



APPLICATION FILED: January 16, 2007
PLANNING COMMISSION: June 21, 2007
BOARD OF SUPERVISORS: Not Yet Scheduled

County of Fairfax, Virginia

June 8, 2007

STAFF REPORT

APPLICATION RZ 2007-PR-002/SEA 84-P-105-3

PROVIDENCE DISTRICT

APPLICANT: Flint Hill School

PRESENT ZONING: R-1

REQUESTED ZONING: R-3

PARCEL(S): 47-2 ((1)) 36A, 37, 38, 52A, and a portion of Academic Drive to be vacated.

ACREAGE: 15.22 acres
Includes: 0.32 acres
Academic Dr. right-of-way, and
14.89 acres - Parcels 36A, 37, 38, 52A.

FAR: 0.25

OPEN SPACE: 60%

PLAN MAP: Institutional; and Residential, 0.2-0.5 du/ac

SE CATEGORY: Category 3; Private schools of general education, child care center, and nursery school.

REZONING PROPOSAL: Rezone the subject site from R-1 to R-3 to permit building additions up to a maximum FAR of 0.25.

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SPECIAL EXCEPTION PROPOSAL:

Amendment to permit building additions, site modifications and addition of land area to a previously approved private school, child care center, and nursery school.

STAFF RECOMMENDATIONS:

Staff recommends that RZ 2007-PR-002 be approved, subject to proffers consistent with those contained in Appendix 1.

Staff recommends that SEA 84-P-105-3 be approved, subject to development conditions consistent with those contained in Appendix 2.

Staff recommends approval of a waiver of the service drive requirement along Chain Bridge Road.

Staff recommends approval of a modification of the transitional screening requirement along the western and southern property lines to that shown on the GDP/SEA Plat.

Staff recommends approval of a modification of the barrier requirement along the western property lines to that shown on the GDP/SEA Plat.

Staff recommends approval of a modification to allow an increase in height (6 feet maximum) for the proposed fence located along the northern property line.

Staff recommends that the Board of Supervisors direct the Director of the Department of Public Works and Environmental Services to modify the dedication and frontage improvement requirements along Chain Bridge Road and Jermantown Road.

Staff recommends approval of a modification of the trail requirement along Miller Road, Jermantown Road, and Chain Bridge Road in favor of the pedestrian facilities depicted on the GDP/SEA Plat.

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.

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.

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.

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.



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).

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

DESCRIPTION OF THE APPLICATION

Rezoning Request:

The applicant, Flint Hill School, is requesting that the subject property, composed of 15.22 acres, be rezoned from the R-1 Residential District to the R-3 Residential District in order to permit building expansions up to a maximum FAR of 0.25. The proposed expansions would include the construction of a new educational building and atrium, located near the Miller Road (north) property line, composed of a maximum gross floor area of 67,710 SF, as well as various storage buildings, having a maximum gross floor area of 3,125 SF, and located along the site's north property lines. The applicant's proposed building expansions will nearly double the site's existing 82,393 SF of gross floor area, by adding 83,307 SF of new gross floor area, for a total of 165,700 SF. The applicant is uncertain at this time whether or not the proposed educational building (listed as Building #4 within the GDP/SEA Plat) will be built at 2 floors or 3 floors, and has provided varying square footages for both scenarios. In order to reconfigure the on-site entrance, the applicant will be requesting (at a future date through the Board of Supervisors) the vacation/abandonment of a 0.32 acre portion of Academic Drive located along their western property line. This 0.32 acre portion, if vacated, would be added to the overall acreage of the subject property, for a total site acreage of 15.22 acres.

Special Exception Amendment Request:

In addition to the rezoning request, the applicant is also requesting a Category 3 Special Exception Amendment (SEA) to amend the existing private school of general education, child care center and nursery school uses with a maximum combined enrollment of 700 students, to permit the proposed building expansions, site modifications and addition of land area (as noted above, the addition of land would include the 0.32-acre portion of Academic Drive, which is proposed to be vacated). The applicant's proposed site modifications include the demolition or removal of most of the on-site structures (except for Buildings #1, #2, and #3), parking areas, driveways, playing fields, and playgrounds. The proposed improvements, aside from the noted building expansions, will include the construction of a new internal loop road, parking lots/driveways, soccer field, baseball field, landscaping design, stormwater management pond reconfiguration, and dedication of land along the Miller Road and Chain Bridge Road right-of-ways. The applicant desires to continue using the existing on-site residential structures (which are used for educational and residential purposes) and educational trailers, but has proffered to remove them within three months after issuance of the Non-Residential Use Permit (Non-RUP) for new Building #4.

Land Area: 15.22 acres +/-

Includes: Parcels 36A, 37, 38, 52A: 14.89 acres +/-
Academic Drive Vacated Right-of-Way: 0.32 acres +/-

Maximum Enrollment/

Number of Students: 700 permitted per previous SEA approval (for combined private school of education, child care center, and nursery school uses). No increase requested.

Number of Staff Members: 90 Full-time and 11 Part-time

Hours: Private School of General Education, Child Care/Nursery School
7:30 AM to 4:00 PM Monday through Friday with Evening Classes from
7:30 PM to 11:00 PM, Monday through Friday
Extracurricular Activities 7:30 AM to 11:00 PM daily, including weekends.

Proposed Buildings and Enrollment:

The new additions will result in a subject property FAR of 0.25, an impervious area of 31% of the site, and an open space of 60%. Flint Hill Lower School site, as per the previous Special Exception Amendment approval, is limited to a maximum daily enrollment of 700 students combined for the private school of general education, child care center, and nursery school uses; Flint Hill presently has a combined enrollment of 600 students. As a note, the applicant is not requesting an increase in enrollment or change in uses with either the proposed Rezoning or Special Exception Amendment applications.

Waivers and Modifications

The applicant is requesting approval of the following waivers and modifications:

- A waiver of the service drive requirement along Chain Bridge Road.
- A modification of the 25-foot wide transitional screening requirement along the western, southern and northern property lines to that shown on the GDP/SEA Plat.
- A modification of the barrier requirement along the western property lines to that shown on the GDP/SEA Plat.
- A modification to allow an increase in height for the proposed fence located along the northern property line.
- A waiver of construction of frontage improvement requirements along Chain Bridge Road and Jermantown Road.

- Modification of the trail requirements along Miller Road, Jermantown Road, and Chain Bridge Road, as depicted on the GDP/SEA Plat.
- In addition, a waiver or modification to the dustless surface requirement for all or a portion of the proposed additional parking spaces may be requested at the time of site plan approval.

LOCATION AND CHARACTER

Site Description:

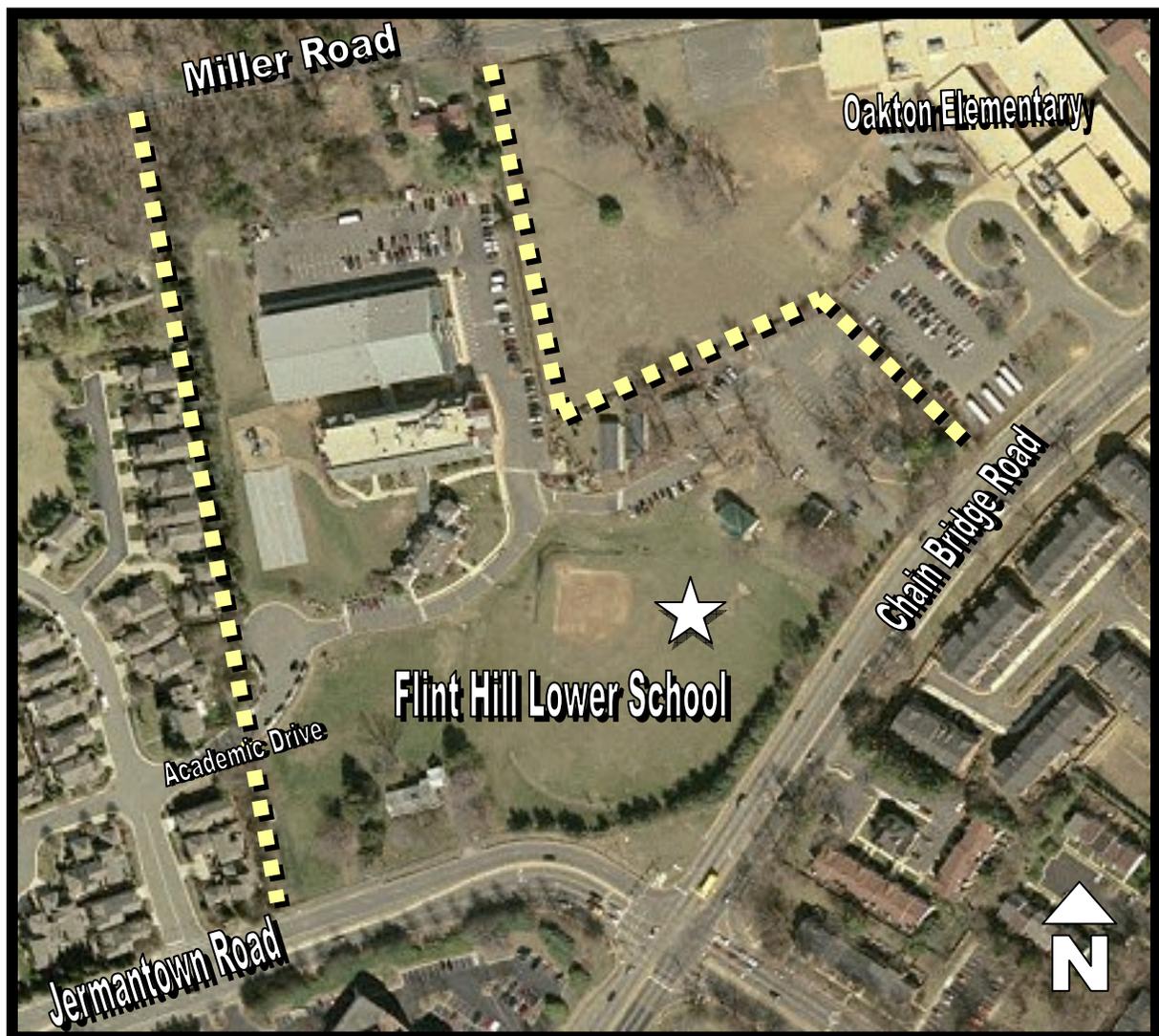
The 15.22 acre subject property is located in Oakton, on the northwestern quadrant of the intersection of Jermantown Road and Chain Bridge Road, and to the south of Miller Road. Pedestrian and vehicular access to the site is primarily limited to Academic Drive, a one-block, two-way, two-lane, public right-of-way, which runs perpendicular from Elmendorf Drive to its west and ends with a cul-de-sac like-design within the subject property boundaries.

The subject property is currently developed with three (3) principal buildings, to include:

- Building #1 (as identified on the GDP/SEA Plat): Known as the “Miller House”, this 7,219 SF, brick, 3-story, 35 ft-high structure was originally constructed off-site in 1930, and later moved to the subject property in 1986. The building, which is listed on the Fairfax County Inventory of Historic Sites, is presently used by Flint Hill Lower School for administrative, dining, and education uses.
- Building #2: This 40,430 SF, brick, 4-story (45-ft. in height) structure, serves as the primary classroom setting for kindergarten through 8th grade.
- Building #3: Building #3 is connected to Building #2 by a narrow second-story elevated walkway. This structure is 34,744 SF, composed of brick and metal, 2-stories (40 ft. in height), and contains various classrooms, as well as a first-story gymnasium and second-story theater.

The Flint Hill School nursery school and child care center are presently located within a 2-story, wood, former single-family dwelling, which is located near the southeast corner of the site, near Chain Bridge Road. The site also has three (3) other single-family detached dwellings, one directly next to the nursery school/child care center, and two others which are presently inhabited by school employees (one is located near Miller Road and the other near Jermantown Road). The subject property also has three (3) trailers (two (2) of which were temporary per conditions approved by SEA for educational uses, and have since expired), as well as a variety of accessory structures (barn, sheds, etc). The GDP/SEA Plat indicates that the freestanding structures will eventually be temporarily moved or razed, with the trailers and existing residences continuing to be used until such time.

