

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 452

CASE NO. 84-12

March 11, 1985

(Map Amendment @ 7th & Savannah Streets, S.E.)

Pursuant to notice a public hearing of the District of Columbia Zoning Commission was held on January 7, 1985. At that hearing session the Zoning Commission considered an application from Furman Builders, Inc., to amend the Zoning Map of the District of Columbia, pursuant to Section 9101 of the Zoning Regulations of the District of Columbia. The hearing was conducted in accordance with the provisions of Chapter 6 of the Rules of Practice and Procedure before the Zoning Commission.

FINDINGS OF FACT

1. The application, which was filed on July 5, 1984, requests a change of zoning from the R-2 District to the R-5-A District for Lot 2, in Square 5957 in the 700 block of Savannah Street, S.E.
2. The subject property contains approximately 8.04 acres of land and is located nearly in the center of the area bounded by Wheeler Road to the east, 6th Street to the west, Alabama Avenue to the north and Mississippi Avenue to the south in the Washington Highlands neighborhood area. The property is to the rear of developments facing those streets. The property has access from 7th Street to the south and Savannah Street to the north. Both of these streets terminate at the property.
3. The existing R-2 zoning classification of the site allows any use permitted in the R-1 Districts under Sub-Section 3101.3 of the Zoning Regulations. Generally the R-2 District permits the development of single-family detached and semi-detached dwelling units with a minimum lot area of 3000 square feet, a minimum lot width of thirty feet, a minimum lot occupancy of forty percent, and a maximum height of three stories/forty feet.
4. The proposed K-5-A District permits as a matter-of-right new residential development consisting entirely

of single-family detached and **semi-detached** dwellings, With the approval of the Board of Zoning Adjustment, the R-5-A District permits other new residential development of rowhouses, flats and apartments to a maximum lot occupancy of forty percent, a maximum floor area ratio (F.A.R.) of 0.9, and a maximum height of three stories/forty feet. The BZA must also approve the minimum lot area and lot width for new development of any other use in the R-5-A District.

5. The site is surrounded by housing developments on all sides. To the east of the site is Terrell Elementary School and the Wheeler Hill condominium consisting of twenty-eight units developed by the applicant in 1979. To the north, west and south of the site there are residential developments containing single family and semi-detached dwellings, The general character of the immediate area can be described as exclusively residential containing a mix of various types of housing. There is no public housing in the immediate proximity of the site. St, Elizabeth's Hospital is located north of the site,
6. The site is vacant and wooded. It has dense vegetation which includes a large number of mature trees. The high point of the site occurs at the northeastern portion of the site where it abuts the Wheeler Hill Condominium development and the Terrell Elementary School property, The site slopes markedly to the south and to the west. The difference in grade from the highest point to a point at 7th Street is approximately sixty feet . The western portion of the site contains a north-south scale also which limits its development potential, Simon Elementary School and Hart Junior High School are located on Mississippi Avenue south of the site by one block.
7. The property abuts R-2 zoning and developed property on its north, east and south sides and R-5-A zoning and developed property on its east side. There are R-4 and R-5-A zoning and developed properties located three blocks (approximately 900 feet) west of the site along Savannah Street and Martin Luther King, Jr. Avenue. The nearest commercially zoned property is located northeast of the site at Wheeler Road and Mississippi Avenue in the C-1 District,
8. The applicant intends to build seventy-six new single family row houses, each to be marketed in fee simple on separate lots of 2,000 square feet in land area. The units are planned to be modeled after the existing twenty-eight unit townhouse residential condominium located adjacent the site to the southeast. The existing development is called Wheeler Hill Estates and

was constructed in 1979 by the applicant. The applicant has indicated that the Wheeler Hill Estates development was intended to constitute the first phase of a three-phase residential development including the subject site. The proposed change of zoning would permit the completion of the project.

