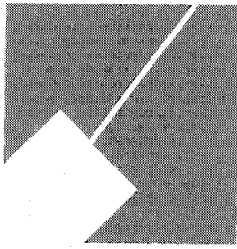


M-NCPPC

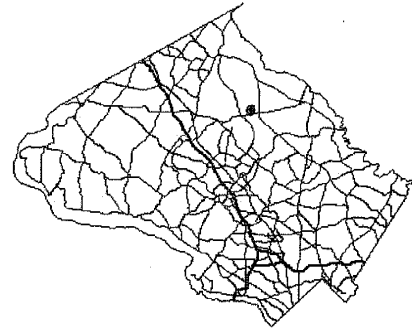


MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org


MCPB
Item #2
5/25/06




MEMORANDUM

DATE: May 9, 2006

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief 
Development Review Division

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

REVIEW TYPE: Preliminary Plan of Subdivision - Amendment

APPLYING FOR: One (1) additional lot for one (1) one-family detached dwelling unit – Nine (9) lots previously approved

PROJECT NAME: Jones Property

CASE #: 1-02032A

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations.

ZONE: RDT

LOCATION: Located on the north side of Brink Road approximately 2,150 feet west of Laytonsville Road (MD108)

MASTER PLAN: Agricultural and Rural Open Space

APPLICANT: Elm Street Development

ENGINEER: Charles P. Johnson & Associates

FILING DATE: April 26, 2005

HEARING DATE: May 25, 2006

STAFF RECOMMENDATION: Approval of One (1) additional lot, subject to the following conditions:

- 1) Approval is limited to Ten (10) lots including the nine previously approved lots and the additional lot being created with this amendment by conversion of existing Outlot A.
- 2) The portion of the existing driveway that will be shared by the dwelling on proposed Lot 11 and the existing dwelling on Lot 10 shall be improved to meet standards for access width and turnaround as required by the Montgomery County Fire and Rescue Service (MCFRS).
- 3) All applicable conditions of the previous preliminary plan approval per Montgomery County Planning Board opinion dated September 24, 2002, remain in full force and effect.

SITE DESCRIPTION

The subject property contains 250.11 acres of land within the RDT zone and is located on the north side of Brink Road west of Laytonsville Road (MD108), adjacent to the city limit of the Town of Laytonsville (Attachment A). The property contains nine previously recorded lots and one outlot surrounded by agricultural open space. Houses have been constructed on most, if not all, of the existing lots.

The property lies within the Great Seneca Creek watershed (Use Classification I-P) and is bisected by the Goshen Branch tributary stream and its associated floodplain and stream buffer. A total of 35.92 acres of the site is forested.

PREVIOUS PRELIMINARY PLAN APPROVAL

The previous preliminary plan was approved by the Planning Board on August 1, 2002, with the conditions specified in the Board Opinion dated September 24, 2002 (Attachment B). As submitted, the preliminary plan application included 273.37 acres of a total tract of land that crosses the Town of Laytonsville boundary (Attachment C). The land contained fallow farmfields and forest, with one existing historic house and accessory buildings (Rolling Ridge, Master Plan site #14/38). The record of the preliminary plan approval indicates that the area containing the historic resource and 25 acres of land, which was determined to be its historic setting, were excluded because necessary septic approval had not been granted at the time. A total of nine lots clustered within large agricultural use/open space parcels were created on the remaining acreage. It was anticipated in the discussion of the preliminary plan that a tenth lot would be created around the historic structure by future plan amendment.

SIGNED PRELIMINARY PLAN AND RECORD PLATS

After a more detailed boundary survey was completed as part of the preparation of subdivision record plats, it was discovered that the total tract area for the portion of the property

within Montgomery County was actually 277.46 acres, not 273.37 as noted on the preliminary plan application. Given that the additional acreage created the potential for a total of eleven lots from the property, including the one anticipated for the historic structure, an outlot was delineated on the signed preliminary plan and recorded (Attachment D). Although it was not included in the Board's approval of the preliminary plan, it appears that staff made a determination that it did not change the intent of that approval since the outlot is unbuildable without further approval.

