



# FAIRFAX COUNTY

## BOARD OF ZONING APPEALS

**PUBLIC HEARING DATE:** July 20, 2022  
**TIME:** 9:00 AM

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V I R G I N I A

**July 13, 2022**

### STAFF REPORT

#### APPEAL APPLICATION A 2022-HM-004

#### HUNTER MILL DISTRICT

**APPELLANTS:** Reston Association (Formerly Known as Reston Home Owners Association)

**PROPERTY LOCATION:** 1901 Barton Hill Road  
Reston, Virginia 20191

**TAX MAP REF:** 27-1 ((5)) 3

**ZONING DISTRICT:** PRC

**SITE AREA:** 3.14 acres

**NATURE OF APPEAL:** Appeal of March 10, 2022, determination that a PRC plan is required to install 19 (previously stated as 23) light poles that are approximately 26 feet tall for purposes of lighting the tennis courts.

WM

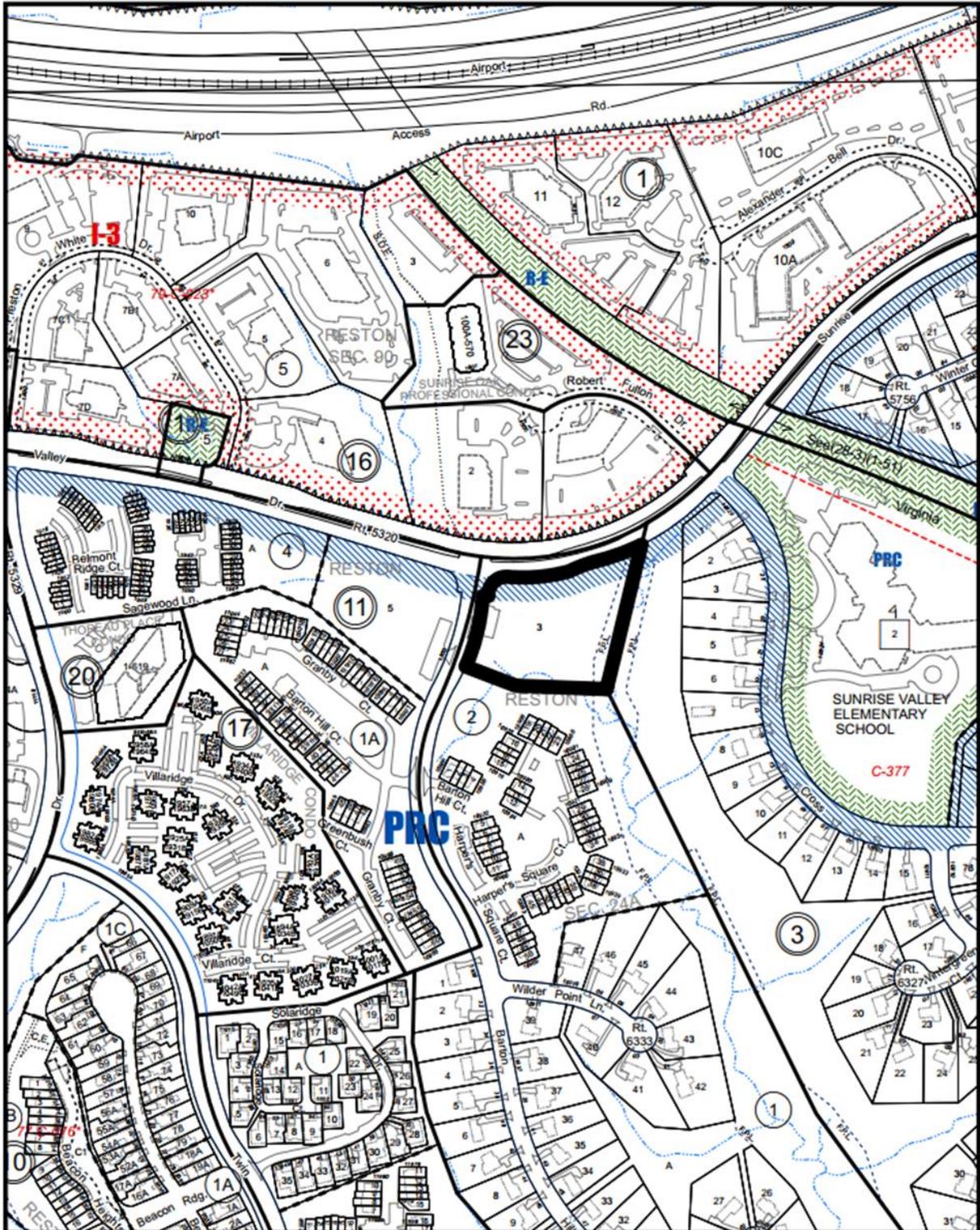
For information, contact the Zoning Administration Division, Department of Planning and Development, 12055 Government Center Parkway, Suite 807, Fairfax, Virginia 22035-5505, 703-324-1314.



American with Disabilities Act (ADA): For special accommodations, call 703-324-1334 (TTY 711 Virginia Relay Center) 48 hours in advance of the meeting to make the necessary arrangements.

# APPEAL APPLICATION

**A 2022-HM-004 Reston Association (Formerly Known as Reston Home Owners Association)**  
A 2022-HM-004 Appeal of a March 10, 2022, determination that a PRC plan is required to install lighting at the tennis courts. Located at 1901 Barton Hill Road, Reston, Virginia 20191, on approx. 3.14 acres of land zoned PRC, Hunter Mill District, Tax Map 27-1 ((5)) 3.



<b>APPELLANT</b>	Reston Association (Formerly Known as Reston Home Owners Association)
<b>PROPERTY DESCRIPTION</b>	The property that is subject to this appeal is owned by Reston Association and located at 1901 Barton Hill Road, Reston, Virginia 20191 (Tax Map 27-1 ((5)) 3). The property is 3.14 acres in size, zoned PRC (Planned Residential Community), and developed with four tennis courts and surface parking.
<b>DESCRIPTION OF APPEAL</b>	On April 6, 2022, Reston Association filed an appeal (Appendix 1) of the March 10, 2022, determination by the Zoning Administrator (Appendix 2) that a PRC plan is required prior to permitting the installation of 19 (previously stated as 23) LED sports illumination lights that are approximately 26 feet tall at the subject tennis courts.
<b>APPELLANT’S POSITION</b>	The appellant’s application and basis for appeal are set forth in Appendix 1.

## **ZONING ORDINANCE PROVISIONS**

The pertinent Zoning Ordinance provisions and links are provided below and in Appendix 3.

<a href="#">Subsection 5109:</a>	Outdoor Lighting
<a href="#">Subsection 8100.2.F:</a>	PRC Plan Approval
<a href="#">Subsection 8105.A:</a>	Minor Modifications
<a href="#">Section 9102:</a>	General Terms: Development Plan, PRC
<a href="#">Section 9102:</a>	General Terms: PRC Plan

## **BACKGROUND**

Copies of the relevant documents referenced below are included in the Zoning Administrator’s determination letter contained in Appendix 2.

On September 10, 1973, the Board of Supervisors (Board) approved Rezoning RZ C-377 to rezone approximately 309 acres to the RPC District (Residential Planned Community, now PRC, Planned Residential Community) for the purpose of developing an elementary school, recreation, open space, single-family and multifamily dwellings. Concurrent with the rezoning, the Board approved Development Plan DP C-377 which approved recreation uses for the subject parcel.

On August 1, 1977, the Director of Environmental Management (the approving authority at that time) approved Preliminary Plat 1986-PL-002-1. The preliminary plat listed the property as recreation but depicted no uses. On October 19, 1977, the Director of Environmental Management approved Final Plat Reston Sec 24A DB 4731 PG 594. The final plat was recorded and depicted no uses and contained the following note: “(t)his parcel constitutes open space and may not be subdivided, built upon or modified except after an amended final plan has been approved provided in Section 30-2-2 of the Zoning Ordinance.”

With approval of Zoning Ordinance Amendment #324 on December 5, 1977, the preliminary and final plat requirements of the then RPC District were replaced with a requirement to submit a preliminary site plan which was also subject to Director approval. Based on a review of the County records, there was no revised final plat or preliminary site plan submitted that removed the restriction noted above; however, on November 3, 1983, the Director of Environmental Management approved site plan 003968-SP-001-2 to permit development of the existing four tennis courts and parking lot.

On March 26, 2007, the Board approved Zoning Ordinance Amendment ZO-07-397 which revised the preliminary site plan process from an administrative approval by the Department of Public Works and Environmental Services (DPWES) to a public hearing process before both the Planning Commission and the Board of Supervisors of a PRC plan.

On November 30, 2021, a request was received a request from a property owner who lived in the single-family neighborhood adjacent to the tennis courts, asking about the process required for Reston Association to upgrade the existing tennis courts. A determination was issued on December 22, 2021, and a copy was provided to the landowner Reston Association. Larry Butler, Executive Director of Reston Association, contacted staff and indicated that Reston Association was not aware of the request and provided additional information about the project on January 12, 2022. On January 14, 2022, the December 22, 2021, determination was rescinded when it was concluded that due to a clerical error Reston Association was not provided a copy of the request within 10 days of submission pursuant to Par. H of Sect. 15.2-2204 of the Code of Virginia.

On March 10, 2022, after reviewing the additional information provided by Mr. Butler on behalf of Reston Association, the determination for the subject site was reissued and stated that while the proposed upgrade of the four existing tennis courts to include addition of striping for pickle ball was in accordance with the previous approvals, the addition of 23 LED lights (which the appellant has since clarified there will be 14 light poles installed around the perimeter of the courts and 5 within the surface area of the courts for a total of 19 light poles) that would be approximately 26 feet tall would require approval of a PRC plan.

## **ZONING ADMINISTRATOR'S POSITION**

Subsection 8100.2.F(2)(d) of the Zoning Ordinance states that for properties zoned to the PRC District, once a development plan has been approved, all subsequent approvals, uses, and structures must be in substantial conformance with the approved development plan and any development conditions associated with that approval. Development plans are intended to generally characterize the development; whereas PRC plans are intended to further detail the planned development of the lot and can be more restrictive than a development plan.

In review of the approvals for the site it was determined that the preliminary and final plats approved the site only for open space and required an amendment to those approvals in order to develop the site with active recreation and this is evidenced by the note on the final plat that stated "(t)his parcel constitutes open space and may not be subdivided, built upon or modified except after an amended final plan has been approved provided in Section 30-2-2 of the Zoning Ordinance." The process changed after the approval of the final plat and preliminary and final plats were replaced with a preliminary site plan which was also approved by the Director. The 1983 site plan serves as the amendment to the final plat and permitted the construction of the existing tennis courts. Therefore, it was determined in this

instance the 1983 site plan serves as the approved PRC plan which depicted four tennis courts without lights, and a parking lot.

Reston Association's proposed upgrade of the tennis courts, including the introduction of lights and striping for pickleball, would still fall under the general recreation use approved on the development plan and would not require a development plan amendment. However, the proposed upgrades must be reviewed in accordance with subsection 8100.2.F(3)(c) of the Zoning Ordinance, which requires a PRC plan for all uses unless specifically excepted by the Zoning Ordinance. These exceptions include the addition of non-structural site elements such as transitional screening, parking and loading (limited to ten percent of the area) and minor accessory structures in open space areas such as benches, gazebos, playground equipment, and bus shelters. The reconstruction of the tennis courts will be done in the same footprint of the existing courts, and it was determined that this improvement and the addition of pickleball striping was in accordance with the previous approvals. It is the position of the Zoning Administrator that 19 sports illumination lights at 26 feet tall are a structural element and are not exempt from the requirement for the provision of a PRC plan. While the examples in the Zoning Ordinance are not meant to be all inclusive, the proposed lights have a greater impact than the provision of additional landscaping or addition of parking and loading areas. Furthermore, the proposed lights would not be considered a minor accessory structure similar to a bench, gazebo, playground equipment or bus shelter. The introduction of 19 LED light fixtures at 26 feet in height would expand the use of the recreation facility beyond that which was contemplated with the previous approvals and does not fall under one of the permitted exceptions. The appellant alleges that the lights must be considered as accessory and permitted without a PRC plan because lighting is common and customarily incidental to the use of a tennis court. However, this tennis court has existed and served the residents for 37 years without lights and per the appellants research 60 percent of outdoor tennis courts in the County do not have lights. The determination does not opine on the appropriateness of the lights, but rather focused on the Zoning Ordinance provisions in subsection 8100.2.F(3)(c) applicable to PRC plans in response to a question initially posed by an adjacent property owner.

As previously stated, the existing approvals did not contemplate or approve lighting. The Zoning Ordinance permits minor modifications to PRC plans if the modification is in accordance with subsection 8105.A(1)(a). It was determined that the addition of lights could not be approved as a minor modification since the proposed lights would expand the hours of operation and intensify the use, which is not permitted as a minor modification. Therefore, a PRC plan is required for the proposed addition of lights to the referenced lot. It is noted that this is not dissimilar to both public schools and parks being required to obtain 2232 approval from the Planning Commission when they introduce lights on their fields, or a community swim or tennis club being required to amend their special permit for the addition of lights. Further the introduction of lights is a significant departure from the previous approvals and cannot be approved without a PRC plan per subsection 8100.2.F(3)(c) of the Zoning Ordinance. The appellant states that the proposed lights do not increase the hours of operation since there is no restriction on the property for hours of operation. While there are no conditions, proffers or zoning ordinance provision restricting the hours of operation of the courts, it is reasonable to assume that the addition of sports illumination lights costing \$700,000 to \$900,000 is being proposed to increase recreational opportunities by extending play during previously non-daylight hours and thus the hours of operation. Requiring a PRC plan is not dissimilar to requiring an amendment to a special permit for a community tennis or swim club for the addition of lights not previously approved. Reston Association referenced an interpretation provided for Hunter Woods Ballfield as an example where the County permitted similar improvements without a PRC Plan (copy of interpretation is included in Attachment 5 of Appendix 2). In that case the area was approved on the development plan as

“permanent open space.” The site had been developed with a little league baseball field, but the use no longer functioned on the site. The interpretation permitted uses that would fall under the definition of open space and did not require significant land disturbance activities or structures but required determination by Zoning Evaluation Division that any proposed use would be in substantial conformance with the approval. While lights were not the topic of that interpretation it cannot be assumed that the interpretation permitted lights or any other structural improvement. In fact, the interpretation clearly stated an additional review would be required and a PRC plan and development plan amendment could be required. An [interpretation](#) for Dogwood Pool (see Appendix 4) permitted Reston Association the ability to expand parking areas, accessibility improvements and additional play areas. In that case it was determined that the proposed improvements met the exceptions in the Zoning Ordinance and did not require a PRC plan.

Contrary to the statement made by the appellant, the Zoning Administrator did not opine on the need for a site plan but directed the appellant to contact Land Development Services to determine if a site plan was required.

Finally, the Zoning Administrator noted that in addition to the requirement for PRC plan approval, a sports illumination plan is required in accordance with subsection 5109.4.B which limits the maximum footcandles of the tennis courts to 40 and the maximum permitted hours of illumination from as early as 7:00 am to as late as 11:00 pm. However, as part of a PRC plan review the Board could approve different time limits and be more restrictive in the permitted footcandles.

The appellant alleges that the Zoning Administrator’s determination will add, at minimum, 18-24 months to the timeline and hundreds of thousands of dollars to the costs of the court’s renovation. It is unclear what the appellant is relying on for these numbers. As previously stated, the determination did not require site plan submission but instead deferred that question to the Director of Land Development Services. Regardless of the Zoning Administrator’s determination, the cost to submit a site plan and a sports illumination plan does not change. The determination does add the cost and time to obtain a PRC plan approval. The PRC plan application fee would be \$8,560.<sup>1</sup> PRC plans are subject to the submission requirements of subsections 8101.2.D(3) and 8101.2.E; however, in accordance with subsection 8101.1.E the Zoning Administrator may modify the submission requirements and the appellant could request that the site plan and sports illumination plan be used as the PRC plan and remove the additional cost of preparing a separate PRC Plan

## **CONCLUSION**

According to the appellant, Reston Association, the existing tennis courts on the subject property will remain but are proposed to be reconstructed in their current location with striping added for pickleball usage and with the addition of 19 LED sports illumination lights which would be 26 feet tall. The Zoning Administrator has determined that the introduction of the lights would expand the use beyond the original approvals and requires the approval of a PRC Plan because the addition of 19 LED lights do not meet any of permitted exceptions set forth in subsection 8100.F.3(c) For these reasons and as detailed above, the Board of Zoning Appeals should uphold the determination of the Zoning Administrator issued March 10, 2022.

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1. Fee based on an amended PRC Plan plus fee on four acres. In accordance with subsection 8102.1 the Board of Supervisors may waive the fee for a good cause.

**APPENDIX:**

1. Appellant's Application and Basis for Appeal
2. Zoning Administrator's February 28, 2022, Use Determination
3. Zoning Ordinance Provisions
4. Interpretation re. Dogwood Pool modifications



COMMONWEALTH OF VIRGINIA  
 COUNTY OF FAIRFAX  
 APPLICATION FOR APPEAL

Please type or  
 Print in Black Ink

application received by  
 DPD 4/6/22

APPLICATION NO. A 2022-HM-004  
 (Assigned by Staff)

NAME OF APPELLANT: Reston Association (formerly known as Reston Home Owners Association)

**NATURE OF THE APPEAL:**

Pursuant to Section 8103.3 of the Fairfax County Zoning Ordinance, Reston Association (RA) appeals the Zoning Administrator's March 10, 2022, determination that RA must obtain approval of a Planned Residential Community PIQ from the Board of Supervisors prior to installing lights on existing tennis court facilities at 1901 Barton Hill Road in Reston, VA. RA asserts that the Zoning Administrator erred in concluding that the proposed changes require approval of a PRC Plan and an associated site plan. See attached for further information.

**DATE OF ORDER, REQUIREMENT, DECISION, DETERMINATION OR NOTICE OF VIOLATION WHICH IS SUBJECT TO THE APPEAL** March 10, 2022

**HOW IS THE APPELLANT AN AGGRIEVED PERSON?:**

RA is the owner of the Property that is the subject of the Determination. If upheld, the Determination will unnecessarily impose additional costs on RA and extend the time required to implement the RA Board's approved objectives.

**IF APPEAL RELATES TO A SPECIFIC PROPERTY, PROVIDE THE FOLLOWING INFORMATION:**

POSTAL ADDRESS OF PROPERTY: 1901 Barton Hill Road, Reston, VA 20191

TAX MAP DESCRIPTION: 027-1 ((5)) 3

Reston Association (owner)  
 Type or Print Name of Appellant or Agent

Yang Butler ACTA(P ££0/£00  
 Signature of Appellant or Agent

12002 Sunrise Valley Drive, Reston, VA 20191  
 Address

<u>N/A</u>	<u>703-435-6501</u>	<u>703-638-3339</u>
Telephone No: Home	Work	Cell

Please type or print name, address, and phone number of contact person if different from above:

**DO NOT WRITE IN THIS SPACE**

Subdivision Name: Reston, Section 24A, Block 3

Total Area (Acres/Square Feet): 3.14 acres

Present Zoning: PRC

Supervisor District: Hunter Mill

Date application received: 4/6/22 Application Fee Paid: \$ 600

Date application accepted: 5/4/22



# County of Fairfax, Virginia

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

## Available on Planning Land Use System (PLUS)

March 10, 2022

Larry Butler  
Reston Association  
12001 Sunrise Valley Drive, Reston, Va. 20191

**Re:** Determination Regarding Barton Hill Road Tennis Courts (INTOAB 2021-00444)  
1901 Barton Hill Road  
Tax Map Ref: 27-1 ((5)) 3  
Zoning District: PRC

Dear Larry Butler:

**REQUEST:** This is in response to your January 12, 2022,<sup>1</sup> correspondence which provided additional information for consideration regarding the referenced determination previously issued to Mr. Roundtree. Mr. Roundtree initially requested information regarding the plans and approvals that would be required by the County for the proposed upgrades to the Barton Hill Road tennis courts. That determination concluded that a PRC Plan approval is required for the proposed upgrade to the Barton Hill Road tennis courts. This letter replaces the previous determination issued on December 22, 2021,<sup>2</sup> which was subsequently rescinded because Reston Association (RA) was not provided notification of the request for a determination within 10 days of submission in accordance with Virginia Code 15.2-2204.H.<sup>3</sup> The previous determination provided to Mr. Roundtree concerned RA's plan to upgrade the four existing tennis courts (including striping for pickleball) at the intersection of Barton Hill Road and Sunrise Valley Drive through full depth reclamation in the exact locations of the existing courts and the addition of 23 LED light poles. Mr. Roundtree submitted additional information on January 25, 2022, that was also considered as part of this review.<sup>4</sup>

In your January 12, 2022, letter you state that RA has approved the reconstruction of the tennis courts as part of its 2022 capital budget and that community meetings with notification will be held and Design Review Board approval is required. It is your opinion that a site plan is not required due to the limited disturbance proposed by the upgrade. You concurred that a sports illumination plan is required for the addition of approximately 23 LED light poles at 26 feet tall. It is also your position that a PRC Plan is not required because the approved development plan (DP C-377) depicts the site as recreation and a preliminary site plan (which under the current Zoning Ordinance serves as the approved PRC Plan) cannot restrict what the approved development plan allows. You stated that the recreation description on the approved development plan provides for greater flexibility and the upgrade of tennis courts and



PLANNING & DEVELOPMENT

Department of Planning and Development  
Zoning Administration Division  
12055 Government Center Parkway, Suite 807  
Fairfax, Virginia 22035-5507  
Phone 703-324-1314  
Fax 703-803-6372

[www.fairfaxcounty.gov/planning-development](http://www.fairfaxcounty.gov/planning-development)

addition of lights does not change the recreation use designation. Therefore, a PRC Plan should not be required since the proposal is in accordance with the approved development plan. You referenced a recent determination<sup>5</sup> for the old Hunters Woods Ball Field which you felt gave great flexibility to development of that site and the December 22, 2021, determination was inconsistent with that previous interpretation.

#### **SITE INFORMATION AND BACKGROUND:**

The referenced property is zoned PRC, Planned Residential Community District. The property is subject to Rezoning RZ C-377 and development plan<sup>6</sup> approved by the Board of Supervisors (Board) on September 10, 1973. Further the site is subject to the following documents all approved by the Director of Environmental Management (the approving authority at that time), preliminary plat 1986-PL-002-1<sup>7</sup> approved on August 1, 1977, final plat Reston Sec 24A DB 4731 PG 595<sup>8</sup> approved on October 19, 1977, and site plan 003968-SP-001-2<sup>9</sup> approved by the on November 3, 1983.

**ZONING CITATIONS:** Relevant Zoning Ordinance citations as of the date of the request.

[subsection 5109](#): Outdoor Lighting

[subsection 8100.2.F](#): PRC Plan Approval

[subsection 8105.A](#): Minor Modifications

[Section 9102](#): General Terms: Development Plan, PRC

[Section 9102](#): General Terms: PRC Plan

**DETERMINATION:** In accordance with subsection 8100.2.F(2)(d) of the Zoning Ordinance the PRC District once a development plan has been approved, all subsequent approvals, uses, and structures must be in substantial conformance with the approved development plan and any development conditions associated with that approval. Development plans are intended to generally characterize the development; whereas PRC Plans are intended to further detail the planned development of the lot and can be more restrictive than a development plan.

Development Plan DP C-377 approved recreation uses for the lot and that use was reflected on the preliminary plat 1986-PL-002-1 and final plat Reston Sec 24A DB 4731 PG 594. The final plat depicted no uses and contained the following note: "This parcel constitutes open space and may not be subdivided, built upon or modified except after an amended final plan has been approved provided in Section 30-2-2 of the Zoning Ordinance." The approved site plan (003968-SP-001-2) depicts four tennis courts with no lights.

With approval of Zoning Ordinance Amendment #324 on December 5, 1977, the preliminary and final plat requirements were replaced with a requirement to submit a preliminary site plan. The site plan serves as the document that permitted development of the existing tennis courts; whereas the final plat restricted the development of the site to open space. Therefore, in this instance the site plan serves as the PRC Plan.

The proposed upgrade of the tennis courts, including the introduction of lights and striping for pickleball would still fall under the general recreation use approved on the development plan and would not require a development plan amendment. However, the proposed upgrades must still be reviewed in accordance with subsection 8100.2.F(3)(c) of the Zoning Ordinance which requires a PRC Plan for all uses unless specifically excepted by the Zoning Ordinance. These exceptions include the addition of non-structural site elements such as transitional screening and parking and loading (limited to 10 percent of the area) and minor accessory structures in open space areas such as benches, gazebos, playground equipment, and bus shelters. It is staff's determination that the repaving of the courts and striping for pickleball is consistent with the previous approvals; however, the introduction of lights expands the use of the recreation facility beyond that which was contemplated with the previous approvals and does not fall under one of the permitted exceptions.

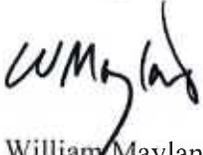
Staff further reviewed the potential for minor modifications permitted for a PRC Plan under subsection 8105.A(1)(a) of the Zoning Ordinance. The existing approvals do not contemplate lights and it is staff's determination that the addition of lights cannot be approved as a minor modification since the proposed lights would expand the hours of operation which is not permitted as a minor modification. Therefore, it is staff's determination that a PRC Plan is required for the proposed addition of lights to the referenced lot. This is not dissimilar to both public schools and parks being required to obtain 2232 approval from the Planning Commission when they introduce lights on their fields. Staff views this determination to be consistent with the Hunter Woods ballfield letter issued on July 19, 2019. In that interpretation staff indicated that open space uses that do not require significant land disturbance activities and/or structures could be provided onsite subject to a substantial conformance determination by the Zoning Evaluation Division (ZED) and that letter further stated significant land disturbance and/or addition of structures may require both a Development Plan Amendment and PRC Plan. In this instance the introduction of lights is a significant departure from the previous approvals and cannot be approved without a PRC Plan per subsection 8100.2.F(3)(c) of the Zoning Ordinance. Furthermore, since the proposed light poles exceed 20 feet in height a sports illumination plan must be submitted with the PRC Plan in accordance with subsection 5109.4.B of the Zoning Ordinance. Please note that in accordance with the Zoning Ordinance the tennis courts are limited to a maximum illumination of 40 footcandles (unless a lesser limit is approved by the Board), and lighting is not allowed between 11 p.m. and 7 a.m. unless other hours are specifically approved by the Board. If the PRC Plan is approved, you will need to contact Land Development Services to determine if a site plan will also be required.

Please note that PRC Plans require an application, a filing fee, notification of adjacent property owners, and a public hearing before the Planning Commission and Board of Supervisors. Please contact the Zoning Evaluation Division (ZED) at (703) 324-1290 for more information regarding the PRC Plan process. [Zoning Evaluation Division | Planning Development \(fairfaxcounty.gov\)](https://www.fairfaxcounty.gov/planning-development/zoning-evaluation-division)

This determination is based upon the facts presented in your letter, as well as all applicable Fairfax County Zoning Ordinance provisions in effect as of the date of this letter. If the facts as presented change or if the applicable provisions of the Zoning Ordinance change after the issuance of this determination, the determination may be subject to modification. Furthermore, there may be additional zoning, building, or other county requirements relevant to the proposed use of the property. If you have any additional questions, please feel free to contact me at 703-324-1314.

Larry Butler, Reston Association  
March 10, 2022  
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Sincerely,



William Mayland, AICP  
Deputy Zoning Administrator  
Department of Planning and Zoning, Ordinance Administration

1. Reston Association January 12, 2002, letter
2. December 22, 2021, Letter INTOB 2021-00444
3. January 14, 2022, Rescind Letter
4. January 25, 2022, Letter from Mr. Roundtree
5. July 19, 2019, Interpretation of Hunters Woods Ball Field Open Space
6. Excerpt from DP C-377
7. Preliminary Plat Reston Sec 24A 1986-PL-002-1
8. Final Plat Reston Sec 24A DB 4731 PG 595
9. Site Plan 003968-SP-001-2

cc: Walter Alcorn, Supervisor, Hunter Mill District  
Zoning Permits Section  
Bill Roundtree [brountree1@hushmail.com](mailto:brountree1@hushmail.com)

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**SUPPLEMENTARY INFORMATION  
APPLICATION FOR APPEAL****April 6, 2022****TO: Zoning Administrator; Clerk, Board of Zoning Appeals****FROM: Larry Butler, Acting CEO/COO, Reston Association****SIGNATURE** **RE: Supplementary Information/Statement to Application for Appeal****APPELLANT: RESTON ASSOCIATION (Formerly known as Reston Home Owners Association)****DETERMINATION SUBJECT OF THIS APPEAL:****March 10, 2022, regarding Barton Hill Road Tennis Courts (INTOAB – 2021-00444)  
1901 Barton Hill Road, Reston, VA 20191; Tax Map Ref: 27-1 ((5)) 3****NOTE: Appellant reserves the right to provide additional information prior to the date of the appeal being heard.****NATURE OF THE APPEAL:**

Pursuant to Section 8103.3 of the Fairfax County Zoning Ordinance (the “Ordinance”), Reston Association (“RA”) appeals the Zoning Administrator’s March 10, 2022, determination (the “Determination”) that RA must obtain approval of a Planned Residential Community (“PRC”) Plan from the Board of Supervisors prior to installing lights on existing tennis court facilities located at 1901 Barton Hill Road in Reston, VA (“Property”). RA contends that the Determination is inconsistent with the plain language of the Fairfax County Zoning Ordinance and the approved Development Plan for the subject Property; it also is contrary to long-standing policies and procedures related to the establishment of accessory and complementary uses under the PRC district regulations.

**HOW IS THE APPELLANT AN AGGRIEVED PERSON?:**

RA is the owner of the Property that is the subject of the Determination. As the homeowners association for approximately 62,000 residents and homeowners in Reston, RA has a fiduciary responsibility on behalf of its membership to operate, maintain and improve numerous athletic and other facilities throughout the community, including the tennis facilities located on the Property. RA’s Board of Directors has approved plans and appropriated funds to renovate the existing tennis facilities located at the Property. As part of such renovation, RA intends to install lighting and other ancillary features to improve the user experience, consistent with RA’s master plan and other, similarly situated facilities.

