

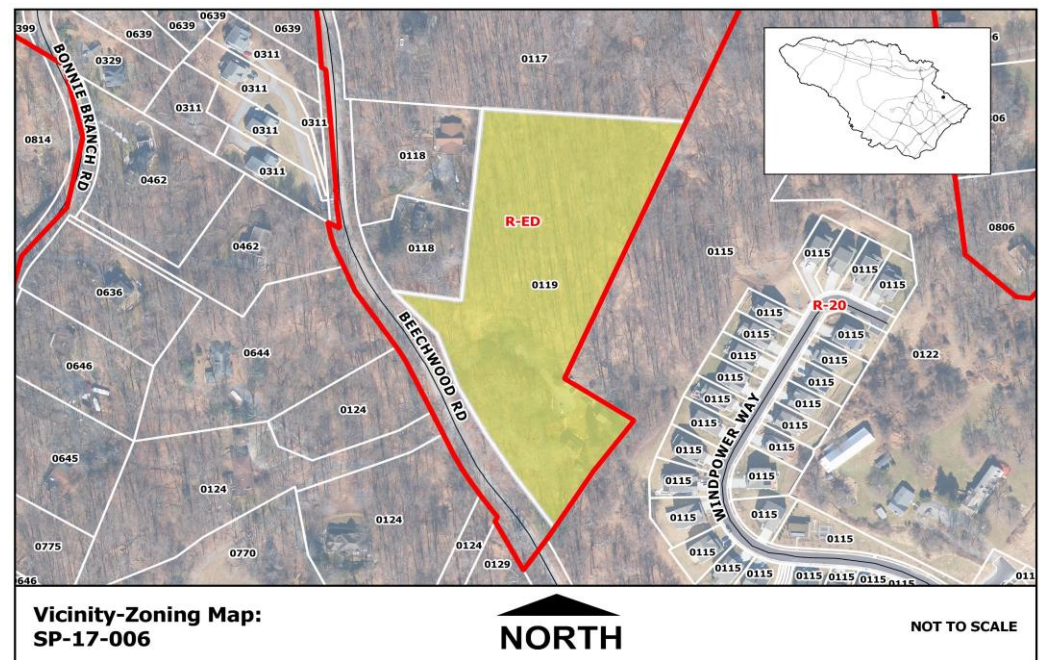


TECHNICAL STAFF REPORT **Penkusky Property**

Planning Board Quasi-Judicial Public Hearing of January 18, 2018

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- Case No.:** PB Case No. 433
- Project Name:** Penkusky Property, SP-17-006
Lots 1, 3-7 and Open Space Lots 2, 8-11
- Owner:** Joseph C. and Lisa Ann Penkusky
- Engineering Consultant:** Adcock and Associates, LLC.
- Request:** For the Planning Board to approve Preliminary Equivalent Sketch Plan, SP-17-006, to subdivide six single-family detached lots and five open space lots. The site is 5.87 acres, zoned R-ED (Residential: Environmental Development). The subdivision is being reviewed in accordance with Section 107.0.F. of the Zoning Regulations and Section 1.105 of the Howard County Planning Board Rules and Procedures.
- Location:** The address is 4707 Beechwood Road in Ellicott City; in the 1st Election District, Howard County, Maryland; Tax Map 31, Grid 4, Parcel 119.
- DPZ Recommendation:** Approval, subject to complying with Subdivision Review Committee (SRC) comments and any conditions by the Planning Board.



Plan Summary:

- The Preliminary Equivalent Sketch Plan establishes preliminary lot layout, the street network, open space areas, storm water drainage and management areas, landscaping, and forest conservation areas.
- The site is in the Established Communities Area (PlanHoward 2030) and the Planned Service Area (PSA.)
- Six single-family detached, fee-simple lots and five open space lots are proposed.
- The site is in the North Branch Patapsco watershed and is predominately wooded; with a pocket of wetlands, streams and steep slopes.
- The site fronts a scenic road (Beechwood Road) and a 35-foot buffer of existing forested area will be preserved between the Beechwood Road and the proposed development.