TOWN OF LAYTONSVILLE ANNEXATION

Subsequent to the Planning Board's approval of the nine lots in the original plan, the applicant filed a petition with the Town of Laytonsville requesting the annexation of part of the unplatted remainder of the property into the town. The proposed annexation area included the historic structures. After public hearings held by the Planning Board and the Town of Laytonsville, the annexation request was approved. By resolution adopted January 4, 2005 (Attachment E), 27.36 acres of land within the county, including the historic resource, were annexed by Laytonsville. A total of 250.10 acres was identified as remaining in the county after the annexation.

CURRENT PROJECT DESCRIPTION

This preliminary plan amendment proposes to convert the previously recorded outlot located in the southwest corner of the property into a buildable lot (Attachment F). Since the property annexed by the town of Laytonsville included the existing historic house and the acreage remaining in the county exceeds 250 acres, the currently proposed total of ten lots meet the requirements for density in the RDT zone. The existing outlot was created in anticipation of this plan amendment, and was located to preserve the agricultural use/open space area previously approved by the Board. The proposed house will have access to Brink Road via a shared driveway with the adjacent existing lot, for which an easement and maintenance agreement has already been recorded.

RELATIONSHIP TO THE MASTER PLAN

The Agricultural and Rural Open Space (AROS) Master Plan establishes agriculture as the preferred use for land in the Rural Density Transfer (RDT) zone. The proposed plan amendment maintains the grouped lots and retention of contiguous open space parcels which can be used for agricultural purposes. The lot layout continues to preserve views into the property through open space corridors as was recommended by the Planning Board during the original approval.

ENVIRONMENTAL

Forest Conservation

The forest conservation requirements are met by retention of existing forest and forest planting within portions of the onsite stream buffer area.

Environmental Guidelines

The site includes stream buffers, floodplains, and wetlands. These areas were protected by a Category I conservation easement as part of the original preliminary plan approval.

CITIZEN CONCERNS

Citizen issues raised during the review of this amendment included concerns about the location of the proposed lot, and questions regarding the land annexation and overall density. The concerns regarding lot location were raised by Mr. Joseph Hunter on behalf of the adjacent Goshen Hunt Hills subdivision during discussions with staff. Mr. Hunter questioned why the proposed lot and future house are not located further to the east where the off-site septic system easement is located. He pointed out that a lot had been shown in this location on the original preliminary plan submission and on earlier layouts shown for septic and water testing. The preliminary plan ultimately approved by the Planning Board created an open space "window" between lot clusters which would be lost if the proposed lot location were moved. Additionally, the open space parcel has now been sold to an abutting lot owner and is no longer controlled by the developer. A major concern for Mr. Hunter with the proposed lot location appears to be that it not encourage future extension of existing Goodhurst Drive which exists as a stub-street at the eastern boundary of the property. Although extending Goodhurst Drive was discussed early in the original preliminary plan review process, a decision was made that extension of the street was not necessary. That decision was re-confirmed as part of the review of this amendment, and the county has no plans to extend Goodhurst Drive.

Mr. Hunter has also recently raised concerns about potential negative impacts that an additional well, serving the proposed dwelling, could have on existing wells within the vicinity. He noted that existing lot owners within Goshen Hunt Hills have experienced problems maintaining well output. Analysis of proposed private wells and septic areas is the responsibility of the Montgomery County Department of Permitting Services. After completing their analysis, they have determined that minimum requirements will be met and are recommending approval of the proposed lot.

A second citizen concern raised was that the addition of this proposed lot not result in the property exceeding the density permitted in the RDT zone. As previously discussed, the tenth lot on this property was originally anticipated to include the historic dwelling. Since that dwelling was included in the annexation to Laytonsville, it is no longer considered in the density for the subject site. The annexation left 250.10 acres of land in Montgomery County which provides the necessary acreage to justify the additional lot, and ten lots overall, for the subdivision.

