) roofing material with a Solar Reflectance Index (SRI) of greater than 0.50 which is the Energy Star Standard.
 - (h) Low Impact Development (LID) features shall be incorporated into the site design. Examples include, but are not limited to the use of pervious pavers, pervious asphalt, pervious concrete, Filterras.
9. Tree Preservation Plan - Comprehensive - The Applicant shall take the following steps to preserve two trees located on Lot 92A as shown on the GDP/SE plans/plats.
 - a. The Applicant shall submit a Tree Preservation Plan and Narrative as part of the first and all subsequent site plan submissions. The preservation plan shall be prepared by a Certified Arborist or Registered Consulting Arborist and shall be subject to the review and approval of Urban Forest Management Division, DPWES.

The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 10 inches in diameter and greater, and 25 feet to either side of the limits of clearing and grading shown on the SE/PCA plat for the entire site. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the SE/PCA and those additional areas in which trees can be preserved as a result of final engineering. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan."

b. The use of motorized equipment in tree preservation areas will be limited to hand-operated equipment such as chainsaws, wheel barrows, rakes, and shovels. Except as stated in No. 4 below, any work that requires the use of motorized equipment, such as tree transplanting spades, skid loaders, tractors, trucks, stump-grinders, etc., or any accessory or attachment connected to this type of equipment shall not occur unless pre-approved by Urban Forest Management Division, DPWES.

c. Root Pruning and Mulching. The Applicants shall 1) root prune and 2) mulch. as needed to comply with the tree preservation requirements of these proffers. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets and demolition plan sheets of the site plan submission. The details for these treatments shall be reviewed and approved by Urban Forest Management, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- (1) Prior to root pruning operations and installation of tree protection fence, an UFM representative shall meet with the contractor performing these operations to ensure that root pruning and tree protection fence installation are understood and implemented in conformance with specifications.
- (2) Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches;
- (3) Root pruning shall take place prior to any clearing and grading.
- (4) Root pruning shall be conducted with the supervision of a certified arborist;

d. Tree Preservation Walk-Through.

The Applicant shall retain the services of a Certified Arborist or Registered Consulting Arborist or Registered Consulting Arborist, and shall have the limits of clearing and grading marked with a continuous line of flagging prior

to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant's Certified Arborist or Registered Consulting Arborist shall walk the limits of clearing and grading with an UFMD, DPWES, representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump grinding machine in a manner causing as little disturbance as possible to the adjacent trees and associated understory vegetation and soil conditions.

The Applicants shall conform strictly to the limits of clearing and grading as shown on the GDP.

(e) Tree Protection Fencing

All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing using four foot high, 14-gauge welded wire attached to six 6-foot steel posts driven 18 inches into the ground and placed no further than ten (10) feet apart or super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees, shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by these Proffers.

All tree protection fencing shall be installed after the tree preservation walk-through meeting and prior to any clearing and grading activities. The installation of tree protection fence shall be performed under the supervision of a Certified Arborist or Registered Consulting Arborist and accomplished in a manner that does not harm existing vegetation that is to be preserved. At least ten (10) days prior to the commencement of any clearing, grading, or demolition activities adjacent to the tree preservation areas, but subsequent to the installation of the tree protection devices, UFM, DPWES, and the Providence District Supervisor shall be notified and given the opportunity to inspect the site to assure that all tree protection devices have been correctly installed and no grading or construction activities shall occur until the fencing is installed correctly, as determined by Urban Forest Management, DPWES.

Tree protection fence shall be installed immediately after root pruning, and shall be positioned directly in the root pruning trench and backfilled for stability, or just outside the trench within the disturbed area, as determined by UFM.

During any clearing or tree/vegetation/structure removal in the tree preservation area a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by UFMD. The Applicant shall retain the services of a Certified Arborist or Registered Consulting Arborist to monitor all construction work and demolition and tree preservation efforts in order to ensure conformance with all tree preservation proffers and UFMD approvals. The monitoring schedule shall be described and detailed in the landscaping and/or tree preservation plan and reviewed and approved by Urban Forest Management, DPWES. The Providence District Supervisor shall be notified of the name and contact information of the Applicant's representative responsible for site monitoring at the tree preservation walk-through meeting described above.

10. Streetscape and Landscaping. Site Plan submissions shall include streetscape/landscape plans in substantial conformance with the GDP/SE plans/plats, Sheet 6.

11. Pedestrian Crosswalk. A pedestrian crosswalk shall be provided as shown on the GDP/SE plans/plats, Sheet 5.

12. Interparcel Connection. A stub access driveway shall be constructed up to the property line as shown on the GDP/SE plat and an access easement shall be provided that allows the Merrifield Plaza shopping center to connect and access at such time as the Plaza redevelops.

Pedestrian Interparcel Access. The Applicant/Owner of Lot 93 shall construct pedestrian access from Lot 93 to Lot 92A in substantial conformance with the location as shown on the GDP/SE plan/plat.

13. Limits of Clearing and Grading shall be adhered to as shown on the GDP/SE plans/plats to protect the off-site trees with minor modifications should the County determine necessary at the time of the in-the-field inspection as outlined under the Proffer Tree Preservation.

14. Stormwater Management/Water Quality Low Impact Development. The storm water management system shall be reviewed for compliance with the Public Facilities Manual by DPWES at the time of site plan review; if any inadequacies are identified, appropriate corrective measures shall be employed to the satisfaction of DPWES prior to site plan approval. Bioretention facilities shall be designed to treat runoff from the roof of the building and shall meet PFM requirements or a waiver approved by the Director, DPWES. The SWM and BMP facilities shall be maintained by the owner of Lot 93.

The Applicant of Lot 93 shall provide hydrocarbon removal measures for the parking areas in order to reduce hydrocarbon concentrations in runoff from the site. Possible hydrocarbon removal methods include the use of vegetated filter strips, infiltration trenches and

other methods that promote infiltration, and oil/grit separators. Where oil grit separators are provided, they shall be designed in conformance with the methods recommended in Chapter 8 of the Metropolitan Washington Council of Governments (COG) document entitled Controlling Urban Runoff or with other methods approved by the Department of Public Works & Environmental Services (DPWES). The oil grit separator(s) shall be cleaned via vacuum pumping at least four times per year. The qualifications of the maintenance operator shall be reviewed and approved by the appropriate Fairfax County agency as determined by DPWES. Oil grit separator maintenance records shall be kept on-site and shall be made available to County officials upon request.

15. Transportation Demand Management Program (TDM).

The applicant shall implement the following methods to encourage the use of transit, high occupant vehicle commuting modes, walking, and biking to reduce auto trips generated by the employees and customers of the property.

