

M-NCPPC



**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

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MCPB  
03/31/05  
Item # 5

**MEMORANDUM – LOCAL MAP AMENDMENT**

**DATE:** March 23, 2005  
**TO:** Montgomery County Planning Board  
**VIA:** John A. Carter, Chief, Community-Based Planning Division *JAC*  
**FROM:** Callum Murray, Team Leader, Potomac (301/495-4733) *CM*  
**SUBJECT:** Local Map Amendment No. G-809: Centex Homes Inc;  
Reclassification of 5.23 acres of land from the R-90 Zone to the R-  
T8.0 Zone for 31 townhouse units, 10401 and 10525 Seven Locks  
Road, Potomac Subregion Master Plan.

**FILING DATE:** September 17, 2004  
**PUBLIC HEARING:** April 8, 2005

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**RECOMMENDATION: APPROVAL**

Staff recommends **APPROVAL** of Local Map Amendment No. G-809 and the submitted binding elements in the schematic development plan. The indicated layout of the development is not a binding element and must be revised during the preliminary plan and site plan process to meet environmental requirements.

**SUMMARY**

The applicant, Centex Homes Inc., is requesting reclassification from the Residential One-Family (R-90) Zone to the Residential Townhouse (R-T8.0) 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 R-T8.0 Zone requires that a schematic development plan be submitted with the local map amendment. The schematic development plan submitted with this application proposes 31 townhouse units, served by a private winding roadway that traverses steep slopes on the property.

## **A. Brief History**

- 1964 Two contiguous forested parcels (P400 and P455), abutting the subject site, are acquired by the M-NCPPC from the Burley estate by mutual agreement and now constitute part of Cabin John Regional Park.
- 1969 The property is reclassified from the R-90 Zone to the R-T Zone, permitting densities up to 12.5 dwelling units per acre.
- 1973 The property is reclassified from the R-T Zone back to the R-90 Zone.
- 1992 The Planning Board recommends acquisition of property as an extension to Cabin John Regional Park in the Final Draft Potomac Subregion Master Plan. The owner objects and the County Council disapproves the Planning Board recommendation.
- 2003 The owner files an application for the RT-8.0 Zone, with a schematic development plan (SDP) for 30 units (reduced from original 34). Citing environmental concerns and absence of concept approval for stormwater management, planning staff recommends deferral/denial. The owner requests deferral.
- 2004 The contract purchaser files an application for the RT-8 Zone, with a SDP for 32 units.
- 2005 The County Council enacts a legislative change, reducing the threshold for Moderately Priced Dwelling Units (MPDUs) from 35 to 20 units. The applicant amends the SDP to display 31 units during staff review.

## **B. Description of Property**

The subject site known, as the Burley property, consists of two parcels, Parcel 361 and Parcel 417, with 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 a single detached dwelling unit in the southwest corner of the site. A winding steep driveway provides access from Seven Locks Road to the dwelling unit. A site visit revealed the remains of a further driveway located in the northwest corner of the site, along Seven Locks Road. This 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 the northern property line.

With the exception of a cleared area surrounding the dwelling unit in the southwest corner, the subject property is approximately 77 percent forested, 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 feet 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 site undevelopable.

### **C. 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, together with the confronting properties across Seven Locks Road and west of the subject site.

**Uses:** The property immediately north of, and abutting the site, is zoned R-T12.5 and is developed with the Inverness North townhouse complex. The Scotland community abuts the Inverness North townhouses to the north, is zoned R-T12.5, and consists of 100 townhouses, of which 25 are owner-occupied and 75 are rental units. North of the Scotland community is a 250-foot wide right-of-way for PEPCO transmission lines, zoned R-90. Abutting the PEPCO property to the north is a wide strip of Cabin John Regional Park fronting on Seven Locks Road. Directly north of the park and at the southeast corner of the intersection of 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, and owned by the Maryland-National Capital Park and Planning Commission (M-NCPPC). Two contiguous forested parcels, P400 and P455, abutting the subject site and within the Park were acquired by the M-NCPPC from the Burley estate in 1964 by mutual agreement.

To the south of the subject site, the property is zoned R-T6.0 and developed with the Turning Creek townhouse complex. The remaining properties south of and along Seven Locks Road are zoned R-90 and are 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.