CONCLUSION

This amendment request complies with all applicable ordinances and regulations regarding the subdivision of land in Montgomery County. Based on the discussion above, staff finds that the proposed lot is consistent with the prior approval and that adequate access and facilities will be provided for the future dwelling. Therefore, staff recommends approval of the preliminary plan amendment, subject to the conditions cited above.

ATTACHMENTS

- Attachment A – Vicinity Map
- Attachment B – Preliminary Plan Opinion
- Attachment C – Preliminary Plan Area
- Attachment D – Approved Preliminary Plan
- Attachment E – Annexation Resolution
- Attachment F – Amended Preliminary Plan
- Attachment G – Agency Correspondence

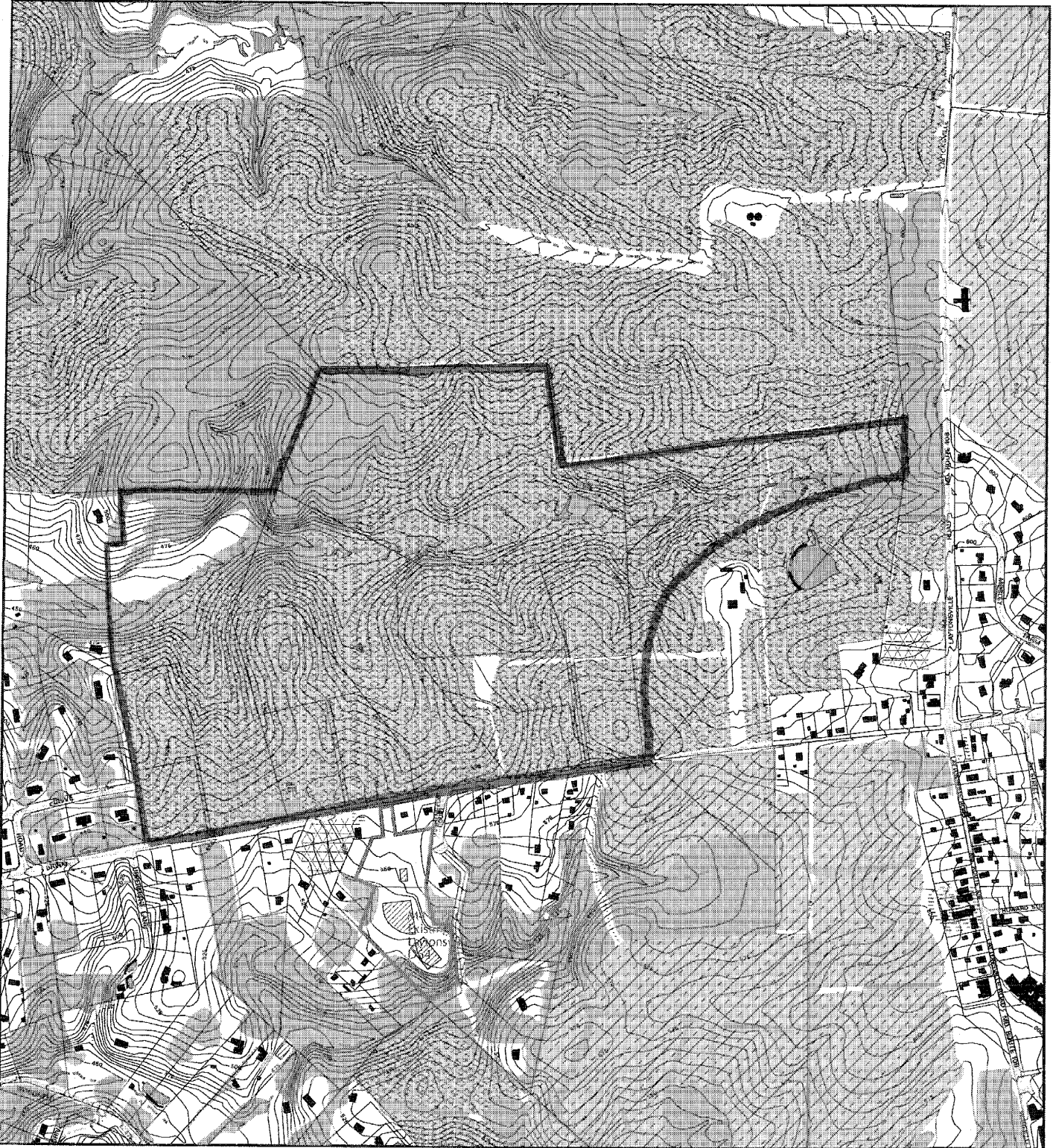
No citizen letters concerning this proposal have been received as of the date of this report.

