



MEMORANDUM

DATE: November 4, 2005

TO: Montgomery County Planning Board

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

FROM: Dolores M. Kinney, Senior Planner (301) 495-1321
Development Review Division

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Subdivision of Parcel 77

PROJECT NAME: Bryants Nursery Road

CASE #: 120050760 (Previously 1-05076)

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: RE-2

LOCATION: Located on the northwest side of Bryants Nursery Road, approximately 1,750 feet northeast of the intersection with Norwood Road

MASTER PLAN: Cloverly

APPLICANT: Vasyly Mytsak

FILING DATE: March 7, 2005

HEARING DATE: November 10, 2005

STAFF RECOMMENDATION: Approval, pursuant to Chapter 50, Montgomery County Subdivision Regulations and subject to the following conditions:

- 1) Approval under this preliminary plan is limited to two (2) residential lots for the construction of two (2) one-family detached dwelling units.
- 2) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits. Final forest conservation plan to include the following:
 - a. Layout of subdivision to show a shared driveway, as shown on the preliminary plan.
 - b. Detailed tree protection plan to show which trees may be protected and which trees will be cleared on the southeastern portion of proposed Lot 1.
 - c. SHA reservation areas to include a Category I Conservation Easement. If SHA acquires either of the reservation areas, the conservation easement on that area will be extinguished.
- 3) Record plat to reflect a Category I easement over all areas of environmental buffers and forest conservation.
- 4) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
- 5) Access and improvements as required to be approved by MDSHA prior to issuance of access permits.
- 6) As requested per attached Maryland State Highway Administration (SHA) letter dated May 27, 2005 (see Attachment No. 1):
 - a. Intercounty Connector (ICC) Corridor 2 Alignment – The applicant shall place in reservation the area shown on Attachment No. 2 (“Reservation Area A”) until earlier of (a) February 1, 2006; or (b) a final Record of Decision that is issued by the Federal Highway Administration (FHWA) for the ICC and that Record of Decision does not include Reservation Area A, or any portions thereof within the final ICC alignment.
 - b. Norbeck Road Extended – The applicant shall place in reservation the area shown on Attachment No. 2 (“Reservation Area B”) until a final Record of Decision for the MD 28/MD 198 Corridor Improvement Study is issued by the FHWA, and that Record of Decision does not include Reservation Area B, or any portions thereof within the final Norbeck Road Extended/MD 28/MD 198 alignment.
- 7) At least 90 days prior to submission of any building construction permit for the subject development, the applicant shall provide a certified written notice to the SHA, Engineering Access Permits, Division Office of Highway Development of applicant’s intent to proceed forward with the proposed development on the site. The applicant shall concurrently send a copy of this letter to Maryland-National Capital Park and Planning Commission. C/o Chief, Transportation Planning.
- 8) The applicant shall locate all site improvements outside of Reservation Areas A and B until the ICC and/or Norbeck Road Extended/MD 28/MD 198 reservation requirements (per condition above) are met.

- 9) If applicable, the final record plat shall delineate both Reservation Area A and Reservation Area B. The extent of respective reservation shown on the final record plat shall conform to those limits requested/identified by SHA per Attachment No. and Attachment No.2
- 10) Consistent with the 1997 Approved and Adopted Cloverly Master Plan, dedicate and show on the final record plat right-of-way along Bryants Nursery Road that provides for a minimum of either 35 feet from the roadway centerline, or 70 feet from the opposite roadway right-of-way line.
- 11) The development shall be served by a single shared access driveway off Bryants Nursery Road.
- 12) The applicant shall resolve all outstanding issues and satisfy all conditions/comments pertaining to SHA and Montgomery County Department of Public Works and Transportation (DPWT) review of this preliminary plan prior to the final record plat, and shall provide written notification to both the Development Review Division and the Transportation Planning staff that all outstanding issues are resolved.
- 13) Compliance with conditions of MCDPWT letter dated, October 25, 2005 unless otherwise amended.
- 14) Compliance with the conditions of the MCDPS stormwater management approval dated April 20, 2005.
- 15) Compliance with conditions of the MCDPS (Health Dept.) septic approval dated October 20, 2005.
- 16) Other necessary easements.

SITE DESCRIPTION:

Parcel 77 ("Subject Property") is located on the northwest side of Bryants Nursery Road, approximately 1,750 feet northeast of the intersection with Norwood Road. (Attachment A). The Subject Property contains 8.05 acres and is zoned RE-2. A portion of the property is located in the Inter-County Council (ICC) Corridor II Alignment.

