



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

**MCPB
 ITEM #
 9/4/08**



MEMORANDUM

DATE: August 24, 2008

TO: Montgomery County Planning Board

VIA: Rose Krashow, Chief
 Development Review Division

Catherine Conlon, Subdivision Supervisor
 Development Review Division *CC*

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

REVIEW TYPE: Preliminary Plan of Subdivision (Resubdivision)
APPLYING FOR: Three lots for three one family residential units

PROJECT NAME: Muncaster Manor
CASE NO. 120070660
REVIEW BASIS: Pursuant to Chapter 50, the Subdivision Regulations

ZONE: RE-1
LOCATION: At the western terminus of Rolling Drive
MASTER PLAN: Upper Rock Creek

APPLICANT: Richard Mills.
ENGINEER: A. Morton Thomas, Inc.

FILING DATE: March 7, 2007
HEARING DATE: September 4, 2008

Staff Recommendation: Approval, subject to the following conditions:

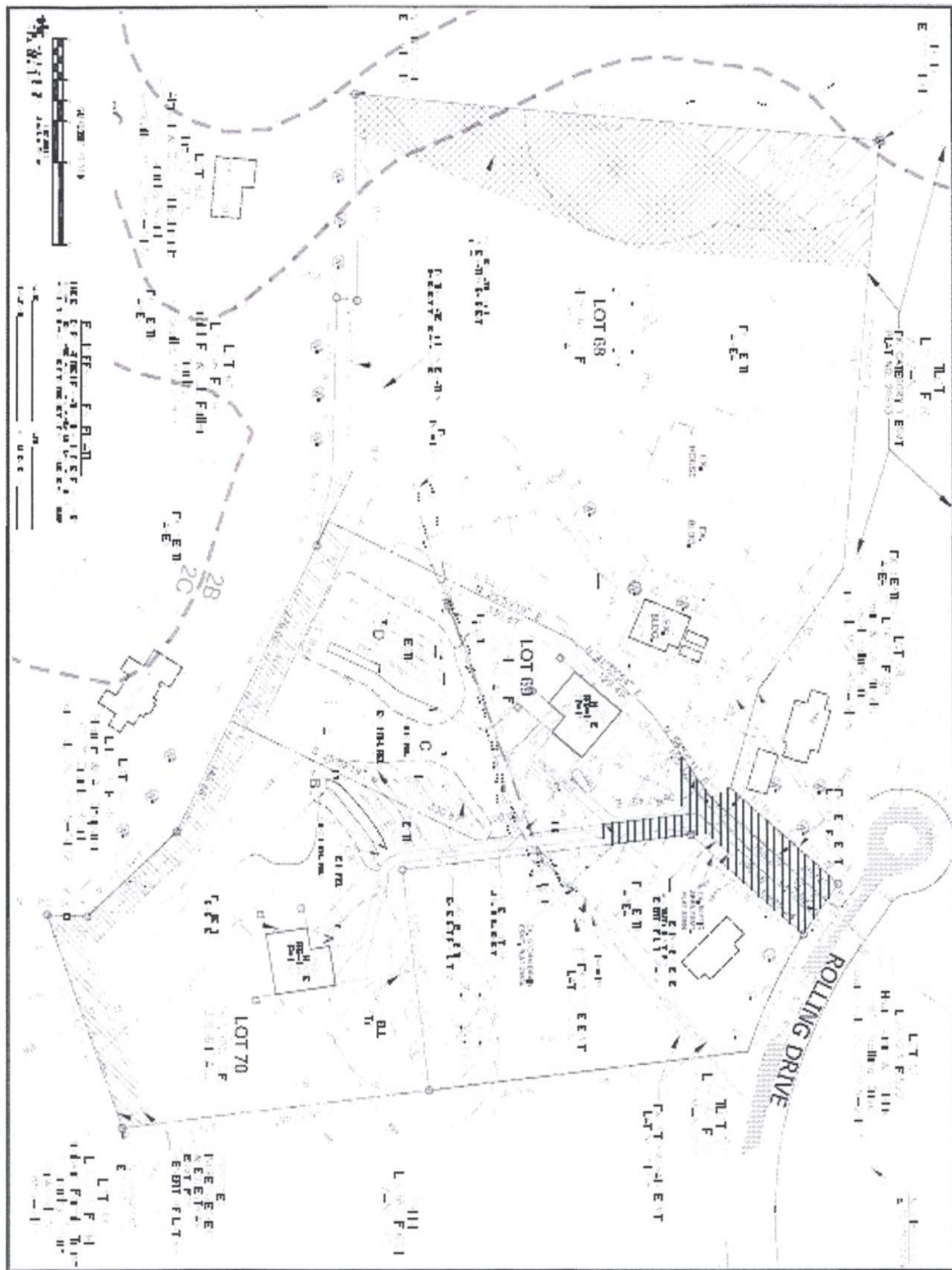
- 1) Approval under this preliminary plan application is limited to three (3) one-family residential lots.
- 2) Applicant must comply with the conditions of approval of the amended Forest Conservation Plan (119970500, Millhaven Estates) prior to recordation the plat(s) or prior to issuance of sediment and erosion controls by the Montgomery County Department of Permitting Services (MCDPS).
- 3) Applicant must comply with the conditions of the MCDPS letter dated March 12, 2007.
- 4) Record plat to reflect common ingress/egress and utility easements over shared driveway.
- 5) Applicant must comply with conditions of MCDPS, Well and Septic approval date June 26, 2008.
- 6) Applicant to provide MNCPPC approved signage along common property line between proposed lot 70 and Muncaster Manor Local Park.
- 7) Prior to ratification of any sales contract, applicant must notify future purchasers of the proposed lots of the local park that will be developed towards the eastern side of the properties. A copy of said notice must be delivered to the Park Resource and Analysis Unit of M-NCPPC
- 8) Other necessary easement to be shown on record plat.

