

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 190

CASE NO. 76-3F/77-12

November 11, 1977

Pursuant to notice, a Public Hearing was held on August 8, 1977, to consider the final application for a Planned Unit Development and related zone change filed by Blair Road Ltd. Partnership, Bruce C. Winston, General Partner.

FINDINGS OF FACT

1. This is an application for final approval under Article 75 of the Zoning Regulations for a Planned Unit Development (PUD), which involves a change of zoning from R-1-B to R-5-A. The site contains 4.29 acres of land, located at 7415-7423 Blair Road, N.W., Square 3180, Lots 808, 810, and 816-819. To be included in the development is 9,480 square feet of land owned by the applicant which is located in Montgomery County, Maryland.
2. The site is currently partially wooded. Five renter-occupied, single-family detached dwellings occupy a portion of the site along the Blair Road frontage.
3. The Zoning Commission granted preliminary approval to the PUD by Order No. 141, dated February 9, 1977. The Commission specified guidelines, conditions and standards in that order which governed the use, height, bulk, density, and design of the site.
4. The applicant filed with the final application two sets of plans, schemes "A" and "B". Scheme "A" meets all the detailed requirements contained in Zoning Commission Order No. 141, which granted preliminary approval and would allow for the construction of seventy-three single family units in rowhouses and triplex units. Scheme "B", an alternate plan proposed by the applicant, departs from the Zoning Commission's Order in three specific areas, namely rear yard, set back from Blair Road and the substitution of a new road plan, eliminating the necessity for a nine-foot wall proposed to be erected adjacent to and along the property line next to the Metro right-of-way. This scheme would allow for the construction of eighty-four single family rowhouses and triplex units.

5. The surrounding zoning and land uses include: (a) the property to the northeast of the site, located in Montgomery County zoned R-10 under the Montgomery County Ordinance and developed with garden apartments; (b) the property immediately abutting the subject site to the north and south zoned R-1-B, and developed with single-family detached units; (c) the property to the east of the site, the Baltimore and Ohio Railroad and the Washington Metropolitan Area Transit Authority rights-of-way; and (d) the property to the west zoned R-2 and developed by single-family detached dwellings.

6. The site has been the subject of several zoning requests since 1958. These requests were made under Article 75 for Planned Unit Developments and Map amendments for developments ranging from the instant request for 93 single-family dwelling units, to as many as 400 apartment units.

7. The neighborhood surrounding the site is generally recognized to include the area north to Silver Spring, west to Georgia Avenue, and south to the Takoma Metro Station. This surrounding community contains a variety of unit types, including single-family detached and semi-detached, and multi-family dwellings.

8. The site is within walking distance of employment and shopping facilities along Georgia Avenue and at Blair Road in the vicinity of the Takoma Metro Station.

9. Adequate transportation facilities exist or are planned within walking distance of the site. Adequate bus service is provided on Georgia Avenue and Alaska Avenue, N.W.

10. The proposed development will provide on-site recreation facilities. The project is proposed to be marketed as a condominium, which will provide for homeownership consistent with the existing ownership pattern predominant in the area.

11. The proposed application provides the type of residential development which is consistent with the goals and objectives of the draft Takoma Area Plan. Alternative two of the draft plan provides for R-5-A zoning, consistent with the proposal.

12. On the basis of the report and testimony of the District of Columbia Department of Environmental Services, there exist water and sanitary sewer lines at Blair Road with sufficient capacity to serve the proposed development and sewage treatment capacity.

13. On the basis of the testimony of the D.C. Department of Education, the area schools have the capacity to accommodate any increased enrollment expected from the number and type of proposed dwelling units.

14. On the basis of the testimony of the D.C. Department of Transportation and the applicant's transportation consultant, Blair Road is now overburdened, but the traffic generated by the proposed development will not create a more severe burden on Blair Road, nor will there be any significant impact on other neighborhood streets.

