



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item # _____
November 1, 2007



MEMORANDUM

DATE: September 27, 2007

TO: Montgomery County Planning Board

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

FROM: Dolores Kinney, Senior Planner (301) 495-1321 *DK*
Development Review

REVIEW TYPE: Pre-Preliminary Plan Review

APPLYING FOR: Request to Proceed Under Minor Subdivision Process

PROJECT NAME: Levy Property

CASE #: 720070260

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

ZONE: RDT

LOCATION: Located on the north side of Comus Road, approximately 300 feet west of the intersection of Sunridge Drive.

MASTER PLAN: Agriculture and Rural Open Space Master Plan

APPLICANT: Lawrence B. Levy

ENGINEER: Landmark Engineering, Inc.

FILING DATE: January 24, 2007

HEARING DATE: November 1, 2007

STAFF RECOMMENDATION: No objection to the submission of a Minor Subdivision Record Plat, pursuant to Chapter 50-35A (8) of the Montgomery County Subdivision Regulations, and subject to the following conditions:

- 1) The approval is limited to 1 residential lot.
- 2) The final forest conservation plan must be submitted and approved prior to recordation of the plat.
- 3) 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 plat(s).
- 4) The applicant must dedicate all road rights-of-way shown on the approved pre-preliminary plan to the full width mandated by the Master Plan unless otherwise designated on the pre-preliminary plan.
- 5) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s).
- 6) The Applicant must include, in submission of record plat, an affidavit to verify the availability of a TDR for the proposed lot. Include a note referencing affidavit on the record plat.
- 7) Other necessary easements must be shown on the record plat.

SITE DESCRIPTION:

The subject property, identified as Parcel 591 (Subject Property), is located on the north side of Comus Road, approximately 300 feet west of the intersection of Sunridge Drive (Attachment A). The Subject Property contains 9.67 acres and is zoned RDT. Access to the Subject Property is directly from Comus Road. There are no forests, streams, wetlands, or environmental buffers on the Subject Property.

PROJECT DESCRIPTION:

This pre-preliminary plan application was submitted as part of a request to submit a Minor Subdivision Record Plat. Pursuant to Section 50-35A(a)(8) of the Subdivision Regulations, properties located in the Rural Density Transfer Zone (RDT) may create up to five (5) lots that average five (5) acres in size under the minor subdivision procedures, after Staff or Planning Board approval of a pre-preliminary plan. The provision specifically states:

- (8) Plats for Certain Residential Lots Located in the Rural Density Transfer Zone. Up to five lots are permitted under the minor subdivision procedures in the RDT zone provided that a pre-preliminary plan is submitted and approved by either the Planning Board or Planning Board Staff, in accordance with the procedures for submission and approval of a pre-preliminary plan of subdivision. In addition:

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

If the average lot size exceeds five (5) acres, a pre-preliminary plan must be approved by the Planning Board, not by staff, in accordance with subparagraph (d) above. The plan proposes one 9.67 acre residential lot for the construction of one (1) new single-family detached dwelling (Attachment B). The proposed lot will have continued access directly from Comus Road.

The Subject Property does not meet the minimum density for the RDT zone, one dwelling unit per 25 acres, however, it is exempted pursuant to Section 59-C-9.74(b)(2) of the Zoning Ordinance which states:

- (b) The following lots are exempt from the area and dimensional requirements of Section 59-C-9.4 but must meet the requirements of the zone applicable to them prior to their classification in the Rural Density Transfer zone.
 - (2) A lot created by deed executed on or before the approval date of the sectional map amendment which initially zoned the property to the Rural Density Transfer Zone.

The applicant provided documentation that the property was created prior to the establishment of the RDT zone at which time it was zoned Rural Zone and permitted to have a minimum of five acres.

Master Plan Compliance

The Agriculture and Rural Open Space Master Plan does not specifically identify the Subject Property for discussion but does give general guidance and recommendations regarding preservation of farmland and rural open space. The master plan recommends that this area maintain lower densities for the protection of agriculture, environmental features, and residential use of a rural character. The pre-preliminary plan complies with the master plan goals in that it contributes to the area's low density character.

ANALYSIS

Staff's review of Pre-Preliminary Plan 720070260, Levy Property, indicates that the plan conforms to the recommendations of the Agricultural and Rural Open Space Master Plan. The proposed preliminary plan is consistent with the master plan goal to maintain the area's low density and agricultural character, and it protects the environmentally sensitive areas. Staff also finds that the proposed preliminary plan complies with Chapter 50 of the Montgomery County Code, Subdivision Regulations, in that facilities will be adequate to support and service the proposed subdivision. Staff further finds that the size, width, shape, and orientation of the proposed lot are appropriate for the location of the subdivision.

