

**To:** Town Council

**From:** Terry Bachmann, Chair - Windover Heights Board of Review

**Date:** February, 12, 2024

**Re:** Recommendation public improvements; 288 Windover Avenue, NW redevelopment

**Background:** In 2021, Vienna Town Council (TC) adopted a sidewalk ordinance requiring developers of any lot that fronts an existing street to dedicate land and construct a sidewalk. The provisions of the Town Code regarding the Windover Heights Board of Review (WHBR), reaffirmed since the Windover Heights Historic district (WH) was established in 1979, however, state that no new public improvements shall be commenced in the WH until the TC conducts an advertised public hearing concerning the necessity of the improvement, at which the TC shall enter into record the related recommendation of the WHBR, and vote on the necessity of proposed public improvements. Therefore, it is the understanding of the WHBR that TC can allow exceptions to the 2021 sidewalk ordinance.

The WHBR received an application to consider the necessity of public improvements involving the redevelopment plans for 288 Windover Avenue, NW. The WHBR reviewed this application at a scheduled meeting on December 5, 2023, at a working session on January 23, 2024, and at a subsequent scheduled meeting on February 6, 2024.

During this period of meetings, WHBR received written input from ~50 households in WH and ~25 persons testified during public hearings. Overwhelmingly, TOV citizens who provided input to these deliberations were opposed to widening of streets, sidewalks, curb and gutter, and dedication requirements.

These efforts resulted in the following recommendation from the WHBR, voted upon and approved at the February 6<sup>th</sup> meeting.

**Recommendation:**

Regarding the necessity of Public Improvements adjacent to the property located at 288 Windover Avenue NW, per Town Code Sec. 18-280.3., Docket No. PF-1150891-WHBR, in the RS-16, single-family detached residential zoning district; filed by Patrick Ohlhorst, of Cloud IX Homes, LLC, on behalf of the applicants, Michael & Mary Parks, property owners, the WHBR recommends to allow the applicant to proceed without a requirement to construct sidewalk nor to provide escrow for sidewalk for any of the four lot sides that front existing streets in WH.

This recommendation is made subject to the following conditions:

- This recommendation relates to the low impact single home redevelopment of 288 Windover Avenue, NW. This redevelopment will focus on the interior of the lot, substantially within the footprints of the existing structures on the property. Potential applications for the subdivision of 288 Windover Avenue, NW would be subject to a

separate and additional WHBR application, and separate consideration by the Planning Commission and the TC.

- Applicant commits to protect and preserve boarder trees along all four sides of the property, including hand removal of dead or severely declined trees, and commits to restore or plant cedar trees (in collaboration with TOV arborist), providing an appropriate assurance to the TOV to ensure this commitment is met.
- Applicant will design the property to reduce stormwater runoff by 20%, which is twice the required reduction required by DEQ standards.
- Applicant will, in collab with Department of Public Works, clean out and/or repair the existing stormwater swale/ditch as it naturally occurs along Lovers Lane, NW to ensure site water along the south of the property does not cross Lovers Lane, NW toward 120 Pleasant Street, NW.
- Applicant will ensure that any designed stormwater from the property will reach the designed outflow pipe currently located at the intersection of Pleasant Street, NW and Lovers Lane, NW.
- Applicant will dedicate land along Windover to plant additional cedar trees within the ROW.

WHBR voted 4-0 (one absence)

- Motion: Kenney
- 2nd: Cheskela
- Roll Call Vote: 4-0

#### **Further considerations by the WHBR:**

The WHBR acknowledges that its recommendation relates to 288 Windover Avenue, NW, however, the WHBR makes its recommendation in the context of several statements of principle relating to the entire Windover Heights Historic District, which it offers to the TC for its consideration.

- WH is a historic district, not primarily based on architectural significance of its houses, but primarily based on the aesthetics of its tree-line streets and lanes. The Town Code enshrines, “Town Council recognizing that the district is a single-family residential neighborhood which has changed little since the turn of the century, which consists mostly of older homes, open spaces, and meandering streets lined with mature trees

and shrubs which constitutes one of the original residential sections of historic old Vienna.” It remains the primary role of the WHBR to maintain the historic aesthetic of the district, and the WHBR finds current standard TOV curb, gutter, and sidewalk standards incongruent with that historic aesthetic.

- WH includes numerous streets with differing rights of way. The WHBR believes that thorough consideration should be given to the appropriate rights of way and the uses of those rights of way throughout the entire district. Potentially uses may include creative plans for storm water management and drainage (e.g., rain gardens, modified grass, vegetated, as well as rip-rap swales) if those improvements remain sensitive to the historic aesthetic of the district. Another potential use of right of way would be for purposes of establishing a Cedar Tree Preservation and Replacement plan to preserve and replant, as needed, historically appropriate cedar trees. As such, the WHBR refers consideration of an in-depth plan for the WH to the DPW and other appropriate TOV departments and adds this subject as a standing agenda item to the regularly scheduled WHBR meetings.
- WH citizens value pedestrian safety. Accordingly, WHBR refers the matter of traffic calming for the entire WH to the Transportation Safety Commission, and with WH citizen collaboration, matters such as the reduction of speed limit to 20 miles per hour, (standards recently adopted in Falls Church), potential one-way street designations, and periodic speed limit monitoring and enforcement by the Town of Vienna Police Department should be considered and implemented.