



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
07/31/03
Item #4

MEMORANDUM – LOCAL MAP AMENDMENT

DATE: July 25, 2003
TO: Montgomery County Planning Board
VIA: John Carter, Chief, Community-Based Planning *JAC*
FROM: Kathleen A. Reilly, AICP, Community Based Planning *KAR*
Callum Murray, Team Leader, Potomac

SUBJECT: Local Map Amendment No. G-809: Marie Ruth Burley, requests reclassification for 5.23 acres of land from the R-90 Zone to the RT-8.0 zone for 30 townhouse units, 10401 and 10525 Seven Locks Road, Potomac Master Plan,

FILING DATE: May 9, 2003
PUBLIC HEARING: September 8, 2003

RECOMMENDATION: DEFERRAL / DENIAL

Staff recommends **DEFERRAL** of Local Map Amendment No. G-809 and the submitted schematic development plan, The applicant has failed to satisfy the Forest Conservation law for the subject site. The subject site contains steep slopes, specimen and significant trees. The applicant has not filed a conceptual stormwater management plan with the Department of Permitting Services. Given the environmental topographic constraints of steep slopes and a large number of specimen and significant trees on site, staff recommends that the applicant **DEFER** the Planning Board hearing and seek a continuance from the Hearing Examiner's scheduled public hearing of September 8, 2003 to resolve these outstanding issues.

In the absence of a deferral request by the applicant, staff recommends **DENIAL** of the subject local map amendment and accompanying schematic development plan

SUMMARY

The applicant, Marie Ruth Burley, is requesting reclassification from the Residential One-Family (R-90) Zone to the Residential Townhouse (RT-8.0) Zone on 5.23 acres of land located at 10401 and 10525 Seven Locks Road in Potomac. Under Section 59-H-

2.53 of the Zoning Ordinance, the RT-8.0 zone requires that a schematic development plan be submitted with the local map amendment. The schematic development plan submitted with this application proposes 30 townhouse units, served by a private winding roadway that cuts through steep slopes on the property, and a small gazebo seating area in the southeast corner of the property.

As proposed the requested rezoning and accompanying schematic development plan are not effective in protecting priority forest and trees on site (forest conservation) and the applicant has not presented any information as to whether the onsite stormwater management will work. These factors taken together effect the overall layout, density, and total unit yield on the site. Because of the insufficient information on forest conservation and stormwater management, staff cannot recommend approval of this application.

A. Description of Property

The subject site known, as the Burley property, consists of two parcels, Parcel 361 and Parcel 417, for a total of approximately 5.23 acres. It is located on the east side of Seven Locks Road approximately 1,600 feet north of its intersection with Democracy Boulevard. It is almost rectangular in shape and has approximately 458 feet of frontage on Seven Locks Road and a maximum depth of approximately 569 feet. Presently, the site is developed with one single-family detached dwelling unit in the southwest corner of the site. A winding steep gravel driveway provides access from Seven Locks Road to the dwelling unit. A site visit revealed the remains of a hard surface driveway located in the northwest corner of the site, along Seven Locks Road. This hard surface driveway is overgrown with brush and weeds and leads up a steep slope to a flatter portion of the property near the northern property line. A chain link fence, in good condition, is sited along the entire length of northern property line.

With the exception of a cleared area surrounding a dwelling unit in the southwest corner, the subject property is almost entirely forested, approximately 77 percent, with significant large specimen trees and very steep slopes. The site rises from a low point in the southwest corner at 264 feet to a high point of 339.8 feet in a linear distance of 458 feet, an overall grade of 16.5 percent. The site falls from this high point towards Cabin John Regional Park and a low point of 312.5 in the northeast corner, an overall grade of 9.4 percent. The steepest slopes are to the west with the slope from the western midpoint of the site to the 315 contour reaching 21.2 percent and from the southwest corner to the 300 contour reaching 24 percent, which renders this part of the not developable.

B. Surrounding Area

Definition: In a floating zone application, the surrounding area is less rigidly defined than in a Euclidean zone. In general, definition of the surrounding area takes into account areas most directly affected by the proposed development. In the subject application, staff defines the surrounding area to be: Tuckerman Lane to the north,

Cabin John Regional Park to the east and Democracy Boulevard to the south, and the confronting properties across Seven Locks Road and west of the subject site.

