



## Legislation Text

**File #:** 13-382, **Version:** 2

### **Subject:**

Request for Approval of a final plat for Onondio Cove, a resubdivision of six contiguous parcels within Block 10, Onon'dio Subdivision, into eight lots and located between the Washington and Old Dominion Trail and Ninovan and Tapawingo Roads SE, and in the RS-12.5, Single-Family Detached Residential zone (recommended new addresses are 902, 913, 914, 915, 916, 918, 920 and 921 Ninovan Road SE). Application filed by Joshua Marshall, Land Design Consultants, on behalf of Satpal Singh Sahni and Carolyn Jackson Sahni, property owners.

### **EXPLANATION AND SUMMARY :**

The 3.54-acre (154,272 square feet) subject tract is comprised of six separate parcels assembled over a number of years by the current property owners. These parcels include existing dwellings at 910, 911 and 916 Ninovan Road SE and the former Wien Day Care facility at 922 Ninovan Road SE. The two remaining parcels are comprised of vacated rights-of-way associated with the former Arlington and Fairfax Electric Railway (A&FER) and a triangular-shaped portion of Ninovan Road SE that was vacated during the development of the "Kidd Property" (5 single-family lots situated in the 850 block of Shady Drive SE) in 1999. It is the desire of the property owners to combine these six parcels into one larger parcel and create a new 8-lot subdivision known as "Onondio Cove."

The Planning Commission first considered the subdivision application on December 10, 2014. After significant modifications to the design, the subdivision application was considered by the Planning Commission on January 28, 2015. After discussing the improved design and responsiveness of the applicant to their suggestions, the Planning Commission voted 6-0 to recommend approval of the subdivision and associated waiver, conditioned upon Town Council action on the Ninovan Road SE vacation. In particular, the comments which have been addressed through the revised plan include:

1. Reconfigured access to the subdivision from Ninovan Road SE, eliminating the proposed hammerhead and the associated waiver request.
2. Reorientation of new Lots 1 and 2 to create a "like for like" situation in which rear yards abut rear yards.
3. Providing additional plantings to achieve twenty percent tree cover on each lot.
4. Adjusted the lot grades, where possible. The applicant is not requesting a waiver of the lot grade deviation.
5. Modifications to the proposed storm water management system.

### ***Characteristics of the Existing Property:***

A unique aspect of the irregular polygon-shaped subject tract is the surviving remnants of the A&FER in the form of an elevated approach to and the existing railroad abutment that carried the electric line above the Washington and Old Dominion Trail (W&ODT). This elevated grade extends some 500 feet west of the concrete bridge abutment and rises to an elevation of about 436 feet above sea level. The remainder of the parcel slopes north and west from the elevated grade and abutment to about 418 feet at its northerly and westerly property corners.

Existing improvements-the entirety of which will be removed during redevelopment of the parcel-

include the single-family dwellings and associated driveways, an in-ground swimming pool and associated pool house, and the single-story building and parking lot associated with the former day care center. The existing bridge abutment is indicated to remain. In fact, NOVA Parks (formerly the Northern Virginia Regional Park Authority) has recommended preservation of the feature.

A portion of the existing street-right-of-way for Ninovan Road SE-and adjacent to the dwelling addressed as #911-is required to be conditionally vacated prior to or in conjunction with the consideration of the final plat by the Town Council. The viewers, as appointed by the Council, have found that the vacation of the right-of-way would not create any inconvenience to the general public.

***Proposed Development Activities:***

The proposed **final plat** for Onondio Cove depicts a 250 foot extension of Ninovan Road SE to create a public street extending northeasterly from its intersection with Tapawingo Road NE to provide direct access to the eight single-family lots. All proposed lots will meet the area requirements as specified in the various subsections of § 18-24 of the Vienna Town Code. Staff notes that this is a substantial change to the previous design which created a cul-de-sac extending from the intersection of Tapawingo Road SE and Sharaam Court SE. The new layout therefore eliminates the previous waiver request for a “hammer-head” at the end of Ninovan Road SE. Further, Lots 1 and 2 will now have rear yards abutting the rear yards of the properties to the south.