- a. Appoint an individual Program Manager (PM) to be responsible for the TDM strategies. These duties may be part of other duties assigned to the individual(s).
- b. The PM shall coordinate with FCPD employer service program.
- c. Make Metrorail and bus maps, schedules and forms, and other relevant transit option information available to employees and customers.
- d. The Applicant may provide Shuttle Service to and from the Metro Station.
- e. One "inverted style" bicycle rack (or the equivalent, as determined by FCDOT) shall be installed in a location and manner to be coordinated with and approved by FCDOT at the time of site plan review.

JSH Enterprise, LLC

Seung W. Hong, Managing Member and Authorized Agent
and Signatory for JSH Enterprise, LLC, Contract
Purchaser, TM Ref. 49-2 ((1)) 93

Jeong A. Hong, Managing Member and Authorized Agent
and Signatory for JSH Enterprise, LLC, Contract
Purchaser, TM Ref. 49-2((1)) 93

Reese Merrifalls Two, LLC

Janice Yun, Member, and Authorized Agent for Reese
Merrifalls Two, LLC, Property Owner,
TM Ref. 49-2 ((1)) 93

PROPOSED DEVELOPMENT CONDITIONS

SE 2009-PR-021

December 23, 2009

If it is the intent of the Board of Supervisors to approve SE 2009-PR-021 located on Tax Map 49-2((01)) 93 on the north side of Lee Highway (Route 29) for a Vehicle Light Service Establishment use pursuant to Sect. 4-604 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

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. A copy of this Special Exception and the Non-Residential Use Permit (Non-RUP) SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
3. 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 the application, as qualified by these development conditions.
4. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans. Any plan submitted pursuant to the special exception amendment shall be in substantial conformance with the approved Special Exception (SE) Plat entitled "Merrifield Auto Care Service", prepared by Christopher Consultants, dated June 29, 2009 as revised through November 30, 2009, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
5. The hours of operation shall be limited to 6:00 AM to 7:30 PM, seven days a week.
6. The total number of employees shall be limited to a maximum of 6 at any one time.
7. Vehicles shall not be stored on the adjacent properties or on the service drive.

8. The three (3) feet of Right of Way reservation shown to the north of the service drive on GDP/ SE Plat shall be dedicated in fee simple to the Board of Supervisors.
9. Adequate turning radii along the access point from the service drive shall be demonstrated as determined by VDOT prior to site plan approval. Any landscaping determined to impact the turning radii shall be replaced with an appropriate size or relocated elsewhere on the site with equal size and quality, as determined by UFM.

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, thirty (30) months after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted for one of the proposed buildings. 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.

REZONING AFFIDAVIT

DATE: Dec 2 2009
 (enter date affidavit is notarized)

I, Jane Kelsey, Jane Kelsey & Associates, Inc., 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 105880 ✓

in Application No.(s): PCA 91-P-027
 (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)
JSH Enterprise, LLC Seung W. Hong, Agent	8138 Ridge Creed Way Springfield, VA 22153-1932 Same Address	Applicant/Contract Purchaser of TM 49-2 ((1)) Parcel 93. Agent for Applicant
Reese Merrifalls Two, LLC Janice W. Yun	6916 Pacific Lane Annandale, VA 22003 Same Address	Title Owner of TM 04902((1)) parcel 93 Agent for Property owner

(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)

DATE: Dec 2 2009
(enter date affidavit is notarized)

1058804

for Application No. (s): PCA 91-P-027
(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)
christopher consultants, Ltd.	9900 Main Street, Fourth Floor Fairfax, VA 22031	Agent for Applicant, Engineers
William R. Zink	Same Address	Agent for Applicant
Michael R. Albright	Same Address	Agent for Applicant
Giovanni R. Rinaldi	Same Address	Agent for Applicant
Jane Kelsey & Associates, Inc.	4041 Autumn Court Fairfax, VA 22030-5168	Agent for the Applicant
Jane Kelsey	Same Address	Agent for the Applicant
Don Lucas	Same Address	Agent for the Applicant
Bruce Kelsey	Same Address	Agent for the 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: Dec 2 2009
(enter date affidavit is notarized)

105880-5

for Application No. (s): PCA 91-P-027
(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)
JSH Enterprise, LLC
8138 Ridge Creek Way
Springfield, VA 22153-1932

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)

Seung W. Hong, Managing Member
Jeong A. Hong, Managing Member

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

(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)

DATE: Dec 2 2009
(enter date affidavit is notarized)

1058805

for Application No. (s): PCA 91-PR-027
(enter County-assigned application number (s))

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

christopher consultants, Ltd.
9900 Main Street, Fourth Floor
Fairfax, VA 22031

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)

Christopher W. Brown, Ruth R. Fields
William R. Goldsmith, Jr.
Louis Canonico
William R. Zink

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

Christopher W. Brown, President; William R. Zink, Vice-President; William R. Goldsmith, Jr. Vice-President;
Louis Canonico, Vice-President; Ruth R. Field, CFO (Treasurer); William R. Goldsmith, Secretary

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

Jane Kelsey & Associates, Inc.
4041 Autumn Court
Fairfax, VA 22030

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)

Jane Kelsey

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

Jane Kelsey, President
Donald E. Lucas, Secretary

(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 Attachment to Par. 1(b)

DATE: Dec 2 2009
(enter date affidavit is notarized)

1058806

for Application No. (s): PCA 91-P-027
(enter County-assigned application number (s))

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

Reese Merrifalls Two, LLC
6916 Pacific Lane
Annandale, VA 22003

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)

Janice W. Yun, Member;
Gerald L. Robinson, Member;
John R. Reese, Member;
Richard Fownes, Member

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: Dec 2 2009
(enter date affidavit is notarized)

105880 ✓

for Application No. (s): PCA 91-P-027
(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)
N/A

(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)

(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 AFFIDAVIT

DATE: Dec 2 2009
(enter date affidavit is notarized)

1058806

for Application No. (s): PCA 91-P-027
(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: December 2, 2009
(enter date affidavit is notarized)

10588015

for Application No. (s): PCA 91-P-027
(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.)

None

(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:

(check one)

[] Applicant

Jane Kelsey

[x] Applicant's Authorized Agent

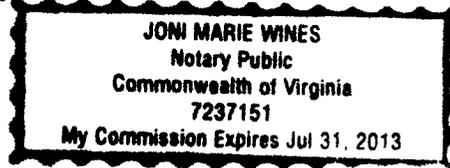
Jane Kelsey, Jane Kelsey & Associates, Inc.