9. The applicant testified that it intended to build on the flatter part of the site and that it would not disturb the more steeply sloping portions of the site in the areas that were covered with trees.
10. The proposed row dwellings as described by the applicant will have front and rear yards, and two-side by-side rear parking spaces adjacent to each unit. Service drives are proposed to provide access to the units. The units will consist of two above-ground stories and a basement. The interior living space in each unit will be 1,750 square feet. The anticipated market price for the units will range from \$70,000 to \$80,000 each. Ingress and egress to the proposed development will be provided on the southwest by an access road to 7th Street and through the existing Wheeler Hill Estates townhouse development to the northeast.
11. The development proposed by the applicant **would** require BZA approval. As a matter-of-right in the R-5-A District, the applicant could do no more than what is permitted as a matter-of-right in the R-2 District.
12. The subject property was originally included in Parcel 235/64 in Square 5957 which comprised 14.05 acres and extended eastward to Wheeler Road. The frontage along Wheeler Road was substantially fiat, whereas the remaining portion to the west, comprising eight acres and now representing the subject site, had steep sloping topography.
13. The D.C. Board of Education acquired four acres along Wheeler Road by eminent domain to construct the existing Terrell Elementary School, leaving some frontage and access to the property immediately to the north of the school. In this manner, the applicant owned a reduced site of approximately ten acres which was the subject of BZA Application No. 11216 in 1972. The applicant requested and received in that case a number of variances and special exceptions from the requirements of the existing R-2 zoning District to construct 141 row houses, a community center building, recreation building and swimming pool. Later on, the Board modified this order by reducing the number of row houses from 141 to 125 and eliminating the provisions for a swimming pool. In accordance with the Board

approval, the applicant constructed twenty-eight units on the two acre flat portion of the site represented by Lot 1 located in the vicinity of Wheeler Road. The remaining eight acres are still vacant and are now the subject of the present application,

14. The District of Columbia Office of Planning by memorandum dated December 21, 1984, and by testimony presented at the public hearing, recommended approval of the application. The Office of Planning believed that the irregularity in shape of the site, the severe grade differential and limited street access support the change in zoning to R-5-A. The R-5-A District allows a more flexible approach to the site's development from the standpoint of building type, building arrangement, siting, grading and lot dimensions than would be permitted under the existing P-2 Zoning designation. The Office of Planning noted that the map change was consistent with density guidelines of the Comprehensive Plan Proposed Generalized Land Use Map, which graphically illustrates the site as proposed for moderate density residential. The Commission concurs with the findings and recommendations of the Office of Planning.
15. The D.C. Department of Public Works (DPW) , by memorandum dated December 21, 1984, examined the applicant 's proposed site plan under the proposed R-5-A rezoning, in terms of the following areas of concern,
 - a. The extent to which the proposed map change would create any adverse traffic conditions;
 - b. The adequacy of the proposed access to the site; and
 - c. The adequacy of the water and sewer utilities available to serve the site.

The DPW determined that under the site review process of the Board of Zoning Adjustment, the DPW would have ample opportunity to assess the impact of the proposed site plan and made appropriate recommendations which would make unlikely any large scale development on the site.

16. The DPW, by supplemental memorandum dated January 29, 1985 which was requested by the Zoning Commission at the public hearing, answered specific concerns about the adequacy of the sewer capacity. The concerns to be answered by the DPW were:
 - a. The existence of public utility easements on and abutting the site;

- b. The existence of water and sewer lines and other public utilities on the site;
- c. The feasibility of continuing the 7th Street right-of-way north onto the property to access future development; and
- d. The adequacy of the water and sewer utilities and provisions the developer must take to prevent soil and erosion and drainage problems.

The DPW identified the existence of a sixteen foot overland drainage easement on the west side of the site that must remain open for storm water conveyance, and identified all existing water and sewer Lines and other public utilities. Based on this identification, the D.C. Department of Public Works concluded that there are adequate water and sewer utilities to serve the site. The review did not find a need to construct a city street since the applicant can provide internal roadway circulation and since the '7th Street extension into the property boundary had been eliminated from the high-way plan. On the concern of storm water run-off and soil erosion, the D.C. Department of Public Works concluded that a more detailed set of plans must be submitted by the applicant in the future in order to fully assess the extent any work necessary to mitigate drainage and soil erosion problems,

- 17. The Metropolitan Police Department, by memorandum dated December 13, 1984, concluded that the development of the area as proposed would not adversely impact upon the **operations** of the Department or the Seventh District, in which the site is located.
- 18. The D.C. Public Schools, by memorandum dated December 14, 1984, determined that the schools in the area had adequate capacity to **accommodate** additional students, The D.C. Public Schools raised a concern of the impact of the proposed development on the adjacent school property in terms of drainage, property access and increased demands for on street parking,
- 19. The D.C. Department of Finance and Revenue, by memorandum dated December 19, 1984, stated that the proposed development would result in additional tax revenue for the District.
- 20. The Advisory Neighborhood Commission 8C did not file a report or participate in **this case**.
- 21. The Wheeler Hills Estates Condominium Association, by testimony presented at the public hearing, opposed the application for the map amendment because of its

concerns about access to the subject site through property owned by the Association, necessity for the rezoning, and sewer capacity. The Association further stated that the majority of the members at this time would vote against permitting access to Wheeler Hill Drive, S.E., by the developer.

