



FREDERICK COUNTY PLANNING COMMISSION

August 9, 2017

TITLE: The Hunting Lotte, Section 1, Lots 1A-1C and 1D-Remainder

FILE NUMBER: M-161, AP 17138 (APFO 17139, FRO 17141)

REQUEST: **Combined Preliminary/Final Plat**
The Applicant is requesting combined preliminary/final plat approval for a 3-lot and remainder subdivision on a 30.01-acre property.

PROJECT INFORMATION:

ADDRESS/LOCATION: Located at the intersection of New London Road and Green Valley Road (MD 75)
TAX MAP/PARCEL: Map 69, Parcel 117
COMP. PLAN: Agricultural/Rural
ZONING: Agricultural
PLANNING REGION: New Market
WATER/SEWER: No Planned Service

APPLICANT/REPRESENTATIVES:

APPLICANT: Kevin and Wendy Contardi
OWNER: Kevin and Wendy Contardi
SURVEYOR/ENGINEER: J.F. Brown III & Associates, Inc.
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Mike Wilkins, Senior Planner

RECOMMENDATION: Conditional Approval

ATTACHMENTS:

EXHIBIT 1- Combined Preliminary/Final Plat

STAFF REPORT

ISSUE

The Applicant is requesting combined preliminary/final plat approval for a 3-lot and remainder subdivision on a 30.01-acre property.

