



# County of Fairfax, Virginia

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To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

April 20, 2012

John W. Dargle, Jr., Director  
Fairfax County Park Authority  
12055 Government Center Parkway, Suite 927  
Fairfax, VA 22035

Re: Interpretation for RZ C-529; Tax Map No. 68-2 ((7)) G, 4803 Tapestry Drive;  
Kings West Swim Club: Conversion to Park Use

Dear Mr. Dargle:

This is in response to your letter of January 17, 2012, requesting an interpretation of the proffers and the Generalized Development Plan (GDP) accepted by the Board of Supervisors in conjunction with the approval of Rezoning RZ C-529. As I understand it, the question is whether the conversion of the former Kings West Swim Club property to a park, including transfer of ownership to the Fairfax County Park Authority, would be in substantial conformance with the proffers and the GDP. This determination is based on your letter and the proposed grading plan, consisting of two sheets, titled "Kings Park West, Demolition/Rough Grading Plan," dated October 20, 2011, and prepared by Department of Public Works and Environmental Services (DPWES). A copy of your letter and the relevant documents are attached.

On August 11, 1975, the Board of Supervisors approved RZ C-529 that rezoned 155.30 acres from RE-1 to R-12.5, RTC-10, and RM-2 for residential development, subject to proffers. The rezoning approval included three proffered conditions for: (1) general arrangement of uses, house types and major open space; (2) the general layout of pedestrian and vehicular circulation; and, (3) limits on the density of dwelling units. The GDP depicts the subject parcel as open space and future recreation within the area zoned RTC-10 (currently zoned Residential-8), generally located south of Tapestry Drive and north of the Rabbit Branch. In 1976, the Board of Zoning Appeals approved Special Permit S-187-76, subject to development conditions, to permit construction of a community recreation facility on 8.9 acres, including a pool house, swimming pool, basketball courts, tennis courts, parking lot, and asphalt trail connection. The facility was incorporated as Kings West Swim Club with open memberships, rather than HOA dues, and operated as a not-for-profit community recreation center. According to Zoning Permit Review, Zoning Administration Division, the community pool and tennis courts were vacated in 2006, and since that time there has been no use or activity at the site. As such, Special Permit S-187-76 has expired. You state that on April 30, 2009, the Kings West Swim Club ceased to exist as a legal entity.

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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)

You indicate that the Kings Park West Community Association and the Kings Park West Town House Home Owners Association initiated discussions with the Braddock District Supervisor and the Park Authority to donate the property to the Park Authority for use as a park. You state the property has limited market value, since a significant portion of the property is located within the Resource Protection Area (RPA) of Rabbit Branch within the Pohick Watershed; and a gas pipeline easement bisects the buildable portion of the property outside the RPA. You state the Park Authority Board has agreed to consider acceptance of the donated property to restore the site as a local passive park and has coordinated the restoration effort with DPWES. The proposed restoration includes the demolition of the pool house and storage buildings; filling in of the swimming pool; removal of the tennis and basketball courts; and removal of the entrance drive, parking lot, fences, and lighting, which are primarily located in the RPA. In order to reduce the amount of grading and site disturbance required to restore the property, a low retaining wall located to the north and east of the existing tennis courts would remain. After removal of the improvements, the site would be re-vegetated with grass, shrubs, and trees for restoration of the RPA. Following restoration, the property would become a passive park, including a sidewalk and a future asphalt trail connection with the existing asphalt trail to the south.

It is my determination that the conversion of the former Kings West Swim Club property to a passive park, as proposed, including transfer of ownership to the Park Authority, is in substantial conformance with the proffers and the GDP. This determination has been made in my capacity as the duly authorized agent of the Zoning Administrator. If you have any questions regarding this interpretation, please feel free to contact Carrie Lee at (703) 324-1290.

Sincerely,



Barbara C. Berlin, AICP, Director  
Zoning Evaluation Division

*BCB/CDL/O:\clee01\Interpretations\RZ\Kings West Swim Club\_park use.doc*

Attachments: A/S

cc: John C. Cook, Supervisor, Braddock District  
Ellen J. Hurley, Planning Commissioner, Braddock District  
Diane Johnson-Quinn, Deputy Zoning Administrator, Permit Review Branch, ZAD, DPZ  
Ken Williams, Technical Processing, Land Development Services, DPWES  
Kevin Guinaw, Chief, Special Projects/Applications Management Branch, ZED, DPZ  
Julie Cline, Manager, Land Acquisition and Management Branch, Fairfax County Park Authority  
File: RZ C-529, PI 12 01 005, Imaging, Reading File



