



# FREDERICK COUNTY PLANNING COMMISSION

November 8, 2017

**TITLE:** The Reserve at Pleasant Walk  
Lots 1-4 and Remainder

**FILE NUMBER:** M-3164, AP 17754 (APFO N/A, FRO 17755)

**REQUEST:** **Agricultural Cluster Concept Plan Approval**  
The Applicant is requesting Concept Plan approval for a 4-lot Agricultural Cluster subdivision on a 63.87-acre property.

## PROJECT INFORMATION:

**ADDRESS/LOCATION:** Located on the north side of Pleasant Walk Road, about 2/3 mile west of MD Route 17 and downtown Wolfsville

**TAX MAP/PARCEL:** Map 30, Parcel 16

**COMP. PLAN:** Agricultural/Natural Resource

**ZONING:** Agricultural/Resource Conservation

**PLANNING REGION:** Middletown

**WATER/SEWER:** No Planned Service

## APPLICANT/REPRESENTATIVES:

**APPLICANT:** Jonathan & Amy Grossnickle

**OWNER:** Jonathan & Amy Grossnickle

**SURVEYOR/ENGINEER:** J.F. Brown III & Associates, Inc.

**ARCHITECT:** N/A

**ATTORNEY:** N/A

**STAFF:** Graham Hubbard, Planner I

**RECOMMENDATION:** Conditional Approval

## ATTACHMENTS:

**EXHIBIT 1-** Concept Plan

# STAFF REPORT

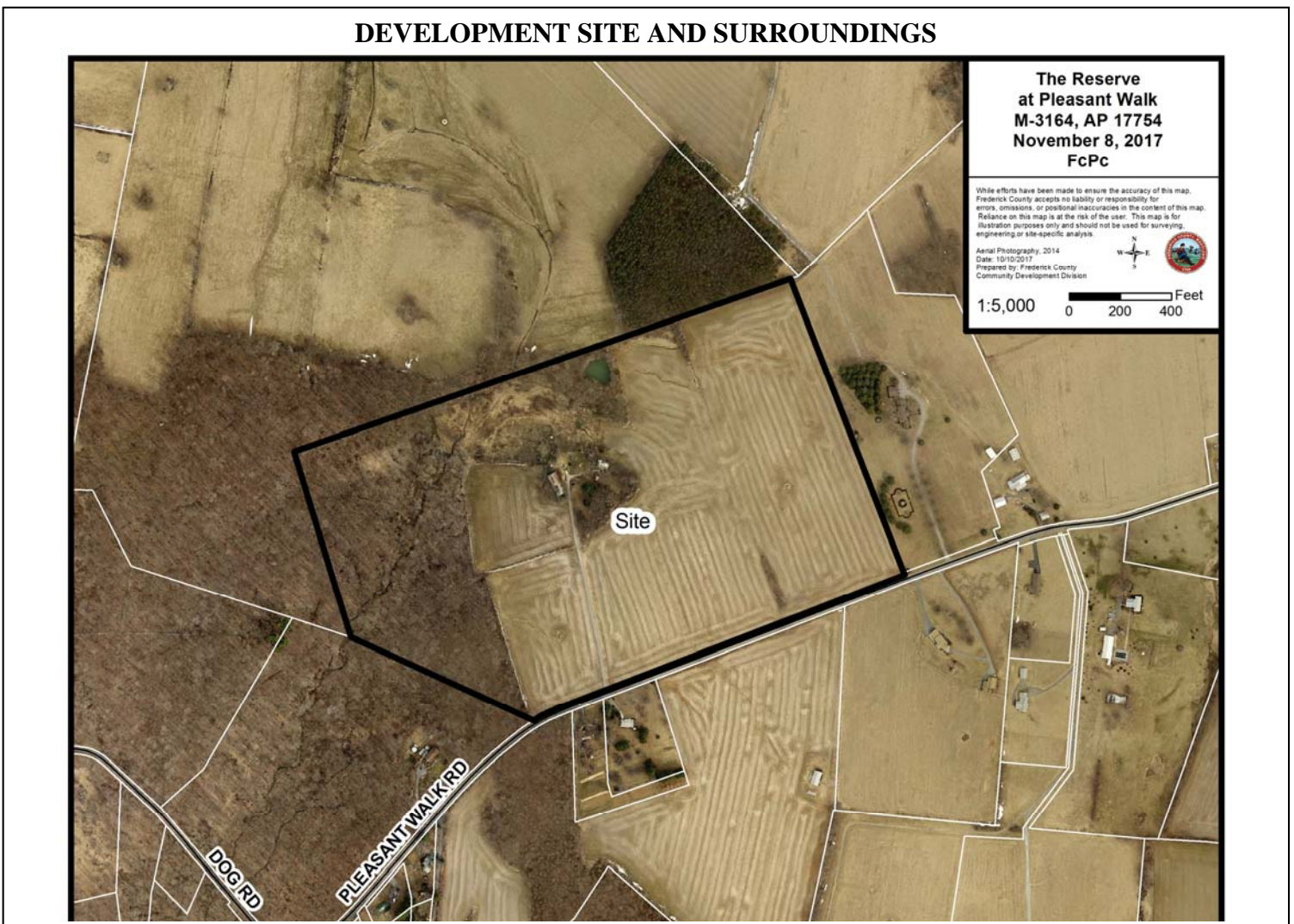
## ISSUE

The Applicant is requesting Concept Plan approval for a 4-lot Agricultural Cluster subdivision on a 63.87-acre property.

## BACKGROUND

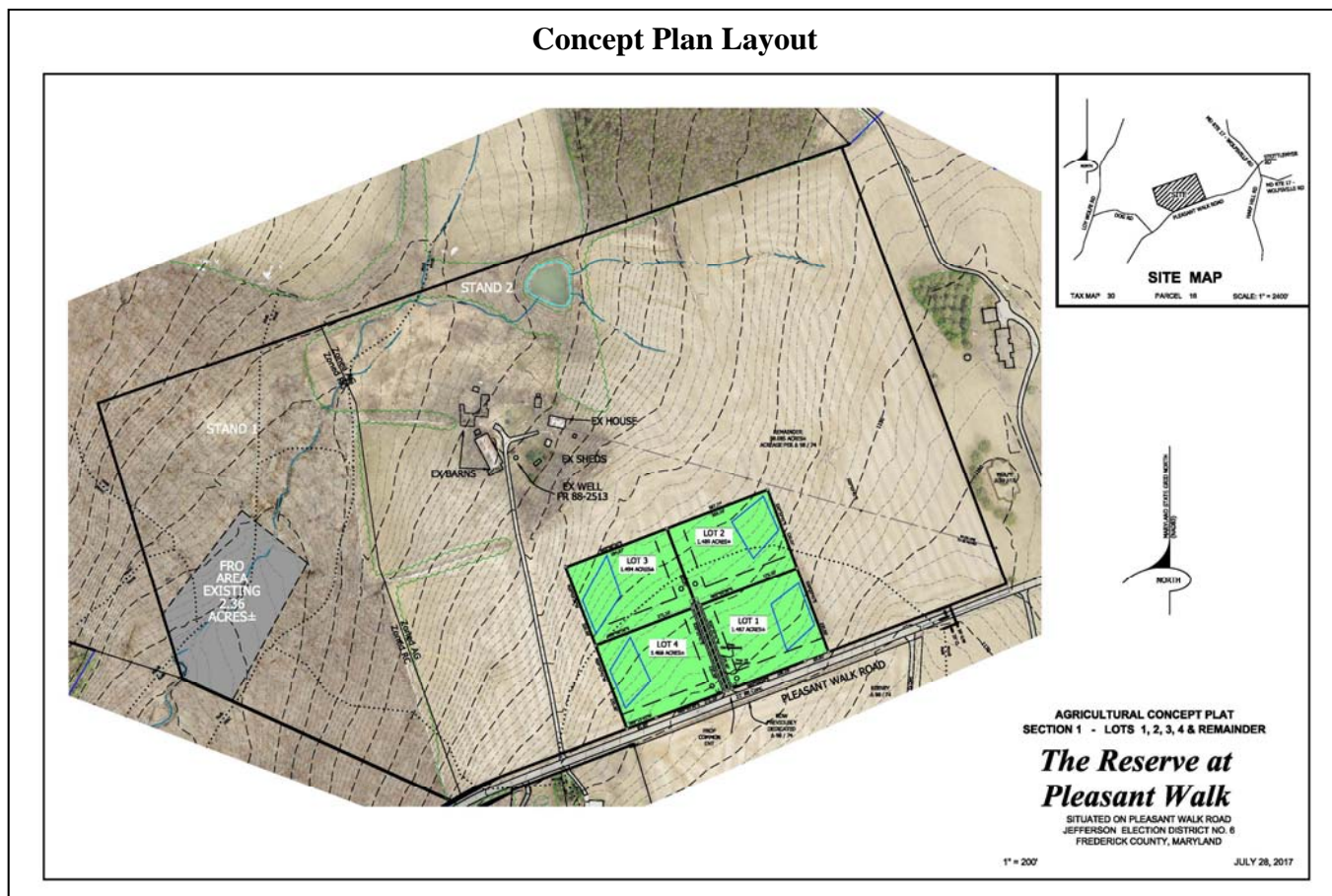
This property is split-zoned Agricultural (A) and Resource Conservation (RC). On March 2, 2017, by Plat of Public Taking (P.B.98 PG.74) (M-3164) this 63.8724 acre lot was created, known as the "northern remainder". This lot of record created by a public taking plat is considered an original agricultural tract in accordance with Section 1-16-5(D)(2)(c) of the Subdivision Regulations and as defined in Section 1-19-7.300 of the Zoning Ordinance. The property has not been subject to any other subdivision applications.