Community Outreach

This plan submittal pre-dated any requirements for a pre-submission meeting with neighboring residents, however, written notice was given by the applicant and staff of the plan submittal and the public hearing. As of the date of this report, no citizen correspondence has been received.

CONCLUSION:

The proposed lot meets all requirements established in the Subdivision Regulations and the Zoning Ordinance, and complies with the recommendations of the Master Plan. Access and public facilities will be adequate to serve the proposed lot, and the application has been reviewed by other applicable county agencies, all of which have recommended approval of the plan. Therefore, approval of the application with the conditions specified above is recommended.

ATTACHMENTS:

Attachment A	Vicinity Map
Attachment B	Preliminary Plan



Map compiled on March 07, 2007 at 4:37 PM | Site located on base sheet no - 233NW16

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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Key Map



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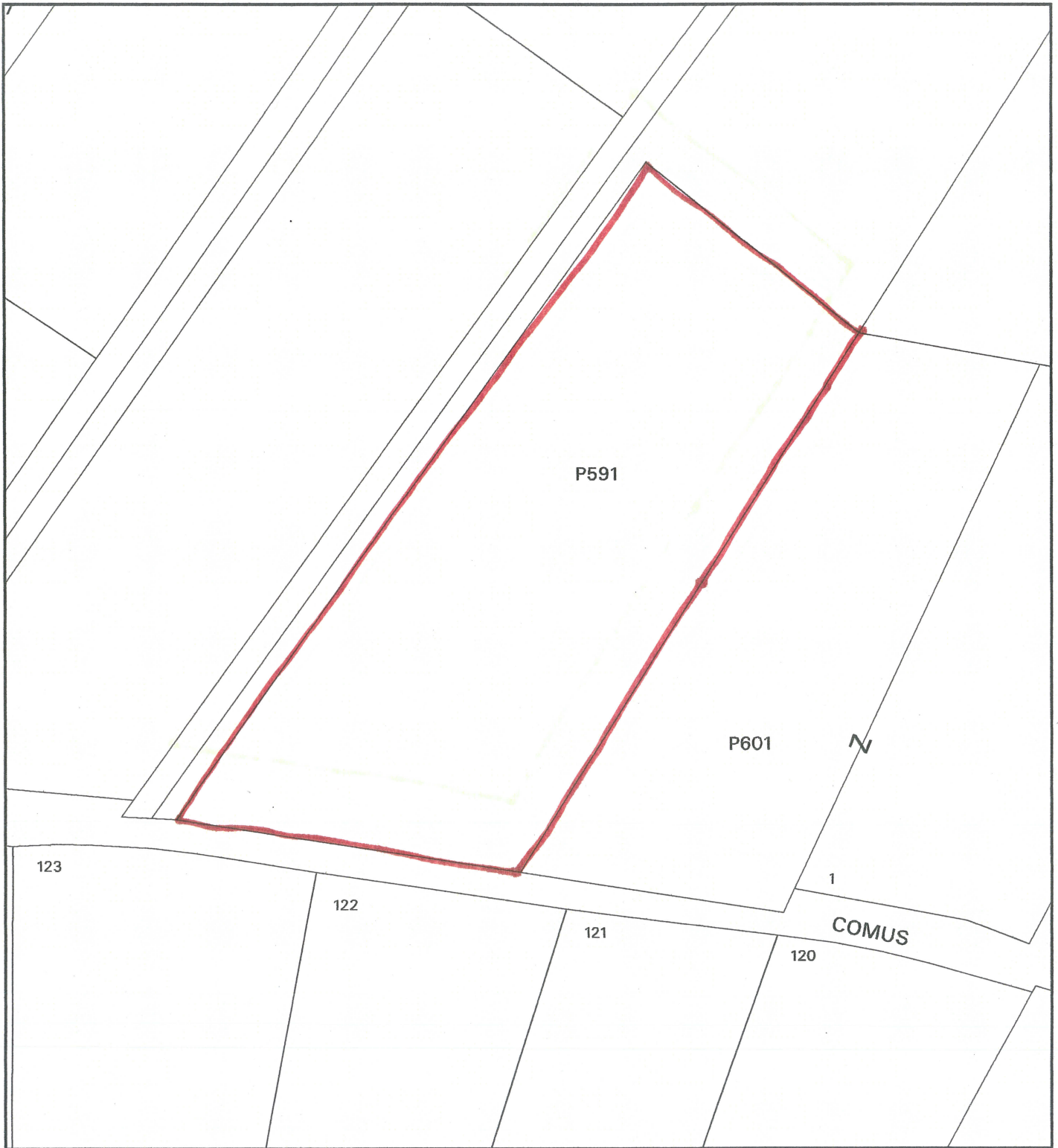


