

**MEMORANDUM**

DATE: October 3, 2005

TO: Montgomery County Planning Board

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

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

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Subdivision of Parcel 907, Tax Map FQ 33 for two (2) one- family detached residential lots.

PROJECT NAME: Glen Mill Road

CASE #: 120050710 (formerly 1-05071)

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: RE-1

LOCATION: Located on the east side of Glen Mill Road (Lane) opposite the intersection with Red Barn Lane

MASTER PLAN: Potomac

APPLICANT: Mr. Lewie Bloom

FILING DATE: February 8, 2005

HEARING DATE: October 10, 2005

STAFF RECOMMENDATION: Approval, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to two (2) one-family detached dwelling units.
- 2) The proposed development shall comply with the conditions of the preliminary forest conservation plan. The applicant shall satisfy all condition prior to the recordation of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits, as applicable. The conditions are as follows:
 - a) Afforestation Planting Plan for all areas currently unforested within the stream valley buffer, per Chapter V of the Environmental Guidelines for Special Protection Areas.
 - b) Tree protection plan to protect trees as specified on the preliminary FCP.
 - c) Split rail fence or staff approved equivalent shall be place along conservation easement limit on both lots.
 - d) The rear wall of the house on Lot 1 shall be setback a minimum of 35 ft. (e.g. the rear yard setback in the RE-1 zone) from the conservation easement to allow for a fully useable back yard outside the easement area.
 - e) Submittal of financial security to M-NCPPC prior to clearing or grading.
 - f) Required site inspection by M-NCPPC monitoring staff (as specified in "Trees Technical Manual").
 - g) Maintenance agreement to be reviewed and approved by M-NCPPC staff prior to first inspection of the planted areas.
- 3) Compliance with water quality inventory requirements for the Piney Branch Special Protection Area, including:
 - a) Afforestation of all unforested areas within the stream valley buffer (accelerated forestation);
 - b) Use of shared driveway off Glen Mill Road (imperviousness reduction); and
 - c) Compliance with all conditions of the MCDPS memo dated July 15, 2005.
- 4) Record plat to reflect a Category I forest conservation easement over all areas of forest conservation and stream valley buffers. Forest conservation easement on adjacent Parcel 820 to be recorded by deed; deed reference to be shown on plat for the subject property. All onsite specimen trees shown to be saved on the preliminary FCP outside of the stream valley buffer shall be placed in Category II easements, or other equivalent protection measure.
- 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. (Glen Mill Road is master planned for a 70 ft r.o.w. north of Red Barn Lane and 80 ft. r.o.w. south of Red Barn Lane.)
- 6) Compliance with conditions of MCDPWT letter dated May 12, 2005, unless otherwise amended.
- 7) Record plat to reflect a common ingress/egress and utility easement over all shared driveways.
- 8) Other necessary easements.

SITE DESCRIPTION:

Parcel 907, "Subject Property" totals 5.18 acres and is zoned RE-1. It is located on the east side of Glen Mill Road opposite the intersection with Red Barn Lane. The property slopes moderately from its high point on Glen Mill Road down to two streams which traverse the western half of the site. One stream is the mainstem of the Piney Branch (Use I-P) and the other is a tributary to the Piney Branch. The Piney Branch watershed is a designated Special Protection Area. The stream valley buffer for these streams encompasses 3.89 acres of the 5.18 acres site. There are 2.78 acres of forest on the property of which, 2.62 acres are in the stream buffers.

PROJECT DESCRIPTION:

This application is a request for two (2) residential lots of 2.31 and 2.80 acres, respectively, for two (2) one-family detached dwelling units. A shared driveway provides access to Glen Mill Road. Water service is provided by connection to the existing main in Glen Mill Road. Sewer service will be provided by a connection to the Piney Branch sewer which traverses the site.

DISCUSSION

Environmental Guidelines

The subject property contains a significant amount of stream buffer area and limited road frontage along Glen Mill Road which affects the possible locations for the proposed dwelling units. Because the frontage is limited, one house (the house on Lot 1) must be located further back from the road so each lot has 125 feet of width at the building frontage line. Because the house on Lot 1 is pushed back, it nears the established stream valley buffer for the on-site streams. To accommodate a useable rear yard for the house on proposed Lot 1, the applicant has requested that staff consider giving relief from placing the entire stream valley buffer in a Category I easement. The applicant requests that 0.02 acres of stream valley buffer not be placed in easement to allow for full use of the rear yard area (35 feet from rear of house) without restrictions.

