

MCPB Item No. Date: 10-31-13

Pre-Preliminary Plan No. 720130100: Pleasant Plains, Lot 4

Jonathan Casey, Senior Planner - Area 3, Jonathan.Casey@montgomeryplanning.org (301) 495-2162 Richard Weaver, Supervisor - Area 3, <u>Richard.Weaver@montgomeryplanning.org</u> (301) 495-4544 JAC John Carter, Chief - Area 3, John.Carter@montgomeryplanning.org (301) 495-4575

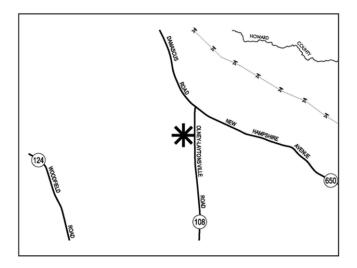
Completed: 10/18/2013

Description

Pre-Preliminary Plan No. 720130100: Pleasant Plains, Lot 4

Allow recordation of one lot, for a single-family residential dwelling unit for property located at 7209 Hawkins Creamery Road 1,150 feet West of Olney-Laytonsville Road (MD 108), 15.09 acres; Rural Density Transfer Zone (RDT), Damascus Master Plan. *Staff Recommendation:* Approval with conditions

Applicant: Lauren Budd & Deborah Leafty **Submittal date:** June 24th, 2013 **Review Basis:** Chapter 50 and Chapter 59



Summary:

The review is pursuant to Section 50-35A(a)(8) of the minor subdivision regulations for property:

- This Application requests Planning Board approval to proceed with platting the 15.09 acre lot under the "minor subdivision" regulations, Section 50-35A(8) of the Montgomery County Code.
- The Application requires Planning Board approval because it exceeds five acres in size.

RECOMMENDATION:

Approval with the following conditions:

- 1. This Pre-Preliminary Plan is limited to one lot for a residential dwelling unit.
- 2. The certified Pre-Preliminary Plan must contain the following note:
 - Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, and sidewalks shown on the Pre-Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval.
- 3. The Planning Board accepts and hereby incorporates as conditions of approval the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated October 15th, 2013. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Pre-Preliminary Plan approval.
- 4. The Planning Board accepts and hereby incorporates as conditions of approval the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") Well and Septic Section in its letter dated August 23rd, 2013. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS Well and Septic Section provided that the amendments do not conflict with other conditions of the Pre-Preliminary Plan approval.
- 5. The Applicant must dedicate and show on the record plat dedication 35 feet from the existing pavement centerline along the Subject Property frontage for Hawkins Creamery Road.
- 6. Prior to recordation of the plat the Applicant must satisfy MCDPS requirements to ensure the construction of a five foot wide sidewalk along the property frontage on Hawkins Creamery Road, unless construction is waived by MCDPS.
- 7. The record plat must reflect a Category I easement over all forest conservation areas.
- 8. The Applicant must include with the submission of the record plat an affidavit to verify the availability of a TDR for this lot and include a note referencing the affidavit on the record plat.
- 9. The record plat must contain the following note: Agriculture is the preferred use in the Rural Density Transfer Zone. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the Zone.
- 10. The record plat must show all necessary easements.

DISCUSSION

Site Description

The 15.09 acre subject property is located at 7209 Hawkins Creamery Road and is zoned Rural Density Transfer (RDT) ("Property" or "Subject Property"). The Property fronts on Hawkins Creamery Road, which is a primary residential road recommended to have a 70 foot right-of-way with two lanes of travel. The Subject Property falls within the area referred to by the Damascus Master Plan as the Rural Areas. The Property is surrounded by farmland and large lot residential development. The eastern half of the Property (approximately six acres) is forested and the remaining nine acres is maintained as lawn. The western edge of the Property contains a limited area of steep slopes. Approximately 95% of the Property is prime agricultural soils. The Property is encumbered by an easement for the perpetual benefit of the adjoining property owner. The easement encompasses an accessory building for agricultural use, a small outbuilding, and tennis court; all of which are partially or completely on the Subject Property.



Project Description

Pre-Preliminary Plan No. 720130100, Pleasant Plains, Lot 4 ("Application") requests approval to plat the 15.09 acre parcel under the minor subdivision regulations of Section 50-35(A)(a)(8)-"Plat for certain residential lots located in the Rural Density Transfer Zone". In order to comply with zoning, the Applicant has demonstrated that the 15 acre parcel meets the grandfathering provision pursuant to Section 59-C.9-7.4(b)(2) of the Zoning Ordinance, which allows the 15 acre parcel to be platted as a record lot within the RDT zone that otherwise restricts density to one lot per 25 acres. In the following analysis, both conformance to the minor subdivision regulations and the zoning ordinance are discussed.

