



**APPLICATION FILED:** January 16, 2007  
**PUBLIC HEARING DATE:** June 21, 2007  
**PLANNING COMMISSION DECISION ONLY:** July 19, 2007  
**BOARD OF SUPERVISORS:** Not Yet Scheduled

## County of Fairfax, Virginia

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July 19, 2007

### STAFF REPORT ADDENDUM 1

**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 school 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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**Department of Planning and Zoning**

Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5509  
Phone 703 324-1290  
FAX 703 324-3924  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)

**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 Attachment 1.

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

## DISCUSSION

On June 21, 2007, the Fairfax County Planning Commission held a public hearing for concurrent applications RZ 2007-PR-002 and SEA 84-P-105-3. After considerable conversation regarding Flint Hill School's proposed improvements along their western boundary line, the Planning Commission deferred the decision for the applications until July 19, 2007. In order to resolve concerns raised by the abutting residents of Oak Marr Courts subdivision, as well as the Commission, Flint Hill School agreed to meet with their neighbors to the west.

In particular, the primary concerns voiced by the adjacent neighbors and the Planning Commission included:

- The proposed clearing of existing trees and foliage along the western boundary line.
- The replacement landscaping/screening proposal along the western property line.
- The need for better screening of the existing and proposed educational buildings, as well as the expanded stormwater management pond.
- The proposed location of the new surface parking lot, loading/unloading spaces, dumpster, and related lighting and security concerns.

After meeting with the residents of Oak Marr Courts, Flint Hill School made a number of design changes to their initial GDP/SEA Plat, all of which are summarized below.

## ANALYSIS

### **Generalized Development Plan (GDP) and Special Exception Amendment (SEA) Plat** (Copy at the back 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  
July 2, 2007  
(submitted to DPZ on July 9<sup>th</sup>, 2007).

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

	<b>Contents</b>
<b>Sheet 1</b>	Cover Sheet, Notes, and Site Tabulation
<b>Sheet 2</b>	Generalized Development Plan/Special Exception Amendment Plat, Legend, Landscape Tabulations, and Angle of Bulk Plane Detail
<b>Sheet 3</b>	Proposed Interim Right Turn Lane layout, Stormwater Calculations and Narrative, Outfall Analysis

<b>Sheet 3A</b>	Oakton Elementary School – Outfall Narrative (For Information Only)
<b>Sheet 3B</b>	Flint Hill School – Sanitary Sewer Profiles & Stormwater Outfall Sections (For Information Only)
<b>Sheet 3C</b>	Oak Marr Courts – Drainage Divides (For Information Only)
<b>Sheet 4</b>	Flint Hill School: Stormwater Management – Pre-Development Divides
<b>Sheet 5</b>	Flint Hill School: Stormwater Management – Post-Development Divides
<b>Sheet 6</b>	Flint Hill School: Stormwater Management - Outfall Plan
<b>Sheet 7</b>	Proposed Architectural Elevations/Sections

The applicant's amended GDP/SEA Plat proposes no changes to any of the previously proposed notes (*located on Sheet 1*), yard requirements, maximum FAR/SQ FT, heights, bulk requirements, parking requirements, or location/footprint of proposed educational buildings #4 or #6.

The following amendments have been made to the combined GDP/SEA Plat:

- **Transitional Screening:** As per the amended GDP/SEA Plat, the applicant is proposing the following transitional screening/landscaping changes along the subject property's western and northern property lines (there are no proposed changes along the southern or eastern property lines):
  1. **Western Property Line:** As detailed within the original Staff Report, a Transitional Screening Type 1 (25 ft. in width) is required along the subject property's western property line. In the previous submittal, the applicant had requested that a modification be granted along the western property line, in favor to what was shown on the original GDP/SEA Plat. The original proposal called for the clearing of most of the existing landscaping along the subject property's western boundary line (with the exception of a 8,500 SF tree save area near the northwest corner of site), and to reforest/landscape most of the property line with a variety of shrubs, evergreens, deciduous and ornamental trees. Unfortunately, due to the existing and proposed location of the stormwater management pond, the applicant was unable to provide landscaping between the pond and the adjacent properties to the west. As such, the GDP/SEA Plat proposed to add supplemental landscaping along the east side of the pond in order to screen the existing and proposed educational structures from the adjacent residences.