Uses: The property immediately north and abutting the site is zoned RT-12.5 and is developed with the Inverness North townhouse complex. The Scotland community is directly north and abuts the Inverness North townhouses. The Scotland Community is zoned R-12.5 and consists of 125 townhouse, approximately 75 of these dwellings are low-income units. North of the Scotland community, is a 250 foot wide right-of-way for PEPCO transmission lines; this property is zoned R-90. Abutting the PEPCO property to the north a wide strip of the Cabin John Park fronts on Seven Locks Road at this location. Directly north of the park and at the southeast corner of the intersection with Tuckerman Lane and Seven Locks Road the property is zoned R-90 and developed with Hilltop Estates, a subdivision of single-family detached dwelling units. The northeast corner of the intersection of Tuckerman Lane and Seven Locks Road is developed with the Cabin John Shopping Mall, zoned RMX-2C.

To the east and along the subject site's rear property line, is the Cabin John Regional Park zoned R-90. The Maryland-National Capital Park and Planning Commission (M-NCPPC) owns the Cabin John Regional Park. Two contiguous forested parcels 400 and 455, abutting the subject site and within the Park were acquired by M-NCPPC from the Burley estate in 1964 by mutual agreement.

To the south of the subject site, the property is zoned RT-6.0 and developed with the Turning Creek townhouse complex. The remaining properties south of and along Seven Locks Road are zoned R-90 and either undeveloped or developed with single-family detached dwelling units.

Directly across Seven Locks Road and west of the site, the property is zoned R-90 and developed with a private educational institution, The Heights School. A special exception was granted to operate this educational institution in 1967. South and west of The Heights School the properties are zoned R-90 and developed with single-family detached dwelling units. North of the Heights School, the property is zoned R-90 and developed with the Inverness Forest subdivision consisting of single family and townhouse units. North of the Inverness Forest subdivision is the PEPCO transmission line right-of-way that extends on both sides of Seven Locks Road. At the southwest corner of the intersection of Seven Locks Road and Tuckerman Lane, the properties are zoned R-90/TDR and developed with single family and townhouse units.

C. Intended Use and Approval Procedures

The RT-8.0 Zone request is accompanied by a Schematic Development Plan (SDP) The proposed SDP provides for a development consisting of 30 townhouse units (23 garage units and 7 non-garage units) and 79 parking spaces. Thirty-three parking spaces are proposed as surface spaces for the 7 non-garage units and visitor parking. A gazebo is located in the southeastern corner of the site.

Access to the site would be from a curvilinear private roadway via Seven Locks Road. There are 30 townhouse units proposed, 23 units are garage units with parking for two cars; 7 units are non-garage units with parking in a surface lot in front of these units. The requirement for Moderately Priced Dwelling Units (MPDU's) is not applicable as the submitted application proposes 30 dwelling units. The requirement of MPDU's is applicable when 35 or more dwelling units are proposed. No phasing schedule for construction of these units is proposed.

The submitted schematic development plan shows the following chart containing binding elements.

Development Standard	Permitted/Required	Binding Elements
Land Use	As per Sect. 59-C-1.7	Exclusively one-family attached dwelling units.
Density	41 one-family attached dwelling units	Not more than thirty-one family attached dwelling units.
Building Coverage	35% or 79,8332 sq ft	12% or 27,370 sq. ft.
Green Space	50% or 114,045 sq. ft.	70% or 159,700 sq. ft.

Additional approval procedures following rezoning approval would include the review and approval of a Preliminary Plan of Subdivision, a Detailed Site Plan, a Final Forest Conservation Plan and Final Plat of Subdivision by the Planning Board.

D. Zoning History:

1. Comprehensive Zoning

- a. SMA-800: R-90 Zone reconfirmed approved 10/10/02.
- b. SMA- G-247: R-90 Zone reconfirmed approved 9/30/80.
- c. 1958 Countywide comprehensive zoning: R-90 Zone enacted.
- d. 1954 Countywide comprehensive zoning: R-A Zone enacted.

2. Local Map Amendment

- a. Local Map Amendment (F903): reclassified the R-T Zone back to the R-90 Zone at the applicant's request due to increased financial tax burden, approved on 7/9/73.
- b. Local Map Amendment (F-419): reclassified from the R-90 zone to the R-T Zone approved on 12/30/69. At that time, the R-T zone permitted densities up to 12.5 dwelling units per acre.