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

Subscribed and sworn to before me this 2nd day of December 2009, in the State/Comm. of Virginia, County/City of Fairfax

Joni Marie Wines
Notary Public

My commission expires: 07/31/2013



SPECIAL EXCEPTION AFFIDAVITDATE: Dec 2 2009
(enter date affidavit is notarized)I, Jane Kelsey, Jane Kelsey & Associates, Inc., 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

1058796

in Application No.(s): SE 2009-PR-021
(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)
JSH Enterprise, LLC	8138 Ridge Creek Way Springfield, VA 22153-1932	Applicant/Contract Purchaser of TM 49-2 ((1)) Parcel 93.
Seung W. Hong, Agent	Same address	Agent for Applicant
Reese Merrifalls Two, LLC Janice W. Yun, Agent	6916 Pacific Lane Annandale, VA 22003	Title Owner of TM 49-2 ((1)) Parcel 93 Agent for Property Owner
Jane Kelsey & Associates, Inc. Jane Kelsey Donald E. Lucas Bruce E. Kelsey	4041 Autumn Court Fairfax, VA 22030-5168 Same Address Same Address	Agent for Applicant Agent for Applicant Agent for Applicant Agent for Applicant
christopher consultants, Ltd. William R. Zink Michael R. Albright Giovanni B. Rinaldi	9900 Main Street Fairfax, VA 22031 Same address Same address	Engineer and Agent for Applicant Agent for Applicant Agent for Applicant Agent 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 AFFIDAVIT

DATE: Dec 2 2009
(enter date affidavit is notarized)

105879

for Application No. (s): SE 2009-PR-021
(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)
JSH Enterprise, LLC
8138 Ridge Creek Way
Springfield, VA 22153-1932

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)

Seung W. Hong, Managing Member
Jeong A. Hong, Managing Member

(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: Dec 2 2009
(enter date affidavit is notarized)

1058795

for Application No. (s): SE 2009-PR-021
(enter County-assigned application number (s))

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

Reese Merrifalls Two, LLC
6916 Pacific Lane
Annandale, VA 22003

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)

Janice W. Yun, Managing Member
John R. Reese, Member
Gerald L. Robinson, Member
Richard Fownes, Member

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

Jane Kelsey & Associates, Inc.
4041 Autumn Court
Fairfax, VA 22030-5168

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)

Jane Kelsey

(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 Attachment to Par. 1(b)

DATE: Dec 2 2009
(enter date affidavit is notarized)

1058794

for Application No. (s): SE 2009-PR-021
(enter County-assigned application number (s))

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

christopher consultants, Ltd.
9900 Main Street, Fourth Floor
Fairfax, VA 22031

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)

Christopher W. Brown	Ruth R. Fields
William R. Goldsmith, Jr.	
Louis (nmi) Canonico	
William R. Zink	

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)

(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: Dec 2, 2009
(enter date affidavit is notarized)

1058796

for Application No. (s): SE 2009-PR-021
(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)
None

(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)

(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 AFFIDAVIT

DATE: Dec 2, 2009
(enter date affidavit is notarized)

1058798

for Application No. (s): SE 2009-PR-021
(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:

None

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.

SPECIAL EXCEPTION AFFIDAVIT

DATE: December 2 2009
(enter date affidavit is notarized)

1058795

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.)

None

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:

Jane Kelsey

(check one)

[] Applicant

[x] Applicant's Authorized Agent

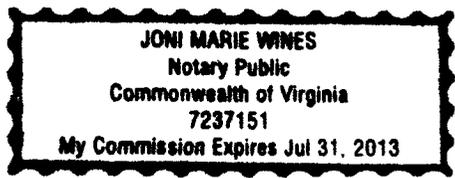
Jane Kelsey, President, Jane Kelsey & Associates, Inc.

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

Subscribed and sworn to before me this 2nd day of December 2009, in the State/Comm. of Virginia, County/City of Fairfax.

Joni Marie Wines
Notary Public

My commission expires: 07/31/2013



Jane Kelsey & Associates, Inc.

Land Use Consultants
4041 Autumn Court
Fairfax, VA 22030-5168
703-385-4687 (Phone)
703-385-8760 (FAX)
jckelse@aol.com

President
Jane Kelsey

Vice-President
Donald E. Lucas

October 29, 2009

Mr. William O'Donnell
Staff Coordinator, RZSE Branch, ZED
12055 Government Center Parkway, Suite 101
Fairfax, VA 22035

RE: Special Exception SE 2009-PR-0181 and Proffer Condition Amendment
PCA 91-P-027, JSH Enterprise, LLC

Dear Mr. O'Donnell:

Thank you for bringing to my attention the issues Staff raised with the application and inviting us to address them.

The first and most important of the issues relates to providing interparcel access from the application property to the contiguous shopping center. Our Special Exception plat/PCA Development Plan reflected future access being provided to the shopping center for connectivity purposes as requested by Staff and the District Supervisor's office during various pre-application meetings. We do not think interparcel access is needed for the existing and proposed uses.

If interparcel access were to be provided between the proposed use and the shopping center, we believe vehicular access could be compromised leading to possible congestion and safety concerns. This would create a greater liability on each of the property owners that is unnecessary because interior access would not provide any benefit to either use or visitors driving to the site. The building addition that was previously approved for the shopping center if constructed and occupied would generate an estimated 415 number of trips per day. The vehicle repair facility will only generate 160 trips per day. Consequently, we anticipate no more trips on the service drive with the proposed use than would be generated if the Shopping Center developed as per the previously approved and now, by right addition.

Through our application, pedestrian interparcel access is proposed to provide both customers and employees at the proposed vehicle repair facility easy access to the shopping center uses. In addition, a picnic table and benches have been proposed to encourage customers and shopping center patrons to enjoy outdoor dining during good

weather. Some additional trees are also planned in this area for both aesthetic purposes and for environmental benefits, including increased tree coverage and maintaining existing open space.

Providing interparcel access will also impact the number of existing parking spaces on the Shopping Center property. At a minimum, at least one parking space will be lost with the interparcel connection. Since the Shopping Center currently has the exact number of parking spaces provided as is required by the Zoning Ordinance for their uses, a reduction by even one space will cause a parking deficiency. The Shopping Center would be in violation of the Zoning Ordinance, its approved site plan and the approved parking study prepared in early 2009. Since the business hours for the vehicle service establishment and the Shopping Center are generally the same, shared parking is also not a viable option.

The stormwater management related issues that that Staff raised with regard to the application will be addressed in a separate letter.

This supplemental justification for the interparcel connectivity issue should provide clarification to those staff members who felt strongly about providing interparcel access with our development application. Please let me know if you would like me to circulate this letter to them, or is this something you will do? If you have any further questions or concerns, please do not hesitate to contact me.

Sincerely,

Jane Kelsey

cc: Ms. Kris Abrahamson, Chief, RZSE Branch, DPZ
JSH Enterprise LLC Team

STATEMENT OF USE

JUN 26 2009

Special Exception (SE) with
Proffer Condition Amendment (PCA) to Rezoning RZ 91-P-027

Zoning Evaluation Division

A Special Exception application is being submitted to be processed concurrently with a Proffer Condition Amendment. The PCA is for Lot 93 which originally was approved as parking for the contiguous by-right shopping center's proposed addition. The addition was not constructed, title to Lot 93 was transferred a separate entity. The property is currently under contract to purchase by JSH Enterprises, Inc. for use as a light vehicle service establishment. In addition to the request for a Special Exception for a Light Vehicle Service Establishment, modifications are also being requested to the lot size and lot width requirements.

