TITLE: Car San Knolls, Section 1, Block B 
Lots 7 & 8

FILE NUMBER: S-622, AP 19125, FRO 19126

REQUEST: Combined Preliminary/Final Plat Approval 
The Applicant is requesting approval to subdivide a 3.2 
acre property into two (2) lots in a major subdivision.

PROJECT INFORMATION:
LOCATION: Charles Drive, 900’ northeast of Old Annapolis Road 
ZONE: Agricultural (A) 
REGION: New Market 
WATER/SEWER: NPS/NPS 
COMP. PLAN/LAND USE: Agricultural/Rural

APPLICANT/REPRESENTATIVES:
APPLICANT: Carol Haggard 
OWNER: Carol Haggard 
ARCHITECT: N/A 
ATTORNEY: N/A

STAFF: Graham T. Hubbard, Principal Planner I

RECOMMENDATION: Conditional Approval

ATTACHMENTS:
Exhibit 1 – Combined Preliminary/Final Plat Rendering
STAFF REPORT

ISSUE
The Applicant is requesting combined preliminary/final plat approval to subdivide a 3.2 acre property into two (2) separate lots.

BACKGROUND
This property was created in 1973 from a larger original, pre-1965 parcel. The original parcel has been subdivided multiple times since 1965:

- In 1973, the 3.2 acre parcel that is the subject of this application was created (Car San Knolls, Section 1, Lots 1-16, Block A; and Lots 1-6, Block B, P.B. 9 P.G. 197).
- In 1981, two (2) panhandle lots were created (Car San Knolls, Section 1, Lots 1 & 2, Block C, P.B. 23 PG. 190).

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 1973, it has the potential to be subdivided into 3 lots and a remainder.

Twenty-five (25) lots have been created from the original 1965 parcel, including the subject 3.2 acre parcel. This plan will create the 26th lot 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 unimproved property is located within an older subdivision on a dead-end road system. The vacant site contains portions of forest and sporadically cleared areas.

ANALYSIS

A. ZONING ORDINANCE REQUIREMENTS

1. District Regulations, Design Requirements For Specific Districts §1-19-6.100: Agricultural District (A): Single family residential requirements: 40,000 square foot minimum lot size, 100 foot minimum lot width, 40 foot front setback, 30 foot rear yard setback, and 10 foot side yard setback, 30 foot maximum structure height.

The proposed lots meet the minimum lot size requirement. Lot 7 will be 1.56 acres and Lot 8 will be 1.67 acres. The required front, rear, and side setbacks are shown and noted on the plan and meet the Zoning Ordinance requirements.

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. 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 Agricultural with an Agricultural/Rural Comprehensive Plan land use 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 does not contain steep topography, 100-year FEMA floodplain, wetlands, or streams. Due to size constraints, the wooded areas will be cleared and mitigated by the purchase of forest banking credits. The proposed land use will be similar to the uses found on the adjoining properties.

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.

No wet soils are mapped on the property.

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.

Lots 7 and 8 will access Charles Drive by a proposed 12 foot wide common driveway, located directly across from Gerlach Court. The existing entrance, located 105' southwest of the proposed entrance, will be removed. Charles Drive is 20 feet wide and meets the minimum 20 foot wide paved road surface requirement.

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 property has a water and sewer classification of No Planned Service (NPS) and must utilize private septic areas and wells. Per §1-16-12 (C)(2), wells must be drilled and septic areas approved on each lot 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. SWM review for the proposed single family lot will occur at the time of building permit application.

APFO – Chapter 1-20: As provided in section 1-20-7(B), this subdivision is exempt from meeting APFO, being the 1st and 2nd lots from the original parcel since 1991.

Forest Resource Ordinance – Chapter 1-21: A Combined Preliminary/Final Forest Conservation Plan has been submitted and is currently under review. No specimen trees are present on site. The 3.2 acre property contains 1.31 acres of early successional forest, which is proposed to be cleared. The Applicant will meet the 2.62 acre reforestation 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

<table>
<thead>
<tr>
<th>Other Agency or Ordinance Requirements</th>
<th>Comment</th>
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<tbody>
<tr>
<td>Development Review Engineering (DRE):</td>
<td>Approved</td>
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<tr>
<td>Development Review Planning:</td>
<td>Hold. Address all agency comments. FRO mitigation must be provided prior to applying for grading permits, building permits, or lot recordation, whichever is applied for first.</td>
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<tr>
<td>State Highway Administration (SHA):</td>
<td>N/A</td>
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<tr>
<td>Div. of Utilities and Solid Waste Mngt. (DUSWM):</td>
<td>N/A</td>
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<tr>
<td>Health Dept.</td>
<td>Hold. Lot 7 and 8 need to have the wells and septic staked. Lot 8 will need to be perk tested during the restricted season. Need to have the three frost free hydrants abandoned by a well driller and abandonment reports submitted or documentation submitted if already abandoned.</td>
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<tr>
<td>Office of Life Safety</td>
<td>N/A</td>
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<tr>
<td>DPDR Traffic Engineering</td>
<td>Approved</td>
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<tr>
<td>Historic Preservation</td>
<td>N/A</td>
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RECOMMENDATION

Staff has no objection to conditional approval of this Combined Preliminary/Final Plat for Car San Knolls, Section 1, Block B, Lots 7 & 8. If the Planning Commission conditionally approves the plat, it is valid for a period of five (5) years from the date of Planning Commission approval (March 13, 2024).

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. Should the Planning Commission grant approval of this application (S-622, AP 19125), Staff recommends that the following items be added as conditions to the approval:

Staff-proposed conditions of approval:

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

2. FRO mitigation must be provided prior to applying for grading permits, building permits, or lot recordation, whichever is applied for first.

3. The common driveway shall be shown on the plat and constructed prior to lot recordation.

PLANNING COMMISSION ACTION
MOTION TO APPROVE

I move that the Planning Commission APPROVE S-622 (AP 19125) with conditions as listed in the staff report for the proposed Combined Preliminary/Final Plat approval to subdivide a 3.2 acre property into two (2) separate lots, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.