At the Planning Commission hearing, many concerns were raised with regard to the applicant's proposed landscape plan along the

western property line; in particular, it was opined that the new screening would take years to develop and mature, and in the interim, the adjacent residents would be exposed to the existing and new structures, the existing and expanded stormwater management pond, and the new parking areas. Neighboring residents mentioned that the existing vegetation along the western property line had taken many years to develop and nurture, and as described, was deemed preferable over the proposed landscaping as it provided very effective and sufficient screening between the school and their residences. With this in mind, the applicant, upon meeting with the Oak Marr residents, developed a new design proposal that preserved a substantial amount of existing vegetation along the western property line. This change was largely made possible by the relocation of the proposed parking lot (shifted to the north of Building #4) and reconfiguration of the existing/proposed stormwater management pond.

As a result, the applicant's new GDP/SEA Plat proposes to preserve almost 570' linear feet of existing vegetation along the western property line (measured from the northwest corner of the property headed south), with a preserved landscape width varying from a minimum of 17' ft. to a maximum of 35' ft. The applicant still proposes to clear the lower (southern) half of the western property line (approximately 320' linear feet), and to replace it with new landscaping, in compliance with the County's transitional screening requirement. The only portion of the western property line that will be left without landscaping is an approximate 90' linear foot strip of land that serves as the stormwater management pond's spillway and outfall areas (to the west of proposed Building #4). As such, the applicant has proposed to add supplemental landscaping along the eastern portion of the stormwater management pond, in order to lessen the visual impact of the existing and proposed structures.

Due to the fact that the applicant's preserved vegetation strip does not meet the minimum 25' foot width Transitional Screening requirement (in various areas) along the western property line, and because a portion of the spillway and outfall areas are left non-landscaped, the applicant still needs to request a modification of the Transitional Screening requirement, in favor to what is now shown on the new GDP/SEA Plat. Staff is in favor of this request.

2. *Northern Property Line*: As detailed within the original Staff Report, 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 new GDP/SEA Plat indicates that the existing easement will be reduced to an approximate 8,500 SF "*Existing Vegetation To Be Preserved*" area, which extends

approximately 220-linear feet in length (east to west along Miller Drive), by 45'-feet to 165'-feet in depth (north to south), along the western property line.

To the east of the proposed 8,500 SF vegetative save area, the GDP/SEA Plat depicts a couple of existing trees (although hatched, provides no indication as to whether or not they will be preserved or cleared), 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, to include shrubs, evergreens, and deciduous trees, as well as an emergency access driveway to Miller Road.

As detailed within the original Staff Report, Transitional Screening Type 1 (25 ft. in width) is required along the subject property's northern property line, and as with the previous GDP/SEA Plat, the applicant still requests that a modification of this requirement be granted, in favor of what is shown on the new GDP/SEA Plat. Staff can support this request due to the fact that there is sufficient area to meet the minimum width of the screening requirement. The proposal will preserve existing/mature trees along the northern property line and a development condition is proposed to supplement existing landscaping along this perimeter as determined by UFM.

3. *Stormwater Management Pond/LIDs:* As noted, the site has an existing stormwater management (dry) pond located along the subject property's western boundary line, west of existing Building #3 and proposed Building #4. As detailed within the previous Staff Report, the applicant is required to expand the existing pond in order to satisfy the stormwater needs of the proposed development. Due to the previously stated desire to preserve a large portion of existing landscaping along the western property line, the proposed pond and access/maintenance road have been moved further away from the western property line, and instead expanded to the north and east. Although the preservation of a greater share of the existing tree canopy along the northwest corner of the subject property is deemed desirable, staff feels that the preservation of the existing landscaping along the western property line is far more important and therefore supports this proposed pond expansion.
4. *Parking Lot:* Per the previously submitted GDP/SEA Plat, the applicant had proposed to construct a 57-space surface parking lot approximately 25-feet from the subject property's western boundary line (to the west of existing Buildings #1 and #2). Included within the parking lot were to be three (3) loading/ unloading spaces as well as a dumpster. As previously mentioned, concerns were

raised during the Planning Commission meeting on June 21, 2007, with regard to the potential noise, lighting, maintenance, and security impact of the proposed parking lot upon the neighboring residences.

To address these concerns, the applicant removed the proposed parking lot from this location, and instead placed it to the north of proposed Building #4. The new 47-space surface parking lot will be located approximately 45' feet south of the Miller Road (northern) property line, over 160' feet from the western property line, and accessed by the proposed driveway along the east of the proposed and existing educational buildings. Additionally, the parking lot will provide the required loading/unloading spaces and dumpster (both of which will be screened by supplemental landscaping), as well as serve as the access point for the proposed Miller Road emergency driveway, located near the parking lot's northeast corner.