ANALYSIS

Minor Subdivision Conformance

The Application requests to plat the Property under the minor subdivision procedures of Chapter 50-35A(a)(8) – Plat for certain residential lots located in the Rural Density Transfer zone.

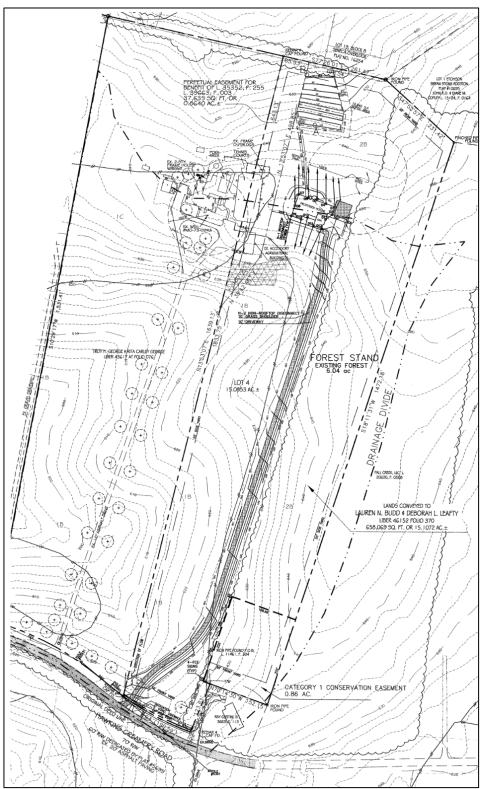
Section 50-35A(a)(8) states:

Up to five lots are permitted under the minor subdivision procedure in the RDT zone if a pre-preliminary plan is submitted and approved by either the Planning Board or Planning Board Staff, under the procedures for submission of a pre-preliminary plan of subdivision. In addition:

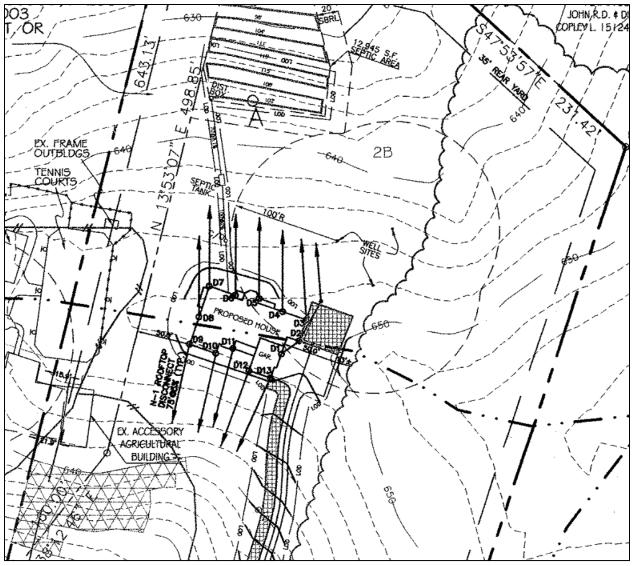
- a. Written approval for a proposed septic area must be received from the Montgomery County Department of Permitting Services, Well and Septic Section prior to recordation of the plat;
- b. Any required street dedications along the frontage of the proposed lots (s) must be shown on the record plat;
- c. Any easement must be recorded for the balance of the property noting that density and a TDR have been utilized for the new lot. Reference to this easement must be reflected in the record plat for the lot;
- d. Lots created in the RDT zone through the minor subdivision procedures must not exceed an average lot size of five acres in size unless approved by the Planning Board in the review of the pre-preliminary plan of subdivision; and
- e. Forest conservation requirements must be satisfied prior to recording of the plat.

These requirements have been satisfied as follows:

- a. Well and septic facilities were approved by the Department of Permitting Services Well and Septic Section on August 23, 2013.
- b. Application reflects the full dedication of 35 feet front the existing pavement centerline along the frontage for Hawkins Creamery Road, which achieves the recommended full 70 foot ROW.
- c. Not applicable to this Property because there is no remainder property for which to make a reference to density.
- d. The Property exceeds the average lot size of five acres and requests approval from the Planning Board through this application.
- e. Forest conservation requirements will be addressed with the approval by Staff of a forest conservation plan at the time of record plat.