22. Ms. Claudine Lawson of 3400 7th Street, S.E., and Mr. James C. Miller of 3400 7th Street, S.E. testified in opposition to the proposed map change because of their concerns about storm water drainage, access on 7th Street side due to the presence of a sewer line, and damage to their property during construction,
23. Mr. Leon Alien, a resident of the Wheeler Hill Estates Condominium, testified in opposition to the proposed map change because of the sewer backup in ten of the units on Wheeler Will Drive allegedly due to incorrect sizing of pipes connecting to the sewer. Mr. Michael Gray, president of the Association, testified further that other problems in relationship to the plumbing had arisen in the condominiums.
24. Since the subject application is a request for rezoning, the Commission is not able to impose conditions upon the application. The Commission further cannot and is not considering or approving the type and density of development in the site plan which the applicant has indicated in the record that it proposed to construct.
25. The Commission notes that the Zoning Regulations require that any development of the site for other than detached or semi-detached single-family dwellings would require approval from the BZA. Consequently, the specific details of the site plans for the property can and properly should be left for disposition by the BZA.
26. The Commission finds that there are adequate public facilities in the form of streets and schools in existence to support the matter-of-right development permitted under R-5-A, which is the same as R-2. The adequacy of sewer, water and drainage facilities is questionable, but likely can be resolved upon review of a specific building proposal. The specific determination of what level of density can be permitted as a special exception with particular attention to the availability and adequacy of sewer, water, and drainage facilities, is left for review and determination by the BZA.
27. The specific site development concerns of the Wheeler Hill Estates Condominium Association and the individual

residents who testified can also be addressed during the BZA process. The Commission finds that access to the property can be provided without crossing the Condominium Association property, should the Association prevent access.

28. The Commission finds that complaints about problems in the present development of the adjoining lot are not relevant to the rezoning of the subject property.
29. The decision of the Zoning Commission in this application was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self Government and Governmental Reorganization Act. The NCPC, by report dated March 7, 1985, found that the decision to approve R-5-A rezoning would not adversely affect the Federal Establishment or Federal interests in the National Capital nor be inconsistent with the Comprehensive Plan for the National Capital.

CONCLUSIONS OF LAW

1. Rezoning to R-5-A as set forth herein is in accordance with the Zoning Act (Act of June 20, 1938, 52 Stat. 797) by furthering the general public welfare and serving to stabilize and improve the area.
2. Rezoning to R-5-A will promote orderly development in conformity with the entirety of the District of Columbia Zone Plan as stated in the Zoning Regulations and Map of the District of Columbia.
3. Rezoning to R-5-A will not have an adverse impact on the surrounding neighborhood.
4. Rezoning to R-5-A would not be inconsistent with the Comprehensive Plan for the National Capitol,

DECISION

The Commission is convinced that the most appropriate zoning for this site is R-5-A. The provisions of that District requires the BZA to review and approve a specific level of development for the site and a specific site plan for any new residential development that does not consist exclusively of detached and semi-detached single family dwellings. This review process and the flexibility of site planning allowed under R-5-A, offer the best means of protecting both the site and surrounding development, The Commission commends to the attention of the BZA those issues which were raised in this case about the specific development of the

site, including access to the site, drainage, adequacy of sewer and water services, tree preservation and grading and preservation of existing slopes, with particular attention to precluding development on that portion of the site where the slopes exceed twenty-five percent, The Commission further urges the Office of Planning to conduct a Large Tract Review of any development of this site, and to provide the result of that review to the BZA for any applications that are before the Board regarding this property,

In consideration of the findings of fact and conclusions of law herein, the Zoning Commission of the District of Columbia hereby orders APPROVAL of the following:

Change from R-2 to R-5-A for Lot 2 in Square 5957 in the '700 block of Savannah Street, S.E., as shown on the plat marked as Exhibit No. 3 of the record.

Vote of the Commission at the public meeting held on February 11, 1985; 4-0 (John G. Parsons, Patricia N. Mathews and Lindsley Williams, to approve and Maybelle T. Bennett, to approve by absentee vote - George M. White, not voting not having participated in the case).

This order was adopted by the Zoning Commission at its public meeting held on March 11, I.985 by a vote of 4-0 (Lindsley Williams, Patricia N. Mathews, John G. Parsons, and Maybelle T. Bennett, to adopt as amended - George M. White, not voting not having participated in the case).

In accordance with Section 4.5 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, the Amendment to the Zoning Map is effective on

29 MAR 1985



MAYBELLE T. BENNETT
Chairperson
Zoning Commission



STEVEN E. SHER
Executive Director
Zoning Secretariat