



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

**MCPB**  
**Item #**  
**5/13 /10**



**MEMORANDUM**

**DATE:** April 30, 2010

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief *RAK*  
Catherine Conlon, Subdivision Supervisor *CC*  
Development Review Division

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

**REVIEW TYPE:** Preliminary Plan of Subdivision

**APPLYING FOR:** Subdivision of one unplatted parcel into one lot for one, one family residence

**PROJECT NAME:** Rales Property – Parcel 538

**CASE #:** 120100200

**REVIEW BASIS:** Chapter 50, Montgomery County Subdivision Regulations

**ZONE:** RE-2

**LOCATION:** On the south side of Glen Road, approximately 700 feet northwest of Greenbriar Road.

**MASTER PLAN:** Potomac Subregion Master Plan

**APPLICANT:** Mitchell Rales

**ENGINEER:** A. Morton Thomas and Associates

**FILING DATE:** March 22, 2010

**HEARING DATE:** May 13, 2010

**RECOMMENDATION:** Approval, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to one lot.
- 2) The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) well and septic approval dated April 15, 2010. These conditions may be amended by MCDPS provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 3) The Applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) letter dated March 24, 2010. These conditions may be amended by MCDOT provided the amendments do not conflict with other conditions of the preliminary plan.
- 4) The record plat must reflect the liber and folio reference for shared ingress/egress and utility easement for the driveway serving the Subject Property and Applicant's adjacent lots.
- 5) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.
- 6) Other necessary easements must be shown on the plat.

**SITE DESCRIPTION (Attachment 1)**

The subject property "Property" or "Subject Property" is identified as an unplatted parcel, Parcel 538, on Tax Map EQ63 totaling 49.90 acres in the RE-2 Zone. The Property is located on the south side of Glen Road approximately 700 feet west of the intersection with Greenbriar Road in the Potomac Subregion Master Plan area. The property is bound to the north by the Hannibal Farms subdivision and to the west by the Stoney Creek Farm and Lake Potomac subdivisions all of which developed under the RE-2 zoning standards. The Applicant maintains a residence on the 77.19 acres that immediately abut the Subject Property to the east.

The Subject Property technically qualifies as a farm as defined in the Subdivision Regulations and is improved with a barn and maintenance building. Access to the property is provided by an off-site driveway to Glen Road that is located on the Applicant's adjacent properties. The site has approximately 11.0 acres of forest, 0.06 acres of wetlands and drains to both the Sandy Branch and Greenbriar Branch which are tributaries to Watts Branch, a Use I-P stream. Community water or sewer is not available to the Property, as such, it will rely on private on site well and septic systems.

**PROJECT DESCRIPTION (Attachment 2)**

The application proposes to convert the parcel into a single lot by record plat which will allow for the issuance of a building permit for a residential or other permitted use, but at this time the Applicant has no plans to develop the site beyond the existing farm buildings. All right-of-way dedications have been previously made for Glen Road, therefore; the resulting lot will mirror the size of the existing parcel, approximately 49.90 acres. Access to the property will be provided by the existing driveway that is located on, and serves, the Applicant's adjacent residence. A shared ingress/egress and utility easement will be recorded in the land records and

the liber and folio for that easement will be reflected on the plat. Since no development is currently planned on the site, a stormwater management concept is not required under Chapter 19 of the County Code. A concept plan will be required if, or when, the Property is developed. Similarly, as an agricultural use the Property is exempt from the requirement to submit a forest conservation plan; however, future non-agricultural development on the lot would likely result in the need to comply with Chapter 22A, including the submission of a preliminary forest conservation plan. Until development of the lot occurs, it is assumed that agricultural uses on the Property will continue.

## **ANALYSIS AND FINDINGS**

### **Master Plan Compliance**

The Potomac Subregion Master Plan (2004) recommended the continuation of the RE-2 zone for the Property although it was not specifically discussed. The use of the Property for agricultural purposes is permitted by right in the RE-2 zone. Staff does not believe that the agricultural uses represent any nuisance to the surrounding communities. The site is well buffered from communities to the west and south by forested stream valleys and the Applicant lives and owns the properties to the east. Glen Road forms a buffer to the north. The proposed platting of the parcel as a single lot, while certainly less intensive than the RE-2 zone provides, does not conflict with any of the land use recommendations of the Master Plan.