SITE DESCRIPTION:

The subject property consists of a single recorded lot (Lot 66, Block B, Muncaster Manor) totaling 16.15 acres in size and zoned RE-1. The lot is located at the western terminus of Rolling Drive, west of Muncaster Road in the Upper Rock Creek Planning Area. The site currently is occupied by an existing house and two agricultural buildings and is operated as an equestrian facility. The northern two-thirds of the site are in forest. The site generally slopes to the north, draining into a small stream that is a tributary to the Northwest Branch, a Use IV stream. The property is in the Upper Rock Creek Special Protection Area (SPA)

PROJECT DESCRIPTION

This request is to resubdivide Lot 66 into three lots; two for new one family residences and the largest lot will continue to operate as an equestrian facility, with the existing house remaining. The new homes will access the existing driveway that now serves the equestrian facility but it will be widened to accommodate fire and rescue equipment. All of the homes in this subdivision will be served by private on-site wells and septic systems. Rolling Drive has a 60 foot wide right-of-way and has been improved to secondary street standards. No sidewalks are built along Rolling Drive, and none are proposed as part of this plan.



PROJECT: **PRELIMINARY PLAN**
 SHEET: **PP-1**
 DATE: **11/18/11**
 DRAWN BY: **[Name]**
 CHECKED BY: **[Name]**



MUNICIPAL WATER
 UTILITY DEPARTMENT
 1000 10TH AVENUE
 ST. LOUIS, MO 63102

PRELIMINARY PLAN

PP-1



ANALYSIS and FINDINGS

Master Plan Compliance

The Upper Rock Creek 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 zoning as adopted and maintain the residential land use consisting of one-family detached homes. The proposed resubdivision complies with the recommendations adopted in the master plan in that it is a request for residential development.

Public Facilities

Roads and Transportation Facilities

The proposed lots do not generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the application is not subject to Local Area Transportation Review. Because of the limited number of trips associated with this development, it will not be subject to the Policy Area Mobility Requirements.

Other Public Facilities and Services

Other public facilities and services are available and will be adequate to serve the existing and proposed dwelling units. The application meets the Montgomery County Fire and Rescue Service requirements for fire and rescue vehicle access. Other public facilities and services, such as schools, police stations, firehouses and health services are currently operating within the standards set by the Growth Policy Resolution currently in effect. Electrical and telecommunications services are also available to serve the Property. The Subject Property is not within a school moratorium area and is not subject to a School Facilities Payment.

Conformance with Zoning Ordinance and Subdivision Regulations

Staff has reviewed this preliminary for conformance to Chapter 59, the Montgomery County Zoning Ordinance and has provided the results of the findings in Table 1 of this report. Staff finds that all lots will conform to the RE-1 zoning standards. Staff has also reviewed the application for compliance with Chapter 50, the Montgomery County Subdivision Regulations and has found the lots comply with all applicable sections. This application is, however, a resubdivision. The detailed review of this application regarding the Resubdivision Criteria follows:

Conformance with Section 50-29(b)(2)

A. Statutory Review Criteria

In order to approve an application for resubdivision, the Planning Board must find that the proposed lot complies with all seven of the resubdivision criteria, set forth in Section 50-29(b)(2) of the Subdivision Regulations, which states:

Resubdivision. Lots on a plat for the Resubdivision of any lot, tract or other parcel of land that is part of an existing subdivision previously recorded in a plat book shall be of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing block, neighborhood or subdivision.