If upheld, the Determination will unnecessarily impose additional costs on RA and extend the time required to implement the RA Board's approved objectives. These added costs of both time and money fall directly on RA as the property owner proposing to complete the work, but the Determination also

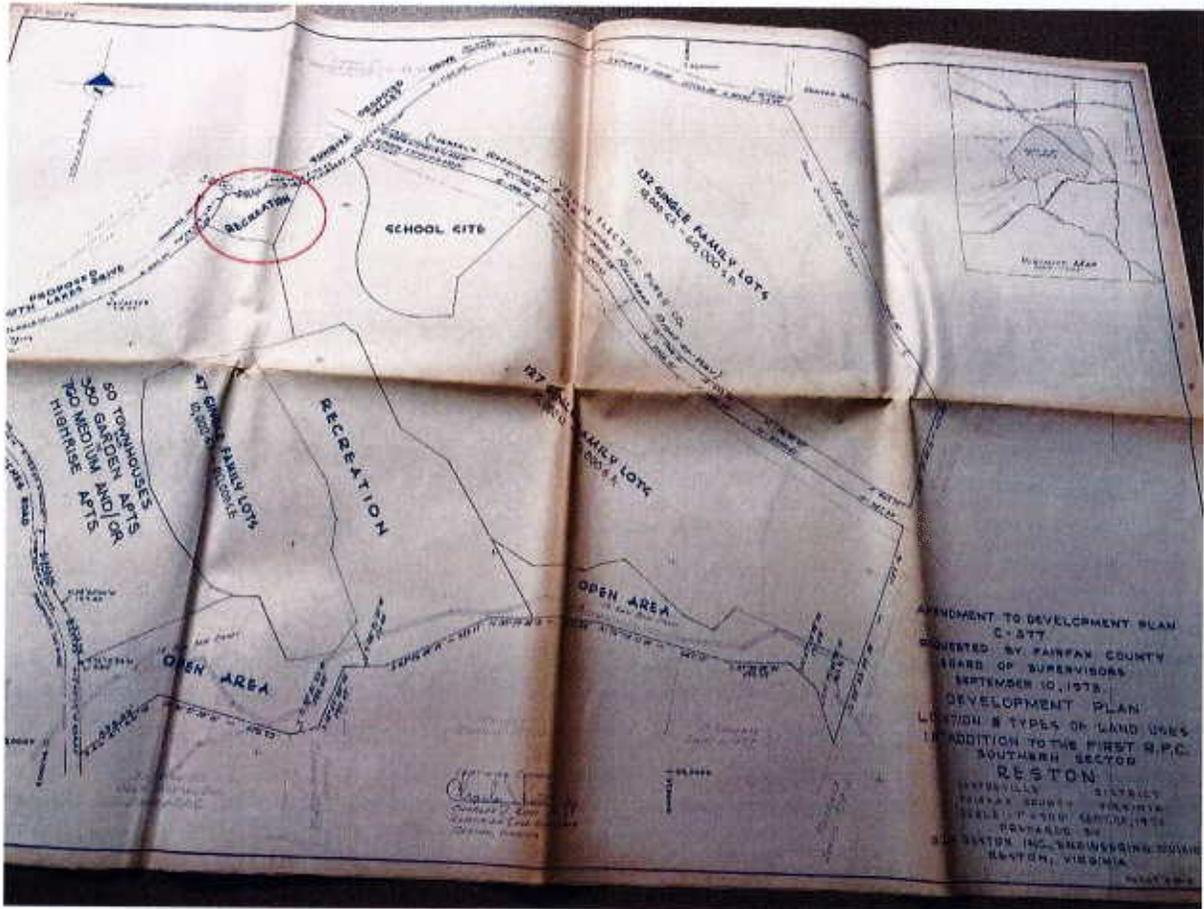
imposes collateral impacts on the entire Reston community by needlessly delaying these much-needed improvements.

RA asserts that the Zoning Administrator erred in concluding that the proposed changes require approval of a PRC Plan and an associated site plan. The tennis courts are existing and further the permitted use of the Property for recreational purposes. Under Section 8100.2.F(3) of the Zoning Ordinance, additions or changes to existing, non-structural elements of an already-established use do not require approval of a PRC Plan prior to their installation. Nor does the addition of accessory structures such as the proposed lighting require PRC Plan approval, particularly where little-to-no new land disturbance activity is proposed. Accordingly, the Determination must be reversed. RA reserves the right to provide supplemental correspondence in support of this Appeal prior to the BZA's consideration of the same.

# BARTON HILL TENNIS: FACILITY LOCATION



# BARTON HILL TENNIS: DEVELOPMENT PLAN



**Appeal of the Fairfax County Zoning Administrator's  
Determination Regarding Barton Hill Road Tennis Courts  
(INTOAB 2021-00444)**

**I. Introduction**

Reston Association (the “Owner” or “RA”) submits this appeal (A 2022-HM-004), pursuant to Section 8103.3 of the Fairfax County Zoning Ordinance (the “Zoning Ordinance”), of the determination issued on March 10, 2022, by William Mayland, Deputy Zoning Administrator, a duly authorized representative of the Fairfax County Zoning Administrator (the “ZA”), to Larry Butler of the Reston Association (the “Determination”). The Determination is attached hereto as Exhibit A. The Determination opines that RA must obtain approval of a Planned Residential Community (“PRC”) plan from the Board of Supervisors prior to installing lights on existing tennis court facilities located at 1901 Barton Hill Road in Reston, VA and otherwise known as Fairfax County Tax Map 027-1 ((5)) 3 (the “Property”). RA contends that the Determination is contrary to the clear language of the Zoning Ordinance and ignores long-standing policies and procedures related to the establishment of accessory and complementary uses under the Zoning Ordinance, generally, and the PRC district regulations, specifically. Therefore, the Determination must be reversed.

**II. Background**

RA proposes to rehabilitate and update four existing tennis courts (the “Courts”) located on the Property, which initially were constructed around 1985. The Property was rezoned to PRC in 1973 with RZ C-377 and is subject to Development Plan DP C-377 (the “Development Plan”), attached hereto as Exhibit B. The Development Plan designates the Property for “Recreation” uses. Following the Property’s rezoning to PRC, the previous owner, Reston Land Corporation, secured approval of Preliminary Plan 1986-PL-002-1 and final site plan 3968-SP-

01-2 (attached hereto as Exhibit C) to permit construction of the Courts, both of which were administrative approvals implementing the Development Plan.

The proposed rehabilitation includes the in-place resurfacing of the Courts, the installation of benches, mobile pickleball nets, score card signs, wind screens, trash cans, and court divider nets, and restriping the Courts to allow for both tennis and pickleball. The Courts will be resurfaced in the same location, configuration and footprint as they exist today. As part of the rehabilitation, RA proposes to submit a sports illumination plan in order to install nineteen (19) light poles to enhance and improve the player experience. Fourteen (14) of the light poles will be installed around the perimeter of the Courts, just outside the existing fence line, while five (5) of the light poles will be installed within the surface area of the Courts. Each of the light poles will be approximately 26' in height. Each light pole located outside the fence line will have a foundation/footer that is approximately 3.14 square feet each, for a total land disturbance of approximately 44 square feet. Attached as Exhibit D is a conceptual plan showing details of the proposed light poles and their locations. Minor additional disturbances also may be needed for utility connections, but in no event will the total land disturbance exceed a cumulative 2,500 square feet, which would trigger a need to secure approval of a site plan under Section 8100.7(D)(17)(a) of the Zoning Ordinance. The total cost of the renovation and lighting project is approximately \$700,000 to \$900,000 depending on the final design and the volatility of the current construction market.

The Determination found that, while both the resurfacing and restriping of the Courts were consistent with the Property's prior approvals, the introduction of lights constituted an expansion of the use of the recreational facility. Therefore, the Determination held RA must secure approval of both a PRC plan from the Board of Supervisors and a site plan from the

Department of Land Development Services (“LDS”) before it installs the proposed light poles.

In making this Determination, the ZA found that:

- 1) The proposed light poles did not fall under one of the PRC exemptions in Section 8100.2.F(3)(c); and
- 2) The proposed light poles cannot be approved as a minor modification pursuant to Section 8100.5.A(1) of the Zoning because the introduction of lights would “expand the hours of operation.”

Following issuance of the Determination, RA timely filed this Appeal.

### **III. The Owner is Harmed by the Determination and is an Aggrieved Party.**

RA is the owner of the Property that is the subject of the Determination. As the homeowners association for approximately 62,000 residents and homeowners in Reston, RA has a fiduciary responsibility on behalf of its membership to operate, maintain and improve numerous athletic and other facilities throughout the community, including the tennis facilities located on the Property. RA’s Board of Directors has approved plans and appropriated funds to renovate the existing tennis facilities located at the Property. As mentioned above, as part of such renovation, RA intends to install lighting and other ancillary features to improve the user experience, consistent with RA’s master plan and other similarly situated facilities.

If upheld, the Determination will unnecessarily impose additional costs on RA and extend the time required to implement the RA Board’s approved objectives. In particular, the preparation, submission, review and approval of a PRC Plan, along with a follow-on site plan that otherwise is not required by the Zoning Ordinance, would add, at a minimum, 18-24 months to the timeline for construction and hundreds of thousands of dollars to the cost of the Courts’ renovations. These added costs of both time and money fall directly on RA as the property

owner proposing to complete the work, but the Determination also imposes collateral impacts on the entire Reston community by needlessly delaying these much-needed improvements.

#### **IV. Light Poles Are an Accessory Use/Structure that Complement and Further the Principal Recreational Use.**

The Zoning Administrator erred in concluding that the proposed changes require approval of a PRC Plan and an associated site plan. The Courts are existing and further the permitted use of the Property for recreational purposes. The light poles constitute accessory structures that are complementary to and associated with the use of tennis courts worldwide. As a result, it is inconceivable that the ZA would force RA to spend its valuable time and limited funds securing PRC Plan approval for structures that the Zoning Ordinance exempts from the need to obtain PRC Plan and site plan approval.

Section 9103.7 of the Zoning Ordinance defines an “accessory structure” as “a building or structure that (i) is subordinate in purpose to a principal building or a principal use legally existing on the same lot and (ii) contributes to the comfort, convenience, or necessity of the occupants, business, or industry of the principal structure or principal use served on that lot.” In addition, the Zoning Ordinance defines an “accessory use” as a use that “(i) is clearly subordinate to, customarily found in association with, and serves a principal use; (ii) is subordinate in purpose, area, or extent to the principal use served; (iii) contributes to the comfort, convenience, or necessity of the occupants, business enterprise, or industrial operation within the principal use served; and (iv) is located on the same lot as the principal use” (emphasis added). Although separate defined terms, accessory use and accessory structure are often used interchangeably or in conjunction with each other throughout the Zoning Ordinance.

In addition to the above Zoning Ordinance definitions, Section 4102.7.A. of the Zoning Ordinance provides that “accessory uses and structures are allowed only in connection with,

incidental to, and on the same lot with a principal use or structure which is permitted within the district where the accessory use or structure is located.” This section of the Zoning Ordinance goes on to list some examples of criteria for various items constituting accessory uses and structures. Although this list does not explicitly include light poles, it is by no means an exhaustive list aimed at excluding light poles as an accessory use, which is consistent with the description of available accessory uses and structures in the PRC district regulations. Indeed, as discussed in greater detail below, Section 8100.2.F(3)(c) of the Zoning Ordinance exempts “minor accessory structures such as” those listed thereafter from the need to secure PRC Plan approval, suggesting that the universe of permissible accessory structures in the PRC zoning district is unknowable and should be interpreted liberally (emphasis added). To that end, the Zoning Ordinance includes built-in flexibility for accessory uses by providing that “the Zoning Administrator may allow any use as an accessory use, provided it meets the definition of accessory use,” as defined above. *See* Fairfax County Zoning Ordinance Section 4101.1.F.

The Virginia Supreme Court has said that “whether such activity is ‘customarily incidental’ to the main use... and permitted under the terms of the ordinance is a matter to be determined from the evidence adduced.” *See Wiley v. County of Hanover*, 209 Va. 153, 156 (1968). The Court also has noted that where a locality intends to limit the scope or extent of what constitutes an accessory use or structure it easily could do so “by a simple and direct provision to that effect” such that “a person of ordinary intelligence would know from the language of the ordinance” whether the activity was customarily incidental to the principal use and therefore permitted. *See Wiley*, 209 Va. at 157. As noted above, the Zoning Ordinance is expansive, not restrictive, in its list of what constitutes an accessory use or structure. *See* Fairfax County Zoning Ordinance Section 8100.2.F(3)(c); *see also* Fairfax County Zoning Ordinance

Section 4101.1.F. In this respect, had it been the intent of the Board of Supervisors when it recodified the Zoning Ordinance barely one year ago to require extra approvals to establish light poles as accessories to recreational uses it could and should have done so. The Board did not.

Light poles are so commonly used as accessory to tennis courts in Fairfax County that it cannot possibly be the case that the Zoning Ordinance intended to prevent lighting as accessory to recreational facilities. In fact, in reviewing the number of public and private tennis courts located in Fairfax County, the evidence overwhelmingly demonstrates that light poles are so common and customarily incidental that they can only be viewed as accessory structures/uses, not independent and unique uses or structures in and of themselves. Said another way, but for the presence of the Courts, RA would have no reason to install the light poles.

According to the Global Tennis Network – a network which manages online tennis tournaments, locates tennis courts around the world, and assists with networks and court scheduling – there are a total of four hundred eighty-one (481) public and private (including clubs and schools) outdoor tennis courts in Fairfax County. Of those four hundred eighty-one (481) outdoor tennis courts, approximately forty percent (40%) have lights installed. *See Global Tennis Network*, <https://www.globaltennisnetwork.com/tennis-courts/courts/city/1277-fairfax-virginia>. See the attached Exhibit E for a list of outdoor courts in Fairfax County derived from the Global Tennis Network website. This data confirms that what RA proposes to do at its Property is common in Fairfax County and customarily found in association with tennis courts throughout the County. And because the light poles will be located on the same lot as the Courts, they meet the applicable definitions set forth in the Zoning Ordinance.

Notably, the Determination also fails to address the fact the Zoning Ordinance dedicates an entire section to the regulation of outdoor lighting, including the lighting requirements for

outdoor recreational facilities. This section of the Zoning Ordinance exists because virtually every use or structure in Fairfax County provides some form of outdoor lighting, whether for safety purposes (e.g., parking lots), sales purposes (e.g., car dealerships) or to make it easier to conduct a permitted activity (e.g., backyard games or athletic fields). Because of the unique nature of outdoor lighting for recreational facilities, the Zoning Ordinance provides detailed rules with which facilities like RA's Courts must comply. *See* Fairfax County Zoning Ordinance Section 5109.4.B(1)(a) related to required approvals for sports illumination plans, which specifically mentions playing fields or courts with "associated light poles." In fact, treating the installation of the light poles as accessory to and associated with the Courts is consistent with the application of the Zoning Ordinance in similar circumstances involving the installation of lighting at RA facilities that also are zoned to the PRC. Indeed, as recently as 2018/2019 RA installed light poles at Brown's Chapel Park, where none previously existed, and the only approvals it obtained from the County were electrical permits. No PRC Plan or site plan was required. The same is true for the lighting of the Property now.

Given the language in Section 5109.4.B(1)(a) of the Zoning Ordinance, in addition to the overwhelming evidence that light poles are accessory to tennis courts across the County, the light poles proposed for the Courts must be deemed permitted, accessory uses. Otherwise, there would be no need to include the standards for sports illumination plans in the Zoning Ordinance, as the lighting for recreational facilities would be handled on a case-by-case basis.

#### **V. Accessory Uses and Structures are Exempt from PRC Plan and Site Plan Requirements Under the Zoning Ordinance.**

Under Section 8100.2.F(3) of the Zoning Ordinance, minor accessory structures in open space areas, such as fourteen (14) of the nineteen (19) proposed light poles, do not require approval of a PRC Plan prior to their installation, particularly where little-to-no new land

disturbance activity is proposed. More specifically, Section 8100.2.F(3)(c) provides a list of eight (8) categories for which a PRC plan is not required. Of those eight (8) categories, Section 8100.2.F(3)(c)(5) states that “[m]inor accessory structures in open space areas such as benches, gazebos, playground equipment, and bus shelters” are exceptions to the requirement that certain proposed uses or structures must submit a PRC plan. Similar to the list of accessory uses and structures in Section 4102.7.A. of the Zoning Ordinance, the list of what constitutes an accessory structure in Section 8100.2.F(3)(c)(5) is not an exhaustive list. As evidence of this fact, one need only cross-reference the examples of accessory uses and structures mentioned in Section 4102.7.A with those provided in § 8100.2.F(3)(c)(5); while some are repeated, others are not. Thus, as noted above, what constitutes an accessory use or structure necessarily is based on the facts of any particular situation and is intended to be liberally interpreted. *See Wiley*, 209 Va. at 156-57.

In addition to the above, Section 8100.2.F(3)(c)(5) specifically notes that “minor accessory structures” must be located in “open space areas.” To that end, the Property falls into two of the Zoning Ordinance definitions for open space found in Section 9102. First, the Zoning Ordinance defines “Common Open Space” as “[o]pen space that is designed and set aside for use and enjoyment by residents of a development. Common open space includes open space not dedicated as public lands that remains in the ownership of a homeowners association or of a condominium in accordance with § 5106.” Pursuant to this definition, the Property is open space set aside for the Reston residents and is owned by RA and not dedicated as public land. As such, it falls within the definition of “Common Open Space” in the Zoning Ordinance.

Second, the Zoning Ordinance defines “Usable Open Space” as “[o]pen space that is designed for recreation. Examples include athletic fields and courts, swimming pools, golf

courses, playgrounds, and boating docks. This may also include natural areas with walking/hiking, bicycle, and bridle trails.” Because the Property is developed with the Courts, the Property falls within the definition of “Usable Open Space” in the Zoning Ordinance. Either way, the light poles are proposed to be installed in open space areas consistent with the requirements of Section 8100.2.F(3)(c)(5).

Finally, under Section 8100.7(D)(17)(a) of the Zoning Ordinance, “alterations to existing uses and site modifications which may include, but are not limited to, changes or additions to decks, patios, concrete slabs . . . and light poles or lighting fixtures” are exempt from the need to obtain site plan approval, provided the alterations or modifications do not (a) exceed 800 square feet of gross floor area or (b) “2,500 square feet of disturbed land area.” The proposed light poles meet each of these standards and, therefore, are exempt from site plan approval. It would be unreasonable and, frankly, inexplicable to require RA to secure approval of a PRC Plan for a use or structure that expressly is exempt from the requirement to obtain site plan approval for the same use or structure.

Given the foregoing, RA contends a PRC Plan is not required for the installation of light poles on the Courts because the light poles are accessory structures located in open space areas pursuant to Section 8100.2.F(3)(c)(5) of the Zoning Ordinance. Therefore, the Determination is inconsistent with the plain language of the Zoning Ordinance and must be reversed.

**VI. Even if the BZA Finds That Lights Poles are not Accessory to a Recreational Facility, the Determination Improperly Notes that a Minor Modification Would Fail Due to the Existing Hours of Operation.**

Even if the BZA finds that the light poles are not accessory to the Courts, the light poles should be approved as a minor modification to the existing preliminary (PRC) plan and site plan and, therefore, permitted by right without further approval. The Determination erroneously

states that the addition of the light poles could not be approved as a minor modification because the light poles “would expand the hours of operation which is not permitted as a minor modification.” This conclusion is misplaced and conflates proposed modifications to the hours of operations established through development conditions or proffers with the “typical” or “traditional” hours of operations developed over time through custom or practice but have no statutory or other limitation. Said another way, the Determination fabricates regulatory limitations that do not exist.

Section 8100.5.A(1)(a) of the Zoning Ordinance provides the ZA with broad authority to approve a proposed minor modification so long as it is deemed in “substantial conformance” with prior approvals, and provided the modification does not violate an explicit list of prohibited administrative changes. One of the changes that cannot be achieved via minor modification is an expansion of a use’s established hours of operation. This provision necessarily implies that such use already has a defined and enforceable limitation on the hours it may operate, such as through a proffer or development condition. Indeed, many uses approved through the special exception or special permit process, such as drive-through restaurants or billiard halls, have limitations on their hours of operations. See the attached Exhibit F for several examples of special exception development conditions that limit the hours of operation of the approved use. In the absence of such conditions, however, there is nothing for an owner or applicant to seek to modify, whether under Section 8100.5.A(1)(a) of the Zoning Ordinance or through amendment to the approved zoning plans, should the owner or applicant propose to alter their operating hours.

In this case, the Determination’s conclusion that the installation of light poles at the Courts is not permitted by minor modification because it would expand the Courts’ hours of operation fails because there are no regulated hours of operation for the Courts today. In other

words, even if the ZA could agree to changes in the hours of operation through the minor modification process under Section 8100.5.A(1)(a) of the Zoning Ordinance, there is nothing to modify because the existing approvals provide no such limitations. The Determination, therefore, invents a limitation that does not exist to establish an erroneous basis to impose a requirement to obtain approval of a PRC Plan for the light poles. The result deprives the Owner of the right to develop its Property pursuant to the rights granted under the Zoning Ordinance and unnecessarily imposes additional development cost and delays in implementing much needed improvements to the Courts.

Notably, the hours during which individuals currently may use the Courts are not automatically limited to daylight hours, as the Determination implies, simply because that is what one might expect. At present, individuals and groups wanting to utilize the courts “after dark” could employ the use of portable spotlights or other means to accomplish their goal, however unconventional. By contrast, the Determination incorrectly assumes that installation of the light poles, by themselves, would expand the hours of operation of the Courts, yet there are innumerable ways players could creatively extend their use of the Courts today beyond sunset and no matter the season.

As noted above, because there are no conditions limiting the hours of operations the Courts may operate, there is no restriction on the ZA finding the proposed lights are in substantial conformance with the approved PRC/site plan. Thus, the Determination must be reversed.

## VII. Conclusion

For the reasons listed herein, RA requests that the Board of Zoning Appeals reverse the Determination and hold that the proposed light poles are permitted, accessory structures/uses that do not require approval of a PRC Plan or site plan to be installed. RA reserves the right to supplement the information presented in this appeal in advance of the public hearing before the Board of Zoning Appeals.

Respectfully submitted,

*Mark Looney*

Mark C. Looney, Esq., Cooley LLP

**EXHIBIT A**

**Determination**



# 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

## Available on Planning Land Use System ([PLUS](#))

March 10, 2022

Larry Butler  
Reston Association  
12001 Sunrise Valley Drive, Reston, Va. 20191

Re: Determination Regarding Barton Hill Road Tennis Courts (INTOAB 2021-00444)  
1901 Barton Hill Road  
Tax Map Ref: 27-1 ((5)) 3  
Zoning District: PRC

Dear Larry Butler:

**REQUEST:** This is in response to your January 12, 2022,<sup>1</sup> correspondence which provided additional information for consideration regarding the referenced determination previously issued to Mr. Roundtree. Mr. Roundtree initially requested information regarding the plans and approvals that would be required by the County for the proposed upgrades to the Barton Hill Road tennis courts. That determination concluded that a PRC Plan approval is required for the proposed upgrade to the Barton Hill Road tennis courts. This letter replaces the previous determination issued on December 22, 2021,<sup>2</sup> which was subsequently rescinded because Reston Association (RA) was not provided notification of the request for a determination within 10 days of submission in accordance with Virginia Code 15.2-2204.H.<sup>3</sup> The previous determination provided to Mr. Roundtree concerned RA's plan to upgrade the four existing tennis courts (including striping for pickleball) at the intersection of Barton Hill Road and Sunrise Valley Drive through full depth reclamation in the exact locations of the existing courts and the addition of 23 LED light poles. Mr. Roundtree submitted additional information on January 25, 2022, that was also considered as part of this review.<sup>4</sup>

In your January 12, 2022, letter you state that RA has approved the reconstruction of the tennis courts as part of its 2022 capital budget and that community meetings with notification will be held and Design Review Board approval is required. It is your opinion that a site plan is not required due to the limited disturbance proposed by the upgrade. You concurred that a sports illumination plan is required for the addition of approximately 23 LED light poles at 26 feet tall. It is also your position that a PRC Plan is not required because the approved development plan (DP C-377) depicts the site as recreation and a preliminary site plan (which under the current Zoning Ordinance serves as the approved PRC Plan) cannot restrict what the approved development plan allows. You stated that the recreation description on the approved development plan provides for greater flexibility and the upgrade of tennis courts and



PLANNING & DEVELOPMENT

**Department of Planning and Development**  
Zoning Administration Division  
12055 Government Center Parkway, Suite 807  
Fairfax, Virginia 22035-5507  
Phone 703-324-1314  
Fax 703-803-6372

[www.fairfaxcounty.gov/planning-development](http://www.fairfaxcounty.gov/planning-development)

addition of lights does not change the recreation use designation. Therefore, a PRC Plan should not be required since the proposal is in accordance with the approved development plan. You referenced a recent determination<sup>5</sup> for the old Hunters Woods Ball Field which you felt gave great flexibility to development of that site and the December 22, 2021, determination was inconsistent with that previous interpretation.

#### **SITE INFORMATION AND BACKGROUND:**

The referenced property is zoned PRC, Planned Residential Community District. The property is subject to Rezoning RZ C-377 and development plan<sup>6</sup> approved by the Board of Supervisors (Board) on September 10, 1973. Further the site is subject to the following documents all approved by the Director of Environmental Management (the approving authority at that time), preliminary plat 1986-PL-002-1<sup>7</sup> approved on August 1, 1977, final plat Reston Sec 24A DB 4731 PG 595<sup>8</sup> approved on October 19, 1977, and site plan 003968-SP-001-2<sup>9</sup> approved by the on November 3, 1983.

**ZONING CITATIONS:** Relevant Zoning Ordinance citations as of the date of the request.

[subsection 5109](#): Outdoor Lighting

[subsection 8100.2.F](#): PRC Plan Approval

[subsection 8105.A](#): Minor Modifications

[Section 9102](#): General Terms: Development Plan, PRC

[Section 9102](#): General Terms: PRC Plan

**DETERMINATION:** In accordance with subsection 8100.2.F(2)(d) of the Zoning Ordinance the PRC District once a development plan has been approved, all subsequent approvals, uses, and structures must be in substantial conformance with the approved development plan and any development conditions associated with that approval. Development plans are intended to generally characterize the development; whereas PRC Plans are intended to further detail the planned development of the lot and can be more restrictive than a development plan.

Development Plan DP C-377 approved recreation uses for the lot and that use was reflected on the preliminary plat 1986-PL-002-1 and final plat Reston Sec 24A DB 4731 PG 594. The final plat depicted no uses and contained the following note: "This parcel constitutes open space and may not be subdivided, built upon or modified except after an amended final plan has been approved provided in Section 30-2-2 of the Zoning Ordinance." The approved site plan (003968-SP-001-2) depicts four tennis courts with no lights.

With approval of Zoning Ordinance Amendment #324 on December 5, 1977, the preliminary and final plat requirements were replaced with a requirement to submit a preliminary site plan. The site plan serves as the document that permitted development of the existing tennis courts; whereas the final plat restricted the development of the site to open space. Therefore, in this instance the site plan serves as the PRC Plan.

The proposed upgrade of the tennis courts, including the introduction of lights and striping for pickleball would still fall under the general recreation use approved on the development plan and would not require a development plan amendment. However, the proposed upgrades must still be reviewed in accordance with subsection 8100.2.F(3)(c) of the Zoning Ordinance which requires a PRC Plan for all uses unless specifically excepted by the Zoning Ordinance. These exceptions include the addition of non-structural site elements such as transitional screening and parking and loading (limited to 10 percent of the area) and minor accessory structures in open space areas such as benches, gazebos, playground equipment, and bus shelters. It is staff's determination that the repaving of the courts and striping for pickleball is consistent with the previous approvals; however, the introduction of lights expands the use of the recreation facility beyond that which was contemplated with the previous approvals and does not fall under one of the permitted exceptions.

Staff further reviewed the potential for minor modifications permitted for a PRC Plan under subsection 8105.A(1)(a) of the Zoning Ordinance. The existing approvals do not contemplate lights and it is staff's determination that the addition of lights cannot be approved as a minor modification since the proposed lights would expand the hours of operation which is not permitted as a minor modification. Therefore, it is staff's determination that a PRC Plan is required for the proposed addition of lights to the referenced lot. This is not dissimilar to both public schools and parks being required to obtain 2232 approval from the Planning Commission when they introduce lights on their fields. Staff views this determination to be consistent with the Hunter Woods ballfield letter issued on July 19, 2019. In that interpretation staff indicated that open space uses that do not require significant land disturbance activities and/or structures could be provided onsite subject to a substantial conformance determination by the Zoning Evaluation Division (ZED) and that letter further stated significant land disturbance and/or addition of structures may require both a Development Plan Amendment and PRC Plan. In this instance the introduction of lights is a significant departure from the previous approvals and cannot be approved without a PRC Plan per subsection 8100.2.F(3)(c) of the Zoning Ordinance. Furthermore, since the proposed light poles exceed 20 feet in height a sports illumination plan must be submitted with the PRC Plan in accordance with subsection 5109.4.B of the Zoning Ordinance. Please note that in accordance with the Zoning Ordinance the tennis courts are limited to a maximum illumination of 40 footcandles (unless a lesser limit is approved by the Board), and lighting is not allowed between 11 p.m. and 7 a.m. unless other hours are specifically approved by the Board. If the PRC Plan is approved, you will need to contact Land Development Services to determine if a site plan will also be required.

Please note that PRC Plans require an application, a filing fee, notification of adjacent property owners, and a public hearing before the Planning Commission and Board of Supervisors. Please contact the Zoning Evaluation Division (ZED) at (703) 324-1290 for more information regarding the PRC Plan process. [Zoning Evaluation Division | Planning Development \(fairfaxcounty.gov\)](#)

This determination is based upon the facts presented in your letter, as well as all applicable Fairfax County Zoning Ordinance provisions in effect as of the date of this letter. If the facts as presented change or if the applicable provisions of the Zoning Ordinance change after the issuance of this determination, the determination may be subject to modification. Furthermore, there may be additional zoning, building, or other county requirements relevant to the proposed use of the property. If you have any additional questions, please feel free to contact me at 703-324-1314.