Preliminary Plan Data Table and Checklist

| Plan Name: Jones Property | | | | |
|---|---|---|----------|---------|
| Plan Number: 12002032A | | | | |
| Zoning: RDT | | | | |
| # of Lots: 10 (9 previously approved, 1 proposed) | | | | |
| # of Outlots: 5 open space parcels, previously approved | | | | |
| Dev. Type: one-family detached residential dwelling lots | | | | |
| PLAN DATA | Zoning Ordinance Development Standard | Proposed for Approval on the Preliminary Plan | Verified | Date |
| Minimum Lot Area | 40,000 sq.ft. | 5 acres is minimum proposed | CAC | 5/9/06 |
| Lot Width | 125 ft. | Must meet minimum | CAC | 5/9/06 |
| Lot Frontage | 25 ft. | Must meet minimum | CAC | 5/9/06 |
| Setbacks | | | | |
| Front | 50 ft. Min. | Must meet minimum | CAC | 5/9/06 |
| Side | 20 ft. Min./40 ft. total | Must meet minimum | CAC | 5/9/06 |
| Rear | 35 ft. Min. | Must meet minimum | CAC | 5/9/06 |
| Height | 50 ft. Max. | May not exceed maximum | CAC | 5/9/06 |
| Max Residential dwelling units | 10 dwelling units (1/25 acres based on 250.1 acres remaining in county) | 10 dwelling units | CAC | 5/9/06 |
| MPDUs | N/A | | | |
| TDRs | One must be available for each lot created | One TDR available for each lot | CAC | 5/9/06 |
| Site Plan Req'd? | No | | CAC | 5/9/06 |
| FINDINGS | | | | |
| <i>SUBDIVISION</i> | | | | |
| Lot frontage on Public Street | Per previous approval | | CAC | 5/9/06 |
| Road dedication and frontage improvements | Per previous approval | | CAC | 5/9/06 |
| Environmental Guidelines | Per previous approval | | CAC | 5/9/06 |
| Forest Conservation | Per previous approval | | CAC | 5/9/06 |
| Master Plan Compliance | Yes | | CAC | 5/9/06 |
| Other (i.e., parks, historic preservation) | | | | |
| <i>ADEQUATE PUBLIC FACILITIES</i> | | | | |
| Stormwater Management | | Agency letter | | 4/1/05 |
| Water and Sewer (WSSC) | N/a | | | |
| 10-yr Water and Sewer Plan Compliance | N/a | | | |
| Well and Septic | | Agency letter | | 7/29/05 |
| Local Area Traffic Review | N/a | | | |
| Fire and Rescue | | | CAC | 5/9/06 |
| Other (i.e., schools) | | | | |

JONES PROPERTY (1-02032A)

Attachment A



Map compiled on May 25, 2005 at 10:13 AM | Site located on base sheet no - 230NW07

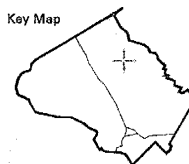
NOTICE

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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.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

