



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
ITEM #6
1/6/05



MEMORANDUM

DATE: December 28, 2004

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Development Review Division

FROM: Catherine Conlon, Acting Supervisor (301-495-4542)
Development Review Division *CC*

REVIEW TYPE: Minor Subdivision and Preliminary Forest Conservation Plan

APPLYING FOR: One (1) lot; one (1) one-family detached dwelling unit

PROJECT NAME: Stoney Creek Estates

CASE #: 2-02138

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations and Chapter 22A, Forest Conservation Law

ZONE: RE-2

LOCATION: Located on the west side of Stoney Creek Road opposite Meadow Farm Road

MASTER PLAN: Potomac

APPLICANT: Stoney Creek Overlook LLC

ENGINEER: Witmer Associates

HEARING DATE: January 6, 2005

STAFF RECOMMENDATION: Approval to convert the existing outlot to a lot, and approval of the preliminary forest conservation plan, subject to the following conditions:

- 1) 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.
- 2) Record plat to reflect a Category I easement over all areas of stream valley buffer and forest conservation.
- 3) Other necessary easements.

SITE DESCRIPTION:

The subject property consists of a 3.21 acre outlot located on the west side of Stoney Creek Road opposite Meadow Farm Road (Attachments A&B). The property is zoned RE-2 and included within the Potomac Master Plan.

The site lies within the Watts Branch watershed (Use Classification I-P) and contains a tributary stream which flows along the western property boundary. The site is currently forested with a very high quality forest stand dominated by beech, oak and tulip poplar trees.

PROJECT DESCRIPTION:

This application was filed to convert the existing outlot into a lot pursuant to the minor subdivision provisions of Section 50-35A(a)(2) of the Subdivision Regulations (Attachment C). This section permits such conversion provided the following conditions are met:

- a. the outlot is not designated open space or otherwise constrained so that it is unbuildable;
- b. adequate public or private sewer and water service is available;
- c. all requirements for adequate public facilities are met;
- d. all applicable conditions and/or agreements to the original subdivision approval creating the outlot will also apply to the new lot; and
- e. all applicable special protection area requirements are met.

Although these provisions are met, the proposed lot would not meet Section 50-35A(d) which stipulates that a lot created through the minor subdivision process satisfy all applicable zoning requirements of Chapter 59. The subject lot will not have frontage on a public road. Instead, site access would be via private driveway from an existing ingress-egress easement created for this outlot through an adjacent lot. This minor subdivision is being presented to the Board to make the appropriate finding for a lot without frontage.

ANALYSIS AND FINDINGS FOR THE PLAN

Minor Subdivision Plan

Staff's review of this minor subdivision request indicates that the plan conforms to the requirements of Section 50-35A(a)(2) as stipulated above. Per Section 50-29(a)(2) of the Subdivision Regulations, the Planning Board may approve up to two lots without frontage on a public road provided the proposed private driveway is adequate to serve the lots for emergency vehicles and installation of public utilities, is accessible for other public services, and is not detrimental to future subdivision of adjacent lands. Staff believes access via private driveway in the existing twenty-five foot ingress-egress easement meets these requirements. As such, Staff recommends approval of the proposed lot without frontage on a public street.

Forest Conservation Plan

The proposed plan includes clearing of 0.96 acres of existing forest which requires the approval of a forest conservation plan. The site's forest conservation requirements will be met per the proposed plan by retention of 1.65 acres of forest including most of the designated onsite stream valley buffer (Attachment D). A portion of the stream buffer is included in the septic field reserve area and could be cleared. This encroachment is compensated for by protection of existing forest outside the buffer at a rate of 2:1. A total of 2.25 acres of forested conservation easement will be provided on the proposed lot. This total includes 0.60 acres of existing conservation easement created with the existing outlot, which is not credited toward the requirements of this forest conservation plan.

Staff recommends approval of the proposed forest conservation plan with the conditions included above.

ATTACHMENTS

- Attachment A – Site Features Map
- Attachment B – Vicinity Map
- Attachment C – Proposed Plan
- Attachment D – Forest Conservation Plan