Flint Hill Lower School also contains a baseball field, basketball court, and a few playgrounds. With respect to on-site parking and vehicular circulation, the subject property is entered/exited to/from Academic Drive, which ties into an on-site 2-lane, 2-way driveway. The existing on-site driveway extends east from Academic Drive, and forks east and north near the southeast corner of Building #1. The driveway that forks north leads to a large parking lot to the north of Building #3. This driveway and parking lot, aside from providing the majority of parking spaces for the site, also serves as the principal stacking location for vehicles picking-up and dropping-off school children. Conversely, the driveway that forks east leads to the site's second largest parking lot, along the far east of the subject property, and connects to the previously mentioned temporary trailers, and nursery school/child care facilities, etc. There are a few parking spaces located around the Academic Drive 'cul-de-sac', as well as a few scattered spaces that run either parallel or perpendicular to the site's internal driveway.



The subject property has a gradual downward slope in topography, from a high point of around 425 feet near the southern property line (running adjacent to Jermantown Road) to around 405 feet (which starts to the south of Building #1 and continues north to Miller Road/north property line with little variation). The lowest elevation on the subject property is the existing stormwater management pond, which has an elevation of approximately 392 feet. The pond, which is dry, is located between the western property line and Building #3.

Located to the west of the subject property is the Oak Marr residential subdivision, which is primarily separated from Flint Hill Lower School by a narrow strip of land (Parcels H1, D2, and N1) and owned by Oak Marr Courts Home Owner's Association, as well as a variety of fence types, trees, and landscaping. There are approximately fifteen (15) single-family detached residences adjacent to the application site, all zoned PDH-4 and located within fifteen (15) to ninety (90) feet from the Flint Hill Lower School western property line. Only one of the fifteen (15) single-family residences directly abuts the Flint Hill Lower School property line, and that is 10505 Miller Road, which is located near the northwest corner of the subject property and has driveway access onto Miller Road.

Located along the east of the subject property is the Oakton Elementary School, which is owned and operated by the School Board of Fairfax County and zoned R-1. The subject properties are separated by a six-foot high chain-link fence and various trees and landscaping. To the north of the subject property, and across Miller Road, are a number of single-family detached residences, within the Hunting Hills and Oakton Heights subdivisions, and zoned R-1. Located on the north end of the Flint Hill Lower School property is a one-story brick single-family residence (which is proposed for demolition), as well as a large wooded area that includes almost an acre of tree canopy and is partially protected by a Conservation Easement (the easement is 0.55 acres in size and used for BMP credit upon Parcel 38, which was added to the subject property as part of SEA 84-P-105-02).

Located along the subject property's south perimeter is a four (4) foot high chain-link fence and mixture of trees and landscaping, which helps to screen it from the adjacent Jermantown Road and Chain Bridge Road. To the south of the subject property, and across Jermantown Road, is the Flint Hill Centre office building, which is zoned C-3, as well as the "AT&T Building", which is zoned I-3. Along the south side of Chain Bridge Road are the Oak Manor, Preston Heights, and Treebrooke residential developments, which are composed of a variety of single-family attached and detached dwelling types, and are primarily zoned R-12 and PDH-12.

SURROUNDING AREA DESCRIPTION:

Direction	Use	Zoning	Plan
North	Single-family detached dwellings (Hunting Hills and Oakton Heights Subdivisions, located across Miller Road) and Oakton Elementary School	R-1	Residential, 0.5 - 1 du/ac and Institutional
South	Office Building, Single-family detached and attached dwellings	C-3, PDH-4, PDH-12, and R-12	Office, Residential, 8-12 du/ac and 16-20 du/ac
East	Oakton Elementary School	R-1	Institutional
West	Single-family detached dwellings (Oak Marr Courts Subdivision)	PDH-4	Residential, 3-4 du/ac and 0.2 - 0.5 du/ac

BACKGROUND (See Appendix 5)

Application	BOS Date	Use	BOS Action
SE 84-P-105	1/14/1985	Private school of general education approved on 11.84 acres of land. Enrollment limited to 625 by development condition.	Approve*
SEA 84-P-105	7/25/1994	Building additions, increase in land area (to 13.31 acres), and addition of a child care center/nursery school to an existing private school of general education. Enrollment limited to 625 by development condition.	Approve*
SEA 84-P-105-2	6/26/2000	Building additions, increase in land area (to 15.17 acres), site modifications, and an increase in enrollment, to an existing private school of general education, child care center/nursery school. Enrollment limited to 700 by development condition.	Approve*

**Approved with development conditions.*

Complete files for these applications, including interpretation of development conditions, are available in the Department of Planning and Zoning. A copy of the approved development conditions and SE Plats for SE 84-P-105, SEA 84-P-105, and SEA 84-P-105-2 are contained in Appendix 5.

COMPREHENSIVE PLAN PROVISIONS

- Plan Area:** Fairfax Planning District; Area II
- Planning Sector:** Fox Lake Community Planning Sector (F4)
- Plan Map:** Public facilities, institutional and governmental uses and Residential, du/ac 0.2-0.5
- Plan Text:**

On page 55 in the Area II text, the Fairfax Planning District, Fox Lake Community Planning Sector (F4), LAND USE RECOMMENDATIONS, the 2003 Comprehensive Plan (as amended through September 11, 2006) states:

3. The Flint Hill Preparatory School should maintain a character that is compatible with existing and planned development in the vicinity.

ANALYSIS

Generalized Development Plan (GDP) and Special Exception Amendment (SEA) Plat (Copy at the front of the staff report)

- Title of SEA Plat:** Flint Hill Lower School (East Campus)
- Prepared by:** Dewberry & Davis, LLC & Chatelain Architects, P.C.
- Original and Revision Dates:** January 11, 2007, as revised through June 1, 2007

The GDP/SEA Plat consists of ten (10) sheets showing the following information:

	Contents
Sheet 1	Cover Sheet, Notes, and Site Tabulation
Sheet 2	Generalized Development Plan/Special Exception Amendment Plat, Legend, Landscape Tabulations, and Angle of Bulk Plane Detail
Sheet 3	Proposed Interim Right Turn Lane layout, Stormwater Calculations and Narrative, Outfall Analysis
Sheet 3A	Oakton Elementary School – Outfall Narrative (For Information Only)
Sheet 3B	Flint Hill School – Sanitary Sewer Profiles & Stormwater Outfall Sections (For Information Only)

Sheet 3C	Oak Marr Courts – Drainage Divides (For Information Only)
Sheet 4	Flint Hill School: Stormwater Management – Pre-Development Divides
Sheet 5	Flint Hill School: Stormwater Management – Post-Development Divides
Sheet 6	Flint Hill School: Stormwater Management - Outfall Plan
Sheet 7	Proposed Architectural Elevations/Sections

The following features are depicted on the combined GDP/SEA Plat:

- **Floor Area Ratio (FAR):** The R-3 District permits a maximum FAR of 0.25, which permits an approximate permitted gross floor area of 165,700 SF over the 15.22 acres (648,675 SF). The applicant’s proposed GDP/SEA Plat calls for the preservation of 82,393 SF of existing gross floor area (Buildings #1, #2, and #3), while proposing the creation of 83,307 SF of additional gross floor area (spread between Buildings #4, #5, #6, and #7). As a note, in the event that the applicant’s proposed 0.32-acre vacation/abandonment of Academic Drive is not approved, Flint Hill School would be limited to an approximate maximum permitted gross floor area of 162,618 square feet (a reduction of approximately 3,082 gross square feet), extended over the remaining 14.89 acres.
- **Building #4:** Sheet 2 of 7 of the GDP/SEA Plat depicts the proposed location of Building #4. Located north of Building #3, this structure would replace an existing asphalt parking lot, and used for educational, nursery school, and child care center uses. At this time, the applicant is uncertain whether or not the proposed structure would be built at 2 or 3 floors, but has indicated that if built at 2 floors it would have a maximum height of 30’ feet with 37,846 SF, and if built at 3 floors it would have a maximum height of 45’ feet with 56,769 SF.
- **Building #6 (Atrium):** In order to connect existing and proposed Buildings #2, #3, and #4, the applicant has proposed an atrium/building connector along the east sides of the structures. The atrium, with a maximum height of forty-five (45) feet and gross floor area of 10,941 SF, would serve as an above-grade passageway for students traveling between the 3 buildings, as well as the primary check and control point for students, staff, and visitors entering/exiting the combined structures. The proposed exit/entranceway would be located along the east side of the atrium (and Building #3), directly in front of a proposed vehicular drop-off/pick-up area and driveway.

- *Buildings #5 (Support Buildings)*: The proposed GDP/SEA Plat depicts a maximum of four (4) support buildings (Buildings #5), with two (2) located north of Building #4 (each with a footprint of 25' x 25' ft, or 625 GFA), one (1) located north of the proposed soccer field (with a footprint of 25' x 50' ft, or 1,250 GFA), and the last located east of the proposed baseball field (with a footprint of 25' x 25' ft, or 625 GFA). Combined, the four (4) proposed support buildings would total 3,125 SF, each with a maximum height of 25' feet. According to the GDP/SEA Plat (*note #20 on Sheet 1 of 7*), the proposed structures would be used for "...storage of materials and equipment related to the school operations, grounds maintenance and/or athletic programs". The GDP/SEA Plat (*Sheet 7 of 7*) depicts a photograph of an on-site support building that is presently used by Flint Hill Lower School, and notes that the image is intended to reflect the general character of the proposed structures, if constructed.
- *Buildings #7:* The proposed GDP/SEA Plat depicts two (2) existing trailers which are presently located to the east of Building #1 (detailed later in this report under the *Land Use Analysis* section). The trailers have a maximum height of 12' feet and a combined gross floor area of 2,880 SF. The GDP/SEA Plat depicts four (4) proposed locations for the trailers (once development starts), to include two (2) locations to the west of the proposed baseball field, another location to the west of Building #1, and the last location to the east of the Academic Drive entranceway.
- *Vacation/Abandonment of Academic Drive:* As previously noted, in order to better reconfigure the on-site vehicular circulation system, the applicant will be requesting (at a future date) the vacation/abandonment of a 0.32 acre portion of Academic Drive located along their western property line. This 0.32 acre portion, once vacated, would be zoned R-3 and added to the overall acreage of the subject property. The GDP/SEA Plat does depict a new "Proposed Right-of-Way" for the east end of Academic Drive, with a 'roundabout' type design and radius of 41' feet. The proposed design would permit the Virginia Department of Transportation (VDOT) to turn-around on Academic Drive without having to enter/exit private property. The applicant has proffered that, in the event the County does not approve the vacation/abandonment request, the proposed development program shall be adjusted, subject to the approval of the Director of DPWES, and the total permitted gross floor area on the site shall be reduced accordingly. As previously written, in the event that the applicant's proposed 0.32-acre vacation/abandonment of Academic Drive is not approved, Flint Hill School would be limited to an approximate maximum permitted gross floor area of 162,618 square feet (a reduction of approximately 3,082 gross square feet), extended over the remaining 14.89 acres.

- Parking Areas: As described within the *Location and Character* section of this report, the applicant's GDP/SEA Plat calls for the removal of most the subject property's existing parking spaces. In order to meet the site's parking requirement, which calls for 200 parking spaces, the GDP/SEA Plat depicts six (6) separate parking lots, in addition to nine (9) parallel parking spaces located along one of the internal driveways (to the east of Buildings #2, #3, and #4). Five (5) of the six (6) parking lots, totaling 165 spaces, would be located near the southwest corner of the subject property, near the Academic Drive entrance. The 6th parking lot, having 22 spaces, would be located to the east of Building #1 and directly west of the proposed baseball field.
- Driveways: Notwithstanding the applicant's aforementioned vacation/abandonment request, the sole pedestrian and vehicular exit/entranceway onto/from the subject property would continue to be from Academic Drive (Note: the applicant is proposing an emergency access with gate between the subject property and Miller Drive, discussed later in the report). As mentioned above, the applicant is proposing to construct a new 'roundabout' type right-of-way at the east end of Academic Drive. The proposed design, aside from permitting access to/from Academic Drive, would also permit access to/from two (2) separate Flint Hill-owned asphalt driveways, along the 'roundabouts' south and north sides.

