



MONTGOMERY COUNTY PLANNING DEPARTMENT
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item #
5/5/11

MEMORANDUM

DATE: April 22, 2011

TO: Montgomery County Planning Board

VIA: John Carter, Chief
 Planning Area 3 Team

FROM: Richard A. Weaver, Coordinator (301) 495-4544
 Planning Area 3 Team

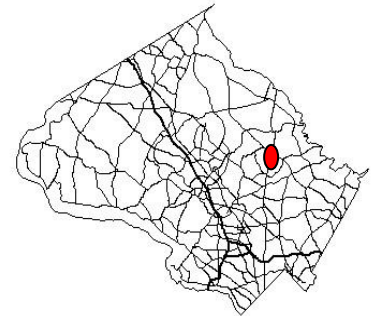
REVIEW TYPE: Preliminary Plan of Subdivision

APPLYING FOR: One 5.0 acre lot and a 199 acre farm remainder under the standard method of the Rural Neighborhood Cluster zone.

PROJECT NAME: Mess Property
CASE #: 120100310
REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: Rural Neighborhood Cluster (RNC)
LOCATION: 18420 Brooke Grove Road, east side of Old Baltimore Road opposite the intersection with Spartan Road

MASTER PLAN: Olney
APPLICANT: Charles F. Mess, M.D.
ENGINEER: Benning and Associates
FILING DATE: June 21, 2010
HEARING DATE: May 5, 2011



Approval signatures

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RECOMMENDATION: Approval, Subject to the Following Conditions:

- 1) Approval under this preliminary plan is limited to one 5.0 acre lot with the remainder of the Property to remain as an unplatted farm.
- 2) Compliance with the conditions of approval of the Final Forest Conservation Plan. The applicant must meet all conditions prior to recording of plat. The specific conditions include the following:
 - a. Required site inspections by M-NCPPC staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
 - b. Category I conservation easements must be placed over all forest conservation areas as shown on the plan, including areas of forest retention, forest planting, and environmental buffers, with the exception of the portion of the environmental buffer that is reserved for septic.
 - c. Conservation easements must be shown on record plats.
 - d. Provide permanent signs along the boundaries of the Category I conservation easement areas.
 - e. Submission of financial security to M-NCPPC for the planting of 1.0 acre of forest.
 - f. Submission and approval of a Maintenance and Management Agreement.
- 3) The record plat must reflect a rural open space easement over all areas of open space on the 5.0 acre lot as shown on the approved preliminary plan. Such rural open space easement area must comprise no less than 60% of the lot area.
- 4) The record plat must contain the following note: “No clearing, grading or structures requiring issuance of a building permit may be placed within the rural open space easement area shown hereon.”
- 5) The applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) letter dated September 28, 2010. These conditions may be amended by MCDOT provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 6) The applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS), Wells and Septic Section approval dated November 17, 2010. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 7) The record plat must show necessary easements.

