



Beallsville Property: Limited Preliminary Plan Amendment, 12001021A

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Completed: 07/17/15

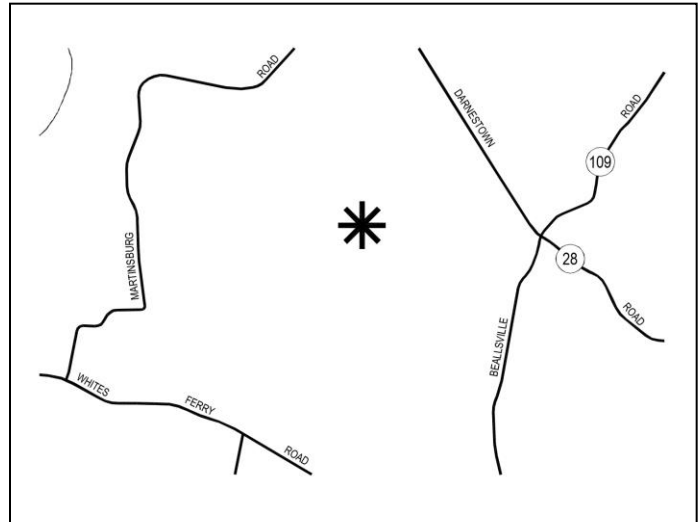
Beallsville Property: Limited Preliminary Plan Amendment No. 12001021A

Request to adjust a lot line (greater than 5 percent) between two lots; located on the north side of West Hunter Road, approximately 1,000 feet east of Wasche Road; 75.396 acres; AR Zone; Agricultural & Rural Open Space Master Plan.

Staff Recommendation: Approval with conditions

Applicant: Steven Feys

Application Submitted: 12/19/2014



Summary

- The Planning Board previously approved Preliminary Plan No. 120010210 on February 1, 2001.
- This application involves shifting the lot lines between two large farm lots, both used for residential and agricultural purposes. No new development is proposed; all findings from the original approval remain valid and unchanged.

RECOMMENDATION AND CONDITIONS

STAFF RECOMMENDATION: Approval, subject to the following conditions:

Forest Conservation

1. Prior to approval of the record plat by the Planning Board, the Applicant must submit a revised Final Forest Conservation Plan, subject to Staff approval including a signed developer's certificate and Qualified Professional's signature on every page.

Preliminary Plan Conformance

2. The development must comply with the conditions of approval for Preliminary Plan No.120010210 as set forth in the Montgomery County Planning Board's Opinion mailed on March 16, 2001.