South Driveway (Loop Road): The proposed Flint Hill driveway, that runs south off of the reconfigured Academic Drive right-of-way, would be composed of 2 one-way lanes, with one-way traffic headed south and away from the right-of-way. The driveway, which is 1,700 linear feet in length, primarily travels along the southern and eastern perimeter of the subject property and eventually connects with the 'north driveway' (described below). In effect, the south driveway forms a 'loop' or 'ring' road, and circles three (3) of the proposed parking lots, two (2) support buildings, the soccer/athletic field, and the baseball field. The south driveway is proposed to serve two (2) primary functions:

1. **Stacking Lane:** The south driveway would serve as a stacking lane for drivers waiting to pick-up/drop-off school children.
2. **Overflow Parking:** The south driveway would serve as a potential overflow parking location, as vehicles could potentially parallel park along one lane (approximately 68 spaces), while leaving open the other lane for driving.

North Driveway: The proposed Flint Hill driveway that runs north off of the reconfigured Academic Drive right-of-way, would be composed of 2-lanes, one in each direction. The north driveway would largely follow the subject property's existing driveway, which is located to the south of the Building #1

and east of Buildings #2 and #3. Proceeding east from Building #1, the reconfigured north driveway would permit direct access to five (5) of the six (6) on-site parking lots (located near the southwest of the subject property), serve as the terminus/entranceway for the south driveway users, and would travel north and end as a cul-de-sac before it reached Miller Road (near the northeast corner of the property). The cul-de-sac would permit vehicles to turn around and pull up along the east side of the atrium (and Building #3), within the school's designated drop-off/pick-up area.

- *Proposed Recreational Amenities:* As previously noted, the applicant is proposing to remove, replace and/or reconfigure all of the existing outdoor recreational amenities (to include the existing baseball field, basketball court, and playgrounds). The applicant's GDP/SEA Plat proposes the following outdoor recreational amenities:
 1. *Soccer/Athletic Field:* Located south of Building #1 and over eighty (80) feet north of Jermantown Road, the proposed soccer field measures 360' feet long x 190' feet wide. According to the Fairfax County Park Authority this is considered an adult full-size soccer field, versus a field size used for U-14 soccer (youth under age 14), which is 300' feet x 180' feet. The applicant has indicated that the field would be used by both the Flint Hill Lower School and Flint Hill High School.
 2. *Baseball/Athletic Field:* Located to the east of the proposed soccer field, the proposed baseball field measures 46' feet between home plate and the pitcher's mound, and 200' feet from the pitcher's mound to the center field perimeter line (location of a portable waist-high fence). According to the Fairfax County Park Authority this is considered an appropriate sized field for anything from little league up to adult women's fast pitch softball, but would not be appropriate as a boy's varsity baseball field. The applicant has indicated that the field will be used by the girl's softball team.
 3. *Playgrounds:* The GDP/SEA Plat depicts a "Playground/Outdoor Activity Area" to the north of proposed Building #4, located within an approximate 10,000 square foot area. The GDP/SEA Plat's *Notes* section indicates that a 3' to 4' foot chain-link fence would be provided to enclose a portion or all of the proposed playground/outdoor activity area. As noted, Building #4 would serve the nursery school and child care center uses and the proposed playground would be located less than thirty (30) feet from the building. The GDP/SEA Plat includes a note on the Development Plan that reads, "*Safe and direct access from Building 4 to playground will be provided subject to final architectural design.*" The GDP/SEA Plat also depicts a "Possible Playground/Outdoor Activity Area" between Buildings #1 and #2.

- Lights and Noise: The GDP/SEA Plat, Sheet 1 of 7, contains notes that the proposed improvements will require the installation of outside lighting and loudspeakers, but that no lights are proposed for the athletic fields. The applicant has provided no information regarding the proposed lighting/loudspeaker location, type, or dimensions, but has indicated under the 'Notes' section that they will meet the relevant zoning ordinance provisions governing such devices. The applicant has also added a lighting proffer capturing this intent.
- Miller Road Access: The applicant's GDP/SEA Plat depicts a driveway connection between the proposed cul-de-sac (located near the northeast corner of the subject property) and the south side of Miller Road. The GDP/SEA Plat reads, "*Proposed Emergency Access With Gate*". As written, this proposed exit/entranceway will only be used in the event of an emergency, and will offer the subject property a necessary ingress/egress alternative. The applicant's proposed proffers state that the "*...access shall remain gated at all times and shall not be used for School purposes, other than for emergency ingress/egress.*"
- Miller Road Dedication: The applicant is proposing to dedicate two (2) feet of right-of-way (for a total of 27 feet from the existing centerline) along the entire length of their north property line for future trails. The GDP/SEA Plat depicts and the proposed proffers capture this dedication.
- Miller Road Sidewalk: As per their proffers and GDP/SEA Plat, the applicant has proposed to construct a 5-foot wide concrete sidewalk along their entire north property line, within the Miller Road right-of-way. The proposed sidewalk will have no on-site connection.
- Chain Bridge Road Right of Way Reservation Area: As per their proffers and GDP/SEA Plat, the applicant is proposing to reserve for dedication between 75 feet to 87 feet of right-of-way from the centerline of Chain Bridge Road, to accommodate a possible future third southbound lane, future right-turn lane, future on-road bike lane, and future trail, all of which would be constructed and funded by others.
- Interim Right Turn Lane: As per their proffers and GDP/SEA Plat, the applicant is proposing to design and construct an interim right-turn lane along southbound Chain Bridge Road, onto Jermantown Road contingent upon the execution of a reimbursement agreement for improvements in excess of \$72,500.00.
- Pedestrian Improvements: The applicant has proffered to provide pedestrian improvements on the Chain Bridge Road southbound approach leg (N/E leg) at Jermantown Road. The improvements will include crosswalk stripping, ADA ramps, and pedestrian countdown signals, and will be constructed during the interim improvements cited above.

- Residential Dwelling Units: The applicant has stated within the 'Notes' section of the GDP/SEA Plat (on Sheet 1 of 7) and proffers to remove all four (4) residential dwellings and three (3) educational trailers within six months after issuance of the Non-RUP for proposed Building #4.
- Maximum Building Height: The applicant has added a proffer that no building shall exceed those heights listed on sheet 1 of the proposed GDP, and that new Building #4 shall not exceed three (3) stories, or 45 feet, in height. The GDP/SEA Plat lists no building (existing or proposed) as being higher than 45' feet in height.
- Stormwater Management Pond/LIDs: As noted, the site has an existing stormwater management (dry) pond located along the subject property's western property line, west of Building #3. The applicant proposes to modify the existing pond to satisfy current design standards of the PFM, to include extending its size by digging north. Additionally, the GDP/SEA Plat depicts six (6) locations for possible low impact development (LID), to address stormwater quality and quantity management objectives (to include bio-retention basin/filter, percolation trench, rainstore, vegetated swale, or reforestation). All of the LID locations are adjacent to the proposed South Driveway and/or parking lots. The applicant has proffered to provide these LIDs to satisfy the stormwater management requirements for both the two (2) year and ten (10) year design storms.
- RPA/EQC/Floodplain: There are no Resource Protection Areas, Environmental Quality Corridors, or Floodplains located on the subject property.
- Conservation Easement: The applicant has depicted upon Sheet 2 of the GDP/SEA Plat, a 0.55-acre Conservation Easement Water Quality Management Area, which was approved for BMP credit in 2000 as part of SEA 84-P-105-02, and is located along the northwest corner of the subject property (more specifically, on Parcel 38). The applicant desires to vacate the Easement in order to expand their existing storm water management pond.
- Limits of Clearing and Grading: The GDP/SEA Plat indicates that a majority of subject property will fall within the delineated "limits of clearing and grading" boundary. The exceptions are an approximate 12,000 SF tree save area located at the northwestern corner of the subject property, and a large percentage of the perimeter vegetation along the Jermantown Road/south property line frontage.
- Landscaping and Open Space: The applicant is preserving approximately 60% (8.9 acres) of the subject property for open space and has added a proffer to this effect. The proposed landscape plan, located on Sheet 2 of 7 of

the GDP/SEA Plat, depicts a variety of new plantings (consisting of various shrubs, deciduous, ornamental, and evergreen trees), primarily along the northern, southern, and western property lines (please refer to detailed landscaping analysis within the Waiver/Modification section, towards the end of the Staff Report). Other than along the aforementioned property lines, the applicant is also proposing the following landscaping:

1. *Eastern Property Line:* The subject property's eastern lot line is completely adjacent to the Oakton Elementary School. The GDP/SEA Plat depicts proposed evergreens and deciduous trees along the shared perimeter.
2. *Parking Lots:* As noted, the proposed parking lots located near the southwestern corner of the subject property are largely screened along their western edge. The GDP/SEA Plat depicts LIDs and deciduous trees between the southwestern lots, as well as a few trees along their eastern edge. The parking lot located near the baseball field, which is the least screened or visible from adjoining properties, will include a few deciduous trees.
3. *South & North Driveways:* Aside from the landscaping along the site's western, southern, eastern, and northern property lines, which will abut and screen most of the proposed south and north Driveway's exterior perimeter, the GDP/SEA Plat also depicts a row of deciduous trees along both sides of the two (2) driveways.
4. *Tree Preservation and Planting Fund:* The applicant has proffered to contribute \$3,000.00 towards the "Tree Preservation and Planting Fund" (at the time of site plan for Building #4), for the preservation and/or planting of trees within the Providence District.

Land Use Analysis

The Comprehensive Plan shows that the majority of the subject property is planned for Institutional Use, with a small undeveloped portion of the site (located near the northwest corner) planned for Residential Use, at a density of 0.2-0.5 dwelling units per acre. As previously mentioned, the subject property abuts Miller Road to its north, Jermantown/Chain Bridge Road to its south, Oakton Elementary School to its east, and a single-family detached subdivision to its west. In Staff's opinion, the requested intensity of 0.25 FAR is compatible with adjacent uses; therefore the proposed use and intensity are in conformance with the Plan.

Issue: Trailers

On June 26, 2000, the Board of Supervisors approved SEA 84-P-105-2, which permitted the use of two (2) temporary trailers upon the subject property, for educational use, for a maximum time period of three (3) years from the date of approval. The trailers, which are located approximately 180 feet east of Building #1, should have been removed by June 26, 2003, but were not. (As a note, there is a third educational trailer, located next to the other two trailers, but it was approved in previous Special Exception Amendments and has no time expiration).

Resolution

The applicant has added a GDP/SEA Plat note and proffered that the trailers, which are still in use upon the property, may be relocated on-site, on a temporary basis during the phased construction of the proposed development program, and will be removed from the site within three (3) months after issuance of the Non-RUP for new Building #4. The applicant is uncertain when Building #4 will be constructed, and this could potentially delay the removal of the trailers. As such, the applicant has depicted on the GDP/SEA Plat four (4) interim trailer locations (identified with a star on the Plat), to include two (2) locations to the west of the proposed baseball field, one location to the west of Building #1, and the last location to the east of the Academic Drive entranceway. Staff has added a development condition requiring that the trailers meet all DPWES site plan requirements. With the addition of this development condition, this issue has been resolved.

Environmental Analysis (Appendix 6 and 7)

The 15.22 acre subject property falls within the Difficult Run Watershed. The stormwater management narrative indicates that the existing pond located in the northwest portion of the site will be enlarged and retrofitted to convert it from a dry pond to an extended detention facility. The new facility will be designed to meet best management practice requirements as well as detention requirements for the two (2) and the ten (10) year design storms. The water quality characteristics of the pond will be augmented by the installation of several low impact development techniques which will include bio-retention basins/filters, percolation trenches, rainstore, and vegetated swales. As conditioned, the adequacy of any proposed SWM/BMP measures will be subject to review and approval by the Department of Public Works and Environmental Services (DPWES).

Issue: Soil Constraints/Naturally Occurring Asbestos Soil

The generalized soil survey for Fairfax County indicates that Orange soils (59B2) and (69B2) characterize some areas of the subject property. Special safety precautions are required to construct and develop projects in "orange soils".

Resolution

As proffered, should DPWES determine that a potential health risk exists, due to the presence of asbestos on the property, the applicant will be required to take appropriate measures as determined by the Health Department to alert all construction personal as to the potential health risks, and to commit to appropriate construction techniques, as determined by DPWES, to minimize potential risk. As such, this issue has been resolved.

Issue: Conservation Easement

Staff has reviewed a Flint Hill School As-Built Site Plan, dated June 2000 (6330-SP-05), which depicts a Conservation Easement along the northwest corner of the subject property (more specifically, on Parcel 38). The easement reads:

CONSERVATION EASEMENT WATER QUALITY
MANAGEMENT AREA 0.55 AC.