Proposed lots 1-4 will create the 1st through 4<sup>th</sup> lots off the parcel since 1965 and is therefore a minor subdivision.



## Existing Site Characteristics

The property consists of a single parcel containing 63.87 acres. Approximately 14.7 acres of the site is forested. The remaining 49.17 acres +/- consists of agricultural fields. Little Catoctin Creek West, a tributary to the Catoctin Creek, runs through the western portion of the property. Flooding soils are located along the east side of the creek. A small pocket of wetlands associated with a farm pond are mapped on the north side of the property. Wet soils abound most of the property.



## ANALYSIS

### A. Zoning Ordinance Requirements: § 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...*

**§1-19-7.300(C)(2)(c):** *Clustering Requirements. Minimum lot size, width and yard areas shall be as specified in the Agricultural District. Lot size shall average not more than 1.5 acres in size with no lots exceeding 2 acres. The Planning Commission shall have the authority to grant modifications to lot sizes based on percolation and other Health Department requirements.*

All of the proposed lots meet the minimum 40,000 sq. ft. lot size requirement. 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. The lots range in size between 1.467 acres and 1.494 acres. The 1.480 acre average lot size meets the lot size criteria under §1-19-7.300(C)(2)(c) of the Zoning Ordinance.

**§1-19-7.300(C)(2)(d):** *A minor subdivision of 3 lots will be permitted to be subdivided on an original tract of land 25 acres or less... On an original tract of land containing more than 25 acres, the Planning Commission may allow 1 lot in addition to those allowed on lesser tracts for each additional 50 acres or part thereof above the first 25 acres...*

This parcel consists of 63.87 acres. Under the cluster provisions, up to 4 lots can be proposed to be subdivided off the property (3 base + 1 bonus lot = 4). All of the parcel's subdivision potential will be utilized under this application and no further subdivision will be permitted.

**§1-19-7.300(C)(1): Clustering: Purpose and intent.**

(a) *To encourage the conservation of farmland in the Agricultural Zoning District by planning the residential development allowed in the zone to provide for the best obtainable siting, access and location of lots on a tract.*