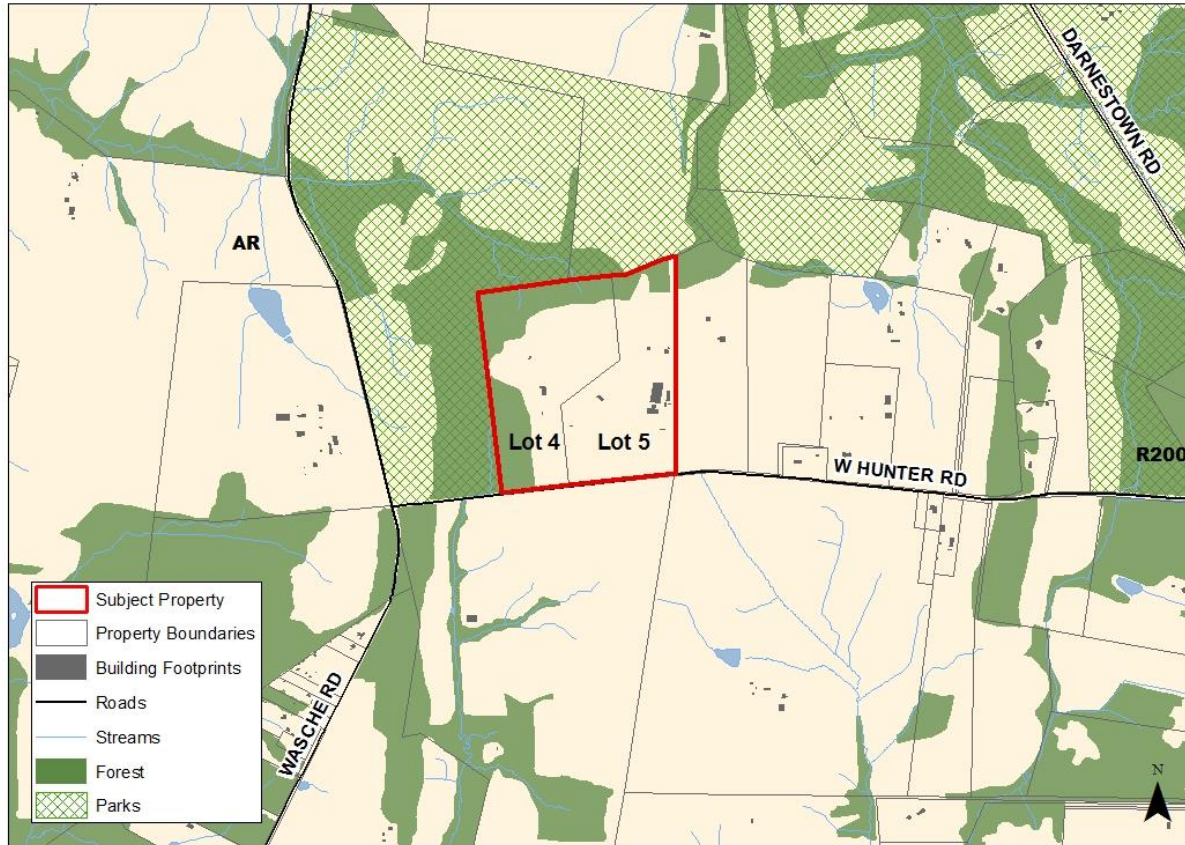
SITE DESCRIPTION AND CONTEXT

The subject property is located directly south of Woodstock Equestrian Park (M-NCPPC), on the north side of West Hunter Road, approximately 1,000 feet east of Wasche Road ("Property" or "Subject Property"). The Property consists of two recorded lots, Lot 4 (40.837 acres) and Lot 5 (34.559 acres), on record plat No.22528 in the RDT (AR) zone.

The Subject Property is within the Agricultural Reserve identified in the Functional Master Plan for Preservation of Agriculture and Rural Open Space (AROS). The Property abuts the Woodstock Equestrian Park on the north and the remainder of the surrounding land uses consist of agricultural land and one-family detached dwellings, all of which are zoned RDT (now AR).

Each lot comprising the Subject Property is improved with a single-family home, accessory agricultural buildings, and individual horse paddocks. Each lot is accessed by single driveway to West Hunter Road and served by private well and septic systems.

The Property is generally flat with a gentle slope which radiates downward from the existing house on Lot 5, which is the highest point on the Property. The Property is located within the Potomac River Direct watershed; this portion of the watershed is classified by the State of Maryland as Use Class I-P waters. The Property contains, forest, and wetland and environmental buffer associated with those environmental features. Two ephemeral channels originate in the northern area of the Property and flow north onto the abutting equestrian park property. One of the aforementioned channels extends across the northeastern most quadrant of Lot 5. There are no steep slopes, or highly erodible soils on the Property. The wetlands and forest within the associated buffer area are currently protected by a recorded Category 1 Forest Conservation Easement.