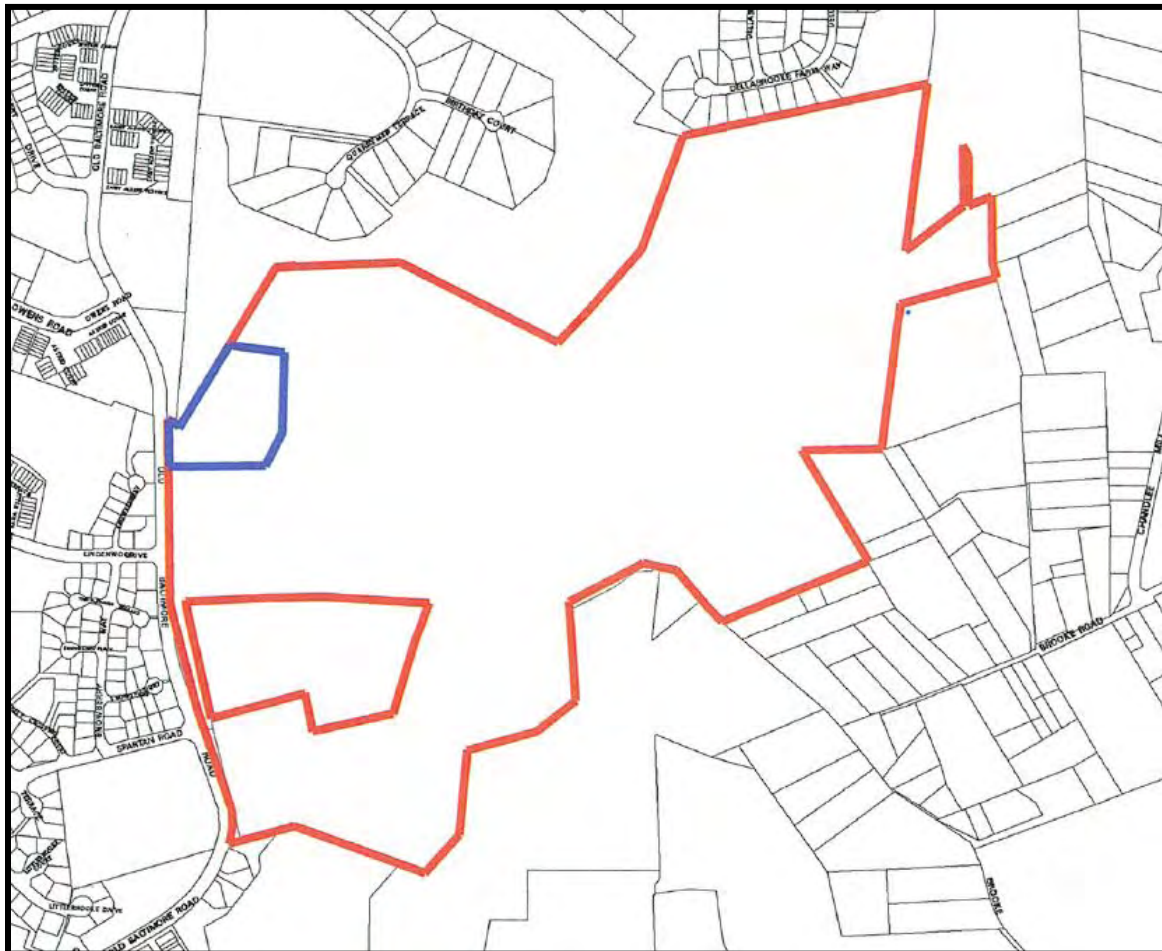
SITE DESCRIPTION

The subject property “Subject Property” or “Property” is comprised of 203.75 acres and is located at 18420 Brooke Grove Road, on the east side of Old Baltimore Road opposite the intersection with Spartan Road, in Olney. It is identified as parcel P200 on Tax Map JT123. The predominate use of the Property is agricultural; the Applicant maintains a single residence on the westernmost portion of the site with direct access to Old