Vicinal Properties:

The following R-ED and R-20 zoned properties are adjacent:

North - Lots 1 and 2 of the Coppolino Property subdivision

West - Beechwood Road

South - Open Space Lot 66 of the Locust Chapel subdivision

East - Parcel 117

I. General Comments

- A. **Legal Notices** – The site was properly posted and verified by the Department of Planning and Zoning and certifications that the case was advertised in two local newspapers at least 30 days prior to the hearing are on file.
- B. **Regulatory Compliance** - The project is subject to Howard County Subdivision and Land Development Regulations, Zoning Regulations, DPW Design Manuals, MDE (Maryland Department of Environment) Storm Water Design Manual, Adequate Public Facilities Ordinance, Forest Conservation Manual, Landscape Manual, and Howard County Soil Conservation District, Health Department, and the Department of Recreation and Parks requirements.
- C. **General Plan** - The proposed development is consistent with PlanHoward 2030 and in the Established Community Designated Place Area and the Planned Service Area (PSA).
- D. **Pre-submission Community Meeting** - The developer conducted a pre-submission community meeting November 2, 2016, at Bonnie Branch Middle School.
- E. **Site History:**
 - There is no previous land subdivision history; however, an Environmental Concept Plan (ECP-15-007) was submitted August 27, 2014, and approved June 19, 2015.
 - Alternative Compliance Petition WP-17-124 was submitted May 25, 2017. The request is for

alternative compliance for Section 16.116(a) and (b) to disturb a 25' wetland buffer and a 50' stream buffer; and Section 16.1205(a)(7) to remove seven specimen trees. A decision on the Petition has been deferred until after the Planning Board decision.

F. Bulk Regulations (In accordance with Section 107.0.E. of the Zoning Regulations):

- **Density** – the R-ED zone permits 2 dwelling units per net acre, which is 3.76 acres. Therefore, up to 7 dwelling units are permitted, but 6 are proposed.
- **Lot Size Requirements** - The subdivision complies with the 6,000 square foot minimum lot size.
- **Minimum Lot Width** – The minimum 50-foot lot width, measured at the front building restriction line, has been met.
- **Building Restriction Setbacks** - The subdivision complies with all setbacks, per Section 107.0.D.4. * *On August 16, 2017, the Chief of the Division of Public Service and Zoning Administration determined that the existing detached garage and shed may remain as legally noncomplying structures after the recordation of the final plat. (This determination is included in this PB Case file).*

II. Site Analysis

A. Existing Site Conditions - The 5.87-acre site is located at 4707 Beechwood Road and contains a two-story house and detached garage. The house is sited on a high point at the southern end of the property and surrounded by lawn. A driveway from Beechwood Road terminates in a parking area and the remainder of the site is undeveloped; consisting of forested, steep slopes.

B. Site and Density Information Chart:

Total Gross Area.....	5.87 acres
Minus 100-Year Floodplain Area.....	0.00 acres
Minus 25% of Greater Steep Slope Area.....	2.11 acres
Net Site Area.....	3.76 acres
Density Permitted (2 units per net acre).....	7 units
Number of Dwellings Units Proposed.....	6 units
Proposed Acreage of the 6 buildable lots.....	1.95 acres
Approximate Limit of Disturbance.....	2.1 acres (36% of gross area)
Open Space	
Required (50% of gross area).....	2.94 ac.
Provided.....	3.26 ac.

C. Access and Frontage – The subdivision will gain access from Beechwood Road, which fronts the property, via a 16-foot wide, paved, use-in-common, private driveway.

D. **Water and Sewer Service** - The site is in the Planned Service Area, therefore public water and sewer service will be provided by the County.

E. **Existing Environmental Site Characteristics:**

- **General Site Features** - A house, including a maintained lawn, a detached garage and a parking area, are in the southern end of the site. The remainder is forested, with steep slopes and valleys. A small stream and wetland area are located near the front of the site and a perennial stream is located along the northeast perimeter.



The Penkusky Property

- **Environmental Assessment** - In July 2014 Eco-Science Professionals, Inc. performed a field study to assess and verify wetlands and streams. They found a pocket of wetlands, a pond, an intermittent stream channel, and a perennial stream. In February 2013 a forest stand delineation was done by a DNR qualified professional. It identified a 4.5 acre forest stand and 21 specimen trees (trees 30" or greater in diameter). In March 2017 DPZ confirmed the streams, wetlands, and specimen trees.

