



FAIRFAX COUNTY

OFFICE OF COMPREHENSIVE PLANNING
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July 20, 1993

Mr. Larry T. Butler, Director of Open Space
Reston Association
1930 Issac Newton Square
Reston, Virginia 22090-5093

Re: Uses Permitted at Nine Existing Aquatic Facilities within Reston

Dear Mr. Butler:

This is in response to your letters of February 5, 1993 and March 18, 1993 requesting information on nine pool sites in Reston. Copies of the above referenced letters are attached. As I understand it, you have requested that staff review the zoning background on the nine pool sites to determine whether they may be converted to other recreational amenities such as multi-purpose courts, playfield, tot lot, etc.

As I understand it, you are in a study period to review and select which aquatic facilities the Reston Association may wish to change to other recreation uses. Since there is a mechanism by which each of the sites can be converted to other recreational amenities, and, as discussed with Peter Braham, we have had difficulty researching the files on Reston which date back thirty years, I will be able to provide you with a more expeditious response if I am requested to focus on the specific sites the Association selects, rather than all nine of the sites you have provided for our review. Accordingly, this letter will illustrate the parameters staff uses in making such a determination.

As you are aware, each of the identified pool sites in Reston is zoned PRC, Planned Residential Community. Sect. 18-203 of the Zoning Ordinance requires that a Development Plan (DP) be approved in conjunction with a rezoning to a PRC District. In addition, the Board of Supervisors may impose development conditions or the applicant may proffer conditions as part of the rezoning approval. The above actions are zoning approvals. The following approvals are administrative approvals processed by the Department of Environmental Management based on engineering plans. Per Sect. 16-204, where required, the Preliminary Site Plan (PSP) must be in accordance with the approved DP and any development conditions which may have been adopted by the Board of Supervisors. Any subsequent site plan, must conform with the approved Preliminary Site Plan. Part 6 of Article 18 requires that the approved site plan accompany an application for a building permit, and Par. 3 of Sect. 18-603 prohibits the issuance of any building permit which is not in conformance with the approved site plan.

A determination as to whether a specific site may be redeveloped with recreation facilities in lieu of the existing pool without the review and approval of a zoning action through the public hearing process, such as a development plan amendment application, is dependent on the detail shown on the approved Development Plan and/or the provisions of any proffers or development conditions. If the proposed modifications are determined to be in substantial conformance with the approved zoning, only the administrative review of engineering and construction documents through the processes administered by the Department of Environmental Management (DEM) will be required before the project can

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be constructed. However, if the zoning must be amended because the proposed change cannot be found to be in substantial conformance with the approval, review through the public hearing process is required before the engineering documents can be reviewed and approved.

The following illustrates some of the considerations which would enter into a determination whether a proposed modification is in substantial conformance with the approved zoning. If the site is specifically identified as a pool site or if a layout for a swimming pool is shown, administrative approval may be obtained for alternative active recreation facilities of equivalent value provided that the layout is in substantial conformance with the features shown on the development plan and any associated proffers and/or development conditions. However, if any development conditions and/or proffers specifically state that a given site will be used for a pool, approval of an amendment through the public hearing process is required for the facilities to be changed. If the site is identified with a more generic label such a community recreation facilities without any other specification as to the type of facility, the pool may be converted without a zoning approval through the public hearing process. Based on previous zoning approvals in Reston, as well as what could be determined based on our research to date, it is unlikely a development plan amendment or other zoning action through the public hearing process would be required. Once the association board chooses a specific location where a pool is to be converted we will work with you to review the zoning documents applicable to that site and advise which approvals will be required.

In all instances, any time line developed for completion of the alternative facilities should include the review and approval of an amended preliminary site plan and site plan, engineering plans processed by the DEM; the subsequent review and approval of building plans to receive the requisite building permits; and, time to obtain the Non-Residential Use Permit required to occupy the site. If review of a development plan amendment through the public hearing process is required, public hearings before the Board of Supervisors are usually scheduled five to six months from the date the application is accepted for processing. In those instances where a development plan amendment is required, the submission of engineering plans for review by DEM usually occurs after the Board of Supervisors has approved the amendment.

If you have any questions regarding this letter, please feel free to contact me or Peter Braham at (703) 324-1290.

Sincerely,



Barbara A. Byron, Director
Zoning Evaluation Division, OCP

BAB/PB/hh:77/48

Attachments: A/S

cc: Robert B. Dix, Jr. Supervisor, Hunter Mill District
John M. Palatiello, Planning Commissioner, Hunter Mill District
Jane W. Gwinn, Zoning Administrator
Edward J. Jankiewicz, Director, Design Review Division, DEM
Bonds and Agreements Branch, DRD, DEM