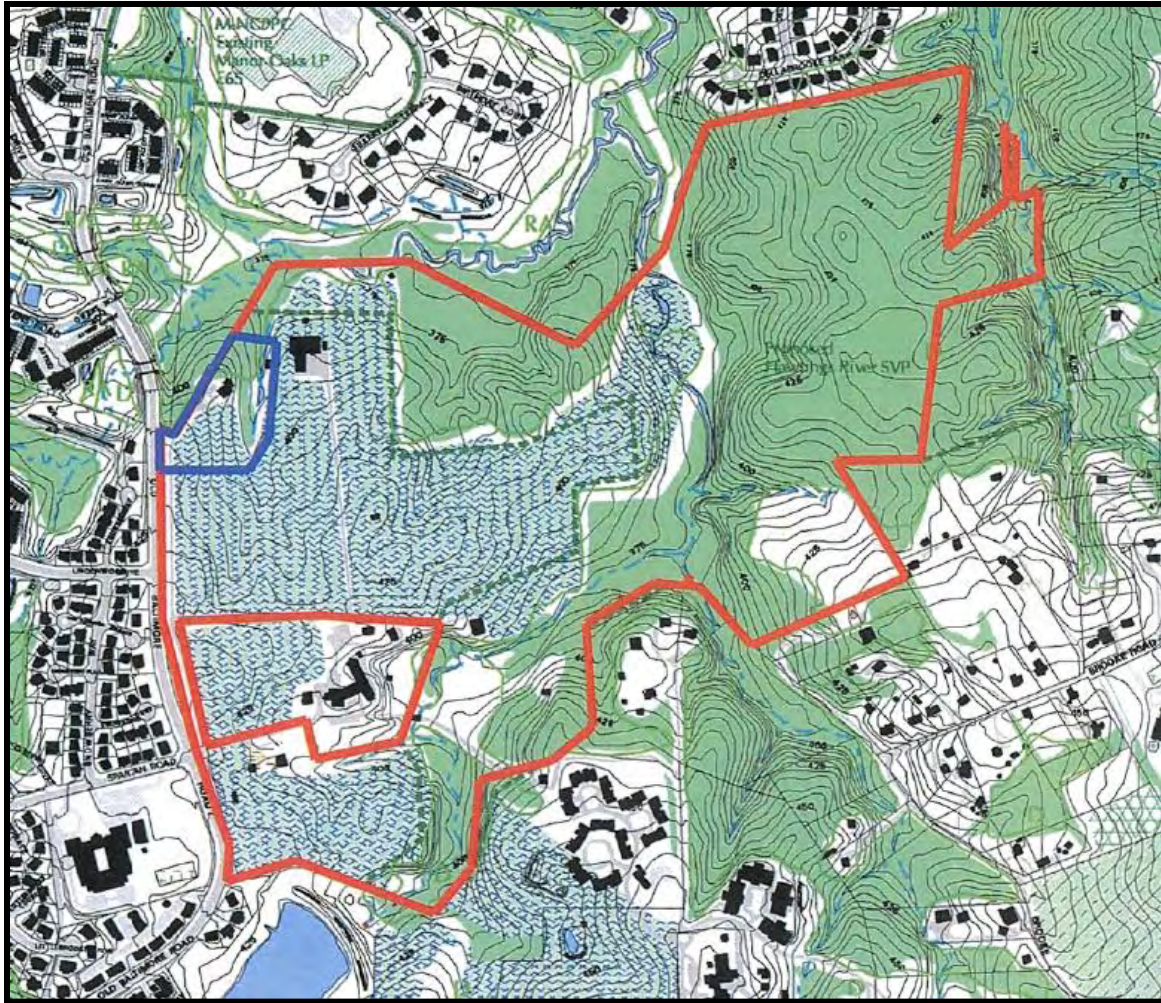
Baltimore Road. An equestrian facility is operated on much of the remainder of the site and includes several barns and outbuildings.

The Brooke Grove Foundation, senior facility abuts the Property to the south, low density residential abuts the Property to the east; medium density residential abuts the Property to the west and north. Although the Property is zoned RNC and has water and sewer available, it remains for the most part undeveloped at the fringes of more intense development in the Olney area.

The Property drains to the Hawlings River, a tributary to the Patuxent River, which is classified as a Use IV-P waterway. Several streams, wetlands, 100-year floodplain, and the associated environmental buffer exists on the property. The entire property is located within the Patuxent River Primary Management Area (PMA).