Key Map



N



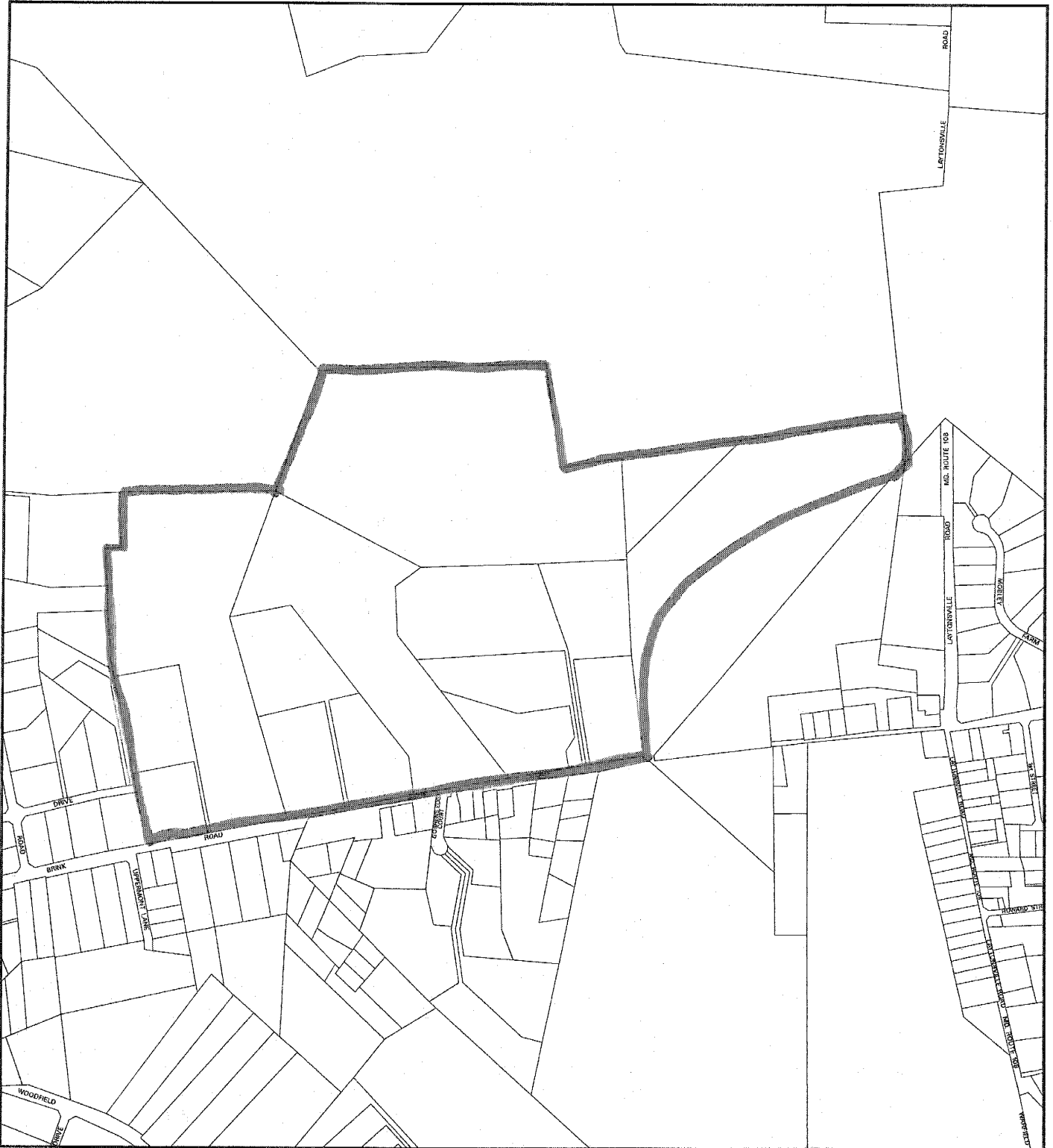
Research & Technology Center



1 inch = 1000 feet
1 : 12000



JONES PROPERTY (1-02032A)