### **Public Facilities**

#### **Roads and Transportation Facilities**

The proposed use will generate less than 3 vehicle trips during the morning or evening peak-hour, and therefore, the application is not subject to Local Area Transportation or Policy Area Mobility Review. The Property is located in a "rural area" as defined in the new road code; therefore, sidewalks are not required. Sidewalks have not been constructed on Glen Road to any degree in the general vicinity of the Property. Staff finds that any pedestrian activity along Glen Road will continue to be safely accommodated within the existing right-of-way for Glen Road. Vehicular access for the future development of this lot as a single family residential use can be safely accommodated by the private driveway. Fire and Rescue have approved the plan for access by emergency apparatus. Staff finds that proposed vehicle and pedestrian access for the subdivision will be safe and adequate.

#### **Other Public Facilities and Services**

The application has been reviewed by all local utility agencies (gas, electric, and telecommunications) who have recommended approval of the plan because their respective utility, if available, can adequately serve the development. Other public facilities and services, such as schools, police stations, firehouses and health services, are operating within the standards set by the Growth Policy Resolution currently in effect. The Property is not subject to payment of a School Facilities Payment.

## **Environment**

### **Forest Conservation**

The application has been granted an agricultural exemption (42010087E) and will not be required to submit a preliminary forest conservation plan as long as the Property meets the stipulations of the exemption. As noted above, future development on this lot for non-agricultural uses will not be exempt and depending on the use, the Property will likely lose some or all of its agricultural exemption and be required to fully comply with Chapter 22A, including the submission of a forest conservation plan. The mechanism to record any required easements on the Property will be at the discretion of the Planning Board when that plan is reviewed.

### **Environmental Guidelines**

Since the Property has been granted an agricultural exemption, the entirety of the parcel may be utilized for agricultural purposes, including areas shown on the plan as stream valley buffers. As such, no Category I easements will be placed on the property that might interfere with agricultural use of the land.

### **Stormwater Management**

The applicant is not required to submit a stormwater management concept because no development is currently proposed. The Montgomery County Department of Permitting Services has advised the Applicant that a concept will be required when the lot is developed.

## **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. Staff has reviewed the proposed lot size, width, shape and orientation and finds it to be appropriate for the location of the subdivision.

The lot was reviewed for compliance with the dimensional requirements of the RE-2 zone as specified in the Zoning Ordinance. The lot, as proposed, 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, all of whom have recommended approval of the plan.

## **Citizen Correspondence and Issues**

This plan was properly processed in accordance with the current submittal procedures. A pre-submission meeting was held with interested neighbors on November 3, 2009 at Wayside Elementary School. Nine individuals attended the meeting. The Applicant's attorney explained that the application was requesting a single lot. Questions were answered regarding the proposed septic system for the proposed lot and on other properties the applicant owns.

Staff believes that all of the neighborhood concerns have been resolved to the extent possible by the discussion at the public meeting. No further community concerns have been brought to that attention of staff since the submittal of the application.

## **CONCLUSION**

The proposed lot meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and complies with the recommendations of the Potomac Subregion Master Plan. Access and public facilities will be adequate to serve the proposed lot and use and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the application with the conditions specified above is recommended.

Attachment 1 – Vicinity Map  
Attachment 2 – Preliminary Plan

Table 1: Preliminary Plan Data Table and Checklist

<b>Plan Name: Rales Property – Parcel 538</b>				
<b>Plan Number: 120100200</b>				
<b>Zoning: RE-2</b>				
<b># of Lots: 1</b>				
<b># of Outlots:</b>				
<b>Dev. Type: For a one family residential lot</b>				
<b>PLAN DATA</b>	<b>Zoning Ordinance Development Standard</b>	<b>Proposed for Approval by the Preliminary Plan</b>	<b>Verified</b>	
Minimum Lot Area	87,120 sq. ft.	49.90 acres	RW	4/23/10
Lot Width	150 ft.	435 ft.	RW	4/23/10
Lot Frontage	25 ft.	435 ft.	RW	4/23/10
Setbacks				4/23/10
Front	50 ft. Min.	Must meet minimum <sup>1</sup>	RW	4/23/10
Side	17 ft. Min./ 35 ft. total	Must meet minimum <sup>1</sup>	RW	4/23/10
Rear	35 ft. Min.	Must meet minimum <sup>1</sup>	RW	4/23/10
Height	50 ft. Max.	May not exceed maximum <sup>1</sup>	RW	4/23/10
Max Resid'l d.u. per Zoning	24	1	RW	4/23/10
MPDUs	N/A		RW	4/23/10
TDRs	N/A		RW	4/23/10
Site Plan Req'd?	No		RW	4/23/10
<b>FINDINGS</b>				
<b>SUBDIVISION</b>				
Lot frontage on Public Street		Yes	RW	4/23/10
Road dedication and frontage improvements		Yes	Agency letter	3/24/10
Environmental Guidelines		Yes	RW	4/23/10
Forest Conservation		Exempt	Staff memo	12/14/09
Master Plan Compliance		Yes	DRC Comment	3/22/10
Other (i.e., parks, historic preservation)		N/A	DRC Comment	3/22/10
Stormwater Management		N/A	DRC Comment	3/22/10
Water and Sewer (WSSC)		N/A	DRC Comment	3/22/10
10-yr Water and Sewer Plan Compliance		Yes	DRC Comment	3/22/10
Well and Septic		Yes	Agency letter	4/15/10
Local Area Traffic Review		N/A	DRC Comment	3/22/10
Policy Area Mobility Review		N/A	DRC Comment	3/22/10
Transportation Management Agreement		N/A	DRC Comment	3/22/10
School Cluster in Moratorium?		No	RW	4/23/10
School Facilities Payment?		No	RW	4/23/10
Fire and Rescue		Yes	Agency letter	
Other (i.e., schools)		N/A	RW	4/23/10