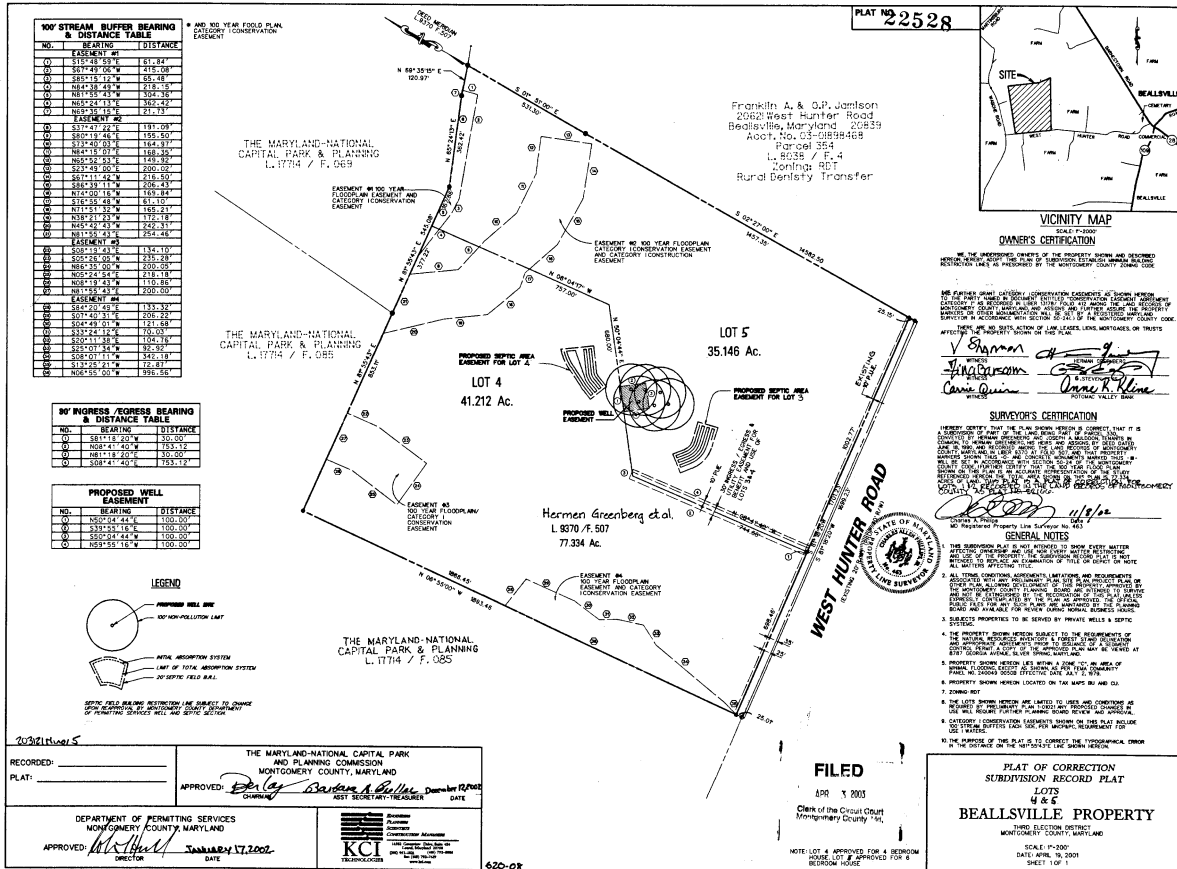


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PROJECT DESCRIPTION

Previous Approvals

On February 1, 2001, the Planning Board approved Preliminary Plan No. 120010210 "Beallsville Property, Lots 1-2 (Part of parcel 330)" to create two lots on 76.3 acres of land zoned RDT.



Record Plat No. 22528

Proposal

Preliminary Plan amendment No. 12001021A ("Application" or "Amendment") proposes to move the shared lot line between Lot 4 and Lot 5 in order to increase the size of a horse pasture on Lot 5. The shift to the lot line decreases current Lot 4 from 40.837 acres to 30.984 acres and increases the size of current Lot 5 from 34.559 acres to 45.390 acres. The lot line adjustment does not impact the Category 1 Forest Conservation easement and associated channel that extends across the rear of the lots. The amount of land involved in the transfer exceeds 5 percent of the total land area and, therefore, cannot be processed as a minor subdivision record plat. Aside from the change to the lot areas and shapes, all other aspects of the approved Preliminary Plan No. 120010210, including findings and conditions, will remain the same.

