



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

MCPB
Item #
3/4 /10



MEMORANDUM

DATE: February 19, 2010

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *Rob K*
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 two unplatted parcels into one lot for one, one family residence

PROJECT NAME: Zion Road Property

CASE #: 120090360

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: RE-2

LOCATION: On the west side of Zion Road approximately 2000 feet north of the intersection with Brookeville Road

MASTER PLAN: Olney and Agricultural and Rural Open Space Master Plan

APPLICANT: D&A Enterprises, L.L.C.

ENGINEER: Macris, Hendricks and Glascock

FILING DATE: May 26, 2009

HEARING DATE: March 4, 2010

RECOMMENDATION: Approval subject to the following conditions:

- 1) Approval under this preliminary plan is limited to one residential lot.
- 2) The proposed development must comply with the conditions of the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits.
- 3) The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) well and septic approval dated December 9, 2009. These conditions may be amended by MCDPS provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 4) The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management approval dated March 12, 2009. These conditions may be amended by MCDPS provided the amendments do not conflict with other conditions of the preliminary plan approval.
- 5) The Applicant must comply with the conditions of the Montgomery County Department of Transportation (MCDOT) letter dated February 3, 2010. These conditions may be amended by MCDOT provided the amendments do not conflict with other conditions of the preliminary plan.
- 6) The certified 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, on-site parking, site circulation, and sidewalks shown on the preliminary plan are illustrative. The final locations of buildings, structures and driveway will be determined during the building permit process. 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.”
- 7) 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.
- 8) Other necessary easements must be shown on the plat.

SITE DESCRIPTION (See figure 1)

The subject property “Property” or “Subject Property” is identified as Parcels 481 and 492 on Tax Map HU123 totaling 2.25 acres in the RE-2 Zone. The Property is located on the west side of Zion Road approximately 2,000 feet north of its intersection with Brookeville Road in the Olney Master Plan area. The Property is also within the boundaries of the Functional Master Plan for Preservation of Agriculture and Rural Open Space (AROS). The former Oaks Landfill property, now under MNCPPC control, abuts the site to the north and west; a church abuts the Property to the south and scattered, low density residential uses abut the Property across Zion Road.

The Subject Property is currently unimproved and was until recently used by a landscape contractor to store material. The current owner removed a considerable amount of debris left by

that operation prior to submission of this application. Forest was removed to facilitate that clean-up effort, but that clearing is accounted for in the preliminary forest conservation plan. Approximately 0.19 acres of forest remains and includes one specimen tree and four large trees. There are no steep slopes or highly erodible soils. The site drains to the Patuxent River a Use IV-P watershed. The Property abuts existing community water lines; community sewer is not available to the site.

PROJECT DESCRIPTION (see figure 2)

The application proposes to consolidate two unplatted parcels into a 2.25 acre lot to be used for a one family residence. The lot will front on Zion Road which is classified as a Country Road with a 70 foot right-of-way. No dedications to the public right-of-way are needed, the right-of-way width is adequate. The house is shown to be located in the northeastern corner of the Property with the septic field located down slope in the center of the lot. Community water will be provided by connection to the existing line in Zion Road.

Access will be to Zion Road with a circular driveway having two points of access to the road. A forest conservation easement will be established in the rear yard that is very much removed from the proposed house location. The easement is desirable in this location because it will abut an existing off-site easement on the adjacent MNCPPC property.