Justification for modification to Lot Size and Lot Width: The lot is zoned C-8 and is in the Highway Corridor Overlay District. It is an existing lot of record having been recorded prior to the Zoning Ordinance requirement for 200 foot lot width and 40,000 square foot lot size. There is no existing vegetation on the site that is worthy of saving (See Letter from a certified Arborist which is on the attached plans/plats).

Under Article 9, Applications for Special Exception, the following is provided to respond to the items raised under Paragraph 7 of Sect. 9-011, Submission Requirements.

Name of Applicant: JSH Enterprises, LLC

Property Address: 7800 Lee Highway, Falls Church, VA

Tax Map Reference: 49-2(~~93~~)93 ^{8/14/09}

A. Type of Operation(s) Light Vehicle Service Establishment

B. Hours of Operation: 6:00 A.M. to 7:30 P.M.

C. It is anticipated that for the start-up and normal operations, 20 to 30 would be served per day.

D. Proposed number of employees: Six employees are proposed at any one time, including the Owner/Manager.

E. Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day:

The peak hours for this operation are from 6:30 a.m. until approximately 10:30 a.m. and from 4:00 p.m. until closing. The ITE handbook does not have an exact description for this type of operation. The closest is under No. 942. Using that formula, there is a decrease in the number of trips that would be generated by this use over the use as previously approved as part of a shopping center.

F. Vicinity or general area to be served by the use. Primarily Merrifield, Southeast Falls Church, and Arlington Boulevard and established customers from other areas of Fairfax and Arlington Counties.

G. One story brick building on a concrete slab using brick, glass, and metal materials with aluminum siding on the eaves and clad fascia. There will be five service bay doors to the service areas. The building will be oriented so that the service bays will not be forward Lee Highway. The front of the building will have windows to enhance the appearance toward Lee Highway. The building design and appearance will be compatible and in harmony with the existing shopping center toward the west.

H. Hazardous and/or toxic substances used on site are those customarily associated with automobile maintenance and repair such as motor oil, antifreeze, brake fluid, parts cleaning fluids and similar items. Used motor oil, used oil filters, used cleaning solvent, shop rags and used tires will be routinely collected, recycled or disposed of by licensed recyclers or toxic waste contractors in accordance with Title 40, Code of Federal Regulations Part 280.

I. The proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and applicable proffers with the exception of a proffer condition to be amended which is being filed concurrently with this Special Exception application unless otherwise specifically noted. The use is in conformance with the Comprehensive Plan recommendations and meets the Zoning Ordinance requirements unless otherwise noted on the plans and as stated in this justification.

J. A modification to the trail requirement is being requested to permit the existing sidewalk to satisfy that requirement. In lieu of three (3) additional feet of dedication, a 3 foot reservation to the County will be provided.

8. The property is owned by Reese Merrifalls Two LLC and is under contract to purchase by JSH Enterprises, LLC. Statement of agreement and Consent to file these applications is attached.

9. Not applicable.

10. A check for the filing fee is attached to the front of the application package.

*Photos are Attached of VACANT property and
Surrounding uses.*

Request: This request is for a change in the Proffers attached to RZ 91-P-027:

- To change the Proffers to allow a vehicle light service establishment on Lot 93 in accordance with a PCA plan and Special Exception plat prepared by Christopher Consultants dated June 26, 2009.
To remove the Proffer requiring relocation of the transformer currently located on the property of the Jefferson Park Homeowners Association.
To add other Proffers that might be deemed appropriate during the review of the applications.

To request modifications of the Lot Width and Lot Size requirement to permit the existing lot to satisfy those requirements. There is no vegetation on site which is worthy of preserving. The Applicant proposes to add both on-site and off-site landscaping and plantings to enhance the appearance of the site.

To request a modification to the trail requirement to permit the existing sidewalk to satisfy that requirement until such time as the continuous sidewalk along the frontages of Lee Highway is improved in accordance with the Trails Plan. A three foot reservation has been proposed for that purpose.

It is noted that an offsite easement will be required for grading, tree planting and for a sanitary sewer lateral connection.

- This will preclude the previously proposed addition to the shopping center since the parking supporting that addition was to be located on Lot 93. The owner of the shopping center has acknowledged that the approval of this application which showed parking to support an addition will remove the potential for expansion of the shopping center in the future. (See Attachment)
- **Background:** The rezoning of this property was approved in May 4, 1992. The shopping center was already developed as a by-right use. This land was rezoned for the purpose of providing parking for a proposed addition to the shopping center. In conjunction with the rezoning, an issue was raised concerning the noise associated with an existing transformer that was behind the shopping center on the Jefferson Park Homeowners Association land. The applicant for the rezoning agrees and proffered to relocate that transformer. The shopping center addition and associated parking was never constructed. The transformer remains in the same location.

It appeared from a recent site visit that the transformer may have been replaced with a quieter transformer. In addition, subsequent discussions and a site visit by a representative of Dominion Power revealed the removal would be disruptive to the residents of Jefferson Park whose properties are contiguous to the open space where the transformer is located. The property owner's representative has written the Jefferson Park Homeowners Association offering to meet to discuss this

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 Department of Planning
 JUN 26 2009
 Zoning Evaluation Division

further. We request this Proffer be removed. We will continue our efforts to meet with all of the adjacent homeowners associations.

- The Applicant will proffer to provide amenities such as
 - off-site plantings for the shopping center on the shopping center property.
 - picnic table or bench on the shopping center property.
 - pedestrian walkway to connect the sidewalk in front of the building to the area designed for picnic table or bench.
 - Three (3) foot reservation for future trail (asphalt or concrete) widening. The existing sidewalk is four (4) feet. The Trails Plan recommends an 8 foot trail.
 - Provide a design as shown on the PCA/SE Plat which orients the building to have the service bay doors opening to the west side of the property. To have windows along the front facing Lee Highway to give the enhance the appearance of the property.
 - To limit the time a vehicle waiting to be services can be on site.



FAIRFAX COUNTY

APPENDIX 6

OFFICE OF THE CLERK
BOARD OF SUPERVISORS
12000 Government Center Parkway, Suite 553
Fairfax, Virginia 22035-0072

V I R G I N I A

Telephone: 703-324-3151

May 20, 1992

Keith C. Martin, Esquire
Walsh, Colucci, Stackhouse,
Emrich and Lubeley, P.C.
2200 Clarendon Boulevard
Thirteenth Floor
Arlington, Virginia 22201

Re: Rezoning Application
Number RZ 91-P-027

Dear Mr. Martin:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on May 4, 1992, granting, as proffered, Rezoning Application RZ 91-P-027 in the name of Merrifalls Plaza Limited Partnership, to rezone certain property in the Providence District from the R-3 District and Highway Corridor District to the C-8 District and Highway Corridor District, subject to the proffers dated April 7, 1992, on subject parcel 49-2 ((1)) 93 consisting of approximately .47 acre.