15. The Highway Plan established in the 1890's calls for a 90 foot right-of-way for that portion of Blair Road affecting the site in question. There are no current plans or funds budgeted to carry out the Highway Plan. The existing right-of-way of Blair Road is 33 feet and the paved roadway is 26 feet wide. The Department of Transportation recommended that the applicant honor the Highway Plan right-of-way line on the east side of Blair Road as a building restriction line.

16. The development will provide for parking at one and a half spaces per dwelling unit, and a one-way traffic circulation plan with ingress at the southern entrance and egress from the northern exit. The latter will insure a smoother flow of traffic entering and exiting the site in lieu of a two-way traffic pattern.

17. The Municipal Planning Office, by report dated May 3, 1977, recommended approval of "Scheme A" based primarily on the facts that those plans conform precisely to the Zoning Commission preliminary approval contained in Zoning Commission Order No. 141. The Municipal Planning Office stated that this application for final approval of the planned unit development and for change of zoning from R-1-B to R-5-A is in harmony with the intent and purposes

of the Zoning Regulations and Map. In its final report to the Commission, dated October 4, 1977, the Municipal Planning Office suggested guidelines, conditions and standards to be applied to the project, and recommended that the final design of the project be based on Scheme "B" as amended by the specific conditions.

18. Scheme "B" as proposed by the applicant with some modifications, will meet the needs of the applicant as well as preserve the existing character of the neighborhood. This Scheme will also:

- a. Allow a slight reduction in the depth of rear yards, providing for better pedestrian circulation within the site.
- b. Allow the applicant to build eighty-four single-family dwellings, one less than the maximum the Commission set out in Order No. 141.
- c. Move buildings away from the Metro and Railroad rights-of-way, thus reducing potential noise impacts and eliminating the necessity for a masonry wall.
- d. Allow for a ninety foot right-of-way for Blair Road as requested by the D.C. Department of Transportation.

19. The Blair-Takoma Neighborhood Association appeared as a party in opposition to the application. Their objections included: the deteriorating condition of the houses on the subject site, the traffic and parking impact from the proposed development and the density of the development. The objection relating to the condition of the houses is one that is not relevant to the appropriateness of the zoning or the PUD. Testimony was given that the development will have little impact on neighboring streets, and with the advent of Metro, excellent public transportation will serve the development. Lastly, the development will only occupy 25 per cent of the site with substantial recreational area.

20. Advisory Neighborhood Commission-4A, at its public meeting on July 20, 1977, approved a motion to go on record in opposition to the subject case, and to strongly support individuals and organizations in the Takoma area who have vigorously opposed this development.

21. The National Capital Planning Commission reported that the proposed PUD would not have a negative impact on the interests or functions of the Federal Establishment within the National Capital.

#### CONCLUSIONS OF LAW

1. The Planned Unit Development process is an appropriate means of controlling the development of the subject site.

2. Approval of this final application is appropriate, because it is generally consistent with the present character of the area and because it would encourage stability of the area and land values therein.

3. Development of the site according to the Scheme "B" plans is a more appropriate means of developing the site than the Scheme "A" proposal, as it provides for a superior site plan while still meeting the intent and purpose of the preliminary approval.

4. Approval of this final application and change of zone from R-1-B to R-5-A is in harmony with the intent, purpose and integrity of the comprehensive zone plan of the District of Columbia, as embodied in the Zoning Regulations and Map.

5. Approval of this final application for a planned unit development and change of zone from R-1-B to R-5-A is in accordance with the Zoning Regulations of the District of Columbia, as amended, and the Zoning Act (Act of June 20, 1938, Stat. 797), as amended.

#### DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission hereby Orders approval of the final application for a planned unit development and adoption of a change in zoning from R-1-B to R-5-A for Lots 808, 810 and 816-819 in Square 3180, Located at 7415-7423 Blair Road, N. W., subject to the following guidelines, conditions and standards:

1. The property shall be restricted to row dwellings and "triplex" units as described herein under a condominium arrangement providing for recreational facilities, including, but not limited to, children's play areas and "sitting" areas.

