



FREDERICK COUNTY PLANNING COMMISSION

July 9, 2014

TITLE: Ventrie Subdivision, Lots 1-Q and 1-P

FILE NUMBER: S-834A, AP 14304 (APFO 14403, FRO 14404)

REQUEST: **Combined Preliminary/Final Plat Approval**
The Applicant is requesting approval to resubdivide Lot 1-Remainder into one new lot (Lot 1-Q) and a new remainder lot (Lot 1-P).

PROJECT INFORMATION:

ADDRESS/LOCATION: Located at the terminus of Ventrie Court
TAX MAP/PARCEL: Map 46, Parcel 399 & 375
COMP. PLAN: Limited Industrial/Natural Resource
ZONING: Limited Industrial (LI) /Resource Conservation (RC)
PLANNING REGION: Middletown
WATER/SEWER: LI: W5/S4 & S5; RC: No Planned Service

APPLICANT/REPRESENTATIVES:

APPLICANT: Bidle Brothers, Inc
OWNER: Bidle Brothers, Inc
SURVEYOR/ENGINEER: Fox & Assoc.
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Mike Wilkins

RECOMMENDATION: Conditional Approval

ATTACHMENTS:

EXHIBIT 1- Combined Preliminary/Final Plat

STAFF REPORT

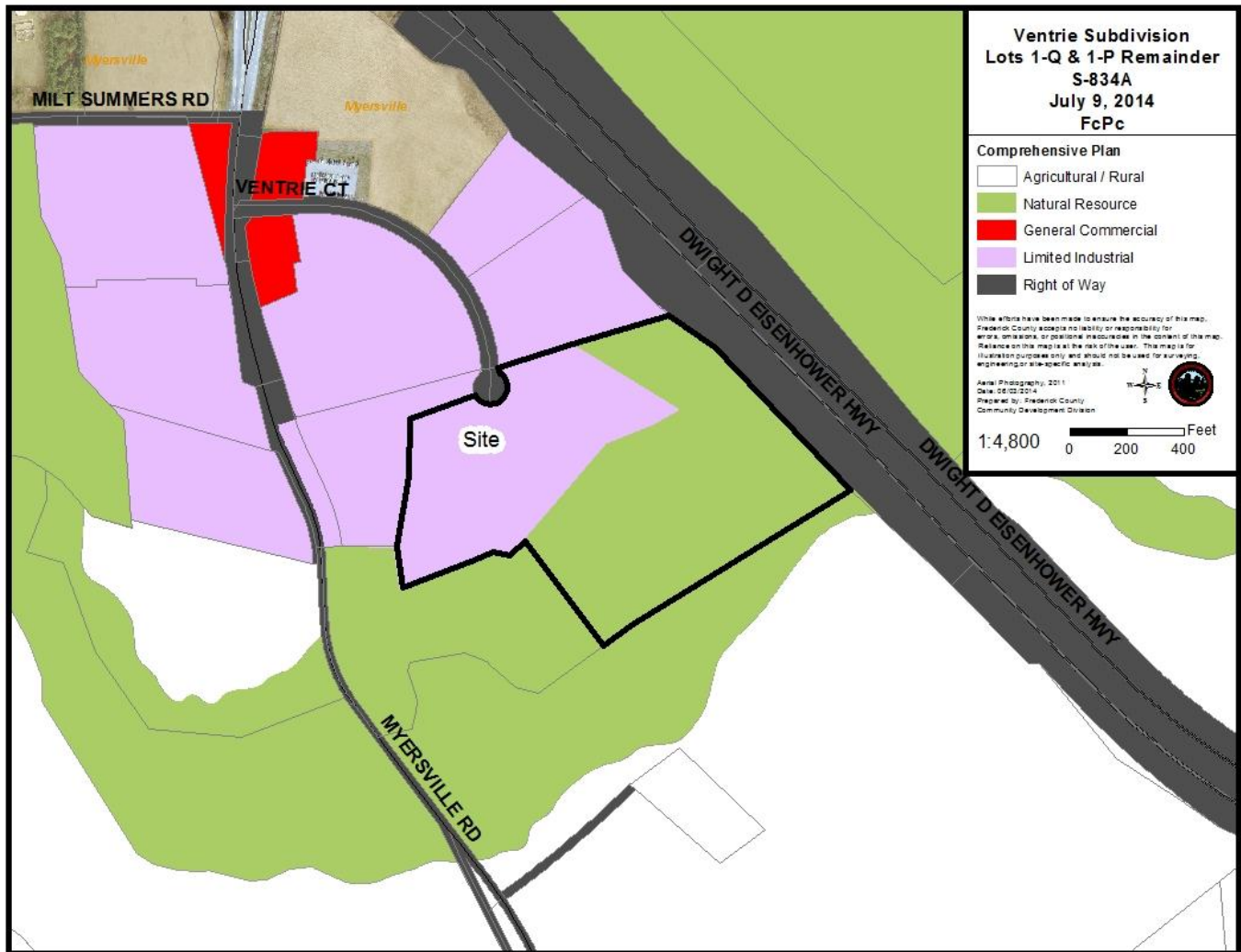
ISSUE

The Applicant is requesting Combined Preliminary/Final Plat approval to resubdivide the existing Lot 1-Remainder (24.29 acres) into one new lot (Lot 1-Q) and a new Remainder lot (Lot 1-P).

BACKGROUND

The current 24.29 acre Lot 1-Remainder was created by plat in 2011. The proposed Lot 1-Q will be the 9th lot subdivided off the original parcel since 1965, and the 8th lot subdivided as part of the Ventrre Subdivision. Since more than 6 lots have been created from the original parcel since 1965, this application is considered a major subdivision and requires FcPc review and approval.

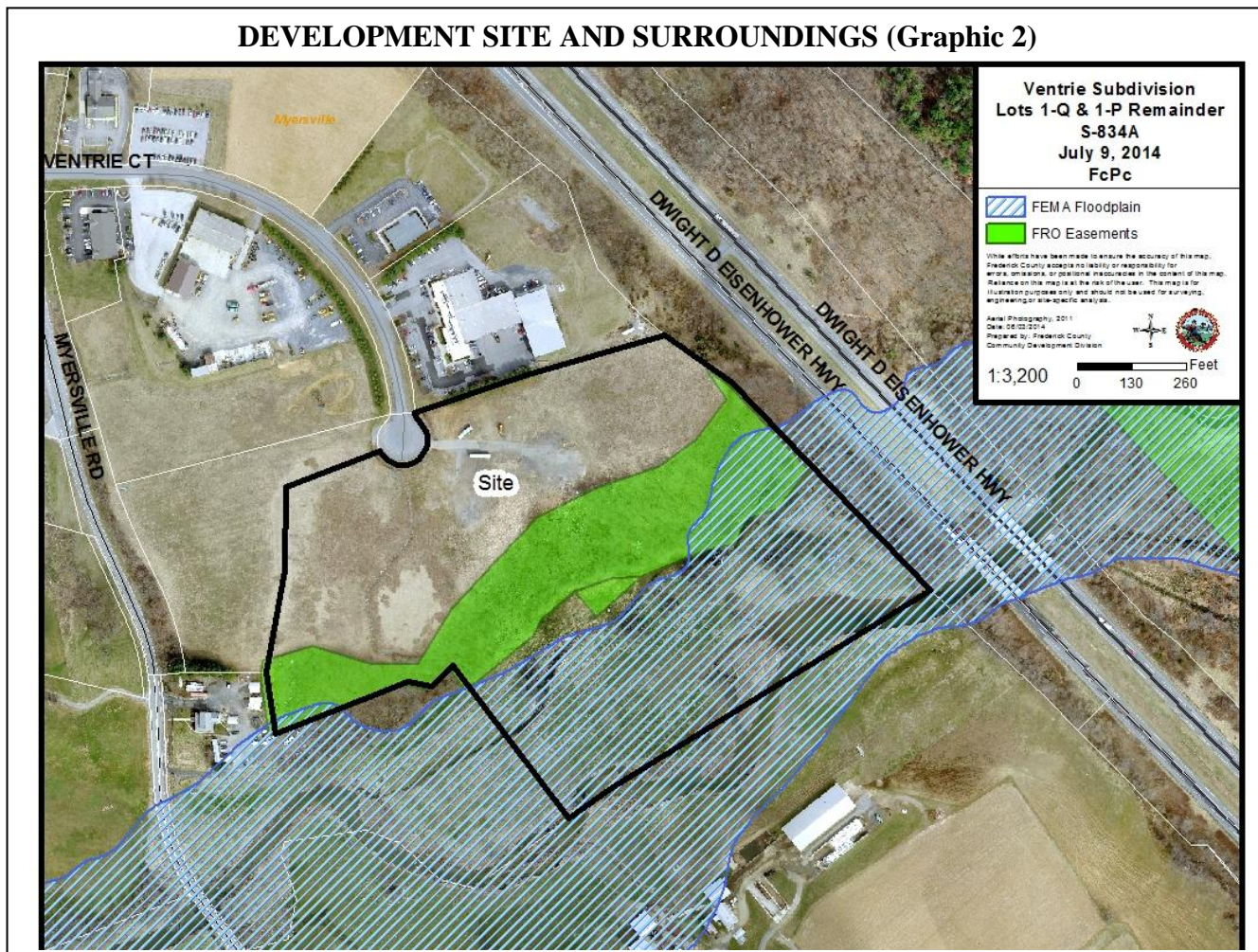
COMPREHENSIVE PLAN (Graphic 1)