The Board also waived the minimum lot width, lot area, and open space requirements of the C-8 District.

Sincerely,

Nancy Vehrs
Clerk to the Board of Supervisors

NV/ns

cc: John M. Yeatman, Director, Real Estate Dvsn., Assessments
Melinda M. Artman, Deputy Zoning Administrator
Barbara A. Byron, Director, Zoning Evaluation Dvsn., OCP
Fred R. Beales, Supervisor, Base Prop. Mapping/Overlay
Robert Moore, Trnsprt'n. Planning Dvsn., Office of Transportation
Kathy Ichter, Trnsprt'n. Road Bond Dvsn., Office of Transportation
Department of Environmental Management
A. V. Bailey, Resident Engineer, VDOT
Land Acq. & Planning Dvsn., Park Authority

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Room in the Massey Building at Fairfax, Virginia, on the 4th day of May, 1992, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROPOSAL NO. RZ 91-P-027

WHEREAS, Merrifalls Plaza Limited Partnership, filed in the proper form, an application requesting the zoning of a certain parcel of land hereinafter described, from the R-3 District and Highway Corridor District to the C-8 District and Highway Corridor District, and

WHEREAS, at a duly called public hearing the Planning Commission considered the application and the propriety of amending the Zoning Ordinance in accordance therewith, and thereafter did submit to this Board its recommendation, and

WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Providence District, and more particularly described as follows (see attached legal description):

Be, and hereby is, zoned to the C-8 District and Highway Corridor District, and said property is subject to the use regulations of said C-8 District and Highway Corridor District, and further restricted by the conditions proffered and accepted pursuant to Va. Code Ann., §15.1-491(a), which conditions are incorporated into the Zoning Ordinance as it affects said parcel, and

BE IT FURTHER ENACTED, that the boundaries of the Zoning Map heretofore adopted as a part of the Zoning Ordinance be, and they hereby are, amended in accordance with this enactment, and that said zoning map shall annotate and incorporate by reference the additional conditions governing said parcels.

GIVEN under my hand this 4th day of May, 1992.

Nancy Vehr

Nancy Vehr
Clerk to the Board of Supervisors

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OFFICE OF CONSTRUCTION & PLANNING

APR 15 1992

ZONING EVALUATION DIVISION

PROFFERS

RZ 91-P-027

April 7, 1992

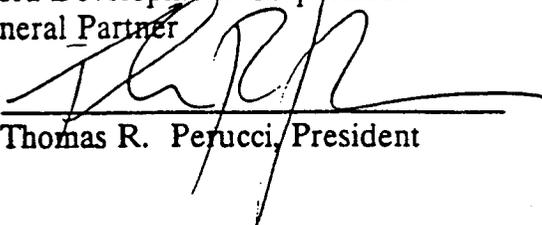
Pursuant to Section 15.1-491(a), Code of Virginia, 1950 Ed. as amended, subject to the Board of Supervisors approving rezoning to the C-8 District, the applicant proffers to the following:

1. The subject property shall be developed in conformance with the plan dated January, 1992, prepared by LBA, Limited.
2. Applicant will request DEM to waive on-site detention. In the event SWM is not waived, Applicant will provide hydrocarbon removal measures in order to reduce hydrocarbon concentrations in runoff from the site. Possible hydrocarbon removal methods include the use of vegetated filter strips, infiltration trenches and other methods that promote infiltration, and oil/grit separators. Where oil/grit separators are provided, they shall be designed in conformance with the methods recommended in chapter 8 of the Metropolitan Washington Council of Governments (COG) document entitled Controlling Urban Runoff or with other methods approved by DEM. The oil/grit separator(s) shall be cleaned via vacuum pumping at least four times per year. The qualifications of the maintenance operator shall be reviewed and approved by the appropriate Fairfax County agency as determined by DEM. Oil/grit separator maintenance records shall be kept on-site and shall be made available to County officials upon request.
3. Prior to the issuance of any Non-Residential Use Permits for the shopping center addition, the Applicant shall relocate and/or place underground the VEPCO transformer that is currently located behind the existing Merrifalls Plaza Shopping Center in coordination with VEPCO.

RZ 91-P-027
Page 2

MERRIFALLS PLAZA LIMITED
PARTNERSHIP

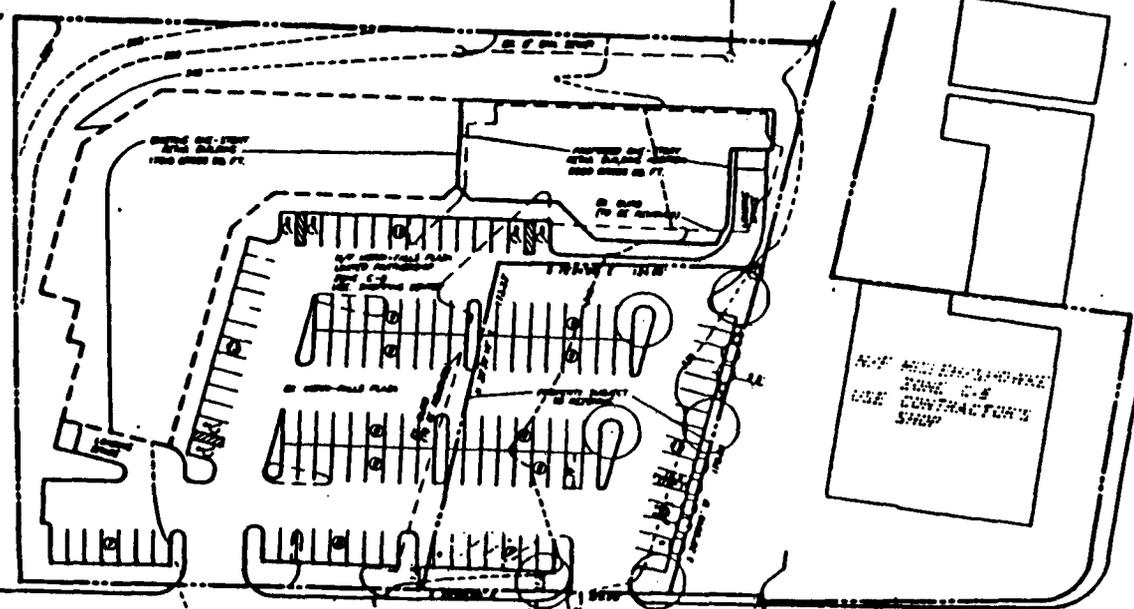
By: Agora Development Corporation
General Partner