**D. Intended Use and Approval Procedures**

Staff have received several requests for an explanation why an application for the R-T Zone can even be accepted if the zone is not recommended for the property in the Potomac Subregion Master Plan. An explication of the distinction between a floating zone and the so-called "Euclidean" zones is in order at this point. A floating zone is differentiated from an Euclidean zone in that while the latter is a specific area defined by boundaries previously determined by the zoning authority, the former has no such defined boundaries and is said to 'float' over the entire area of the district where it may eventually be established. The floating zone is also different from the establishment of a Euclidean zone in that it is initiated on the instigation of a landowner within the district rather than the legislative body.

The floating zone is subject to several conditions, i.e., the use must be compatible with the surrounding neighborhood, it must further the purposes of the proposed classification, and special precautions are to be applied to ensure that there will be no discordance with existing uses.

The R-T8.0 Zone request is accompanied by a Schematic Development Plan (SDP). The proposed SDP provides for a development consisting of 31 townhouse units (27 with double garages and 4 with single garages) and 76 parking spaces. It is intended that the four units with single garages be Moderately Priced Dwelling Units (MPDUs). Eighteen parking spaces are proposed as surface spaces for visitor parking and access to the site would be from a curvilinear private roadway via Seven Locks Road.

The submitted schematic development plan displays the following chart containing binding elements. It should be noted that the chart indicates Building Coverage as 20 percent, whereas the calculation derived from the submitted schematic development plan is less than 15 percent.

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 31 (thirty-one) one-family attached dwelling units.
Building Coverage	35% or 79,832 sq ft	20% or 45,600 sq. ft.
Green Space	50% or 114,045 sq. ft.	65% or 148,300 sq. ft.

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

## **E. Zoning History**

### **1. Comprehensive Zoning**

- a. 1954 Countywide comprehensive zoning: R-A Zone enacted.
- b. 1958 Countywide comprehensive zoning: R-90 Zone enacted.
- c. SMA- G-247: R-90 Zone reconfirmed - approved September 30, 1980.
- d. SMA-800: R-90 Zone reconfirmed - approved October 10, 2002.

### **2. Local Map Amendments**

- a. Local Map Amendment (F-419): reclassification from the R-90 Zone to the R-T Zone approved on December 30, 1969. At that time, the R-T Zone permitted densities up to 12.5 dwelling units per acre.
- b. Local Map Amendment (F-903): reclassified the R-T Zone back to the R-90 Zone at the applicant's request due to increased financial tax burden, approved on July 9, 1973.

### **3. Master Plan Recommendation**

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

## **F. 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 Interstates 270 and 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 eight elementary students, four middle school students, and five 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 five year forecast period. Bells Mill is in a modernization cycle and will have a larger capacity by 2010. Cabin John is currently over capacity and is projected to remain near its capacity for the six year forecast period while Churchill High School is projected to be over its capacity for the six year forecast. Other than the Bells Mill modernization, there are no capital projects scheduled in the currently adopted Capital Improvements Program to relieve the projected space shortages at these schools. The current Annual Growth Policy finds capacity to be adequate in the Churchill cluster.

**ANALYSIS**

**A. PURPOSE 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 immediately abutting properties to the north and south of this site are zoned residential townhouse (R-T12.5 and R-T6.0 respectively), and the area is appropriate in terms of location for residential development at densities allowed in the R-T8.0 Zone, subject to stringent site plan and stormwater management conditions. The proposed development density is 5.9 dwelling units per acre, identical to the density pertaining on the abutting townhouse development to the south, and less than the 10.9 dwelling units per acre occurring on the abutting townhouse developments to the north. The Potomac Subregion Master Plan does not designate this site be placed in a R-T Zone, although it was zoned R-T (Residential Townhouse) from 1969 to 1973.

**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 one row of units consisting of seven townhouses, and four rows of units consisting of six townhouses. The front building line of each unit will vary by two feet, to provide articulation to the front elevations.

**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	5.92 du/ac
Minimum Building Setback		
From one-family detached	30 ft.	40 ft.
From any public street	25 ft.	173 ft.
From an adjoining lot		
Side (end unit)	10 ft.	20 ft.
Rear	20 ft.	34 ft.
Maximum Building Height	35 ft.	35 ft.
Maximum Building Coverage	35%	20%
Minimum Green Area	50%	65%
Parking	2/du	2.45 d/u

**B. COMPLIANCE WITH THE 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 is within the 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.

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 (R-T8.0) 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. The Montgomery County Department of Permitting Services has granted concept approval to the applicant's stormwater management plan while environmental staff analysis indicates that the forest conservation threshold can be met with a revised layout during the preliminary plan and site plan process.

