



MEMORANDUM

DATE: April 22, 2005

TO: Montgomery County Planning Board

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

FROM: Richard A. Weaver *RAW*
Development Review Division
(301) 495-4544

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Subdivision for four residential lots – Parcel 340, Tax Map JV22

PROJECT NAME: Glover Property

CASE #: 1-04089

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: RC

LOCATION: Located on the north side of Eagles Ridge Court, approximately
1,000 feet north of intersection with New Hampshire Avenue
(MD650)

MASTER PLAN: Olney

APPLICANT: The Pretty Penny, L.L.C.

ENGINEER: Benning and Associates

FILING DATE: May 19, 2004

HEARING DATE: April 28, 2005

STAFF RECOMMENDATION: Approval, including four lots without frontage, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to four (4) lots.
- 2) 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.
- 3) Compliance with conditions of MCDPWT letter dated September 10, 2004, unless otherwise amended.
- 4) Compliance with conditions of MCDPS (Health Dept.) septic approval dated February 10, 2005.
- 5) Record plat to reflect a Category I easement over all areas of stream valley buffers and forest conservation.
- 6) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
- 7) Applicant to establish on record plat a 25 ft. wide public use trail easement along the southern border of proposed Lot 3 and the southern border of the open space area (Lot 4) then north along the southeast border of the proposed conservation area (outside Lot 3) to connect to the WSSC conservation area.
- 8) Record plat to reference the Common Open Space Covenant recorded at Liber 28045, Folio 578 ("Covenant"). Applicant shall provide verification to Commission staff prior to release of final building permit that Applicant's recorded HOA Documents incorporate by reference the Covenant.
- 9) Compliance with the conditions of approval of the MCDPS stormwater management approval dated June 2, 2004.
- 10) Record plat to contain a note "This land lies within an approved cluster development, resubdivision is strictly controlled"
- 11) Other necessary easements.

SITE DESCRIPTION:

The subject property, identified as Parcel 340 on Tax Map JV 22, contains 28.5 acres and is zoned Rural Cluster (RC). The site is currently wooded and includes an existing one family structure. The Denit Estates (Brookeville Crossing) subdivision has developed around much of the property. The property is land-locked with no direct frontage on a public right-of-way. Two driveways currently provide access to the site: one from New Hampshire Avenue (MD 650) and the other from the northern terminus of Eagles Ridge Court to the south.

A stream bisects the site and flows to the Triadelphia Reservoir. The property lies within the Patuxent watershed and is subject to the Patuxent Primary Management Area

restrictions on imperviousness and septic setbacks. The site is identified as a Class II Legacy Open space property.

PROJECT DESCRIPTION: Attachment A

This is an application to subdivide the property into four residential lots that will accommodate the existing house and three new, one family homes. A separate outlot is also being created. The outlot will be encumbered with a forest conservation easement as it is part of the open space required for the project. The outlot may be conveyed to the adjacent property owner. Applications using the optional method of development in the RC zone must provide 60% of the site in open space. The open space can be preserved by means of forest conservation easements and/or open space easements. The open space requirement for this project is 17.1 acres, which is accommodated by the plans as shown.

Since the property is currently land locked and no alternative exists to extend a public right-of-way, the Board is being asked to approve four lots without frontage. The Board has the authority to approve not more than two lots on a private driveway with a proper showing that the driveway is adequate to serve emergency vehicles, to install public utilities and is not detrimental to future subdivisions. For this application, there are two, 12-14 foot wide private driveways providing access to the property. The applicant requests two lots without frontage on each of the two private driveways.

ANALYSIS

The plan proposes four lots that meet the dimensional requirements of the RC zone. The open space as shown on the plan meets the 60% open space requirement under the RC optional method. The Montgomery County Department of Permitting Services has approved the required septic systems for the site. The property has an approved preliminary forest conservation plan; all forest conservation requirements will be met on site.

With respect to the allowance for lots without frontage, the preliminary plan was forwarded to the Montgomery County Department of Fire and Rescue Services as part of the normal Development Review Committee process. That Department did not raise any objections to the plan as shown. Public utilities can be accommodated and will be placed within the public utility easements as shown on the plan. Future subdivisions will not be hindered by the use of private drives because all remaining property to the north is owned by the WSSC as conservation land around the reservoir and as such, needs no vehicular access. The Planning Board has approved similar requests in situations where there are land-locked properties and not more than two lots without frontage can be served on separate private drives.

Staff believes that a proper showing has been made for adequacy of emergency vehicle service, the provision of utilities and that the use of the private driveways will not hinder future subdivisions.

As mentioned, this property is identified as a Class II Legacy Open Space (LOS) property. Staff reviewed this plan to determine if the plan adequately protected the open space elements that were found to merit the designation. Staff was satisfied that the open space shown on the plan did preserve the key natural features identified in the LOS plan.

CONCLUSION:

Staff finds that Preliminary Plan #1-04089, Glover Property, conforms to the zoning and land use recommendations of the Olney Master Plan. The plan also conforms to the Subdivision Regulations and Zoning Ordinance. As such, Staff recommends approval of the preliminary plan, subject to compliance with the above conditions.

ATTACHMENTS:

Attachment A	Preliminary Plan
Attachment B	Vicinity Map
Attachment C	Neighborhood Development