In order to replace the 10-spaces lost between the two lots, the applicant has proposed to add ten (10) perpendicular parking spaces to the east of Building #1, north of the site's Academic Drive entranceway. The proposed parking spaces, as well as the existing nine (9) perpendicular parking spaces to its east, would be accessed by a proposed sidewalk that runs along the north of the existing/proposed perpendicular parking spaces and connects to an existing sidewalk located to the southwest of Building #1.

5. *Buildings #5 (Support Buildings)*: By moving the proposed 47-space surface parking lot to the north of proposed Building #4, the applicant also needed to move the two (2) support buildings that had been proposed near this location. The two (2) support buildings were reduced in size from 25' ft. x 25' ft. (625 SF), to 20' ft. x 25' ft. (500 SF), with the first proposed to be located near the northeast corner of the subject property (approximately 45' feet from Miller Road and 20' feet from the eastern property line), and the second proposed to the west of the future athletic field (approximately 170' feet from Jermantown Road, and 235' feet from the western property line).
6. *Playgrounds*: Also bumped by the new location of the 47-space surface parking lot was the previously proposed "*Playground/Outdoor Activity Area*", which was moved closer to the western property line, directly to the east of existing Building #3, and now reads "*Possible Playground/Outdoor Activity Area*". Also, directly to the south of this possible playground area is a newly proposed and approximate 12,400 SF "*Outdoor Activity Area (Possible All-Weather Surface)*". The applicant has added a proposed trail to the GDP/SEA Plat that will connect Buildings #2 and #3 to the proposed activity areas, as well as to an existing asphalt path that leads back to Building #1. As with the previous submittal, the

GDP/SEA Plat still depicts a “Possible Playground/Outdoor Activity Area” between Buildings #1 and #2.

7. Open Space and Tree Cover: As with the previous GDP/SEA Plat, Flint Hill School is preserving approximately 60% (8.9 acres) of the subject property for open space. The applicant has provided an exhibit (Attachment 3) which indicates that “Preliminary Calculations” show an increase in existing trees to be preserved (from 12,000 SF to 18,000 SF) as a result of the various site reconfigurations.

## REVISED PROFFERS

The applicant has provided revised proffers, now dated July 5<sup>th</sup>, 2007, which include the following text changes:

- Date Change: New proffers are now dated July 5<sup>th</sup>, 2007 (previous proffers were dated June 7<sup>th</sup>, 2007).
- GDP: The applicant has amended the previously referenced “GDP” to now read “GDP/SEA Plat” throughout the proffers.
- Proffer #10: The applicant has replaced the previous bullets with letters A through G. Also, the applicant has amended the proffer to better clarify the terms of the reimbursement agreement between the County and the applicant (related to the proposed interim improvements in excess of \$72,500).
- New Proffers and New Numbering of Proffers: The applicant has added new proffers #21, #35, and #36. (Former proffers #21 through #33 have been changed to #22 through #34, and former proffers #34 and #35 have been changed to #37 and #38).
- New Proffer #21- Bonds, Cash, Letter of Credit: The applicant has proffered, at the time of site plan approval, to post cash bond or letter of credit payable to the County of Fairfax to ensure preservation or replacement of the trees, that are designated on the Tree Preservation Plan to be saved, that die or are dying due to unauthorized construction activities not permitted on the approved plan.
- New Proffer #35- Architectural Treatment: The applicant has proffered that the architectural design of the proposed Building 4 shall be consistent with the general character of the elevations shown on the Sheet 7 of the GDP/SEA Plat. The Applicant reserves the right to revise the elevations as a result of final architectural design, so long as the character and quality of the final design is consistent with that shown. Building materials for Building 4 shall be compatible with the existing education buildings (Buildings 1 and 2, and the front elevation of Building 3) located on the Property. Building materials may include,

but shall not be limited to, the following: masonry, glass, pre-cast concrete, ground and/or split face CMU, and/or fiber cement board.

- New Proffer #36- Building 3 HVAC: In response to a concern voiced at the recent Planning Commission hearing, the applicant has proffered that they shall take such steps as are financially reasonable to reduce the noise emitted by the HVAC equipment serving Building 3 and located on the north side of Building 3.