Master Plan Recommendation:

1. Land Use: Residential One Family
2. Zoning: R-90

E. Public Facilities:

1. Water and Sewer Service

- a. Service Categories: The subject property is in Water Category W-1 and Sewer category S-1.

- b. Water and Sewer Service:

Local water and sewer service is deemed adequate to serve the subject property.

2. Roadways:

- a. Seven Locks Road, A-79: The subject site fronts directly on Seven Locks Road, an arterial roadway with a recommended 80-foot right-of-way and two-lane cross-section under the Potomac Subregion Master Plan. Access to the property would be from Seven Locks Road between two existing residential streets that are unclassified in the Master Plan, Turning Creek Court to the south of the site and Inverness Ridge Road to the north.

- b. Tuckerman Lane, A-71: North of the subject site Tuckerman Lane, classified as an arterial roadway with a Master Plan recommended 80-foot right-of-way, with a two lane cross-section, provides access to I- 270 providing convenient access to the regional roadway network.

- c. Democracy Boulevard, A-73: South of the site, Democracy Boulevard, classified as an arterial roadway with a Master plan recommended 80-foot right-of-way, with a two-lane cross-section provides alternative access to the Interstate 70- and Interstate 495, two of the most important major highways serving the Washington region.

- d. Bells Mill Road, P-10, Northwest of the site and connecting to Seven Locks Road to the west. Bells Mill Road is classified as a primary roadway with a Master Plan recommended 70-foot right-of-way, and two- lane cross-section. Bells Mill Road provides access to the west connecting to Falls Road, an arterial roadway. Falls Road provides a connection to the City of Rockville.

3. Schools:

The proposed development would generate approximately seven elementary students, three middle school students, and four high school students. The property is located within the Bells Mill Elementary School,

Cabin John Middle School and Churchill High School service areas. Bells Mill Elementary School is over capacity and is expected to remain over capacity for the next six year forecast period. Cabin John is currently over capacity and is projected to remain near its capacity for the six year forecast period. Churchill High School is projected to be over its capacity for the six year forecast. There are no capital projects scheduled in the currently adopted capital improvements program to relieve the projected spaces shortages at these three schools. The current Annual Growth Policy finds capacity is adequate in the Churchill cluster. The Annual Growth Policy is under review at the present time and the schools test may change in the future.

ANALYSIS

A. Purposes of the Zone The purpose of the R-T Zone is as follows:

59-C-1.721. Intent and purpose. The purpose of the R-T Zone is to provide suitable sites for townhouses:

- (a) In sections of the County that are designated or appropriate for residential development at densities allowed in the R-T Zones; or
- (b) In locations in the County where there is a need for buffer or transitional uses between commercial, industrial, or high-density apartment uses and low-density one-family uses.

It is the intent of the R-T Zones to provide the maximum amount of freedom possible in the design of townhouses and their grouping and layout within the areas classified in that zone, to provide in such developments the amenities normally associated with less dense zoning categories, to permit the greatest possible amount of freedom in types of ownership of townhouses and townhouse developments, to prevent detrimental effects to the use or development of adjacent properties or the neighborhood and to promote the health, safety, morals and welfare of the present and future inhabitants of the district and the County as a whole. The fact that an application for R-T zoning complies with all specific requirements and purposes set forth herein shall not be deemed to create a presumption that the resulting development would be compatible with surrounding land uses and, in itself shall not be sufficient to require the granting of the application.

The properties surrounding this site are zoned low-density, one family residential or residential townhouse, thus there is no need to buffer this location. The Potomac Subregion Master Plan does not designate this site be placed in a RT zone. However, past actions by the District Council in rezoning adjacent properties to the RT Zones would appear to deem this site appropriate for a townhouse zone. Staff believes without sufficient information on the proposed stormwater management for this site, detrimental effects to the adjacent properties will occur. Given the steep slopes on the subject site the loss of forest cover and specimen trees proposed by this townhouse development, the potential for stormwater run-off or flooding onto the adjacent properties or in the neighborhood exists.

59-C-1.722. Row Design.