Existing Site Characteristics

The site of proposed Lot 1-Q consists of open ground that slopes towards the southwest. A small portion of this lot is zoned RC (the portion containing the septic areas), see Graphic 3.

The buildable area of the proposed Lot 1-P Remainder consists of open ground and includes a man-made drainage ditch that runs through the site (noted as 'public drainage easement on the plan). The middle portion of this lot consists of extremely steep slopes which drop into the floodplain of a tributary of Catoctin Creek. The rear of the lot includes this floodplain area and abuts Catoctin Creek. The steep slopes are protected by an existing Forest Conservation Easement. See Graphic 2.



ANALYSIS

A. ZONING ORDINANCE REQUIREMENTS

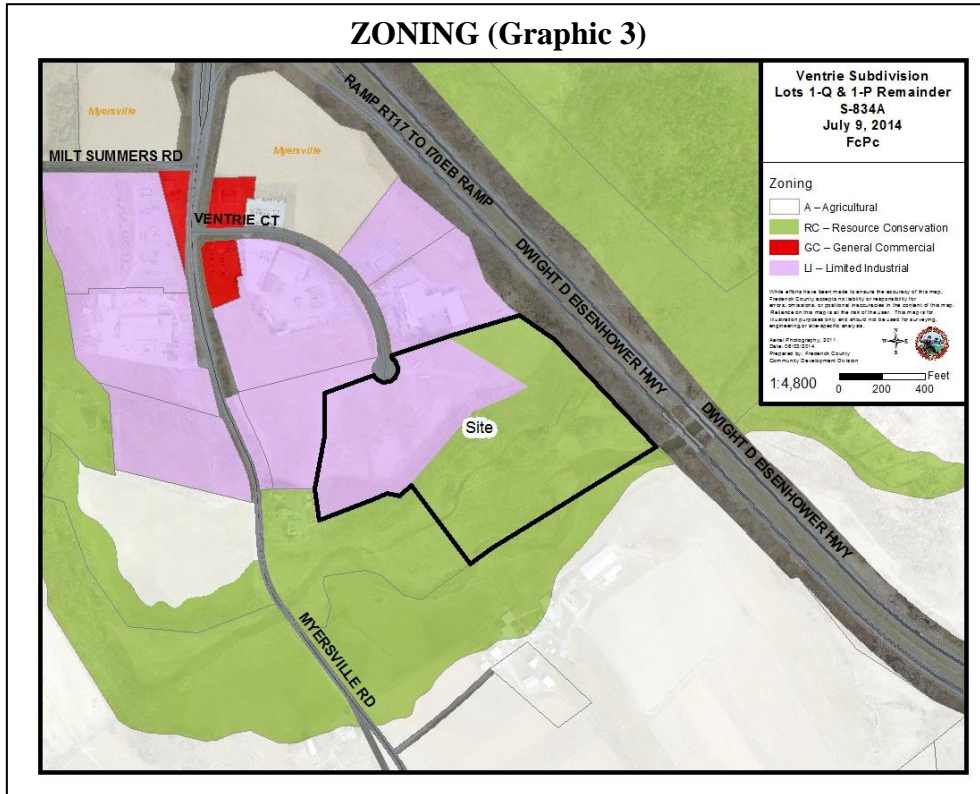
1. *District Regulations, Design Requirements For Specific Districts §1-19-6.100: Limited Industrial District (LI):*

The developable area of the existing and proposed lots reflect LI zoning. The LI District Regulations permit a variety of land uses, each with varying lot size and setback requirements, as noted in the chart below. The minimum lot area for a permitted land use (other than natural resources) in the LI zone is 20,000 square feet, while the most restrictive property line setback is 50 feet. Minimum lot width in the LI zone varies with the least restrictive width being 100' for 'Industrial', 'Automobile services', 'Wholesaling/processing', and 'self storage' land uses. The proposed lots meet or exceed the minimum lot size requirements for permitted uses in the LI zone. The lots provide ample space to provide the required front, rear, and side setbacks for any permitted use in the LI zone.