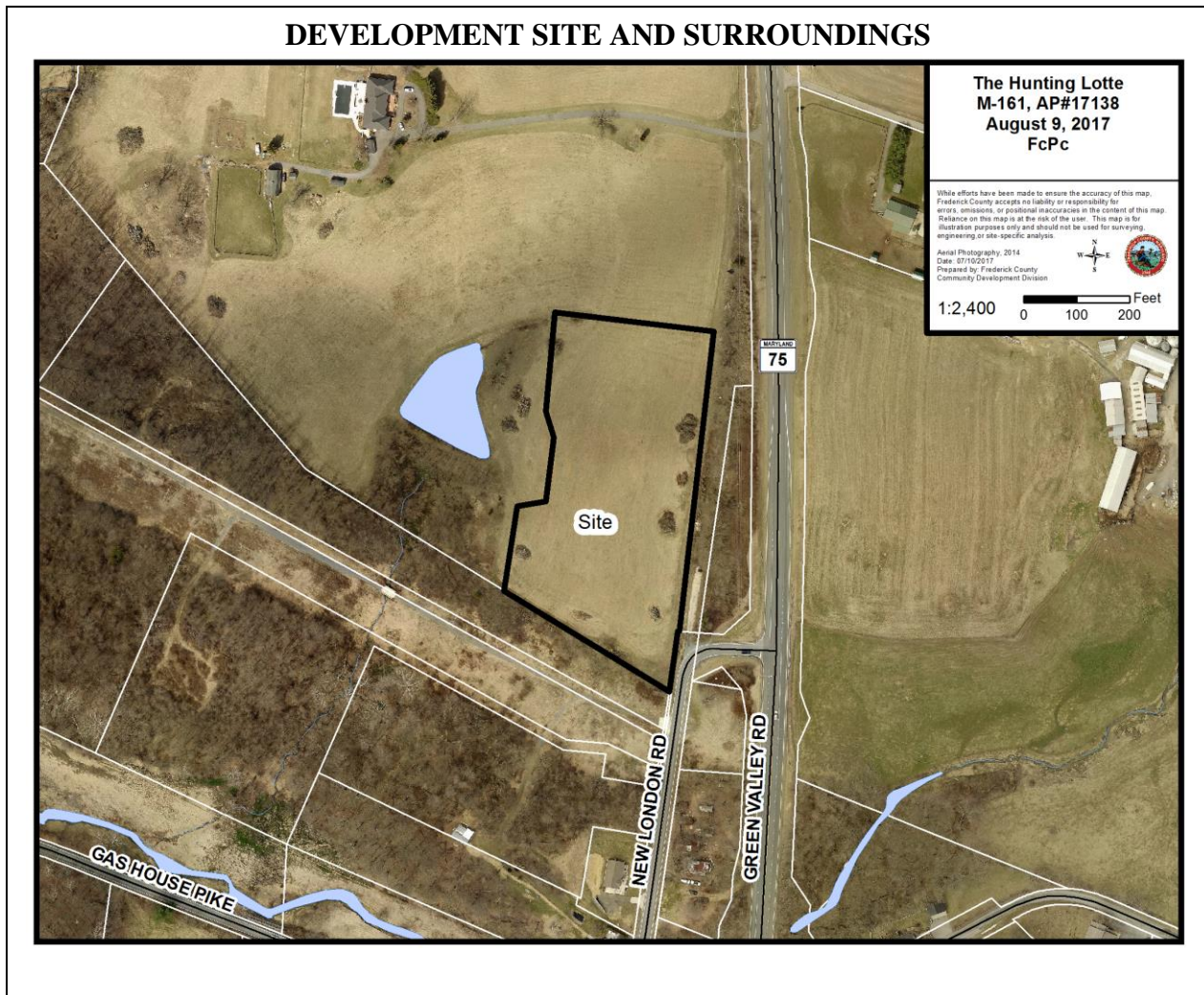
BACKGROUND

This property was created in 1972 from a larger original, pre-1965 parcel. The original parcel has been subdivided multiple times since 1965:

- In 1972, the 30.01 acre parcel that is the subject of this application was created (Hunting Lotte, Section 1, Lot 1, P.B. 7 P.G. 162).
- In 1980, Parcels 1, 2, and 3 were subdivided off the original parcel, leaving a 91.40 acre remainder (Gilmore R. Flautt III and Kendall L. Flautt, P.B. 22 PG. 64)

Per §1-19-7.300(B) of the Zoning Ordinance, a subdivision of 3 lots is permitted to be subdivided off an original tract of land; an original tract of land being described in the land records as of August 18, 1976. Since this parcel was created in 1972, it has the potential to be subdivided into 3 lots and a remainder.

This proposed 3-lot and remainder subdivision will create the 5th- 7th lots since 1965 and is a major subdivision (defined as 6 or more lots since 1965). Major subdivisions require review and approval by the Planning Commission.



Existing Site Characteristics

The property consists of a single parcel containing 30.01 acres and is utilized for agriculture. It is primarily open grassland, except for a 1 acre+/- area of forest below the pond. One house and associated outbuildings are located in the middle of the property. The 4.31 acres proposed to be subdivided into new lots (Lots 1A-1C) is currently used for farming/open space. A pond and a small stream are located behind the proposed lots. Wetlands may be located in the immediate vicinity of the pond and stream.