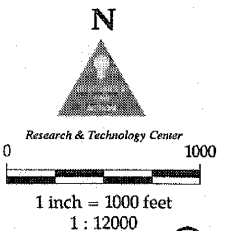
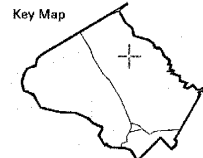
Map compiled on May 25, 2005 at 10:16 AM | Site located on base sheet no - 230NW07

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Attachment B

Date Mailed: September 24, 2002

Action: Approved Staff Recommendation

**Motion of Comm. Wellington, seconded by
Comm. Perdue with a vote of 3-0;**

Comms. Berlage, Perdue and
Wellington voting in favor

Comms. Bryant and Robinson
absent

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-02032

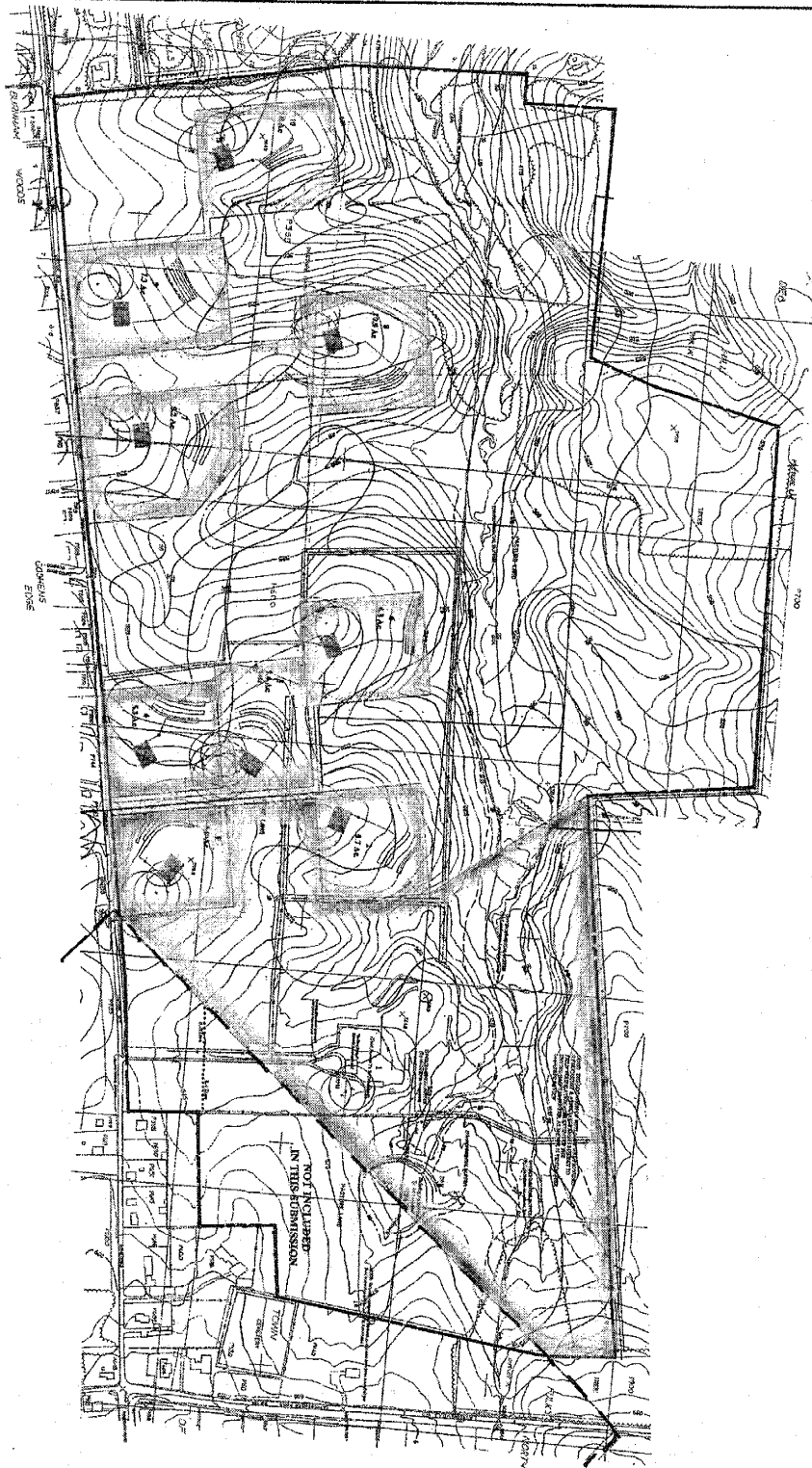
NAME OF PLAN: JONES PROPERTY

On 09/28/01, ELM STREET DEVELOPMENT submitted an application for the approval of a preliminary plan of subdivision of property in the RDT zone. The application proposed to create 10 lots on 273.37 acres of land. The application was designated Preliminary Plan 1-02032. On 8/01/02, Preliminary Plan 1-02032 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-02032 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-02032.

Approval of Nine (9) Lots Only At This Time, 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(s) or MCDPS issuance of sediment and erosion control permits
- 2) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Agricultural and Open Space Master Plan unless otherwise designated on the preliminary plan
- 3) Record plat to show delineation of a Category I conservation easement over the area of stream valley buffer and forest conservation areas
- 4) Record plat to provide for dedication of 80 foot right-of-way for Brink Road
- 5) Record plat to reflect common ingress/egress and utility easements over all shared driveways
- 6) Compliance with the conditions of MCDPS stormwater management approval
- 7) Compliance with conditions of MCDPS (Health Dept.) septic approval
- 8) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s)
- 9) Provide an affidavit to verify the availability of a TDR for each proposed dwelling unit shown on the approved preliminary plan. Include a note referencing recorded TDR easement on record plat

