



FAIRFAX COUNTY

DEPARTMENT OF PLANNING AND ZONING
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509

(703) 324-1290

Fax (703) 324-3924

V I R G I N I A

May 17, 2001

Mr. Michael G. Bruen
Bowman Consulting Group
14020 Thunderbolt Place, Suite 300
Chantilly, Virginia 20151

Re: Interpretation for Rockland Village (Westgate), RZ 1998-SU-050, Relocation of Multi-Purpose Court

Dear Mr. Bruen:

This is in response to your letter of April 20, 2001, (attached) requesting an interpretation of the Conceptual Development Plan/Final Development Plan (CDP/FDP) and the proffers accepted by the Board of Supervisors in conjunction with the approval of RZ 1998-SU-050 and FDP 1998-SU-050 approved by the Planning Commission. As I understand it, the question is whether the relocation of the multi-purpose court would be in substantial conformance with the proffers including the proffered CDP/FDP. This determination is based on the plan attached to your letter of April 20, 2001, entitled "Multi-Purpose Court Exhibit, Rockland Village – Phase 2," and prepared by Bowman Consulting Group, which is dated April, 2001. Copies of the above-referenced letter and a reduction of the plan are attached.

On May 25, 1999, the Board of Supervisors approved RZ 1998-SU-050 with proffers including a proffered GDP/FDP. The Planning Commission previously recommended approval of the FDP 1998-SU-050 on June 2, 1999, subject to the development conditions dated June 1, 1999, and subject to the Board's approval of RZ 1998-SU-050. The CDP/FDP shows the multi-purpose court south of Vernon Street (Route 3624) between buildings 14 and 15. The CDP/FDP shows the central portion of the multi-family area with an open space area, inside buildings 4-6 and 10-12 with a tot lot and playground.

Proffer 3.a.is as follows in part:

Recreation:

- a. The Applicant shall construct the following recreational improvements:
Within the Multi-Family Area...

A multi-use court adjacent to Vernon Street.

Note 19 on the CDP/FDP is as follows:

Location and materials of the recreational facilities are subject to change with final design.

As I understand it, you are proposing to relocate the multi-purpose court from the location south of Vernon Street (Route 3624) between buildings 14 and 15 to the location in the central portion of the multi-family area, inside buildings 4-6 and 10-12 with a tot lot and playground.

Irrespective of the flexibility of Note 19, it is my determination that the relocation of the multi-purpose court is not in conformance with the proffers since Proffer 4 specifically requires that the multi-purpose court be adjacent to Vernon Street. This determination has been made in my capacity as the duly authorized agent of the Zoning Administrator.

You may have the right to appeal this determination within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2301 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, a notice of appeal must be filed with the Clerk to the Board of Supervisors and a notice of appeal and filing fee must be filed with the Zoning Administrator in accordance with Par. 10 of Sect. 18-204 of the Fairfax County Zoning Ordinance. Such notice shall be a written statement specifying the grounds on which aggrieved, the basis for the appeal and a \$210 filing fee. Once an appeal application is accepted, it is scheduled for consideration and decision by the Board of Supervisors.

If you have any questions regarding this interpretation, please call Lisa Feibelman at (703) 324-1290.

Sincerely,



Barbara A. Byron, Director
Zoning Evaluation Division, DPZ

Attachments: A/S

cc: Michael Frey, Supervisor, Sully District
Ronald W. Koch, Planning Commissioner, Sully District
Jane W. Gwinn, Zoning Administrator
Michelle Brickner, Director, Office of Site Development Services, DPWES
Angela Rodeheaver, Section Chief for Site Analysis, DOT
Craig Carinci, Director, Environmental and Facilities Inspection Division, DPWES
File: RZ 1998-SU-050 and PI 2104 066

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DEPARTMENT OF PLANNING AND ZONING
APR 23 2001

ZONING EVALUATION DIVISION

April 20, 2001

Ms. Barbara Byron
Fairfax County
Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

**Re: Rockland Village (Westgate)
Proffer Interpretation Request
RZ # 1998-S4-050**

Dear Ms. Byron:

Please accept this letter as a request for an interpretation of proffered conditions accepted in conjunction with the approval of RZ 1998-S4-050.

The Fairfax County Board of Supervisors approved RZ 1998-S4-050 on July 12, 1999 approving a rezoning of approximately 32 acres to the PDH-20 District. The rezoning was approved in conjunction with proffers dated May, 1999 and a conceptual/final development plan (CDP/FDP). The CDP/FDP illustrates 144 attached and detached single-family dwelling units and 360 multi-family units. The community includes 28 affordable dwelling units. The developer of the community requests the ability to re-locate the multi-use court from the location shown on the FDP South adjacent to buildings 10 and 11 as shown on the attached exhibit.

The justification for this request is the limited area available to accommodate the court required by the Fairfax County Public Facilities Manual. The required multi-use court is 82' x 50' (25m x 15.2m) per PFM Plate 42-8. The location immediately adjacent to Vernon Street and buildings 14 and 15 may pose safety hazards when activities on the court over-run the limits of court pavement. The proposed location adjacent to buildings 10 and 11 provides a larger open space buffer around the court to facilitate over-run and safety.