ANALYSIS

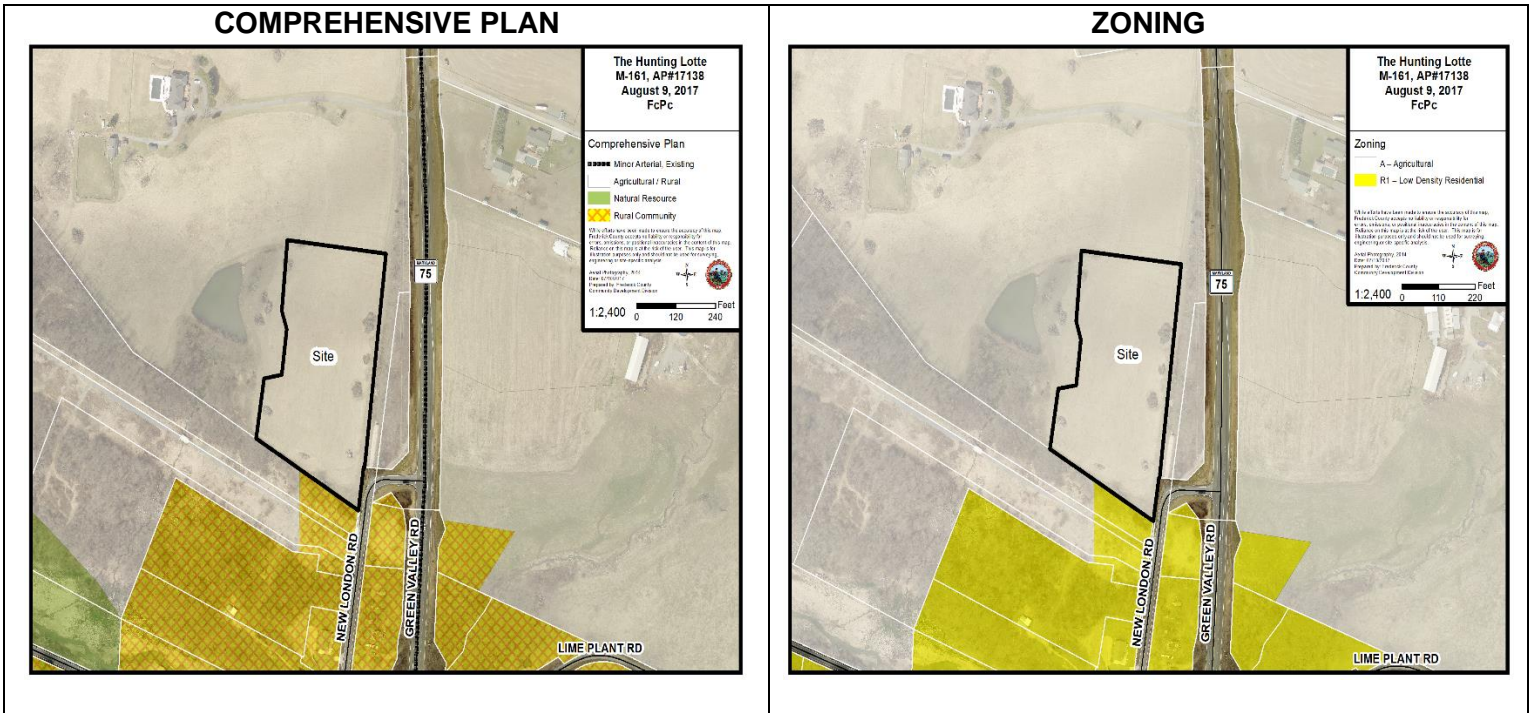
A. ZONING ORDINANCE REQUIREMENTS

1. § 1-19-7.300. AGRICULTURAL DISTRICT.

§1-19-7.300(B): The minimum lot size for single-family dwellings will be 40,000 square feet...

All of the proposed lots meet the minimum 40,000 square foot lot size requirement. The lots range in size from 1.13 acres to 1.54 acres. The proposed minimum lot width (100 feet) and yard areas (40 foot front yard, 30 foot rear yard, and 10 foot side yard) meet Agricultural District requirements in accordance with §1-19-6.100 Design Requirements of the Zoning Ordinance.

Zoning Ordinance Requirements Findings/Conclusions: The proposed subdivision will meet all Zoning Ordinance requirements.



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 has an Agricultural/Rural Comprehensive Plan land use designation (see map above). Per the 2010 Comprehensive Plan, the Ag/Rural designation is applied to areas outside of Community Growth Areas that may include active farmland, fallow lands, and residential subdivisions that have been developed under the Agriculture zone. The proposed lots are situated adjacent to properties that are zoned R-1 Residential with a Rural Community Comprehensive Plan designation. The proposed land use and subdivision design complies with the Comprehensive Plan and will meet the district regulations of the Zoning Ordinance.

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 site design takes advantage of the site topography, wooded areas, water bodies, and adjoining subdivisions, and land uses. The area of the proposed subdivision does not contain any water bodies or forest. Lot 1-B is designed specifically to avoid the waterbody buffer. The proposed lots are situated adjacent to properties that are zoned R-1 Residential with a Rural Community Comprehensive Plan designation.

