



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item # 3
Date: 2/3/05



MEMORANDUM

DATE: January 28, 2005

TO: Montgomery County Planning Board

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

FROM: Dolores Kinney, Senior Planner
Development Review

REVIEW TYPE: Pre-Preliminary Plan Review

APPLYING FOR: Minor Subdivision

PROJECT NAME: Perez Property

CASE #: 7-05009

REVIEW BASIS: Chapter 50-35A (8), Montgomery County Subdivision Regulations

ZONE: RDT

LOCATION: Located in the northeast quadrant of the intersection of Comus Road and Old Hundred Road (MD 109)

MASTER PLAN: Agriculture and Rural Open Space

APPLICANT: Julio and Maria Perez

FILING DATE: September 13, 2004

HEARING DATE: February 3, 2005

STAFF RECOMMENDATION: No objection to the submission of a Minor Subdivision Plan, pursuant to Chapter 50-35A (8) of the Montgomery County Subdivision Regulations, and subject to the following conditions:

- 1) Compliance with the conditions of approval for the preliminary forest conservation plan or apply for exemption prior to record plat. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
- 2) Category I forest conservation easement must be placed on all environmental buffers and preserved forest, unless the property is granted an exemption from forest conservation.
- 3) At time of record plat, applicant must submit an approved final forest conservation plan or an approved forest conservation exemption.
- 4) Written approval for a proposed septic area must be received from the Montgomery County Department of Permitting Services, Well and Septic Section, prior to record plat.
- 5) Compliance with the conditions of approval of the MCDPS stormwater management approval prior to record plat.
- 6) An easement must be recorded for the balance of the property noting that density and TDRs have been utilized for the new lot.
- 7) Record a deed of dedication for the ingress/egress driveway easement right-of-way through Parcel 385 to Comus Road to be reflected on the plat.
- 8) Prior to recordation of plat, applicant to provide proof that existing structure or portion of existing structure has been removed and does not cross proposed lot line.
- 9) Other necessary easements.

SITE DESCRIPTION:

The subject property, identified as Parcel 120 (Subject Property), is located in the northeast quadrant of the intersection of Comus Road and Old Hundred Road (MD 109) (Attachment A). The Subject Property contains 17.29 acres and is zoned RDT. It is currently developed with a single-family dwelling. A stream currently exists on the property.

PROJECT DESCRIPTION:

This is a pre-preliminary plan application request for the submission of a Minor Subdivision Plan. Pursuant to Section 50-35A (8) of the Subdivision Regulations, certain properties located in the Rural Density Transfer Zone (RDT) are permitted up to five (5) lots and may exceed an average size of five (5) acres under the minor subdivision procedures provided that a pre-preliminary plan is submitted and approved by the Planning Board. This is an application to record the Subject Property under the Minor Subdivision provisions as one (1) lot for the construction of one (1) new single-family detached dwelling (Attachment B). The proposed lot will have access via an ingress/egress easement through the adjacent Parcel 385 from Comus Road.

ANALYSIS

Staff's review of Pre-preliminary Plan #7-05009, Perez Property, indicates that the plan conforms to the recommendations of the Master plan for Agriculture and Rural Open Space. The proposed preliminary plan is consistent with the master plan goal to maintain the area's rural residential character. Staff also finds that the proposed preliminary plan complies with Chapter 50 of the Montgomery County Code, Subdivision Regulations, in that private water and septic facilities will be adequate to support and service the proposed subdivision. Staff further finds that the size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.

CONCLUSION:

Staff finds that Pre-preliminary Plan #7-05009, Perez Property, conforms to the Master Plan for Agriculture and Rural Open Space and meets all necessary requirements of the Subdivision Regulations. As such, Staff has no objection to the submission of a minor subdivision plan, subject to the above conditions.

ATTACHMENTS:

Attachment A	Vicinity Map
Attachment B	Preliminary Plan