NOTE: BMP CREDIT ALLOWED FOR OPEN SPACE, NO USE OR DISTURBANCES OF THIS AREA IS PERMITTED WITHOUT THE EXPRESS WRITTEN PERMISSION OF THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES.

The easement runs along the north property line (Miller Road right-of-way) for over 220' feet (Note: the Miller Road property line measures approximately 426' feet across, running east to west), and runs from the corner of the northwest property line, south, approximately 125' feet. The GDP/SEA Plat (Sheet 2) depicts an outline of the Conservation Easement and includes the following wording, "Existing Conservation Easement (to be vacated)." The existing easement will be reduced to an approximate 12,000 SF (0.27-acre) "*Existing Vegetation To Be Preserved*" area, and depicts proposed grading and clearing along all four (4) sides of the easement, as well as proposed stormwater pond and new planting encroachments along its south side.

Resolution

Staff has added a Development Condition that stipulates no use or disturbances of the Conservation Easement shall be permitted without the express written permission of the Director of the Department of Public Works and Environmental Services, and in the event such permission is denied, that the applicant shall be required to submit a PCA/SEA. With the inclusion of this development condition, Staff believes that this issue has been resolved.

Issue: Countywide Trails System

The Countywide Trails Plan map depicts a “*Major Paved Trail*” along the north side of Jermantown and Chain Bridge Road and a “*Minor Paved Road with parallel Natural Surface or Stone Dust Trail*” along Miller Road. The Trails Plan requires the following:

- Major Paved Trail (asphalt or concrete) is required to be built at a minimum of 8’ or more in width, with VDOT requiring a minimum of 10’ feet in width if located in the right-of-way.
- Minor Paved Trail (asphalt or concrete) varies from 4’ to 7’-11”, with the parallel Natural Surface or Stone Dust Trail typically built at 6’ to 8’ feet in width.

The applicant is proposing, as detailed within the GDP/SEA Plat and proffers, to provide the following improvements and to request the following modifications:

- Miller Road: No sidewalks or trails presently exist. The applicant has proffered (and depicted on the GDP/SEA Plat) to construct a five (5) foot wide sidewalk along the subject property’s entire north property line, within the Miller Road right-of-way. Therefore, the applicant is requesting a modification from the minor trail width requirement.
- Jermantown Road: A 6’ wide asphalt trail exists within the right-of-way. The applicant is proposing no change to the existing 6’ foot wide asphalt trail, and is therefore requesting a modification from the major trail width requirement.
- Chain Bridge Road: A 6’ foot wide asphalt trail, which connects to the Jermantown Road trail, continues for 50’ linear feet into the Chain Bridge Road right-of-way (approaching Oakton Elementary). Heading east, this trail tapers into a four to five (4-5) foot wide concrete sidewalk along the remainder of the Chain Bridge Road right-of-way/Flint Hill frontage. As previously noted, the applicant has proffered and depicted on the GDP/SEA Plat to reserve right-of-way for future dedication along Chain Bridge Road in order to construct road and trail improvements.

Specifically, the applicant has proposed to construct an interim right-turn lane and a 10-foot wide trail running parallel along the entire length of the proposed turn lane (approximately 400 linear feet), to Jermantown Road. From the proposed turn lane, headed east (towards Oakton Elementary), the existing Chain Bridge Road 4-5 foot wide sidewalk would remain in place. The GDP/SEA Plat depicts a final built-out for this portion of Chain Bridge Road (to be constructed and funded by others), which includes the

addition of a third southbound lane, new turning lane location, and a new 10-foot wide trail location. In this final design, the 10-foot wide trail would extend along the subject property's entire Chain Bridge Road right-of-way and thus meet the Major Paved Trail requirement. The ultimate improvements within the right-of-way would be funded by the County and VDOT. The applicant is requesting a modification of the Major Trail requirement along Chain Bridge Road, in favor of an interim improvement proposed within the GDP/SEA Plat and proffers.

Resolution

The proposed trail modifications have been reviewed by the County's Trail Planner and Providence District Representative of the Trails and Sidewalks Committee. Staff has no objection to the modification request; however, Staff believes that the applicant should provide a contribution to the Providence District Walkway Fund in an amount equivalent to the cost of constructing the 10-foot wide asphalt trail along Chain Bridge Road as required by the Comprehensive Plan. This request has not been addressed by the applicant. Staff has added a development condition that all proposed off-site trails and sidewalks (along Miller, Jermantown and Chain Bridge Road) shall be field located in consultation with the Urban Forest Management (UFM) Division, at time of construction, to minimize disturbance to existing mature trees.

Issue: Fairfax County Inventory of Historic Sites

The building known as the Miller House (Building #1) at Flint Hill Lower School is listed on the Fairfax County Inventory of Historic Sites and is an important heritage resource.

Resolution

The applicant's proposed construction of a new classroom building and atrium (Building #4 and #6) and changes to the campus layout will not adversely affect the Inventory structure, as the proposed structure will be located over 140 feet away from the Miller House, and hidden from its view due to existing Buildings #2 (45 feet in height) and #3 (40 feet in height). Therefore, this issue has been resolved.

Issue: Proposed Evergreen Trees along Jermantown Road

Several evergreen trees are proposed to be planted under the existing overhead utility wires at the southern portion of the site adjacent to Jermantown Road. These trees are not suitable for this location due to their potential height and likely interference with the overhead lines.

Resolution

As requested, the applicant has replaced the evergreen trees with evergreen shrubs. Therefore, this issue has been resolved.

Issue: Tree Preservation

As per Urban Forest Management's memo, the applicant's submitted application should provide the following tree preservation measures:

1. 36-inch Diameter White Oak Tree: The proposed limits of clearing and grading located along the northern portion of the site, adjacent to the 36-inch diameter white oak tree (along Miller Road and northeast of the existing on-site 1-story dwelling and carport), will not adequately protect the tree from construction activities.
2. Existing Trees to the North of 1-Story Dwelling: There are several existing on-site holly, cedar, and spruce trees located along the northern property line, just north of the existing on-site 1-story dwelling and carport (slated to be demolished) that appear to be located inside the area to be disturbed. These trees appear to be in good condition and should be considered for preservation.
3. Row of Existing Trees North of Existing Trailers: There is a row of existing evergreen trees, located north of the existing trailers and along the eastern property line, proposed to be removed. These trees, which primarily consist of Foster's holly and Colorado blue spruce, appear to be in good condition and should be considered for preservation.

Resolution

With respect to the 36-inch diameter white oak tree, Staff has added a Development Condition that requires the applicant to expand the limits of clearing and grading on the landscape plan, at the time of site plan approval, and provide a radius of at least 20 feet to adequately protect the tree from construction activities. With respect to the existing trees to the north of the 1-story dwelling and the existing trees located north of the existing trailers, Staff has added a Development Condition that requires the applicant to designate, at the time of site plan approval, a tree preservation area, to adequately protect the protect these trees from construction damage.

Transportation Analysis (Appendix 8)

Issue: Right-of-Way Requirements for Roads Shown on Transportation Map Where No Plans Exist

In accordance with the Fairfax County Comprehensive Plan, the Fairfax County Department of Transportation (FCDOT) has requested that the applicant dedicate

right-of-way and construct frontage improvements along Chain Bridge Road (Route 123). According to the Comprehensive Plan, to accommodate a six (6) lane cross-section, a six (6)-lane road would require 143' feet across the entire cross-section of Chain Bridge Road, or 71.5 feet from centerline. Further, an additional 12' feet of frontage should be dedicated for a future right turn lane along Chain Bridge Road (that would turn onto Jermantown Road). Combined, the required right-of-way width, measured from the centerline, would be 83.5 feet.

Resolution

The applicant is proposing to reserve for dedication between 75 feet to 87 feet of right-of-way from the centerline of Chain Bridge Road, to accommodate a possible future third southbound lane, future right-turn lane, future on-road bike lane, and future trail, all of which would be constructed by others. The applicant has proffered that this area would be dedicated subject to both of the following events:

1. The Chain Bridge Road (Route 123) Improvements along the Chain Bridge Road frontage of the property are shown on a transportation improvement plan approved by the County or the Virginia Commonwealth Transportation Board; and,
2. The improvements are funded for construction by VDOT, the County, or others.

In the interim, the applicant is proposing to design and construct an interim right-turn lane along southbound Chain Bridge Road, onto Jermantown Road. The interim improvements would consist of the construction of a right-turn lane (200 foot lane, 200 foot taper), a ten (10) foot wide trail which runs parallel to the right-turn lane, dedication of all necessary right-of-way to the Board of Supervisors at the time of site plan approval, the relocation/replacement of the existing, fence and utilities where necessary and the installation of the replacement landscape buffer as represented on the Proposed Interim Right Turn Lane insert on Sheet 3 of the GDP.

Construction of these improvements by the applicant is proffered to be subject to the execution of a "Reimbursement Agreement" with the County. Staff believes that the applicant's proffer #10 (5th bullet), which references the frequency and duration of reimbursement progress payments, is better suited to be included within the Reimbursement Agreement, rather than the proffers. In staff's opinion, including these terms in the actual Reimbursement Agreement ensures that appropriate County agencies, who routinely review such agreements provide input regarding the terms prior to execution of the Agreement. In the event the applicant opts to retain the current reimbursement language within the proffer, staff recommends that the Reimbursement Agreement be executed by both parties prior to Board action on these applications.

Issue: Pedestrian Sign Heads and Crosswalk

The Department of Transportation (DOT) has requested that the applicant provide pedestrian signal heads and crosswalks along the northeastern (NE) leg of the Jermantown/Chain Bridge Road intersection.

Resolution

The applicant has proffered to provide pedestrian upgrades on the Chain Bridge Road southbound approach leg (NE leg) at Jermantown Road. The improvements will include crosswalk stripping, ADA ramps, and pedestrian countdown signals, and will be constructed during the previously mentioned interim right-turn lane improvements; therefore, this issue has been addressed.

Issue: Playground Sidewalk Extension

The Department of Transportation has requested that the proposed sidewalk which runs along the east of Building #4 be extended to the playground north of the Building unless the playground is fenced and accessed from campus buildings.

Resolution

The applicant has added a note to the GDP/SEA Plat that the safe and direct access from Building #4 will be provided, subject to final architectural review. To clarify the commitment, Staff has added a Development Condition requiring that the proposed sidewalk be extended to the playground, unless it is fenced and accessed directly from Building #4; therefore, this issue has been addressed.

Issue: Athletic Field Sidewalk Extension

The Department of Transportation has requested that the applicant provide a sidewalk extension from the proposed terminus at the athletic field parking area, to run along the parking stalls adjoining the baseball field.

Resolution

The GDP/SEA Plat does not depict the requested extension. Staff has added a Development Condition requiring that the proposed sidewalk be extended as requested; therefore, this issue has been addressed.

Issue: Handicap Parking Lot Sidewalk Connection

The Department of Transportation has requested that the applicant provide a connecting sidewalk, between the sidewalk that terminates at the southwest corner of Building #1, and the sidewalk ninety (90) feet to its west. The sidewalk would connect to and run directly north of the nine (9) space parking lot that includes four (4) handicapped spaces.

Resolution

The GDP/SEA Plat does not depict the requested extension. Staff has added a Development Condition requiring that the proposed sidewalk be connected as requested. Therefore, this issue has been addressed.

Issue: Sidewalk Connection between Buildings #2 and #3

The Department of Transportation has requested that the applicant provide a sidewalk connection between Building #2 and Building #3. The sidewalk would be located to the west of the structures, and would tie into existing and proposed sidewalks along the west of Building #1.

Resolution

The GDP/SEA Plat does not depict the requested extension. Staff has added a Development Condition requiring that the sidewalk connection be provided as requested; therefore, this issue has been addressed.

Issue: Handicap Drop-Off Spaces

The Department of Transportation has requested that the applicant designate a maximum of 2 handicapped parallel parking spaces at the bus drop-off area.

Resolution

The applicant has depicted two (2) parallel handicapped parking spaces directly to the east of Building #6 (atrium); therefore, this issue has been addressed.

Public Facilities Analyses (Appendices 9 through 13)

Sanitary Sewer Analysis (Appendix 9)

The application property is located in the Accotink Creek (M1) Watershed, and is sewered into the Norman M. Cole, Jr. Pollution Control Plant. An existing eight (8) inch pipe line located within an easement and within the property is adequate for the proposed use at this time. Based on current and committed flow, there is excess capacity in the plant at this time. However, availability of treatment capacity will depend on the current rate of construction and the timing for development of this site.