F. **Proposed Development Plan:**

- **Subdivision Plan** - The subdivision consists of six single-family detached lots and five open space lots. The residential lots vary in size, from 33,877 square feet to 7,693 square feet and will have a "pipestem" configuration. Each will have a narrow fee-simple frontage on Beechwood Road with a shared use-in-common driveway and a T-turnaround for emergency vehicles. Approximately 56% of the subdivision will be preserved as open space; including forested areas, wetlands, and a stream.
- **Scenic Road Compliance** – Since the site fronts a local scenic road (Beechwood Road) Section 16.125 of the Subdivision and Land Development Regulations applies. It establishes scenic road development guidelines and Section 16.125(b)(2) requires a minimum 35-foot wide buffer of existing forest or woods to be maintained between the road and development.

The proposed subdivision complies with these guidelines by concentrating lots in way that minimizes views from the scenic road and retains the existing slopes along the frontage. A 180-foot buffer of existing mature trees is located between Beechwood Road and proposed Lot 7, which is closest to the road.

- **Forest Conservation** - The site contains 4.5 acres of forested area, but two acres will be cleared. Consequently, the forest planting requirement is only 0.1 acre (4,356 SF). The developer proposes to satisfy this obligation by placing two acres of existing forest (retention) into Public Forest Conservation Easements 1-4. These will be established on Open Space Lots 2, 8, 9 and 10 and recorded with a forthcoming plat. The easements (along with the deed of forest conservation) will serve to protect and preserve the forest retention area from future development and/or disturbance. The Department of Recreation and Parks will own the two open space lots and will be responsible for their management.
- **Landscaping** - The subdivision complies with the perimeter and street tree landscaping requirements of the Landscape Manual. Perimeter landscaping includes new plantings along the project perimeter to supplement the remaining woods.
- **Stormwater Management** - Stormwater management (SWM) will provide environmental site design (ESD) to the maximum extent practicable (MEP), in accordance with Chapter 5 of the MDE Storm Water Design Manual, Volumes I and II. SWM includes micro-bioretenion facilities (M-6), pervious driveway pavement, drywells (M-5), and permeable pavement (A-2) on the lots.
- **Adequate Public Facilities Ordinance (APFO):**

Roads Test – The subdivision is exempt from the APFO road test as there are no qualifying intersections within a 1-mile radius of the site.

Schools Test - The subdivision is in the Established Communities Allocation Area, the North East School Region, the Ilchester Elementary School District and the Bonnie Branch Middle School District. Following a signed Decision and Order, the housing unit allocations and open/closed schools tests will be performed.

III. Planning Board Criteria:

In accordance with Section 107.0.F.6 of the Zoning Regulations, the Planning Board must consider the following criteria:

1. **The proposed lay-out of the lots and open space effectively protects environmental and historic resources.**

The lots, shared driveway, water and sewer lines, SWM, and drainage systems are positioned on land most suitable for development in the center of the site. Consequently, disturbance to steep slopes, a wetland, and an intermittent and perennial stream will be minimized. In addition, the proposed shared driveway follows the alignment of the existing driveway, resulting in the least impact to environmental features. Ultimately, the five open space lots will protect the site's environmental features and related buffers (including forested areas) in perpetuity.

The lots are moderately sized (average 0.3 acre), relatively square, do not exceed a 3:1 lot depth to lot width ratio, and comply with lot width and setback requirements. None contain environmental features. The largest, Lot 1 (0.78 acre), will contain the existing, historic house and related accessory structures. The house was constructed in 1942 and since it will remain, advisory review by the Historic Preservation Commission is not required.

An alternative compliance petition has been filed to disturb a small portion of the stream and wetland buffers, grade into 25% slopes, and remove nine specimen trees. Action on this request will

follow Planning Board action on SP-17-006.

2. **Buildings, parking areas, roads, stormwater management facilities and other site features are located to take advantage of existing topography and to limit the extent of clearing and grading.**

The layout of the subdivision takes advantage of the site's unique topography and forested areas by minimizing the limits of clearing and grading necessary to accommodate homes, use-in-common driveways, SWM facilities, and utilities. A 35-foot wide scenic road buffer will be maintained because the proposed driveway will follow an existing driveway alignment.

