



MEMORANDUM

DATE: September 19, 2005

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Catherine Conlon, Supervisor *CAC*
Development Review Division

FROM: Richard A. Weaver, Coordinator *RAW*
Development Review Division
(301) 495-4544

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Subdivision for nine (9) residential lots and three (3) outlots

PROJECT NAME: Pilkerton Property

CASE #: 120051100 (1-05110)

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: RC

LOCATION: Located on the north side of River Road (MD 190), approximately 1,000 feet east of the intersection with Manor Stone Drive.

MASTER PLAN: Potomac

APPLICANT: Anthony Castro, Agent

ENGINEER: Loiederman Soltesz Associates, Inc.

FILING DATE: June 21, 2005

HEARING DATE: September 29, 2005

STAFF RECOMMENDATION: Approval, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to nine (9) lots.
- 2) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
- 3) The applicant shall dedicate all road rights-of-way shown on the approved preliminary plan to the full width (60 ft. from centerline) mandated by the Potomac Master Plan unless otherwise designated on the preliminary plan.
- 4) The applicant shall construct all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Potomac Master Plan and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By _____" are excluded from this condition.
- 5) Compliance with conditions of MCDPWT letter dated September 12, 2005, prior to recordation of plat(s), unless otherwise amended.
- 6) Compliance with conditions of MCDPS (Health Dept.) septic approval dated July 18, 2005 and September 21, 2005, prior to recordation of plat(s).
- 7) Compliance with the conditions of approval of the MCDPS stormwater management approval dated February 17, 2005.
- 8) Compliance with conditions of SHA approval letter dated August 19, 2005 prior to issuance of access permit.
- 9) Applicant to record a covenant, to be reflected on plat, for the future construction of the 10 ft. master planned hiker biker trail along River Road in the location shown on the preliminary plan. Final approved preliminary plan to be revised to reflect a 10 ft. wide path.
- 10) Record plat to reflect a Category I easement over all areas of stream valley buffers and forest conservation.
- 11) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
- 12) Record plat to reference the Common Open Space Covenant recorded at Liber 28045, Folio 578 ("Covenant"). Applicant shall provide verification to Commission staff prior to release of final building permit that Applicant's recorded HOA Documents incorporate by reference the Covenant.
- 13) Record Plat shall reflect all areas under Homeowners Association control.
- 14) Record plat to have the following note: "The land contained hereon is within an approved cluster development and subdivision or resubdivision is not permitted after the property is developed."
- 15) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 16) Other necessary easements.

SITE DESCRIPTION:

The subject property, identified as Parcel 133 on Tax Map DR 51 and Parcel 165 on Tax Map DR 61, contains 48.72 acres in the Rural Cluster (RC) Zone. The site is mainly kept in agricultural field with a tributary stream of the Great Seneca Creek traversing the middle sections of the site. There is a house on the property that will be removed. There are 3.65 acres of forest on the property with numerous specimen trees interspersed throughout the forest. The property has frontage on River Road to the south and there is a stub of Manor Stone Drive terminating at the northern border of the property.

PROJECT DESCRIPTION: Attachment A

This is an application to subdivide the property into nine residential lots using the cluster method of development. Under the cluster development option 60% of the site must remain as open space or in a farmette. This plan envisions protection of the required amount of open space as three (unbuildable) outlots that can be used as open space or for agricultural purposes.

Lots 1, 2 and 3 will share a common driveway to River Road. Lot 1 as shown on the plan has been moved south, closer to lots 2 and 3 to provide a tighter cluster of homes and to maximize the connectivity of the open space areas. Moving to the rear (north) of Lots 1, 2 and 3 there is open space as required under the cluster option that drops down into the aforementioned stream valley. The stream valley is partially forested with 3.65 acres of forest. The applicant is required to plant 6.09 acres of forest to meet the requirements of the forest conservation law. Most of the forest planting will occur in the stream buffer; some planting will occur in unforested areas outside of the buffer and on areas with steep slopes. North of the stream buffer there will be a cluster of 6 lots that will access a developer-constructed cul-de-sac on Manor Stone Drive. The lots have been shifted slightly from the original submission to maximize tree save and avoid intrusions into the stream buffers. No forest will be lost by the proposed development.