Fairfax County Water Authority (Appendix 10)

The subject properties are located within the Fairfax Water Service Area. Adequate domestic water service is available at the site from an existing 8-inch water mains located at the site.

Fire and Rescue (Appendix 11)

The subject property is serviced by the Fairfax County Fire and Rescue Department Station #434, Oakton. The requested rezoning and special exception amendment currently meet fire protection guidelines, as determined by the Fire and Rescue Department.

Fairfax County Park Authority (Appendix 12)

The Park Authority has reviewed the application and has determined that it bears no adverse impact on land or resources of the Park Authority.

Stormwater Analysis (Appendix 13)

Issue: Outfall Narrative & Water Quality Protection

An outfall narrative is required which describes the condition of the site outfall in terms of stability and capacity, along each site outfall downstream, to a point where the watershed is at least 100 times the contributing site size or 1 square mile, as per County Zoning Ordinance 16-302. The applicant must be specific in including the drainage areas in the analysis at the point where the analysis ceases. Also, the applicant is required to incorporate best management practices which achieve a 40% phosphorous removal efficiency. The applicant will be required to meet this standard.

Resolution

Staff has added a Development Condition that requires the applicant to satisfy all on-site detention and water quality requirements, in accordance with the Public Facilities Manual, DPWES, and Chapter 118 of the Fairfax County Code, and believes that these issues have been addressed.

ZONING ORDINANCE PROVISIONS (Appendix 14)

The proposal is to expand the existing school use with the construction of one (1) additional classroom building and connecting atrium, as well as up to four (4) accessory storage structures. The Zoning Ordinance provides standards for construction of both residential structures and non-residential structures in the R-3 District Bulk Standards. The standards that apply to non-residential structures have been used to determine the requirements for the proposed school structures.

Bulk Standards (R-3)		
Standard	Required	Provided
Maximum Building Height	60 feet maximum	45 feet maximum (Building 2 & 4)
Front Yard	All other structures – 45° angle of bulk plane, but no less than 30 feet. 45 Feet ABP: 45 feet	Miller Road (Building #4): 151' ft. Access. Struct.: 118' ft. Jermantown Road (Building #1): 337' ft. Access. Struct.: 370' ft. Chain Bridge Road (Building #1): 410' ft. Access. Struct.: 172' ft.
Side Yard (Eastern Property Line)	All other structures – 35° angle of bulk plane, but no less than 10 feet. 45 Feet ABP: 32 feet	Building #4: 62' ft. Access Struct.: 104' ft.
Side Yard (Western Property Line)	All other structures – 35° angle of bulk plane, but no less than 10 feet. 45 Feet ABP: 32 feet	Building #4: 105' ft. Access Struct.: 166' ft.
FAR	0.25 for uses other than residential or public	0.25
Open Space	None, except for cluster or ADU.	60% (8.9 acres)
Parking Spaces	196 spaces	196 spaces
Loading Spaces	3 spaces	3 spaces

WAIVERS AND MODIFICATIONS

The applicant is seeking the following waivers and modifications:

Transitional Screening

As per Section 13-301, Transitional Screening Type 1 (25 ft. in width) is required along the subject property's western, southern and northern lot lines. The applicant is requesting that a modification be approved for this requirement, in favor to what is shown on the GDP/SEA Plat.

The GDP/SEA Plat depicts the following Transitional Screening improvements:

- Chain Bridge Road (southern) frontage: A previously noted, the applicant is proposing an interim right-turn lane along Chain Bridge Road, as well as a future right-of-way reservation area. Both phases propose different screening along the Chain Bridge Road right-of-way/subject property southern property line. The interim right-turn lane phase depicts a "Proposed Area Of Preservation", which shows a minimum twenty (20)-foot to thirty (30)-foot wide landscaping strip with existing and proposed shrubs, vegetation, evergreens, and deciduous trees along the Chain Bridge Road property line. The second phase, or future right-of-way reservation area, will require the applicant to dedicate additional right-of-way, which will reduce the "Proposed Area Of Preservation" to a 10-foot wide planting strip, composed of a continuous row of evergreens, shrubs, deciduous trees, as well as some existing foliage and vegetation.
- Jermantown Road (southern) frontage: Along the subject property's Jermantown frontage (or southern property line), the applicant's GDP/SEA Plat meets the Transitional Screening requirement except for an approximate 70' foot long strip of land, which narrows down to a minimum of twenty (20) feet in width in some areas.
- Western Property Line: As previously noted, the majority of the proposed parking spaces/lots are located near the southwest corner of the subject property, directly adjacent to existing single-family detached residences. As the Limits of Clearing and Grading section indicates, the majority of the western property line falls within the clearing area. In order to lessen parking lot related-impacts upon the abutting residences, the applicant's proposed GDP/SEA Plat depicts plantings between the proposed parking areas and the subject property's western lot line. Located north of the proposed parking areas is the expanded stormwater management pond. Due to various planting restrictions near stormwater management ponds and the location of the access road, the applicant has proposed no landscaping along this stretch of the western property line. Instead, the application proposes a row of trees and shrubs along the entire eastern side of the pond. The applicant's intent is to screen the adjacent residences from the impacts of Building #3 and Building #4.
- Miller Road (northern) frontage: As previously detailed, located along the northwest corner of the subject property is an existing 0.55-acre "Conservation Easement Water Quality Management Area", which the applicant is requesting be vacated with this latest building program, and compensated for by an expanded SWM pond and LIDs. The GDP/SEA Plat indicates that the existing easement will be reduced to an

approximate 12,000 SF (0.27-acre) “*Existing Vegetation To Be Preserved*” area, which extends approximately 160-linear feet in length (east to west along Miller Drive), by 60-feet in depth (north to south). To the east of the proposed 12,000 SF vegetative save area, the applicant depicts a couple of existing trees (with no indication whether or not they will be preserved or demolished), as well as a note that reads, “*Additional Screening To Be Provided As Approved By DPWES.*” Along the northeast side of the Miller Road frontage/north property line, the applicant provides a variety of proposed plantings along the north side of the proposed cul-de-sac. The plantings include shrubs, evergreens, and deciduous trees.

Staff believes that the applicant’s GDP/SEA Plat, which dedicates necessary right-of-way for Chain Bridge Road improvements along its south, is limited along the west of the proposed stormwater pond, and provides additional landscaping along many of the property lines, has been designed along its southern and western property lines (excluding the Conservation Easement Area) to minimize adverse impacts upon the adjacent properties with supplemental plantings, orientation of the proposed improvements, and quality design of the structures. However, Staff believes that the transitional screening requirement along the northern property line should be met. The applicant has indicated that there needs to be a storm sewer line near the Miller Road frontage (one is depicted almost 60 feet south of the north property line), and that the grading situation is unclear at this time. As no improvements are proposed for this area, and it contains many trees that are deemed by UFM to be desirable and worth preserving, Staff believes that this area should be left intact and supplemented per the transitional screening requirement.

Staff supports the modification request along the southern and western property lines, but not along the northern property line. Staff has added a development condition requiring the applicant to meet the transitional screening requirement along the northern property line.

Barrier Requirement

In addition to the Transitional Screening requirement, the applicant is also required to provide a barrier along the subject property’s western, southern and northern lot lines. This barrier (D, E, or F), can consist of a 42-48 inch chain link fence (and may be required by the Director to have inserts in the fence fabric, to be coated, or to be supplemented by trees and/or shrubs), a 6-ft. wall (brick or architectural block faced on the side facing the existing use and may be required to be so faced on both sides as determined by the Director), or a 6-ft. high solid wood or otherwise architecturally solid fence.

The subject property presently has an existing 4-ft. high chain-link fence along its southern property line and a 6-ft. chain-link fence along its eastern property line, with no proposed changes listed within the GDP/SEA Plat. There are no existing fences, wall, or barriers along the subject property’s northern lot line; however,

the GDP/SEA Plat includes a note stating, "*Proposed Fence (6' Feet High) Subject To Approval*" on Sheet 2 of 7. The proposed 6-ft. high fence will be chain-link, which exceeds the maximum permitted chain-link fence height of 48" inches, and requires a modification by the Board of Supervisors (that request is detailed within the following Fence Height section).

The applicant is requesting that a modification of the barrier requirement be approved along the subject property's western lot line (as in previous SEAs), in favor to what is shown on the GDP/SEA Plat. Along the western property line's southern half, the applicant proposes to keep the existing 4-ft high chain-link fence in place. Along the western property's northern half, the applicant proposes to remove a portion of 4-ft. high fencing, keep an existing portion of 6-ft high board-on-board fencing, and add new 6-ft. high fencing in two separate areas. The GDP/SEA Plat depicts a small, approximate 80-ft. wide, opening of fencing near the stormwater pond's proposed spillway, outfall, and 100-year storm drainage easement. It should be noted that this opening will not directly abut any residence. The majority of the proposed and existing fencing along the subject property's western lot line meets the barrier requirement. Staff feels that due to the varying grade changes and topographical-related issues near the stormwater management pond that a modification of the barrier request is reasonable. Therefore, Staff does not object to this request.

Fence Height

As noted above, the applicant is requesting that a modification be granted to permit a 6-ft. high chain-link fence along the entire length of the north property line, which abuts Miller Road. The proposed 6-ft. high fence will be chain-link, which exceeds the maximum permitted chain-link fence height of 48" inches in a front yard. The GDP/SEA Plat does not provide a detail/typical of the proposed fence, only a note stating, "*Proposed Fence (6' Feet High) Subject To Approval*". The applicant has indicated that the fence will provide additional security along the north property line, which directly abuts the proposed playground/outdoor activity area, and Building #4, which will house the nursery school and child care center. Staff does not object to this request.

Dustless Surface Requirement

At the time of site plan review, the applicant intends to request a waiver to the dustless surface requirement for all, or a portion, of the proposed additional parking spaces. Section 20-300 (*Definitions*), defines Dustless Surface as a surface adequately covered in accordance with good practice with a minimum of either two (2) applications of bituminous surface treatment, concrete, bituminous concrete or equivalent paving material approved by the Director. This request will be addressed by the Director of DPWES, during site plan review, as is stated within Section 11-202.

Waiver of the Service Drive Requirement

Section 17-201 of the Zoning Ordinance requires that the subject property provide a service drive along the Chain Bridge Road right-of-way. Due to lack of access, there is no need for the improvement. As such, Staff has no objection to this request.

Frontage Improvements

The application requests the Board of Supervisors to direct the Director of the Department of Public Works and Environmental Services to modify the construction of frontage improvements along Chain Bridge Road and Jermantown Road. As detailed within the Transportation Analysis section transportation staff has no objection and believes that the request should be approved as a modification, due to the applicant's proffer to construct the interim turn right turn lane or provide partial funding for the improvement.

Modification of the trail requirements along Miller Road, Jermantown Road, and Chain Bridge Road, as depicted on the GDP/SEA Plat.

As detailed within the Environmental Analysis section (under *Issue: Countywide Trails System*), staff has no objection to the trail modification request, but believes that the applicant should provide a contribution to the Providence District Walkway Fund in an amount equivalent to the cost of constructing the 10-foot asphalt trail along Chain Bridge Road.

OTHER ZONING ORDINANCE REQUIREMENTS

Special Exception Requirements (See Appendix 14)

General Special Exception Standards (Sect. 9-006)

Standard 1 states that the proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan.

As noted, Flint Hill School has had Special Exception approval to operate at the subject property since 1985. Staff believes that the existing uses, which abut Oakton Elementary School to its east, Miller Road to its north, Jermantown and Chain Bridge Road to its south, and the Oak Marr single-family detached subdivision to its west, are suitable for the existing location. In addition, with proposed trail/road improvements and dedication of right-of-way along Chain Bridge Road, Staff believes that the application will improve pedestrian and vehicular conditions directly adjacent to the school. Staff finds the applicant's proposal to be in harmony with the adopted Plan. Therefore, this standard has been satisfied.

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 R-3 District allows “...*other selected uses which are compatible with the low density residential character of the district.*” Staff believes that the Flint Hill application, which proposes no increase in student enrollment or change in existing uses, will be in harmony with the R-3 zoning district regulations, as it has historically been with the R-1 District. Therefore, this standard has been satisfied.