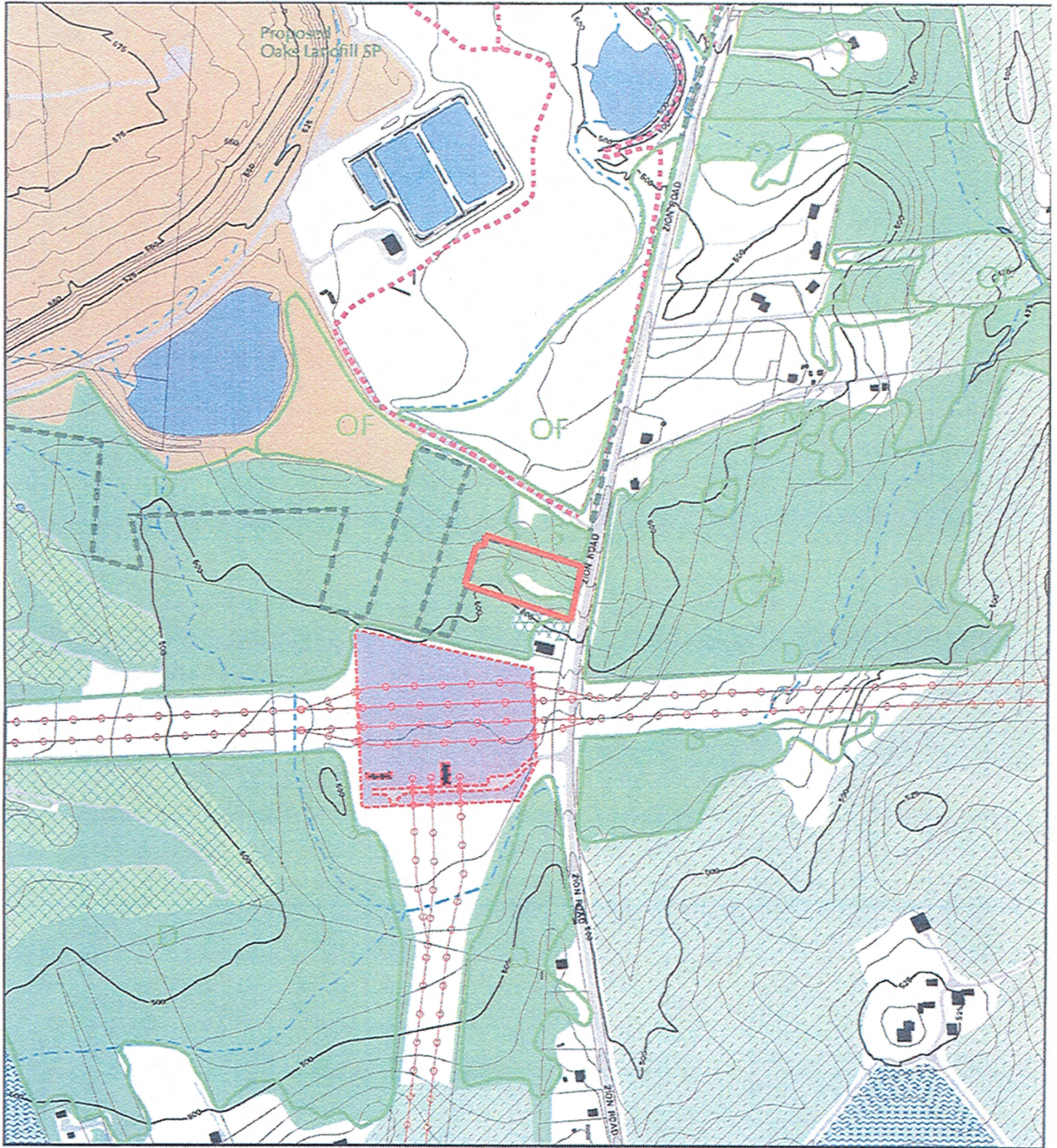


Figure 1

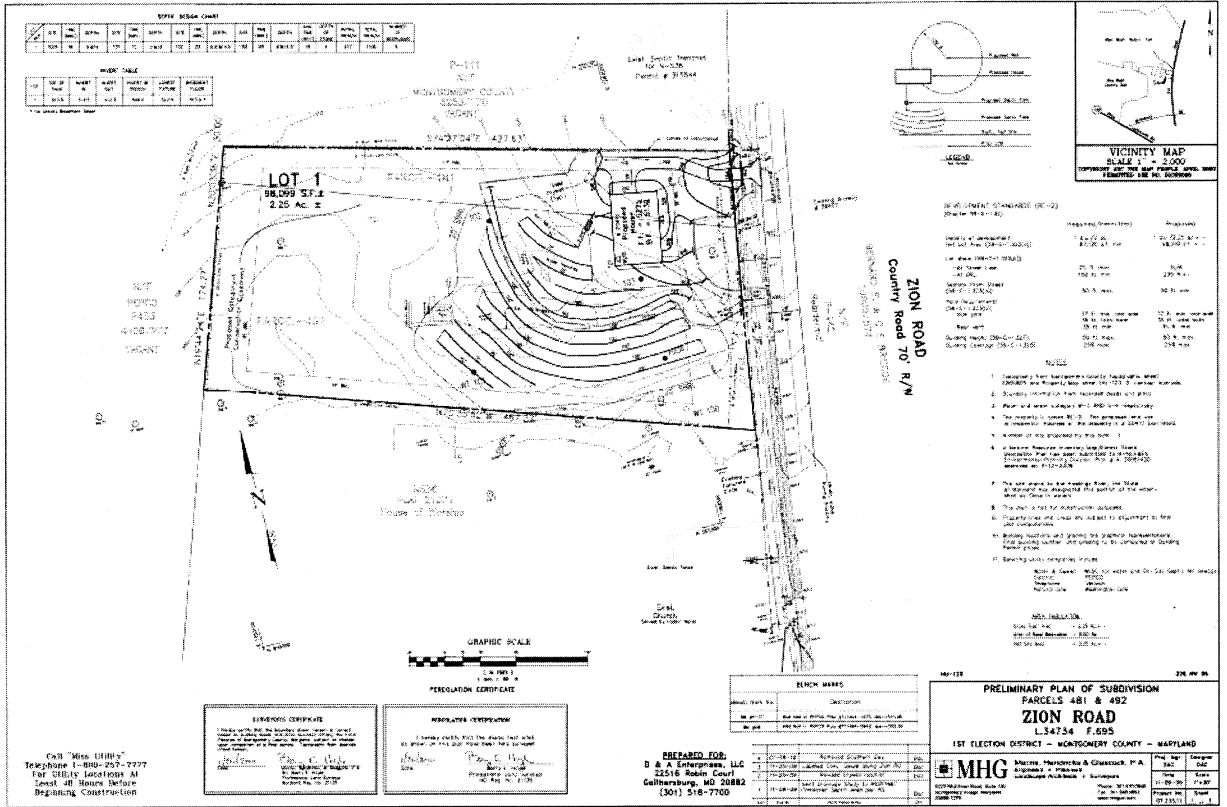


Figure 2

ANALYSIS AND FINDINGS

Master Plan Compliance

The Olney Master Plan (2004) recommended the continuation of the RE-2 zone for the Property and nearby properties in recognition of, and to accommodate, the existing development patterns that had been established in the area around the former Oaks Landfill. The Property is also within the AROS Master Plan area (1980). The AROS plan recognizes that residential development, including rural communities and large lot development can be compatible land uses within the Agricultural Reserve if appropriately located. The existing lot patterns up and down Zion Road and in the general Mt. Zion neighborhood at the intersection of Zion and Brookeville Roads have been well established for decades. Staff finds that the large lot size and low intensity proposed by this development is, in fact, appropriate for this area and consistent with the AROS plan vision. Staff finds that the preliminary plan is in conformance with both the Olney Master Plan and the AROS 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. Sidewalks are not required in the RE-2 zone. Any pedestrian activity in this low density area can safely be accommodated within the shoulders on Zion Road. Zion Road has sufficient capacity to accommodate the additional traffic generated by this new lot. 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 this is a residential use.

