

MCPB
Item # 12
10/10/05**MEMORANDUM**

DATE: October 7, 2005

TO: Montgomery County Planning Board

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

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

REVIEW TYPE: Pre-Preliminary Plan Review

APPLYING FOR: Minor Subdivision

PROJECT NAME: Sanctuary Farms

CASE #: 720050150 (formerly 7-05015)

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

ZONE: Rural Density Transfer (RDT)

LOCATION: Located on the northeast side of Bethesda Church Road, approximately 3,000 feet east of Clarksburg Road

MASTER PLAN: Agriculture and Rural Open Space

APPLICANT: George and Gayle Conard

ENGINEER: CAS Engineering

HEARING DATE: October 10, 2005

FILING DATE: January 10, 2005

STAFF RECOMMENDATION: Approval of one (1) lot to be platted under the provisions of Section 50-35A (a)(8) of the Minor Subdivision Regulations, and subject to the following conditions:

- 1) Prior to recordation of plat comply with the requirements of the Montgomery County Forest Conservation law. (Agricultural Declaration of Intent will be requested.)
- 2) Prior to issuance of building permits, comply with requirements of MCDPS stormwater management regulations.
- 3) Compliance with conditions of the MCDPS, Well and Septic approval letter dated July 13, 2005.
- 4) Include in submission of record plat, verification of the availability of a TDR for the proposed dwelling unit. Include a note referencing the TDR verification on record plat.
- 5) All land shown on this pre-preliminary plan must be recorded by plat within 37 months from the date of issuance of the opinion for this pre-preliminary plan.
- 6) Other necessary easements.

SITE DESCRIPTION:

The subject property is located on the northeast side of Bethesda Church Road, approximately 3000 feet east of Clarksburg Road (Attachment A). The Subject Property contains 43 acres and is zoned Rural Density Transfer (RDT). The property is currently used for agricultural purposes. A number of tributary streams to the Little Bennett Creek traverse the site. An existing driveway currently provides access to the site from Bethesda Church Road.

PROJECT DESCRIPTION:

This is a pre-preliminary plan application that seeks permission to proceed under the Minor Subdivision process. Under Chapter 50, Section 50-9(a)(2) this 43 acre parcel could be exempted from platting as an operating farm that is to be used concurrently for a related use (in this case residential) that requires the issuance of a building permit. However, while Montgomery County can exempt the property from platting, the Maryland COMAR Regulations requires parcels created after 1972, regardless of County status, to be platted in order to receive septic approval. This application is a request to plat by minor subdivision in order to meet the State requirement.

The authority for this property to be platted by minor subdivision is found in Section 50-35A(a)(8) of the Subdivision Regulations. Property owners located in the RDT Zone are permitted to create up to five (5) lots that average five (5) acres in size. This application is a request to record the Subject Property under the Minor Subdivision provisions as a 43 acre lot. The application is bound by the following requirements:

- 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;
- 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; and
- e. Forest conservation requirements must be satisfied prior to recording the plat.

Pursuant to "d" above, the applicant has submitted this pre-preliminary plan requesting Planning Board approval to create a lot that exceeds five acres in size. The remainder of the requirements will be met as part of a plat application.

RELATIONSHIP TO THE MASTER PLAN

The Agricultural and Rural Open Space (AROS) Master Plan establishes agriculture as the preferred use for land in the RDT zone. The proposed plan creates one large lot. The proposed plan meets the goal of the master plan for agricultural preservation and the requirements for the RDT Zone. Location of one dwelling unit on the proposed lot will not significantly impact its use for agricultural purposes.

CONCLUSION

The Pre-preliminary Plan #720050150 (7-05015), Sanctuary Farm, conforms to the Master Plan for Agriculture and Rural Open Space and complies with requirements of Section 50-35A(a)(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
Attachment B
Attachment C

Vicinity Map ①
Preliminary Plan ②
Septic Approval Letter ③

SANCTUARY FARM (720050150 FORMERLY 7-05015) Attachment A



Map compiled on October 06, 2005 at 10:50 AM | Site located on base sheet no - 239NW11

NOTICE

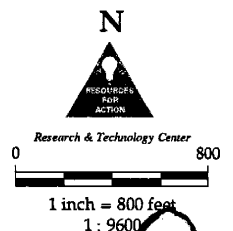
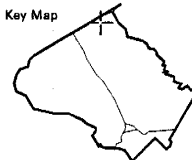
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Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

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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

Key Map

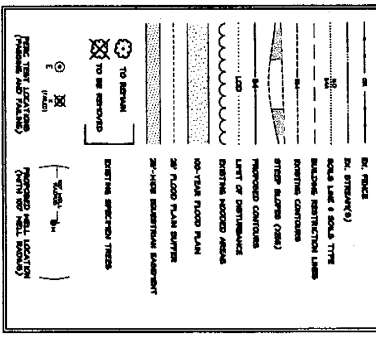


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GENERAL NOTES

- 1) OWNER: JMO, 11413 BETHESDA CHURCH RD, MD 20814
- 2) PROJECT: SANCTUARY FARM, 11413 BETHESDA CHURCH RD, MD 20814
- 3) DATE: 08/20/05
- 4) PREPARED BY: JMO
- 5) CHECKED BY: JMO
- 6) APPROVED BY: JMO
- 7) SCALE: 1" = 100'
- 8) SHEET: 1 OF 1
- 9) THIS PLAN IS A PRELIMINARY CONCEPT PLAN AND IS NOT TO BE USED FOR CONSTRUCTION.
- 10) THE DESIGNER ASSUMES NO LIABILITY FOR ANY DAMAGE OR INJURY TO PERSONS OR PROPERTY ARISING FROM THE USE OF THIS PLAN.
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LEGEND



Attachment C



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

MEMORANDUM

July 13, 2005

TO: Maryland-National Capitol Park and Planning Commission
Attn: Richard Weaver, Dev. Review

FROM: Robert Hubbard, Director
Department of Permitting Services

SUBJECT: Status of Preliminary Plan: # 7-05015, Sanctuary Farm, Lot 1

This is to notify you that the status of the above named subdivision plan which was received in this office on June 25, 2005 is as follows:

Approved with the following reservation:

1. Record plat must be at the same scale as the approved preliminary plan or provide a certified film positive of the record plat at the preliminary plan scale.

If you have any questions, contact Gene von Gunten at 240-777-6319.

GVG: gvg/sdapproval.doc

cc: Owner
Surveyor
File