Standard 3 states 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.

Staff believes that the applicant’s proposed GDP/SEA Plat will be harmonious with and not adversely affect the use or development of neighboring properties to its east or south, or along the majority of its western property line. However, Staff is concerned with the proposed removal of the existing Conservation Easement (and clearing of vegetation) along the northwest corner of the property which could have a visual impact upon the neighboring single-family detached residences. The regrading and clearing of a large portion of this easement, as well as other adjacent landscaping and foliage, will result in less screening and buffering of the applicant’s existing structures, not to mention the proposed structures (Support Buildings, Building #4 and atrium). For this reason, staff believes that the applicant should meet the Transitional Screening requirement along the subject property’s north property line and has added a development condition to this effect. With the inclusion of this development condition, Staff believes that this standard has been satisfied.

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. In order to reduce existing off-site congestion and improve on-site circulation, the applicant’s GDP/SEA Plat proposes a redesign of almost the entire existing driveway/parking lot. In particular, the majority of the proposed parking would be shifted to the southwest corner of the site, near the Academic Road right-of-way; an approximate 1,700 linear foot long, one-way, two-lane ring/loop road would be created which would serve as both a stacking and supplemental parking area for school functions; and, an approximate 450 linear foot long, two-way, two-lane cul-de-sac designed drop-off/pick-up driveway would be built along the east of the existing and proposed academic buildings. The applicant has proffered to

provide pedestrian signal heads and crosswalks along the northeastern (NE) leg of the Jermantown/Chain Bridge Road intersection, as well as a sidewalk along Miller Road, and Trail improvements along Chain Bridge Road. The applicant's GDP/SEA Plat does improve the site's internal and external pedestrian circulation system by adding a number of proposed sidewalk links, and staff has added development conditions where it was felt that other sidewalk connections should be created. With the inclusion of these development conditions, Staff believes that this standard has been satisfied.

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

The applicant has requested modifications of the transitional screening requirement along the subject property's northern, southern, and western lot lines. Staff is in favor of the modification request along the southern and western portions of the property, but not along the northern property line. Staff has added a development condition requiring the applicant to meet the Transitional Screening requirement along the northern property line. With the inclusion of this development condition, Staff believes that this standard has been satisfied.

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

The applicant's GDP/SEA Plat proposes an Open Space of 60%, the R-3 District has no open space requirement except for cluster and affordable dwelling unit developments. Therefore, this standard has been satisfied.

Standard 7 states that 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.

Adequate utilities are available on-site, and Stormwater Management/Best Management Practices (SWM/BMPs) will be provided in accordance with the Public Facilities Manual (PFM). The proposed GDP/SEA Plat has an adequate amount of parking/loading spaces and other necessary facilities to serve the proposed use. With the inclusion of the proposed development conditions, Staff believes that this standard has been satisfied.

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

The proposed GDP/SEA Plat does not depict new signage; however, the Plat does include a note that states that all signs accessory to the use shall be in accordance with Article 12. As such, Staff believes that this standard has been satisfied.

Category 3 General Standards (Sect. 9-304)

General Standard 1 states that, for public uses, it shall be concluded that the proposed location of the special exception use is necessary for the rendering of efficient governmental services to residents of properties within the general area of the location.

This standard does not apply since the uses are not public uses.

General Standard 2 states that except as may be qualified in the following Sections, all uses shall comply with the lot size requirements of the zoning district in which located.

The application property contains 15.22 acres, which includes a 0.32 acre portion of Academic Drive, which is proposed to be vacated. This dimension exceeds the R-3 minimum lot size requirement of 10,500 SF (for conventional subdivisions).

General Standard 3 states that except as may be qualified in the following Sections, all uses shall comply with the bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Category 3 use may be increased.

As indicated within the provided Bulk's Standards Chart, the proposed GDP/SEA Plat complies with all R-3 zoning district bulk standards, to include the applicant's proposed maximum height of 45' feet (Buildings #2 & 4), which is less than the district's maximum permitted height of 60' feet.

General Standard 4 states that all uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan as may be required by Part 9 of Article 14.

The applicant did not submit a sports illumination plan or outdoor lighting location/detail with their GDP/SEA Plat, only a note that states that the "...existing/proposed use has/will require outside lighting of the parking areas", and that "(n)o lights are proposed for the athletic fields." The GDP/SEA Plat indicates that the existing and proposed use may require outside loud speakers, and that they will be designed, along with the proposed parking lot lights, to satisfy the noise and glare requirements set forth in Article 14. The applicant's note states that the loud speakers will be used for "*emergency purposes only*". Staff has included development conditions requiring this conformance.

General Standard 5 states that before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

The County's existing zoning ordinance and proposed development conditions require that the applicant comply with these provisions.

**Additional Standards for Child Care Centers & Nursery Schools
(Sect. 9-309)**

Additional Standard 1 states that in addition to complying with the minimum lot size requirements of the zoning district the minimum lot area shall be of such size that 100 square feet of usable outdoor recreation area shall be provided for each child that may use the space at any one time. The applicant has indicated that they will provide 140,500 SF (3.2 acres) of useable outdoor recreational area, which exceeds the required 116,840 SF (if all children were outside at one time). Additionally, as previously noted, the GDP/SEA Plat depicts a "Playground/Outdoor Activity Area" to the north of proposed Building #4, which depicts an approximate 10,000 square foot border. The GDP/SEA Plat's *Notes* section indicates that a 3' to 4' foot chain-link fence would be provided to enclose a portion or all of the proposed playground/outdoor activity area, as per applicable regulatory requirements. As proposed, sufficient outdoor recreational space is available to meet this standard.

Additional Standard 2 requires access to an existing or programmed public street of sufficient right-of-way and cross-section width to accommodate pedestrian and vehicular traffic. The school has been accessed by Academic Drive, which is located along its western property line, since 1985. The road is currently of sufficient right-of-way and cross-section width (50' feet) to accommodate pedestrian and vehicular traffic. As noted, the applicant desires to vacate/abandon a 0.32-acre portion of Academic Drive and to reconfigure it to better suit their on-site transportation design/needs. The GDP/SEA Plat depicts a new "Proposed Right-of-Way" for the east end of Academic Drive, with a 'roundabout' type design and radius of 41' feet. The applicant has also added pedestrian sidewalks and crosswalks along the south side of the proposed right-of-way. The County's Department of Transportation has no objection to the vacation/abandonment request as shown, assuming that VDOT will accept the new design. The applicant has indicated that VDOT is satisfied with the proposal, and has added a proffer that in the event the County does not approve the vacation and/or abandonment of this portion of public roadway, the proposed development program in the immediate vicinity shall be adjusted subject to the approval of the Director of DPWES. If not deemed to be in substantial conformance as per the zoning ordinance, a PCA/SEA may be required. Staff believes that this standard has been met.

Additional Standard 3 states that all such uses shall be located so as to permit the pick-up and delivery of all persons on the site. The applicant's proposed GDP/SEA Plat calls for almost a complete redesign of the subject property's internal circulation system, to include driveways, parking areas, and pick-up/drop-off locations. Staff believes that with the adoption of a few proposed sidewalk-related development conditions that this standard will be met.

Additional Standard 4 states that the use shall be subject to the regulations of Chapter 30 of The Code or Title 63.1, Chapter 10 of the Code of Virginia. The applicant shall be required to meet all applicable county, state, and federal regulations and requirements; therefore, this standard has been met.

Additional Standards for Private Schools of General Education and Private Schools of General Education (Sect. 9-310)

Additional Standard 1 states that in addition to complying with the minimum lot size requirements of the zoning district in which the private school is located, that the minimum lot area for a private school of general education shall be of such size that: (1) 200 square feet of usable outdoor recreation area shall be provided for each child in grades K-3 that may use the space at any one time, and (2) 430 square feet of usable outdoor recreation area shall be provided for each child in grades 4-12 that may use the space at any one time. As previously mentioned, the applicant will provide 140,500 SF (3.2 acres) of usable outdoor recreational area, which exceeds the required 116,840 SF; therefore, sufficient outdoor recreational space is available to meet this standard.

Additional Standard 2 states that in addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area of a private school of special education shall be based upon a determination made by the Board; provided, however, that the proposed use conforms with the provisions set forth in Sect. 304 above. As noted, Flint Hill School has functioned well upon the subject property since its initial approval in 1985. The subject property, excluding the proposed 0.32 acre portion of Academic Drive, is approximately 14.89 acres in size. This dimension exceeds the minimum lot size requirement of all zoning districts in the zoning ordinance; therefore, this standard has been met.

Additional Standard 3 states that all private schools shall be subject to the provisions set forth in Par. 2 and 3 of Sect. 309 above and if applicable, such uses shall also be subject to the regulations of Chapter 30 of The Code or Title 63.1, Chapter 10 of the Code of Virginia. The applicant shall be required to meet all applicable county, state, and federal regulations and requirements; therefore, this standard has been met.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

In summary, the applicant's proposed improvements would include: the demolition and/or removal of a number of accessory structures on the site (to include residential structures, sheds, trailers, and a barn); the removal and redesign/replacement of most of the on-site parking areas; the creation of an approximate 1,700 linear foot long, one-way, two-lane ring/loop road that

circles the proposed playing fields and parking lots; the creation of an approximate 450 linear foot long, two-way, two-lane access road designed as a drop-off/pick-up driveway that runs along the east of the existing academic buildings; the enlargement of the existing on-site stormwater management pond and addition of various low impact development stormwater management facilities; the removal and replanting of various trees and landscaping, primarily along the perimeter of the site; the removal and redesign/replacement of the existing on-site baseball field; the creation of a new soccer/athletic field; the creation of new playground/outdoor activity areas; the creation of crosswalk striping and a pedestrian countdown feature along the northeastern (NE) leg of the Jermantown and Chain Bridge Road intersection; the dedication of between 75 feet to 87 feet from the centerline of Chain Bridge Road, to accommodate a possible future southbound lane, future right-turn lane, future on-road bike lane, and future trail, all of which would be constructed and paid for by others; the dedication of two (2) feet of private property along Miller Road; the creation of a five (5)-foot wide off-site sidewalk running along the north of the subject property, south of Miller Road; the vacation of a portion of Academic Drive; the vacation of an onsite Conservation Easement; and lastly, the creation of a new educational building and atrium, as well as various storage (support) buildings. It is staff's conclusion that the applicant's GDP/SEA Plat and proposed proffers, with the inclusion of staff's recommended development conditions, are in harmony with the intent of the Comprehensive Plan and the standards set forth within the zoning ordinance. For these reasons, staff does support approval of this application.

Recommendations

Staff recommends that RZ 2007-PR-002 be approved, subject to proffers consistent with those contained in Appendix 1.

Staff recommends that SEA 84-P-105-3 be approved, subject to development conditions consistent with those contained in Appendix 2.

Staff recommends approval of a waiver of the service drive requirement along Chain Bridge Road.

Staff recommends approval of a modification of the transitional screening requirement along the western and southern property lines to that shown on the GDP/SEA Plat.

Staff recommends approval of a modification of the barrier requirement along the western property lines to that shown on the GDP/SEA Plat.

Staff recommends approval of a modification to allow an increase in height (6 feet maximum) for the proposed fence located along the northern property line. Staff recommends that the Board of Supervisors direct the Director of the Department of Public Works and Environmental Services to modify the dedication and frontage construction requirements along Chain Bridge Road and Jermantown Road.

Staff recommends approval of a modification of the trail requirement along Miller Road, Jermantown Road, and Chain Bridge Road, as depicted on the GDP/SEA Plat.

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.

The approval of this rezoning and special exception amendment 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.