(Pre-Preliminary Plan No. 720130100)



Lot Detail

Zoning Conformance

As a 15 acre Property in the current RDT zone which requires 25 acres for every lot, the Property must qualify for the "grandfathering" provision in order to meet the Zoning Ordinance and be platted. The zoning history of a Property must be evaluated to determine if it meets the grandfathering provision. The zoning history of the Subject Property is provided in the following table:

ZONING HISTORY		
1958 - 8/20/1974	R-R	
8/20/1974 - 1/6/1981	RE-2	
1/6/1981 - Current	RDT	

With the adoption of Section Map Amendment G-266 on January 6, 1981, the Property was rezoned to the current RDT zone. Prior to this date, the Property was zoned RE-2 and prior to August of 1974, it was zoned Rural Residential (half acre). The following criteria must be met for the Property to qualify under the grandfathering provisions.

Section 59-B-9.74(b)(2) states:

- (b) The following lots are exempt from the area and dimensional requirements of Section 59-C-9.4 but must meet the requirements of the zone applicable to them before their classification in the Rural Density Transfer zone.
 - (2) A lot created by deed executed before the approval date of the sectional map amendment which initially zoned the property to the Rural Density Transfer zone.

As a parcel that was recorded by prior to adoption of the RDT zone and meets the area and dimensional requirements of the prior zone, it is a grandfathered parcel under this Section. The Property is subject to the requirements of the RE-2 zone applicable prior to classification in the RDT zone. The following table summarizes the requirements of the lot under the applicable RE-2 zone:

ZONING STANDARDS:		
ZONE: RE-2	REQUIRED	PROVIDED
Lot Size	2.0 AC Min.	15.0172 AC
Setbacks (feet)		
Front	50' Min.	50' or more
Sideyard	17' Min./35' Total	20' or more/40' or more
Rearyard	35' Min.	35' or more
Building Height	50' Max	30' or less
Lot Coverage (Including Accessory		
Structures)	25% Max.	1% or less
Lot Width at BRL	150' Min.	360' or more
Frontage	25' Min.	190'
Dwelling Units Max	One	One
TDR	One	One

Adequate Public Facilities

Roads and Transportation Facilities

The development is not subject to Local Area Transportation Review or Transportation Policy Area Review. MCDOT has accepted the 10 foot wide private driveway location on Hawkins Creamery Road for Safe Sight Distance. The Application provides for the full ROW dedication and establishes an area suitable for construction of a 5 foot wide sidewalk along the frontage. Pedestrian access to the lot is currently adequate given its rural location and low pedestrian volume. Staff finds that vehicle and pedestrian access to the lot will be adequate.

Other Public Facilities and Services

Private well and septic systems were approved by MCDPS - Well and Septic Section on August 13th, 2013. Telecommunications and electrical service are available and adequate to serve the proposed lot. Montgomery County Fire and Rescue Service has reviewed the Application and determined that the Property has acceptable access for fire and rescue service. The Property is within the Damascus School Cluster Area which is operating at an acceptable level and therefore not subject to a School Facilities Payment. Other public facilities and services such as, schools, fire stations, police stations and health services are operating within the acceptable standards established by the current Subdivision Staging Policy Resolution.

Environment

Environmental Guidelines

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420131780 for this site was approved on June 12, 2013. The NRI/FSD identifies the environmental constraints and forest resources on the Subject Property. There are no wetlands, streams, 100-year floodplains, or environmental buffers on the Property. The Property contains 6.4 acres of forest in one large stand along its eastern border. The Property is in the Great Seneca Creek Watershed, a Use I-P watershed. The Countywide Stream Protection Strategy (CSPS) rates streams in this watershed as having generally good water quality conditions.

Stormwater Management

A stormwater management concept will be reviewed prior to issuance of building permit.

Forest Conservation

Forest Conservation Plan No. SC 2014002, contains 3.45 acres of net tract area; 11.63 acres is being deducted from the calculations and will remain in agricultural use and not be developed as part of this project. The Forest Conservation Plan will retain 0.86 acres existing forest, clear no forest, and does not generate an afforestation/reforestation planting requirement.

The forest conservation plan, SC 2014002, is currently under review by M-NCPPC Planning Staff and will be approved if the Planning Board approves the minor subdivision.

CORRESPONDENCE

The Applicant has notified adjacent and confronting property owners of the pre-preliminary plan submission, as required. One citizen inquiry questioned the process by which the Property would be platted and staff explained how it was to be accomplished. Citizen inquiries have been adequately addressed.