Larry Butler, Reston Association

March 10, 2022

Page 4

Sincerely,



William Mayland, AICP

Deputy Zoning Administrator

Department of Planning and Zoning, Ordinance Administration

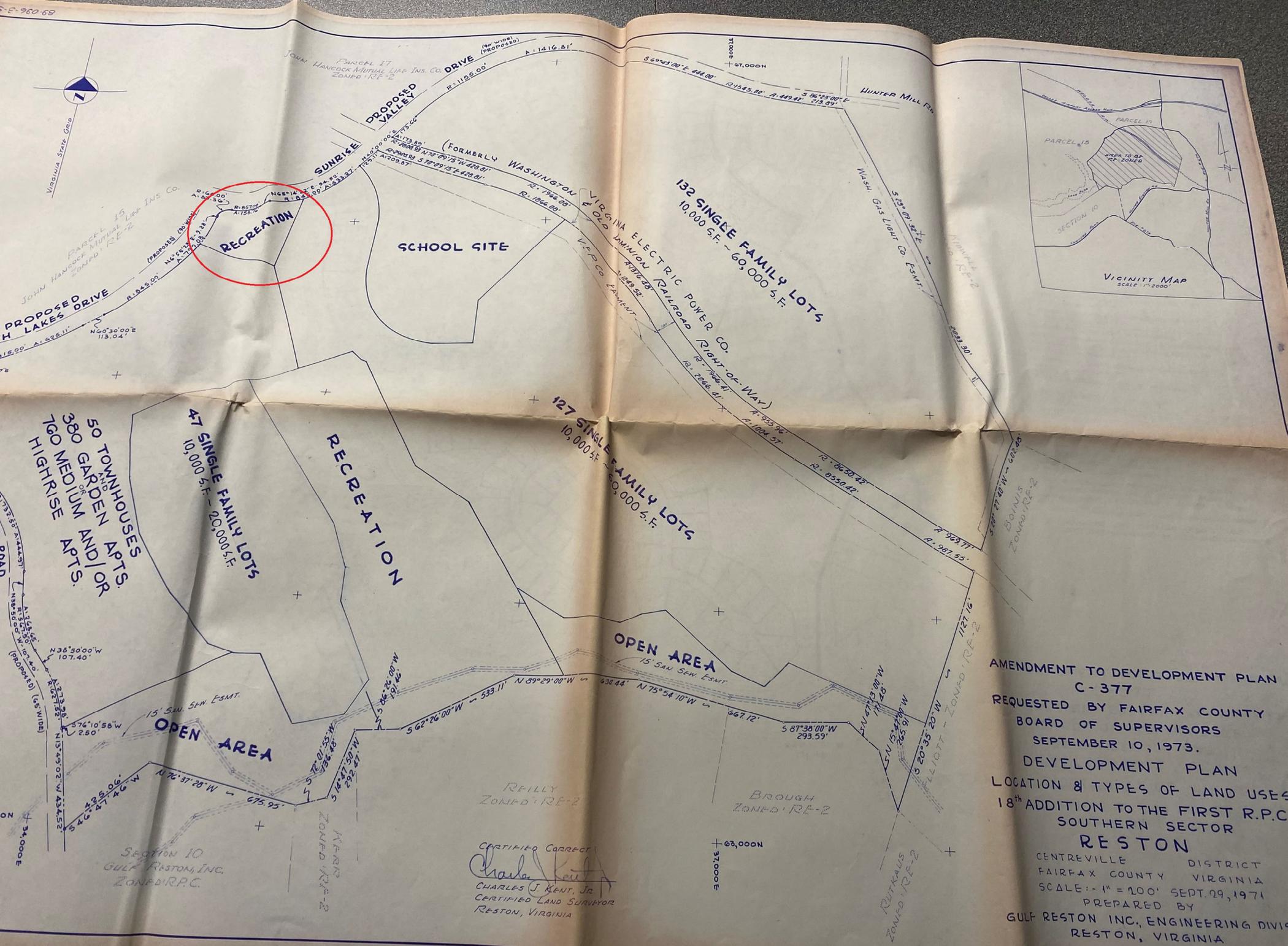
1. Reston Association January 12, 2002, letter
2. December 22, 2021, Letter INTOB 2021-00444
3. January 14, 2022, Rescind Letter
4. January 25, 2022, Letter from Mr. Roundtree
5. July 19, 2019, Interpretation of Hunters Woods Ball Field Open Space
6. Excerpt from DP C-377
7. Preliminary Plat Reston Sec 24A 1986-PL-002-1
8. Final Plat Reston Sec 24A DB 4731 PG 595
9. Site Plan 003968-SP-001-2

cc: Walter Alcorn, Supervisor, Hunter Mill District  
Zoning Permits Section  
Bill Roundtree [broundtree1@hushmail.com](mailto:broundtree1@hushmail.com)

***Thank you for your business with Fairfax County. Please take a moment to take our [Customer Satisfaction Survey](#)***

**EXHIBIT B**

**Development Plan**



AMENDMENT TO DEVELOPMENT PLAN  
 C-377  
 REQUESTED BY FAIRFAX COUNTY  
 BOARD OF SUPERVISORS  
 SEPTEMBER 10, 1973.  
 DEVELOPMENT PLAN  
 LOCATION & TYPES OF LAND USES  
 18<sup>th</sup> ADDITION TO THE FIRST R.P.C.  
 SOUTHERN SECTOR  
**RESTON**  
 CENTREVILLE DISTRICT  
 FAIRFAX COUNTY VIRGINIA  
 SCALE: - 1" = 100' SEPT. 29, 1971  
 PREPARED BY  
 GULF RESTON INC., ENGINEERING DIVISION  
 RESTON, VIRGINIA

CERTIFIED CORRECT  
*Charles J. Kent, Jr.*  
 CHARLES J. KENT, JR.  
 CERTIFIED LAND SURVEYOR  
 RESTON, VIRGINIA

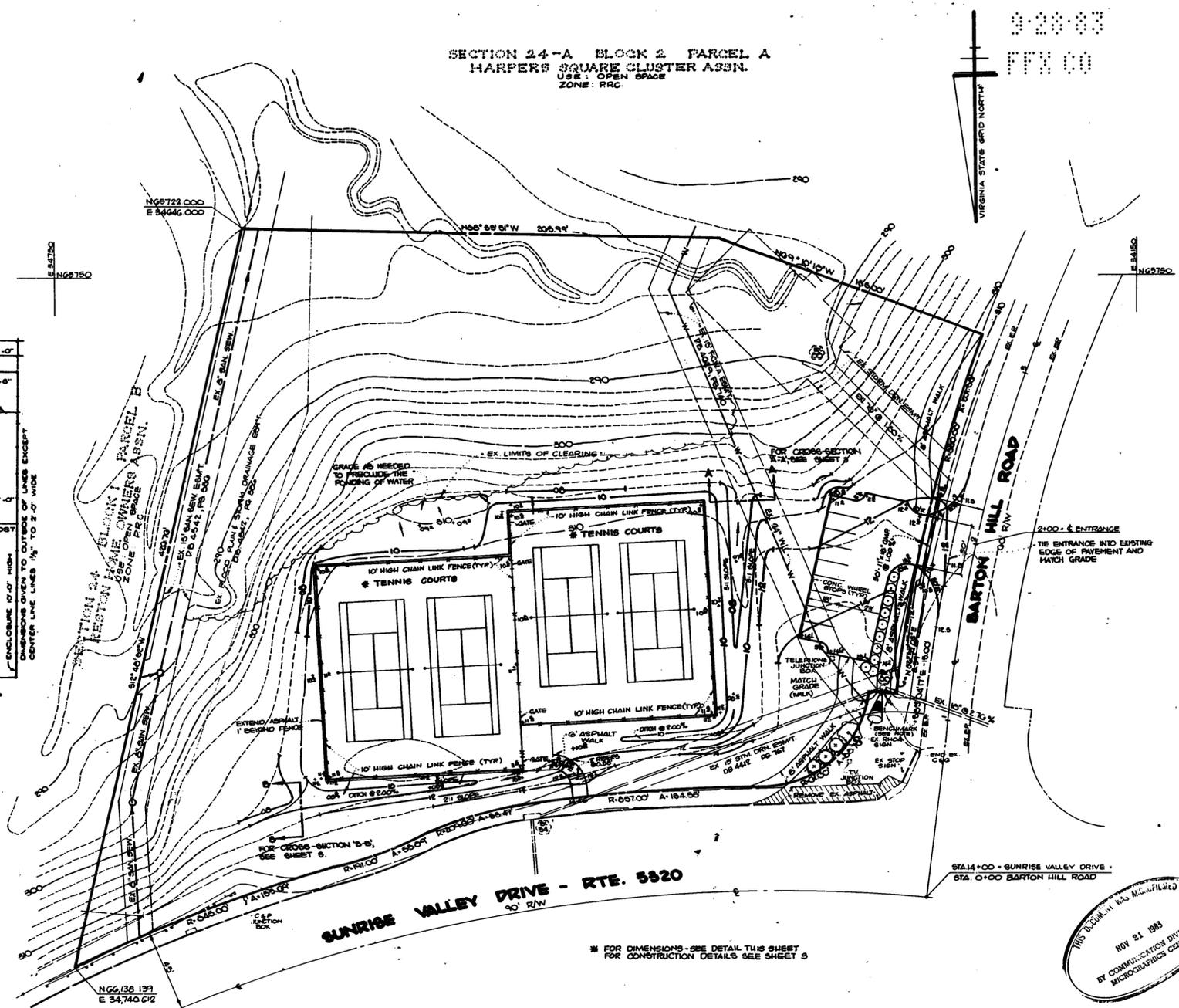
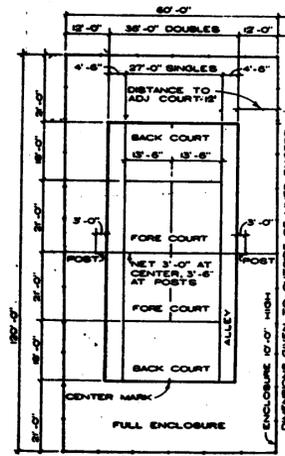


**EXHIBIT C**

**Site Plan**



SECTION 24-A BLOCK 2 PARCEL A  
HARPER SQUARE CLUSTER ASSN.  
USE: OPEN SPACE  
ZONE: RRC



- GENERAL NOTES**
- 1) ALL CONSTRUCTION SHALL CONFORM TO FAIRFAX COUNTY STANDARDS AND SPECIFICATIONS.
  - 2) THE CONTRACTOR SHALL PROVIDE ADEQUATE MEANS OF CLEANING TRUCKS AND/OR OTHER EQUIPMENT OF MUD PRIOR TO ENTERING THE V.D.M.-ST. RIGHT-OF-WAY, AND IT IS THE PERMITTEE'S RESPONSIBILITY TO CLEAN STREETS OF MUD AND/OR ALLY DUST AND TO TAKE WHATEVER MEASURES NECESSARY TO INSURE THAT THE STREETS ARE KEPT IN A CLEAN & DUST FREE CONDITION AT ALL TIMES.
  - 3) ALL LAND, ON OR OFF-SITE, WHICH IS DISTURBED BY THIS DEVELOPMENT, AND WHICH IS NOT BUILT UPON OR SURFACED, SHALL BE ACTIVELY STABILIZED TO CONTROL EROSION AND SEDIMENTATION.
  - 4) LOCATION OF EXISTING UNDERGROUND UTILITIES TAKEN FROM AVAILABLE RECORDS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE EXACT LOCATIONS BEFORE STARTING CONSTRUCTION. FURTHER, THIS FIRM IS NOT RESPONSIBLE FOR ANY UNDERGROUND CONDITIONS WHICH WOULD IN ANY WAY INTERFERE WITH CONSTRUCTION.
  - 5) THE PROPERTY DELINEATED ON THIS PLAN IS LOCATED ON TAX MAP 227-((11)) PARCEL 4 AND IS 207' X 60'.
  - 6) PROPOSED USE: TENNIS COURTS
  - 7) BOUNDARY INFORMATION PROVIDED BY RESTON LAND CORPORATION.
  - 8) TOPOGRAPHIC SURVEY BY RESTON LAND CORPORATION AND ANDREW F. DUNN, C.E.S.
  - 9) AREA OF SITE PLAN = 3.1441 ACRES
  - 10) CONTOUR INTERVAL = 2 FEET; 63.0 = EX. SPOT ELEVATION; 63' = PROPOSED SPOT ELEVATION.
  - 11) MAINTENANCE OF THE TENNIS COURTS & PARKING AREA WILL BE BY RESTON HOMEOWNERS ASSOCIATION.
  - 12) STORMWATER MANAGEMENT FOR THIS SITE IS PROVIDED BY RESTON SEC. 8, PLAN # 184-SP-01.
- DEVELOPER  
RESTON LAND CORPORATION  
1100 SUNRISE VALLEY DRIVE  
RESTON, VIRGINIA 22091

**CONTRACTOR'S NOTE**  
IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY FIELD CONDITIONS PRIOR TO CONSTRUCTION AND TO NOTIFY WILLIAM H. GORDON ASSOCIATES, INC. (703-860-3600) IMMEDIATELY IF NOT IN CONFORMANCE WITH THE APPROVED PLAN.

**PARKING TABULATIONS**  
PARKING REQUIRED: 2 SP. PER COURT LESS 50% CREDIT FOR WALK-ON USAGE = 4 SPACES  
PARKING PROVIDED: 9 SPACES

**SOLID WASTE COLLECTION**  
ONE SOLID WASTE CONTAINER SHALL BE PROVIDED AND SHALL BE SERVICED A MINIMUM OF ONE TIME PER WEEK BY A PRIVATE REFUSE COMPANY.

**BENCHMARK**  
TOP EXISTING STORM MANHOLE = 315.05

**ENGINEER'S CERTIFICATE**  
I, WILLIAM H. GORDON, A DULY CERTIFIED PROFESSIONAL ENGINEER IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT THE LAND SHOWN HEREIN IS NOW IN THE CARE OF RESTON HOMEOWNERS ASSOCIATION AND WAS ACQUIRED FROM RESTON LAND CORPORATION IN REED BOOK 5716 PAGE 106 AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.

GIVEN UNDER MY HAND THIS 24TH DAY OF JUNE 1983.

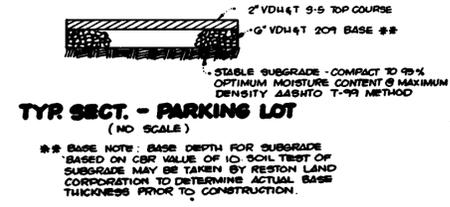
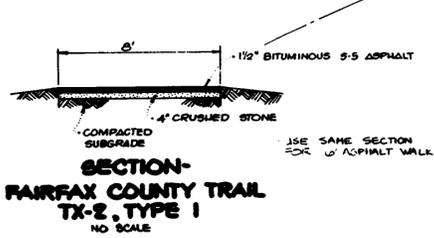
*William H. Gordon*  
WILLIAM H. GORDON, P.E. #6215

BARCLAY HILL ROAD TENNIS COURTS 2968 SP

Proposed Development	2968 SP	Acres	3.14
Proposed Development	10.1	Cubic Feet/Second (c.f.s.)	
Proposed Development	12.4	Cubic Feet/Second (c.f.s.)	
Proposed Development	197,635	Acres Feet (Ac. Ft.)	
Proposed Development	197,635	Acres Feet (Ac. Ft.)	

Prepared by: A.D. Geiger Date: 6-21-83  
Checked by: J. Massey

THIS DESIGN HAS BEEN FILED  
NOV 21 1983  
BY COMMUNICATIONS DIVISION  
METROGRAPHICS CENTER



**PLANT LIST**

SYMBOL	NO.	COMMON NAME	BOTANICAL NAME	SIZE
(*)	5	WHITE PINE	Pinus strobus	6'
(O)	10	AMERICAN HOLLY	Ilex crenata 'Convicta'	2 GAL.

NO.	DESCRIPTION	APPROVED	DATE

REVISION APPROVED BY DESIGN REVIEW

REGISTERED PROFESSIONAL ENGINEER  
WILLIAM H. GORDON  
SEP 15 1983  
6215

**SITE PLAN**

SECTION 24A, BLOCK 2  
**RESTON**  
(BARCLAY HILL ROAD TENNIS COURTS)  
CENTREVILLE DISTRICT  
FAIRFAX COUNTY, VIRGINIA

Scale: Horiz 1" = 50'  
Vert

Date: JUNE 25, 1983

William H. Gordon Associates, Inc.  
Consulting Engineers  
11495 Commerce Park Drive, Suite 200, 1983  
Reston, Virginia 22091

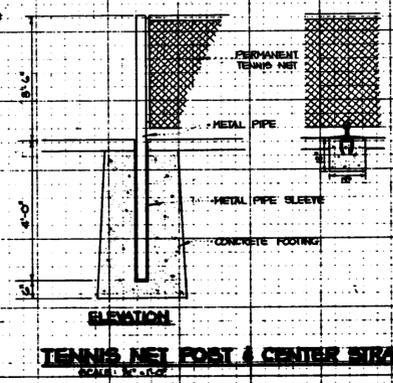
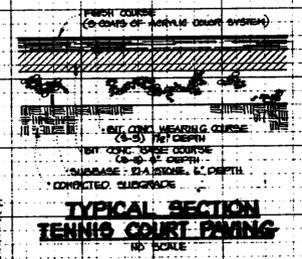
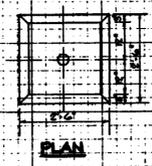
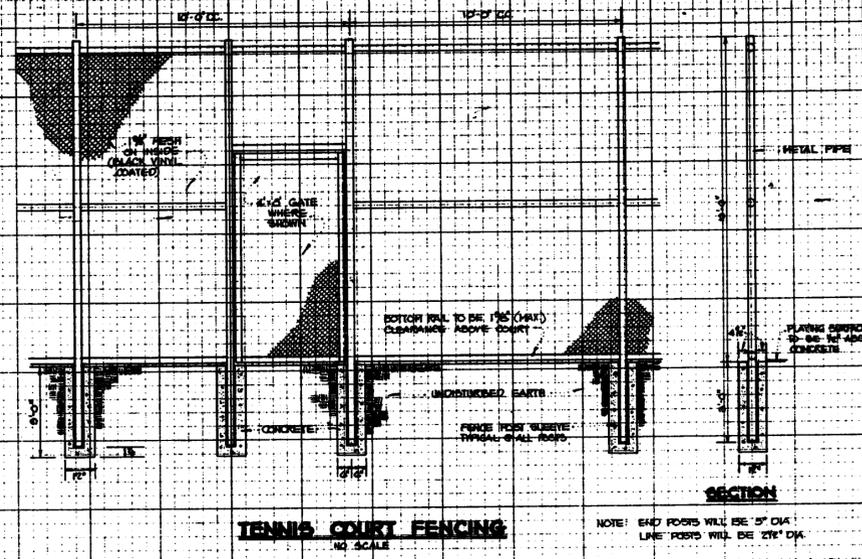
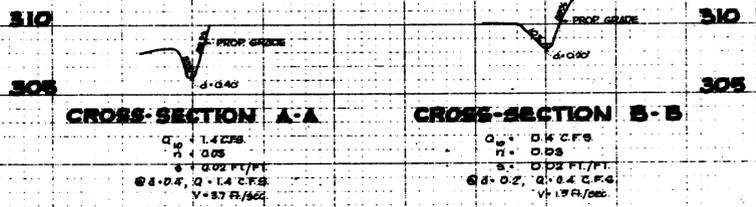
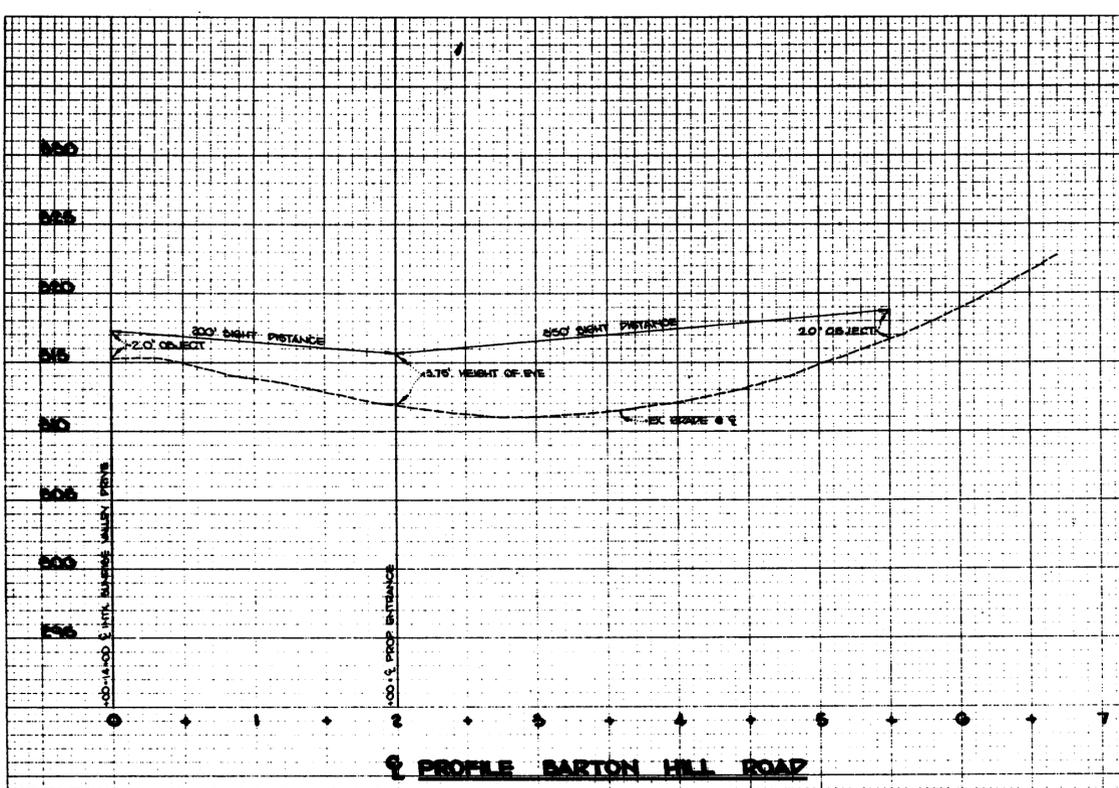
Sheet 2 of 4

5-001-821

REC'D

DATE: \_\_\_\_\_  
 BY: \_\_\_\_\_  
 CHECKED: \_\_\_\_\_  
 APPROVED: \_\_\_\_\_  
 TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_  
 BY: \_\_\_\_\_  
 CHECKED: \_\_\_\_\_  
 APPROVED: \_\_\_\_\_  
 TITLE: \_\_\_\_\_



THIS DOCUMENT WAS MICROFILMED  
 NOV 21 1985  
 BY COMMUNICATIONS DIVISION  
 MICROGRAPHICS CORP.

REVISION APPROVED BY  
 DIVISION OF DESIGN REVIEW  
 SEP 15 1988



**MISCELLANEOUS PROFILES & DETAILS**  
 SECTION 2A, BLOCK 8  
**RESTON**  
 (BARTON HILL ROAD TENNIS COURTS)  
 CENTREVILLE DISTRICT  
 FAIRFAX COUNTY, VIRGINIA

Scale: Horiz. 1" = 50'  
 Vert. 1" = 5'

Date: JUNE 25, 1988

William H. Gordon Associates, Inc.  
 Consulting Engineers  
 11495 Commerce Park Drive, Suite 300  
 Reston, Virginia 22091

Sheet 5 of 4

PLATE 3-FULL CROSS SECTION FULL LINE  
 W-10-03

60-37A-0P

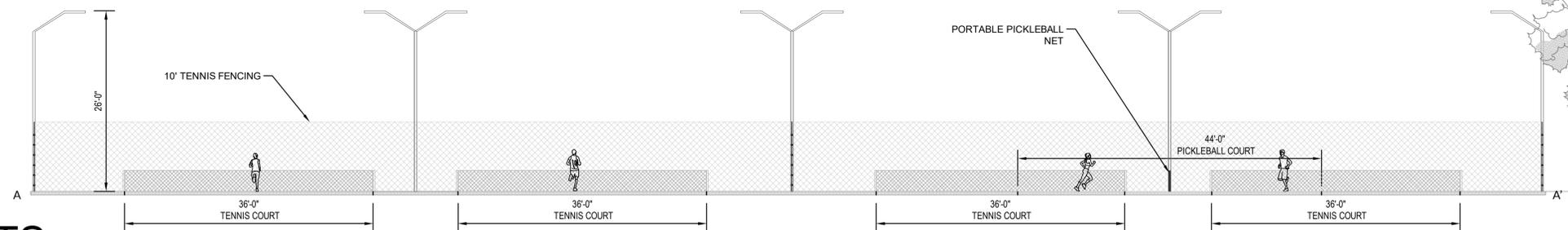
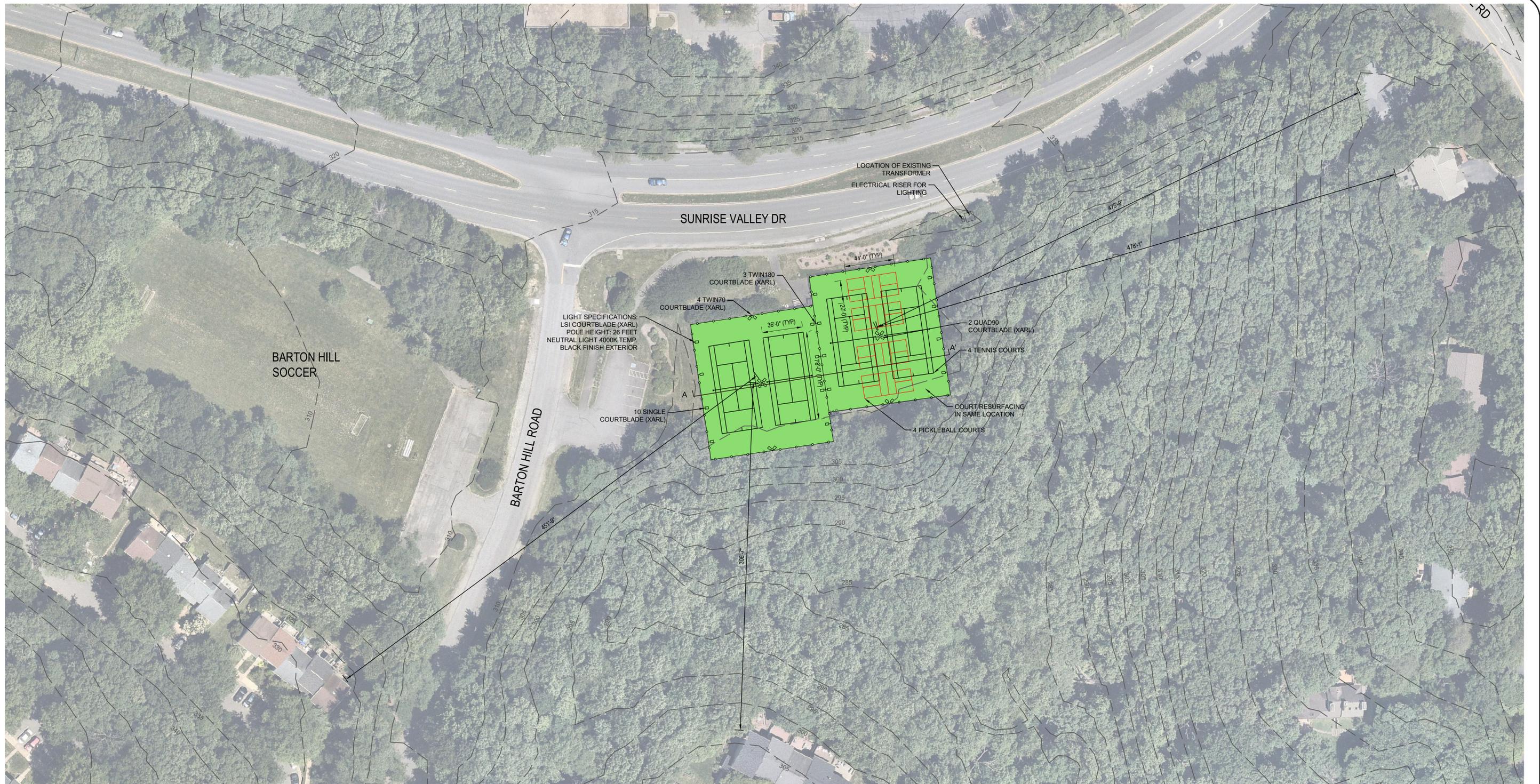
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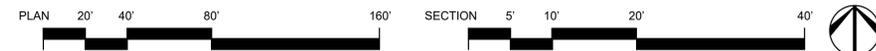


**EXHIBIT D**

**Concept Plan**



**BARTON HILL COURTS**  
1901 BARTON HILL ROAD, RESTON, VA



SITE MAP  
JULY 20, 2022

**EXHIBIT E**

**GTN List of Lighted Outdoor Courts in Fairfax County**

<b>Tennis Courts</b>	<b>Type</b>	<b>Lights</b>	<b>Indoor</b>	<b>Courts</b>
Van Dyck Park	Public	Yes	No	4
Providence Park	Public	No	No	2
Country Club Hills Recreation Club	Club	No	No	2
George Mason Tennis Complex	Private	No	No	6
Fairfax High School	School	No	No	4
Kutner Park	Public	No	No	1
Woodson High School	School	No	No	7
Army Navy Country Club - Fairfax	Club	No	No	2
Country Club View Park	Public	No	No	2
Flint Hill Upper School	School	Yes	No	8
Robinson High School	School	No	No	6
Mantua Swim and Tennis Club	Club	Yes	No	4
Oakton High School	School	No	No	6
Middleridge Park	Public	No	No	2
Rutherford Park	Public	No	No	3
Eakin Community Park - Long Branch	Public	No	No	2
Eakin Mantua	Public	No	No	2
Royal Lake Park	Public	No	No	2
Long Branch Swim & Racquet Club	Club	Yes	No	2
Nottoway Park	Public	Yes	No	6
Oakton Swim & Racquet Club	Club	Yes	No	7
Popes Head Park	Public	No	No	2
Lake Braddock High School	School	No	No	6
Meadow Lane Park	Public	Yes	No	2
James Madison High School	School	Yes	No	5
Fair Ridge Park	Public	No	No	2
Burke Racquet and Swim Club	Club	No	No	5
Canterbury Woods Swim & Tennis Club	Club	No	No	2
Kings Park	Public	Yes	No	2
Wakefield Chapel Recreation Club	Club	Yes	No	3
Vienna Woods Swim & Tennis Club	Club	Yes	No	4
Fairfax Station Swim & Tennis Club	Club	Yes	No	3
Kemper Park	Public	No	No	2
Cunningham Park	Public	Yes	No	2
Luther Jackson Middle School	School	No	No	3
Camelot Park	Public	Yes	No	2
Oak Hill Park	Public	No	No	1
Northrop Grumman Corporation	Private	No	No	2
Wakefield Park	Public	Yes	No	11
Old Keene Mill Swim & Racquet Club	Club	Yes	No	3
Burke Station Park	Public	No	No	2
Royal Ridge Park	Public	No	No	2
Woodburn Elementary School	School	No	No	2
Dunn Loring Park	Public	No	No	2
Annandale Community Park	Public	Yes	No	2
Jefferson District Park	Public	Yes	No	8

Navy Vale Fire House Park	Public	No	No	2
Greenbriar Park	Public	Yes	No	2
Ossian Hall Park	Public	Yes	No	2
Falls Church High School	School	No	No	6
Rolling Valley West Park	Public	Yes	No	3
West Springfield High School	School	No	No	6
Annandale High School	School	No	No	6
Annandale Swim & Tennis Club	Club	Yes	No	2
Pine Spring Park	Public	No	No	2
Cardinal Hills Swim & Racquet club	Club	Yes	No	7
Centreville High School	School	No	No	6
Idylwood Park	Public	No	No	2
Chantilly High School	School	No	No	6
Glade Recreation Club	Club	Yes	No	4
Rocky Run Middle School	School	No	No	4
Kilmer Middle School	School	No	No	4
Cottontail Swim & Racquet Club	Club	No	No	3
Wolf Trails Park	Public	Yes	No	2
Kendale Woods	Public	No	No	2
Still Pond Club	Club	Yes	No	2
Orange Hunt Swim & Tennis Club	Club	No	No	3
Roundtree Park	Public	No	No	3
Irving Middle School	School	No	No	3
Backlick Park	Public	Yes	No	2
Hidden Pond Park	Public	Yes	No	3
Fox Hunt Club	Club	Yes	No	5
LRR Court #2	Private	No	No	3
South Lakes High School	School	No	No	6
LRR Court #1	Private	Yes	No	2
South Lakes Village Park	Public	No	No	4
Fox Mill Swim and Tennis Club	Club	Yes	No	2
LRR Court #3	Private	No	No	2
Hunt Valley Club	Club	Yes	No	2
Poplar Heights Recreation Club	Club	Yes	No	4
West Lawn School Site Park	Public	No	No	2
Springfield Swimming & Racquet Club	Club	Yes	No	2
Rolling valley Swim & Tennis Club	Club	Yes	No	2
South Run Park	Public	Yes	No	2
Mason District Park	Public	Yes	No	6
West Springfield Park	Public	No	No	2
Deerlick Park	Public	No	No	2
Pinecrest Swim & Tennis Club	Club	Yes	No	3
Dairy Lou Club	Club	Yes	No	2
Scotts Run Community Park	Public	Yes	No	2
Westgate Park	Public	No	No	2
Capital One Bank - Mclean Headquarters	Private	Yes	No	1
Hamlet Swim & Tennis Club	Club	No	No	3

James Lee School Site Park	Public	Yes	No	2
Olney Park	Public	No	No	2
Springvale Park	Public	No	No	2
Stratton Woods Park	Public	Yes	No	2
Ormond Stone Middle School	School	No	No	4
Haycock Longfellow Park	Public	No	No	4
Westfields Marriott Washington Dulles Hotel	Private	Yes	No	6
Rollingwood School Site	Public	No	No	2
Hooes Road Park	Public	No	No	4
Lewinsville Park	Public	No	No	6
JEB Stuart Park	Public	No	No	4
Chalet Woods Park	Public	Yes	No	3
Lee High School	School	No	No	2
Chantilly National Country Club	Club	Yes	No	3
Saratoga Recreation Club	Club	No	No	2
Westfield High School	School	No	No	6
Lillian Carey	Public	No	No	2
Newington Heights Park	Public	No	No	2
Bruin Park	Public	No	No	2
Chandon Park	Public	Yes	No	4
McLean Central	Public	Yes	No	3
The Madeira School	School	No	No	8
Arrowbrook Centre Park	Public	Yes	No	2
Churchill Road Park	Public	Yes	No	4
South County High School	School	No	No	6
Dowden Terrace Park	Public	No	No	2
North Hills Club	Club	Yes	No	4
Spring Lane Park	Public	No	No	2
Linway Terrace Park	Public	Yes	No	2
Green House Condominium	Private	No	No	2
Great Falls Nike Park	Public	No	No	2
Great Falls Swim & Tennis Club	Club	Yes	No	6
Herndon High School	School	No	No	6
Pohick Estates	Public	No	No	3
Hayfield Secondary School	School	No	No	6
Lee District Park	Public	Yes	No	4
Burgundy Park	Public	No	No	2
Virginia Hills School Site	School	No	No	2
Stoneybrooke Park	Public	No	No	2
Conklin Community Park	Public	No	No	3
Mason Neck West Park	Public	No	No	2
Muddy Hole Farm Park	Public	No	No	2
Woodlawn Park	Public	No	No	2
Hybla Valley	Public	No	No	2
Mount Vernon Woods	Public	No	No	2
Freedom High School	School	No	No	6
George Washington RECenter	Public	No	No	4

Martin Luther King Park	Public	No	No	2
Woodley Hills	Public	No	No	2
Montgomery Park	School	No	No	2
Foster School School Site	School	No	No	2
Stratford Landing	Public	Yes	No	2
Carl Sandburg School Site	School	Yes	No	6
Collingwood Park	Public	No	No	2
<b>TOTAL OUTDOOR COURTS</b>				<b>481</b>
<b>TOTAL WITH LIGHTS</b>				<b>193</b>
<b>PERCENTAGE WITH LIGHTS</b>				<b>40%</b>

**EXHIBIT F**

**Special Exception Hours of Operation Examples**

## PROPOSED DEVELOPMENT CONDITIONS

### SE 01-M-052

May 6, 2002

If it is the intent of the Board of Supervisors to approve SE 01-M-052 located within the Bradlick Shopping Center, Tax Map 71-4 ((1)) 27 part, for a fast food restaurant and drive-through bank, pursuant to Sect. 9-501 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. This Special Exception 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 Plat entitled "Bradlick Center Special Exception Plat" prepared by Urban Engineering & Assoc., Inc., consisting of seven sheets dated October 10, 2001, as revised through May 3, 2002, 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. At such time as final road plans have been approved by VDOT or Fairfax County for improvements to Braddock Road or the intersection of Braddock and Backlick Roads which would require right-of-way from the subject property, right-of-way along the western portion of the Braddock Road frontage (up to 7.61 feet in width as shown on the SE Plat) shall be dedicated to the Board of Supervisors in fee simple. Improvements shall be done by others, and shall not be the responsibility of this applicant. Irrespective of Note 15 on the SE Plat, such dedication shall occur within 60 days of a request by VDOT or Fairfax County, provided that plans have been approved. If less dedication less than that shown on the SE Plat is needed, the remainder shall be used for landscaped open space.
5. The interparcel access to the west shown on the SE Plat may be relocated as indicated on the plat as part of intersection improvements by others, subject to approval by DPWES.
6. Parking shall be provided in accordance with the provisions of Article 11 as determined by DPWES.