B. Neighborhood Delineation

In administering the Resubdivision section, the Planning Board must determine the appropriate "Neighborhood" for evaluating the application. The applicant has proposed a Neighborhood of 13 lots for analysis purposes. The Neighborhood is bordered on the north and west by Rock Creek Valley Park, on the south by Granby Road and on the east by Granby Court and Muncaster Manor Park. Staff is of the opinion that the applicant's Neighborhood delineation is appropriate because it includes lots within the same subdivision, lots that abut the Subject Property and lots with common access points. The applicant has provided a tabular summary of the area based on the resubdivision criteria, which is included in the staff report.

Staff finds that the proposed lots are of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing neighborhood as analyzed below.

Size: Existing lots in the delineated Neighborhood range from 2.60 acres in size to the largest at 5.95 acres in size. The proposed lots will be 2.97 acres and 3.85 acres, with the equestrian facility remaining on a 9.32 acre lot. The equestrian lot is currently the largest in the Neighborhood; this resubdivision reduces it in size but it will remain as the largest. The proposed lot sizes are in character with the size of existing lots in the Neighborhood.

Width: Existing lots in the delineated Neighborhood range from 165 feet to 541 feet. All proposed lots are within this range. The proposed lots will be in character with existing lots in the neighborhood with respect to width.

Frontage: The frontages for the existing lots in the delineated Neighborhood range from 0 feet to 598 feet. All three proposed lots will have frontages of 25 feet creating pipestem lots. There are five other pipestem lots in the Neighborhood with frontages of: 0 feet, 28 feet, 31 feet 33 feet and 40 feet. Typically pipestem lots will have frontages of 25 feet, the minimum allowed by the Zoning Ordinance without specific findings by the Planning Board for less frontage. In staff's opinion, the three proposed lots with frontages at 25 feet each will be out of character when compared to the other pipestem lots that have varying frontage measurements. The proposed lots will be of the same character as existing lots in the neighborhood with respect to lot frontage.

Area: Buildable areas for the existing lots in the Neighborhood range from 1.79 acres to 4.58 acres. The buildable areas for the proposed lots will range from 2.09 acres to 6.49 acres; again, the equestrian lot will be the largest in the Neighborhood as it currently is. The proposed lots will be of the same character as other lots in the neighborhood with respect to buildable area.

Alignment: The alignment characteristics of the existing lots in the Neighborhood vary widely. Some lots, as is the case for those lots abutting the Subject Property to the south, are removed by a considerable distance from the streets to which they front. Their alignment is generally perpendicular to the street as are the three proposed lots. Staff finds that, with respect to the alignment of the proposed lots, they are of the same character with the general alignment characteristic of the Neighborhood.

Shape: Existing lots have a variety of lot shapes that are best described as rectangular, trapezoidal, wedge, and flag (pipestem). The shapes of the proposed lots can be described as pipestem, similar with the shapes of several other existing lots in the Neighborhood. Therefore, they are of the same character with respect to shape.

Suitability for Residential Use: The existing and proposed lots are zoned residential and the land is suitable for residential use.

ENVIRONMENT

Special Protection Area

Under the SPA regulations, Montgomery County Department of Permitting Services (MCDPS) and the Planning Board have different responsibilities in the review of the water quality plan. MCDPS reviewed and conditionally approved the elements of the preliminary/final water quality plan under their purview on March 12, 2007. The Planning Board's responsibility is to determine if the environmental guidelines for special protection areas, forest conservation requirements, and site imperviousness requirements are satisfied.

Environmental Guidelines

The site includes 0.18-acres of forest, 1.15-acres of stream valley buffer (SVB), and no wetlands. The SVB emanates from a stream immediately adjacent to the property in the northwest corner. The entire SVB will be protected via a Category I conservation easement. There are no slopes greater than 15 percent in the project area. Staff finds that the proposed project complies with the Environmental Guidelines.