## REVISED DEVELOPMENT CONDITIONS

Due to the applicant's GDP/SEA Plat and proffer revisions, Staff has reviewed the previously recommended/amended Development Conditions from the June 21, 2007 Planning Commission meeting, and has proposed the following revisions:

- Date Change: The new Development Conditions are now dated July 19<sup>th</sup>, 2007 (previous Development Conditions were dated June 21, 2007).
- Former Development Condition # 12 and #13 from June 21st: For synchronicity, Staff has combined development conditions #12 and #13 which address the existing Conservation Easement/Water Quality Management Area and stormwater management facilities/BMP requirements. The amended development condition is now #12.
- Former Development Condition # 16 from June 21st: Staff has removed the Exhibit "A" language from this development condition as it will no longer be necessary due to the removal of Development Conditions #17 through #19. Staff has added language to permit a sidewalk or a striped pedestrian walkway. The amended development condition is now #15.
- Former Development Condition # 17 through #19 from June 21st: Staff has removed development conditions #17 through #19 due to the GDP/SEA Plat revisions which addressed or cancelled their need.
- Former Development Condition #21 from June 21st: Staff has amended the transitional screening development condition (related to the subject property's northern property line), requiring the applicant to supplement existing landscaping along this perimeter as determined by UFM. The amended development condition is now #21.
- Former Development Condition #22 from June 21st: Staff has amended the 36-inch diameter oak tree development condition in order to provide more flexibility in the required preservation measures. The amended development condition is now #17.

- Former Development Condition #24 from June 21st: Staff has deleted this development condition as it was determined, due to inevitable construction impacts, that the small group of trees north of the existing trailers would not be able to be preserved.
- Former Development Condition #25 from June 21st: Staff has removed the outdoor loudspeaker development condition as the applicant has addressed it on Note #22 on Sheet 1 of the GDP/SEA Plat.
- Former Development Condition #26 from June 21st: Staff has removed the signage condition as the applicant has addressed it on Note #20 on Sheet 1 of the GDP/SEA Plat.
- Former Development Condition # 27 from June 21st: Staff has removed the architectural elevation development condition as the applicant has now added duplicate language to their amended proffers.
- Former Development Condition # 28 from June 21st: Staff has amended the development condition related to outdoor construction activity to require that the school also post a designated school contact and phone number, in addition to construction hours. The amended development condition is now #19.
- New Development Condition # 20: Staff has added a new development condition that requires the School administration to establish a neighborhood liaison committee to meet with interested neighbors on a quarterly basis to discuss and address neighborhood concerns regarding the operation of the School as it relates to impacts on the surrounding neighborhood.
- New Development Condition # 21: Staff has added a new development condition that requires the applicant to maintain all on-site landscaping, to include monthly clean-up and removal of all surrounding trash and litter.

## CONCLUSIONS AND RECOMMENDATIONS

### Staff Conclusions

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 Attachment 1.

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

## **ATTACHMENTS**

1. Draft Proffers dated July 5, 2007
2. Proposed Development Conditions dated July 19, 2007
3. Flint Hill Lower School "Tree Preservation Comparison" (provided by applicant)
4. Location Map
5. Flint Hill Lower School (East Campus) Generalized Development Plan/Special Exception Amendment (GDP/SEA Plat), revised July 2, 2007

# 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.
3. **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

July 19, 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. 3-304 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 July 2, 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. 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. 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 approval by the Director of the Department of Public Works and Environmental Services (DPWES). If the stormwater management facilities and BMPs designed to meet the Public Facilities Manual cannot be provided in substantial conformance with the GDP/SEA Plat, a PCA/SEA shall be required.
13. An athletic 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 Difficult Run 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.
14. 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.
15. The applicant shall provide, at the time of site plan approval, a sidewalk or striped pedestrian walkway along the entire east side of the proposed parking lot, located next to the proposed baseball field. Said sidewalk or walkway shall run north to the 'ring road' and connect to the adjoining sidewalk to its west, as reviewed and approved by DPWES.
16. 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.

17. The applicant shall, at the time of site plan review, work with the Urban Forest Management (UFM) Division, DPWES, to make adjustments to the development program, as approved by UFM, 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.
18. 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.
19. 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 and a designated school contact and phone number shall be posted on-site in both English and Spanish.
20. Prior to the first day of school each year, the School administration shall establish a neighborhood liaison committee to meet with interested neighbors on a quarterly basis to discuss and address neighborhood concerns regarding the operation of the School as it relates to impacts on the surrounding neighborhood. The neighborhood liaison committee shall publish a contact person and telephone number and provide the information to the Providence Supervisor's office prior to the first day of school each year.
21. The applicant shall maintain all on-site landscaping, to include monthly clean-up and removal of all surrounding trash and litter.
22. Supplemental landscaping shall be provided along the subject property's northern boundary line in order to provide the visual effect of Transitional Screening Type 1, as determined by Urban Forest Management (UFM).

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 construction of 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.