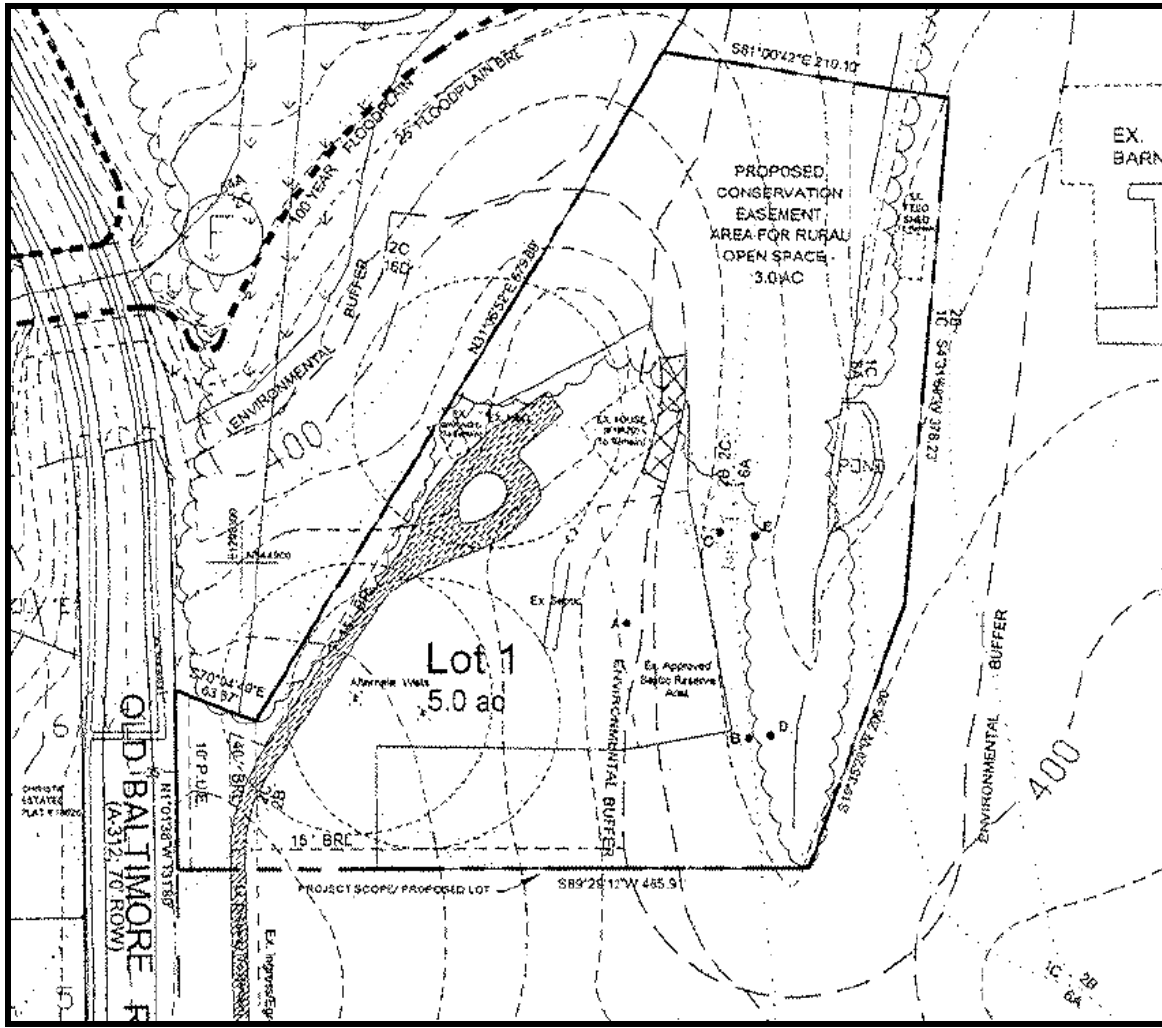
Vicinity Map



Land Use Map

PROJECT DESCRIPTION

The Applicant requests a single, 5.0 acre lot be created around the lone residence on the Property; no new development is requested at this time. The 5.0 acre lot will be shown on a record plat and the remainder of the Property (199 acres) will remain unplatted and continue to operate as a farm according to the Applicant's Statement of Justification. As part of the plat recordation for the new lot, two new alternate well sites have been identified and a new septic percolation field has been approved. The 5.0 acre lot was devised to meet the RNC standard method of development which allows one unit per five acres and that a minimum of 60 percent of a property be preserved in open space.



Preliminary Plan Lot Detail

ANALYSIS AND FINDINGS

Conformance to the Master Plan

The single lot proposed in this plan does not conflict with future development of the Mess Property in accord with the plan’s recommendation for cluster development in the RNC zone. The overall Mess property contains significant acreage that is identified as future stream valley parkland. The acquisition of that Property will await the ultimate development of this Property under the RNC zoning standards. Staff finds that the proposed subdivision substantially conforms to the recommendations adopted in the 2005 Olney Master Plan.

Public Facilities

Roads and Transportation Facilities

The proposed lot will accommodate an existing house with no new development, therefore; it will not generate any new trips and will not be subject to Local Area Transportation Review or Policy Area Mobility Review. All master plan roadway dedications have been made along the lot's frontage with Old Baltimore Road and the road is complete. Although a portion of the lot frontage has a sidewalk, a complete sidewalk will not be required at this time. As a condition of their review of the record plats, the Department of Transportation is requiring that a participatory covenant be recorded on the Property that requires future participation in a sidewalk when the entire Property is subject to development approvals. A complete sidewalk exists on the opposite side of Old Baltimore Road, and in conjunction with the partial sidewalk along the Property frontage, safe pedestrian access will be provided. Staff finds vehicle and pedestrian access for the lot will be safe and adequate.