ANALYSIS

The nine lots, as shown on the preliminary plan meet all size and dimensional requirements of the Rural Cluster Zone. (See attachment 2). The lots have been clustered to the maximum extent possible given the restrictions associated with a well and septic plan layout. The Montgomery County Department of Permitting Services has approved the required septic systems for the site. Individual well permits will be issued as the wells are drilled at the time of house construction.

Access to the site is subject to review by two separate agencies. The State Highway Administration has the authority to issue access permits for the single driveway access on to River Road. The location, as shown on the plan, has been reviewed for site

distance and is conditionally approved subject to some clearing of vegetation to improve safety.

Construction of the new cul-de-sac of Manor Stone Drive is subject to review by the Department of Public Works and Transportation (DPWT). In their letter dated September 12, 2005, approval is recommended subject to finalization of a public improvement agreement that includes the construction of the cul-de-sac prior to release of the record plats by Montgomery County.

CONCLUSION:

Staff finds that Preliminary Plan # 120051100 (1-05110), Pilkerton Property, conforms to the zoning and land use recommendations of the Potomac Master Plan. The plan also conforms to the Subdivision Regulations and Zoning Ordinance as verified on the attached checklist (Table 1). As such, Staff recommends approval of the preliminary plan, subject to compliance with the above conditions.

ATTACHMENTS:

Attachment A	Preliminary Plan
Attachment B	Vicinity Map
Attachment C	Neighborhood Development
Attachment D	Agency Approvals

Preliminary Plan Data Table and Checklist

TABLE 1

Plan Name: Pilkerton Property				
Plan Number: 120051100 (1-05110)				
PLAN DATA	Required	Provided	Verified	Date
Zoning	RC	RC	RW	Sept. 23, 2005
# of Lots	9 permitted	9 shown	RW	Sept. 23, 2005
# of Outlots	None	None	RW	Sept. 23, 2005
Minimum Lot Area	40,000 sq.ft.	2 acres +	RW	Sept. 23, 2005
Lot Width	125 ft. at building	220 ft. min. shown	RW	Sept. 23, 2005
Lot Frontage	25 at right-of-way	25 ft. min shown	RW	Sept. 23, 2005
Setbacks (Main Bld.)				
Front	50 ft. min.	.Must meet min	RW	Sept. 23, 2005
Side	17/35 ft. total min.	Must meet min	RW	Sept. 23, 2005
Rear	35 ft. min.	Must meet min	RW	Sept. 23, 2005
Height	50 ft. max.	Must not exceed max.	RW	Sept. 23, 2005
Max Resid'l d.u. or Comm'l s.f. per Zoning	9 lots permitted	9 lots proposed	RW	Sept. 23, 2005
Dev. Type				
Resid'l d.u.	Residential	Residential	RW	Sept. 23, 2005
Comm'l s.f.				
MPDUs	N/A			
TDRs	N/A			
Site Plan Req'd?	No			
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street	Yes	Yes	As shown on plan RW	Sept. 23, 2005
Road dedication and frontage improvements	60 ft. from centerline	60 ft. from centerline	As shown on plan See condition #3 RW	Sept. 23, 2005
Environmental Guidelines	Yes	Stream Buffers shown	By agency memo attached X	September 14, 2005
Forest Conservation	Yes	Met on-site	By agency memo attached	September 14, 2005
Master Plan Compliance	Yes	Conforms	Conform to RC zone	Sept. 23, 2005
ADEQUATE PUBLIC FACILITIES				
Stormwater Management	Yes	Yes	By agency memo attached	February 17, 2005
Water and Sewer or Well and Septic	Yes	Yes	By agency memo attached	July 18, 2005 Sept. 21, 2005
Local Area Traffic Review	N/A	N/A	By agency memo attached	September 23, 2005
Fire and Rescue	No comments ¹		RW	
SHA	Yes	Yes	By agency memo attached	August 24, 2005

¹ Agency received 30-day opportunity to review plans. No comments received within the review period is understood as acceptance of the plan.