7. As part of the site plan submission, the applicant shall provide a landscape plan, including varieties and sizes of plant materials to be installed, to the Urban Forestry Division for review and approval.
8. All lighting, including security, pedestrian and/or other incidental lighting, shall feature full cut-off fixtures and be directed downward to prevent off-site glare. There shall be no rib lighting on the proposed fast food restaurant roof, although unlit ribs may be used as architectural features on the roof.

#### **USE RESTRICTIONS: FAST FOOD RESTAURANT**

9. Hours of operation for the fast food restaurant shall not exceed 5:00 am to 12:00 midnight Monday through Thursday; 5:00 am to 1:00 am Friday and Saturday; and 6:00 am to 11:00 pm Sunday.
10. The maximum number of employees on-site for the fast food restaurant shall not exceed twenty during any one shift.
11. The proposed fast food restaurant shall utilize similar building materials and colors as those used in the future renovations of the major tenant of the Bradlick Shopping Center (the grocery store). Architectural treatment shall be the same on all four sides of the fast food restaurant. The color of the standing seam metal roof of the fast food restaurant shall, as closely as possible, match the color of the standing seam metal roof of the shopping center.
12. One flagpole, to permit the flying of an American Flag, shall be allowed for the fast food restaurant. The flagpole shall not exceed 25 feet in height. Any illumination of the flagpole or flag shall be placed on the ground within the landscape area of the restaurant and shall be directed upward toward the flagpole or flag, and inward toward the interior of the shopping center.
13. Temporary promotional banners, balloons, flags, or rooftop displays shall not be permitted on the exterior of the fast food restaurant building. No promotional signage shall be permitted on any light poles; however, this shall not preclude the display of seasonal banners for the shopping center.

#### **USE RESTRICTIONS: BANK**

14. Hours of operation for the bank shall not exceed the following: Lobby: 9:00 am to 3:00 pm Monday through Thursday; and 9:00 am to 2:00 pm Friday and Saturday. Drive through window: 9:00 am to 6:00 pm Monday through Friday; and 9:00 am to 2:00 pm Saturday.
15. The maximum number of employees for the bank shall not exceed six at any one time.
16. Should the existing bank building be remodeled or replaced, the renovated or replaced building shall utilize similar building materials and colors as those used in the future renovations of the major tenant of the Bradlick Shopping Center (the grocery store), and architectural treatment shall be the same on all four sides of the building.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

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, at a minimum, the use has been established or construction has commenced and been diligently prosecuted. 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.

## APPROVED DEVELOPMENT CONDITIONS

### SEA 98-H-021

October 6, 2003

If it is the intent of the Board of Supervisors to approve SEA 98-H-021 located at Tax Map 17-1 ((7)) 4A, 4C2, 4E1; to permit the addition of an option for a Drive-in Bank to the previous approval for a Drive-through Pharmacy, pursuant to Sect. 6-304 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. These development conditions incorporate and supersede all previous development conditions. Previously approved conditions or those slightly modified are marked with an asterisk (\*).

- \*1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
- \*2. This Special Exception is granted only for the purpose(s), structure(s), and/or use(s) indicated on the Special Exception Plat approved with this application, as qualified by these development conditions.
3. A copy of this Special Exception Amendment, including the approved development conditions, and the Non-Residential Use Permit 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.
- \*4. This Special Exception 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 Reston Section 41A, Blocks 4A, 4C2, 4E1; Bank of America, N.A.; and prepared by Urban Engineering & Assoc., Inc., which is dated February, 2003; as revised through 9/12/03 (Sheets 2, 5, 6, 7, 12A, 12B), 8/22/03 (Sheet 1), 8/21/03 (Sheets 8, 9, 10), and 7/1/03 (Sheets 4, 11, 12)** 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.
5. The selection of the drive-in bank or drive-through pharmacy is at the sole discretion of the applicant; however, once the selected option is established, the remaining option shall no longer be valid.
- \*6. Hours of operation of the pharmacy drive-through window shall be limited to 7:00 am to 12:00 midnight, Monday through Sunday.
7. The drive-through window for the bank shall be served by a maximum of three drive-through lanes and a bypass lane.
- \*8. The drive-through window for the pharmacy shall be served by two drive-through lanes and a bypass lane. Directional signs shall be posted in the vicinity of the

stacking area and at the drive-through window to advise drivers that the window service is for prescription use only and that one of the lanes shall be used for the pick-up of prescriptions and the other lane shall be used for drop-off.

- \*9. The drive-through pharmacy window shall be used only for the drop-off and pick-up of prescriptions and associated medical items to persons within a motor vehicle. No general retail sales shall be permitted from the window. The drive-through window shall only be serviced from the prescriptions section of the store and shall not be serviced from the general retail sales checkout counter at the front of the store. The tube that services the drive-through window shall be no larger than six (6) inches in diameter.
- \*10. A speaker box system shall be allowed to facilitate prescription pick up/drop off for the drive-through pharmacy option, or to facilitate the use of the drive-through lanes for the drive-in bank option. The volume of the speaker box shall be maintained at a reasonable level so as not to disturb adjacent property owners.
- 11. A deceleration lane utilizing the existing pavement shall be constructed to serve the proposed site entrance onto Baron Cameron Avenue for either the drive-in bank or the drive-through pharmacy option. The deceleration lane shall be constructed to VDOT standards as determined by VDOT and DPWES at the time of site plan approval. This condition to construct a deceleration lane may be satisfied by simply striping the existing pavement as shown on Sheet 12A of the Special Exception Amendment Plat (SEA Plat), subject to the approval of VDOT and DPWES.

Prior to issuance of the Non-RUP for the proposed use in either Option 1 or Option 2, the frontage of Baron Cameron Avenue shall be re-striped to distinguish the right turn lane for the site entrance from the right-turn lane for Bennington Woods Road in conformance with VDOT requirements. In addition, a crosswalk shall be provided across Bracknell Drive at the site entrance, subject to VDOT approval.
- \*12. An eight-foot wide asphalt trail shall remain along the Baron Cameron Avenue frontage of the site for either the drive-in bank or the drive-through pharmacy option, and shall connect into the existing asphalt trail to the west. A pedestrian connection shall also be provided from the Bracknell Drive entrance to the building, which may be designated with paint, pavers, or other such material.
- 13. Building architecture for the drive-in bank option shall be in substantial conformance with the elevation illustrations shown on Sheets 8 and 9 of the SEA Plat.
- \*14. The proposed building for the drive-through pharmacy option shall be constructed with similar building materials and architectural treatments on all four sides.
- \*15. All freestanding and building-mounted signs shall comply with the provisions of Article 12 of the Zoning Ordinance. No pole-mounted signs shall be permitted. Design of monument signs shall be in substantial conformance with the illustrations on Sheet 10 and Sheet 12 of the SEA Plat for the drive-in bank option and the drive-through pharmacy option; respectively.

- \*16. Prior to the issuance of any Non-RUP, the applicant shall contribute \$5,000 to the Reston Street Light Fund.
17. Landscaping shall be provided as illustrated on the SEA Plat. A minimum 20 foot wide planting area shall be provided along the western property line as shown on the SEA Plat.
18. Parking shall be provided in accordance with the minimum Zoning Ordinance requirements for the proposed drive-in bank use. However, the number of parking spaces provided for the drive-in bank shall not exceed 46, as shown on the SEA Plat.
19. Prior to the issuance of any Non-RUP, a pedestrian signal head shall be provided as approved by VDOT at the intersection of Bracknell Drive/Fountain Drive and Baron Cameron Avenue.
20. A minimum contribution of \$2,500 shall be provided at the time of site plan approval for the construction of a bus shelter.

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 responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception Amendment shall not be valid until this has been accomplished.

Pursuant to Sect. 9-015 of the Zoning Ordinance, this special exception amendment shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. 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 amendment. 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.

## APPROVED DEVELOPMENT CONDITIONS

SEA 01-M-052

October 1, 2003

If it is the intent of the Board of Supervisors to approve SEA 01-M-052 located within the Bradlick Shopping Center, Tax Map 71-4 ((1)) 27 part, to permit additional seating for the previously approved fast food restaurant and modified hours of operation for the previously approved drive-in bank, pursuant to Sect. 4-604 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions for the site. These conditions will supercede all previous Special Exception conditions. Previously approved conditions 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. This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception amendment plat approved with the application, as qualified by these development conditions.\*
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 "Bradlick Center Special Exception Amendment Plat" prepared by Urban Engineering & Assoc., Inc., consisting of seven sheets. Sheet 1 is dated August 6, 2003; Sheet 2 is dated August 6, as revised through September 8, 2003; Sheet 3 and Sheet 7 are dated October 10, 2001, as revised through March 8, 2002; Sheet 4 is dated October 10, 2001, as revised through February 22, 2002; Sheet 5 is dated October 10, 2001, as revised through May 3, 2002; Sheet 6 is dated October 10, 2001, as revised through November 30, 2003, 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. At such time as final road plans have been approved by VDOT or Fairfax County for improvements to Braddock Road or the intersection of Braddock and Backlick Roads, right-of-way along the western portion of the Braddock Road frontage (up to 7.61 feet in width as shown on the SEA Plat) shall be dedicated to the Board of Supervisors in fee simple. Improvements shall be done by others, and shall not be the responsibility of this applicant. Irrespective of Note 15 on the SEA Plat, such dedication shall occur within 60 days of a request by VDOT or Fairfax County, provided that plans have been approved. If dedication less than that shown on the SEA Plat is needed, the remainder shall be used for landscaped open space.\*

5. The interparcel access to the west shown on the SEA Plat may be relocated as indicated on the plat as part of intersection improvements by others.\*
6. Parking shall be provided in accordance with the provisions of Article 11 as determined by DPWES.\*
7. At the time of site plan submission, the applicant shall provide a landscape plan, including varieties and sizes of plant materials to be installed, to the Urban Forestry Division for review and approval.\*
8. All lighting shall conform with Part 9 of Article 14 of the Zoning Ordinance. There shall be no rib lighting on the proposed fast food restaurant roof, although unlit ribs may be used as architectural features on the roof.

#### **USE RESTICTIONS: FAST FOOD RESTAURANT**

9. Hours of operation for the fast food restaurant shall not exceed 5:00 am to 12:00 midnight Monday through Thursday; 5:00 am to 1:00 am Friday and Saturday; and 6:00 am to 11:00 pm Sunday.\*
10. The maximum number of seats for the fast food restaurant use is 104.
11. The maximum number of employees on-site for the fast food restaurant shall not exceed twenty during any one shift.\*
12. The proposed fast food restaurant shall utilize similar building materials and colors as those used in the future renovations of the major tenant of the Bradlick Shopping Center (the grocery store). Architectural treatment shall be the same on all four sides of the fast food restaurant.\*
13. One flagpole, to permit the flying of an American Flag, shall be allowed for the fast food restaurant. The flagpole shall not exceed 25 feet in height. Any illumination of the flagpole or flag shall be placed on the ground within the landscape area of the restaurant and shall be directed upward toward the flagpole or flag, and inward toward the interior of the shopping center.\*
14. Temporary promotional banners, balloons, flags, or rooftop displays shall not be permitted on the exterior of the fast food restaurant building. No promotional signage shall be permitted on any light poles; however, this shall not preclude the display of seasonal banners for the shopping center.\*

#### **USE RESTICTIONS: BANK**

15. The maximum number of employees for the bank shall not exceed six at any one time.\*
16. Should the existing bank building be remodeled or replaced, the renovated or replaced building shall utilize similar building materials and colors as those used in the future renovations of the major tenant of the Bradlick Shopping Center (the

grocery store), and architectural treatment shall be the same on all four sides of the building.\*

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

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 Amendment shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception amendment shall automatically expire, without notice, thirty (30) months after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted. 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 amendment. 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.



# County of Fairfax, Virginia

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

## Available on Planning Land Use System (PLUS)

March 10, 2022

Larry Butler  
Reston Association  
12001 Sunrise Valley Drive, Reston, Va. 20191

Re: Determination Regarding Barton Hill Road Tennis Courts (INTOAB 2021-00444)  
1901 Barton Hill Road  
Tax Map Ref: 27-1 ((5)) 3  
Zoning District: PRC

Dear Larry Butler:

**REQUEST:** This is in response to your January 12, 2022,<sup>1</sup> correspondence which provided additional information for consideration regarding the referenced determination previously issued to Mr. Roundtree. Mr. Roundtree initially requested information regarding the plans and approvals that would be required by the County for the proposed upgrades to the Barton Hill Road tennis courts. That determination concluded that a PRC Plan approval is required for the proposed upgrade to the Barton Hill Road tennis courts. This letter replaces the previous determination issued on December 22, 2021,<sup>2</sup> which was subsequently rescinded because Reston Association (RA) was not provided notification of the request for a determination within 10 days of submission in accordance with Virginia Code 15.2-2204.H.<sup>3</sup> The previous determination provided to Mr. Roundtree concerned RA's plan to upgrade the four existing tennis courts (including striping for pickleball) at the intersection of Barton Hill Road and Sunrise Valley Drive through full depth reclamation in the exact locations of the existing courts and the addition of 23 LED light poles. Mr. Roundtree submitted additional information on January 25, 2022, that was also considered as part of this review.<sup>4</sup>

In your January 12, 2022, letter you state that RA has approved the reconstruction of the tennis courts as part of its 2022 capital budget and that community meetings with notification will be held and Design Review Board approval is required. It is your opinion that a site plan is not required due to the limited disturbance proposed by the upgrade. You concurred that a sports illumination plan is required for the addition of approximately 23 LED light poles at 26 feet tall. It is also your position that a PRC Plan is not required because the approved development plan (DP C-377) depicts the site as recreation and a preliminary site plan (which under the current Zoning Ordinance serves as the approved PRC Plan) cannot restrict what the approved development plan allows. You stated that the recreation description on the approved development plan provides for greater flexibility and the upgrade of tennis courts and



PLANNING & DEVELOPMENT

**Department of Planning and Development**  
Zoning Administration Division  
12055 Government Center Parkway, Suite 807  
Fairfax, Virginia 22035-5507  
Phone 703-324-1314  
Fax 703-803-6372

[www.fairfaxcounty.gov/planning-development](http://www.fairfaxcounty.gov/planning-development)

addition of lights does not change the recreation use designation. Therefore, a PRC Plan should not be required since the proposal is in accordance with the approved development plan. You referenced a recent determination<sup>5</sup> for the old Hunters Woods Ball Field which you felt gave great flexibility to development of that site and the December 22, 2021, determination was inconsistent with that previous interpretation.

#### **SITE INFORMATION AND BACKGROUND:**

The referenced property is zoned PRC, Planned Residential Community District. The property is subject to Rezoning RZ C-377 and development plan<sup>6</sup> approved by the Board of Supervisors (Board) on September 10, 1973. Further the site is subject to the following documents all approved by the Director of Environmental Management (the approving authority at that time), preliminary plat 1986-PL-002-1<sup>7</sup> approved on August 1, 1977, final plat Reston Sec 24A DB 4731 PG 595<sup>8</sup> approved on October 19, 1977, and site plan 003968-SP-001-2<sup>9</sup> approved by the on November 3, 1983.

**ZONING CITATIONS:** Relevant Zoning Ordinance citations as of the date of the request.

[subsection 5109](#): Outdoor Lighting

[subsection 8100.2.F](#): PRC Plan Approval

[subsection 8105.A](#): Minor Modifications

[Section 9102](#): General Terms: Development Plan, PRC

[Section 9102](#): General Terms: PRC Plan

**DETERMINATION:** In accordance with subsection 8100.2.F(2)(d) of the Zoning Ordinance the PRC District once a development plan has been approved, all subsequent approvals, uses, and structures must be in substantial conformance with the approved development plan and any development conditions associated with that approval. Development plans are intended to generally characterize the development; whereas PRC Plans are intended to further detail the planned development of the lot and can be more restrictive than a development plan.

Development Plan DP C-377 approved recreation uses for the lot and that use was reflected on the preliminary plat 1986-PL-002-1 and final plat Reston Sec 24A DB 4731 PG 594. The final plat depicted no uses and contained the following note: "This parcel constitutes open space and may not be subdivided, built upon or modified except after an amended final plan has been approved provided in Section 30-2-2 of the Zoning Ordinance." The approved site plan (003968-SP-001-2) depicts four tennis courts with no lights.

With approval of Zoning Ordinance Amendment #324 on December 5, 1977, the preliminary and final plat requirements were replaced with a requirement to submit a preliminary site plan. The site plan serves as the document that permitted development of the existing tennis courts; whereas the final plat restricted the development of the site to open space. Therefore, in this instance the site plan serves as the PRC Plan.

The proposed upgrade of the tennis courts, including the introduction of lights and striping for pickleball would still fall under the general recreation use approved on the development plan and would not require a development plan amendment. However, the proposed upgrades must still be reviewed in accordance with subsection 8100.2.F(3)(c) of the Zoning Ordinance which requires a PRC Plan for all uses unless specifically excepted by the Zoning Ordinance. These exceptions include the addition of non-structural site elements such as transitional screening and parking and loading (limited to 10 percent of the area) and minor accessory structures in open space areas such as benches, gazebos, playground equipment, and bus shelters. It is staff's determination that the repaving of the courts and striping for pickleball is consistent with the previous approvals; however, the introduction of lights expands the use of the recreation facility beyond that which was contemplated with the previous approvals and does not fall under one of the permitted exceptions.

Staff further reviewed the potential for minor modifications permitted for a PRC Plan under subsection 8105.A(1)(a) of the Zoning Ordinance. The existing approvals do not contemplate lights and it is staff's determination that the addition of lights cannot be approved as a minor modification since the proposed lights would expand the hours of operation which is not permitted as a minor modification. Therefore, it is staff's determination that a PRC Plan is required for the proposed addition of lights to the referenced lot. This is not dissimilar to both public schools and parks being required to obtain 2232 approval from the Planning Commission when they introduce lights on their fields. Staff views this determination to be consistent with the Hunter Woods ballfield letter issued on July 19, 2019. In that interpretation staff indicated that open space uses that do not require significant land disturbance activities and/or structures could be provided onsite subject to a substantial conformance determination by the Zoning Evaluation Division (ZED) and that letter further stated significant land disturbance and/or addition of structures may require both a Development Plan Amendment and PRC Plan. In this instance the introduction of lights is a significant departure from the previous approvals and cannot be approved without a PRC Plan per subsection 8100.2.F(3)(c) of the Zoning Ordinance. Furthermore, since the proposed light poles exceed 20 feet in height a sports illumination plan must be submitted with the PRC Plan in accordance with subsection 5109.4.B of the Zoning Ordinance. Please note that in accordance with the Zoning Ordinance the tennis courts are limited to a maximum illumination of 40 footcandles (unless a lesser limit is approved by the Board), and lighting is not allowed between 11 p.m. and 7 a.m. unless other hours are specifically approved by the Board. If the PRC Plan is approved, you will need to contact Land Development Services to determine if a site plan will also be required.

Please note that PRC Plans require an application, a filing fee, notification of adjacent property owners, and a public hearing before the Planning Commission and Board of Supervisors. Please contact the Zoning Evaluation Division (ZED) at (703) 324-1290 for more information regarding the PRC Plan process. [Zoning Evaluation Division | Planning Development \(fairfaxcounty.gov\)](#)

This determination is based upon the facts presented in your letter, as well as all applicable Fairfax County Zoning Ordinance provisions in effect as of the date of this letter. If the facts as presented change or if the applicable provisions of the Zoning Ordinance change after the issuance of this determination, the determination may be subject to modification. Furthermore, there may be additional zoning, building, or other county requirements relevant to the proposed use of the property. If you have any additional questions, please feel free to contact me at 703-324-1314.

Larry Butler, Reston Association

March 10, 2022

Page 4

Sincerely,



William Mayland, AICP

Deputy Zoning Administrator

Department of Planning and Zoning, Ordinance Administration

1. Reston Association January 12, 2002, letter
2. December 22, 2021, Letter INTOB 2021-00444
3. January 14, 2022, Rescind Letter
4. January 25, 2022, Letter from Mr. Roundtree
5. July 19, 2019, Interpretation of Hunters Woods Ball Field Open Space
6. Excerpt from DP C-377
7. Preliminary Plat Reston Sec 24A 1986-PL-002-1
8. Final Plat Reston Sec 24A DB 4731 PG 595
9. Site Plan 003968-SP-001-2

cc: Walter Alcorn, Supervisor, Hunter Mill District  
Zoning Permits Section  
Bill Roundtree [brountree1@hushmail.com](mailto:brountree1@hushmail.com)

*Thank you for your business with Fairfax County. Please take a moment to take our [Customer Satisfaction Survey](#)*

**By Electronic Transmission**

January 12, 2022

William Mayland, AICP  
Deputy Zoning Administrator  
Department of Planning and Development  
Zoning Administration Division  
12055 Government Center Parkway, Suite 807  
Fairfax, Virginia 22035-5507

**RE: Use Determination Regarding Barton Hill Tennis Courts (INTOAB-2021-00444)  
1901 Barton Hill Road, Tax Map Ref: 27-1 ((5)) 3**

Dear Mr. Mayland:

Reston Association (RA) is in receipt of the above referenced Use Determination for RA's Barton Hill Tennis Court facility and is providing this letter to provide additional information about our plans for the facility, as well as requesting your reconsideration of the determination, particularly as it relates to the requirement for a PRC plan and the related hearing processes for such. A location aerial is attached.

First, RA was surprised to receive this as it was not initiated by RA – the property owner and agent for any work that might be undertaken on this site. It is my understanding that Fairfax County, if not as policy but as practice, notifies the property owner of such requests prior to issuing a Determination Letter, which affects the rights of the landowner. RA would have appreciated being notified of this request as the letter was delivered to RA offices in the peak of the holiday season, when many staff are out of the office. I became aware of the letter late in the first week of January, greatly reducing our time to consider or exercise an appeal, should that be necessary. Mr. Rountree, who submitted the request, is not an agent for RA and submitted the request without our knowledge or permission. The remainder of this letter will detail specifically our plans for the property, which likely were not accurately conveyed by Mr. Rountree.

The RA Board approved the reconstruction of the tennis courts and the addition of lighting in their recent approval of RA's 2022 capital budget. This approval came with a specific Board motion for RA staff and its Parks and Recreation Advisory Committee (PRAC) to host a community meeting to explain and discuss the project with the local community. This meeting, which is not yet scheduled, is in addition to the required Design Review Board (DRB) meeting(s) and approval for which most neighbors within approximately 1/4-mile will be notified by direct mail.

Reconstruction of the tennis courts will be done through full-depth reclamation, which utilizes a process where most of the existing asphalt base is ground and re-purposed for the new base layers. The courts will be re-done in exactly the same location and configuration. As there is minimal land disturbance with this process, no County permits are required to conduct the court work. RA has successfully performed this type of renovation in the

past on other courts without County permits. Once completed the courts will be painted with blended lines for both tennis and pickleball, not unlike many other courts in Fairfax County. There is no full conversion to pickleball being done.

The new aspect for this site is the addition of lighting for extending play for both tennis and pickleball – similar racquet sports. To be clear, the use of the site is not changing as its current use is tennis and occasional pickleball. We concur lighting will require a Sports Illumination Plan (SIP), however, since there is no site plan required it is (and was) RA's intent to submit a SIP for approval, following the guidance in the Zoning Ordinance subsection 5109. As with other recent lighting projects in Reston, RA will use state of the art technology with web-enabled controls. Mr. Rountree's statement of 24/7 play is inaccurate. RA must conform to the lighting ordinance with respect to shut-off times and not unlike other courts we operate, we will work with the local community – tennis and pickleball players and neighbors alike – on the appropriate programmatic hours. We have two other courts where the lights go off automatically at 10 pm.

Your statement regarding the site plan being deemed the PRC plan requires further study. Because a site plan cannot restrict what the approved development plan (now PRC plan) allows, it would be instructive to know the specific language attributed to this site in the approved zoning documents for RZ 77-C-076. In other determinations RA has been provided by the Zoning Administrator, the governing language has been the zoning plan, if the specific development plan cannot be found. Language such as "active recreation area", "recreation facility", "active uses" provide a greater degree of latitude than more specific language. RA's most recent example of this was the determination for the old Hunters Woods Ball Field behind the Hunters Woods Village Center (Tax Map Ref: 26-1 ((07)) 0009A) which gave great flexibility to what we might contemplate on that site.

In summary, we respectfully request the Zoning Administration Division reconsider its determination, based upon the new information provided here. RA has been a committed partner with Fairfax County regarding Reston's many land use matters, and we believe this reconsideration – at the property owner's request, is a reasonable one.

Sincerely,

Larry T. Butler  
Acting CEO/COO

Encl.

Cc: Leslie Johnson, Zoning Administrator  
Walter Alcorn, Hunter Mill District Supervisor  
Caren Anton, President, Reston Association  
John McBride, Esq., Odin Feldman Pittleman

### Facility Location





# County of Fairfax, Virginia

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**Available on Planning Land Use System (PLUS)**

Attachment 2

December 22, 2021

Bill Roundtree  
[broutree1@hushmail.com](mailto:broutree1@hushmail.com)

Re: Use Determination Regarding Barton Hill Road Tennis Courts (INTOAB 2021-00444)  
1901 Barton Hill Road  
Tax Map Ref: 27-1 ((5)) 3  
Zoning District: PRC

Dear Bill Roundtree:

**REQUEST:** This is in response to your November 30, 2021<sup>1</sup>, submission in PLUS. As I understand the request you want to know the process to permit Reston Association to upgrade the four existing tennis courts at the intersection of Barton Hill Road and Sunrise Valley Drive. You stated that Reston Association would like to rebuild the tennis courts in generally the same location but convert two courts to pickleball. In addition, Reston Association would like to extend the playing time until 11 p.m. by adding 23 LED light poles at 26 feet tall.

## **SITE INFORMATION AND BACKGROUND:**

The referenced property is zoned PRC, Planned Residential Community District. The property is subject to Rezoning RZ 77-C-076 approved by the Board of Supervisors on January 30, 1978, and site plan 003968-SP-001-2<sup>2</sup> approved on November 3, 1983. In accordance with subsection 8100.2.F(3)(m) the site plan is deemed an approved PRC Plan.

**ZONING CITATIONS:** Relevant Zoning Ordinance citations as of the date of the request.

[subsection 5109](#): Outdoor Lighting  
[subsection 8100.2.F](#): PRC Plan Approval  
[subsection 8105.A](#): Minor Modifications  
[subsection 9102](#): General Terms: PRC Plan

**DETERMINATION:** In accordance with subsection 8100.2.F(3)(c) a PRC Plan is required for all uses unless specifically exempted by the Zoning Ordinance. The proposed modifications to the tennis courts do not meet one of the approved exemptions listed in the Zoning Ordinance. In addition, in accordance with subsection 8100.2.F(4) site plans must be in accordance with the approved PRC Plans unless a modification is permitted in accordance with subsection 8105 of the Zoning Ordinance. The approved



PLANNING & DEVELOPMENT

**Department of Planning and Development**  
Zoning Administration Division  
12055 Government Center Parkway, Suite 807  
Fairfax, Virginia 22035-5507  
Phone 703-324-1314  
Fax 703-803-6372

[www.fairfaxcounty.gov/planning-development](http://www.fairfaxcounty.gov/planning-development)

site plan does not depict lights and the proposal cannot be approved as a minor modification since the proposed lights would expand the hours of operation. It is my determination that a PRC Plan is required for the proposed alterations to the referenced site. If the PRC Plan is approved a site plan will also be required. Furthermore, since the proposed light poles exceed 20 feet in height a sports illumination plan must be submitted with the PRC Plan in accordance with subsection 5109.4.B of the Zoning Ordinance. Please note that in accordance with the Zoning Ordinance the tennis courts are limited to a maximum illumination of 40 footcandles and lighting is not allowed between 11 p.m. and 7 a.m. unless a modification is approved by the Board of Supervisors.

Please note that PRC Plans require an application, a filing fee, notification of adjacent property owners, and a public hearing before the Planning Commission and Board of Supervisors. Please contact the Zoning Evaluation Division (ZED) at (703) 324-1290 for more information regarding the PRC Plan process. [Zoning Evaluation Division | Planning Development \(fairfaxcounty.gov\)](#)

Please note that this determination is limited in scope to the request at hand, and that there may be additional zoning, building, or other county requirements relevant to the proposed use of the property.

This determination is based upon the facts presented in your letter, as well as all applicable Fairfax County Zoning Ordinance provisions in effect as of the date of this letter. If the facts as presented change or if the applicable provisions of the Zoning Ordinance change after the issuance of this determination, the determination may be subject to modification.

I trust that this letter satisfactorily responds to your request. Should you have any additional questions, please feel free to contact me at 703-324-1314.