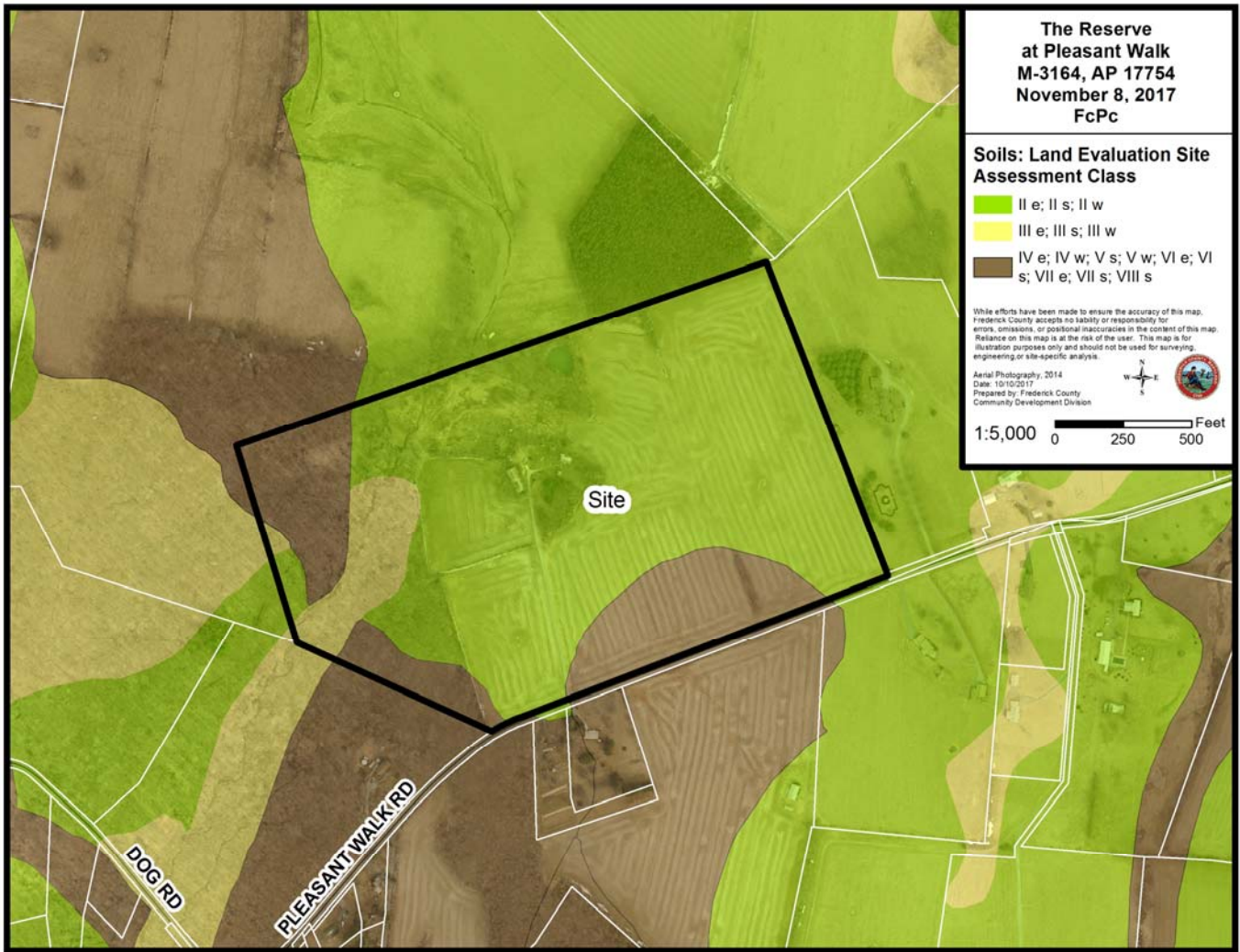
(b) *To provide for a well-planned development while minimizing the use of prime agricultural land.*

**§1-19-7.300(C)(3): Procedures:**

(b) *The Planning Commission will have final approval over the location and layout of the proposed clustering of lots. The Planning Commission shall consider the following when reviewing Concept Plans.*

1. *Soils. The cluster plan should minimize the use of the higher quality soils (class I, II and III as designated in the soils classification study) and maximize the use of steeper sloped areas, areas of poorer soils and areas which are otherwise less productive for agricultural uses.*

2. *Surrounding land use and zoning. The cluster plan shall consider the existing land uses and zoning in the vicinity. Generally, new lots which are adjacent to existing development or residential zoning are preferred to creating an isolated cluster of new houses.*



The proposed 4-lot subdivision is situated in the south central portion of the property. The parcel consists of class II and III prime agricultural soils. Proposed lots 2 and 3 are located within class II (MmB) soils. The remainder area contains a large area of class II soil, so the subdivision will not leave the remainder with undesirable soils.

The initial proposal was to cluster the lots in the southeastern corner of the property, adjacent to other residential properties zoned Agricultural. However, due to sight distance reasons, this location was not possible. The cluster was shifted west to its present location and now meets safe stopping and sight distance requirements. As an added benefit, this current location reduces the amount of prime farmland being developed.

**Zoning Ordinance Requirements Findings/Conclusions:** The proposed subdivision will meet all Zoning Ordinance requirements if the FcPc determines that the design meets the Ag Cluster provisions.

## ZONING / COMPREHENSIVE PLAN



### **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). The proposed land use and subdivision design complies with the Comprehensive Plan and will meet Zoning Ordinance requirements if the FcPc determines that the design meets the Ag Cluster provisions.