<sup>1</sup> As determined by MCDPS at the time of building permit.

# RALES PROPERTY - PARCEL 538 (120100200)

Attachment 1



Map compiled on February 22, 2010 at 5:53 PM | Site located on base sheet no - 216NW12

## NOTICE

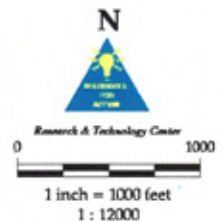
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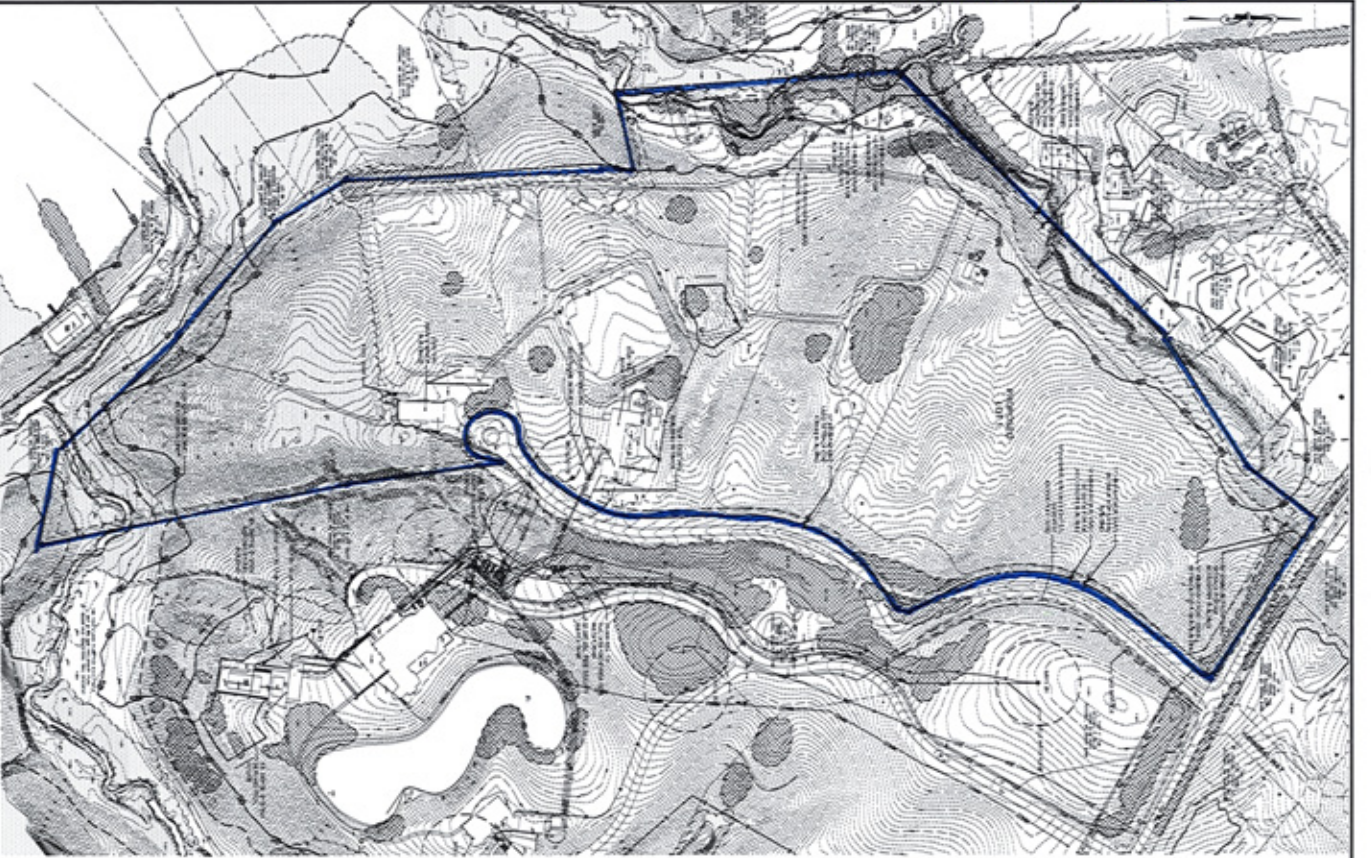
Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes, is not recommended. - Copyright 1998