Approximately 2.1 acres (36% gross site area) will be disturbed and approximately two acres of forest will be cleared, mainly in the center of the site. Forest conservation easements on Open Space Lots 2, 8, 9 and 10 will protect 2.37 acres of forest.

3. **Setbacks, landscaped buffers, or other methods are proposed to buffer the development from existing neighborhoods or roads, especially from designated scenic roads or historic districts.**

The subdivision meets the setback requirements in Section 107.0.D of the Zoning Regulations. They include a 75-foot setback along Beechwood Road and a 30-foot setback for the north and east sides of Lots 1 and 3. The existing garage and shed are non-conforming structures and will remain on Lot 1. Therefore, they do not have to comply with the 30-foot setback, since they pre-date the most recent changes to R-ED setbacks.

A 35-foot wide buffer of existing trees will be maintained along Beechwood Road to minimize impacts to scenic views. Except for a 27-foot wide area of disturbance at Beechwood Road for utilities and the use-in-common driveway, the existing trees and vegetation in the 35-foot buffer will remain undisturbed.

Per the Landscape Manual, a type "A" landscaped edge is required along the three sides of the project boundary adjacent to other residential properties. This buffer requirement, one shade tree per 60 lineal feet, will be satisfied by retaining existing trees in forest conservation areas and supplementing those by planting six evergreen trees and two shade trees along the north boundary.

SRC Action: In a letter dated November 8, 2017, the developer was notified that SP-17-006 was **technically complete**, subject to complying with SRC comments, any conditions by the Planning Board, and a decision approving Alternative Compliance Petition WP-17-124.

Recommendation: The Department of Planning and Zoning recommends the Planning Board approve this project, per Preliminary Equivalent Sketch Plan, SP-17-006, subject to complying with SRC comments and any conditions by the Planning Board.

This file is available for public review by appointment at the Department of Planning and Zoning's public service counter, Monday through Thursday, 8:00 a.m. to 5:00 p.m. and on Friday 8:00 a.m. to 3:00 p.m.


Valdis Lazdins, Director
Department of Planning and Zoning

12/14/17
Date

LEGEND

EXISTING CONDITIONS

- EXISTING ROAD CENTERLINE
- EXISTING SIDEWALK
- EXISTING DRIVE
- EXISTING TRAIL
- EXISTING UTILITY
- EXISTING FENCE
- EXISTING LOT BOUNDARY
- EXISTING EASEMENT
- EXISTING EXISTING

PROPOSED CONDITIONS

- PROPOSED ROAD CENTERLINE
- PROPOSED SIDEWALK
- PROPOSED DRIVE
- PROPOSED TRAIL
- PROPOSED UTILITY
- PROPOSED FENCE
- PROPOSED LOT BOUNDARY
- PROPOSED EASEMENT
- PROPOSED EXISTING

TOPOGRAPHIC INFORMATION

- PROPOSED PROTECTIVE BARBER
- PROPOSED PROTECTIVE BARRIERS
- PROPOSED PROTECTIVE BARRIERS

OTHER

- PROPOSED PROTECTIVE BARBER
- PROPOSED PROTECTIVE BARRIERS



SOILS LEGEND

SYMBOL	NAME	DESCRIPTION
[Symbol]	Upland	Upland Soil
[Symbol]	Lowland	Lowland Soil
[Symbol]	Wetland	Wetland Soil
[Symbol]	Water	Water

THIS REPRESENTATION DOES NOT GUARANTEE THE ACCURACY OF SURVEYING DATA. THE PLANNED PROJECT IS SUBJECT TO THE APPROVAL OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA. THIS PLAN IS PRELIMINARY AND DOES NOT CONSTITUTE AN OFFER OF INVESTMENT OR A GUARANTEE OF THE ACCURACY OF THE DATA OR THE RESULT OF THE PROJECT.

OWNERS

ADCOCK, PENSUSKY & ASSOCIATES, LLC
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 TEL: 805.963.1000

PRELIMINARY LANDSCAPE AND FOREST CONSERVATION PLAN
PENSUSKY PROPERTY
 LOTS 1, 3 THRU 7 AND OPEN SPACE LOTS 2, 8 THRU 11
 ECP-15-067, WP-16-047, WP-17-124

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