Environment

Forest Conservation (see figure 3)

Prior to submission of this application, there had been approximately 1.76 acres of forest on the Property, but 1.57 acres was cleared to remove a considerable amount of debris that had been left within the forest by a previous user. Rather than issue a violation for the unauthorized clearing, staff determined that it could be accounted for in the preliminary forest conservation plan submitted for the Property. That plan proposes to permanently protect the remaining 0.19 acres of forest on the property which results in a 1.07 acre forest planting requirement. Of that 1.07 acres, 0.39 acres will be planted on-site adjacent to the existing forest and protected with a Category I conservation easement. This easement will be adjacent to an existing forest conservation easement on MNCPPC property to the north and west. The remaining 0.68 acres of forest planting requirement will be met in an off-site location to be determined at the time of building permit as part of the final forest conservation plan review. No specimen or large trees will be removed as part of this application; therefore, a variance is not required. Staff finds that the plan complies with Chapter 22A, the Montgomery County Forest Conservation Law.

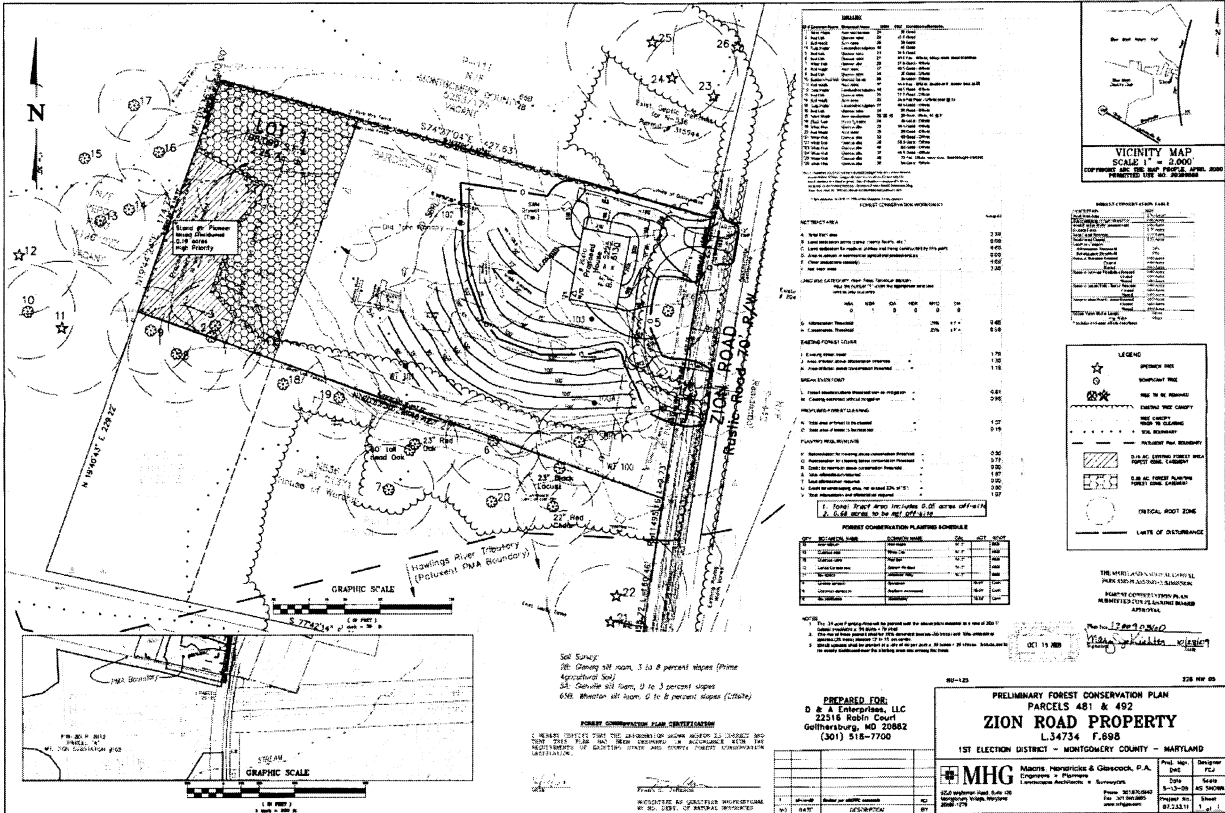


Figure 3

Stormwater Management

The application has an approved stormwater management concept dated March 12, 2009. The concept consists of non-structural water quality control measures. Channel protection measures are not required because post development flow does not exceed 2.0 cubic feet per second. The application meets the requirements of Chapter 50-24(j) for stormwater management.

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 February 9, 2009 at the Town Hall in Laytonsville, Maryland. Three individuals attended the meeting. The most notable concern was about the potential for a landscape contractor to again use the site. This concern seems to stem from the debris, and general unsightliness left by the previous owner and/or user of the Property. Staff responds that any use of the site for a landscape contractor would be subject to the Special Exception process, and a full review by the Planning Board and the Board of Appeals would be required to permit such a use in the RE-2 zone.