CONCLUSION

The Application meets all applicable requirements of the Subdivision Regulations and the Zoning Ordinance. Access and public facilities will be adequate to serve the Property. The Application was reviewed by the applicable county agencies. Staff recommends that the property be allowed to proceed to record plat under the minor subdivision procedures pursuant to Section 50-35A(a)8.

Appendices:

MCDPS - Well and Septic-Letter (9/23/2013) MCDOT - Letter (10/15/2013) Pre-Preliminary Plan No.720130100-Pleasant Plains, Lot 4



ATTACHMENT A

DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett County Executive

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Diane R. Schwartz Jones Director

MEMORANDUM

August 23, 2013

TO: Cathy Conlon, Development Review, Maryland National Capital Park and Planning Commission Gene von Gunten, Well & Septic Manager FROM: Department of Permitting Services

luc 13-13

Status of Pre-Preliminary Plan: #720130100 SUBJECT:

Pleasant Plains, Lot 4

This is to notify you that the Well & Septic Section of MCDPS approved the plan received in this office on August 1, 2013.

Approved with the following reservations:

- 1 The record plat must be at the same scale as the preliminary plan, or submit an enlargement of the plat to match the preliminary plan.
- All new septic systems must utilize Best Available Treatment (BAT) as 2. defined by State of Maryland (MDE) regulations.
- 3. Storm-water management structure locations must meet applicable setbacks from the septic areas.

If you have any questions, contact Gene von Gunten at (240) 777-6319.

CC:

Surveyor File

RECEIVED M-NCPPC AUG 2 7 2013 MONTGOMERY COUNTY PLANNING DEPARTMENT

255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 • 240-777-6300 • 240-777-6256 TTY www.montgomerycountymd.gov

> montgomerycountymd.gov/311 ANSWERING TO YOU 240-773-3556 TTY



ATTACHMENT B

DEPARTMENT OF TRANSPORTATION

Isiah Leggett County Executive Arthur Holmes, Jr. Director

October 15, 2013

Mr. Jonathan Casey, Senior Planner Area 3 Planning Division The Maryland-National Capital Park & Planning Commission 8787 Georgia Avenue Silver Spring, Maryland 20910-3760

RE: Pre-Preliminary Plan No. 720130100 Pleasant Plains Lot 4

Dear Mr. Casey:

We have completed our review of the above-referenced pre-preliminary plan. We understand that this plan will not be resubmitted for review by the Development Review Committee as a preliminary plan. Therefore, the following comments are tentatively set forth for the subsequent submission of a record plat:

- 1. Dedicate necessary right-of-way in accordance with the Master Plan for Hawkins Creamery Road.
- 2. Grant a Public Improvements Easement (PIE) along the site frontage in accordance with roadway standard MC-212.05 "Master Plan Primary Road". The standard can be viewed on-line at: http://www.montgomerycountymd.gov/dot-traffic/development_review.html under the Context Sensitive Road Design Standards Link.
- 3. The Declaration of Public Improvements Easement document is to be recorded in the Land Records of Montgomery County. The deed reference is to be provided on the record plat. Unless otherwise noted, the Public Improvements Easement is to be a minimum width of nine (9) feet with the overlapping Public Utilities Easement being no less than nineteen (19) feet wide.
- 4. Grant necessary slope and drainage easements to accommodate PIE and grading per roadway standard MC-212.05.
- 5. The owner will be required to furnish this office with a recorded covenant whereby said owner agrees to pay a prorata share for the future construction or reconstruction of Hawkins Creamery Road whether built as a Montgomery County project or by private developer under permit, prior to DPS approval of the record plat. The deed reference for this document is to be provided on the record plat.

Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878 Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080 trafficops@montgomerycountymd.gov

montgomerycountymd.gov/311 ANSWERING TO YOU 301-251-4850 TTY



Mr. Jonathan Casey Pre-Preliminary Plan No. 720130100 October 15, 2013 Page 2

Thank you for the opportunity to review this pre-preliminary plan. If you have any questions or comments regarding this letter, please contact me at (240) 777-2197 or monet.lea@montgomerycountymd.gov.

Sincerely, Monte Pla

Monet L. Lea, Engineer III Development Review Team

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cc:

Lauren Budd & Deborah Leafty David Adams, Vanmar Associates, Inc Cathy Conlon, M-NPPC DARC Richard Weaver, M-NPPC Area 3 Ki Kim, M-NPPC Area 3 Katherine Holt, M-NPPC Area 3 Greg Leck, MCDOT DTEO