# FAIRFAX COUNTY PARK AUTHORITY



12055 Government Center Parkway, Suite 927 • Fairfax, VA 22035-5500  
703-324-8700 • Fax: 703-324-3974 • www.fairfaxcounty.gov/parks

RECEIVED  
Department of Planning & Zoning

JAN 25 2012

Zoning Evaluation Division

January 17, 2012

Ms. Barbara C. Berlin  
Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035

**RE: Request for Interpretation of Proffer Conditions for Kings West Swim Club  
RZ C-529  
TM 68-2 ((7)) G**

Dear Ms. Berlin:

Kings Park West is a residential subdivision approved by Rezoning RZ C-529 on August 11, 1975, and subject to proffers (the "Proffers") as part of the Board of Supervisors Action (Exhibit 1). In addition to the conditions proffered as part of the application, the generalized development plan included three written proffers (Exhibit 2) that stated:

"the development of the property which is the subject of this application shall be in strict accordance with the conditions set forth below and shown on the plan unless an amendment hereto is mutually agreed upon by the Board of Supervisors and the undersigned,

1. General arrangement of uses, house types and major open space.
2. General layout of pedestrian and vehicular circulation systems.
3. Density not to exceed 918 dwelling units which is an average of 5.91 dwelling units per acre."

The site of the former Kings West Swim Club is an 8.9 acre parcel in the area of the rezoning and includes a: pool house, swimming pool and baby pool, basketball court, two tennis courts, asphalt trail connection to Parcel A, and a parking lot. These amenities were constructed under a special permit in 1978, however this permit has expired as the facility has been dormant for more than twenty four months.

On April 30, 2009, the Kings West Swim Club ceased to exist as a legal entity and the Kings Park West Community Association and the Kings Park West Town House Home Owners Association has approached the Fairfax County Park Authority (the "Park Authority") regarding a donation of the property to the Park Authority. The property has limited market value as a significant portion of the property is located within the Resource Protection Area (the "RPA") of



Rabbit Branch, and a Colonial Pipeline gas easement that bisects east/west through the buildable portion of the property outside the RPA.

The Park Authority Board has agreed to consider acceptance of the donated property if there is a cost-effective way for the improvements to be demolished and the site restored. To this end, the Fairfax County Department of Public Works and Environmental Services (the "DPWES") has expressed an interest in removing the improvements as part of its efforts to restore the Pohick Watershed by reducing impervious surface (Rabbit Branch is within the Pohick Watershed). No work would be undertaken by DPWES until the property has been acquired by the Park Authority, and agreement reached between the Park Authority and DPWES regarding demolition of the improvements.

The improvements would be removed (with the exception of the retaining wall to the north and east of the tennis courts) in conformance with the attached demolition plan (Exhibit 3). The retention of the retaining wall is proposed as it will reduce the amount of site disturbance required to restore the property adjacent to the Colonial Gas pipeline easement to the north and the RPA to the south. The property would then be converted to a passive park including construction of a new trail connection from Tapestry Drive to the existing asphalt trail and restoration plantings.

Through this letter, the Park Authority is requesting the following:

- A proffer interpretation that the conversion of the property from active to passive recreation through demolition of the existing improvements would not violate the Proffers in effect over the property;
- A transfer of the property ownership from Kings West Swim Club to the Park Authority would not violate the original Proffers; and
- That, as part of the conversion, it is permissible to preserve the retaining wall at the tennis courts.

Thank you very much for your attention to this request for interpretation. Please do not hesitate to contact Julie Cline at 703-324-8708 if you require further clarification of this inquiry.

Sincerely,



John W. Dargle, Jr.  
Director

Attachment 1: RZ C-529 dated August 11, 1975

Attachment 2: Proffers included on the generalized development plan

Attachment 3: Proposed grading plan prepared by DPWES

copy: Anthony Vellucci, Park Authority Board, Braddock District  
Cindy Messinger, Deputy Director/CFO  
Sara Baldwin, Deputy Director/COO  
David Bowden, Director, Planning and Development Division  
Julie Cline, Manager, Land Acquisition and Management Branch  
Brian Williams, Senior Property Analyst, Land Acquisition and Management Branch  
Eileen M. McLane, Zoning Administrator  
R. Scott Wynn, Deputy County Attorney  
Marc E. Gori, Assistant County Attorney  
Craig Carinci, Director, Stormwater Planning, Department of Public Works and  
Environmental Services  
Linda Fertal, Engineer II, Department of Public Works and Environmental Services