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. Draft Proffers
2. Proposed Development Conditions
3. Affidavit
4. Statement of Justification
5. Plats and Approved Development Conditions from SE 84-P-105, SEA 84-P-105, and SEA 84-P-105-2
6. Environmental Analysis
7. Urban Forest Management Analysis
8. Transportation Analysis
9. Sanitary Sewer Analysis
10. Fairfax County Water Analysis
11. Fire and Rescue Analysis
12. Park Authority Analysis
13. Stormwater Analysis (Environmental and Site Review Division, DPWES)
14. Zoning Ordinance Provisions
15. Glossary

DRAFT

RZ 2007-PR-002
FLINT HILL SCHOOL
DRAFT PROFFER STATEMENT

March 29, 2007

April 16, 2007

April 27, 2007

May 18, 2007

May 23, 2007

June 1, 2007

June 7, 2007

Pursuant to Section 15.2-2303 (A) of the Code of Virginia, as amended, and subject to the Fairfax County Board of Supervisors' (the "Board") approval of rezoning application RZ 2007-PR-002, as proposed, from the R-1 District (Residential, One Dwelling Unit Per Acre) to the R-3 District ("Residential Three Dwelling Units Per Acre"), Flint Hill School (the "Applicant"), for itself and its successors and assigns, hereby proffers that development of Tax Map Parcels 47-2-((1))-36A, 37, 38 and 52A (the "Property") consisting of approximately 14.89 acres, plus an additional approximately 0.32 acre of Academic Drive right-of-way to be vacated, for a total of approximately 15.22 acres, shall be in accordance with the following proffered conditions:

1. **Substantial Conformity.** The Property shall be developed in substantial conformance with the Generalized Development Plan ("GDP") consisting of ten sheets, as prepared by Dewberry & Davis LLC and entitled "Flint Hill Lower School (East Campus)," dated January 11, 2007 and revised through June 1, 2007, as further modified by these proffered conditions.
2. **Minor Modifications.** Pursuant to Section 18-204 of the Zoning Ordinance, minor modifications from the approved GDP may be permitted as determined by the Zoning Administrator. The Applicant shall have the flexibility to modify the layout shown on the development plan, provided such changes are in substantial conformance with the approved GDP and proffers, and do not increase the maximum gross floor area or the maximum building heights, or decrease the minimum amount of open space represented in the tabulation or peripheral setbacks shown on the GDP to be provided on the Property.
3. **Future Amendments.** Notwithstanding that the GDP/SEA Plat is presented on one document, the Applicant reserves the right to file only Special Exception Amendments in accordance with Section 9-014 of the Zoning Ordinance without filing an amendment to the Generalized Development Plan, provided there is no increase in the maximum gross floor area or the maximum building heights, or decrease in the minimum amount of open space or peripheral setbacks as shown, and all proffered conditions are or may be satisfied, as determined by the Zoning Administrator.

4. **Permitted Uses.** Use of the Property shall be limited only to a private school of general education, nursery school and child care center. Until removed pursuant to Proffer Paragraph 8 below, use of the two temporary trailers for educational purposes and interim occupancy of the residential dwellings by school personnel may continue.
5. **Maximum Gross Floor Area.** A maximum of 165,700 square feet of gross floor area shall be permitted on the Property and shall not exceed a maximum 0.25 floor area ratio ("FAR").
6. **Maximum Building Height.** Heights of individual buildings shall not exceed those listed on GDP Sheet 1. New Building 4 shall not exceed three stories, or 45 feet, in height.
7. **Open Space.** A minimum of approximately 8.9 acres, or 60 percent of the Property, shall remain in open space.
8. **Removal of Residential Buildings and Trailers.** All existing residential dwelling units and temporary trailers shall be removed within three months after issuance of the Non-Residential Use Permit ("Non-RUP") for new Building 4. All existing driveways to residential structures shall be removed (except the emergency access driveway on Miller Road referenced in Paragraph 12 below) and shall be completely closed by replacing the respective entrance/curb cut with curb and gutter and sidewalk, as shown on the GDP also within three months after issuance of the Non-RUP for new Building 4.
9. **Right-of-Way Reservation Area.** As depicted on the GDP, the Applicant has located all proposed school-related improvements outside of the "Proposed Area of Reservation" for possible, future right-of-way dedication. Said "Proposed Area of Reservation" shall be defined as right-of-way varying between 75 feet up to a maximum of 87 feet from the existing centerline of Route 123, as depicted on the GDP, to accommodate a widened median for potential dual left turn lanes, planned additional third southbound lane, a realigned right-turn lane, on-road bike lane, and trail (the "Route 123 Improvements"), all of which shall be constructed by others. The Applicant shall dedicate all or part of said "Reservation Area" to the Board of Supervisors within sixty (60) days after demand by the County, but only in the event that both of the following shall have occurred: (i) the Route 123 Improvements along the Route 123 frontage of the Property are shown on a transportation improvement plan approved by the County or the Virginia Commonwealth Transportation Board; and (ii) said Route 123 Improvements are funded for construction by the Virginia Department of Transportation ("VDOT"), the County, or others. In the event the widening of Route 123 to six through lanes (three northbound and three southbound) is deleted from the Fairfax County Comprehensive Plan, the Applicant shall work reasonably and in good faith with FCDOT to define what land area, if any, shall continue to be reserved for future dedication for other local transportation improvements; should no such reduced area be mutually agreed upon, then Applicant's obligation to continue to provide said "Proposed Area of Reservation" shall automatically expire and the aforesaid dedication requirement shall be voided without need for any further action. Prior to dedication, the Applicant shall be permitted to use said area for landscaping and passive recreation in accordance with the GDP/SEA Plat.

10. **Interim Right Turn Lane.** The Applicant shall design, and shall construct contemporaneous with its construction of its adjacent athletic fields and Ring Road, a right-turn lane on southbound Route 123 at Jermantown Road on the frontage of the Property ("Interim Improvement"), subject to the following terms and conditions:
- Notwithstanding the reservation for future dedication discussed in Proffer 9, the Applicant shall dedicate all right-of-way necessary for the Interim Improvement, in fee simple to the Board of Supervisors, at the time of site plan approval for said Interim Improvement.
 - Interim Improvement shall be interpreted to include, but shall not be limited to, the relocation/replacement of the existing sidewalk, fence and utilities where necessary and the installation of the replacement landscape buffer as represented on the Proposed Interim Right Turn Lane insert on Sheet 3 of the GDP.
 - The Applicant's responsibility for the cost to design and construct the Interim Improvement shall not exceed \$72,500.
 - Applicant's obligation to construct the Interim Improvement is subject to approval by VDOT, and to agreement by the County to reimburse Applicant for all costs incurred by Applicant in the preparation of final design plans, approval, permitting and construction of the Interim Improvement in excess of \$72,500 ("Reimbursement Agreement").
 - Reimbursement to the Applicant shall be provided in interim progress payments pursuant to a schedule agreed upon in the Reimbursement Agreement, within 60 days after provision by the Applicant of reasonably sufficient documentation, per the Reimbursement Agreement, of the respective project-associated costs incurred for the respective requested progress payment, which documentation shall be reviewed and approved by FCDOT. Final scheduled payment shall be made when the Interim Improvement becomes available for use by the public; however Applicant shall continue to be responsible for completing improvements associated with final acceptance by VDOT, which further work shall be subject to reimbursement per the Reimbursement Agreement.
 - Should the Interim Improvement Reimbursement Agreement not be diligently negotiated and executed by the Applicant and the County prior to site plan approval, the Applicant shall escrow with the County \$72,500, minus the cost incurred by Applicant, if any, in preparation of final design plans for and approval review of the Interim Improvement (which cost amount is subject to review and approval by FCDOT), for future construction of the right-turn lane by others, and the Applicant shall thereafter have no further obligation regarding this Proffer 10.
 - The \$72,500 contribution amount referenced above shall be adjusted annually for inflation, in conformance with the Consumer Price Index, occurring subsequent to the date of subject rezoning approval and up to the date of payment.

11. **Pedestrian Improvements with Right Turn Lane.** In conjunction with its construction of the Interim Improvement pursuant to Proffer 10 above, the Applicant shall provide pedestrian upgrades on the Route 123 southbound approach leg at Jermantown Road consisting of crosswalk striping, ADA ramps in conformance with VDOT standards both near and far side, and pedestrian countdown signals, to the extent any of said upgrades has not already been installed by others. Notwithstanding the project reimbursement discussed in Proffer 10, the cost of these pedestrian improvements shall be borne by the Applicant.
12. **Miller Road Right-Of-Way Dedication.** The Applicant shall dedicate and convey to the Board in fee simple two feet of additional right-of-way, for a total of 27 feet from the existing centerline, along the Miller Road frontage of the Property. Said dedication shall be made at the time of site plan approval for the contiguous development area, or demand upon Fairfax County, whichever occurs first.
13. **Miller Road Emergency Access.** An access for emergency vehicles only shall be provided from Miller Road to the internal cul-de-sac next to new Building 4, as shown on the GDP in accordance with County Fire Marshal regulations. Said access shall remain gated at all times and shall not be used for School purposes, other than for emergency ingress/egress.
14. **Miller Road Sidewalk.** The Applicant shall construct within the existing right-of-way a 5-foot wide concrete sidewalk across the Miller Road frontage of the Property, as depicted on the GDP.
15. **Vacation.** Prior to final approval of any site plan, and release of the record plat for recordation, for any development section which includes development on an area of right-of-way to be abandoned/vacated, the Applicant shall obtain vacation and/or abandonment of the relevant portion of Academic Drive identified on the GDP as area to be vacated. Prior to filing any site plan the Applicant shall initiate and diligently pursue such vacation and/or abandonment by the County. In the event the County does not approve the vacation and/or abandonment of this portion of public roadway, the proposed development program in the immediate vicinity shall be adjusted subject to the approval of the Director of DPWES, and the total permitted gross floor area on the site shall be reduced accordingly. The Applicant hereby waives any right to claim or assert a taking or any other Cause of Action that otherwise may have arisen out of a Board decision to deny in whole or in part the ROW vacation and/or abandonment request.
16. **Limits of Clearing and Grading.** The Applicant shall conform to the limits of clearing and grading shown on the GDP, subject to allowances specified in these proffered conditions and the installation of utilities and/or trails, if necessary, as approved by DPWES. All limits of clearing and grading shall be protected by temporary fencing, a minimum of four feet in height, as described below. The temporary fencing shall be installed prior to any work being conducted on the site, and signage identifying "Keep Out - Do Not Disturb" shall be provided on the temporary fence and made clearly visible to construction personnel. Any necessary disturbance beyond that shown on the GDP shall be coordinated with the Urban Forest Management Division, DPWES ("Urban Forester") and accomplished in the least disruptive manner reasonably possible given

engineering, cost, and site design constraints as determined by the Urban Forester. Any area protected by the limits of clearing and grading that must be disturbed due to the installation of trails and/or utilities shall be replanted with a mix of native vegetation to ultimately return the area as nearly as reasonably possible to its condition prior to the disturbance, as determined by the Urban Forester.

17. **Tree Preservation.** The Applicant shall submit a tree preservation plan as part of the first, and all subsequent, site plan submissions. Said plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and shall be subject to review and approval by the Urban Forester. 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 that are within 25 feet on either side of the limits of clearing and grading shown on the GDP for the entire site. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation on the GDP, those areas outside of the limits of clearing and grading shown on the GDP, and those additional areas within 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 provided.
18. **Tree Preservation Walk-Through.** The Applicant shall retain the services of a certified arborist or landscape architect, 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 landscape architect 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. The Applicant shall work with UFMD, DPWES to attempt to make best efforts to preserve select trees along Miller Road, given various requirements in that area. 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.
19. **Tree Preservation Fencing:** 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 below. All tree protection fencing shall be installed after the tree preservation walk-through meeting, but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree

protection fencing shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD, DPWES.

20. **Root Pruning.** The Applicant shall root prune, 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 of the subdivision plan submission. The details for these treatments shall be reviewed and approved by the UFMD, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:
 - Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
 - Root pruning shall take place prior to any clearing and grading, or demolition of structures.
 - Root pruning shall be conducted with the supervision of a certified arborist.
 - An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.
21. **Demolition of Existing Structures.** The demolition of all existing features and structures within areas protected by the limits of clearing and grading shown on the GDP/SEA shall be conducted in a manner that does not impact individual trees and/or groups of trees that are to be preserved as reviewed and approved by the UFMD, DPWES.
22. **Site Monitoring.** During any clearing or tree/vegetation/structure removal on the Applicant Property, 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 the UFMD. The Applicant shall retain the services of a certified arborist or landscape architect to monitor all construction and demolition work 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 Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES.
23. **Landscaping.** Landscaping shall be generally consistent with the quality, quantity and the locations shown on the GDP. At the time of planting, the minimum caliper for the respective trees shall be as follows: canopy, including street trees, shall be three (3) inches, and ornamental deciduous shall be one and one-half (1 ½) inch. At the time of planting, the minimum height for evergreen trees shall be seven (7) feet. Actual types and species of vegetation shall be determined pursuant to more detailed landscape plans submitted at the time of the first and all subsequent submissions of site plans for each respective section, for review and approval by the UFM, DPWES. Such

landscape plans shall provide tree coverage and species diversity consistent with the PFM criteria, as determined by the UFM, DPWES.