By: 
Thomas R. Perucci, President

proffer\91-P-027.rz
4/7/92

JEFFERSON PARK GOLF COURSE

MYSON LA ROUTE 5041



MARY ST. ROUTE 3469

NOT RECOMMENDED
SUNG C-S
USE CONTRACTOR'S
SHOP

SERVICE ROAD

LEE HIGHWAY (ROUTE 29)

FAIRVIEW PARK NORTH
SUNG C-S
USE RESIDENTIAL

- 1. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND STATE AGENCIES.
- 2. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL UTILITIES AND SERVICES TO BE PROVIDED TO THE DEVELOPMENT.
- 3. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL PAVING AND CURBS TO BE PROVIDED TO THE DEVELOPMENT.
- 4. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL LIGHTING TO BE PROVIDED TO THE DEVELOPMENT.
- 5. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL SECURITY MEASURES TO BE PROVIDED TO THE DEVELOPMENT.
- 6. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL LANDSCAPING TO BE PROVIDED TO THE DEVELOPMENT.
- 7. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL SIGNAGE TO BE PROVIDED TO THE DEVELOPMENT.
- 8. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL FENCE TO BE PROVIDED TO THE DEVELOPMENT.
- 9. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL OTHER NECESSARY INFRASTRUCTURE TO BE PROVIDED TO THE DEVELOPMENT.
- 10. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL OTHER NECESSARY UTILITIES TO BE PROVIDED TO THE DEVELOPMENT.

NOTES:

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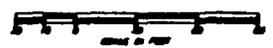
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**GENERALIZED DEVELOPMENT PLAN
FOR
ADDITION TO PARKING AREA
MERRI-FALLS PLAZA**

PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA



AGORA
DEVELOPMENT





County of Fairfax, Virginia

MEMORANDUM

DATE: December 7, 2009

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

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

SUBJECT: Environmental Assessment: PCA 91-P-027/SE 2009-PR-021
JSH Enterprise Merrifalls

This memorandum, prepared by Maya Dhavale, 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 revised special exception and proffer condition amendment plat dated June 29, 2009 as revised through November 30, 2009. Possible solutions to remedy identified environmental impacts 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:

In the Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Environment section as amended through February 25, 2008, on pages 7 through 18, 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 k. For new development and redevelopment, apply better site design and low impact development (LID) techniques such as those described below, and pursue commitments to reduce stormwater runoff volumes and peak flows, to increase groundwater recharge, and to increase preservation of undisturbed areas. In order to minimize the impacts that new development

Department of Planning and Zoning
Planning Division
12055 Government Center Parkway, Suite 730
Fairfax, Virginia 22035-5509
Phone 703-324-1380
Fax 703-324-3056
www.fairfaxcounty.gov/dpz/



and redevelopment projects may have on the County's streams, some or all of the following practices should be considered where not in conflict with land use compatibility objectives:

- Minimize the amount of impervious surface created.
- Site buildings to minimize impervious cover associated with driveways and parking areas and to encourage tree preservation.
- Where feasible, convey drainage from impervious areas into pervious areas. . . .
- Encourage the use of innovative BMPs and infiltration techniques of stormwater management where site conditions are appropriate, if consistent with County requirements.
- Apply nonstructural best management practices and bioengineering practices where site conditions are appropriate, if consistent with County requirements.
- Encourage shared parking between adjacent land uses where permitted.
- Where feasible and appropriate, encourage the use of pervious parking surfaces in low-use parking areas. . . .

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, as applied to Chesapeake Bay Preservation Areas adopted by the Board of Supervisors as generally depicted in Figure 5 of the *Chesapeake Bay Supplement* to the Comprehensive Plan, as may be amended by the Board of Supervisors. . . .

Objective 10: Conserve and restore tree cover on developed and developing sites. Provide tree cover on sites where it is absent prior to development.

Policy a: Protect or restore the maximum amount of tree cover on developed and developing sites consistent with planned land use and good silvicultural practices.

Policy b: Require new tree plantings on developing sites which were not forested prior to development and on public rights of way. . . .

Objective 13: Design and construct buildings and associated landscapes to use energy and water resources efficiently and to minimize short- and long-term negative impacts on the environment and building occupants.

Policy a. Consistent with other Policy Plan objectives, encourage the application of energy conservation, water conservation and other green building practices in the design and construction of new development and redevelopment projects. These practices can include, but are not limited to:

- Environmentally-sensitive siting and construction of development.
- Application of low impact development practices, including minimization of impervious cover (See Policy k under Objective 2 of this section of the *Policy Plan*).
- Optimization of energy performance of structures/energy-efficient design.
- Use of renewable energy resources.
- Use of energy efficient appliances, heating/cooling systems, lighting and/or other products.
- Application of water conservation techniques such as water efficient landscaping and innovative wastewater technologies.
- Reuse of existing building materials for redevelopment projects.
- Recycling/salvage of non-hazardous construction, demolition, and land clearing debris.
- Use of recycled and rapidly renewable building materials.
- Use of building materials and products that originate from nearby sources.
- Reduction of potential indoor air quality problems through measures such as increased ventilation, indoor air testing and use of low-emitting adhesives, sealants, paints/coatings, carpeting and other building materials.

Encourage commitments to implementation of green building practices through certification under established green building rating systems (e.g., the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED[®]) program or other comparable programs with third party certification). Encourage commitments to the attainment of the ENERGY

STAR[®] rating where applicable and to ENERGY STAR qualification for homes. Encourage the inclusion of professionals with green building accreditation on development teams. Encourage commitments to the provision of information to owners of buildings with green building/energy efficiency measures that identifies both the benefits of these measures and their associated maintenance needs. ”

ENVIRONMENTAL ANALYSIS:

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed land use. Solutions are suggested to remedy the concerns that have been identified by staff. There may be other acceptable solutions. Particular emphasis is given to opportunities provided by this application to conserve the County’s remaining natural amenities.

Tree Cover

Issue: There is little tree cover on the site, and the majority of trees on the site will be removed.

Resolution: The applicant should consider limiting the area of clearing and grading particularly along the boundaries of the site to protect off-site trees. The applicant should replace the removed trees with native, non-invasive species, and add additional native, non-invasive trees. The applicant should coordinate with Urban Forestry Management to determine how to protect the existing trees that are suitable for preservation, including those off-site, and where to locate the new plantings.

Stormwater Management/Impervious Surface

Issue: The proposed development creates a large impervious area (79%) of the lot. The plans mention that a partial waiver of the stormwater management requirements may be necessary if the 10-year storm runoff cannot be captured.

Resolution: The applicant is strongly encouraged to consider additional LID measures to reduce the impact of the impervious surface and keep the stormwater on-site, such as pervious pavers or rain gardens. The applicant should coordinate with the Department of Public Works and Environmental Services to ensure that the proposed stormwater management controls are adequate.