Use Classification	Minimum Lot Area	Minimum Lot Area per Unit	Lot Width	Front Yard	Side Yard	Rear Yard	Height
Natural resources	5 acres	-	300	40	50	50	30'
Industrial	20,000	-	100	25	*	20	60'
Automobile services	20,000	-	100	25	*	20	60'
Wholesaling/processing	20,000	-	100	25	**	20	60'
Open space uses	No minimum	-	-	-	-	-	-
Governmental and public utility	20,000	-	200	40	40	40	30'
Nongovernmental utility, nongovernmental electric substation	20,000	-	200	50	50	50	30'
Self-storage units	20,000	-	100	25	10 ****	25 *****	60' ****

Zoning Ordinance Requirements Findings/Conclusions

The proposed subdivision will meet Zoning Ordinance requirements. The proposed use of these lots will not be determined until a Site Development Plan application is submitted and approved, but the lots are designed to meet minimum lot size and yard setback requirements for several land uses permitted in the LI zone.



B. SUBDIVISION REGULATION REQUIREMENTS

- 1. Land Requirements §1-16-217 (A):** *The land use pattern of the Comprehensive Plan and the district regulations of the zoning ordinance shall form the basic theme of the design pattern of the proposed subdivision.*

The subject property reflects a Comprehensive Plan land use designation of Limited Industrial (LI) and Resource Conservation (RC). The buildable areas of the proposed lots are within the LI zoned portion of the property. The sensitive areas within the RC zone are protected by a permanent Forest Resource Ordinance easement or are otherwise protected from development under the provisions of the Zoning Ordinance. The proposed lots are designed to permit a future LI use while leaving the RC areas undeveloped. The subdivision complies with the Comprehensive Plan and meets Zoning Ordinance requirements.

- 2. Land Requirements §1-16-217 (B):** *The subdivision design shall take advantage of the uniqueness of the site reflected by topography, soils, the wooded areas, water bodies and the relationship to adjoining subdivisions and land uses, both proposed and existing.*

The subdivision design allows for the development of the LI zoned portion of the property while conserving the forested steep slopes, floodplain, and wetlands in the southern half of the property. The lots are situated at the end of an existing cul-de-sac street that serves the earlier phases of this industrial development. The subdivision design complies with §1-16-217 (B).

- 3. Preliminary Plan, Required Information §1-16-72 (B)(19)(a & b):** *Soil types: (a) Soils type(s) information shall be provided and appropriate boundaries shown on the plan. In the event that "wet soils" are located on or within 100 feet of a proposed residential subdivision, a soils delineation report shall be prepared by a licensed soil scientist or professional engineer registered in the State of Maryland. The soils delineation report shall be submitted for review prior to Planning Commission approval of the plan. The Division may waive this requirement if the "wet soils" are located within open space areas. (b) If residential lots are proposed within "wet soils" then a geotechnical report is required to be submitted by a professional engineer registered in the State of Maryland. A note shall be placed on the plan that all construction shall be in conformance with the geotechnical report.*

Wet soils are located within the areas of RC zoning running parallel to the floodplain and waterbody buffer area on Lot 1-P Remainder. However, these soils are over 100 feet from the proposed development sites and the lots will not be used for residential development.

- 4. Road Access Requirements. Public Facilities §1-16-12 (B)(3)(b):** *For major subdivisions; Lots must access a publicly-maintained road with a continuously paved surface that is at least 20 feet in width.*

The lots will access Ventré Court, which is a 1,297 foot long cul-de-sac street with a 23 foot wide paved travelway. Ventré Court emanates from MD 17, which is a minor arterial roadway that has a travelway that exceeds 20 feet. Lot 1-P Remainder will gain access from its frontage along Ventré Court (the "denied access" label across Lot 1-O's frontage on the plat is erroneous and must be corrected).

