



MCPB
Item #9
Date: 7/21/05



MEMORANDUM

DATE: July 15, 2005

TO: Montgomery County Planning Board

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

FROM: Richard A. Weaver, Coordinator *RAW*
Development Review Division

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Subdivision for one lot

PROJECT NAME: Snyder Tract

CASE #: 1-05055

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations
Chapter 59, Montgomery County Zoning Ordinance

ZONE: RDT

LOCATION: Located on the south side of Bethesda Church Road,
approximately 1200 feet east of the intersection with Barnes Road

MASTER PLAN: Agriculture and Rural Open Space

APPLICANT: Olympus Real Estate Group, L.L.C.

FILING DATE: November 22, 2004

HEARING DATE: July 14, 2005

STAFF RECOMMENDATION: Approval, Pursuant to Section 59-C-9.74 (b)(2) of the Montgomery County Zoning Ordinance, 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 or MCDPS issuance of sediment and erosion control permits.
- 2) Category I forest conservation easement must be placed on all stream valley buffers and preserved forest as shown on the approved preliminary forest conservation plan.
- 3) Tree save measures for construction of the driveway must be implemented as shown on the preliminary forest conservation plan and performed by an ISA Certified Arborist. Tree protection measures to be field inspected and approved by M-NCPPC site inspectors at a pre-construction meeting.
- 4) 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.
- 5) Compliance with conditions of the Montgomery County Department of Permitting Services, Well and Septic Section approval, prior to recordation of plat.
- 6) Compliance with the conditions of approval of the MCDPS stormwater management approval dated October 14, 2004.
- 7) Record plat to reflect a common ingress, egress and utility easement over shared driveway.
- 8) Compliance with the conditions of the MCDPWT approval letter dated March 11, 2005, unless otherwise amended.
- 9) Other necessary easements.

SITE DESCRIPTION:

The subject property, identified as Part of Lot 6, is located on the south side of Bethesda Church Road east of the intersection with Barnes Road in the Agricultural and Rural Open Space Master Plan area. The subject property is 9.47 acres in size with approximately 9.14 acres of forest. The property currently has a 25 foot wide pipestem that provides frontage on Bethesda Church Road. A headwater stream to Bennett Creek (Use I) begins on the southern corner of the property and flows off-site to the south.

The subject property, (Part of Lot 6), was created in 1978 by deeding Lot 6 into two separate portions. A house currently occupies the westernmost portion of former Lot 6. In 1978, the property was zoned RE-2. In 1982, the Damascus Master Plan recommended that the property be rezoned to RDT and included in the agricultural preserve. The RDT zoning for the subject property was officially adopted by sectional map amendment on September 21, 1982.

PROJECT DESCRIPTION:

This preliminary plan application requests that Part of Lot 6 be converted into a buildable lot pursuant to Section 59-C-9.74 (b)(2) of the Montgomery County Zoning Ordinance. This section exempts certain lots created by deed from the size and

dimensional requirements of the current RDT zone but requires them to meet the requirements of the zone applicable to them prior to their classification to the RDT zone. To qualify, the "lots" must have been recorded prior to the date of the sectional map amendment that rezoned them to the RDT zone. The applicant has provided the necessary documentation to show that Part of Lot 6 was created in 1978, thereby qualifying it for this exemption and consideration as a preliminary plan under the RE-2 zone provisions.

The proposed lot, at 9.47 acres, is well above the minimum size requirements for lots in the RE-2 zone (87,120 sq. ft.). The proposed lot also meets all of the dimensional requirements for RE-2 zoned lots as outlined in Section 59-C-1.32 of the Zoning Ordinance.

The plan proposes a single-family residential structure that will access Bethesda Church Road via a new driveway in the existing pipestem. An adjacent homeowner on Parcel 333 currently uses a portion of that pipestem to provide driveway access to their house. The applicant has reached a verbal agreement with the adjacent property owner to allow this access to continue. The record plat will reflect a common ingress/egress and utility easement for benefit of the new lot and Parcel 333.

The 9.47 acre subject property has 9.14 acres of forest. This plan meets the requirements of the Montgomery County forest conservation law through preservation of 5.62 acres of on-site forest. Additionally, specific preservation measures for trees within the pipestem are recommended as part of the preliminary forest conservation plan and are reflected in condition #3, above.

ANALYSIS

Although the property is subject to the RE-2 zone requirements, which is a residential zone, staff believes that the lot conforms to the recommendations of the Master Plan for Agriculture and Rural Open Space. On this 9.47 acre lot the applicant will maintain well over half of the site in forest cover and protect 5.62 acres in a category I easement. Forest is a recognized agricultural product.

The plan complies with Chapter 50, the Montgomery County Subdivision Regulations, in that access is safe and adequate and the requirements for stormwater management, forest conservation, and adequate public facilities, including wells and septic, are all met. Staff further believes that the size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.

The plan also complies with Chapter 59, the Montgomery County Zoning Ordinance. The plan meets the specific exemption criteria found in Section 59-C-9.74 (b)(2) in that it meets the minimum size and dimensional requirements of the previous RE-2 zone.

CONCLUSION:

Preliminary Plan 1-05005, Snyder Tract, conforms to the Master Plan for Agriculture and Rural Open Space and meets all necessary requirements of the Subdivision Regulations and Zoning Ordinance. As such, staff recommends approval of the application subject to the conditions cited above.

ATTACHMENTS:

Attachment A	Neighborhood Development Map
Attachment B	Preliminary Plan