TITLE: Treasure Mountain

FILE NUMBER: S-787 AP# 14022

REQUEST: Sketch Plan
Non-binding approval of the proposed 30 lot single family residential subdivision layout on a 54.9 acre property for the purpose of percolation testing only

PROJECT INFORMATION:

LOCATION: Located on the east side of Bill Moxley Road, south of I70 and the Harvest Ridge subdivision
TAX MAP/PARCEL: Tax Map 89, Parcel 49
ZONING: R-1 Residential
COMP. PLAN: Rural Residential
PLANNING REGION: New Market
WATER/SEWER: No Planned Service

APPLICANT/REPRESENTATIVES:

APPLICANT/OWNER: Richardson Ventures, LLC.
SURVEYOR: VANMAR Associates

STAFF: John Dimitriou, Principal Planner

RECOMMENDATION: Conditional Approval

ATTACHMENTS:
Exhibit #1: Treasure Mountain Sketch Plan
STAFF REPORT

Development Request

Applicant is requesting Sketch Plan non-binding approval for a 30 lot single family well/septic subdivision layout on a 54.9 acre parcel for the purpose of percolation testing. The request is for Planning Commission review and opinion of the lot layout as a non-binding approval for the purpose of percolation testing.

Development History

The property has been the subject of three previous subdivision applications, all under the prior Agricultural zoning:

- In 1979 a Preliminary Plan application was filed requesting approval of the subdivision of 16 residential lots on 16 acres (Section One). Four of the lots failed to pass the percolation test and two lots were combined into one lot because of the slope of the lots. The percolation tests were fast which resulted in Health Department concern of well contamination. Due to these concerns the Health Department failed to approve the final plat. The Court of Special Appeals of Maryland upheld the Health Department disapproval of the subdivision and denied any further appeal.
- In 1981 a Combined Preliminary/Final Plat was approved for three residential lots as Section One - Lots 3, 5 & 7 (9.514 acre total area of subdivision) and a 66 acre remainder.
- In 1989 a Combined Preliminary/Final Plat was approved for one residential lot as Section Two - Lot 1 (2.97 acre total area of subdivision) and a 54.9 acre remainder. A note on the 1989 Combined Preliminary/Final Plat for Section Two states that no further subdivision of the remainder land is permitted unless the property is rezoned or regulations are amended.

This property was rezoned from Agricultural to R-1 as part of the 1993 New Market Region Plan update. The property was rezoned back to Agricultural as part of the 2008 New Market Region Plan update. This zoning was maintained after the 2010 Comprehensive Rezoning. The property was subsequently rezoned from Agricultural (A) to Residential (R1) on September 13, 2012 as part of a County Comprehensive Plan/Zoning Review, per Ordinance 12-22-617 (See Graphic #1).
Graphic #1 Zoning

Graphic #2

Treasure Mountain Sketch Plan
January 8, 2014
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Existing Site Characteristics

According to County GIS information, the entire site lies within the 1/3 restricted soils boundary, which requires percolation testing during the restricted soils season (February 1- April 15).

Major subdivisions require FcPc approval prior to percolation testing in accordance with Section 1-16-9 (B) (4) of the Frederick County Code (Code).

The Applicant has submitted a Sketch Plan (see Graphic #3) for percolation testing approval only, in accordance with Section 1-16-59 (G) of the Code, which states:

The Planning Commissioner shall give its opinion regarding the sketch plan and may grant non-binding approval of the lot layout shown on the sketch plan for the purpose of percolation testing only.

If approved, the creation of the 30 new lots will be considered a major subdivision. However, any major subdivision approvals for this project (including approval of panhandles) will be addressed during the review of the preliminary subdivision plan.
ANALYSIS:

Lot Design and Access:
The subdivision design is organized along two roads that generally conform to contour orientations throughout the site. Proposed residential lots are stacked along both sides of the proposed roads, except in locations where the grade precludes efficient lot placement. The primary site entrance is from Bill Moxley Road. A connection to an existing stub street at Robmar Drive on the adjacent property to the east is also shown on the plan. Additionally, the alignment for a potential future connection through an adjoining property to the north is shown that is intended to provide a connection to a future elementary school located in the Harvest Ridge subdivision.

The Frederick County Comprehensive Plan reflects a planned community park symbol on the subject property. The County Comprehensive Plan also reflects a planned elementary school symbol on the nearby parcel at the corner of Lomar Drive and Autumn Crest Drive. Proposed community facility symbols are generalized in location and may or may not be developed on the particular property where the symbol is placed. Dedication of parkland would be reviewed at Preliminary Plan submission however, the proposed subdivision is zoned R1 and would therefore be exempt from the neighborhood park requirement (see section 1-16-111 of the Frederick County Code). The need for a future community park in the area of the comprehensive plan symbol would be addressed by the County Parks and Recreation Division through the Capital Improvements Program (CIP) process.

ADEQUATE PUBLIC FACILITIES ORDINANCE (APFO):

APFO testing is not required at the Sketch Plan phase. Recently completed assessments indicate that all area schools are adequate and that the project would be exempt from APFO roads testing, but would require contribution(s) to existing road escrow account(s). In the event that the percolation testing is successful, the subdivision will be subject to final APFO testing for impacts to traffic and schools prior to Preliminary Plan review and approval by the Planning Commission.

The subject property reflects a water and sewer designation of No Planned Service and is intended to be served by private well and septic. The Applicant will work with the Health Department to meet all applicable well and septic requirements once Planning Commission review of the Sketch Plan has been completed.

FOREST RESOURCE ORDINANCE (FRO):

A Preliminary Forest Conservation plan has been submitted and is under review. The development site contains 26.64 acres of existing forest. The Applicant proposes to meet the FRO requirements by preserving 8.40 acres of existing forest, planting 4.11 acres of new forest on site, and by providing 9.78 acres of forest banking credits.

The site contains 5 specimen trees (trees 30\" or greater in diameter). The Applicant proposes to remove 1 of these trees (42\" Tulip Poplar). Per §1-21-40 of the FRO, failure to retain a nonhazardous specimen trees requires the approval of a modification in accordance with §1-21-21. The FRO defines "nonhazardous tree" as a tree that is void of structural defects (such as basal cavities, trunk rot, cracks, breaks, splits, or unusual structure) that will not impact structures, roads, and walkways if the tree falls. The 42\" Tulip Poplar has twin trunks starting at 5\' above the ground, with a rotting split to the ground.
Although this tree could be retained it is situated along Autumn Crest Drive and it will likely fall on the road. Because this tree exhibits a structural defect and could fall on the road, this specimen tree does not qualify as “nonhazardous” and may be removed without a modification.

The Preliminary FRO plan must be approved prior to approval of a preliminary subdivision plan. A Final FRO plan must be submitted and receive approval, and FRO mitigation must be provided, prior to lot recordation, grading permits, or building permits, whichever is applied for first.

**FINDINGS:**

Staff finds that the FcPc may give its opinion regarding the Sketch Plan and may grant non-binding approval of the lot layout shown on the Sketch Plan for the purpose of percolation testing only. Staff has no objection to conditional approval of the Sketch Plan for percolation testing only.

**RECOMMENDATION:**

Should the FcPc give a favorable opinion of this Sketch Plan application (S-787, AP 14022) and allow the Applicant to proceed with percolation testing, Staff recommends that the following items be added as conditions to the approval:

1. The Applicant shall comply with all Staff and agency comments through the completion of the plan.

2. The approval of this plan is for percolation testing only and does not guarantee lot yield or approval of future preliminary plans or final plats. All future applications shall be reviewed and approved in the normal manner and in accordance with all applicable regulations.