PROJECT DESCRIPTION:

This is a preliminary plan of subdivision to create two (2) lots for the construction of two (2) one-family detached dwelling units (Attachment B). The proposed lots will be served by private well and standard private septic. Access to the property will be via a shared driveway from Bryants Nursery Road. The proposed ICC Corridor II Alignment crosses the rear of the Subject Property.

DISCUSSION OF ISSUES

Master Plan Compliance

In Cloverly Master Plan did not specifically address the Subject Property but did provide general guidance and recommendations for development patterns and density.

These recommendations were designed to provide a transition between the suburban areas to the east and the agricultural areas to the west and to protect Darnestown's residential character. The Master Plan confirmed the RE-2 zoning and the current preliminary plan comports with the RE-2 zone development standards.

Transportation

Site Location, Access, Circulation and Transportation Facilities

The property is located on the south side of Norbeck Road extended, with access from Bryants Nursery Road, a rustic road. The non-master planned Corridor 2 alignment of the proposed ICC follows Norbeck Road Extended to the north of the property.

Proposed Intercounty Connector

The ICC is proposed as a limited-access east-west highway intended to link areas between I-270 to the west and I-95/US 1 to the east, through central/eastern Montgomery and western Prince Georges Counties. At present the ICC planning process has concurrence on two final alternative alignments called Corridor 1 and Corridor 2. Corridor 1 generally follows an alignment that is incorporated in area master plans for the ICC, while Corridor 2, to the east of Georgia Avenue (MD 97), follows an alignment to the north of Corridor 1 that is not represented in any area master plans. Information available in the *Draft Environmental Impact Statement* for the ICC shows the physical impact of the Corridor 2 alignment on the subject development (see Attachment No. 3). However, as seen in Attachment No. 2, all site related development activity is located well away from the reservation areas identified for the proposed ICC Corridor 2 alignment and the alignment for Norbeck Road Extended/MD 28/MD198.

Currently, the ICC planning process is moving forward with the State's recently announced selection of Corridor 1 as its preferred alternative for construction. SHA will further analyze Corridor 1 and submit a Final Environmental Impact Statement (FEIS) document to the FHWA this fall. After reviewing the FEIS, FHWA will make a final determination on the project in a Record of Decision, which at the present time is expected to either occur by the end of this year or early next year.

Local Area Transportation Review

The subject preliminary plan consisting of two single-family detached dwelling units will generate less than 30 total peak hour trips during the weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods (two total hour trips, respectively). Therefore, the subject development is not required to satisfy Local Area Transportation Review.

Environment

The 8-acre property is entirely forested. Bryants Nursery Tributary, a major tributary of Northwest Branch (Use IV waters), traverses through the property. The subdivision proposes to retain 5.40 acres of forest on the two new lots. The forest preservation area, which includes an environmental buffer, would be placed in a Category I Conservation Easement. The proposed forest preservation area exceeds the threshold and therefore, no reforestation is required. The proposed preliminary forest conservation plan meets the requirements of the Forest Conservation Law.

There is 2.18 acres of forest retention that exceeds the break-even point. If SHA acquires one of the reservation areas, this amount would be included. Any forest retention area that exceeds the break-even point and is not acquired by SHA for right-of-way could be used as a forest bank area if the applicant chooses to do so.

ANALYSIS

Staff's review of Preliminary Plan #1-05076, Bryants Nursery Road, indicates that the plan conforms to the recommendations of the Cloverly Master Plan. The proposed preliminary plan is consistent with the master plan goal to maintain the residential character of the area. Staff also finds that the proposed preliminary plan complies with Chapter 50 of the Montgomery County Code, Subdivision Regulations, in that public facilities will be adequate to support and service the proposed lot as demonstrated on the Data Table shown in Attachment C. Staff further finds that the size, width, shape, and orientation of the proposed and future lots are appropriate for the location of the subdivision.

CONCLUSION:

Staff finds that Preliminary Plan #1-05076, Bryants Nursery Road, conforms to the Cloverly Master Plan and meets all necessary requirements of the Subdivision Regulations. As such, Staff recommends approval of the preliminary plan, subject to the above conditions.

Attachments

- Attachment A Vicinity Development Map
- Attachment B Proposed Development Plan
- Attachment C Preliminary Plan Data Table