**C. COMPATIBILITY:** The proposed R-T8.0 Zone allows 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 31 units on 5.23 acres, for a density of 5.92 units per acre. Information submitted by the applicant states that the Inverness North townhouse complex (zoned R-T12.5) directly north and abutting the site is developed at a density of 10.9 units per acre. Abutting the Inverness North complex is the Scotland community with 100 townhouses zoned R-T12.5 and developed at a density of 10.9 units per acre. South of the subject site is the Turning Creek townhouse complex, zoned R-T6.0 and developed at 5.9 units/acre. 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. A conservation easement is proposed on the northern boundary to screen the Inverness North development from the proposed units and all setbacks exceed the minimum requirements.

**D. SCHEMATIC DEVELOPMENT PLAN:** The proposed Schematic Development Plan (SDP) encompasses approximately 5.23 acres of land and proposes 31 townhouse units. The first SDP submitted in 2003 for the property showed 34 units and a 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. This revised plan shows the relocated driveway further to the north, and 31 units. By eliminating units without garages, the applicant has reduced the number of visitor parking spaces from 33 to 18, reducing the area of impervious surface, and increasing the area available for landscaping. Because of the steep slopes and natural features of this site, proposed site grades, slope maintenance, stormwater management facilities, drainage swales, access to the rear of several properties, proposed landscaping, and protection of critical root zones will be closely scrutinized at later stages of the



development process. Some or all of the units may need to be reduced in size or the number of units cut to meet all site plan requirements, pending further engineering and more detailed review.

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 terrace walls for the proposed access to the site. These terraces should be very heavily landscaped both to retain the soil and to ameliorate the appearance of successive terrace walls.

**E. ENVIRONMENT:** Environmental Planning staff recommend that the schematic development plan be revised during the preliminary plan process to more fully meet Sec. 59-D-1.61 (d) of the Zoning Ordinance, which states:

“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.” (Emphasis added)

Since the proposed layout of the development is not a binding element, the layout can be revised during the Preliminary Plan process.

### **Existing Conditions**

This 5.23-acre site is located on Seven Locks Road across the street from the Heights School. There are townhouse developments to the north and south of the site. Cabin John Regional Park is located to the east. It is within the Middle Mainstem tributary of the Cabin John Creek watershed. This subwatershed has fair water quality and fair habitat conditions. Runoff from the site currently drains to a channel along Seven Locks Road. This drainage enters the mainstem of Cabin John Creek approximately 1,700 feet from the site. The site has access to public water and sewer service with categories of W-1 and S-1 respectively. According to the Potomac Subregion Master Plan and the approved Natural Resource Inventory and Forest Stand Delineation (4-03148), the site contains both priority contiguous forest (4 acres) and eleven specimen trees. Among these are three large white oaks (42”, 41” and 31” diameter), a 34” sycamore and a 34” 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.

The evaluation of this site was based on the following:

### **Forest Conservation**

According to Section 22A-12(b) of the Forest Conservation law:

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

Staff recommends that the proposed schematic development plan be revised during the preliminary plan process to meet the intent of the forest conservation regulations.

On the Burley property forest preservation is simplified by the fact that the site is part of an existing mature forest that extends to the east and southeast on adjacent park property. Any forest preserved on the site, no matter what the size or width, can be counted as forest preservation as long as it has a significant connection to the existing adjacent forest. In evaluating the site design, the forest conservation threshold and break-even point of the site are benchmarks used to determine the ability of the site design to meet the intent of the forest conservation regulations. The threshold for forest conservation is 1.04 acres or 20 percent of the site. The break-even point is 1.63 acres. These figures are based on the size of the site, the size of the existing forest and the high density of both the existing and proposed zone and should be used as minimum goals for forest conservation.

This site has been evaluated over a number of years for the proposed rezoning request. Although staff has often requested a more environmentally sensitive layout, the basic design has changed little except for slight variations in the number and size of the units. The schematic development plan does not show that the forest conservation threshold or break-even point has been met. Considerable site disturbance, re-grading and forest removal is necessary to create an entrance road on the steep slope of the front of the property and to level the rear property to achieve the development as proposed. However, staff analysis has shown that development under the requested R-T8.0 Zone, and with the number of units proposed, can effectively meet the conservation threshold by protecting between 1.04 and 1.63 acres of priority forest and individual specimen trees. A more environmentally friendly site design can be accomplished by adjusting the layout or by building into the existing grade rather than so severely re-grading most of the site.