2. The development shall contain a maximum of eighty-four dwelling units.

3. The development shall be restricted to a maximum of 236 bedrooms.

4. The maximum floor area ratio shall not exceed 0.90.

5. The number of off-street parking spaces shall be provided at a minimum of 1.50 spaces per dwelling unit.

6. The applicant shall honor as a building restriction line the proposed ninety foot right-of-way line for the east side of Blair Road as shown on the Highway Plan for the District of Columbia, except that no building shall be constructed within thirty-five feet of the existing paved surface of Blair Road, and that a permanent ten foot pedestrian easement be provided adjacent to Blair Road, including sidewalk, curb and gutter as approved by the Department of Transportation.

7. The access road serving the development shall be designed to provide a one-way traffic flow, with one entrance and one exit to the site, and a parking pattern as shown on the revised site plan.

8. The maximum height of all buildings shall not exceed three stories or forty feet.

9. Lot occupancy of all buildings shall not exceed thirty per cent of the gross site area.

10. All units shall have an enclosed rear yard. The rear yard shall have a minimum depth of twenty feet except where fire access is required. Where such access is required, the rear yard may be reduced to a minimum of fifteen feet. All enclosures shall be at least six feet high, of sturdy construction and

provided with a gate at each end. Enclosures shall not extend into spaces designated as easements on the site plan.

11. A passage shall be provided midway between the long series of buildings on the southern portion of the site.

12. There shall be provided a minimum six foot high fence along the eastern property line. Landscaping in the form of two rows of evergreen trees with a minimum initial height of six to seven feet and a mature height of not less than thirty five feet shall be planted between the fence and the edge of the parking surface.

13. No tree of six inch diameter or greater shall be removed unless it is to be covered by a building or structure or it is necessary to remove it for a primary access road, or the tree is diseased or a present danger to occupants of the site or the public.

14. All areas not devoted to buildings, structures, and access drives or above ground parking shall be landscaped in accordance with the plan approved by the Board of Zoning Adjustment.

15. The final design of the building shall be based on the plans, Alternative "B", submitted with the application for final approval and designated as Exhibit Number 26 as modified by the conditions specified herein.

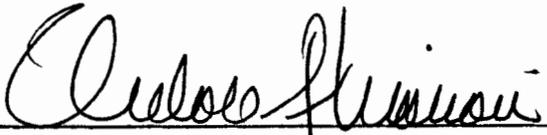
16. The applicant shall submit a detailed landscape plan to the Board of Zoning Adjustment at the time of filing an application for further processing of the Planned Unit Development. Such plan shall show the location of all trees with diameters of six inches or greater and the type and location of all landscaping which is replacing areas where the original vegetation has been removed. The applicant shall also submit a grading and drainage plan, indicating thereon the location of buildings, roads, sidewalks, water and sewage lines, inlets and basins, the location of proposed connection to water lines, sanitary and storm sewers and proposed erosion control measure shown on the site plan.

17. No site grading or other change in the existing character of the property, including removal of existing trees or vegetation, shall take place prior to approval of the detailed site plan by the Board of Zoning Adjustment.

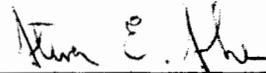
18. Approval of the application by the Zoning Commission and/or the Board of Zoning Adjustment shall not relieve the applicant of the responsibility of conforming to all other applicable codes and ordinances of the District of Columbia.

19. The change of zoning shall not be effective until the recordation of the covenant required by Sub-section 7501.2 and completion of the Planned Unit Development process is completed.

Vote of the Commission taken at the public meeting of October 14, 1977: 5-0 (Theodore F. Mariani, Walter B. Lewis, Ruby B. McZier, John G. Parsons, and George M. White, to grant final approval to the PUD and adopt the map change).



THEODORE F. MARIANI  
Chairman



STEVEN E. SHER  
Executive Director

This order was adopted by the Zoning Commission at its public meeting held on November 11, 1977 by a vote of 4-0 (Walter B. Lewis, John G. Parsons and Theodore F. Mariani to adopt, Ruby B. McZier to adopt by proxy, George M. White not present, not voting).

In accordance with Section 2.61 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this order is effective on \_\_\_\_\_.