- 10) Record plat to identify use and ownership of open space parcel
- 11) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed
- 12) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
- 13) Other necessary easements



Originally Submitted Preliminary Plan

LOEDERMAN ASSOCIATES, INC.
 Consulting Land Planning Land Surveying Environmental Science
 2001 N. 10th St., Suite 100
 Phoenix, AZ 85016
 Tel: 602.944.1100 Fax: 602.944.1101

| | |
|-------------|-----------------|
| Project No. | 100-000000 |
| Site No. | 100-000000 |
| Sheet No. | 100-000000 |
| Date | 10/11/2000 |
| Scale | AS SHOWN |
| Author | W. J. LOEDERMAN |
| Checker | W. J. LOEDERMAN |
| Engineer | W. J. LOEDERMAN |
| Surveyor | W. J. LOEDERMAN |
| Planner | W. J. LOEDERMAN |
| Designer | W. J. LOEDERMAN |
| Printer | W. J. LOEDERMAN |

ENGINEER'S CERTIFICATE
 I, the undersigned, being a duly Licensed Professional Engineer in the State of Arizona, do hereby certify that the above is a true and correct copy of the original as shown to me by the person presenting the same for my signature and seal.

CONSULTANT'S CERTIFICATE
 I, the undersigned, being a duly Licensed Professional Engineer in the State of Arizona, do hereby certify that the above is a true and correct copy of the original as shown to me by the person presenting the same for my signature and seal.

Composite Plan
 2545 GOLFVIEW, PHOENIX, AZ 85016
Jones Property
 100-000000

LEGEND

| | |
|----------|--------------------------------|
| [Symbol] | 6' CONTOUR TEMPORARILY |
| [Symbol] | EXISTING STREAM |
| [Symbol] | WETLANDS AND 25' BUFFER |
| [Symbol] | EX. 100'-YR. FLOODPLAIN |
| [Symbol] | PROP. 100'-YR. FLOODPLAIN |
| [Symbol] | STREAM VALLEY BUFFER |
| [Symbol] | EXISTING TREE LINE |
| [Symbol] | SOILS |
| [Symbol] | PROPOSED HOUSE |
| [Symbol] | PROPOSED SEPTIC FIELD |
| [Symbol] | PROPOSED SEPTIC TANK |
| [Symbol] | PROPOSED WELL AND 100' RADIIUS |