Other Public Facilities and Services

All existing public utilities to the residence are adequate, a new septic reserve area and well locations have been approved. Fire and Rescue Service finds that the application meets their standards for access and has submitted a letter of approval dated December 10, 2010. Other public facilities and services, such as schools, police stations, firehouses and health services are currently operating within the standards set by the Growth Policy Resolution currently in effect. The Application adds no new homes and is not subject to payment of School Facilities Payment. Staff finds that all public facilities, utilities and services are adequate to serve the proposed lot and use.

Environment

Environmental Guidelines

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420100720 for the entire property was approved on March 17, 2010. The NRI/FSD identifies the environmental constraints and forest resources on the subject property. A full NRI/FSD was prepared for the proposed 5-acre lot and a simplified NRI/FSD was prepared for the remaining area that will remain in agricultural use. The property contains approximately 100.3 acres of forest, with 1.2 acres of forest located on the proposed lot. There are fifteen specimen trees and nineteen large trees (≥ 24 inches DBH) located on or adjacent to the proposed 5-acre lot. The site's topography includes steep slopes ($>25\%$). The property includes several streams, wetlands, a 100-year floodplain, and the associated environmental buffer. The proposed 5-acre lot includes a stream that runs parallel to the proposed eastern property line, a pond, and some wetland areas along the perimeter of the pond.

The property is located within the Patuxent River watershed, and the entire property is in the Patuxent River Primary Management Area (PMA). The PMA includes the area within 1,320 feet of the main stem of the Patuxent and Hawlings Rivers, and 660 feet of all

tributaries. The land area in the PMA that is not within the environmental buffer is managed as a *transition area*. The PMA guidelines recommend that the impervious area within the transition area not exceed ten percent; however, the guidelines also allow for the overall imperviousness to be averaged over the entire development, not to exceed 10 percent on the entire site, if it is desirable to maintain community character, achieve compatibility, or accomplish master plan goals. The impervious area within the transition area is 10.6%. Since this site is not proposing any new construction, and an existing shed will be removed from the environmental buffer, staff averaged the amount of imperviousness over the entire site (5 acre lot). The overall imperviousness for the proposed lot is 5.3%. The PMA guidelines also recommend a minimum 200-foot septic setback requirement from all tributaries to the Patuxent River. This plan contains an existing single family home with an established septic system. The existing septic system is approximately 180-feet from the nearest tributary and the approved septic reserve area is 100-feet from the nearest tributary. With the exception of the 200-foot septic setback requirement, this plan is in compliance with the Montgomery County Environmental Guidelines and the Patuxent River PMA Guidelines.

Forest Conservation

Approximately 100.3 acres of forest and several specimen and large trees exist on the property. Approximately 1.2 acres of the forest are on the proposed 5-acre lot. Currently, the property contains one existing single family home. There is no additional development or land disturbing activity proposed by this application. The remainder of the property includes several barns and outbuildings and is utilized for commercial agriculture. The property is zoned RNC. This application is for the creation of one, 5-acre lot which will contain the existing home on the property. The remaining 198.75 acres of land will remain as a farm. The RNC zone is an agricultural zone and it allows for the areas of the property in agricultural use to be subtracted from the net tract area, provided a Declaration of Intent to farm is submitted (*Tree Technical Manual*). The applicant has submitted a Declaration of Intent for the farm remainder.

As stated previously, there is approximately 100.3 acres of forest on the property, with approximately 1.2 acres located on the proposed 5-acre lot. The forest on the proposed lot is comprised of one, high priority forest stand located in the northern and eastern portions of the proposed lot. The majority of this forest is located within the environmental buffer. As there is no land disturbing activity proposed on the site, the final forest conservation plan proposes to retain all of the forest on-site and all of the significant and specimen trees. There is no forest planting required on the site, per the forest conservation law; however, the Montgomery County Patuxent River PMA guidelines outlined in the Environmental Guidelines recommend that a minimum of 50 feet of the environmental buffer be forested. The plan proposes to reforest 1.0 acre of the environmental buffer in order to comply with these recommendations. All of the retained forest, proposed reforestation and the environmental buffer areas with the exception of the septic reserve area will be protected in a Category I conservation easement.