- (a) Eight townhouses is the maximum number permitted in any one attached row.
- (b) Three continuous, attached townhouses is the maximum number permitted with the same front building line. The variations in building line must be at least 2 feet.
- (c) For one-family attached units, there can be no more than 12 units in one row.

The submitted schematic development plan proposes two rows of units consisting of seven townhouses, two rows of units consisting of six townhouses and one row of units consisting of four townhouses. The front building line of each unit will vary by two feet, so that the adjacent units do not have the same front building line.

59-C-1.723. Combined Tracts. Not applicable.

59-C-1.73 Development Standards

In addition to the following, the regulations concerning row design in section 59-C-1.722 apply.

Standard	Required	Proposed
Minimum Tract area	20,000 sq. ft.	5.23 acres
Maximum Density du/ac	8 du/ac	5.7 du/ac-
Minimum Building Setback		
From one-Family Detached	30 ft	34 ft
From any public street	25 ft	175 ft
From an adjoining lot		
Side (end unit)	10 ft	20ft
Rear	20 ft.	18-20 ft.
Maximum Building Height	35 ft	35 ft.
Maximum Building Coverage	35%	12%
Minimum Green Area	50%	70%
Parking	2/du	2.63 d/u

Some rear yards meet the 20-foot requirement, while other yards measure 18 to 19 feet. Enlarging these yards to meet the requirement would require realigning the entire row forward as realigning the row in the rear would encroach on forested areas. Conversations with the applicant's attorney stated that the proposed units will not exceed 35 feet in height.

B. Compliance with the Master Plan: The Community-Based Planning staff reviewed the submitted local map amendment application and offers the following comments as it relates to the Potomac Subregion Master Plan. An assessment of the forest resources of the Potomac Subregion was conducted as part of the environmental resource analysis performed for the Potomac Subregion Master Plan. The forest analysis ranked forest preservation areas into five categories: (1 through 5 in descending order of priority). The subject property was identified as Preservation Category 2: "Riparian forest that has potential for some interior forest habitat (corridor width more than 600 feet)". The Burley property is 569 feet wide at the widest point but is contiguous to the Cabin John Regional Park forest. A significant amount of the Category 1 and 2 forest areas are within existing and adjacent Cabin John Regional Park.

During the County Council deliberations on the Final Draft Potomac Subregion Master Plan, the Council considered the Planning Board's recommendation to preserve the forest and protect the steeply sloped areas by acquiring the subject property as an addition to Cabin John Regional Park. After hearing from the property owner, the Council disapproved the Planning Board recommendation that the property be acquired and deleted it from the master plan. Nonetheless, the master plan does recommend the preservation of high quality forested areas on various properties including the Burley property.

The master plan did not recommend any zoning change from the R-90 Zone. However, the District Council may approve a reclassification to a floating zone (RT-8) if the Council considers that the application, including the schematic development plan, fulfills the purposes and requirements set forth in article 59-C-1.72 of the Zoning Ordinance for the zone and makes specific findings. In so doing, the District Council must find that, among other factors, applicable requirements for forest conservation and water resource protection (stormwater management) have been satisfied.

Based on the information submitted to date and the submitted schematic development plan, staff recommends deferral of the application pending resolution of the forest conservation and stormwater management issues. Absent a request for deferral, staff recommends denial of the requested local map amendment.

C. Compatibility: The proposed RT-8.0 Zone will allow a density of 8 dwelling units per-acre. Under this zone, the maximum *potential* number of units would be 41. The submitted development plan shows 30 units on 5.23 acres, for a density of 5.7 units per acre. Information submitted by applicant states that the Inverness North townhouse complex directly north and abutting the site is zoned RT-12.5 and developed at a density of 10.9. Abutting the Inverness North complex is the Scotland community with 100 townhouses zoned RT and developed at a density of 10.9. South of the subject site, is the Turning Creek townhouse complex, zoned RT-6.0 and developed at 5.8 units/acres. While the master plan does not recommend townhouse zoning on the subject site, previous actions by the District Council have rezoned the surrounding properties to townhouse zones. The properties were then developed accordingly. The proposed development will be compatible in terms of density with the surrounding and abutting townhouse developments. Staff believes that a case can be made that the RT-6 Zone (rather than RT-8 zone) is appropriate for the property, subject to a schematic development plan with binding elements sensitive to the very significant constraints and high quality natural features of the site. Under the RT-6 Zone, the maximum *potential* number of units would be 30, but may need to be reduced to accommodate forest conservation and stormwater management areas.