Storm water management will be accomplished through the extension of the public system along two new lines that transverse the site. The first runs from the side of new Lot 1 and then along the property lines between new Lots 7 and 8. The second runs from the side of new Lot 3, beneath the cul-de-sac and between Lots 4 and 5. Both lines connect to an underground detention facility running along Tapawingo Road SE and behind Lots 5 through 7.

Previously, the Department of Public Works had indicated concern with respect to the proposed storm drainage plan as prepared by the applicant’s engineer. However, the new plans have revised and reduced in scale in a way that is acceptable.

Sheets 14 through 16 of the plan set denote the assessment of existing trees situated on the subject parcel and the engineer’s solution to the tree canopy requirements of § 17-15.1 of the Town Code through a combination of tree save areas at the northerly and easterly corners and new plantings throughout the new single-family lots. The applicant has also modified the plans to provide twenty percent tree cover on each lot.

***Proposed Subdivision Waivers (or small “v” variance) Plus Requested Street Vacation:***

**Section 17-41: Widths; Dedication of Rights-of-Way:** The proponents desire to retain the terminus of Tapawingo Road SE at its current location with Sharaam Court SE (and the new cul-de-sac into Onondio Cove) along with the removal of an approximate 30-foot-long section of existing pavement. The Town Staff acknowledges the applicants’ assertion that there is no desire to complete this section of the roadway within the public street right-of-way, however, the requirements of doing so-in accord with the provisions of § 17-41 of the Vienna Town Code must be addressed. The grant of any such waiver request should also be associated with an equivalent sum of funds (street, curb and gutter and sidewalk) that would be placed into an escrow fund for use by the Town as it deems appropriate.

**Vacation of Rights-of-Way:** As noted previously, a portion of the existing street-right-of-way for Ninovan Road SE is required to be conditionally vacated prior to or in conjunction with the

consideration of the final plat by the Town Council. The vacation area is approximately 7,102 square feet. The area to be dedicated for public street purposes, including the extension of Ninovan Road SE, the addition of a cul-de-sac and the addition of new curb/gutter/sidewalk along Tapawingo Road SE is 26,356 square feet.

Based on staff's analysis, up to eight lots could potentially be created on the applicant's property, without use of the vacated right-of-way. This would leave Ninovan Road SE as an unimproved dead-end, and the property at 911 Ninovan Road SE would remain non-conforming.

**Departmental Recommendation :**

The Planning & Zoning Staff has reviewed the proposed final plat in accord with the provisions of Chapter 17 of the Vienna Town Code and finds that it meets the criteria with exception of the requested waiver as noted above.

**Finance Recommendation :** N/A

**Purchasing Recommendation :** N/A

**Town Attorney Recommendation :** The Town Council, after consideration of recommendations of the Planning Commission and the proposed Ninovan Road vacation, may approve, modify or reject the proposed subdivision in accordance with Chapter 17 of the Town Code.

**Town Manager's Recommendation :** I recommend the Town Council approve of the Final Plat and specific modifications and waivers from the Vienna Town Code for Onondio Cove as presented.

Cost and Financing: N/A

Account Number: N/A

Decision Needed by This date: N/A

**PROPOSED/SUGGESTED MOTION**

"I move for the **(approval/denial)** of the Final Plat and specific modifications and waivers from the Vienna Town Code (includes waiver from installation of street improvements) for Onondio Cove, a resubdivision of six contiguous parcels within Block 10, Onon'dio Subdivision, into eight lots. This approval is further conditioned upon the formal approval of the proposed partial vacation of Ninovan Road, SE as requested by the applicant. Application filed by Joshua Marshall, Land Design Consultants, on behalf of Satpal Singh Sahni and Carolyn Jackson Sahni, property owners."

OR

Other action deemed necessary by Council.