Green Building

Issue: The applicant is encouraged to obtain LEED or equivalent certification. If this is not possible, the applicant is encouraged to incorporate green building elements into the design of the structure.

Resolution: The applicant is proffering to include green building elements.

Trails:

The Countywide Trails Map shows a major paved trail, defined as asphalt or concrete 8 feet in width or more, along the property boundary with Route 29. The applicant has requested a trail waiver in favor of providing a three-foot right of way dedication adjacent to an existing 5 foot wide sidewalk.

PGN: MPD



County of Fairfax, Virginia

MEMORANDUM

December 3, 2009

TO: William J. O'Donnell, Jr., Planner II
Zoning Valuation Division, DPZ

FROM: Todd Nelson, Urban Forester II
Forest Conservation Branch, DPWES

SUBJECT: Merrifalls Auto Care Service; PCA 91-P-027

RE: Request for assistance dated December 1, 2009

This review is based upon the Special Exception Plat (SE) 2009-PR-021, and the Proffer Condition Amendment Plat PCA 91-P-027, stamped "Received, Department of Planning and Zoning, November 25, 2009." A site visit was conducted on October 5, 2009, as part of a review of the SE/PCA stamped "Received, Department of Planning and Zoning, September 1, 2009."

General Comment: Comments of the previously submitted SE/PCA were provided to DPZ in my memo dated October 16, 2009 and verbal comments were provided per our November 11, 2009, discussion. Additional comments are provided to address the tree cover requirements, transitional screening, and draft proffers.

- 1. Comment:** A deviation from the tree preservation target has been requested on the SE/PCA that states one or more of the justifications listed in Chapter 122-2-3(b) of the County Code (see also PFM 12-0507.3A), along with a narrative that provides a site-specific explanation of why the Tree Preservation Target can not be met. The Urban Forest Management Division has reviewed the request and justification and does not object to the proposed deviation.

Recommendation: Proffer language containing a directive from the Board of Supervisors to the Urban Forest Management Division, DPWES, or Director of DPWES to permit a deviation from the tree preservation target percentage should be provided.

- 2. Comment:** A waiver is being requested for the transitional screening and barrier requirements along the southern property boundary where the site faces the single family attached dwellings along the southern side of Lee Hwy. The proposed deciduous landscaping does not appear to meet the intent of the transitional screening type 3 and barrier E, F, or G requirements.

Department of Public Works and Environmental Services
Land Development Services, Urban Forest Management Division
12055 Government Center Parkway, Suite 518
Fairfax, Virginia 22035-5503
Phone 703-324-1770, TTY: 703-324-1877, Fax: 703-803-7769
www.fairfaxcounty.gov/dpwes



Recommendation: A mixture of large and medium evergreen trees and medium evergreen shrubs should be provided along the southern property boundary where the site faces the single family attached dwellings along the southern side of Lee Hwy to meet the intent of the transitional screening type 3 and barrier E, F, or G requirements.

- 3. Comment:** Several draft proffers do not appear to be in conformance with the new Tree Conservation Ordinance.

Recommendation: The following proffer language should be revised to ensure effective tree preservation:

Proffer 9a – “The applicant shall submit a Tree Preservation Plan and Narrative as part of the first and all subsequent site plan submissions. The preservation plan shall be prepared by a Certified Arborist or Registered Consulting Arborist, and shall be subject to the review and approval of the Urban Forest Management Division, DPWES.

The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 10 inches in diameter and greater, and 25 feet to either side of the limits of clearing and grading shown on the SE/PCA for the entire site. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the SE/PCA and those additional areas in which trees can be preserved as a result of final engineering. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.”

Proffer 9d – “The Applicant shall retain the services of a Certified Arborist or Registered Consulting Arborist, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant’s Certified Arborist or Registered Consulting Arborist shall walk the limits of clearing and grading with an UFMD, DPWES, representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.”

Proffer 9e – First paragraph should be revised as follows: “All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six

(6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" proffer.

The second sentence of the second paragraph should be revised as follows: "The installation of all tree protection fencing shall be performed under the supervision of a Certified Arborist or Registered Consulting Arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved."

The second sentence of the fourth paragraph should be revised as follows: "The Applicant shall retain the services of a Certified Arborist or Registered Consulting Arborist to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFMD approvals."

Please contact me at 703-324-1770 if you have any questions.

TLN/
UFMID #: 147466

cc: RA File
DPZ File



County of Fairfax, Virginia

MEMORANDUM

DATE: October 30, 2009

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

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

FILE: 3-5 (SE 2009-PR-021)
3-4 (RZ 91-P-021)

SUBJECT: Transportation Impact

REFERENCE: SE 2009-PR-021; PCA 91-P-027: JSH Enterprises, LLC
Traffic Zone: 1432
Land Identification Map: 49-2 ((01)) 93

Transmitted herewith are comments from the Department of Transportation with respect to the referenced application. These comments are based on the applicant's statement of justification of use dated September 14, 2009 and submitted plat dated June 29, 2009.

The Special Exception request is for a Light Vehicle Service Establishment with modifications regarding lot size and lot width.

The Proffer Condition Amendment pertains to the site lot # 93, which was originally approved as parking, for the contiguous by-right shopping center's proposed addition. Consequently, the building addition was not constructed, and now the process is for lot # 93 to be transferred to a separate entity for ownership.

This department has reviewed the subject application and provides the following:

- The applicant should construct the interparcel access to existing shopping center to the North and to the West.

AKR/ak
w:SE2009PR021JSHEnterprise
cc: Michele Brickner, Director, Design Review, DPW & ES

Fairfax County Department of Transportation
4050 Legato Road, Suite 400
Fairfax, VA 22033-2898
Phone: (703) 877-5600 TTY: (703) 877-56022
Fax: (703) 877-5723
www.fairfaxcounty.gov/fcdot





FAIRFAX COUNTY PARK AUTHORITY



M E M O R A N D U M

TO: Regina M. Coyle, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Sandy Stallman, Manager,
Park Planning Branch, PDD 

DATE: October 29, 2009

SUBJECT: PCA 91-P-027 conc w/ SE 2009-PR-021, JHS Enterprises
Tax Map Number: 49-2 ((1)) 93

The Park Authority staff has reviewed the above referenced plan. Based on that review, staff has determined that this application bears no adverse impact on land or resources of the Park Authority.

FCPA Reviewer: Andi Dorlester
DPZ Coordinator: William O'Donnell

Copy: Cindy Walsh, Director, Resource Management Division
Chron Binder
File Copy



County of Fairfax, Virginia

MEMORANDUM

DATE: November 10, 2009

TO: Billy O'Donnell, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Beth Forbes, Stormwater Engineer *BF*
Environmental and Site Review Division
Department of Public Works and Environmental Services

SUBJECT: Special Exception & Proffered Condition Amendment Application
#SE 2009-PR-021 and PCA 91-P-027, JSH Enterprise Merrifalls, Special
Exception/PCA plat dated November 4, 2009, LDS Project #7291-ZONA-
001-2, Tax Map #49-2-01-0093, Providence District

We have reviewed the subject application and offer the following stormwater management comments.