- 5. Lot Size and Shape. Panhandle Lots §1-16-219 (C)(2):** *Panhandle lots may be approved by modification of the Planning Commission in major subdivisions only when it is determined by the Commission that "excellence of design" will be achieved or that such lots are inaccessible to the road due to odd shape and/or topographical constraints. In each case, the Planning Commission will determine "excellence of design" based on the spatial relationship of the panhandle lot to other lots and the public road. Only physical design criteria such as odd shape and road inaccessibility,*

topography, existing utilities, proposed and existing well and septic constraints (Health Department criteria) and natural or man-made features shall be used by the Planning Commission in granting modifications for panhandle lots in major subdivisions.

No panhandle lots are proposed.

6. Water and Sewer Facilities. Public Facilities §1-16-12 (C): *The proposed subdivision shall be disapproved unless each building lot has been approved for individual and/or community sewerage and water facilities by the Health Department.*

The LI zoned portion of the property has a water and sewer classification of W-5/S-4 & S-5. The portion of the property that is zoned LI is within the Town of Myersville future growth boundary. The plat has been reviewed by the Myersville Town Planner and the Myersville Planning Commission. The Town has no objections to approval subject to a condition regarding future public water and/or sewer usage. The condition states;

If the lots are to be serviced by public water and/or sewer in the future, the owner(s) will need to enter into an agreement with the Myersville Mayor and Council for such service. Conditions of an agreement would include, but not be limited to the payment of all applicable tap, meter, connection, and improvement fees and additionally may require an annexation agreement. Lots that will be served by the Town of Myersville public water will be required to dedicate existing wells for public use or terminate their usage and seal the well with a cap.

This language has been added to the Plat as Note 9 to document the condition.

The lots are proposed to be served by private well and septic systems. Per §1-16-12 (C)(2), all wells and septic areas must be approved by the Health Department prior to lot recordation.

Subdivision Regulation Requirements Findings/Conclusions

The project will meet all Subdivision Regulation requirements once all agency comments and conditions are complied with.

C. OTHER APPLICABLE REGULATIONS

Stormwater Management – Chapter 1-15.2: Stormwater management will be provided in accordance with the Maryland SWM Act of 2007. Further SWM review will occur when development of the lots is proposed. A 20' drainage easement shall be required for the drainage swale on Lot 1-P from the cul-de-sac down to the property line. This will also require a SD easement agreement.

APFO – Chapter 1-20:

- 1. Schools.** The site is a non-residential use and is therefore exempt from school testing.
- 2. Water/Sewer.** Public water and sewer is currently unavailable. Since the project is utilizing private well and septic systems, the site is exempt from testing for public utilities .
- 3. Roads.** The project is exempt from APFO testing because it is expected to generate less than 50 peak hour trips and there are no existing escrow accounts in the area of this proposed subdivision. Site Development Plan applications for Lots 1-O, 1-Q and 1-P will be monitored to assure that plans would not generate more than 50 cumulative peak hour trips between the 3 lots. The Applicant has proposed a combined Preliminary/Final & Correction Plat in order to document the combined APFO Trips as noted at the top of Sheet 1 of the Plat.

Forest Resource Ordinance – Chapter 1-21: The FRO requirements for these lots were met during the review and approval of Lots 1-P and Lot 1-Remainder in 2011. A Forest Conservation easement was recorded over the existing forest that occupies the steep slopes and floodplain.

Summary of Agency Comments

Other Agency or Ordinance Requirements	Comment
Development Review Engineering (DRE):	Conditionally Approved: A 20' drainage easement shall be required for the drainage swale on Lot 1-P from the cul-de-sac down to the property line. This will also require a SD easement agreement.
Development Review Planning:	Hold. Must meet all agency and FcPc comments and conditions.
State Highway Administration (SHA):	N/A
Div. of Utilities and Solid Waste Mngt. (DUSWM):	Approved
Health Dept.	Hold. Well on Lot 1-Q must be drilled prior to lot recordation.
Office of Life Safety	N/A
DPDR Traffic Engineering	Approved
Historic Preservation	N/A

RECOMMENDATION

Staff has no objection to conditional approval of the Combined Preliminary/Final Plat.

Based upon the findings and conclusions as presented in the staff report, the application meets or will meet all applicable Subdivision, Zoning, APFO, and FRO requirements once all agency comments are complied with.