Other concerns raised were the potential conflicts with church traffic on Sundays. To staff, this would seem to be a minor issue since a one family residence would generate little traffic and could quite easily navigate the church traffic. One other issue was a general question on how stormwater would be handled. The Engineer for the project addressed this concern by describing the stormwater management concept which has been approved by MCDPS.

Staff believes that all of the neighborhood concerns have been resolved to the extent possible by discussion at the public meeting and/or through the conditions of approval.

CONCLUSION

The proposed lot meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and complies with the recommendations of the Olney Master Plan and the AROS 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.

Table 1: Preliminary Plan Data Table and Checklist

Plan Name: Zion Road				
Plan Number: 120090360				
Zoning: RE-2				
# of Lots: 1				
# of Outlots:				
Dev. Type: Residential				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	
Minimum Lot Area	87,120 sq. ft.	98,010 sq. ft.	RW	2/19/10
Lot Width	150 ft.	235 ft.	RW	2/19/10
Lot Frontage	25 ft.	235 ft.	RW	2/19/10
Setbacks				
Front	50 ft. Min.	Must meet minimum ¹	RW	2/19/10
Side	17 ft. Min./ 35 ft. total	Must meet minimum ¹	RW	2/19/10
Rear	35 ft. Min.	Must meet minimum ¹	RW	2/19/10
Height	50 ft. Max.	May not exceed maximum ¹	RW	2/19/10
Max Resid'l d.u. per Zoning	1	1	RW	2/19/10
MPDUs	N/A		RW	2/19/10
TDRs	N/A		RW	2/19/10
Site Plan Req'd?	No		RW	2/19/10
FINDINGS				
<i>SUBDIVISION</i>				
Lot frontage on Public Street		Yes	RW	2/19/10
Road dedication and frontage improvements		Yes	Agency letter	2/3/10
Environmental Guidelines		N/A	Staff memo	12/16/09
Forest Conservation		Yes	Staff memo	12/16/09
Master Plan Compliance		Yes	RW	2/19/10
Other (i.e., parks, historic preservation)		N/A	RW	2/19/10
Stormwater Management		Yes	Agency letter	3/12/08
Water and Sewer (WSSC)		Yes	Agency letter	7/13/09
10-yr Water and Sewer Plan Compliance		Yes	RW	2/19/10
Well and Septic		Yes	Agency letter	12/9/09
Local Area Traffic Review		N/A	RW	2/19/10
Policy Area Mobility Review		N/A	RW	2/19/10
Transportation Management Agreement		N/A	RW	2/19/10
School Cluster in Moratorium?		No	RW	2/19/10
School Facilities Payment?		No	RW	2/19/10
Fire and Rescue		Yes	Agency letter	11/19/09
Other (i.e., schools)		N/A	RW	2/19/10

¹ As determined by MCDPS at the time of building permit.