Chesapeake Bay Preservation Ordinance (CBPO)

There is no Resource Protection Area (RPA) on this site.

Water quality controls are required for this development (PFM 6-0401.2A). A general location for a bioretention filter is shown on the plat. Manufactured BMP devices are included in the BMP calculations. These devices have not been located on the plat and their drainage areas boundaries are not shown (Paragraph 2.J(1)(b) of Zoning Ordinance 9-011).

Floodplain

There are no regulated floodplains on the property.

Downstream Drainage Complaints

There are no downstream drainage complaints on file.

Stormwater Detention

An underground stormwater detention facility is shown on the plat. The plat states that a partial waiver of stormwater detention may be requested with the site plan submittal. No justification for the request was provided so it cannot be determined whether it is likely such a request would be approved.



Billy O'Donnell, Staff Coordinator

SE/PCA Application #SE 2009-PR-021 & #PCA 91-P-027, JSH Enterprise Merrifalls

November 10, 2009

Page 2 of 2

To use HDPE as a material for underground storage, a PFM modification for height of the facility would have to be approved (PFM 6-0902.2O(1)). Such a modification is not likely to be approved.

Site Outfall

A description of the adequacy of the outfall to 100 times the site's area has not been provided (Paragraph 2.J(2)(c) of ZO 9-011). At the site plan submission, it will be necessary to provide calculations and a narrative description demonstrating adequate outfall meeting the PFM requirements (PFM 6-0203 & 6-0204).

Please contact me at 703-324-1720 if you require additional information.

BF/

cc: Craig Carinci, Director, Stormwater Planning Division
Jeremiah Stonefield, Chief, Stormwater & Geotechnical Section, ESRD, DPWES
Zoning Application File

Fairfax Water

APPENDIX 12

FAIRFAX COUNTY WATER AUTHORITY
8560 Arlington Boulevard, Fairfax, Virginia 22031
www.fairfaxwater.org

**PLANNING & ENGINEERING
DIVISION**

Jamie Bain Hedges, P.E.
Director
(703) 289-6325
Fax (703) 289-6382

September 17, 2009

Ms. Regina Coyle, Director
Fairfax County Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5505

Re: PCA 91-P-027
SE 2009-PR-021
Merrifalls Auto Care Service

Dear Ms. Coyle:

Fairfax Water has reviewed the above noted generalized development plan and has no comments.

If you have any questions regarding this information please contact Dave Guerra at (703) 289-6343.

Sincerely,



Traci K. Goldberg, P.E.
Manager, Planning Department

Enclosure



County of Fairfax, Virginia

MEMORANDUM

DATE: October 9, 2009

TO: Staff Coordinator
Zoning Evaluation Division
Department of Planning & Zoning

FROM: Lana Tran (Tel: 703 324-5008)
Wastewater Planning & Monitoring Division
Department of Public Works & Environmental Services

SUBJECT: Sanitary Sewer Analysis Report

REFERENCE: Application No. PCA91-P-027
Tax Map No. 049-2-/01/ /0093

The proposed application has no impact on the sanitary sewer system. Please contact me at the number above if you have any questions or comments.

Department of Public Works and Environmental Services
Wastewater Planning & Monitoring Division
12000 Government Center Parkway, Suite 358
Fairfax, VA 22035-0052
Phone: 703-324-5030, Fax: 703-324-3946





County of Fairfax, Virginia

MEMORANDUM

DATE: September 16, 2009

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

FROM: Eric Fisher, GIS Analyst III
Information Technology Section
Fire and Rescue Department

SUBJECT: Fire and Rescue Department Preliminary Analysis of Proffered Condition
Amendment Application PCA 91-P-027 concurrent with Special Exception
SE 2009-PR-021

The following information is submitted in response to your request for a preliminary Fire and Rescue Department analysis for the subject:

1. The application property is serviced by the Fairfax County Fire and Rescue Department Station #418, Jefferson
2. After construction programmed _____ this property will be serviced by the fire station _____
3. In summary, the Fire and Rescue Department considers that the subject rezoning application property:
 - a. currently meets fire protection guidelines.
 - b. will meet fire protection guidelines when a proposed fire station becomes fully operational.
 - c. does not meet current fire protection guidelines without an additional facility; however, a future station is projected for this area.
 - d. does not meet current fire protection guidelines without an additional facility. The application property is _____ of a mile outside the fire protection guidelines. No new facility is currently planned for this area.



FAIRFAX COUNTY ZONING ORDINANCE

6. There shall be no parking of vehicles closer to any lot line which abuts an R district than a distance equal to the dimension of the abutting corresponding yard as required by this Ordinance.
7. All lighting fixtures used to illuminate such off-street parking areas shall be in conformance with the performance standards for outdoor lighting set forth in Part 9 of Article 14.
8. All such off-street parking shall comply with the provisions for landscaping and screening set forth in Article 13.

9-610

Provisions for Waiving Minimum Lot Size Requirements

The Board may approve, either in conjunction with the approval of a rezoning or as a special exception, the waiving of the minimum district size and/or lot width requirement for an R District, except for all cluster subdivisions, the minimum lot area and/or lot width requirements for a C district or the minimum district size requirement for the C-9 District, and the minimum district size, lot area and/or lot width requirements for an I district, but only in accordance with the following:

1. Such lot has not been reduced in width or area since the effective date of this Ordinance to a width or area less than required by this Ordinance.
2. The applicant shall demonstrate that the waiver results in a development that preserves existing vegetation, topography, historic resources and/or other environmental features; provides for reduced impervious surface; maintains or improves stormwater management systems; and/or similar demonstrable impact.
3. It shall be demonstrated that development of the subject lot will not have any deleterious effect on the existing or planned development of adjacent properties or on area roadways.
4. Such waiver shall be approved only if the remaining provisions of this Ordinance can be satisfied.

9-611

Provisions for Approving Drive-In Financial Institutions, Fast Food Restaurants, Quick-Service Food Stores, Service Stations and Service Station/Mini-Marts in a Highway Corridor Overlay District

The Board may approve a special exception for the establishment or for the enlargement, extension, relocation or increase in intensity of a drive-in financial institution, fast food restaurant, quick-service food store, service station or service station/mini-mart in a Highway Corridor Overlay District, but only in accordance with the provisions of Part 6 of Article 7.

9-612

Provisions for Waiving Open Space Requirements

Except for cluster subdivisions in the R-2 District and cluster subdivisions in the R-3 and R-4 Districts which have a minimum district size of three and one-half (3.5) acres or greater, the Board may approve, either in conjunction with the approval of appropriate proffered conditions

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