# **Exhibit 1**

BOARD OF SUPERVISORS ACTION

ON ZONING MAP AMENDMENT

APPLICATION NUMBER C-529

Applicant: *DEVELOPMENT ASSOCIATES*

Present Zoning: *RE-1*

Requested Zoning: *R-12.5, RTC-10, RM-*

Proposed-Use: *SINGLE-FAMILY, TOWNHOUSE, MULTI-FAMILY*

Subject Parcels: *68-244 ((1)) 29,30,31 & 37* Acreage: *155.32 ACRES*

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Room in the Massey Building at Fairfax, Virginia on AUGUST 11, 1975, the following action was adopted on the subject application.

- Amended the zoning map as requested.
- Amended the zoning map as requested, and further restricted the use of the subject property by the conditions proffered and accepted pursuant to Virginia Code Ann., Section 15.1-491(a), which conditions are incorporated into the Zoning Ordinance as it affects said parcel. (See Attachment 1)
- Denied the requested \_\_\_\_\_ District.
- Amended the zoning map for the subject property to the \_\_\_\_\_ District.
- Amended the zoning map for the subject property to the \_\_\_\_\_ District, and further restricted the use of the subject property by the conditions proffered and accepted pursuant to Virginia Code Ann., Section 15.1-491(a), which conditions are incorporated into the Zoning Ordinance as it affects said parcel. (See Attachment 1)
- In addition to the action taken above, the applicant presented certain restrictive covenants for recordation governing the subject property (a copy of which is attached).
- In addition to the action taken above, the Board of Supervisors instructed that the site plan/subdivision plat be forwarded to the Planning Commission/Board of Supervisors for its review before approval.

*X The P.C. requested that the site plan be brought back for review.*

Distribution:

Applicant  
Clerk to the Board  
Executive Director, Planning Commission  
Supervisor of Assessments  
Director, Mapping Division, Overlay Branch  
Director, Zoning Enforcement Division  
Director, Office of Research and Statistics  
Public Affairs

Coordinator AJ

Application Number C-529  
 Approved to the R-12.5, RTC-10, RM-2 District

Total Number of Dwelling Units 918 Density 5.91  
 Building Floor Area \_\_\_\_\_ Floor Area Ratio (FAR) \_\_\_\_\_

The following conditions were proffered and accepted pursuant to Virginia Code, Ann., Section 15.1-491(a) and shall further restrict the use of the property subject to the above referenced application:

Limit construction vehicles from entering Kings Park West.

Dedicate right-of-way to 60 feet from center line for Braddock Road, Route #620.

Dedicate right-of-way to 40 feet from center line for Sideburn Road, Route #653.

Build a road section 35 feet from center line to face of curb and gutter on Braddock Road and 22 feet on Sideburn Road.

Build sidewalk along Braddock Road and Sideburn Road..

Bessmer Lane must be dedicated and constructed across the strip separating this development from Kings Park West.

Roberts Road should be extended through the Carter property; it would be extremely difficult to develop this parcel independently with a 90-foot right-of-way through it.

Construction of Roberts Road should extend from property line to property line.

No left turns should be allowed at the Braddock Road/townhouse access road intersection east of Roberts Road.

Provide access to the Yager and Gifford properties.

No left turns should be allowed at the Braddock Road/apartment access road intersection after Roberts Road is connected to Braddock Road.

The Board of Supervisors also moved to authorize condemnation of the Carter property.

# **Exhibit 2**

We hereby proffer the development of the property which is the subject of this application shall be in strict accordance with the conditions set forth below and shown on this plan unless an amendment hereto is mutually agreed upon by the Board of Supervisors and the undersigned.

- 1. General arrangement of uses, house types and major open space.
- 2. General layout of pedestrian and vehicular circulation systems.
- 3. Density not to exceed 918 dwelling units which is an average of 5.91 dwelling units per acre.

NOTES

- 1) THE PROPERTY IS LOCATED ON THE LOCATED ON ASSESSMENT MAP #1 PARCELS LP 503, 30A, 37 & 43
- 2) BOUNDARY BY D N 43
- 3) TOPG BY AIR SURVEY AND DESIGN
- 4) STORM WATER RETENTION WILL BE ACCORDANCE WITH FAREAN COUNTY AND SPECIFICATIONS
- 5) PLAN REVISED JULY 1975 FE COUNTY STAFF RECOMMENDATION

DEVELOPMENT ASSOCIATES

By M. Peterson  
General Partner

# **Exhibit 3**



