



COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX

4100 CHAIN BRIDGE ROAD
FAIRFAX, VIRGINIA 22030



February 19, 1982

William Ostrander, Jr. AICP
Senior Vice President
Patton, Harris, Rust & Associates
10523 Main Street
P.O. Box 901
Fairfax, Va. 22030

Re: Zoning Application 76-P-104, Oakton
Village, Section 3 PHR&A F-1383-7-0

Dear *Bill* ~~Mr.~~ Ostrander:

This is in response to your request for an interpretation of those conditions proffered with the subject rezoning application related to provision of a swimming pool and multi-purpose courts.

As you have indicated, a previous developer has opted to provide tennis courts in lieu of a swimming pool, an alternative provided for in the proffered conditions. While the conditions also provide for three multi-purpose courts, the proposed substitution of a swimming pool for two of these courts results in providing recreation facilities of at least equal, and probably substantially greater, value to the future residents. Furthermore, the inclusion of a swimming pool in the proffers as an alternative facility clearly indicates Board intent that a pool would be a desirable amenity.

In light of the foregoing, please be advised that substitution of one swimming pool for two multi-purpose courts is within the intent of the proffered conditions and therefore acceptable.

Sincerely,

S. Steele
Sidney R. Steele, Chief
Zoning Evaluation Branch
Office of Comprehensive Planning

cc: Philip G. Yates

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January 22, 1982

Reply to Fairfax

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Mr. Sid Steele, Chief
Zoning Evaluation Branch
County of Fairfax
Massey Bldg.-4100 Chain Bridge Road
Fairfax, Virginia 22030

RE: ZONING APPLICATION #76-P-104
OAKTON VILLAGE, SECTION 3
PHR&A F-1383-7-0

Dear Mr. Steele:

My firm is representing the Calibre Construction Company, Inc., who intend to purchase an approximately 12-acre portion of the property known as Oakton Village, Section 3, in Oakton, Virginia. Calibre intends to construct approximately 240 apartment units on the 12-acre tract. This property is presently in the name of Milton Companies, Inc., and is zoned R-20 Residential. When this zoning application was granted on November 21, 1977, there were a number of proffered commitments regarding recreational facilities for the proposed development. My client would like to slightly change the facilities to be provided in this development and, therefore, would like to determine whether or not a Proffered Condition Amendment application must be filed.

Proffer No. 10 states that, "Applicant will provide a swimming pool with appropriate facilities or, in the alternative, tennis courts on-site." Proffer No. 11 states that, "Applicant will provide three children's play areas and three multi-purpose courts, whose locations will be determined at the time of final site plan approval." It is our understanding that the Milton Companies have submitted several sections of the original 37.6-acre tract and have townhouses under construction. In the contract whereby Milton Companies will sell twelve acres of ground to Calibre Construction Company, it is specified that Calibre would have to construct two multi-purpose courts on the 12 acres which they would purchase. The Milton Companies would provide all of the other proffered recreational facilities in other locations. It is also our understanding that the Milton Companies have chosen to build tennis courts in lieu of a swimming pool to fulfill proffered condition No. 10.

Patton Harris
Rust and
Associates

Mr. Sid Steele
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My client is ready and able to fulfill his obligation to construct two multi-purpose courts on his 12-acre tract; however, he feels that a small swimming pool would be a more viable facility based on the nature of his apartment project and the projected recreational needs of his prospective purchasers. He would, therefore, like to substitute a small swimming pool for two multi-purpose courts within the apartment project.

Could you please advise me if: 1) the proposed substitution of a small swimming pool for the two multi-use courts is a reasonable request; and, 2) if this substitution can be achieved administratively, rather than having to process a Proffered Condition Amendment. We appreciate your assistance in this matter.

Very truly yours,

PATTON, HARRIS, RUST and ASSOCIATES
A Professional Corporation



William F. Ostrander, Jr., AICP
Senior Vice President

WFO/meu

cc: Mr. Chip Kelley, Calibre Construction Co., Inc.
Mr. Dennis Thomsey, The Milton Companies, Inc.