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.*

Soils information and boundaries are provided on the plan. There are no wet soils located in the area of proposed subdivision and no wet soils within 100 feet of the proposed lots.

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 proposed lots will access New London Road, which has an existing 21 foot wide travelway. Lots 1A-1C will share a proposed common driveway, while Lot 4-Remainder will use an existing access point off of Green Valley Road that currently serves the existing house. Development Review Traffic Engineering has verified that the proposed driveway location meets entrance spacing and sight distance requirements. Lot access will meet the Subdivision Regulations.

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.*

Proposed Lots 1A-1C are designed as panhandle lots. A common driveway is proposed within the panhandles of these lots. Staff supports this panhandle design as it provides access from New London Road, which is preferable to adding new driveways onto Green Valley Road. The panhandle design also allows the lots to be developed in the corner of the property, which will have less impact on any farming operations that may occur on the remainder. Further, the proposed lots are situated adjacent to residentially zoned properties.

Driveway note number 2 on the plat states "lot owners are responsible for any common driveways serving their lots" and driveway note number 3 states that "the County will not be responsible for maintenance of common driveways". The common driveway must be constructed prior to lot recordation.

The approval of this plan requires Planning Commission approval of a modification to allow panhandles in a major subdivision.

- 7. 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 property has a water and sewer classification of No Planned Service and the proposed lots must utilize private wells and septic systems. The percolation tests will be conducted following Planning Commission approval of the lot layout. Wells must be drilled prior to lot recordation.

Subdivision Regulation Requirements Findings/Conclusions: The project will meet all Subdivision Regulation requirements once all agency comments and conditions are met and if the Planning Commission grants a modification to allow the panhandle design.

C. OTHER APPLICABLE REGULATIONS

- 1. Stormwater Management – Chapter 1-15.2:** Stormwater management will be provided in accordance with the Maryland SWM Act of 2007. A stormwater management plan has been approved (AP 15339).
- 2. APFO – Chapter 1-20:** Per section 1-20-7(B), this subdivision is exempt from meeting APFO. Lots 1A-1C will be the 1st-3rd lots subdivided from the original parcel since December 1991. APFO will be required at such time as the 6th or greater lot is proposed (after December 1991) from the original parcel.
- 3. Forest Resource Ordinance – Chapter 1-21:** A Combined Preliminary/Final Forest Conservation Plan has been submitted and is currently under review. The development site does not contain forest. The Applicant will meet the 0.86 acre afforestation requirement by purchasing forest banking credits. FRO mitigation must be provided prior to lot recordation, grading permits, or building permits, whichever is applied for first.

Summary of Agency Comments

Other Agency or Ordinance Requirements	Comment
Development Review Engineering (DRE):	Hold. Common driveway and entrance must be constructed and inspected. Road layback improvement may be required.
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):	N/A
Health Dept.	Hold. Wells must be drilled and percolation testing performed.
Office of Life Safety	N/A
DPDR Traffic Engineering	Approved
Historic Preservation	N/A

RECOMMENDATION

Staff has no objection to the conditional approval of this 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 if the Planning Commission grants a modification to allow panhandles in a major subdivision in accordance with §1-16-219 (C)(2). Should the FcPc grant approval of this application (M-161, AP 17141), Staff recommends that the following items be added as conditions to the approval:

1. Planning Commission approval of the proposed panhandle lots.
2. The Applicant shall comply with all Staff and agency comments through the completion of the plan.
3. FRO mitigation must be provided prior to lot recordation, grading permits, or building permits, whichever is applied for first.
4. The common driveways shall be constructed prior to lot recordation.

PLANNING COMMISSION ACTION

MOTION TO APPROVE

I move that the Planning Commission **APPROVE M-161 (AP 17138), including approval** of a modification to allow panhandles in a major subdivision in accordance with §1-16-219 (C)(2), **with conditions** as listed in the staff report for the proposed The Hunting Lotte, Section 1, Lots 1A-1C and 1D-Remainder based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.