

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

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MCPB
Item #5
7/7/05



MEMORANDUM

DATE: June 29, 2005

TO: Montgomery County Planning Board

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

FROM: Catherine Conlon, Supervisor (301) 495-4542 *CC*

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Subdivision of Existing Parcel 843
Subdivision for Two Lots

PROJECT NAME: Kakar Property

CASE #: 1-05102

REVIEW BASIS: Chapter 50, the Subdivision Regulations and Chapter 59, the Zoning Ordinance

ZONE: R-200/TDR-2

LOCATION: On the southwest side of Bailey's Lane, approximately 370 feet south of Norbeck Road

MASTER PLAN: Aspen Hill

APPLICANT: Rob Gilroy for Nasirul Island

ENGINEER: Dewberry and Davis

FILING DATE: May 25, 2005

HEARING DATE: July 7, 2005

STAFF RECOMMENDATION: Approval, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to two (2) residential dwelling units.
- 2) Compliance with the conditions of approval for the preliminary forest conservation plan, including submittal of final forest conservation plan and installation of split-rail fencing at the rear of area to be cleared and along the edge of the forest conservation area. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits, as appropriate.
- 3) Record plat to reflect a Category I easement over all forest conservation areas.
- 4) Compliance with the conditions of the MCDPS stormwater management approval dated May 23, 2005.
- 5) The applicant shall dedicate all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Master Plan unless otherwise designated on the preliminary plan.
- 6) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s).
- 7) Prior to plat recordation, the applicant shall verify that one (1) TDR has been obtained for the development. Record plat shall reflect the TDR easement.
- 8) No clearing, grading or recording of plats prior to site plan signature set approval.
- 9) Final approval of the location of buildings will be determined at site plan.
- 10) Other necessary easements.

SITE DESCRIPTION

The subject property consists of 1.31 acres (57,276 square feet) of land comprised of one existing unrecorded parcel. The property is located on the southwest side of Bailey's Lane and is zoned RE-2/TDR-2 (Attachment A). The property is undeveloped and currently contains early successional forest. The site lies within the Northwest Branch watershed (Use Classification IV-P). There are no streams, wetlands, floodplains, or environmental buffers on the property.

PROJECT DESCRIPTION

This is an application to subdivide the subject property into two residential lots. The proposal will create a 31,793 square foot lot and a 25,483 square foot lot (Attachment B). One Transfer Development Right (TDR) will be purchased to facilitate the proposed development. The lots will be served by public water and sewer service and will have direct access to Bailey's Lane via individual driveways. Site plan review per Section 59-D-3 of the Zoning Ordinance is required for this property.

Previous Preliminary Plan Approval

The two proposed lots were included in previous Preliminary Plan No. 1-03071 which was approved by the Planning Board on July 3, 2003. That preliminary plan included an adjacent parcel in the subdivision (Parcel 831 to the north with an existing house). As part of

that approval, it was determined that two TDRs were needed to develop the three proposed lots. Rather than provide the two TDRs required to record the lots associated with the previous approval, the applicant has submitted a new preliminary plan which excludes the adjacent parcel and existing house. The subject two lot plan requires one TDR since one of the proposed lots can be achieved by-right per the base zone.

Master Plan Compliance

The Aspen Hill Master Plan does not specifically identify the subject property for discussion but does give general guidance and recommendations regarding zoning and land use. The plan recommends that this area maintain the existing zoning as adopted and maintain the residential land use consisting of one-family detached homes. The proposed subdivision complies with the recommendations adopted in the Master Plan in that it is a request for residential development and is consistent with the Zoning Ordinance development standards for the R-200/TDR zone.

Forest Conservation

The plan is subject to forest conservation law. Since the applicant is proposing an optional method of development, the applicant must retain forest to meet the forest conservation threshold onsite. The applicant is meeting this requirement by retaining 0.28 acres of forest. The remainder of the forest conservation obligations will be met by 0.28 acres of off-site planting. At this time the applicant has not identified the off-site planting location. In similar, non-optional method of development, Environmental Planning would recommend the applicant not encumber the proposed lots with forest conservation easements and request the applicant meet all their forest conservation requirements off-site. However, since the applicant is proposing an optional method of development by utilizing a TDR, the applicant is required to meet at least some of the requirements on site. In order to clearly delineate and protect future homeowner encroachment into the forest conservation easement, Environmental Planning is requesting the installation of a split rail fence on the forest conservation easement line.

CONCLUSION

Staff believes the proposed subdivision meets all requirements of the Subdivision Regulations (Chapter 50) and complies with the recommendations of the applicable master plan. The plan also meets the requirements of the forest conservation law. Therefore, Staff recommends approval of the preliminary plan with the specified conditions.

Attachments

Attachment A – Vicinity Development Map
Attachment B – Proposed Development Plan

No citizen correspondence has been received up to this point.