The approved proffers include text that allows minor deviations to the approved layout. Specifically, the Applicant has the flexibility to modify the layout shown on the CDP/FDP as long as the number of units is not increased and the amount of open space, tree preservation, limits of clearing and grading and common open space areas are not decreased. The developer's proposal is within these limitations.

Rockland Village (Westgate)

Page 2 of 2

I hereby request your administrative determination that the relocation of the multi-use court is in substantial conformance with the approved proffers and the CDP/FDP. This request may be considered a minor modification in accordance with the requirements of Article 16-402 of the Fairfax County Zoning Ordinance. There are no changes proposed to the overall number and type of approved dwelling units, and therefore, no modifications to the parking required or provided on the site. In addition, the proposal does not impact peripheral yard setbacks, proffered open space, or landscaping. Therefore, this request may be considered in substantial conformance with the prior approvals.

Should you have any questions regarding this request or require additional information, please do not hesitate to call me. I have enclosed a copy of the approved proffers and an exhibit showing the relocated multi-use court. Thank you for your time in evaluating this request.

Sincerely,
BOWMAN CONSULTING GROUP, LTD.

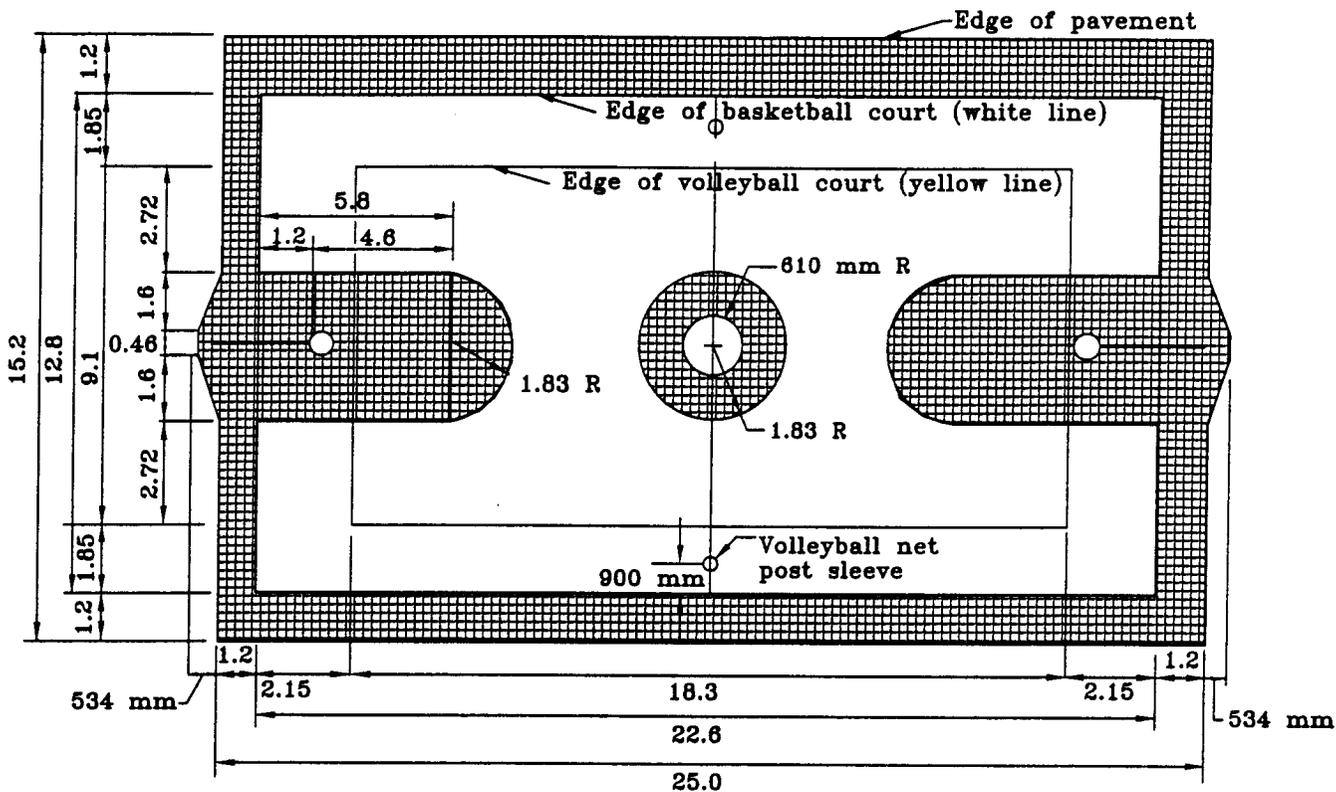


Michael G. Bruen, P.E.
Senior Project Manager

MGB/bb

Enclosures

FAIRFAX COUNTY PUBLIC FACILITIES MANUAL



- Red Colorcoat
- Green Colorcoat

NOTE: Basketball dimensions are to inside of 50 mm paint line.
 Volleyball dimensions are to outside of 50 mm paint line.

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MAY 7 2001

ZONING EVALUATION DIVISION

Note: All units are in meters unless otherwise noted.

Ref. Sec. 8-0300,
 2-0209.1, 2-0209.1L

Rev. 1-00

MULTI-USE COURT PLAN

PLATE NO.

STD. NO.

42M-8