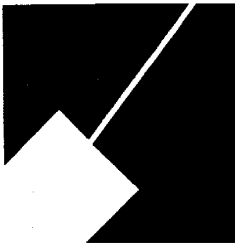


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

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

**MCPB
ITEM #10
10/10/05**



MEMORANDUM

DATE: September 29, 2005

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief
Development Review Division

FROM: Catherine Conlon, Supervisor (301-495-4542)
Development Review Division *CK*

REVIEW TYPE: Preliminary Plan of Subdivision
APPLYING FOR: Preliminary Plan Approval for 7 dwelling units

PROJECT NAME: Roberts Landing
CASE NO. 12004105A (Formerly 1-04105A)
REVIEW BASIS: Pursuant to Chapter 50, the Subdivision Regulations
and Chapter 59, the Zoning Ordinance

ZONE: R-200
LOCATION: On the north side of Turkey Foot Road approximately 125 feet west of
Jones Lane
MASTER PLAN: Potomac

APPLICANT: Classic Community Development Corporation
ENGINEER: Gutschick, Little & Weber, P.A.

FILING DATE: June 17, 2005
HEARING DATE: October 10, 2005

Staff Recommendation: Approval, including a waiver pursuant to §50-26(h)(3) to permit sidewalk on only one side of proposed public roads (extension of Talley Lane, Pilots Landing Way and Navigators Way), and subject to the following conditions:

- 1) Approval under this preliminary plan amendment is limited to 7 additional dwelling units for a total of 33 dwelling units within the subdivision.
- 2) Compliance with conditions of MCDPS (Health Dept.) septic approval dated July 12, 2005.
- 3) Prior to any clearing and grading, applicant shall install tree protection or super silt fence along the proposed limit of disturbance for Lots 30 and 31. The fencing shall be maintained during construction to ensure protection of trees.
- 4) All other previous conditions included in Planning Board opinion dated February 24, 2005 remain in full force and effect.

SITE DESCRIPTION and SURROUNDING AREA

The subject property is a 78.47-acre property located within the Potomac Master Plan boundaries. The property is located on the north side of Turkey Foot Road (designated a rustic road) approximately 125 feet west of Jones Lane (Attachment A). The property is zoned R-200 and is served by public water, but not sewer. The site abuts existing R-200 zoned residential development on the east and west, and larger lots on the north. Existing Talley Lane will be extended into the site from the east to serve the proposed units.

The property is within the Muddy Branch watershed, a Use I-P watershed. A tributary stream to Muddy Branch flows along the western property boundary. The site contains 27 acres of forest, minimal wetlands, and 13 acres of environmental buffer.

PREVIOUS PRELIMINARY PLAN APPROVAL

Phase I of this application was approved on December 16, 2004 creating a residential community including 26 one-family detached dwelling units (see Planning Board opinion in Attachment B). The plan preserved the stream valley and environmentally sensitive areas, and provided safe and adequate access for vehicles and pedestrians with the extension of existing Talley Lane and the proposed internal vehicular and sidewalk system. At the time of the previous approval, staff pointed out that additional units were anticipated in a second phase of the development if septic approvals could be obtained.

PROPOSED PRELIMINARY PLAN AMENDMENT

The proposed preliminary plan amendment creates seven (7) additional lots for seven (7) one-family detached dwelling units (Attachment C). The proposed lots are located in the northwest corner of the property which is accessed by the extension of Pilots Landing Way, formerly Public Road "A", a new tertiary street approved with Phase I of the preliminary plan. The houses will be served by private septic fields and public water.

RELATIONSHIP TO THE POTOMAC MASTER PLAN

The subject property is located within an area identified as the Darnestown Triangle which is formed by MD 28, Turkey Foot Road, and Jones Lane. Although the Master Plan

recommended RE-1 zoning for the subject property, final action on the plan included the retention of the R-200 zone. The plan did not recommend extension of the sewer envelope to include this property. As a consequence, the Board previously found the proposed development, as limited by the availability of septic, in character with an RE-1 development in that all but two lots were greater than one acre in size. The proposed lots are also well over one acre in size. The Master Plan also recommended acquisition, through dedication, of the western stream valley portion of this property, which was included in the approval of Phase I.

TRANSPORTATION:

Staff included the proposed lots in the transportation review during the previous approval and concluded that safe and adequate access for vehicles and pedestrians was provided. A traffic study was not required for the property because the application was filed before July 1, 2004. Local Area Transportation Review is satisfied by the fact that the proposed housing units generate fewer than 50 peak-hour trips. A waiver of sidewalks on one side of the proposed reduced-width tertiary roads was granted.

Over-length Cul-de-Sac Findings

The roadway design for the property includes the creation of three cul-de-sac roads which will be greater than 500 feet in length: the extension of Talley Lane from Jones Lane; Pilot's Landing Way extending northwest from Talley Lane; and Navigators Way extending southeast from Talley Lane. Per Section 50-26(d) of the Montgomery County Code, a cul-de-sac road should be no longer than 500 feet unless the Board finds that a greater length is justified by reason of property shape, size, topography, large lot size, or improved street alignment. Although these roads were shown in the same configuration on the Phase I preliminary plan, a finding that they were justified was not made.

Staff believes that design of these over-length roadways is justified by the shape and topography of the subject property. The property is bounded on the north, west and south by stream valleys with associated steep slopes. To the north and west the stream valleys are currently protected by conservation easement or parkland. To the south, the stream valley limits the point at which an access to Turkey Foot Road can be located. During the review of the first phase of the preliminary plan, MCDPWT restricted access at this point to a limited-use private driveway. Turkey Foot Road is a designated rustic road and it was determined that grading for a public road would be too disruptive to the stream, slopes and trees along the road. The proposed street alignment provides protection of environmentally sensitive areas and avoids stream and wetland crossings. Therefore, staff believes the finding can be made for over-length cul-de-sacs in this instance.