Forest Conservation

The amendment to the forest conservation plan has no net change of planting area from the previously approved plan. The new plan reconfigures the conservation easement area to reduce forest edge and plant more of the SVB on-site. The plan also shows permanent tree protection fencing (board livestock fencing) between the active agricultural area on lot 68 and the newly planted afforestation area. This fencing is necessary to ensure long-term protection of the conservation easement. With the

amendments to the forest conservation plan, staff finds that the project complies with Chapter 22A, the Montgomery County Forest Conservation Law

Site Imperviousness

The subject site is located within the Upper Rock Creek Special Protection Area. There is an impervious limit of 8% in this SPA. However, as per page 12 of the Upper Rock Creek Area Master Plan, Residential Wedge Areas it states “*apply an environmental overlay zone to sewerred properties...*” This property is to be served by septic and the 8% impervious cap does not apply.

Stormwater Management/Water Quality Plan

At the pre-submission meeting which occurs prior to development of the water quality plan, the following site performance goals were established:

1. Minimize storm flow run off increases.
2. Minimize sediment loading.

In their March 12, 2007, approval letter, DPS found that channel protection control is not required because the one-year post development peak discharge is less than 2.0 cubic feet per second and that non-structural methods will be used to treat new rooftop and driveway areas for quality control and recharge. Redundant sediment control is required and could be met through the use of super silt fence. Final sediment control measures would be determined at time of the engineered sediment control plan for this development. As required under Section 50-24(j) of the Subdivision Regulations, stormwater management has been addressed pursuant to Chapter 19 of the County Code.

CITIZEN CORRESPONDENCE and ISSUES

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 date. As of the date of this report, one citizen submitted a letter suggesting that the drive entrance was not suitable for fire and rescue equipment and requested the ability to review the forest conservation plan. The plan was revised to address fire and rescue access and the forest conservation plan has been available on the website for public review. Staff finds that this citizen’s issues have been addressed by the plan.

CONCLUSION

Section 50-29 (b)(2) of the Subdivision Regulations specifies seven criteria with which resubdivided lots must comply. They are street frontage, alignment, size, shape, width, area and suitability for residential use within the existing block, neighborhood or subdivision. Based on the analysis provided in this staff report, staff finds that the three lots proposed by this application will be substantially of the same character with respect

to the seven resubdivision characteristics. Further, staff finds that the project conforms to all other pertinent sections of Chapter 50, the Montgomery County Subdivision Regulations, Chapter 59, the Montgomery County Zoning Ordinance and that it complies with the Upper Rock Creek Master Plan's recommendations for zoning and land use. The project can be adequately served by all public and private services. As such, Staff recommends approval of the application subject to the conditions cited above.

ATTACHMENTS:

(A) Vicinity Map

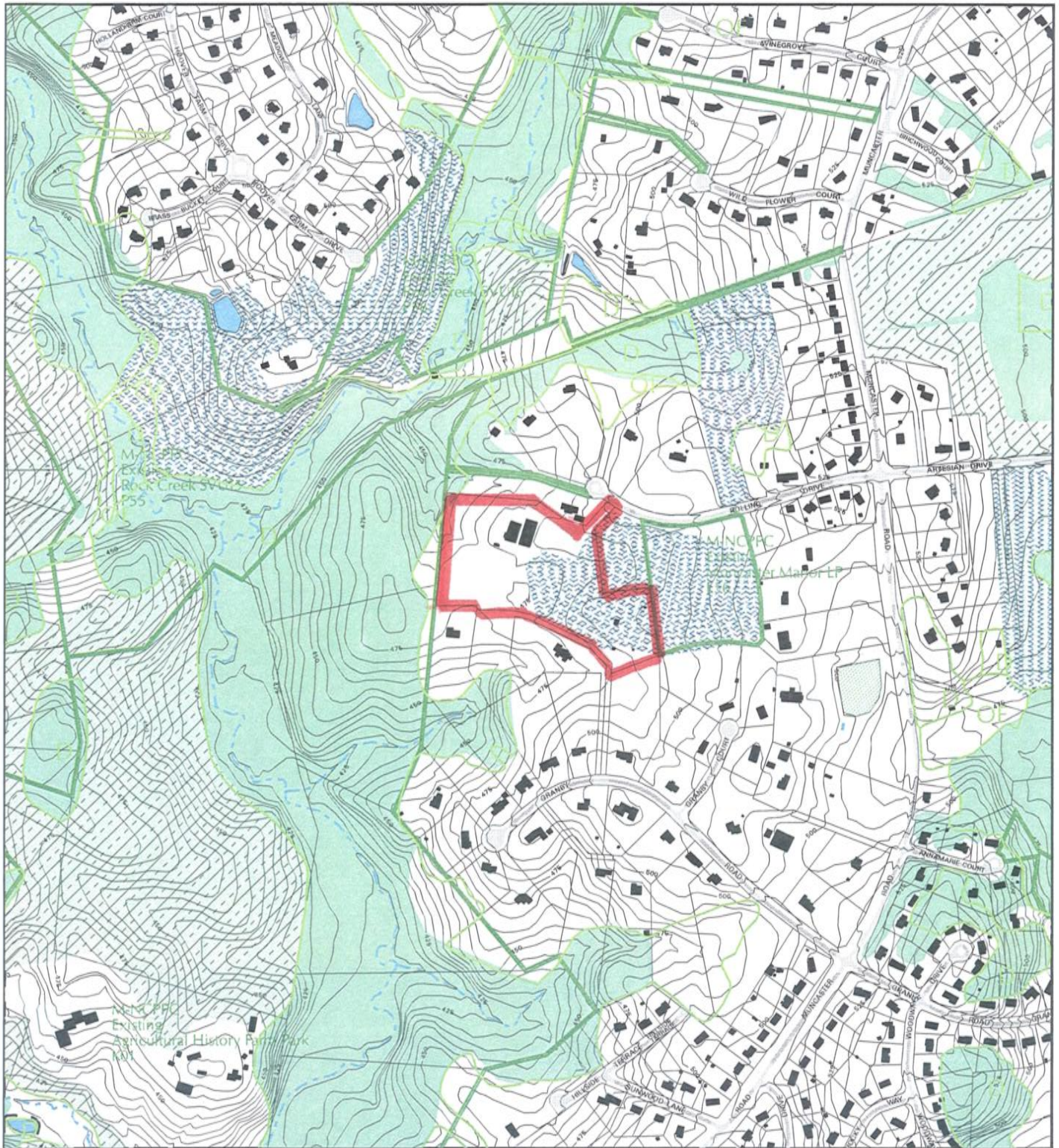
Table 1: Preliminary Plan Data Table and Checklist