Forest Conservation Variance

There are fifteen specimen trees on the property. The plan does not propose to impact or remove any of these trees so a variance is not required.

Staff finds that the application adequately protects all sensitive environmental features on the Property and that, with the conditions of approval, it fully complies with Chapter 22A, the Montgomery County Forest Conservation Law.

Stormwater Management

No new development is proposed by this application, therefore; no stormwater management concept is required at this time by the Montgomery County Department of Permitting Services. The file contains a confirmatory letter from MCDPS dated December 15, 2009, stating this decision.

Compliance with the Subdivision Regulations and Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections, including the adequacy of public facilities necessary to serve the Property. The proposed lot's size, shape, width and orientation have been reviewed, and staff finds that with respect to these dimensions, the lot is appropriate for the location within the subdivision.

The lot was reviewed for compliance with the dimensional requirements for the RNC zone, standard method as specified in the Zoning Ordinance. The lot will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Table 1. The application has been reviewed by other applicable county agencies, and they have recommended approval of the plan.

The application was appropriately signed and a pre-submission meeting was held at the Olney Public Library on December 8, 2010. Ten individuals attended the meeting and according to the meeting minutes there were no issues raised and no objections to the plan. Subsequent to the pre-submission meeting, the Property was once again appropriately signed and noticed for final submittal. Since the submission of the preliminary plan, staff has received no correspondence or phone contact with anyone who has expressed an issue with the proposal. There have been no citizen concerns brought to the attention of staff and staff finds that the plan has been appropriately processed under the Planning Board's adopted procedures.

CONCLUSION

The proposed lot meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and it substantially conforms to the recommendations of the Olney Master Plan. Access and public facilities will be adequate to serve the proposed lot, and the application has been reviewed by other applicable county agencies, and they have recommended approval of the plan. Therefore, approval of the application with conditions is recommended.

Table 1: Preliminary Plan Data Table and Checklist

Plan Name: Mess Property				
Plan Number: 120100310				
Zoning: Rural Neighborhood Cluster				
# of Lots: One lot and one farm remainder				
# of Outlots: None				
Dev. Type: Residential				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	25,000 s.f.	5.0 acres	RW	4/1/11
Lot Width	100 ft.	100 ft. minimum	RW	4/1/11
Lot Frontage	25 ft.	100 ft. minimum	RW	4/1/11
Setbacks				
Front	40 ft. Min.	Meets minimum	RW	4/1/11
Side	15 ft. Min	Meets minimum	RW	4/1/11
Rear	35 ft. Min.	Meets minimum	RW	4/1/11
Height	35 ft. Max.	May not exceed maximum	RW	4/1/11
Max Resid'l d.u. or Comm'l s.f. per Zoning	1	1	RW	4/1/11
MPDUs	No		RW	4/1/11
TDRs	No		RW	4/1/11
Site Plan Req'd?	No		RW	4/1/11

<i>FINDINGS</i>			
<i>SUBDIVISION</i>			
Lot frontage on Public Street	Yes	RW	4/1/11
Road dedication and frontage improvements	Yes	Agency letter	9/28/11
Environmental Guidelines	Yes	RW	4/1/11
Forest Conservation	Yes	RW	4/1/11
Master Plan Compliance	Yes	RW	4/1/11
Other (i.e., parks, historic preservation)	No	RW	4/1/11
<i>ADEQUATE PUBLIC FACILITIES</i>			
Stormwater Management	Exempt	Agency letter	12/15/09
Water and Sewer (WSSC)	N/a	RW	4/1/11
10-yr Water and Sewer Plan Compliance	Yes	Agency comments	7/26/10
Well and Septic	Yes	Agency letter	11/17/10
Local Area Traffic Review	N/a	RW	4/1/11
Policy Area Mobility Review	N/a	RW	4/1/11
Transportation Management Agreement	N/a	RW	4/1/11
School Cluster in Moratorium?	No	RW	4/1/11
School Facilities Payment	No	RW	4/1/11
Fire and Rescue	Yes	Agency letter	12/10/10
Other (i.e., schools)	No	RW	4/1/11