- 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 overall parcel contains an existing stream, flooding and wet soils, as well as wetlands. The area of the proposed subdivision does not contain unique topography, forest, or water bodies. All lots are within 100 feet of a wet soils boundary (i.e. MmB, ReB, or a combination of the two), which will require a geotechnical report at the time of building permit application if houses with basements are proposed. The proposed subdivision is located as near to residential lots as allowed by sight distance requirements and is situated so as to avoid the existing environmental features and their buffers.

- 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....*

Wet soils (MmB and ReB) are located within 100 feet of all lots. A geotechnical report will be required at the time of building permit application if houses with basements are proposed.

**Road Access Requirements. Public Facilities §1-16-12 (B)(3)(a):** For minor subdivisions; A 16-foot travelway width shall be the normal minimum standard...”.

The proposed lots will access Pleasant Walk Road, which is designated a local roadway on the Comprehensive Plan, and has a 21 foot wide travelway which meets the criteria for a minor subdivision. The 50 foot wide required right-of-way has already been dedicated along the frontage of the proposed lots by the recorded Plat of Public Taking (P.B.98 PG.74).

Lot access to Pleasant Walk Road will be via a common driveway. Notes will be required on the final plat indicating that the lot owners shall be responsible for maintaining the common driveway. The common driveway must be constructed prior to lot recordation in accordance with §1-16-109(D)(8). Sight distance for the proposed driveway location exceeds the minimum requirements.



*Pleasant Walk Road looking west from the common driveway. The property is on the right side of the photo.*



*Pleasant Walk Road looking east from the common driveway. The property is on the left side of the photo.*

- 4. 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.

Lots 2 and 3 are designed as panhandle lots. Since this is a minor subdivision, a modification for the panhandle designed is not required by the Code. Moreover, utilizing panhandle lots in combination with fronting lots is a preferred design configuration for Agricultural Cluster subdivisions.

- 5. 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 must utilize private wells and septic systems. The percolation tests will be performed after the approval of this concept plan. 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.



### **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. Stormwater management will be addressed with future plan submittals.
- 2. APFO – Chapter 1-20:** This subdivision is a minor subdivision and is not subject to APFO requirements.
- 3. Forest Resource Ordinance – Chapter 1-21:** The subdivision is subject to FRO. A Combined Preliminary/Final Forest Conservation Plan has been submitted and is currently under review. The area of the proposed lots does not contain forest. The Applicant proposes to meet the afforestation requirement (20% of the subdivision area) by retaining a 2.36 acre area of forest on the remainder along the stream valley. This existing forest area will be placed under a perpetual easement.

### **Summary of Agency Comments**

| <b><i>Other Agency or Ordinance Requirements</i></b>           | <b><i>Comment</i></b>   |
|--|---|
| <b><i>Development Review Engineering (PWDR):</i></b>           | Conditional Approved. Stormwater management, road frontage improvements, common drive construction, etc. to be addressed with future plans. |
| <b><i>Development Review Planning:</i></b>                     | Hold. Must meet all agency and FcPc comments and conditions.  |
| <b><i>State Highway Administration (SHA):</i></b>              | N/A   |
| <b><i>Div. of Utilities and Solid Waste Mngt. (DUSWM):</i></b> | N/A   |
| <b><i>Health Dept.</i></b>                                     | Conditionally Approved. No objection to the Agricultural cluster plan. A complete review will be provided on the preliminary plan.          |
| <b><i>Office of Life Safety</i></b>                            | N/A   |
| <b><i>Traffic Engineering (DRTE)</i></b>                       | Approved.   |
| <b><i>Historic Preservation</i></b>                            | N/A   |

### **RECOMMENDATION**

If the Planning Commission finds that the proposed subdivision meets the Ag Cluster provisions of the Zoning Ordinance, then Staff has no objection to the conditional approval of the Concept Plan.

Based upon the findings and conclusions as presented in this staff report the application meets or will meet all applicable Subdivision, Zoning, APFO, and FRO requirements if the FcPc finds that the development meets the requirements of the Ag Cluster provisions. Should the FcPc grant approval of this application (M-3164, AP 17754), 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. Concept Plan approval shall become null and void at the end of one (1) year from the date of FcPc approval unless a preliminary plan or Combined Preliminary/Final Plat is submitted for approval within this one year approval period.

## PLANNING COMMISSION ACTION

### MOTION TO APPROVE

I move that the Planning Commission **APPROVE M-3164 (AP 17754) with conditions** as listed in the staff report for the proposed The Reserve at Pleasant Walk, Lots 1-4 and Remainder Agricultural Cluster concept plan, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.