In addition to forest requirements, staff would like to highlight the fact that there are multiple outstanding individual specimen and significant trees located on this site. In particular there are three white oaks located along the northern perimeter of the site. These trees are not only part of an outstanding forest, but also have significant value as individual trees for the benefit of the future home-owners, the adjacent neighborhood and, in the case of the 41” white oak, as a landmark tree along Seven Locks Road. The

proposed schematic development plans have consistently shown these trees to be preserved. This commitment should be honored throughout the development process. Special care should be taken to protect the critical root zone and the canopy of these specimen trees.

### **Stormwater Management**

The Department of Permitting Services (DPS) has approved a concept for stormwater management for this site. The concept includes several on-site channel protection and water quality measures via underground detention facilities, dry wells, storm filters and on-site infiltration. According to DPS, not all of the stormwater from this site is captured in the proposed system. They have found it acceptable to grant partial waivers for those volumes. DPS's concept approval was granted for a design that included four units less than currently proposed.

DPS has determined that the concept is acceptable, but there are many details to be finalized throughout the development process. Among these, the feasibility of infiltration is yet to be determined. A detailed analysis of stormwater calculations must also be completed and the additional units must be added to the computations. We wish to highlight these details because often in the final analysis, the proposed mitigation for stormwater management is proven to be inadequate and facilities are either enlarged or additional facilities are required. On a site with development challenges such as the Burley property, meeting the development goal along with all of the original environmental goals will be difficult. In the event that additional stormwater management measures are needed in order to meet DPS requirements, staff recommends that the number of units be decreased to meet any additional stormwater management requirements, rather than compromising the environmental goals in the development of this site.

### **Steep Slopes**

The development of such steep slopes under any high-density zone is problematic. In an attempt to create the largest area of level building pads, the development scheme invariably creates slopes that are steeper than the originals, or soaring multiple retaining walls. Even if steep slopes are completely re-vegetated and stabilized, soil erosion cannot be eliminated and will naturally continue, creating maintenance issues in the long term. Staff recommends that the schematic development plan be revised during the preliminary plan process to build into the existing slopes rather than attempting to completely re-sculpture the landscape for the purpose of creating a wider development envelope. This will more fully meet section (d) of the intent of the R-T8.0 Zone, which states:

"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."

**F. TRANSPORTATION:** Transportation Planning staff recommend 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 is ultimately 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. Dedicate 40 feet from the centerline of Seven Locks Road along the site's frontage.
2. 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 31 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.

**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 relate 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, but does not restrict an application for a floating residential townhouse zone. The Master Plan does recognize the high quality of forested areas on the site and recommends preservation of these areas. The proposed amendment does not conflict with the General Plan or the Capital Improvements Program. As submitted,

the schematic development plan accompanying the local map amendment will require revision during the preliminary plan and site plan processes to more adequately address forest conservation and water resource protection as provided by Zoning Ordinance Sec. 59-D-1.61 and Sec. 59-D-1.7.

- (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.

The application comports with the purposes, standards and regulations of the R-T8.0 Zone and would be compatible with adjacent development in terms of unit type, density, and setbacks. The binding elements constrain the number of units and building coverage, and specify a minimum 65 percent of green space, compared with the minimum ordinance requirement of 50 percent. The driveway access meets County standards and amenities will include a conservation easement, retention of specimen trees and access to Cabin John Regional Park.

- (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. A left turn into the site may also be required by DPWT for safe and efficient movement into the site.

- (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 a significant amount of additional mitigation and will require more detailed finding on these matters at time of preliminary and site plan approval.

- (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:** The applicant has held two meetings with the Inverness North Homeowner's Association. Several citizens from that 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 onto Seven Locks Road during icy conditions, management of stormwater 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 as Appendix 1. Copies of letters submitted in response to the earlier 2003 application are included as Appendix 2.

## **CONCLUSION**

Planning staff recommends approval of Local Map Amendment No. G-809, and the submitted binding elements in the schematic development plan. The indicated layout of the development is not a binding element and must be revised during the preliminary plan and site plan process to meet environmental requirements.

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### **Attachments**

1. Surrounding Area Map
2. Vicinity Map
3. Zoning Map
4. Schematic Development Plan
5. Site Data and Binding Elements
6. Aerial Photograph
- 7-11. Site Photographs

Appendix 1 Letters regarding current application

Appendix 2 Letters regarding original 2003 application