Research & Technology Center



1 inch = 200 feet
1 : 2400

LEVY PROPERTY (720070260)



Map compiled on March 07, 2007 at 4:36 PM | Site located on base sheet no - 233NW16

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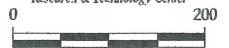
Key Map



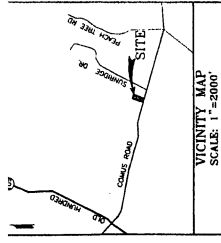
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Research & Technology Center



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GENERAL NOTES:

1. TOTAL SITE AREA = 9.67 ACRES EXISTING ZONING IS R-1
2. THE SITE LIES WITHIN THE BENNETT CREEK WATERSHED WHICH IS CLASSIFIED WATER USE 1-P.
3. THE SOILS ON THIS SITE ARE ODDOONIAN SILT LOAM (HYDROLOGIC SOIL GROUP B). THERE ARE NO STEEP SLOPES IDENTIFIED ON THIS PROPERTY. FIELD INVESTIGATION ON THIS SITE.
4. NO WAKE, THREATENED, OR ENDANGERED SPECIES WERE OBSERVED DURING THIS INVESTIGATION.
5. THIS IS NOT AN HISTORIC PROPERTY BASED ON AS REVIEW OF THE H-NPPIC DATABASE.
6. THE SITE IS IN FLOOD ZONE. THE AREA OF FLOODING IS LOCATED ON THE COMMUNITY MAP OF MONTGOMERY COUNTY, MARYLAND, COMMUNITY MAP NO. 200419-0000-B, DATED JULY 2, 1979.
7. TOPOGRAPHY IS FROM FIELD SURVEY PROVIDED BY LANDMARK ENGINEERING, INC. (05/01/2008).
8. A 2007 SURVEY BY LANDMARK ENGINEERING, INC. (05/01/2007) SHOWS THE RIGHT-OF-WAY LINE OF SUNRISE SOUTH SUBDIVISION ON SOUTH SIDE OF COMUS ROAD.
9. ALL HYDROLOGIC FEATURES INCLUDING STREAMS AND/OR WETLANDS WERE IDENTIFIED ON THE PROPERTY. NO DRAINAGE BUFFER IS REQUIRED.
10. COMUS ROAD IS DESIGNATED BY MONTGOMERY COUNTY AS A RUSTIC ROAD WITH A REQUIRED RIGHT-OF-WAY WIDTH OF 70 FEET. THE RIGHT-OF-WAY DEPTH IS 25 FEET FROM CENTERLINE. ESTABLISHED AS SHOWN IN NOTE 8 ABOVE.
11. THE SITE WILL BE SERVED WITH WELL AND SEPTIC. WATER CATEGORY IE #=3. SEWER CATEGORY IS S=6
12. THIS SITE WILL BE SERVED BY:

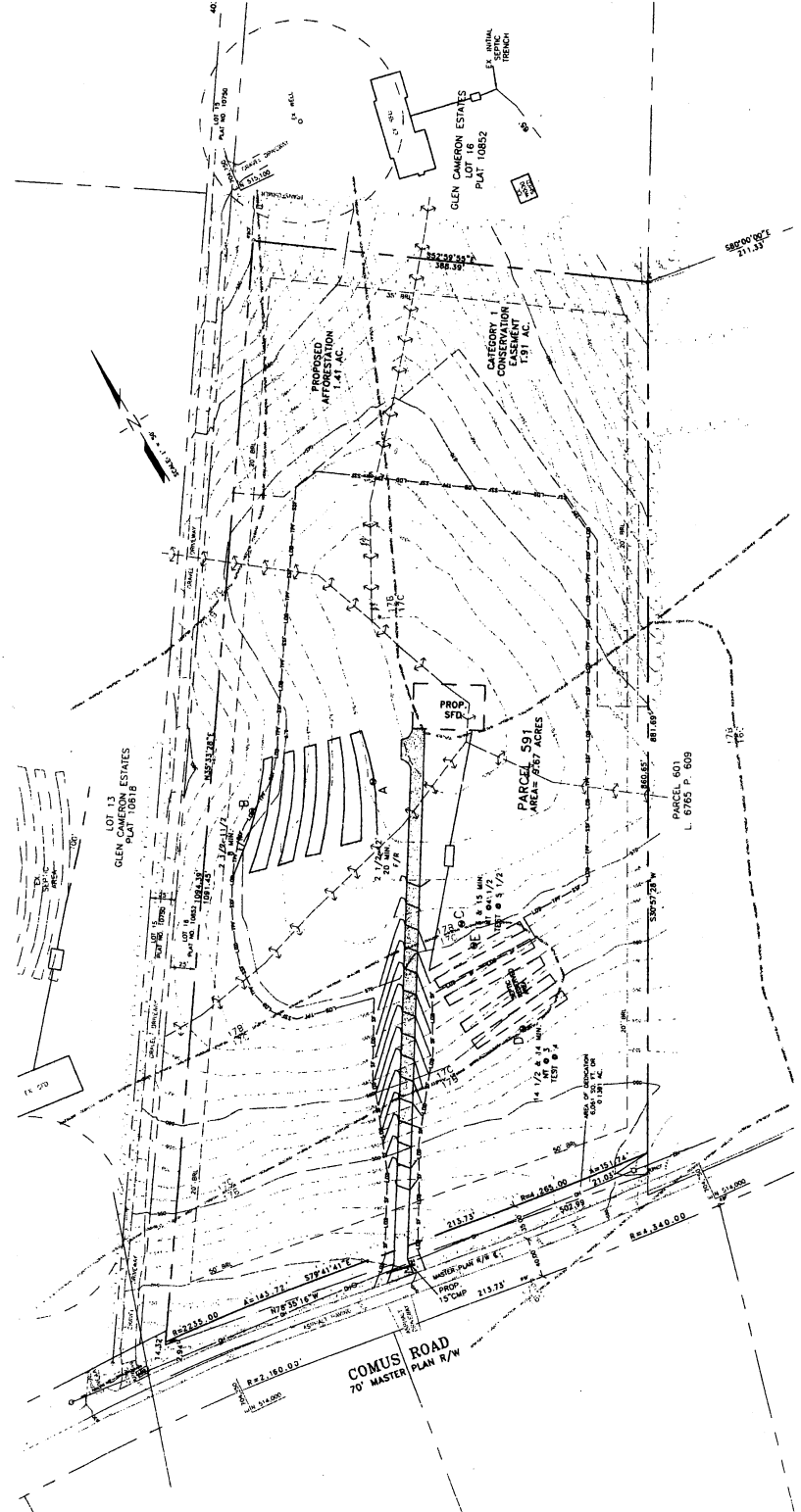
SITE TABULATION:

- TOTAL SITE AREA = 9.67 ACRES
- SITE ZONING IS R-1
- EXISTING PARCEL IS 1.
- PROPOSED LOT IS 1.
- LOT AREAS:
 - PROPOSED LOT 19 = 9.53 ACRES = 415,363 S.F.
 - PROPOSED DEDICATION = 0.14 ACRES = 6,061 S.F.
 - TOTAL AREA = 9.67 ACRES = 421,424 S.F.

ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT THE INFORMATION SUBMITTED BY ACCOMPANIES WITH SECTION 50-34 OF THE MONTGOMERY COUNTY SUBDIVISION REGULATIONS, THAT THE BOUNDARY SHOWN IS BASED ON THE A FIELD SURVEY BY LANDMARK ENGINEERING, INC. (05/01/2007) AND THAT THE INFORMATION SUBMITTED IS TRUE AND CORRECT. THE TAX RECORDS OF MONTGOMERY COUNTY, MARYLAND, AND THAT THE TOPOGRAPHIC INFORMATION SHOWN HEREON CONSISTS OF FIELD-LOCATED FEATURES.

Charles W. Dwyer
 PROFESSIONAL ENGINEER, M.D. NO. 11124
 DATE 1/23/07

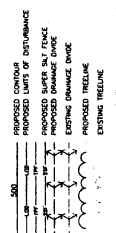


TAX MAP: DW42 WSSC SHEET: 233NW16 NR/FSD NO: 4-01

PRE-APPLICATION CONCEPT PLAN

LEVY PROPERTY
 PARCEL 591
 LIBER 4480 FOLIO 87
 BARNESVILLE, DISTRICT NO. 11
 MONTGOMERY COUNTY, MARYLAND

LANDMARK ENGINEERING, INC.
 CONSULTING ENGINEERS PLANNERS SURVEYORS
 8110 EXECUTIVE BLVD. SUITE 110 PHONE: (301) 230-5881 FAX: (301) 230-5884
 ROCKVILLE, MARYLAND 20852 DATE: JAN. 23, 2007



DATE: _____ REGION: _____