D. Schematic Development Plan: The proposed Schematic Development Plan encompasses approximately 5.23 acres of land and proposes 30 townhouse units. Initially, the applicant submitted a schematic development plan that showed 34 units and the proposed access road located further south on the site. This initial submission had the units sited too close to the property lines to provide adequate forest

conservation areas. The revised plan showed the relocated driveway further to the north, 30 units, but still not providing adequate forest conservation areas and sufficient on-site stormwater management facility.

As cited previously, staff believes the RT-6 Zone (rather than RT-8 zone) may be more appropriate for the property, subject to a schematic development plan with binding elements sensitive to the very significant site constraints and high quality natural features on the property. The submitted schematic development plan falls substantially short on providing a sensitive design or protecting the natural features. For example, the steepest slopes are to the west with the slope from the western midpoint of the site to the 315 contour reaching 21.2 percent and from the southwest corner to the 300 contour reaching 24 percent. This part of the site is not developable and the schematic development plan relies on the extensive use of retaining walls for the proposed access to the site. The development plan depicts proposed slopes of 50 percent adjacent to these retaining walls. With respect to the site's natural features, critical root zones of specimen and significant trees on the site were mapped on the schematic development plan. Based on this map, only two of the eleven specimen trees have a good potential for survival. Under the RT-6 Zone, the maximum *potential* number of units would be 30, the same as proposed by the applicant's schematic development plan. Staff believes that this number needs to be reduced to meet applicable forest conservation and stormwater management requirements. Additionally, staff believes that the submitted schematic development plan does not sufficiently minimize grading to preserve the natural features of the site and to prevent soil erosion. The following significant issues need to be addressed:

1. Forest conservation requirements are not met. Several significant trees, depicted as 'to be saved', will have more than 30 percent of their critical root zone removed. Retaining walls, depicted abutting the rear lot lines of several properties, would inhibit access to the rear of these properties, and will require to be setback, potentially further reducing the designated conservation areas.
2. Areas for storm water management are not depicted. The applicant has stated that the central area within the parking lot would be used for underground storage and that another area would be used in the vicinity of Seven Locks Road. However, the schematic development plan depicts these areas as either undisturbed (northwest), forest save or plant (south of access point), or with retaining walls and proposed 50 percent slopes (southwest). Since it appears infeasible to bring storm water from much of the access road and from the rear of at least thirteen units to the central underground facility, the location, size and elevation of a facility at a lower elevation is critical. The complete absence of detail on stormwater management on the schematic development plan precludes any finding that applicable requirements are satisfied.

Staff recommends deferral of the application pending resolution of the above-cited issues. Absent a request for deferral, staff recommends denial of the requested local map amendment.

E. Environmental: The requested RT-8.0 zone as shown on the submitted schematic development plan does not allow sufficient areas on site for State and County required environmental mitigation such as stormwater management and forest conservation. The requested development for the RT-8.0 zone, as shown on the schematic development plan is not effective in protecting priority forest and trees. Staff cannot recommend a favorable finding under Section 22A-12(b) of the Forest Conservation law that states:

“ 1) The primary objective of the forest conservation plan should be to retain existing forest and trees and avoid reforestation in accordance with this Chapter. The forest conservation plan must retain certain vegetation and specific areas in an undisturbed condition unless the Planning Director finds that:

(A) the development would make maximum use of any available planning and zoning options that would result in the greatest possible forest retention...”

According to the Potomac Subregion Master Plan and the approved Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) the site contains both priority contiguous forest and specimen trees. Staff does not believe that submitted information justifies a favorable finding that “results in the greatest possible forest retention”.

The site is largely forested with many significant trees and eleven specimen trees. Among these are three large white oaks (42 inches, 41 inches and 31 inches in diameter,) a 34-inch sycamore and a 34 inch scarlet oak. The site has extremely steep slopes averaging approximately 20 percent across the front of the site, becoming more gently sloped 5-10 percent in the rear of the property. Considerable site disturbance, re-grading and forest removal is necessary to create an entrance road to the rear and more developable part of the site and achieve the development as proposed. This level of disturbance requires significant amount of mitigation.