Sincerely,



William Mayland, AICP  
Deputy Zoning Administrator  
Department of Planning and Zoning, Ordinance Administration

1. Request
2. Site Plan 003968-SP-001-2

cc: Walter Alcorn, Supervisor, Hunter Mill District  
Zoning Permits Section  
Reston Association, Owner, 12001 Sunrise Valley Drive, Reston, Va. 20191

***Thank you for your business with Fairfax County. Please take a moment to take our [Customer Satisfaction Survey](#)***

## Interpretation Description

The Reston Association plans to change the use of four existing tennis courts at the intersection of Barton Hill Road and Sunrise Valley Drive, constructed in 1978 on the common area of the Association by refurbishing the courts, adding 23 led lights on poles 26 feet high, converting two of the courts to pickle ball courts, and extending play til 11PM at night 24/7. I need to find out what permits will be required for this project. Bill Rountree 703 648 0276

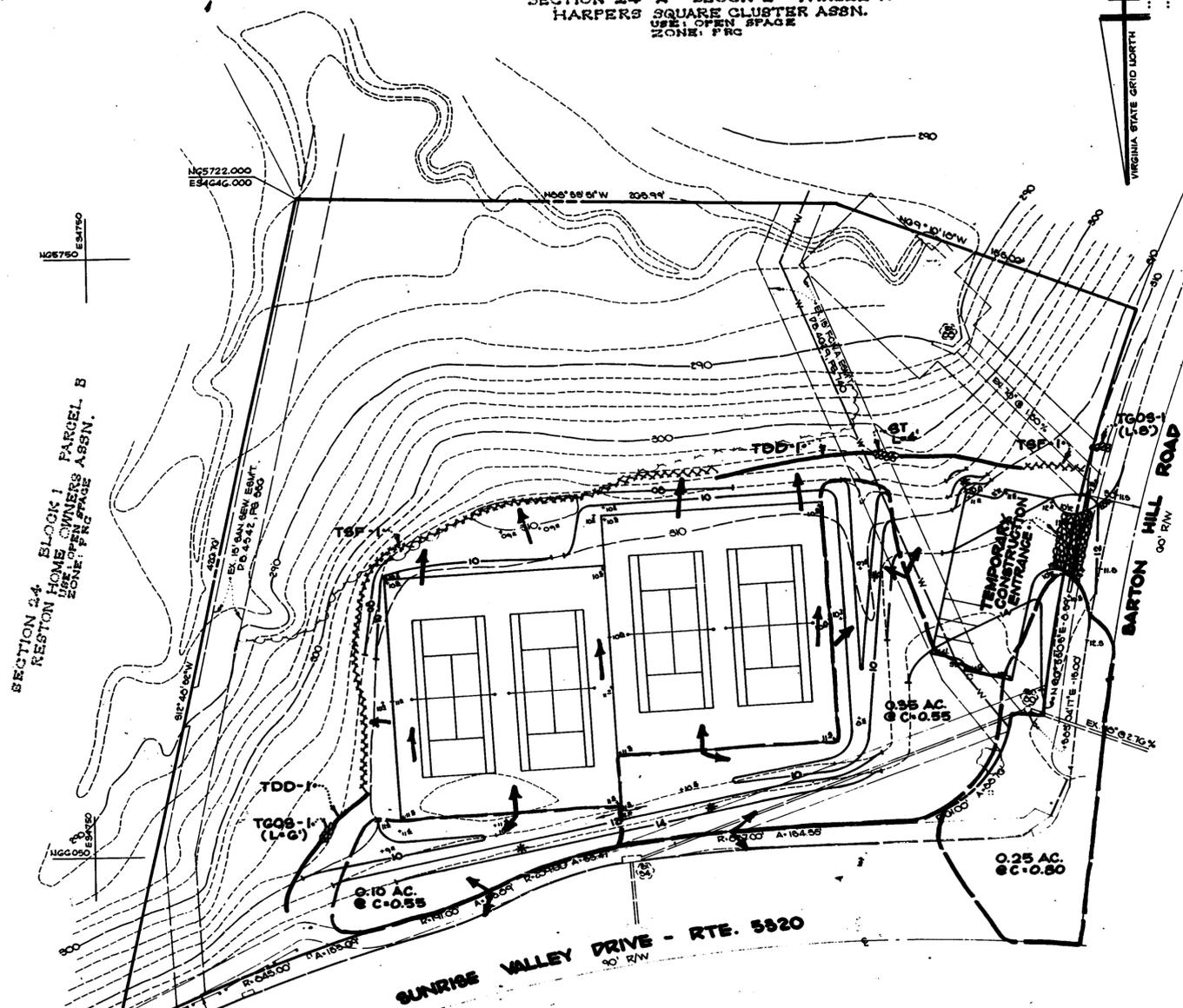






9-28-83  
FFX 00

SECTION 24-A BLOCK 2 PARCEL A  
HARPERS SQUARE CLUSTER ASSN.  
USE: OPEN SPACE  
ZONE: PFC



SILTATION-EROSION CONTROL NARRATIVE

- (1) DESCRIPTION OF SITE:  
THIS PROJECT CONSISTS OF 4 TENNIS COURTS AND ASSOCIATED PARKING TO BE CONSTRUCTED ON A 3.1 ACRE SITE. THIS SITE WAS PERMANENTLY GRABBED FOR THIS PURPOSE APPROXIMATELY 3 YEARS AGO AND THEREFORE, NO MORE TREES ON THE SITE WILL BE CLEARED.
- (2) DATES OF CONSTRUCTION:  
CONSTRUCTION IS SCHEDULED TO BEGIN IN JULY 1983 WITH THE SITE BEING COMPLETELY STABILIZED BY SEPTEMBER 1983.
- (3) EROSION CONTROL PROGRAM:  
APPROXIMATELY 1.5 ACRES WILL BE DISTURBED WITH THIS PROJECT. HOWEVER, NO MORE THAN 75% OF THE SITE WILL BE DENuded AT ONE TIME AND NO DISTURBED AREA SHALL BE LEFT DENuded FOR MORE THAN 60 DAYS UNLESS AUTHORIZED BY THE DIRECTOR OR HIS AGENT. ELECTRIC POWER, TELEPHONE, STORM, WATER & GAS SUPPLY TRENCHES ARE TO BE COMPACTED, SEDED & MULCHED WITHIN 15 DAYS AFTER BACKFILLING. ALL TEMPORARY EARTHEN BERMS ARE TO BE SEDED FOR TEMPORARY VEGETATIVE COVER & MULCHED WITHIN 10 DAYS AFTER INSTALLATION. ANY SOIL STOCKPILE IS TO BE PROTECTED BY TEMPORARY VEGETATION. CONTROLS MAY BE REMOVED AFTER THE AREAS ABOVE THEM HAVE BEEN STABILIZED AND WITH THE APPROVAL OF THE SITE INSPECTOR.
- (4) SEDIMENT CONTROL PROGRAM:  
ALL SEDIMENT CONTROL MEASURES ARE TO BE PLACED PRIOR TO THE ROUGH GRADING OPERATION TO PROTECT ADJACENT & DOWNSTREAM PROPERTIES FROM SILT RUNOFF. SEDIMENT CONTROL MEASURES INCLUDE 320 LIN. FT. OF FILTER FABRIC ON FENCE AND 220 LIN. FT. OF TEMPORARY DIVERSION DIKE WITH GRAVEL OUTLET STRUCTURES. THE CONSTRUCTION ENTRANCES TO BE PROVIDED WITH A WASH RACK FOR OUTGOING CONSTRUCTION EQUIPMENT.
- (5) PHASING OF LAND DISTURBING ACTIVITIES:  
A. CLEARING & GRUBBING  
B. PLACEMENT OF MECHANICAL SEDIMENT CONTROLS  
C. ROUGH GRADING OF SITE  
D. UTILITY CONSTRUCTION  
E. FINAL GRADING  
F. PLACEMENT OF BASE & SUBBASE MATERIALS  
G. RESTORATION & STABILIZATION OF UNPAVED AREAS  
H. FINAL PAVING
- (6) STORMWATER MANAGEMENT:  
STORMWATER MANAGEMENT IS PROVIDED OFFSITE.
- (7) MECHANICAL DEVICE MAINTENANCE PROGRAM:  
ALL CONTROLS ARE TO BE INSPECTED ON A DAILY BASIS BY THE SITE SUPERINTENDENT OR HIS REPRESENTATIVE. ANY DAMAGED CONTROL IS TO BE REPAIRED BY THE END OF THE WORKING DAY. THE SILT TRAPS WILL BE CLEANED OUT WHEN THE SILT DEPTH REACHES THAT DEPTH SHOWN IN THE SILT BASIN COMPUTATIONS. THE SILT COLLECTED FROM THE SITE MAY BE DISPOSED OF BY SPREADING OVER THE ENTIRE SITE.
- \* (8) CRITICAL SLOPES:  
TO BE SEDED, MULCHED, AND TACKED WITHIN 45 DAYS OF START OF GRADING OR SOODED AND PECEDED WITHIN 60 DAYS OF START.

W/ DAMAGED VEGETATED AREAS WILL BE REPAIRED WITHIN TWO (2) DAYS.

**DESIGN OF TEMPORARY SEDIMENT TRAP (ST)**  
(FOR VIRGINIA EROSION & SEDIMENT CONTROL HANDBOOK 100)

LENGTH =  $0.4 \times \text{ACREAGE OF DRAINAGE AREA}$   
=  $0.4 \times 0.25 \text{ AC.}$   
= 0.10 AC.

HEIGHT = 1'  
VOLUME =  $0.4 \times A \times D$   
=  $0.4 \times 0.10 \text{ AC} \times 1 \text{ FT}$   
= 0.04 CU. FT.

MAX. VOLUME NEEDED = 47 CU. FT./ACRE DRAINAGE AREA  
= 48 CU. FT. STORAGE REQUIRED  
800 CU. FT. STORAGE PROVIDED

THIS DOCUMENT HAS MICROFILMED  
NOV 21 1983  
BY COMMUNICATIONS  
MICROGRAPHICS

**SILTATION-EROSION CONTROL LEGEND**

-----	TEMP PERIMETER DIKE - STD TDD-1
-----	TEMP CONSTRUCTION ENTRANCE
-----	TEMP TRUCK WASH RACK - WR-1
-----	TEMP OVERFLOW DIKE - STD TDD-1
-----	TEMP INTERCEPTOR DIKE - STD TDD-1
-----	TEMP GRAVEL OUTLET STRUCTURE - STD TGS-1
-----	TEMP SALT TRAP & STORM DRAIN PALET - STD TST-2
-----	TEMP SALT TRAP & END WALL (PER EXAMPLE PG 200 OF PFM - VOL III)
-----	ORANGE DIVIDES
-----	FILTER FABRIC ON FENCE - STD TSF-1

**THIS SHEET FOR SILTATION/EROSION CONTROL & DRAINAGE DIVIDES ONLY!!**

WILLIAM HENRY GORDON  
SEP 15 1983  
DESIGN DIVISION

Survey		SILTATION/EROSION CONTROL & DRAINAGE DIVIDES	
Design APG		SECTION 24A, BLOCK 2	
Drawn CJM		RESTON	
Checked WMS		(BARTON HILL ROAD TENNIS COURTS)	
Revisions		CENTREVILLE DISTRICT	
Date		FAIRFAX COUNTY, VIRGINIA	
Scale	Horz 1" = 50'	Date	JUNE 25, 1983
Vert		William H. Gordon Associates, Inc.	Sheet 4
11495 Commerce Park Drive, Suite 300		Reston, VA 22091	



# County of Fairfax, Virginia

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

## Available on Planning Land Use System (PLUS)

January 14, 2022

Larry Butler, Reston Association  
12001 Sunrise Valley Drive, Reston, Va. 20191

Re: Use Determination Regarding Barton Hill Road Tennis Courts (INTOAB 2021-00444)  
1901 Barton Hill Road  
Tax Map Ref: 27-1 ((5)) 3  
Zoning District: PRC

Dear Larry Butler:

This is in response to your January 12, 2022, letter<sup>1</sup> in response to INTOAB 2021-00444<sup>2</sup> issued to Mr. Roundtree. While Reston Association (RA) was provided a copy of the interpretation you were not provided a copy of the request within 10 days of submission pursuant to Par. H of Sect. 15.2-2204 of the Code of Virginia. Therefore, the interpretation (INTOAB 2021-00444) dated December 22, 2021, is rescinded. Staff will provide a new interpretation based on the information you submitted on January 12, 2022. Furthermore, this letter serves as notice that the attached request has been received for determination to be made by the Fairfax County Zoning Administrator. Any decision or determination resulting from this request is subject to the appeal provisions contained in Sect. 15.2-2311 or 15.2-2314 of the Code of Virginia and you will be copied on any written response to this request. Should you have any additional questions, please feel free to contact me at 703-324-1314.

Sincerely,

William Mayland, AICP  
Deputy Zoning Administrator  
Department of Planning and Zoning, Ordinance Administration

1. Reston Association January 12, 2022 letter
2. INTOB 2021-00444

cc: Walter Alcorn, Supervisor, Hunter Mill District  
Zoning Permits Section  
Bill Roundtree [brountree1@hushmail.com](mailto:brountree1@hushmail.com)



PLANNING & DEVELOPMENT

**Department of Planning and Development**  
Zoning Administration Division  
12055 Government Center Parkway, Suite 807  
Fairfax, Virginia 22035-5507  
Phone 703-324-1314  
Fax 703-803-6372

[www.fairfaxcounty.gov/planning-development](http://www.fairfaxcounty.gov/planning-development)

January 25, 2022

William Mayland, AICP  
Deputy Zoning Administrator  
Department of Planning and Zoning  
Ordinance Administration  
Zoning Administration Division  
12055 Government Center Parkway, Suite 807  
Fairfax, Virginia 22035-5507

RE: Use Determination Regarding Barton Hill Road Tennis Courts (INTOAB 2021-00444)  
1901 Barton Hill Road  
Tax Map Ref: 27-1 ((5)) 3  
Zoning District: PRC

Dear Mr. Mayland:

I am responding to your January 14, 2022, letter to Larry Butler, Acting CEO, Reston Association (RA), rescinding a December 22, 2021, Use Determination that a PRC plan and site plan are required for Reston's proposed alterations to the referenced site. Your stated reason for the rescission was based on Mr. Butler's January 12, 2022, letter to you stating that he had not been made aware of the Use Determination request within 10 days of submission "pursuant to Par. H of Sect. 15.2-2204 of the Code of Virginia." He did acknowledge, however, that RA had received notification, but it was during the holiday season when many staff were not available. Mr. Butler also stated that RA was surprised to receive the Determination as it was not initiated by RA, the property owner and agent for any work that might be undertaken at the site. I want to emphasize that no formal Use Determination was made by me so Par. H is not applicable. My only request to the County was for information regarding permitting requirements and use conversion limitations.

I am an original property owner in the Barton Hill Road community and I am representing the approximately 150 owners of 47 single-family homes and more than 100 townhomes in two clusters. We are all within a half-mile of the tennis courts, with some property boundaries only about 200 feet away. Barton Hill Road is the only access into and out of our neighborhood. We are in general agreement with the proposed total reconstruction of the courts because of the significant land subsidence that has occurred since they were initially built apparently on landfill in 1978. RA has made several unsuccessful attempts to repair the courts in prior years, but have now decided that a complete rebuild is necessary, which will include a 12-inch rise in court

elevation. We want to ensure that all work complies with applicable Reston and Fairfax County permits and ordinances. We concur that electrical and lighting permits are necessary and also concur that construction and building permits are required.

Although our homeowners are in general acceptance of the proposed rebuild, we are in almost unanimous opposition to the proposed intrusive changes in use, specifically the conversion of two tennis courts to pickleball play and the installation of site illumination consisting of some 19 perimeter LED lights on 26-foot high poles. Similar to widespread resistance to the conversion of tennis courts to pickleball use in residential communities nationwide, we believe the proposed changes will significantly hinder the quiet use and enjoyment of our homes and adversely affect our property values. Additionally, the changes in use will heighten dangerous vehicular concerns due to increased traffic and light spill and glare on the adjacent Sunrise Valley Drive, a major thoroughfare at that location where cars routinely exceed the posted speed limits, and on our residential Barton Hill Road.

For the reasons discussed above, the property owners would like to be aware of the permitting required for the project and conversion limitations so that we can be involved in the processes where allowed. These were the stated reasons for my request for information to the County in mid-November. In a verbal conversation and email exchange with Brandon McCadden, Department of Planning and Development, he advised that the best way to obtain information regarding required permits and conversion limitations was to submit a request for information through the Planning Land Use System (PLUS). Although I indicated that the system was only for applicants which I was not, I was assured it was the best way to obtain information. At no time did I make a written order or determination request.

Your January 14 letter to Mr. Butler also indicated it served notice that an attached request had been received for a determination by the Fairfax County Zoning Administrator and that any decision or determination is subject to the appeal provisions contained in the cited sections of the Code of Virginia. We agree with the need for a determination because we consider RA's proposed site modifications and improvements to be changes in use; specifically a change to dedicated pickleball play and the installation of lighting to allow extended hours of play up to 11 p.m. on most days. Further, we believe that the increase in court elevation, the land settlement issue, the need for full-depth reclamation and a repurposed base-layer foundation, and the installation of light-pole supports necessitate the County use its exclusive authority to require a construction/building permit.

The zoning site plan for this location is labeled as "Barton Hill Road Tennis Courts" and even the schematic drawing is labeled as "tennis courts." The site plan also includes detailed measurements and dimensions of a "Standard (tennis) Court." Pickleball is not mentioned anywhere in the description or schematics. Indeed, pickleball is a different game than tennis with different rules, balls, lines, paddles vs racquets and even a different net height, and it has much more significant impact on its neighborhood surroundings.

The Fairfax County Park Authority's December 2021 final Pickleball Study even acknowledged that tennis and pickleball are different uses. For example (with my emphasis in bold), the Planning for Pickleball section begins with the statement: ***When an emerging or new use is***

*introduced into the park system, sites must be carefully planned to ensure the new activity's success, balance existing activities . . . minimize any negative impacts on surrounding communities.* In the Site Selection Criteria section, it further states for Tennis Use and Court Demand: *A key finding of this study is that the potential for conflict between sport courts exists when providing **shared-use courts or repurposing courts to sports for which they were not initially constructed, such as tennis or basketball.***

County zoning appears to require a Nonresidential Use Permit in several circumstance, including a change in use or when a use is enlarged in a manner that triggers an increase in the amount of required off-street parking spaces. The Barton Hill tennis courts only have 8 off-street spaces plus 1 accessibility reserved spot. This has historically been sufficient to accommodate players using the 4 existing tennis courts. The change of two courts to dedicated pickleball, which is generally played in doubles with 4 players at a time, would seem to increase the need for off-street parking spaces. Specifically, enough spaces should be provided to accommodate up to 8 tennis players on two courts, if playing doubles, and up to 8 pickleball players, plus another 8 or more waiting to play, plus additional guests and rooting sections due to the very social nature of pickleball. Further compounding the off-street parking inadequacy is that the queue for future play is only established through a physical presence so many players beyond those next in turn are likely to be waiting at the courts. While additional parking spaces might be available across the street at the soccer field, those spots are frequently full with additional overflow vehicles congesting on and further narrowing the residential Barton Hill Road, our only neighborhood access.

In his letter to you, Mr. Butler asserts: “To be clear, the use of the site is not changing as its current use is tennis and occasional pickleball.” We disagree with that assertion because “occasional pickleball” is not intended; instead, a more permanent conversion of two tennis courts to pickleball has already been approved by the RA Board, which also included the refurbishment and possible lights. It did not approve conversion of four courts to permit both tennis and pickleball. Even RA’s photometric document identifies only two courts for pickleball. Because two courts have already had pickleball lines added, we submit that a change in use has already been implemented without County approval. Mr. Butler also states that a community meeting will be held to explain and discuss the project. The meeting’s real purpose is not a discussion to obtain relevant homeowner input prior to a decision because the Board has already made a decision.

RA’s own design guidelines are specifically intended to enhance property values for residents and to ensure that the privacy and normal use of neighboring properties are primary considerations. The guidelines state that “sports facilities,” if new or substantially altered, should be located to minimize the impact of their presence and use on nearby residential properties. Other design guidelines specify that any change in use of property should “not detrimentally affect surrounding properties by its traffic volume and patterns, parking, access, noise, lighting and any other factors the Design Review Board deems relevant. To be sure, RA’s proposed changes in use will adversely affect our neighborhood in all these factors.

Pickleball, as opposed to tennis, is a raucous sport and is usually very social and noisy with participants and observers shouting, yelling and laughing. The sound of the plastic ball hitting a

wooden paddle has been described in many ways by irate homeowners in their residential communities nationwide after neighborhood tennis courts have been changed to pickleball. Some of these descriptions include: like gunshots, like a hammer hitting a two-by-four, as loud as a baseball being hit constantly out of the park, ping pong on steroids, and simply as “noise pollution.” A professional engineer and certified pickleball referee has explained that the pickleball impact sound has a higher pitch than the tennis sound and is thus much more annoying.

The paddle-impact sounds, along with the much increased frequency of hitting compared to tennis, and the boisterous sounds of players and observers very frequently aggregate to hazardous hearing levels, especially for homeowners subjected to them on a regular basis. Studies in communities nationwide have estimated that court-side noise levels can reach 80 – 90 decibels, more than 16-32 times the 40-decibel level of a quiet residential area and can create a human health risk. Even Fairfax County’s noise ordinance (29-15-108.1) declares that certain noise is a hazard and that citizens have a right to and should be ensured of an environment free from sound that jeopardizes the public health, welfare, peace and safety or degrades the quality of life. Many jurisdictions throughout the country have adopted restrictive regulations concerning pickleball courts that were previously not necessary with tennis-only play. In some instances, residents have reported a loss of property values and the need to move away because of the noise.

The lighting aspect of this change of use is also opposed by our residents and, fortunately, you have indicated that a Sports Illumination Plan will be required. We believe that the proposed luminaires, mounted on 26-foot high poles, will appear from a considerable distance as a very bright source against a dark sky background. Data has not been provided to quantify this light spill and disability glare and to determine whether such light trespass will be in harmony with our residential surroundings and in compliance with the Fairfax County Lighting Ordinance. Even more importantly, the disability glare on drivers and pedestrians could well be significant and pose an unacceptable safety hazard with the potential for causing automobile collisions and pedestrian injuries or deaths.

Mr. Butler states in this letter that RA will work with the local community, including neighbors, on the appropriate lighting programmatic hours. Such a statement is also seemingly disingenuous because our discussions with RA staff reveal their plans to permit lighting on the pickleball courts until 10 p.m. and on the tennis courts to 11 p.m. on most nights. This variance also serves as direct affirmation by RA that the two sports are different and constitute a change in use. The new dedicated pickleball play on two courts along with the new extended hours of play for both activities, especially on school evenings, will certainly be impactful to the parents and children occupying the nearby Harpers Square and Barton Hill Court townhouse clusters.

Further, we believe that RA’s lighting proposal is currently in violation of other provisions of the County Outdoor Lighting Ordinance and VDOT ordinances. For example, Zoning Ordinance Table 5109.1 specifies that a maximum illumination for tennis courts (recreational) is 40 footcandles, yet the Barton Hill Road metrics, based on what appears to be the LSI Industries model XARL, show a maximum level of 85 footcandles.

Finally, Mr. Butler suggests that future zoning descriptions should be very ambiguous, such as “recreation facility” to provide a greater degree of latitude in changing uses. This seems to be an attempt to provide unlimited flexibility and to circumvent change-in-use determinations. We disagree with providing broad and general descriptions because they would defeat the very purpose for the use designation in the first place. County citizens are entitled to know the specific uses approved, otherwise no changes of use could ever be challenged. In the event the RA application for a change of use is eventually permitted at our location even after appeal, the description should be labeled as “Barton Hill Road Two Pickleball Courts and Two Tennis Courts.”

In summary, while the homeowners I represent are accepting of the proposed site renovation, we still believe a construction/building permit is required due to the land subsidence, full-depth reclamation, elevation increase, and light-pole support issues. We are opposed to the change in use conversion of two tennis courts to dedicated pickleball play and the installation of extensive trespass light illumination and disability glare within our residential community. We intend to participate whenever and wherever possible during the entire permitting process to help ensure our input is considered. For the reasons discussed in this letter, we believe that a Use Determination by Fairfax County is required. We still need the County’s assistance in determining what additional permits are required and the degree of our participation allowed in each. I want to thank you for your assistance in helping us learn of any and all mandatory permits for this project. We are unclear what next steps will be necessary in this process given recent events and are seeking guidance from the County.

Sincerely yours,



Bill Rountree  
1963 Barton Hill Road  
Reston, Virginia 20191  
703 648-0276; [brountree1@hushmail.com](mailto:brountree1@hushmail.com)

cc: Leslie Johnson, Zoning Administrator  
Walter Alcorn, Hunter Mill District Supervisor  
Caron Anton, President, Reston Association  
Jennifer Jushchuk, Secretary, Reston Association  
Larry Butler, Acting CEO, Reston Association



# County of Fairfax, Virginia

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

**Via U.S. Mail and Email (larry@reston.org; john.mcbride@ofplaw.com)**

July 19, 2019

**REVISED LETTER**

Larry T. Butler  
Chief Operating Officer  
Reston Association  
12001 Sunrise Valley Drive  
Reston, VA 20191-4304

RE: Use Determination Regarding Reston Association Open Space  
Not addressed  
Subdivision Name: Reston Sec 32 Blk 9A  
Tax Map Ref: 26-1 ((7)) 9A  
Zoning District: PRC

Dear Mr. Butler:

This is in response to your letter of April 25, 2019 and our subsequent meeting on July 16, 2019 in which you provided additional information about the property in question. This letter supersedes our prior letter dated June 27, 2019 in response to your request for clarification. Your determination request relates to the types of uses that could be permitted on the subject property owned by the Reston Association and the process by which such uses could be allowed.

**BACKGROUND INFORMATION:** The subject property is the Hunters Woods Ball Field that includes natural open space, pathways and the parts of the Snakeden Branch. The property is adjacent to the Hunters Woods Village Center and was once used by as little league baseball field. A backstop remains and is the only improvement on the property. The little league association no longer uses this field due to the location of the parking. You are seeking a better understanding of what uses can be pursued on the property as there have been recent complaints from neighbors regarding loitering, drinking and littering. The Reston Association would like to find a use that would best serve the community and is engaging the Hunters Woods Neighborhood Coalition to determine the best use of the property.

**DETERMINATION:** The property is subject to Rezoning RZ A-936 and the Development Plan dated September 21, 1966. The applicable Development Plan designates the subject area as "Permanent Open Space." This area did not indicate that any structures or uses were proposed as part of that approved Development Plan. Open Space is defined by the Zoning Ordinance as follows:



**PLANNING & DEVELOPMENT**

**Department of Planning and Development**  
Zoning Administration Division  
12055 Government Center Parkway, Suite 807  
Fairfax, Virginia 22035-5507  
Phone 703-324-1314  
Fax 703-803-6372

[www.fairfaxcounty.gov/planning-development](http://www.fairfaxcounty.gov/planning-development)

**20-300 Definitions**

*OPEN SPACE: That area within the boundaries of a lot that is intended to provide light and air, and is designed for either scenic or recreational purposes. Open space shall, in general, be available for entry and use by the residents or occupants of the development, but may include a limited proportion of space so located and treated as to enhance the amenity of the development by providing landscaping features, screening for the benefit of the occupants or those in neighboring areas, or a general appearance of openness.*

*Open space may include, but need not be limited to lawns, decorative planting, walkways, active and passive recreation areas, children's playgrounds, fountains, swimming pools, undisturbed natural areas, agriculture, wooded areas, water bodies and those areas where landscaping and screening are required by the provisions of Article 13; provided, however, that the area required for interior parking lot landscaping shall not comprise more than twenty-five (25) percent of the total required open space. Open space shall not include driveways, parking lots, or other vehicular surfaces, any area occupied by a building, nor areas so located or so small as to have no substantial value for the purposes stated in this definition. Within a residential subdivision, open space shall be composed of only those areas not contained in individually owned lots. For the purpose of this Ordinance, open space shall include and be qualified as LANDSCAPED OPEN SPACE, COMMON OPEN SPACE, DEDICATED OPEN SPACE, and USABLE OPEN SPACE, all as defined herein.*

Under this definition, there are certain open space uses that do not require significant land disturbance activities and/or structures. The establishment of such uses could be permitted without first obtaining approval of a Development Plan Amendment or a PRC Plan, subject to a substantial conformance determination by the Zoning Evaluation Division (ZED). Any open space use that proposes significant land disturbance and/or structures may require both a Development Plan Amendment and PRC Plan, again, subject to a ZED determination of substantial conformance. Please note that uses not requiring a PRC plan are detailed in Sect. 16-203 of the Zoning Ordinance.

This determination is based upon the facts presented in your letter and the applicable Fairfax County Zoning Ordinance provisions in effect as of the date of this letter. If the facts as presented change or if the applicable provisions of the Zoning Ordinance change subsequent to the issuance of this determination, the determination may be subject to modification.

I trust that this letter adequately responds to your request. Should you have any additional questions, please feel free to contact me at 703-324-1314.

