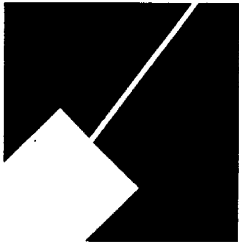


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

MCPB
Item # 16
Date: 4/21/05



MEMORANDUM

DATE: April 15, 2005

TO: Montgomery County Planning Board

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

FROM: Dolores Kinney, Senior Planner
Development Review

REVIEW TYPE: Pre-Preliminary Plan Review

APPLYING FOR: Minor Subdivision

PROJECT NAME: Gawlik Property

CASE #: 7-05041

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

ZONE: RDT

LOCATION: Located on the north side of White's Ferry Road, approximately 2000 feet west of the intersection with Sugarland Road

MASTER PLAN: Agriculture and Rural Open Space

APPLICANT: Andrew Gawlik

ENGINEER: CAS Engineering

HEARING DATE: April 21, 2005

FILING DATE: January 24, 2005

STAFF RECOMMENDATION: Approval of one (1) lot to be platted under the provisions of Section 50-35A(8) of the Minor Subdivision Regulations, and 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) Category I forest conservation easement must be placed on all environmental buffers and preserved forest.
- 3) 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.
- 4) Applicant to receive approval of MCDPS storm water management concept at the time of sediment and erosion control permits.
- 5) Record plat to reference a recorded easement indicating that a TDR is available and will be utilized for the new lot.
- 6) Applicant to submit a complete record plat application for both lots to M-NCPPC within 37 months of issuance of the opinion for this pre-preliminary plan.
- 7) Other necessary easements.

SITE DESCRIPTION:

The subject property, identified as Parcel 314 (Subject Property), is located on the north side of White's Ferry Road, approximately 2000 feet west of the intersection with Sugarland Road (Attachment A). The Subject Property contains six (6) acres and is zoned RDT. It is currently developed with a single-family dwelling and accessory buildings which will be removed. A stream currently exists on the property.

PROJECT DESCRIPTION:

This is a pre-preliminary plan application that requests permission to proceed under the Minor Subdivision process. Pursuant to Section 50-35A (8) of the Subdivision Regulations, property owners located in the Rural Density Transfer Zone (RDT) are permitted to create up to five (5) lots that average five (5) acres in size. If the applicant proposes lots that exceed five acres on average, a pre-preliminary plan must be reviewed 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 reconstruction of one (1) single-family detached dwelling (Attachment B). The proposed lot will have direct access from Whites Ferry Road (MD 107). Determination of adequate private water and septic facilities must be made by the Department of Permitting Services (DPS), prior to record plat.

The property was part of a tract of land that originally contained 117.58 acres. In 1960, the property was created by deed in its current configuration. Subsequently, in 1980 the RDT Zone was adopted. Pursuant to Section 59-C-9.74 (b)(2) of the Zoning Ordinance the property is exempt from the current area and dimensional requirements of the RDT, which states:

- (b) The following lots are exempt from the area dimensional requirements of Section 59-C-9.4 but must meet the requirements of the zone applicable to them prior to their classification in the Rural Density Transfer Zone.
 - (2) A lot created by deed executed on or before the approval date of the sectional map amendment, which initially zoned the property to the Rural Density Transfer Zone.

ANALYSIS

The current pre-preliminary plan is submitted for Board approval pursuant to Section 50-35A(8), Minor Subdivisions, of the Subdivision Regulations, which states as follows:

Up to five lots are permitted under the minor subdivision procedures in the RDT zone provided that a pre-preliminary plan is submitted and approved by either the Planning Board or Planning Board staff, in accordance with the procedures for submission and approval of a pre-preliminary plan of subdivision. In addition:

- a. Written approval for a proposed septic area must be received from the Montgomery County Department of Permitting Services, Well and Septic Section prior to recordation of the plat;
- b. Any required street dedication along the frontage of the proposed lots, must be shown on the record plat;
- c. An easement must be recorded for the balance of the property noting that density and TDRs have been utilized for the new lots. Reference to this easement must be reflected on the record plat for the lots; and
- d. Lots created in the RDT Zone through the minor subdivision procedure must not exceed an average lot size of five (5) acres in size unless approved by the Planning Board in the review of a pre-preliminary plan of subdivision.
- e. Forest conservation requirements must be satisfied prior to recording the plat.

The Subject Property contains six (6) acres, which according to Paragraph 8d of Section 50-35A(8), requires Planning Board approval of a pre-preliminary plan for submission of the minor subdivision regulations. Provisions including septic approval, road dedication and forest conservation must be met prior to record plat.

Staff's review of the pre-preliminary plan also indicates that the plan conforms to the recommendations of the Master plan for Agriculture and Rural Open Space to maintain the area's rural residential character.

CONCLUSION:

The Pre-preliminary Plan #7-05041, Gawlik Property, conforms to the Master Plan for Agriculture and Rural Open Space and complies with requirements of Section 50-35A(8) of Subdivision Regulations. As such, Staff recommends approval of the proposed lot to be platted under the minor subdivision regulations, subject to the above conditions.

ATTACHMENTS:

Attachment A	Vicinity Map
Attachment B	Preliminary Plan