Should the FcPc grant approval of this application (S-834A, AP 14304), Staff recommends that the following items be added as conditions to the approval:

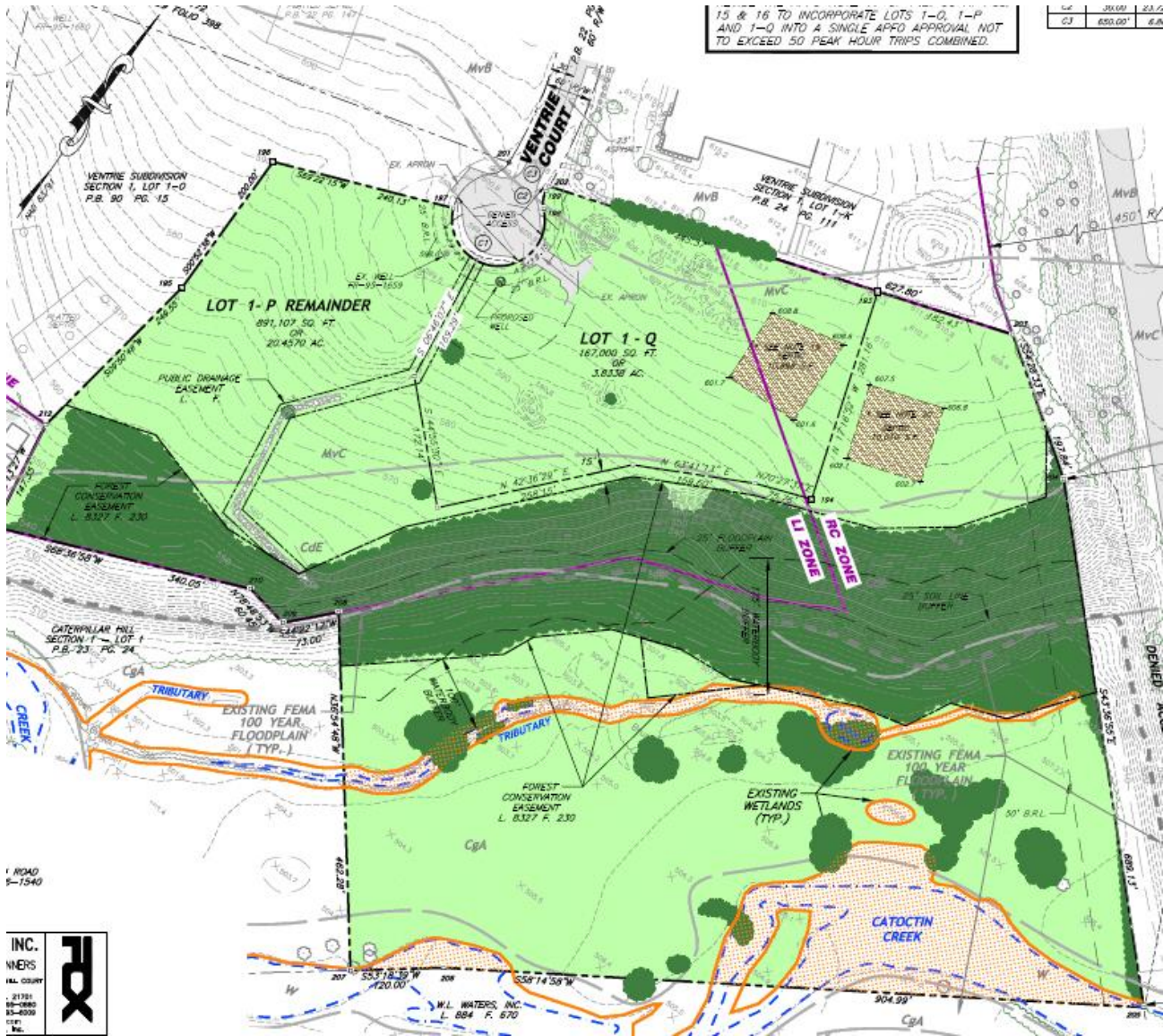
1. The Applicant shall comply with all Staff and agency comments through the completion of the plan.
2. The Combined Preliminary/Final Plat approval is valid for three (3) years from the date of FcPc approval. Therefore, the Plat approval expires on July 9, 2017.

PLANNING COMMISSION ACTION

MOTION TO APPROVE

I move that the Planning Commission **APPROVE S-834A (AP 14304)** the Ventrle Subdivision **with conditions** as listed in the staff report for the proposed preliminary/final plat, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

Combined Preliminary/Final Plat



Ventrre Subdivision Lots 1-Q and 1-P

July 9, 2014

Page 8 of 8