**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8787 Georgia Avenue - Silver Spring, Maryland 20910-1700

Key Map





NO.	DESCRIPTION	DATE	BY	CHECKED BY
1	ISSUED FOR PERMITTING	08/10/2023	MM	MM
2	REVISED PER PERMITTING	08/10/2023	MM	MM
3	REVISED PER PERMITTING	08/10/2023	MM	MM
4	REVISED PER PERMITTING	08/10/2023	MM	MM
5	REVISED PER PERMITTING	08/10/2023	MM	MM

GENERAL NOTES:  
 1. THE PROJECT SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE PERMITTING AGENCIES' REQUIREMENTS AND THE DESIGN REQUIREMENTS SET FORTH IN THE PERMITTING AGENCIES' PERMITS.  
 2. THE PROJECT SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE DESIGN REQUIREMENTS SET FORTH IN THE PERMITTING AGENCIES' PERMITS.  
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 9. THE PROJECT SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE DESIGN REQUIREMENTS SET FORTH IN THE PERMITTING AGENCIES' PERMITS.  
 10. THE PROJECT SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE DESIGN REQUIREMENTS SET FORTH IN THE PERMITTING AGENCIES' PERMITS.

EXISTING AND PROPOSED ELEVATIONS

POINT	EXISTING ELEVATION	PROPOSED ELEVATION
1	100.0	100.0
2	100.0	100.0
3	100.0	100.0
4	100.0	100.0
5	100.0	100.0
6	100.0	100.0
7	100.0	100.0
8	100.0	100.0
9	100.0	100.0
10	100.0	100.0
11	100.0	100.0
12	100.0	100.0
13	100.0	100.0
14	100.0	100.0
15	100.0	100.0
16	100.0	100.0
17	100.0	100.0
18	100.0	100.0
19	100.0	100.0
20	100.0	100.0
21	100.0	100.0
22	100.0	100.0
23	100.0	100.0
24	100.0	100.0
25	100.0	100.0
26	100.0	100.0
27	100.0	100.0
28	100.0	100.0
29	100.0	100.0
30	100.0	100.0
31	100.0	100.0
32	100.0	100.0
33	100.0	100.0
34	100.0	100.0
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36	100.0	100.0
37	100.0	100.0
38	100.0	100.0
39	100.0	100.0
40	100.0	100.0
41	100.0	100.0
42	100.0	100.0
43	100.0	100.0
44	100.0	100.0
45	100.0	100.0
46	100.0	100.0
47	100.0	100.0
48	100.0	100.0
49	100.0	100.0
50	100.0	100.0

ENVIRONMENTAL FEATURE SUMMARY TABLE

ENVIRONMENTAL FEATURE	ACRES
WATER	10.5
WETLANDS	10.5
WOODLANDS	10.5
SHRUBLANDS	10.5
GRASSLANDS	10.5
CRIPPLING	10.5
ROADS	10.5
POWER LINES	10.5
UTILITY LINES	10.5
EXISTING STRUCTURES	10.5



LEGEND

SYMBOL	DESCRIPTION
(Symbol)	EXISTING ROAD
(Symbol)	PROPOSED ROAD
(Symbol)	EXISTING POWER LINE
(Symbol)	PROPOSED POWER LINE
(Symbol)	EXISTING WATER
(Symbol)	PROPOSED WATER
(Symbol)	EXISTING WETLANDS
(Symbol)	PROPOSED WETLANDS
(Symbol)	EXISTING WOODLANDS
(Symbol)	PROPOSED WOODLANDS
(Symbol)	EXISTING SHRUBLANDS
(Symbol)	PROPOSED SHRUBLANDS
(Symbol)	EXISTING GRASSLANDS
(Symbol)	PROPOSED GRASSLANDS
(Symbol)	EXISTING CRIPPLING
(Symbol)	PROPOSED CRIPPLING
(Symbol)	EXISTING STRUCTURES
(Symbol)	PROPOSED STRUCTURES



PRELIMINARY PLAN  
 PROJECT NO. 23-001  
 SHEET NO. PP-1  
 DATE: 08/10/2023  
 PROJECT LOCATION: ...  
 PROJECT OWNER: ...