Adequate Public Facilities Review (APF)

Transportation and Circulation

No new development is proposed under this Application; therefore, the findings for the original application No.120010210 remain valid.

Other Public Facilities

The Property continues to be served by adequate public facilities. The Property will continue to be served by private well and septic.

Environment

Forest Conservation

The originally approved Final Forest Conservation Plan (FFCP) (#120010210) which included the Subject Property showed no forest clearing and 178.21 acres of forest retention on 568.56 acres of land. The approved FFCP also set the limits of the Category I Conservation Easements on-lot that were recorded by Record Plat (Plat #22528).

No easements are being impacted and they will remain unchanged from their current configuration as shown on the current record plat.

The Application will remain in compliance with the Montgomery County Forest Conservation Law, Chapter 22A of the Montgomery County Code.

Stormwater Management Concept

This Application does not require a new Stormwater Concept or Sediment Control Permit under Chapter 19 because no additional clearing or grading is proposed as part of the Application.

Compliance with the Zoning Ordinance (Chapter 59 prior to October 10, 2014) and Subdivision Regulations (Chapter 50)

The Amendment maintains compliance with all applicable sections of both, Chapter 59, the Montgomery County Zoning Ordinance, and Chapter 50, the Subdivision Regulations. The existing access points remain unchanged and all existing public facilities are adequate to support the existing residential uses. The size, shape width and orientation of the proposed lots are appropriate for the location of the subdivision and take into account the recommendation of the AROS Plan. The lots provide for the continuation of agriculture as the preferred use in the Agricultural Reserve.

COMMUNITY OUTREACH

The Applicant has satisfied all signage, noticing, and submission meeting requirements as identified in section 4.C and 4.D (a)(i) of the Development Manual. Staff has not received any correspondence regarding this Application.

CONCLUSION

The Amendment continues to meet the requirement of the Subdivision Regulations, and the Zoning Ordinance and conforms to the recommendations of the Preservation of Agriculture & Rural Open Space Functional Master Plan. Access and public facilities remain adequate to serves the existing dwelling units. All previous findings and conditions remain in full force and effect, except as modified by the Amendment.

ATTACHMENTS

- A. Opinion Preliminary Plan No. 120010020
- B. Preliminary Plan No. 120010020
- C. Record Plat No. 22528

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Date Mailed: March 16, 2001

Action: Approved Staff Recommendation
Motion of Comm. Holmes, seconded by
Comm. Perdue with a vote of 5-0;
Comms. Bryant, Holmes, Hussmann,
Perdue and Wellington voting in favor

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-01021

NAME OF PLAN: BEALLSVILLE PROPERTY, LOTS 1-2 (PART OF PARCEL 330)

On 10/18/00, HERMAN GREENBERG submitted an application for the approval of a preliminary plan of subdivision of property in the RDT zone. The application proposed to create 2 lots on 76.3 acres of land. The application was designated Preliminary Plan 1-01021. On 02/01/01, Preliminary Plan 1-01021 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-01021 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-01021.

Approval, subject to the following conditions:

- (1) Compliance with the conditions of approval of the preliminary forest conservation plan. The applicant must meet all conditions prior to the recording of plats or MCDPS issuance of sediment and erosion control permits, as appropriate
- (2) All road rights-of-way shown on the approved preliminary plan shall be dedicated by the applicant, to the full width mandated, unless otherwise designated on the preliminary plan
- (3) Dedication of West Hunter Road, 35 feet off the existing center line of right-of-way
- (4) Record plat to delineate a conservation easement over the areas of floodplain, stream valley buffer and tree preservation
- (5) Record plat to reference any common ingress/egress and sewage disposal easements
- (6) Prior to recording of plats(s), applicant to submit verification of the availability of the appropriate number of TDR's for this development
- (7) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to expiration of this validity period, a final record plat must be recorded for all property delineated on the approved or a request for an extension must be filed

- (8) The Adequate Public Facility (APF) Review for this preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
- (9) Other necessary easements