Plan Name: Muncaster Manor				
Plan Number: 120070660				
Zoning: RE-1				
# of Lots: 3				
# of Outlots: 0				
Dev. Type: Standard				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	40,000 sq. ft.	91,040 sq. ft. is minimum proposed	RW	8/24/08
Lot Width	125 ft.	170 ft. is minimum proposed	RW	8/24/08
Lot Frontage	25 ft.	25 ft. is minimum proposed	RW	8/24/08
Setbacks			RW	8/24/08
Front	50 ft. Min.	Must meet minimum ¹	RW	8/24/08
Side	17 ft. Min./35 ft. total	Must meet minimum ¹	RW	8/24/08
Rear	35 ft. Min.	Must meet minimum ¹	RW	8/24/08
Height	50 ft. Max.	May not exceed maximum ¹	RW	8/24/08
Max Resid'l d.u. per Zoning	16 dwelling units	3 dwelling units	RW	8/24/08
MPDUs	No		RW	8/24/08
TDRs	No		RW	8/24/08
Site Plan Req'd?	No		RW	8/24/08
FINDINGS				
<i>SUBDIVISION</i>				
Lot frontage on Public Street		Yes	RW	8/24/08
Road dedication and frontage improve.		N/a	Agency letter	6/5/07
Environmental Guidelines		Yes	Staff memo	7/9/08
Forest Conservation		Yes	Staff memo	7/9/08
Master Plan Compliance		Yes	RW	8/24/08
Other (i.e., parks, historic preservation)		Yes	Staff memo	5/12/08
<i>ADEQUATE PUBLIC FACILITIES</i>				
Stormwater Management		Yes	Agency letter	1/22/08
Water and Sewer (WSSC)		N/a	RW	8/24/08
10-yr Water and Sewer Plan Compliance		Yes	Agency letter	12/3/07
Well and Septic		Yes	Agency letter	3/26/08
Local Area Traffic Review		N/a	Staff comment	5/12/08
Policy Area Mobility Review		N/a	Staff comment	5/12/08
Transportation Management Agreement		N/a	Staff comment	5/12/08
School Cluster in Moratorium?		No	RW	8/24/08
School Facilities Payment		No	RW	8/24/08
Fire and Rescue		Yes	Agency letter	7/20/08

¹ As determined by MCDPS at the time of building permit.

MUNCASTER MANOR (120070660)

Attachment A



Map compiled on April 17, 2007 at 3:31 PM | Site located on base sheet no - 226NW06

NOTICE

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Key Map



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Research & Technology Center



1 inch = 800 feet
1 : 9600