ENVIRONMENTAL:

The subject site includes 27 acres of forest, minimal wetlands, and 13 acres of environmental buffer. There are steep slopes (> 25%) on the property and highly erodible soils. The steep slopes and highly erodible slopes are hydraulically connected to Waters of the United

States and are included in the environmental buffers. The plan protects all environmentally sensitive areas in the proposed conservation easements.

The forest conservation plan indicates that the applicant will meet the conservation threshold onsite and meet all forest conservation requirements through the retention of existing forest.

CITIZEN CORRESPONDENCE:

Two letters were received and addressed as part of the review of the first phase of the development. During the public hearing for the first phase, additional concern was raised by an adjacent property owner concerning grading and tree clearing which might affect their existing house. The neighbors, Soo and Irene Lee, reside at 12820 Doe Lane and their house and driveway are located very close to the northern boundary of the subject property, adjacent to the lots being created by this amendment. Since it was unknown at the time whether all the anticipated lots would obtain septic approval, staff suggested that review of the potential impacts to the Lee property be postponed.

As part of the review of this plan amendment, staff requested that the applicant prepare a larger-scale exhibit including the house and driveway on the Lee property, and the limits of disturbance on the proposed lots which would be located adjacent to them. The applicant submitted this plan (Attachment D) and it was mailed to the Lees for their review and comment. As of the date of this memo, no comments have been received.

Staff believes the proposed limit of disturbance and grading will not adversely impact the adjacent house and driveway. Per MCDPS requirements, sediment control devices will be required to be installed, and the existing forest buffer between the Lee residence and the closest proposed house will not be disturbed during house construction and installation of the initial septic field. The sediment control devices, with the existing forest buffer as a back-up, should prevent any sediment or grading impacts. Staff is recommending that tree protection fencing be installed, unless the sediment control plan requires super silt fence, to ensure that the buffer remains during construction. Portions of the existing forest which contain reserve septic field area may not be retained in the long term if septic field replacement is necessary, but protection will be provided during the construction stage of the project which is when the greatest potential for impacts exists.

CONCLUSION:

Staff finds that the proposed lots comply with the requirements of Chapter 50, the Subdivision Regulations as summarized in attached Table 1. Staff further finds that the size, width, shape, and orientation of the lots are appropriate for the location of the subdivision. As such, staff recommends approval with the specified conditions.

Attachments:

Attachment A – Vicinity Map

Attachment B – Previous Planning Board Opinion dated 2/24/05
Attachment C – Preliminary Plan
Attachment D – Lot 30 and 31 ExhibitA
Attachment E – Agency Correspondence

Table 1. Preliminary Plan Data Table and Checklist

| Plan Name: ROBERTS LANDING (Phase II) | | | | |
|--|--|--|---------------|---------|
| Plan Number: 12004105A | | | | |
| Zoning: R-200 | | | | |
| # of Lots: 7 (26 lots approved in Phase I) | | | | |
| # of Outlots: 0 | | | | |
| Dev. Type: 7 one-family detached dwelling units (26 one-family detached dwelling units approved in Phase I) | | | | |
| PLAN DATA | Required/Permitted | Provided | Verified | Date |
| Minimum Lot Area | 20,000 sq.ft. | 32,545 sq.ft. is minimum proposed | CAC | 9/29/05 |
| Lot Width | 100 ft. | Meets minimum | CAC | 9/29/05 |
| Lot Frontage | 25 ft. | Meets minimum | CAC | 9/29/05 |
| Setbacks | | | | 9/29/05 |
| Front | 40 ft. Min. | Meets minimum | CAC | 9/29/05 |
| Side | 12 ft. Min./25 ft. total | Meets minimum | CAC | 9/29/05 |
| Rear | 35 ft. Min. | Meets minimum | CAC | 9/29/05 |
| Height | 50 ft. Max. | May not exceed maximum | CAC | 9/29/05 |
| Max Resid'l d.u. or Comm'l s.f. per Zoning | 156 dwelling units | 33 dwelling units (26 d.u. in Phase I and 7 d.u. in Phase II) | CAC | 9/29/05 |
| MPDUs | Not required | 0 | CAC | 9/29/05 |
| TDRs | N/a | N/a | CAC | 9/29/05 |
| Site Plan Req'd? | No | No | CAC | 9/29/05 |
| FINDINGS | | | | |
| <i>SUBDIVISION</i> | | | | |
| Lot frontage on Public Street | Yes | Yes | CAC | |
| Road dedication and frontage improvements | Dedication and construction of internal public roads | Yes (including sidewalk on only one side and overlength cul-de-sacs) | By staff memo | 9/12/05 |
| Environmental Guidelines | Yes | Yes | By staff memo | 7/15/05 |
| Forest Conservation | Yes | Yes | By staff memo | 7/15/05 |
| Master Plan Compliance | Yes | Yes | CAC | 9/29/05 |
| Other | Park Dedication along stream | Yes | CAC | 9/29/05 |
| <i>ADEQUATE PUBLIC FACILITIES</i> | | | | |
| Stormwater Management | Yes | Yes | By staff memo | 10/5/04 |
| Water and Septic | Yes | Yes | By staff memo | 7/12/05 |
| Local Area Traffic Review | Not required (site generates <50 trips which was the standard at time of Phase I approval) | N/a | | |
| Fire and Rescue | No comments ¹ | | | |

¹ Agency received 30-day opportunity to review plans. No comments received within the review period is understood as acceptance of the plan.