The submitted schematic development plan does not meet the forest conservation requirement in the following ways:

1. The forest conservation threshold for this site is 1.05 acres. The afforestation requirement is based on the threshold requirement and the proposed amount of clearing shown on the schematic plan. The proposed amount of clearing is 3.35 acres. This amount of clearing makes it difficult to achieve on-site mitigation since the afforestation requirement is nearly double what would be required if at least 1.05 acres of existing forest were preserved.
2. The forest preservation areas are narrow strips, often largely dislocated from the forest on the adjoining Cabin John parkland. Although these strips technically meet the forest conservation requirement of a 50-foot wide strip, the functional value of these remaining areas is lost. A better forest preservation plan would consist of a patch of forest largely adjacent to, rather than a peninsula from, the

- forest along the rear of the property that adjoins the forested parkland. This patch should include the critical root zone of several of the significant and specimen trees that will ensure a potential for survival.
3. Because the forest preservation areas are narrow, significant portions of the critical root zones, in excess of 30 percent, of most of the remaining significant and specimen trees are damaged. According to the forest conservation regulations at least 70 percent of the critical root zone must remain undisturbed in order to receive credit tree preservation. Any additional disturbance will probably result in the death of these trees. Under the submitted schematic development plan only two of the eleven specimen trees have good potential for survival. The remaining forest understory of these save areas is likely to be underdeveloped due to competition with the existing dominant trees. After these large trees die, the remaining understory will be difficult to recognize as forest. Additionally, long narrow strips of forest preservation area create an edge which invite invasive vines and other vegetation that may further decrease the value of these areas.
 4. Much of the mitigation for forest conservation is located along the proposed winding entrance road and located on extremely steep slopes. Some of these areas are small and disconnected from the remaining forest and do not qualify as forest according to the forest conservation regulations.

Discussion with staff from the Montgomery County Department of Permitting Services (DPS) indicates that the applicant proposes to place most of the stormwater management underground. The location for the underground stormwater management facility will be at the highest point of the property and will not capture runoff from the most steeply sloped part of the site, which is across the front of the site. An alternate or additional stormwater management facility will need to be located along Seven Locks Road to capture runoff from the entrance road and rear yard of several town houses. This facility will likely be located in an area where forest mitigation is currently proposed on the schematic plan. To date, DPS staff has not received enough information from the applicant to proceed with a conceptual stormwater management review.

Based on the information submitted to date, staff cannot recommend a favorable finding under the Forest Conservation law for the site, nor state with confidence the stormwater management will function properly.

F. Transportation: The Transportation Planning staff recommends approval of the subject local map amendment application, as this zoning request will have no adverse impact on the area road network. If the subject rezoning request, were to be approved and based on discussions with the Montgomery County Department of Public Works and Transportation (DPWT) the following issues need to be addressed at preliminary plan review.

1. Locate the proposed entrance on the subject site opposite the northern entrance to The Heights School or locate this roadway at least 100 feet from the nearest driveway of the school.

2. Dedicate 40 feet from the centerline of Seven Locks Road along the site's frontage.
3. Provide a left-turn lane from Seven Locks Road into the property's proposed roadway.

The applicant submitted a traffic statement indicating that under the townhouse zoning the proposed 30-townhouse units would generate 14 trips in the peak hour of the weekday morning peak period (6:30 a.m. to 9:30 a.m.) and 25 trips in the peak hour of the weekday evening peak period (4:30 p.m. to 7:00 p.m.). These figures are higher when compared to the existing R-90 zoning which would allow between 15 to 18 units on this site depending on the method of development and the environmental constraints of the site. Fifteen, single-family units would generate 14 trips in the peak hour of the weekday morning peak period and 17 trips in the peak hour of the evening peak period. Eighteen, single-family units would generate 17 trips in the peak hour of the weekday morning peak period and 20 trips in the peak hour of the evening peak period. The requested RT-8.0 zoning represents an increase in traffic over the current R-90 zoning; the site is well situated with respect to major roadways with alternative routes over which the traffic can be dispersed. The roadway network can adequately accommodate the amount of traffic proposed by the requested rezoning.

Finally, the subject site is located in the Potomac Policy Area. As of June 30, 2003, the Potomac Policy Area had a remaining housing capacity of 869 units.