In situations where the full stream buffer cannot be protected, staff and the Board can consider compensation for the "encroachment". For this request, staff believes that the 0.2 acres of the stream buffer that will not be placed in a Category I easement is the minimum necessary to allow for a reasonable back yard for the house on Lot 1. The offset or compensation proposed by the applicant is to place an additional 0.9 acres of on-site land outside of, but abutting the stream buffer, in a Category I easement. Additionally, the applicant will place 0.21 acres of off-site stream buffer on the adjacent Parcel 820 in a protective Category I easement. The compensation ratio is 15 to 1; staff believes that this is an adequate compensation for the stream buffer encroachment.

ANALYSIS

Chapter 50

As shown on the preliminary plan, the lots conform to Section 50, the Montgomery County Subdivision Regulations. Each lot has adequate frontage and access to a public right-of-way. The Department of Permitting Services has approved a stormwater management concept for the lots in concert with a Water Quality Inventory for the Piney Branch Special Protection Area. The application will comply with Chapter 22A, the Montgomery County forest conservation law. Forest conservation will be met on-site with an area of off-site stream valley protection to allow the aforementioned buffer encroachment. The Department of Public Works and Transportation has approved the driveway location with respect to site distance. All public facilities in the local area are adequate to serve the proposed development.

Master Plan

The Potomac 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 RE-1 zoning as adopted. The preliminary plan complies with the recommendations adopted in the master plan in that it is a request for two single family residential lots.

Zoning Ordinance

As shown on the preliminary plan checklist, the lots, as proposed, comply with all applicable sections of the Zoning Ordinance. The number of lots proposed is less than the maximum number that could be achieved under the zoning density because of the significant area of the site encumbered by the stream valley buffer. Staff has determined that the maximum number of lots and housing units should be no more than two, given the limited developable area on the site.

CONCLUSION

Staff has reviewed preliminary plan 120050710 (1-05017) for conformance to the Subdivision Regulations, Master Plan and the Zoning Ordinance. Staff believes that the two lots proposed by this application conform to all applicable regulations, laws and requirements found within these documents.

Preliminary Plan Data Table and Checklist

Plan Name: Glen Mill Road				
Plan Number: 120050710 (1-05071)				
Zoning: RE-1				
# of Lots: 2				
# of Outlots: 0				
Dev. Type: Single family residential				
PLAN DATA	Required/Permitted	Provided	Verified	Date
Minimum Lot Area	40,000 sq.ft.	Meets minimum		10/3/05
Lot Width	125 ft. min.	Meets minimum		10/3/05
Lot Frontage	25 ft.min.	Meets minimum		10/3/05
Setbacks				
Front	50 ft. min.	Meets minimum		10/3/05
Side	17 ft. min./ 35 ft. total	Meets minimum		10/3/05
Rear	35 ft. min.	Meets minimum		10/3/05
Height	50 ft. max.	May not exceed maximum		10/3/05
Max Resid'l d.u.'s per Zoning	5 d.u.'s	2 d.u.'s		10/3/05
MPDUs	N/A			
TDRs	N/A			
Site Plan Req'd?	No			
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street	Yes	Yes		10/3/05
Road dedication and frontage improvements	Dedication and construction of internal public roads	Yes		10/3/05
Environmental Guidelines	Yes	Yes	Agency Memo	9/23/05
Forest Conservation	Yes	Yes	Agency Memo	9/23/05
Master Plan Compliance	Yes	Yes		10/3/05
Other				
ADEQUATE PUBLIC FACILITIES				
Stormwater Management	Yes	Yes	Agency Memo	7/15/05
Water and Sewer	Yes	Yes	Agency Memo	3/4/05
Local Area Traffic Review	N/A	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.

Attachments:

- Attachment A – Vicinity Map ①
- Attachment B – Preliminary Plan ②
- Attachment C - Agency Approvals ③
- Attachment D – Citizen Correspondence ⑩