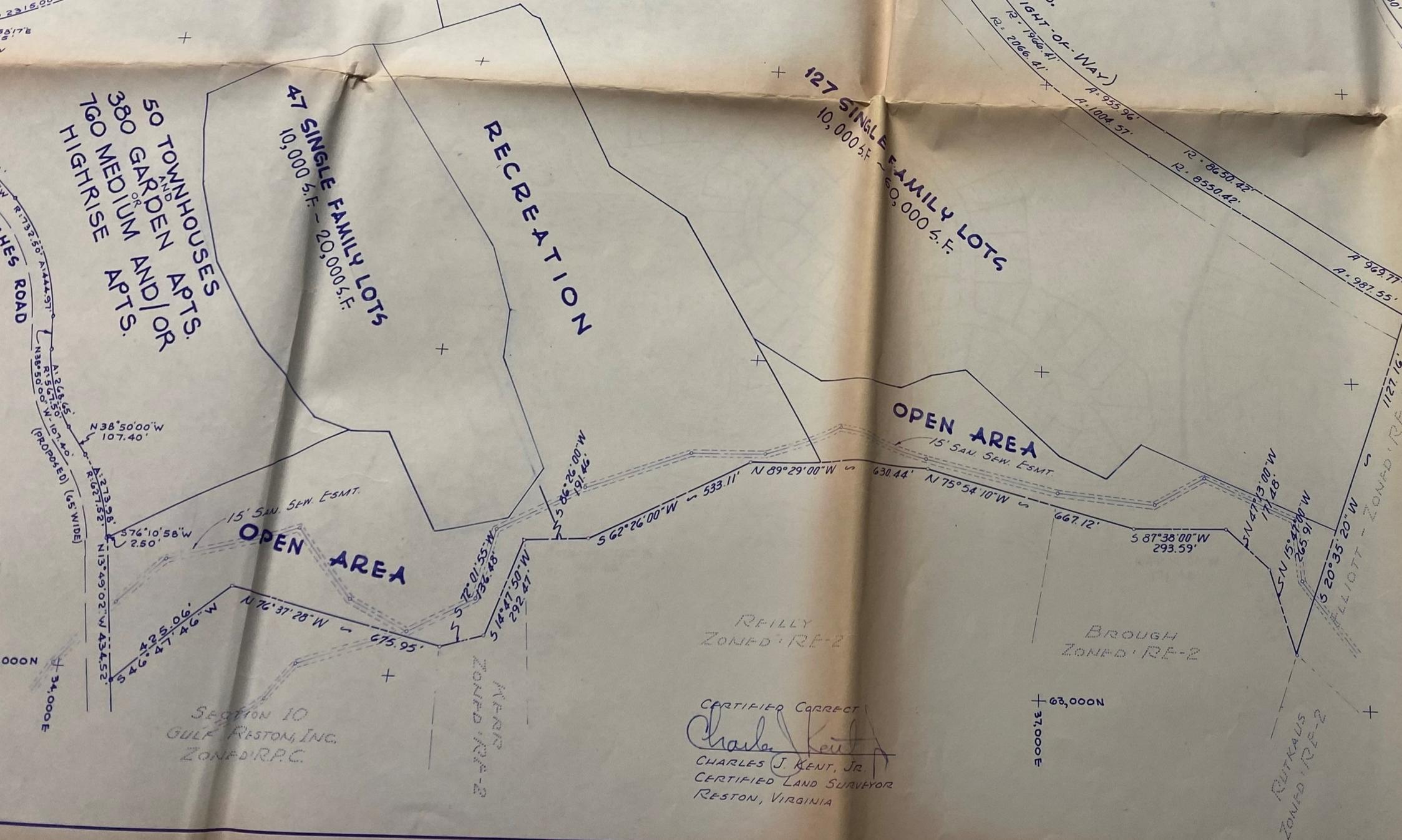
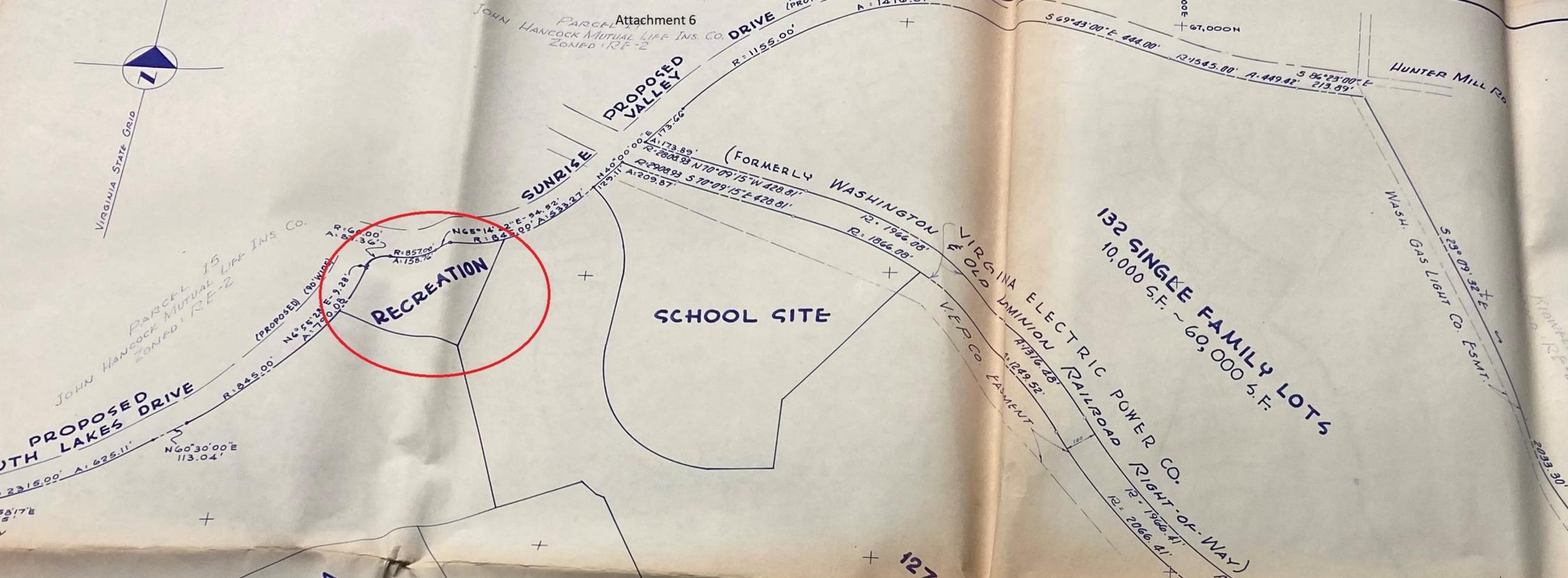
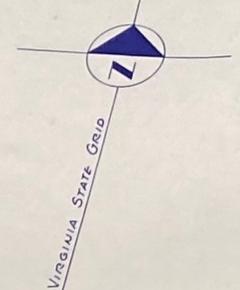
Mr. Butler  
June 19, 2019  
Page 3

Sincerely,

*Sara Morgan*

Sara Morgan  
Senior Planner

cc: Cathy Hudgins, Supervisor, Hunter Mill District  
Mavis Stanfield, Deputy Zoning Administrator for Zoning Permit Review Branch  
Suzanne Wright, Branch Chief for the Compliance Review and Acceptance Branch of  
the Zoning Evaluation Division  
Bill Mayland, Branch Chief for the RZ/SE Branch of the Zoning Evaluation Division



AMENDMENT TO DEVELOPMENT PLAN  
C-377  
REQUESTED BY FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
SEPTEMBER 10, 1973.  
DEVELOPMENT PLAN  
LOCATION & TYPES OF LAND USES  
18<sup>th</sup> ADDITION TO THE FIRST R.P.C.  
SOUTHERN SECTOR  
**RESTON**  
CENTREVILLE DISTRICT  
FAIRFAX COUNTY VIRGINIA  
SCALE: - 1" = 100' SEPT. 29, 1971  
PREPARED BY  
GULF RESTON INC., ENGINEERING DIVISION  
RESTON, VIRGINIA

RECORDING C-377  
COMPLETED DATE 10 1985  
FOR RDC. LOW DENSITY  
50 TH UNITS 47 DENSITY

SECTION 24-A DENSITY TABULATIONS

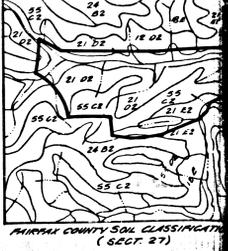
PARCEL	ACRES	DENSITY	TYPE USE	UNITS PROP.	PERSONS PROP.	PERSONS PER ACRE
BLK 1	30.68	LOW	SINGLE FAMILY	47	168	-
BLK 2	15.53	"	"	-	-	-
BLK 3	10.53	LOW	TOWNHOUSES	50	150	-
BLK 4	8.07	"	"	-	-	-
BLK 5	5.50	"	"	-	-	-
TOTAL	59.31	-	-	97	318	5.9

TOTAL DENSITY TABULATIONS

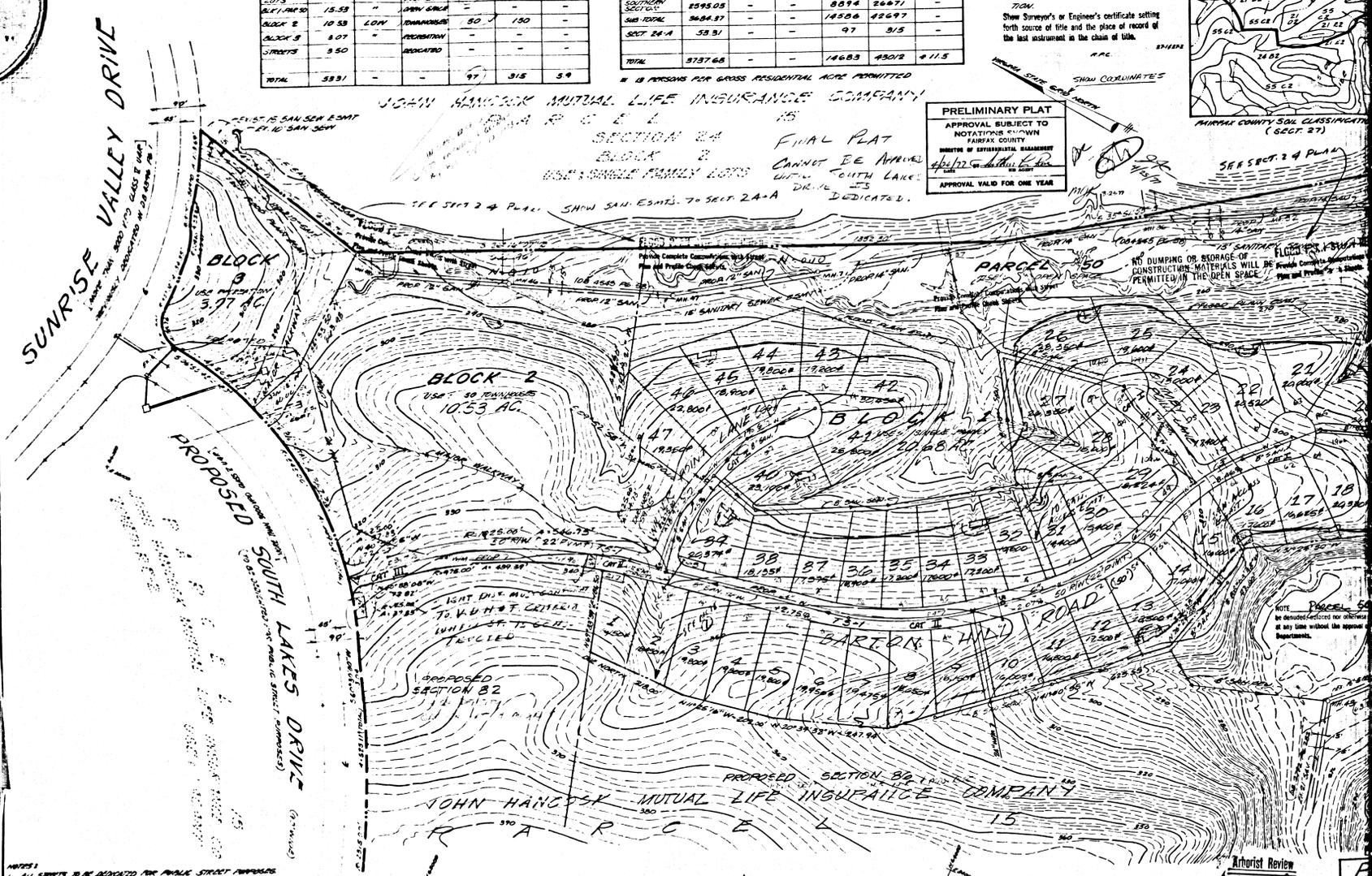
INDIVIDUALLY SUBMITTED	ACRES	DENSITY	TYPE USE	UNITS	PERSONS	PERSONS PER ACRE
SOUTHERN SECTION	1089.32	-	-	5448	16026	-
SUB-TOTAL	2893.08	-	-	14464	42671	-
SECT 24-A	59.31	-	-	97	318	-
TOTAL	2952.39	-	-	14561	42989	14.5

14.5 PERSONS PER GROSS RESIDENTIAL ACRE PERMITTED

NOTE: EROSION CONTROL DEVICES AND PRACTICES, AS WELL AS CLEANING AND GARDENING LIMITS WILL BE CLEARLY INDICATED ON U.S.G.S. MAPS. SUBDIVISION PLANS TO BE SUBMITTED FOR APPROVAL PRIOR TO CONSTRUCTION.  
Show Surveyor's or Engineer's certificate setting forth source of title and the place of record of the last instrument in the chain of title.



PRELIMINARY PLAT  
APPROVAL SUBJECT TO NOTATION BY THE PLANNING BOARD OF THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY  
APPROVAL VALID FOR ONE YEAR



- 1. ALL STREETS TO BE DEDICATED FOR PUBLIC STREET PURPOSES.
- 2. SHOW IMPROVEMENTS OR RETENTION FACILITIES WILL BE PROVIDED PRIOR TO FLOORING AND FINISHING AT SPECIFIC LOCATIONS TO BE SHOWN ON CONSTRUCTION PLANS.
- 3. AIR QUALITY PERMIT NOT REQUIRED FOR STATE AIR POLLUTION CONTROL BOARD REGULATIONS - ACR 11, SECTION 2.706 (B) (2) (C).
- 4. VOLUNTARY CONSERVATION - ACQUISITELY REUSE WOODLAND WITH WARDENHOUSES AND TRAILS.
- 5. SOLID WASTE DISPOSAL - PROPERLY PICK-UP BY PRIVATE FIRM - GALVIN REUSE CO., OF RESTON.

OWNER AND DEVELOPER:  
GULF RESTON, INC. RESTON, VIRGINIA  
2' CONTOUR INTERVAL (U.S.G.S. DATUM)  
INDICATES TRAFFIC VOLUME (V.P.D.)



CERTIFIED CORRECT  
ROBERT M. MACINTOSH  
CERTIFIED LAND SURVEYOR  
RESTON, VIRGINIA

P-1986-24A

Fairfax County Park Authority

**M E M O R A N D U M**

To: **DR. Hendrichsen**  
 Chief, Precinct Engineering Branch - DEK      Date: March 28, 1977

From: **Larry Gordon**  
 Assistant Superintendent, Land Acquisition

Subject: **Reston, Sec. 24A, P-1986-24A  
 27-1**

The FCPA staff has reviewed the subject Preliminary Plat and, in keeping with previous Park Authority comments, has made the following recommendations:

- Insufficient information on the entire development has been submitted to allow for adequate review from a parks and recreation standpoint. The development should not interfere with the plans, policies and/or holdings of the Park Authority.

CC: Ed Byrne

LG/sk

  
*Posted 3/30/77 C.H.*

FAIRFAX COUNTY, VIRGINIA

Mar 14 77

**MEMORANDUM**

To: **Staff, Stream Valley Review Board**  
 C/o M. M. Smith  
 Plan Review Branch      Date: March 16, 1977

From: **Preliminary Engineering Branch**  
*Blendickson*

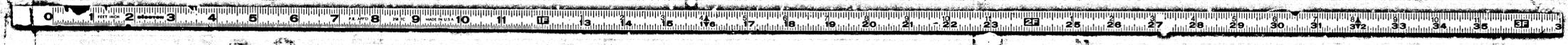
Subject: **Reston, Section 24-A  
 P-1986-24-A**

Enclosed herewith is one (1) copy of the subject Preliminary Plat which may be located on tax Map No. 27-1. This plat is submitted for review by the Stream Valley Review Board.

Please return to this office, no later than April 15, 1977, the enclosed plat with appropriate comments of the Stream Valley Review Board. In accordance with Chapter 23 (Subdivision Code), Section 23-4, failure to respond on or before such date shall be considered by the Director of Environmental Management, to represent that agency's approval of the subject subdivision.

RMH:jcs  
 Enclosure (1)

  
 April 15 1977  
 Stream Valley Board Action:  
 None - Time expired  
*DWS*



**SECTION 24-A DENSITY TABULATIONS**

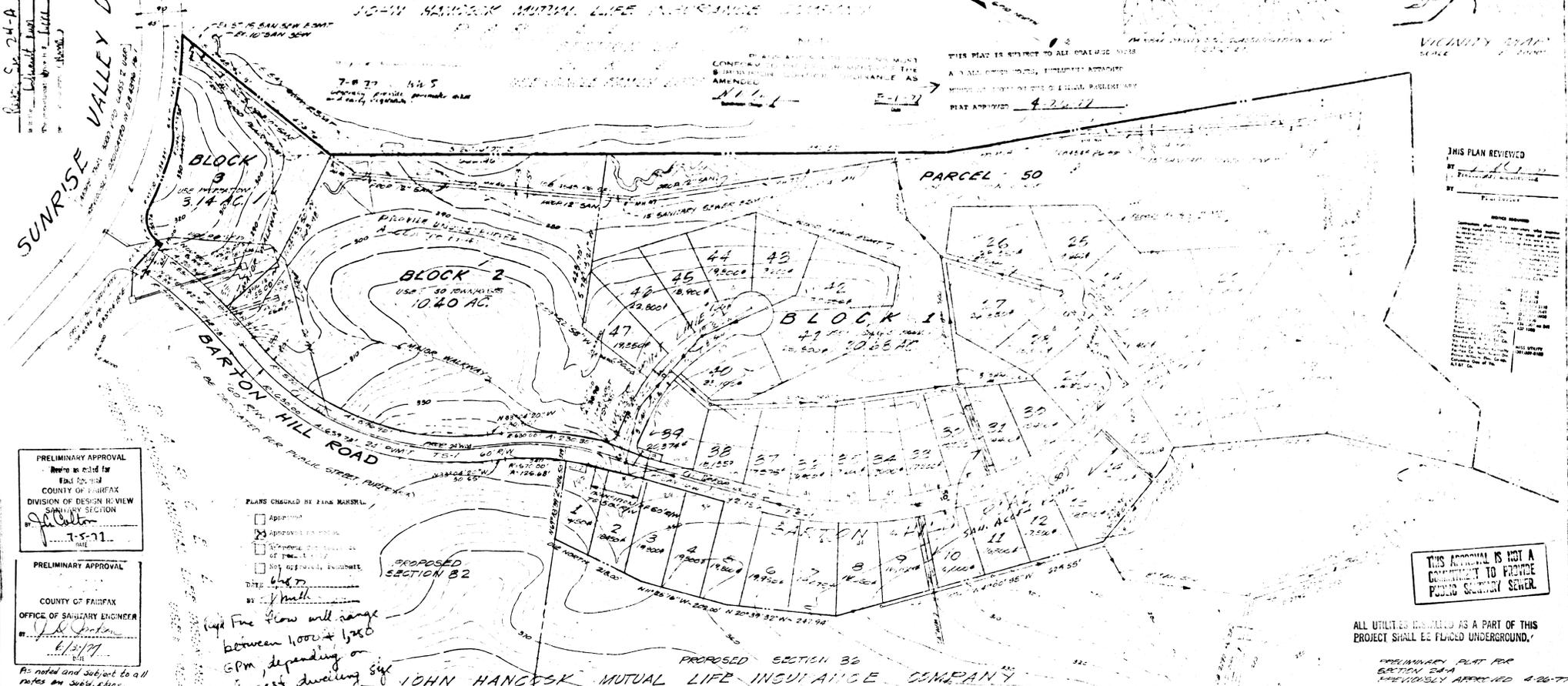
PARCEL	ACRES	DENSITY	PLANNED USE	WHITE PROP.	APPROX. POP.	APPROX. UNITS PER ACR.
1	20.48	LOW	RESIDENTIAL	87	768	-
2	15.53	LOW	RESIDENTIAL	75	668	-
3	10.40	LOW	RESIDENTIAL	60	536	-
4	8.4	LOW	RESIDENTIAL	75	668	-
5	2.31	RESIDENTIAL	RESIDENTIAL	-	-	-
TOTAL	57.12	-	-	97	858	50

**TOTAL DENSITY TABULATIONS**

APPROXIMATELY SUBMITTED	ACRES	DENSITY	PLANNED USE	WHITE PROP.	APPROX. POP.	APPROX. UNITS PER ACR.
1089.92	-	-	-	3072	2672	-
2095.05	-	-	-	8674	7607	-
3084.87	-	-	-	11746	10279	-
SECTION 24-A	14.1	-	-	7	615	-
TOTAL	57.12	-	-	11746	10279	50

# IS PERSONS PER WHITE RESIDENTIAL A.C. PER ACR.

Section 24-A  
 Sunrise Valley Drive  
 JUL 6 1977



PRINTS RECEIVED - STREAM VALLEY ROAD  
 No: P-1986-24A-A  
 Name: RESTON - Sec 24.4 (Revised)  
 Map Identification: 27-1, 27.2  
 Date Received: June 27, 1977  
 Active Due Date: July 27, 1977  
 BOARD ACTION: None  
 NATIONALS: Time expired  
 Date: 7-27-77

PRELIMINARY APPROVAL  
 Name as added for  
 PLAN 20-118  
 COUNTY OF FAIRFAX  
 DIVISION OF DESIGN REVIEW  
 SANITARY SECTION  
 DATE: 7-5-77

PRELIMINARY APPROVAL  
 COUNTY OF FAIRFAX  
 OFFICE OF SANITARY ENGINEER  
 DATE: 6/13/77

As noted and subject to all notes on these plans.

- PLANS CHECKED BY ERIC MARSHALL:
- Approval
  - Approval for title
  - Approval for zoning
  - Approval for subdivision
  - Not approved, comment:
- DATE: 6/27  
BY: [Signature]

High Flow will range  
 between 1000 to 1350  
 GPM depending on  
 largest dwelling size  
 Submit to F.C.W.A.

OWNER AND DEVELOPER:  
 GULF RESTON, INC. RESTON, VIRGINIA

THE INSTRUMENT WAS RECORDED  
 AUG 8 1977  
 BY ADMINISTRATIVE SERVICES DIVISION  
 COUNTY OF FAIRFAX  
 ENVIRONMENTAL MANAGEMENT

NOTES: FINAL PLATS FOR THIS SECTION MUST  
 BE SUBMITTED TO THE COUNTY ENGINEER  
 WITHIN 180 DAYS OF THE DATE OF THIS  
 PRELIMINARY PLAT.

Show limits of Clearing  
 and Existing Tree Lines  
 CERTIFIED CORRECT  
 [Signature]  
 REGISTERED PROFESSIONAL SURVEYOR  
 RESTON, VIRGINIA

PRELIMINARY PLAT  
 APPROVAL SUBJECT TO  
 NOTATIONS SHOWN  
 FAIRFAX COUNTY  
 DIVISION OF ENVIRONMENTAL MANAGEMENT  
 DATE: 6/27/77  
 APPROVAL VALID FOR ONE YEAR

COUNTY OF FAIRFAX  
 DIVISION OF ENVIRONMENTAL MANAGEMENT  
 DATE: 6/27/77

REVISED  
 PRELIMINARY PLAT  
 SECTION 24-A

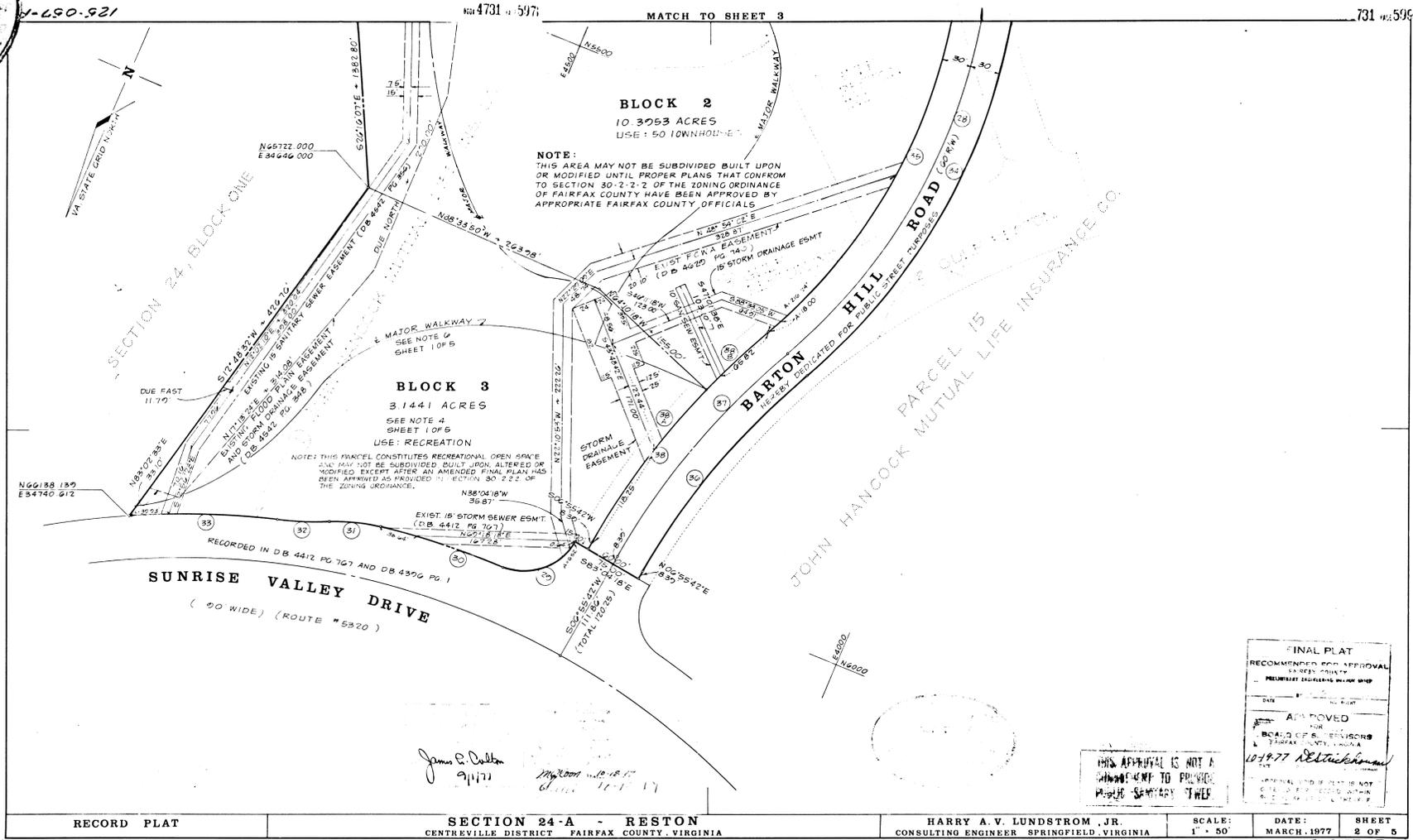
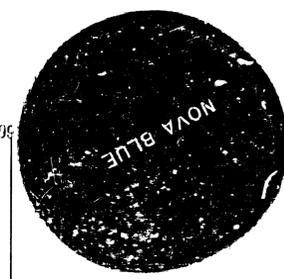
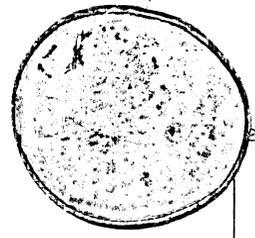
FAIRFAX COUNTY  
 RECEIVED  
 JUN 27 1977  
 DIVISION OF ENVIRONMENTAL MANAGEMENT  
 RESTON, VIRGINIA  
 DESIGN REVIEW COPY

**P-1986-24A-A**









**FINAL PLAT**  
RECOMMENDED FOR APPROVAL  
FAIRFAX COUNTY  
PLANNING DEPARTMENT

DATE: \_\_\_\_\_

**APPROVED**  
FOR THE  
BOARD OF SUPERVISORS  
FAIRFAX COUNTY, VIRGINIA

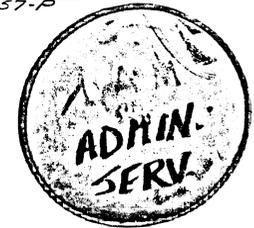
10-1977 *[Signature]*

ORIGINAL COPY OF PLAT IS NOT  
RETURNED TO APPLICANT  
UNLESS OTHERWISE NOTED

THIS APPROVAL IS NOT A  
WARRANTY TO PROVIDE  
PUBLIC SAFETY TOWERS

*James R. Collier*  
9/1/77

*My door is 10' 8" 1/2*  
done 10/1/77

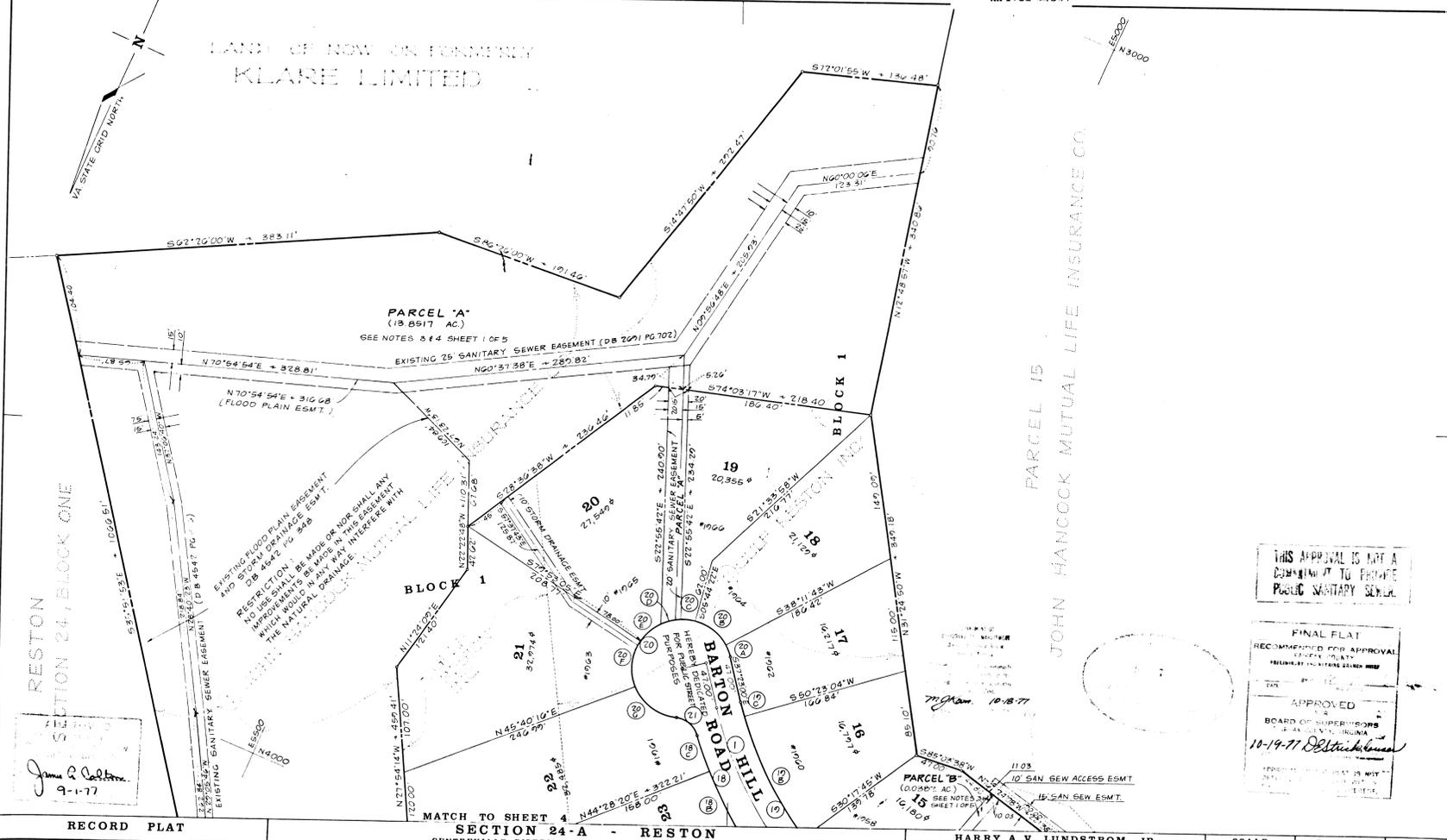






4731 606 521

4731 607



RESTON SECTION 24, BLOCK ONE

PARCEL 15 JOHN HANCOCK MUTUAL LIFE INSURANCE CO.

James R. Carlson  
9-1-77

THIS APPROVAL IS NOT A  
COMPLIANT TO PROVIDE  
PUBLIC SANITARY SERVICE.