24. **Buffers.** A landscaped buffer, consisting of both existing vegetation and supplemental plantings, shall be provided around the perimeter of the Property in areas depicted on, and in substantial conformance with, the GDP. Along the Route 123 "Area of Proposed Reservation" referenced in Proffer #9 above, until such time as said area may be dedicated in the future, existing vegetation shall remain and may be supplemented by the Applicant. The proposed landscaping along the Route 123 "Area of Proposed Reservation" that is depicted on the GDP shall be installed at such time in the future as the "Area of Proposed Reservation" has been dedicated in accordance with Proffer #9 above and construction by others of the road improvements facilitated by said dedication has been completed.
25. **Tree Preservation and Planting Fund.** At the time of site plan approval for Building 4, the Applicant shall contribute \$3,000.00 to the County to be placed in the "Tree Preservation and Planting Fund" established by the County specifically for the preservation and/or planting of trees within the Providence District.
26. **Fencing.** With the exception of the entrance to the Campus on Academic Drive, the perimeter of the site shall be fenced with the four to six -foot tall fence as it currently exists and as proposed, as depicted on the GDP. Said existing fence shall not be replaced, but shall be used to provide in part the perimeter fence.
27. **Lighting.** All lighting, including of signage, shall be provided in accordance with the requirements of Part 9 of Article 14 of the Zoning Ordinance. All exterior lighting shall be fully shielded and directed downward to minimize glare on surrounding parcels.
28. **Stormwater Management.** In accordance with County engineering requirements and subject to approval by DPWES of necessary waivers and/or modifications, the existing dry pond shall be retrofitted and converted to an extended detention Stormwater Management/Best Management Practice ("SWM/BMP") facility, generally in the location depicted on the GDP. The Applicant may utilize alternative measures, including innovative BMPs, as supplemental designs to help satisfy County SWM/BMP requirements, subject to the approval of DPWES and the Urban Forester and if in substantial conformance with the GDP. Said pond shall be modified in the general location shown on the development plan and in accordance with all applicable PFM design requirements, as determined by DPWES. An increase in the amount of clearing and/or grading for this facility from that shown on the development plan (to include clearing and grading associated with any spillways, outfall pipes, and/or maintenance roads) shall be permitted only if the increase is required to meet PFM requirements as determined by DPWES and the change is in substantial conformance with the GDP and proffers.
29. **Landscaping around the Stormwater Management Pond.** In order to create a more natural appearance to the proposed stormwater management pond, a landscape plan shall be submitted, as part of the first site plan submission, showing extensive landscaping in all possible planting areas of the pond in accordance with PFM requirements.

30. **Low Impact Development ("LID").** The Applicant shall provide low impact development features such as, but not limited to, bio-retention basins/filters, percolation trenches, vegetated swales, rainstore and /or reforestation, as approved by DPWES. This series of LID techniques shall help satisfy the stormwater management requirements for both the two (2) year and ten (10) year design storms.
31. **Soils.** All new development that may be located on problem soils on site shall provide appropriate engineering measures to ensure against geotechnical hazards.
32. **Asbestos Compliance Plan.** The Applicant shall submit a detailed soil analysis to DPWES regarding the presence and level of on-site asbestos. Should DPWES determine that a potential health risk exists due to the presence of asbestos-containing rock and/or naturally-occurring asbestos on the Property, the Applicant shall: (i) first submit a compliance plan subject to review and approval of the Health Department; (ii) take appropriate measures as determined by the Health Department to alert all construction personnel as to the potential health risks; and (iii) commit to appropriate construction techniques, as determined by DPWES in coordination with the Health Department, to minimize said potential risk. Such techniques may include, but are not limited to, dust suppression measures during all blasting and drilling activities, covered transportation of removed materials presenting this potential risk, and appropriate disposal of same.
33. **Density Credit.** All intensity of use attributable to any land areas that may be dedicated and/or conveyed to the Board or any other County agency shall be subject to the provisions of Paragraph 4 of Section 2-308 of the Zoning Ordinance, and is hereby reserved to the residue of the Property.
34. **Counterparts.** To facilitate execution, this Proffer Statement may be executed in as many counterparts as may be required. It shall not be necessary that the signature on behalf of all the parties to the Proffer Statement appear on each counterpart of this Proffer Statement. All counterparts of this Proffer Statement shall collectively constitute a single instrument.
35. **Successors and Assigns.** Each reference to "Applicant" in this Proffer Statement shall include within its meaning, and shall be binding upon, Applicant's successor(s) in interest, assigns, and/or developer(s) of the Property or any portion of the Property.

[SIGNATURES ON FOLLOWING PAGES]

FLINT HILL SCHOOL
Applicant and Title Owner of Parcels
47-2-((1))-36A, 37, 38 and 52A

By: _____
Name: _____
Title: _____

BOARD OF SUPERVISORS OF FAIRFAX
COUNTY, VIRGINIA
Title Owner of approximately 0.32 acre of Academic
Drive Right-of-Way

By: _____
Name: _____
Title: _____

PROPOSED DEVELOPMENT CONDITIONS

SEA 84-P-105-03

June 8, 2007

If it is the intent of the Board of Supervisors to approve SEA 84-P-105-03, located at 3012 Chain Bridge Road and 3044 Jermantown Road (Tax Map 47-2 ((1)) 36A, 37, 38, 52A), previously approved for a private school of general education, nursery school, and child care center, to allow an increase in land area, building additions, and site modifications pursuant to Sect. 3-104 of the Fairfax County Zoning Ordinance, then staff recommends that the Board condition the approval by requiring conformance with the following development conditions. These development conditions supersede all previously approved development conditions. Conditions previously approved by the BOS or those with minor modifications, are marked with an asterisk (*).

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.*
2. 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 subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Amendment Plat entitled "*Flint Hill Lower School Generalized Developed Plan/Special Exception Plat RZ 20007-PR-002 SEA 84-P-105-03*", prepared by Dewberry & Davis and dated January 11, 2007, as revised through June 1, 2007, 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.*
4. The combined maximum total daily enrollment of the private school of general education and the child care center/nursery school shall be limited to 700 students.*
5. Sufficient parking shall be provided in accordance with the Zoning Ordinance, as determined by DPWES, and as shown on the SEA Plat.*
6. The maximum hours of operation for the private school of general education and the child care center/nursery school shall be from 7:30 AM to 4:00 PM, Monday through Friday, with evening classes for the private school from 7:30 PM until 11:00 PM, Monday through Friday. Extracurricular activities shall be permitted from 7:30 AM to 11:00 PM, daily, including weekends.*

7. All exterior lighting shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance and compliance shall be demonstrated at the time of site plan approval. There shall be no lighting of the athletic fields.
8. Landscaping and acoustical fencing shall be provided around the child care center/nursery school play area. *
9. Skirting shall be provided on the two (2) temporary trailers shown on the Special Exception Amendment Plat.*
10. Trailers: The applicant shall be required to meet all DPWES site plan requirements during the relocation and/or removal of existing educational trailers.
11. The Private School of General Education shall no longer include grades 9-12.*
12. Irrespective of that shown on the GDP/SEA Plat, no use or disturbances of the existing on-site 0.53-acre Conservation Easement/Water Quality Management Area, located at the northwestern corner of the site (south of Miller Road), shall be permitted without the express written permission of the Director of the Department of Public Works and Environmental Services (DPWES). In the event such permission is denied, the applicant shall be required to submit a PCA/SEA.
13. Stormwater management facilities and BMPs shall be provided, as determined by DPWES, in accordance with the requirements of the Public Facilities Manual, Chapter 118 of the Fairfax County Code, and the Chesapeake Bay Preservation Ordinance, unless waived or modified by DPWES.
14. A field maintenance plan shall be developed which incorporates erosion and sediment control as well as nutrient and chemical control measures intended to reduce pollutant loads entering the Accotink Creek watershed for the review and approval of the DPWES. A copy of this management plan shall be made available to the Director of the Department of Planning and Zoning and/or the Director of DPWES upon request.
15. The location of all proposed off-site trails and sidewalks shall be field located in consultation with the Urban Forest Management (UFM) Division, at time of construction, to minimize disturbance of existing mature trees.
16. As shown on Attachment A (#1) of these conditions, the applicant shall provide, at the time of site plan approval, a sidewalk extension, which shall run along the entire east side of the proposed parking lot located next to the proposed baseball field, as determined by DPWES. Said sidewalk shall run north to the 'ring road' and connect to the adjoining sidewalk to its west, as reviewed and approved by DPWES.

17. As shown on Attachment A (#2) of these conditions, the applicant shall provide, at the time of site plan approval, a sidewalk connection between the sidewalk that terminates at the southwest corner of Building #1, and the sidewalk ninety (90) feet directly to its west. The sidewalk shall connect to and run directly north of the nine (9) space parking lot that includes four (4) handicapped spaces, as reviewed and approved by DPWES.
18. As shown on Attachment A (#3) of these conditions, the applicant shall provide, at the time of site plan approval, a sidewalk connection between Building #2 and Building #3. The sidewalk shall be located to the west of the structures, and shall tie into existing and proposed sidewalks along the west of Building #1, as reviewed and approved by DPWES.
19. As shown on Attachment A (#4), the applicant shall provide, at the time of site plan approval, a sidewalk connection between the proposed cul-de-sac sidewalk along the northeast of the subject property, and the proposed playground to the north of Building #4, as determined by DPWES. The applicant shall be relieved of this condition if the playground area is designed to only be accessible from the north side of Building #4 and purposely fenced to prevent entrance from other locations.
20. The proposed emergency ingress/egress driveway (located along the north property line between the proposed cul-de-sac and Miller Road), shall be used for emergency use only. Signage shall be provided which clarifies the limitations on the use of the driveway, and on-site "No Parking" signs shall be posted to prevent vehicles from parking on the emergency driveway.
21. Irrespective of that shown on the GDP/SEA Plat, transitional screening requirements shall be met along the subject property's northern property line, subject to the review and approval of the Urban Forest Management (UFM) Division, DPWES.
22. Irrespective of that shown on the GDP/SEA Plat, the applicant shall designate, at the time of site plan approval, a tree save area with a radius of at least 20 feet, to adequately protect the existing 36-inch diameter white oak tree (located near Miller Road and northeast of the on-site 1-story dwelling), from construction activities, as determined by Urban Forest Management (UFM) Division, DPWES.
23. Irrespective of that shown on the GDP/SEA Plat, the applicant shall designate, at the time of site plan approval, a tree preservation area, to adequately protect the several existing holly, cedar, and spruce trees (located near Miller Road and north of the on-site 1-story dwelling), from construction activities, as determined by Urban Forest Management (UFM) Division, DPWES.

24. Irrespective of that shown on the GDP/SEA Plat, the applicant shall designate, at the time of site plan approval, a tree preservation area, to adequately protect a row of existing evergreen trees, primarily consisting of Foster's holly and Colorado blue spruce (located north of the existing trailers and along the eastern property line), from construction activities, as determined by Urban Forest Management (UFM) Division, DPWES. In the event Urban Forest Management (UFM) Division determines that such trees aren't suitable for preservation or that additional tree plantings are desired elsewhere, the applicant may clear the area. Additional tree plantings shall, at a minimum, equal in total diameter (DBH) those trees demolished.
25. Except for emergencies, the use of outdoor loudspeakers shall be in conformance with Article 14 of the Zoning Ordinance.
26. All signs on the subject property shall conform to the provisions of Article 12 of the Zoning Ordinance, and any non-conforming signs must be removed.
27. The architecture of the proposed buildings shall be in substantial conformance with the illustrations provided on Sheet 7 of the GDP/SEA Plat.
28. Outdoor construction activity shall be limited to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday and 8:00 a.m. and 5:00 p.m. on Saturdays. No outdoor construction activities will be permitted on Sundays or on federal holidays. The site superintendent shall notify all employees and subcontractors of these hours of operation and shall ensure that the hours of operation are respected by all employees and subcontractors. Construction hours shall be posted on-site in both English and Spanish.

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 the use has been established as evidenced by the commencement of construction for Building #4, or installation of athletic fields, or the proposed loop road. 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.