G.- Required Findings: There are five specific findings related to approval of a development plan found in Section 59-D-1.61 of the Zoning Ordinance. These findings related to compliance with the Master Plan, consistency with the requirements of the zone, compatibility with surrounding development, circulation and access preservation of natural features and perpetual maintenance of common areas. The required findings are as follows:

Before approving an application for classification in any of these zones, the district council must consider whether the application, including the development plan, fulfills the purposes and requirements set forth in article 59-C for the zone. In so doing, the district council must make the following specific findings, in addition to any other findings which may be necessary and appropriate to the evaluation of the proposed reclassification:

- (a) That the zone applied for is in substantial compliance with the use and density indicated by the master plan or sector plan, and that it does not conflict with the general plan, the county capital improvements program or other applicable county plans and policies.

The Potomac Subregion Master Plan reconfirmed the R-90 zone with a density of 2.9 dwelling units per acre. The Master Plan does recognize the high quality of forested areas on the site and recommends preservation of these areas. As submitted, the local map amendment and accompanying schematic development plan do not adequately address or preserve these high quality forested areas. As such, the requested rezoning is not in compliance with the recommendations of the Master Plan.

(b) That the proposed development would comply with the purposes, standards, and regulations of the zone as set forth in article 59-C, would provide for the maximum safety, convenience, and amenity of the residents of the development and would be compatible with adjacent development.

As submitted, the proposed development cannot comply the purposes clause of the RT zone, because of the environmental constraints of the site, steep slopes and high quality forested areas, and the absence of adequate stormwater management information. Staff believes without sufficient stormwater management information the potential exists for soil erosion and stormwater runoff to occur on the subject site which could detrimentally affect the adjacent and surrounding properties.

(c) That the proposed internal vehicular and pedestrian circulation systems and points of external access are safe, adequate, and efficient.

The internal vehicular and pedestrian circulation systems are adequate. As submitted, the point of external access will need to be revised per DPWT standards to meet safe and efficient movement into and out of the site. A left turn into the site may also be required by DPWT.

(d) That by its design, by minimizing grading and by other means, the proposed development would tend to prevent erosion of the soil and to preserve natural vegetation and other natural features of the site. Any applicable requirements for forest conservation under Chapter 22A and for water resource protection under Chapter 19 also must be satisfied. The district council may require more detailed findings on these matters by the planning board at the time of site plan approval as provided in division 59-D-3.

The site is largely forested with many significant trees and eleven specimen trees. Among these are three large white oaks (42 inch, 41 inch and 31 inch diameter) a 34-inch sycamore and a 34 inch scarlet oak. The site has steep slopes averaging approximately 20 percent across the front of the site, becoming more gently sloped 5-10 percent in the rear of the property. Considerable site disturbance, re-grading and forest removal is necessary to create an entrance road to the rear and more developable part of the site, and achieve the development as proposed. This level of disturbance requires significant amount of additional mitigation.

(e) That any documents showing the ownership and method of assuring perpetual maintenance of any areas intended to be used for recreational or other common or quasi-public purposes are adequate and sufficient.

According to the applicant's statement if the subject zoning request is approved, at the time of site plan review, the applicant will submit sample home owners association documents demonstrating that areas in common ownership will be assured of perpetual maintenance.

H. Community Concerns: Several citizens from the Inverness North Homeowner Association expressing various concerns regarding the proposed rezoning have contacted Community-Based Planning staff. In summary, their concerns include: loss of significant trees and habitat for wildlife, the steepness of the grade for the proposed entrance and the potential for cars to slide on to Seven Locks Road during icy

conditions, management of storm water run-off, potential for significant erosion, over-capacity of schools, potential for blasting during construction, traffic congestion and pedestrian safety on Seven Locks Road. Copies of citizen letters on this local map amendment are included in Appendix 1.

CONCLUSION

The staff recommends deferral of Local Map Amendment No. G-809 until additional information is submitted on stormwater management and forest conservation. In the absence of a deferral, staff recommends denial Local Map Amendment No. G-809 and the accompanying submitted Schematic Development Plan as the application is not in conformance with the recommendations contained in the Potomac Subregion master plan and does not meet the development standards for the proposed number of units in the RT-8 zone.