FINAL PLAT  
RECOMMENDED FOR APPROVAL  
LOCAL PLAT  
FURNISHED BY THE ENGINEER

APPROVED  
BOARD OF SUPERVISORS  
FAIRFAX COUNTY, VIRGINIA  
10-19-77 *[Signature]*

RECORD PLAT

MATCH TO SHEET 4  
SECTION 24-A - RESTON  
CENTREVILLE DISTRICT FAIRFAX COUNTY, VIRGINIA

HARRY A. V. LUNDSTROM, JR.  
CONSULTING ENGINEER SPRINGFIELD, VIRGINIA

SCALE: 1" = 50'  
DATE: MARCH 1977  
SHEET 5 OF 5

125-060-P



S-060-921

NOTES/PROFFERS/CONDITIONS:

- THE DESIGN, CONSTRUCTION, FIELD PRACTICES, AND METHODS SHALL CONFORM TO THE REQUIREMENTS SET FORTH IN THE FAIRFAX COUNTY CODE AS AMENDED AND IN THE PUBLIC UTILITIES MANUAL AS ADOPTED MAY 31, 1976, AND AMENDED. FAILURE TO COMPLY WITH THE FAIRFAX COUNTY CODE, THE PUBLIC UTILITIES MANUAL, THE APPROVED PLANS, THE PROVISIONS OF THE CONSTRUCTION AND EGRESS AGREEMENTS OR THE PERMIT SHALL BE DEEMED A VIOLATION. THIS PLAN IS SUBJECT TO FUTURE REVISIONS OF THE FAIRFAX COUNTY CODE.
- THE APPROVAL OF THESE PLANS SHALL IN NO WAY RELIEVE THE DEVELOPER OR HIS AGENT OF ANY LEGAL RESPONSIBILITY WHICH MAY BE REQUIRED BY THE CODE OF VIRGINIA OR ANY ORDINANCE ENACTED BY THE COUNTY OF FAIRFAX.
- WATER DISTRIBUTION NOTES: SEE NOTES BELOW
- SURFACED STREET SHALL BE MAINTAINED IN CLEAN CONDITION, MUD, SNOW AND DUST FREE AT ALL TIMES, AND ADEQUATE MEANS SHALL BE PROVIDED TO CLEAN TRUCKS AND OTHER EQUIPMENT USING THE COMPLETED STREETS.
- THESE PLANS AND SPECIFICATIONS ARE BASED ON THE MINIMUM REQUIREMENTS FOR ZONING. THIS PLAN CONTAINS 0.1451 ACRES AND 0 DWELLING UNITS.
- CONTRACTORS SHALL NOTIFY OPERATORS WHO MAINTAIN UNDERGROUND UTILITY LINES IN THE AREA OF PROPOSED EXCAVATION OR BLASTING AT LEAST TWO WORKING DAYS, BUT NOT MORE THAN TEN WORKING DAYS PRIOR TO COMMENCEMENT OF EXCAVATION OR DEMOLITION IN ACCORDANCE WITH SECTION 63-2.2 OF THE FAIRFAX COUNTY CODE. NAMES AND TELEPHONE NUMBERS SHALL ALSO BE USED TO SERVE IN AN EMERGENCY CONDITION AS REQUIRED BY SECTION 63-2.2 OF THE CODE.

CONTACT "MBS UTILITY" AT 301-869-0100 FOR THE UTILITIES:

VA. ELEC. & POWER CO.	COLONIAL PIPE CO.	A. T. & T. CO.
FAIRFAX CO. WATER AUTHORITY	COLUMBIA GAS TRANSMISSION CO.	WASHINGTON AS LIGHT CO.
FAIRFAX CO. SAN. SEWER DIV.	PRINCE WILLIAM ELEC. CO-OP	TRANSCO GAS PIPELINE CO.
PLANTATION PIPELINE CO.	COLUMBIA GAS OF VA.	CHESAPEAKE & POT. TEL. CO.
CONTINENTAL TELEPHONE OF VA.		

**EMERGENCY DIAL 911 POLICE-FIRE-RESCUE**

- THE DEVELOPER IS REQUIRED TO NOTIFY THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, DIVISION OF DESIGN REVIEW, PUBLIC UTILITIES INSPECTIONS BRANCH, IN WRITING, THREE (3) DAYS PRIOR TO THE BEGINNING OF CONSTRUCTION.
- A PERMIT MUST BE OBTAINED FROM THE OFFICE OF THE RESIDENT ENGINEER, VIRGINIA DEPARTMENT OF HIGHWAYS AND TRANSPORTATION, FAIRFAX, VIRGINIA BEFORE ANY CONSTRUCTION IS STARTED ON ANY EXISTING STATE ROUTE. SEE PERMIT #.

FGWA NOTES

- ALL WATER MAIN CONSTRUCTION SHALL COMPLY WITH THE REQUIREMENTS OF THE STANDARD SPECIFICATIONS AND PLANS OF FGWA AND WITH THE REQUIREMENTS OF THE FAIRFAX COUNTY PUBLIC UTILITIES MANUAL.
- NO WATER MAIN VALVES ARE TO BE CLOSED PRIOR TO NOTIFICATION OF FGWA. PHONE 698-5600.
- THE DEVELOPERS SHALL REQUEST INSPECTION BY THE PUBLIC WATER SUPPLY AGENCY 3 DAYS PRIOR TO COMMENCING CONSTRUCTION OF ANY WATER MAINS.
- WORKING PRESSURE SHALL BE P.S.I.

PROFFERS

**Gulf Reston, Inc.**  
1180 ISAAC NEWTON SQ., RESTON, VA 22090

PROFFER FOR CASE 77-C-076

- The Reston Avenue entrance to the Town Center parcel under consideration shall be temporary in nature. At a point in time when the adjacent property to the north is developed and alternate access from Reston Avenue to the parcel under consideration is available, the owner of the parcel under consideration will remove the temporary entrance and will do work on his site necessary to provide a permanent vehicular connection to the adjacent property to the north. The work of removing the temporary entrance by the owner of the parcel under consideration will include regrading, landscaping and connecting the major walkway so that the frontage along Reston Avenue will have a continuity in appearance.
- Upon successful rezoning, site planning and development of the adjacent property to the north, an appropriate ingress and egress easement will be created to assure adequate accessibility to Reston Avenue for the parcel under consideration.

*Richard P. Bonar*  
Richard P. Bonar  
Applicant

*Edward Nachazel*  
Edward Nachazel  
Contract Purchaser

January 26, 1978

CURRENT/SUBSEQUENT INFORMATION REQUIRED PRIOR TO PLAN APPROVAL

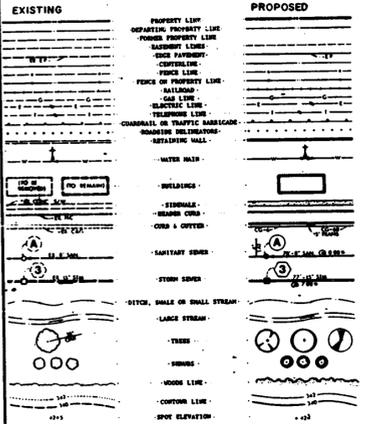
INFORMATION	REQUIRED	NOT REQUIRED	ID NUMBER	COMMENTS
1. SPECIAL USE PERMIT:				
2. SPECIAL EXCEPTION:				
3. BZA VARIANCE:				
4. SCREENING/BARRIER MODIFICATION:				
5. STORM WATER DETENTION WAIVER:				
6. SITE PLAN WAIVER:				
7. SUBDIVISION WAIVER:				
8. 10 DAY WAIVER:				
9. BQS APPROVAL:				
10. PLANNING COMMISSION APPROVAL:				
11. PROPERTY OWNER NOTIFICATIONS:				
12. FLOOD PLAIN STUDY:				
13. DRAINAGE STUDY:				
14. SOILS REPORT:				
15. OFF SITE EASEMENTS:				
16. ON SITE EASEMENTS:				
17. LETTERS OF PERMISSION:				
18. ROUGH GRADING PLAN:				
19. REZONING CASE:				
20. PROFFERS/CONDITIONS:				
21. DEVELOPMENT PLAN:				

FEE SCHEDULE

ITEM	QUANTITY	UNIT	FEE PER UNIT FOR SURDS.	FEE PER UNIT FOR SITE PLANS	FEE
LN. FEET OF STREET		LN. FT.	.50	.25	
BITUMINOUS SURFACE	400	SO. YD.	.25	.25	100.00
SANITARY SEWER		LN. FT.	1.15	1.15	
SCREENING		LN. FT.	.45	.45	
SIDEWALK		LN. FT.	.45	.45	
HEADER CURB		LN. FT.	.45	.45	
CURB & GUTTER		LN. FT.	2.15	2.15	
STORM DRAINAGE		LN. FT.	.45	.45	
MISCELLANEOUS	5.1	PER ACRE	390.00		2009.00
OVERLOT GRADING	1.50	ACLOT	71.00	71.00	106.50

ESTIMATED FEE-TOTAL \$1415.50  
INITIAL FEE PAYMENT (50% OF ESTIMATED FEE) RECEIPT #0307240239645 DATE 7/6/83 710.00  
BALANCE OF FEE: COMPUTED BY COUNTY RECEIPT # DATE 705.50

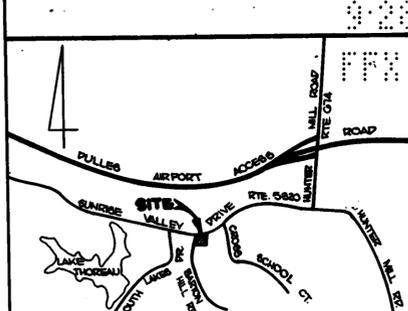
LEGEND



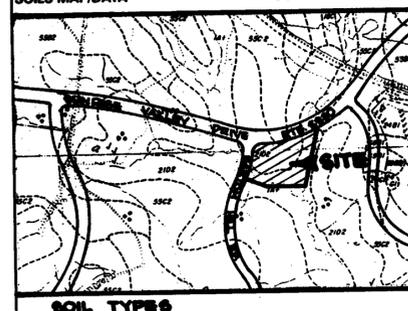
LIST OF DRAWINGS

- COVER SHEET
- SITE PLAN
- MISC. PROFILES & DETAILS
- SETBACK/EROSION PLAN

VICINITY MAP SCALE 1" = 2,000'



SOILS MAP/DATA SCALE 1" = 500'



**SOIL TYPES**  
1A\* MIXED ALLUVIAL LAND, 0-2% SLOPE, SOIL ACCUMULATION  
2B2\* MANOR SILT LOAM, HILLY PHASE, MODERATE EROSION

TAX MAP REFERENCE NUMBER(S) CENTREVILLE

MAGISTERIAL DISTRICT	PARCEL
0271105	PARCEL 5

SANITARY TREATMENT PLANT	SALE PLANS
Watershed	Service District
DIFFICULT RUN	CENTREVILLE

DISTRIBUTION NOTES

TO PERMIT ADEQUATE DISTRIBUTION OF THE FINAL SUBMISSION OF THIS PLAN COPIES WILL BE NEEDED AS FOLLOWS:  
DESIGN REVIEW  
SANTARY SEWER  
WATER SUPPLY AGENCY  
HEALTH DEPT.  
OTHER:

THIS PLAN REVIEWED BY *JM* Site Review  
BY Special Projects  
BY Plan Control

THIS PLAN  HAS,  HAS NOT BEEN APPROVED FOR MODIFIED PROCESSING.

PRO RATA SHARE ASSESSMENT ANALYSIS RESTON - SECT 24A, BLK 9 BARTON HILL ROAD TENNIS COURTS

Site Location is within the **DIFFICULT RUN** drainage shed(s) for increased storm water runoff.  
Pro Rata Share Assessment(s) are:  Required  Not Required  
Peak Runoff Assessment Rate (1) per c.f.a. increase: (10 year, 2 hour storm)  
Volume Runoff Assessment Rate (1) per Ac. Ft. increase: (2 year, 2 hour storm)

APPLICABLE PRO RATA SHARE ASSESSMENT IS COMPUTED FROM SPECIFIC ON-SITE DRAINAGE CHARACTERISTICS OF THE DEVELOPED SITE.  
Peak Runoff Assessment Amount \$ (Rate x c.f.a. increase) (10 year, 2 hour storm)  
Volume Runoff Assessment Amount \$ (Rate x Ac. Ft. increase) (2 year, 2 hour storm)  
Total Assessment Amount \$  
Date: 10-5-83

AGREEMENTS, PERMITS ETC.

DATE	DESCRIPTION
10-18-83	Sanitary Sewer Agreement
10-28-83	Conservation Easement Agreement Received
10-29-83	Agreement and Bond Approved
10-29-83	Agreement Expires
10-28-83	Balance of Fee Paid

RECOMMENDED FOR APPROVAL  
F.O.W.A. N/A  
PUBLIC WATER SUPPLY AGENCY  
DATE 9/15/83 BY *W.A. Gorman*

DIVISION OF DESIGN REVIEW  
DATE 10-18-83 APPROVED BY *W.A. Gorman*  
DATE 10-18-83 LAND CONSERVATION BY *W.A. Gorman*  
DATE 10-18-83 LIQUID WASTE DISPOSAL BY *W.A. Gorman*  
DATE 10-18-83 PLAN REVIEWER - SITE REVIEW BR. BY *W.A. Gorman*  
DATE 10-18-83 SPECIAL PROJECTS PLAN REVIEWER BY *W.A. Gorman*  
DATE 10-18-83 SITE REVIEW BRANCH CHIEF BY *W.A. Gorman*

APPROVED  
DIRECTOR OF ENVIRONMENTAL MANAGEMENT  
FAIRFAX COUNTY, VIRGINIA  
DATE 11/3/83 BY *John J. Chilton*

THIS APPROVAL IS NOT A COMMITMENT TO PROVIDE PUBLIC SANITARY SEWER

CERTIFIED ARCHITECT OR ENGINEER OR SURVEYOR **WILLIAM H. GORPON ASSOCIATES, INC. 600-6900**  
NAME PHONE  
1) A CORPORATION 1) A PARTNERSHIP  
2) OWNER 2) AN INDIVIDUAL  
3) TRUSTEE **RESTON HOME OWNERS ASSOC. 497-9900**  
NAME PHONE  
1880 ISAAC NEWTON SQ., RESTON, VA. 22090  
ADDRESS AND ZIP CODE  
DEVELOPER **RESTON LAND CORPORATION 480-4670**  
OWNER NAME PHONE  
1) LEASE 1) AN INDIVIDUAL  
11000 GUNRISE VALLEY DR., RESTON, VA. 22091  
ADDRESS AND ZIP CODE

DESIGN ARCHITECT/ENGINEER/SURVEYOR  
**William H. Gorpon Associates, Inc.**  
Consulting Engineers  
11495 Commerce Park Drive, Suite 300  
Reston, VA 22091  
703-648-9800  
**ANNIE B. GORPON**  
PROJECT COORDINATOR

RESTON - SECTION 24A, BLOCK 9  
BARTON HILL ROAD TENNIS COURTS  
PROJECT NAME  
COUNTY NUMBER  
SHEET 1 OF 4  
REVISED 1/27/83

3968-SP-01-2 JM 125-098-5 60-37A-6P SEP 7 1983  
DESIGN REVIEW COPY DESIGN REVIEW COPY



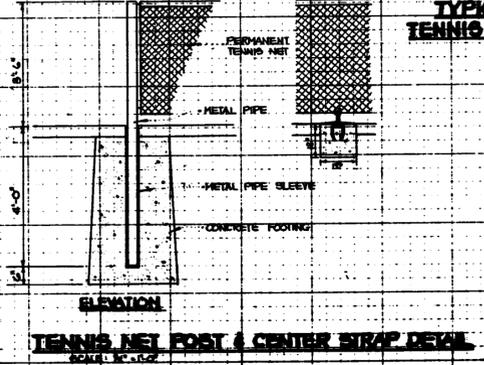
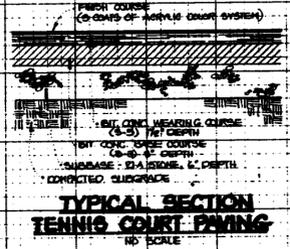
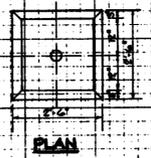
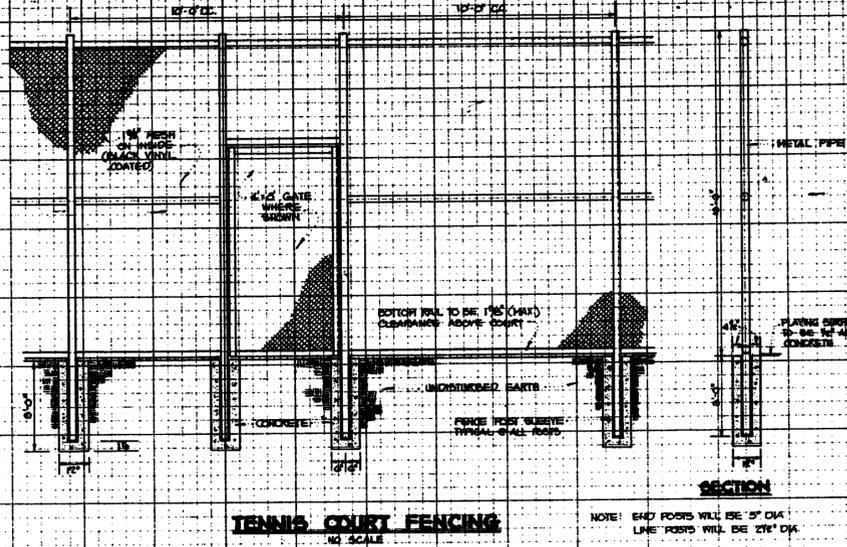
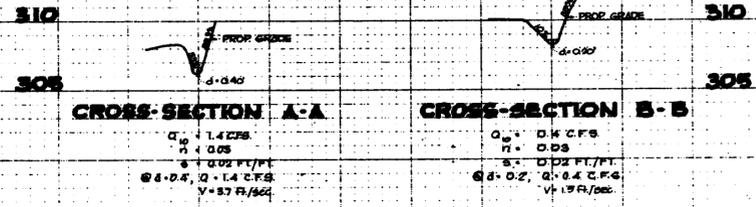
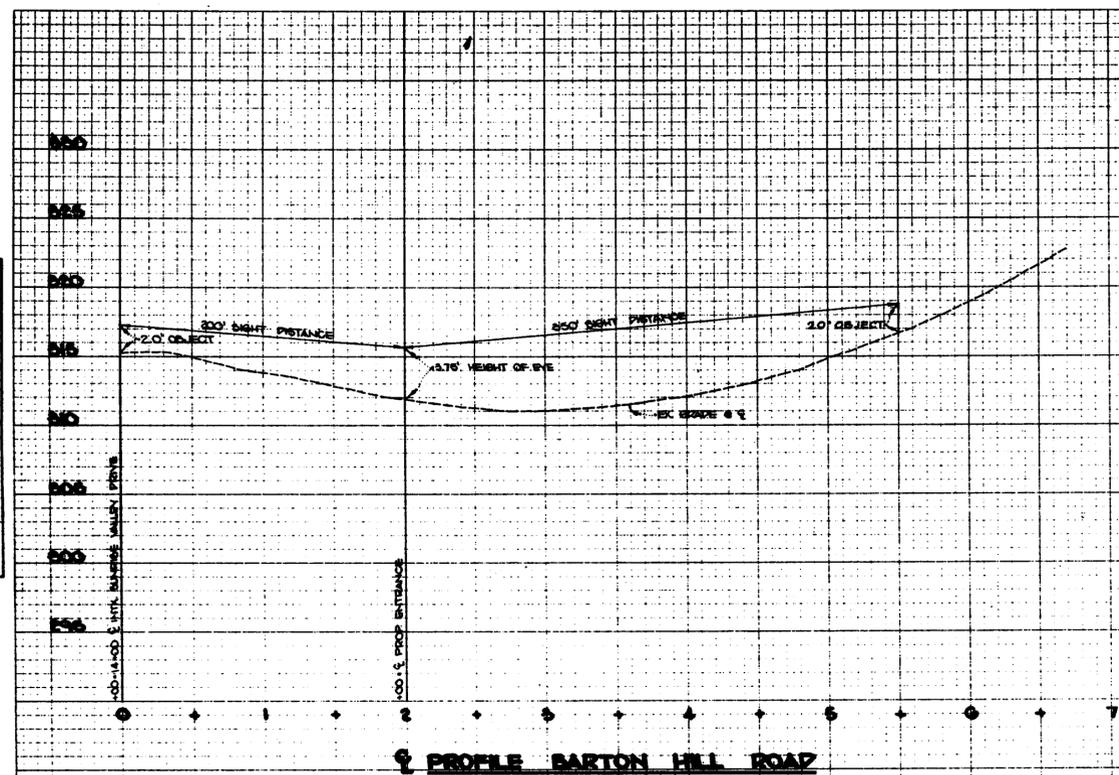
5-001-821

REC'D

6-20-85

DATE: \_\_\_\_\_  
 BY: \_\_\_\_\_  
 CHECKED: \_\_\_\_\_  
 APPROVED: \_\_\_\_\_  
 TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_  
 BY: \_\_\_\_\_  
 CHECKED: \_\_\_\_\_  
 APPROVED: \_\_\_\_\_  
 TITLE: \_\_\_\_\_



THIS DOCUMENT WAS MICROFILMED  
 NOV 21 1985  
 BY COMMUNICATIONS DIVISION  
 MICROGRAPHICS CENTER

REVISION APPROVED BY  
 DIVISION OF DESIGN REVIEW  
 SEP 15 1985



**MISCELLANEOUS PROFILES & DETAILS**  
 SECTION 2A, BLOCK 8  
**RESTON**  
 (BARTON HILL ROAD TENNIS COURTS)  
 CENTREVILLE DISTRICT  
 FAIRFAX COUNTY, VIRGINIA

Scale: Horiz 1" = 50'  
 Vert 1" = 5'

Date: JUNE 25, 1985

William H. Gordon Associates, Inc.  
 Consulting Engineers  
 11495 Commerce Park Drive, Suite 300  
 Reston, Virginia 22091  
 SEP 1983

PLATE 3-FULL CROSS SECTION FULL LINE  
 W-1000

60-37A-0P

25-100-9

00035



## 5109. Outdoor Lighting

The purpose of this section is to establish outdoor lighting standards to reduce the impacts of glare, light trespass, and light pollution; promote safety and security; and encourage energy conservation.

....

### 4. Lighting Standards for Certain Uses

- A.** Vehicle Fueling Stations and [Vehicle Sales, Rental, and Service](#) establishments are subject to the following:
- (1)** The following must not exceed a maintained lighting level of 30 footcandles as measured horizontally at grade. However, a higher or lower maintained lighting level, not to exceed 50 footcandles, may be specifically approved by the Board in conjunction with the approval of a special exception, development plan, or proffered rezoning:
    - (a)** Vehicle fueling station canopy lighting; and
    - (b)** Outdoor display area lighting used in conjunction with a vehicle sales, rental, and service establishment.
  - (2)** All underside canopy lighting must consist of full cut-off fixtures.
  - (3)** For the purposes of this section, outdoor display areas include all display and storage areas for vehicles offered for sale or rent and the associated travel lanes.
  - (4)** A photometric plan is required for these uses in accordance with one of the following:
    - (a)** As part of the submission of a special exception, development plan, or rezoning application, and subject to approval by the Board. The approved photometric plan must be submitted as part of a site plan submission for the use. Upon written request with justification, the Zoning Administrator may modify a submission requirement of subsection (5) below if it is determined that the requirement is not necessary for an adequate review of the photometric plan.
    - (b)** As part of a site plan submission, or as a separate submission when site plan approval is not required, and subject to review and approval by the Director. Upon written request with justification, the Director may modify a submission requirement of subsection (5) below if it is determined that the requirement is not necessary for an adequate review of the photometric plan.
  - (5)** A photometric plan must be prepared by a lighting professional that is certified by the National Council on Qualifications for the Lighting Professions (NCQLP), or a State licensed professional engineer, architect, landscape architect, or land surveyor and must contain the following:
    - (a)** Location and limits of the canopy or outdoor display area at a scale of not less than 1" = 50'.
    - (b)** Location and height of all canopy lighting and all pole, building, or ground-mounted lighting fixtures for an outdoor display area.
    - (c)** A photometric diagram showing predicted maintained lighting levels produced by the proposed lighting fixture facilities.
  - (6)** If a site plan approval is not required and the plan is submitted as a separate submission, five copies of a photometric plan must be submitted to the Director for review and approval and is subject to a fee as provided for in subsection 8100.7.
- B.** Outdoor Recreation Lighting Requirements
- (1) Applicability**
    - (a)** Illuminated playing fields or courts are subject to the provisions of this subsection if the fields or

courts, whether as a principal or accessory use and individually or cumulatively, exceed 10,000 square feet in area, or have associated light poles that exceed 20 feet in height. Playing fields or courts include, but are not limited to, baseball/softball diamonds, soccer, field hockey, football and lacrosse fields, basketball, volleyball or tennis courts, skating rinks, horse riding rings or show areas, running tracks, swimming pools, golf driving ranges, golf courses, miniature golf courses, go-cart tracks, and baseball hitting and archery ranges.

- (b) For the purposes of this subsection, the perimeter area defined in (3)(b) below must be included in the area of the playing field or court. The playing field or court must be located so that the perimeter area is on the property.
- (c) Other components of playing fields or courts, such as parking lots, administrative offices, restrooms, ticket sales, concession stands, and bleachers or other spectator viewing areas, are not subject to this subsection, but must comply with the other requirements of this section.

**(2) Sports Illumination Plan**

A sports illumination plan is required in accordance with one of the following:

- (a) As part of the submission of a special exception, special permit, development plan, or rezoning application. A sports illumination plan is subject to approval by either the BZA in conjunction with a special permit or the Board in conjunction with a special exception, development plan, or proffered rezoning and a sports illumination plan approved by the BZA or Board must be submitted as part of a site plan submission for the use. Upon a written request with justification, the Zoning Administrator may modify a submission requirement of (3) below if it is determined that the requirement is not necessary for an adequate review of the sports illumination plan.
- (b) For a facility that is permitted by right in the zoning district in which it is located, as part of the site plan submission, or as a separate submission when site plan approval is not required. Upon a written request with justification, the Director may modify a submission requirement of (3) below if it is determined that the requirement is not necessary for an adequate review of the sports illumination plan. Such sports illumination plan is subject to review and approval by the Director.

**(3) Submittal Requirements**

A sports illumination plan must be prepared by a lighting professional that is certified by the National Council on Qualifications for the Lighting Professions (NCQLP) or a State licensed professional engineer, architect, landscape architect, or land surveyor and must contain the following:

- (a) The boundaries, dimensions, and total land area of the property at a designated scale of not less than 1" = 50'. For proposed uses on large tracts of land where the lighted playing field or court occupies a small portion of the site, the boundaries, dimensions and total land area of just the lighted playing field or court with perimeter areas, must be provided, at a designated scale of not less than 1" = 50', with a graphic that depicts the location of the fields and courts in relation to the perimeter lot lines of the entire property.
- (b) Location and limits of playing fields and courts, to include a perimeter area which must be located entirely on the same lot. For baseball and softball fields, the perimeter area extends 40 feet in a direction perpendicular to the foul lines and away from the field. The perimeter area for rectangular playing fields, such as soccer, football, lacrosse, and field hockey, extends 20 feet from the side lines and 30 feet from the end lines. The perimeter area for tee boxes on golf courses and golf driving ranges is 30 feet. The perimeter area for all other playing fields and courts extends ten feet beyond the playing field or court boundary.
- (c) Location, height, and illustration of each style of all pole, building, and ground-mounted lighting fixtures for the playing field or court.
- (d) A photometric diagram showing predicted maintained lighting levels for the proposed playing

field or court and associated perimeter area lighting.

**(4) Lighting Standards**

- (a)** The lighting for playing fields or courts and associated perimeter areas must comply with the maximum footcandle levels indicated for the specific uses listed in Table 5109.1 below, unless a lesser limit is specifically approved by the Board in conjunction with the approval of a special exception, development plan, or proffered rezoning, or by the BZA in conjunction with the approval of a special permit. Footcandle measurements are measured horizontally three feet above grade level and must represent maintained lighting levels. The Zoning Administrator will determine maximum permitted lighting levels for outdoor recreation and sports facilities that are not listed in Table 5109.1.
- (b)** All playing field and court lighting fixtures must use full cut-off or directionally shielded lighting fixtures, aimed toward the playing field or court and shielded in directions away from the playing field or court to minimize glare and light trespass onto adjacent properties.
- (c)** Time limits for lighting of outdoor playing fields or courts that are subject to a sports illumination plan, unless other hours are specifically approved by the BZA in conjunction with the approval of a special permit, or by the Board in conjunction with the approval of a special exception, development plan, or proffered rezoning:
  - 1.** For properties that are both zoned to a residential district and developed with a single-family residential use, lighting is not allowed between the hours of 10:00 p.m. and 7:00 a.m.; and
  - 2.** For all other properties including but not limited to public athletic field sites, lighting is not allowed between the hours of 11:00 p.m. and 7:00 a.m.
- (d)** When site plan approval is not required and the plan is submitted as a separate submission, five copies of the plan must be submitted to the Director for review and approval and is subject to a fee as provided for in subsection 8100.7.

**TABLE 5109.1: Maximum Permitted Levels of Illumination for Outdoor Recreation and Sports Facilities**

Facility or Use	Specific Lighted Area	Maximum Illumination Maintained (footcandles)
Archery range		10
Baseball and softball	Infield	60
	Outfield	40
Baseball (professional)	Infield	150
	Outfield	100
Baseball hitting ranges		50
Basketball, volleyball		30
Field hockey, football, soccer, lacros: e, track & field		50
Go-cart tracks		30
Golf courses	Tee boxes, greens	5
	Fairways	3
Golf driving ranges	Tee boxes	20
	Fairways	3
	Greens	5

**TABLE 5109.1: Maximum Permitted Levels of Illumination for Outdoor Recreation and Sports Facilities**

Facility or Use	Specific Lighted Area	Maximum Illumination Maintained (footcandles)
Golf, miniature		20
Horse riding rings and show areas		30
Ice skating, ice hockey, and roller-skating rinks		50
Swimming pools	Pool surface	10
	Pool deck	30
Tennis courts (college and high school)		60
Tennis courts (recreational)		40

(Ord. 112.1-2022-5, 02/22/2022)

Effective on: 2/23/2022

## 8100.2. Ordinance Text and Zoning Map (Rezoning) Amendments

....

### F. PRC District

#### (3) PRC Plan Approval

- (a) After the approval of a rezoning application, a PRC plan is required for those uses set forth in subsection (c) below. The Board may approve a PRC plan subject to these and other applicable standards. The Board may not approve a PRC plan until after the rezoning application and development plan have been approved. However, a PRC plan may be filed concurrent with and included in the processing of the rezoning application and development plan.
- (b) All PRC plans must be in accordance with the approved rezoning and development plan, any conditions or modifications that may have been approved by the Board, the submission requirements, the standards in subsection 2105.1, and the applicable objectives and regulations of the PRC District.
- (c) A PRC plan is required for all uses, except the following:
  1. Single-family detached dwellings if the general street and lot layout are shown on the approved development plan.
  2. Additions to existing single-family attached or detached dwellings or accessory structures related to existing single-family dwellings.
  3. Additions to existing buildings or uses other than single-family dwellings when the additions do not exceed 2,000 square feet or ten percent of the gross floor area of the existing building or use, whichever is less.
  4. Additions or changes to non-structural site elements such as transitional screening and parking and loading when the area of the addition or change does not exceed ten percent of the existing area occupied by the site element. Parking redesignation plans and parking tabulation revisions are also exempt from the requirement for a PRC plan regardless of the area of the change.
  5. Minor accessory structures in open space areas such as benches, gazebos, playground equipment, and bus shelters.
  6. Those special exception and special permit uses that do not require a site plan.
  7. Any permitted use on a temporary basis for a period not to exceed one year.
  8. Additions and alterations to provide an accessibility improvement or other reasonable accommodation.
- (d) A PRC plan may be prepared and submitted for the entire planned development at one time or for development sections.
- (e) After the Zoning Administrator determines that the content of the PRC plan is complete, the plan will be accepted and submitted to appropriate County agencies for review and comment. Once the administrative review is complete, the plan will be submitted to the Planning Commission.
- (f) The Planning Commission will hold a public hearing to consider whether the PRC plan is in accordance with the applicable standards. If the PRC plan is not filed with and included in the processing of the rezoning application, the Planning Commission will hold a public hearing no later than six months from the date the plan has been accepted. After the public hearing, the Commission will transmit the PRC plan to the Board with its recommendation to approve, approve

with modifications, or deny.

- (g) The Board will hold a public hearing to consider the PRC plan in accordance with the applicable standards. The Board may approve, approve with modifications, or deny the PRC plan.
- (h) Once the PRC plan has been approved, all subsequent approvals, uses, and structures must be in substantial conformance with the approved PRC plan and any development conditions associated with that approval.
- (i) Minor modifications to an approved rezoning and development plan may be permitted in a PRC plan, in accordance with subsection 8100.5, when the Zoning Administrator determines that they substantially conform to the approved rezoning and development plan and do not materially alter the character of the development.
- (j) When the Board approves a minor variation to a proffered condition, the variation is deemed to apply to any approved development plan or PRC plan without the need for a separate amendment.
- (k) Any modification to provide an accessibility improvement or other reasonable accommodation does not require a development plan amendment.
- (l) Once a PRC plan has been approved, any proposed amendment is subject to Board approval in accordance with these provisions.
- (m) The following are deemed to be approved PRC plans:
  - 1. Preliminary site plans approved before December 6, 1994; and
  - 2. Preliminary site plans approved under the provisions relating to previous approvals for Zoning Ordinance Amendment #94-263.
- (n) Additionally, PRC plans processed and approved before March 27, 2007 were valid for three years from the date of approval. If a site plan for all or a portion of the area was approved during that period, the approved PRC plan for the corresponding area will remain valid for the life of the site plan.

**(4) Site Plan and Subdivision Plat Preparation**

- (a) Site plan or subdivision plat approval is required after approval of the rezoning and development plan and a PRC plan, if required above.
- (b) Site plans or subdivision plats, the issuance of building permits, Residential or Nonresidential Use Permits must be in substantial conformance with the approved rezoning and development plan and the PRC plan, if applicable, the standards in subsection 2105.1, the applicable objectives and regulations of the PRC District, and the provisions of this Ordinance and Chapter 101 of the County Code (the Subdivision Ordinance).
- (c) Minor modifications to the approved development plan or approved PRC plan may be permitted in a site plan or subdivision plat in accordance with subsection 8100.5. If the Zoning Administrator determines that a modification is not in substantial conformance with the approved development plan or approved PRC plan, the modification requires the resubmission and amendment of the development plan or PRC plan or, when applicable, both.

## 5. Minor Modifications and Variations

### A. Minor Modification or Variation to Existing Approval

#### (1) Minor Modifications Approved by the Zoning Administrator

(a) The Zoning Administrator may approve minor modifications to proffered conditions, final development plans, PRC plans, special exceptions, and special permits when the Zoning Administrator determines that they substantially conform to the approved application and do not materially alter the character of the development. In making this determination, the Zoning Administrator may consider factors such as topography, engineering, and design. Minor modifications may not:

1. Remove any land from or add any land to the area subject to the application;
2. Create, intensify, or expand any nonconformity with maximum or minimum requirements of the zoning district;
3. Result in an increased parking requirement, except for any additional parking required for building additions or modifications permitted under subsections 4 and 11 below;
4. Permit a more intensive use than that approved; however, a religious assembly or religious assembly with private school, specialized instruction center, or child care center, may increase the number of seats, parking spaces, or students up to ten percent of the approved amount, if not expressly prohibited by the conditions;
5. Permit uses other than those approved, except that accessory uses may be permitted;
6. Reduce the effectiveness of approved transitional screening, buffering, landscaping, or open space;
7. Permit changes to bulk, mass, orientation, or location that adversely impact the relationship of the development to adjacent property, except that:
  - a. Modifications that reduce yards up to ten percent may be considered, if they do not adversely impact adjacent property; and
  - b. Increases in building height up to ten feet and increases in percentages of rooftop coverage may be permitted to exempt solar collection systems and other energy and environmental innovative technologies.
8. Increase the amount of clearing or grading for a stormwater management facility, including any clearing or grading associated with spillways, inlets, outfall pipes, or maintenance roads that reduces non-stormwater management open space, tree save area, or landscaping area on the lot;
9. Expand hours of operation;
10. Expand the area or type of signage approved, although changes to color and typeface may be considered;
11. Include the addition of or to any building, except that accessory structures clearly subordinate to the principal use and minor building additions, including those for cellar space, may be permitted, if the total of all such structures or additions does not exceed the following:
  - a. 500 square feet or five percent of the approved gross floor area up to 2,500 square feet, whichever is greater, when the total gross floor area approved does not exceed 250,000 square feet.
  - b. One percent of the approved gross floor area when the total gross floor area approved exceeds 250,000 square feet.

- c.* 250 square feet of the gross floor area of freestanding accessory structures when the total gross floor area approved is 10,000 square feet or less.
  - d.* The maximum allowable density or FAR in the zoning district, however, any increase in gross floor area resulting from replacing the materials of an existing building façade is not included in the calculation of FAR.
- (b)** Anyone requesting a minor modification for a building addition must send written notice in accordance with subsection (3) below.
  - (c)** When the Zoning Administrator determines that a modification is not in substantial conformance with the approved application, the modification requires the approval of an amendment to the application, a new application, or a minor variation if it meets the Ordinance requirements.

**(2) Minor Variations Approved by the Board without a Public Hearing**

The Board may approve certain requests for minor variations to proffered conditions and the associated PRC development plan, generalized development plan, conceptual development plan, and final development plan, including any approved conditions of such plans, without a public hearing in accordance with the following:

- (a)** Requests cannot materially affect proffered conditions of use, density, or intensity, and are permissible only in one or more of the following circumstances:
  - 1.** To add or modify a use, if the proffered conditions do not specifically preclude the use, and the applicant demonstrates that the new use would have no materially greater land use impacts than the approved uses would, based on factors such as parking, trip generation, vehicular circulation, or hours of operation.
  - 2.** To increase permitted building height if the resultant height increase does not:
    - a.* Exceed 15 feet or 15 percent of the approved building height, whichever is less;
    - b.* Cause the building to exceed the maximum height of the zoning district; and
    - c.* Have a materially adverse impact on adjacent properties.
  - 3.** To modify minimum setback dimensions, building setbacks, or distances from peripheral lot lines shown on an approved development plan, but only if the modified dimensions would not have a materially adverse impact on adjacent properties or other proffered conditions.
  - 4.** To add, modify, or delete active or passive recreation uses at the request of the property owner or the owners' association, if the request:
    - a.* Is consistent with the objectives of the original zoning approval;
    - b.* Does not reduce the recreational uses or open space below the minimum required for the zoning district or otherwise required by the Zoning Ordinance; and
    - c.* Does not delete an approved but unbuilt facility.
  - 5.** To modify proffer commitments related to technologies (such as computer business centers) or services (such as transportation shuttles) that are underutilized or have become ineffective or obsolete as circumstances have changed.
  - 6.** To modify architectural design, character, color, features, or materials for buildings and signs if the modifications are of equivalent quality and do not have a materially adverse impact on adjacent properties.
- (b)** When the Board approves a minor variation that affects an approved development plan, the variation is deemed to apply to the development plan and not require a separate development plan amendment.

- (c) Anyone making a minor variation request to the Board must send written notice in accordance with the Zoning Map amendment requirements of subsection 8100.2.B and Va. Code Sect. 15.2-2204(B).
- (d) The Board at its discretion may elect not to waive a public hearing under this section, in which case the application may be processed under subsection 8100.2.D(2), including submission of an affidavit in accordance with subsection 8101.2.A(5).

**(3) Notice Requirements**

- (a) Anyone requesting a minor modification for a building addition must send notice of the request to the owners of all property abutting and across the street from the site, or portion thereof.
- (b) The notice must be delivered by hand or sent by certified mail, return receipt requested, and include the letter of request submitted to the Zoning Administrator with all attachments, a statement that the request has been submitted, and where to call for additional information.
- (c) The Zoning Administrator will not consider any request for an addition that does not include an affidavit from the requester affirming:
  1. That the required notice has been provided;
  2. The date the notice was delivered or sent;
  3. The names and addresses of all persons notified; and
  4. The Tax Map references for all parcels notified.

**Development Plan**

A required submission for a rezoning that generally characterizes the planned development of the subject lot. A development plan must be prepared and approved in accordance with the provisions of Article 8. The specific types of development plans are defined below.

.....

**Development Plan, PRC**

A required submission for a PRC District that generally characterizes the planned development of the subject lot. A PRC development plan must be prepared and approved in accordance with the provisions of subsection 8100.2.F(2).

**PRC Plan**

A required submission, following the approval of a development plan for a PRC District, 8100.2.F(3) that further details the planned development of the subject lot. A PRC Plan must prepared and approved in accordance with the requirements of subsection 8100.2.F(3). For the purpose of this Ordinance, a PRC plan is not to be construed as a site plan as required by the provisions of subsection 8100.2.F(4).



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** August 11, 2011

**TO:** Catherine M. Hudgins, Supervisor  
Hunter Mill District

Frank de la Fe, Planning Commissioner  
Hunter Mill District

**FROM:** Kevin Guinaw, Chief  
Special Projects/Applications Management Branch  
Zoning Evaluation Division, DPZ

**SUBJECT:** Request for Interpretation for PRC C-099

**REFERENCE:** Attached Letter

Attached for your information is a request for an interpretation regarding PRC C-099 that has been received by the Department of Planning and Zoning. If you need additional information or have any questions and comments regarding the interpretation please feel free to contact Erin Grayson or me at (703) 324-1290 prior to August 29, 2011. As per our standard procedure, we will be contacting your office prior to sending the response to the interpretation request out in order to discuss our response and solicit comment.

KG/hh

---

Department of Planning and Zoning  
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/)





# County of Fairfax, Virginia

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

September 2, 2011

Larry Butler  
Director of Parks and Recreation  
Reston Association  
12001 Sunrise Valley Drive  
Reston, Virginia 20191

Re: Interpretation for RZ C-099, Dogwood Pool, Tax Map 26-1 ((11)) 0005:  
site improvements, accessibility, accessory structures

Dear Mr. Butler:

This is in response to your letter of August 4, 2011 (copy attached), requesting clarification of whether the submitted site plan for renovation of the 2.64-acre Dogwood Pool site is in substantial conformance with Rezoning RZ C-099. On July 22, 1970, the Board of Supervisors approved RZ C-099, rezoning 227.55 acres from the R-E (Residential Estate 1 d.u./2 acres) District to the RPC (Residential Planned Community) District, for the purpose of developing single-family homes, townhomes, garden apartments, recreational facilities, and open space. The Development Plan approved at the time of rezoning depicted the following uses: 62 single family homes ranging in lot size from 8,000 to 15,000 square feet, 220 townhomes, a walkway system, and recreational facilities to include a swimming pool and tennis courts. There were no proffers or development conditions approved in conjunction with the rezoning. The Development Plan was a general "blob" plan with no specific reference to the size of the pool, parking areas, or play areas. A site plan was approved for the pool facility in 1978 and serves as a baseline for comparison to evaluate the extent of the proposed changes and whether or not a PRC plan is now required. This determination is based upon your letter and four submitted exhibits prepared by Urban, Ltd.

You have indicated that the Reston Association is planning to upgrade the existing Dogwood Pool facility with a new zero depth-entry swimming pool, an expanded ADA-compliant bath house, five additional parking spaces, accessible parking, tot lot, open pavilion, and wet play area.

Section 16-203(2) of the Fairfax County Zoning Ordinance specifies PRC plan submittal requirements. Section 16-203(2)(D) states that additions or changes to non-structural site elements such as transitional screening, parking and loading do not require a PRC plan provided the area of such addition or change does not exceed 10 percent of the existing area occupied by such site element. Submitted Exhibit 4 demonstrates that the addition of 5 parking spaces will total 9.8 percent of the existing parking area and therefore does not exceed the 10 percent maximum per Section 16-203(2)(D).

Larry Butler  
Page Two

Accessible parking spaces, though shown in Exhibit 3, are not included in the area tabulation submitted as Exhibit 4 since they do not require a PRC Plan in accordance with the last paragraph of Section 16-203(2) which states "Notwithstanding the above, a PRC plan shall not be required for additions and alterations to provide an accessibility improvement."

Similarly, expanding the existing pool bath house building (828 sq. ft.) to add ADA bathrooms and showers (497 sq. ft.) and rebuilding the pool to include a zero-depth entry for ADA access, both as depicted on submitted Exhibit 3, do not require submittal of a PRC plan per the last paragraph of Section 16-203(2).

Section 16-203(2)(E) specifies that a PRC plan is not required for minor accessory structures and uses in open space areas such as benches, gazebos, playground equipment, and bus shelters. The proposed tot lot, pavilion, and wet play area are proposed in the open space areas of the site, as shown on submitted Exhibit 3, and do not require submission of a PRC plan.

It is my determination that the proposed renovations to the Dogwood Pool site are in substantial conformance with RZ C-099 and that a PRC plan is not required to implement the proposed improvements noted above.

If you have any questions regarding this interpretation, please feel free to contact Erin Grayson at (703) 324-1290.

Sincerely,



Eileen M. McLane, Zoning Administrator

O:\Egrays\Interpretations\Dogwood Pool.Doc

Attachments: A/S

cc: Catherine M. Hudgins, Supervisor, Hunter Mill District  
Frank A. De La Fe, Planning Commissioner, Hunter Mill District  
Barbara C. Berlin, AICP, Director Zoning Evaluation Division, DPZ  
Diane Johnson-Quinn, Deputy Zoning Administrator  
Ken Williams, Plan Control, Land Development Services, DPWES  
Regina C. Coyle, Assistant Director, Zoning Evaluation Division, DPZ  
Kevin J. Guinaw, Chief, Special Projects/Applications Management Branch, ZED, DPZ  
File: PRC C-099, PI 11 08 083, Imaging, Reading File

August 4, 2011

Barbara C. Berlin, Director  
Fairfax County Department of Planning and Zoning  
Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035

RECEIVED  
Department of Planning & Zoning

AUG 05 2011

Zoning Evaluation Division

**RE: Request for Expedited Interpretation – Dogwood Pool  
2460 Green Range Drive, Reston, VA 20191  
Site Plan No. – 25428-SP-01**

Dear Ms. Berlin;

This letter is to request an expedited interpretation for the renovation of Dogwood Pool in Reston. This project was initially submitted as a PRC Plan due to the scale of the proposed new bath house. After costing out the project we determined that re-building the bath house was not feasible and we indefinitely deferred the PRC Plan and have subsequently submitted a site plan, per earlier guidance from Zoning Evaluation staff resulting from a meeting with Regina Coyle and Erin Grayson on March 8, 2011. The proposed improvements reflected on the current site plan (Site Grading Plan attached as Exhibit 1) are very close to the plan envisioned with the originally submitted PRC Plan, with the exception of the aforementioned bath house.

At the request of Land Development Services (LDS) in DPWES, we are submitting this request for an expedited interpretation as LDS requires confirmation the submitted site plan is in substantial conformance with the approved development plan and zoning. Please also confirm there are no development conditions or proffers associated with the property. In our post submission meeting with LDS on July 27, 2011 County staff indicated this as one of their main comments to be addressed.

We recently met with Mr. Kevin Guinaw regarding LDS's comments and he confirmed that an interpretation is required. The historical development record of the property shows that a swimming pool was envisioned on the site in the zoning/development plan in 1970 (RZ C-99) and then implemented with the approval of a site plan. Mr. Guinaw indicated that in the absence of a PRC or preliminary plan, the original 1978 site plan (attached as Exhibit 2) will be used as the basis for comparing the existing use to the proposed use for the purpose of responding to this request for interpretation.

In the following paragraphs I have highlighted the changes from the original site plan to the current site plan under review by LDS and provided explanations as necessary. Please refer to the graphic enclosed with the call-out boxes labeling changes (Exhibit 3.) This shows both the original site layout and proposed changes.



### Parking Area

At our March 8, 2011 meeting Zoning Evaluation staff indicated that a PRC plan would not be required provided the criteria in the zoning code were not exceeded, particularly with reference to Article 16, Section 203, D. There is additional parking area provided to accommodate five parking spaces as well a van accessible handicapped space at the top of the lot. These areas are highlighted on Exhibit 3. This area has also been graded to provide the required slope from the space to the front of the building, as well as provide positive drainage to direct the runoff to the BMP facility (Filterra.) Exhibit 4. shows the calculation suggested by Zoning Evaluation staff indicating the additional parking area does not exceed the 10% limit in Section 203 of the zoning ordinance.

### Building

The existing pool bath house building will be expanded specifically for ADA bathrooms and showers. Exhibit 3. shows the change highlighted.

### Pool

The pool is being rebuilt to accommodate ADA access and this addition is shown on Exhibit 3. This will be a zero-depth entry section of pool.

### Accessory Uses

Minor accessory structures/uses added to the site include an open pavilion, a proposed play structure (tot lot), and a wet play area. The wet play area will also have benches. These are also highlighted on Exhibit 3.

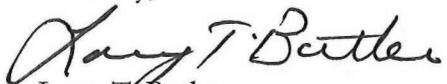
### Pathway

The existing 8' asphalt pathway is being realigned to provide better access to the minor accessory uses and the pool bath house.

In summary, we closed the pool this season intending to commence site work this summer or very early fall to take advantage of favorable weather conditions. Your prompt attention to this matter would be greatly appreciated. As we are about to provide our second submission of the site plan addressing the comments on our first submission we would also appreciate your coordinating the progress with our reviewer Aileen Santiago in LDS.

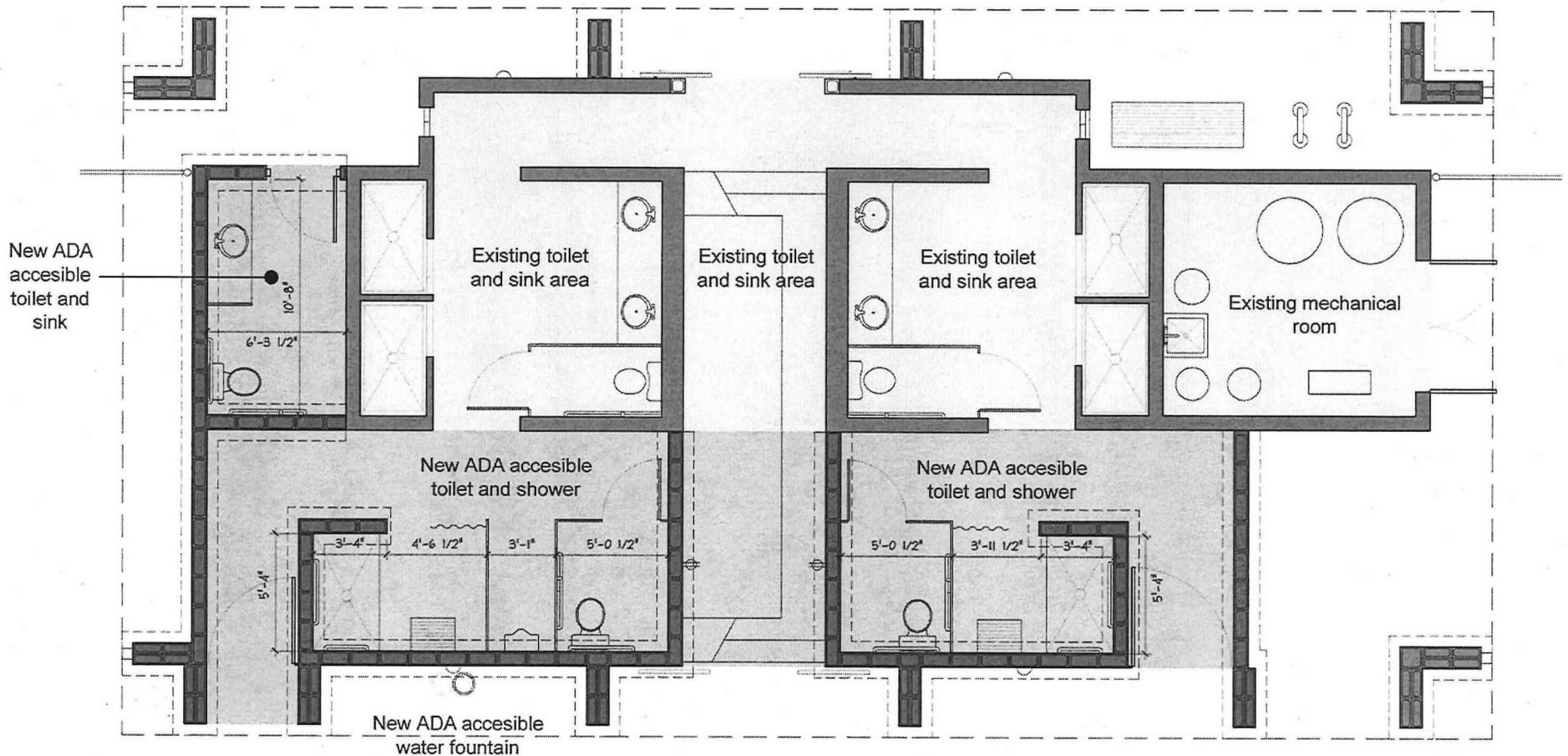
I appreciate your attention to this matter and please contact me at 703-435-6501, or our engineer Pete Crawford from Urban Ltd. at 703-642-8080 should you have any questions.

Sincerely,



Larry T. Butler  
Director of Parks and Recreation

Encl.



New ADA accessible toilet and sink

Existing toilet and sink area

Existing toilet and sink area

Existing toilet and sink area

Existing mechanical room

New ADA accessible toilet and shower

New ADA accessible toilet and shower

New ADA accessible water fountain

Existing area (GSF: 828sf)

New addition area (GSF: 497sf)

Total area (GSF: 1325 sf)

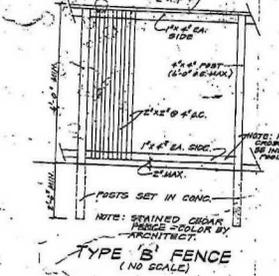
**BATH HOUSE NEW CONSTRUCTION PLAN**

scale: 3/16" = 1'-0"

# EXHIBIT 2

5-571-501

Jan 26-1 (11)-0005  
Office with Bond  
on 26-1-(11)-81



**TYPE 'B' FENCE**  
(NO SCALE)

**TYPE 'C' FENCE**  
(NO SCALE)

NOTE: STAINED CEDAR FENCES - COLOR BY ARCHITECT

NOTE: POSTS & CORNERS MUST BE INSTALLED ON THIS SIDE.

POSTS SET IN CONC.

NOTE: STAINED CEDAR FENCES - COLOR BY ARCHITECT

**TYPICAL PAVING SECTION**  
(FOR PARK LOT & DRIVEWAY)  
NO SCALE

1/2" BITUM. CONC. (3-5)

1" BASE VEH. SPEC. 20, TYPE 1, GRADE 2 1/4"

COMPACTED SUBGRADE TO A DENSITY OF 95% AS DETER. BY MASH 7'9" METHOD

**SANITARY SEWER SCHEDULE**

- EX-71 TOP - 434.90  
INV. - 421.37
- EX-81 TOP - 437.70  
INV. - 423.79
- EX-91 TOP - 437.72  
INV. - 424.82

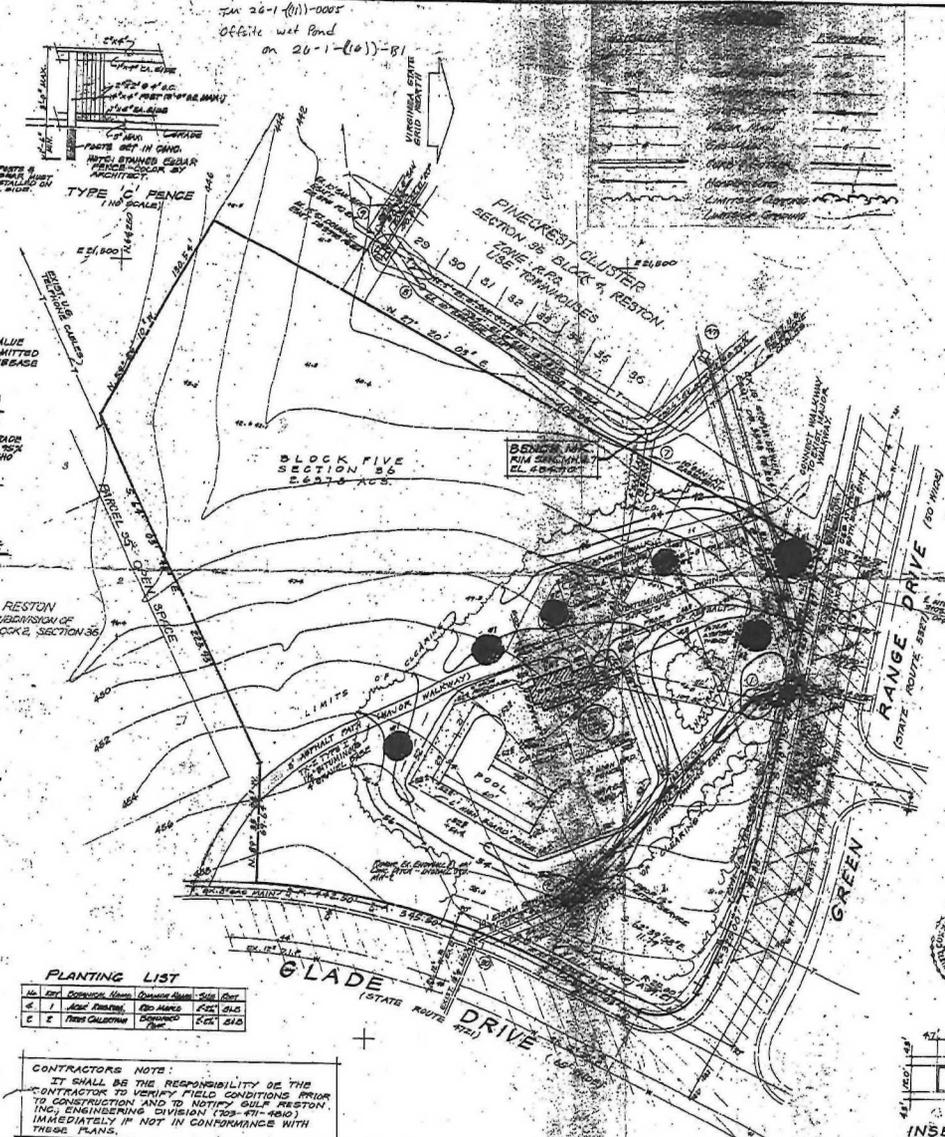
**STORM SEWER SCHEDULE**

- EX-95 STA. 42+40 - GLADE DR. - 67" DI. - 10+51  
STA. 42+41  
INV. 420.45 (10')
- EX-96 STA. 42+44.07 - GLADE DR. - 24" DI. - 10+26  
STA. 41+2  
TOP - 437.31  
INV. IN. 422.41 (10')  
INV. OUT. 421.71 (10')
- EX-97 STA. 41+97 - STD. 71-1  
TOP - 438.87  
INV. IN. 422.54 (10')  
INV. OUT. 421.58 (10')
- EX-98 STA. 41+93 - STD. 61-3  
TOP - 446.34  
INV. IN. 431.31 (10')  
INV. IN. 431.04 (10')  
INV. OUT. 434.60 (10')

**PLANTING LIST**

No.	Plant	Quantity	Notes
1	1" x 1" x 1" x 1"	100	100
2	1" x 1" x 1" x 1"	100	100

**CONTRACTORS NOTE:**  
IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY FIELD CONDITIONS PRIOR TO CONSTRUCTION AND TO NOTIFY GULF RESTON, INC., ENGINEERING DIVISION (703-471-4210) IMMEDIATELY IF NOT IN CONFORMANCE WITH THESE PLANS.



**GENERAL NOTES**

ALL CONSTRUCTION SHALL CONFORM TO FAIRFAX COUNTY STANDARDS AND SPECIFICATIONS.

THE PERMITTEE SHALL PROVIDE ADEQUATE MEANS OF CLEANING TRUCKS AND/OR EQUIPMENT ON MUD PRIOR TO ENTERING THE V.O.H.-E.T. RIGHT-OF-WAY, AND IT IS THE PERMITTEE'S RESPONSIBILITY TO CLEAN STREETS OF MUD AND/OR ALLAY DUST AND TO TAKE WHATEVER MEASURES NECESSARY TO INSURE THAT THE STREETS ARE KEPT IN A CLEAN AND DUST FREE CONDITION AT ALL TIMES.

ALL LAND, ON OR OFF SITE, WHICH IS DISTURBED BY THIS DEVELOPMENT, AND WHICH IS NOT BUILT UPON OR SURFACED, SHALL BE ADEQUATELY STABILIZED TO CONTROL EROSION AND SEDIMENTATION.

LOCATION OF EXISTING UNDERGROUND UTILITIES TAKEN FROM AVAILABLE RECORDS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE EXACT LOCATIONS BEFORE STARTING THE CONSTRUCTION. FURTHER THIS FIRM IS NOT RESPONSIBLE FOR ANY UNDERGROUND CONDITIONS WHICH WOULD IN ANY WAY INTERFERE WITH CONSTRUCTION.

THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON TAX MAP NO. 26-1-108 PARCEL 5, AND IS ZONED: R.P.C.

PROPOSED USE: RECREATIONAL - SWIMMING POOL.

CONSTRUCTION CLASSIFICATION: 4B

USE GROUP CLASSIFICATION: B

BUILDING HEIGHT: 10'-2 1/2"

BOUNDARY AND TOPOGRAPHY BY GULF RESTON ENG.

PROPERTY CONTAINS: 114,708 S.F. OR 2.6370 AC.

ELEVATION DATUM: U.S.G.S. - CONTOUR INTERVAL - 2'

BENCH MARK: EXIST. SAN. MH. 7  
TOP ELEV. 434.90

**OWNER and DEVELOPER**

GULF RESTON, INC.  
RESTON, VIRGINIA  
PHONE (703) 471-4210

**PARKING TABULATION**

PARKING PROVIDED - 11 SPACES  
PARKING SPACES - 9' x 18'  
HANDICAP SPACES - 12' x 18'

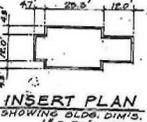
**ENGINEER'S CERTIFICATE**

I, WILLIAM H. GORDON, A DULY CERTIFIED PROFESSIONAL ENGINEER IN THE STATE OF VIRGINIA, DO HEREBY CERTIFY THAT THE LAND EMERGED IN THIS SITE IS NOW IN THE NAME OF THE GULF RESTON, INC. AND WAS ACQUIRED FROM JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY AND RECORDED IN DEED BOOK 308 P. 54, AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.

GIVEN UNDER MY HAND, THIS 17th DAY OF DEC 1977

*William H. Gordon*  
WILLIAM H. GORDON, P.E.

I HEREBY CERTIFY THAT NO OTHER CHANGES HAVE BEEN MADE ON THIS PLAN EXCEPT THOSE PREVIOUSLY APPROVED.



**SITE PLAN**

DOGWOOD POOL  
SECTION 36 BLK. 5  
RESTON  
FAIRFAX COUNTY, VIRGINIA

Scale: Horiz. 1" = 20' Vert. 1" = 20'

Date: DEC. 1977

William H. Gordon, P.E.  
1000 Isaac Newton Blvd.  
Reston, VA

Sheet 2 of 2



EXHIBIT 4

PARKING LOT ADDITION TAB

EXISTING PARKING LOT AREA: 6,063 SF

PROPOSED PARKING LOT AREA: 6,728 SF\*

ADDITION TO PARKING =  $(6,728 - 6,063) / 6,728 = 9.8\%$

9.8% < 10%:, THEREFORE THE PROPOSED IMPROVEMENTS ARE EXEMPT FROM A PRC PLAN IN ACCORDANCE WITH ZONING ORDINANCE SECTION 16-203.2D.

\*NOT INCLUDING PARKING TO PROVIDE AN ACCESSIBILITY IMPROVEMENT