

HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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TECHNICAL STAFF REPORT

The Estates at River Hill

Planning Board Quasi-Judicial Public Hearing of December 14, 2017

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<u>Case No./Petitioner:</u> PB Case No. 434 / Trinity Quality Homes, Inc.

Project Name: The Estates at River Hill, SP-17-007

Lots 1-15, Buildable Preservation Parcel A and Non-Buildable Preservation

Parcels B and C

Owner: Rene L. Gelber and Jeanne M. Gelber

Engineering Consultant: Vogel Engineering, Inc.

Request: For the Planning Board to approve a Preliminary Equivalent Sketch Plan, SP-17-

007, to subdivide 16 single-family detached lots (including one buildable preservation parcel) and two non-buildable preservation parcels. The site is 42.41 acres, zoned RR-DEO (Rural Residential), and is subject to Section 105.0. of the Zoning Regulations, the Sustainable Growth and Agricultural Preservation Act of 2012 (SB 236), and Section 1.105 of the Rules and Procedures of the Howard County Planning Board. The property is in Growth Tier III, which is defined as an area not planned for sewer service, not dominated by agricultural or forest land, not designated for preservation, but planned for large lot

developments with private septic systems.

Location: The address is 13550 Allnutt Lane in the Highland area - at the terminus of

Allnutt Lane. It is in the Fifth Election District, Howard County, Maryland; Tax

Map 34, Grid 23, Parcel 389.

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 will establish the preliminary lot layout, street network, preservation areas, storm water drainage and management, and landscaping and forest conservation areas.
- The site is in the *Rural West Planning* (PlanHoward 2030) outside the Planned Service Area (PSA).
- Development is subject to SB-236, since the site is in Growth Tier III.
- The site is in the Middle Patuxent River watershed.
- Development meets the RR-DEO zoning regulations. It utilizes cluster subdivision design, with residual areas designated as preservation parcels.
- Fifteen single-family detached, fee-simple lots, one buildable preservation parcel, and two non-buildable preservation parcels are proposed.
- Seven density units will be imported from the Zitzman property through the Density Exchange Option (DEO), in accordance with Section 106.0.B. and E of the Zoning Regulations.
- The site contains environmentally-sensitive areas consisting of streams, wetlands, and a floodplain. A bridge is proposed over one of the streams.

Vicinal Properties:

The following RR-DEO zoned properties are adjacent:

North - Lots 16 and 17 of the Waterford subdivision and deeded Parcel 43

West – Lots 25 and 26 of the Allnutt Farms Estates subdivision

South – Deeded Parcel 252

East – Lots 2-5 of the Vant Hoff Property subdivision

I. General Comments

A. **Legal Notices** – A Planning Board poster was placed at the terminus of Allnutt Lane, which was verified by the Department of Planning and Zoning. Certifications of legal notices advertising the case 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, Howard County Zoning Regulations, DPW Design Manuals, the MDE (Maryland Department of Environment) Storm Water Design Manual, Adequate Public Facilities Ordinance, Forest Conservation Manual, Landscape Manual, Soils Conservation District, Health Department, Department of Recreation and Parks, and Senate Bill 236.
- C. **General Plan** The proposed development is consistent with PlanHoward 2030 and is located within the Rural West Allocation Area land use designation. It is outside the Planned Service Area (PSA) and is subject to the Sustainable Growth and Agricultural Preservation Act (Senate Bill 236). This act limits septic systems for major residential subdivisions, preserves rural natural and agricultural resources, and protects the Chesapeake Bay and its tributaries.
- D. **Pre-submission Community Meeting -** The developer conducted two pre-submission community meetings March 29, 2016, and February 21, 2017.

E. Site History:

- The Greene property, Lot 1, subdivision plat was recorded June 17, 1982, and there has been no further subdivision until now.
- Environmental Concept Plan (ECP-16-064) was submitted July 13, 2016, and approved December 21, 2016.
- Alternative Compliance Petitions (WP-17-034 and WP-17-128) were submitted October 21, 2016, and June 7, 2017. They seek alternative compliance for Section 16.120(b)(6)(ii)a. to allow lot pipestems that exceed 1,500 feet; Section 16.116(a)(2) to disturb a 100' stream buffer for driveway crossings; Section 16.115(c)(2) to disturb a floodplain for driveway crossings, and Section 16.1205(a)(7) to remove ten specimen trees. A decision on these has been deferred until after the Planning Board has made a decision.
- F. **Bulk Regulations** (In accordance with Section 105.0.E. of the Zoning Regulations):
 - Density RR-DEO permits one dwelling unit per 4.25 acres. Since gross site area is 42.41 acres, nine lots are permitted, but 16 are proposed. Seven lots are imported through the density exchange option, per Section 106.0.B. and E. of the zoning regulations, which establishes criteria for transferring density between qualifying properties.
 - Lot Size Requirements The subdivision complies with the RR-DEO cluster development minimum 40,000 square foot lot size.
 - Minimum Lot Width The subdivision complies with the minimum 100 foot lot width, which is measured at the front building restriction line.
 - Building Restriction Setbacks The subdivision complies with all setbacks, per Section 105.0.E.4.a. and b.

II. Site Analysis

A. **Existing Site Conditions** - The 42.4-acre site is located at the terminus of Allnutt Lane in Highland, MD. It contains a house, a barn and several outbuildings. The property is currently a farmette, with large horse pastures, lawn areas, and woods.



Existing House (to remain) at 13550 Allnutt Lane

B. Site and Density Information Chart:

Total Gross Area	42.41 acres
Minus 100-Year Floodplain Area	7.50 acres
Minus 25% of Greater Steep Slope Area	0.00 acres
Net Site Area	34.91 acres
Forested Area	12.60 acres
Base Density Permitted (1 unit per 4.25 acres)	9 units
Total Number of Dwellings Permitted with Density Transfer (1 unit per 2 acres) Net Area	17 units
Number of Dwellings Proposed* * Seven development rights are imported from a sending parcel	16 units *
Area of the Residential Lots	20.63 acres
Area of the Preservation Parcels	21.10 acres

- C. **Access and Frontage** The subdivision will gain access and have public road frontage from Allnutt Lane extended. Allnutt Lane has a 50 foot-wide right of way and will be extended by the developer from its current terminus at the west property line.
- D. Water and Sewer Service Since the site is not in the Planned Service Area for public water and sewer service, homes will have private wells and septic systems.

E. Existing Environmental Site Characteristics:

• **General Site Features** – A house, surrounded by a maintained lawn, horse farm, barn and outbuilding, are located in the northern portion of the site. A large pasture is in the northeastern portion of the property. Approximately 12 acres of forest and open fields and pastures occupy the balance of the property.



The Estates at River Hill site

• Environmental Resources - Eco-Science Professionals, Inc. did a field study March 2016 to verify onsite wetlands and streams. DPZ confirmed the presence of streams, wetlands, and floodplains. In March 2016 a forest stand delineation was performed by a DNR qualified professional, which located two forest stands that total 12.6 acres. Twenty-five specimen trees (trees 30" or greater in diameter) were identified.

F. Proposed Development Plan:

• Subdivision Plan - The subdivision includes 15 single-family residential lots, one buildable preservation parcel, and two non-buildable preservation parcels. The 16 residential lots make up 20.63 acres and six will front onto Allnutt Lane extended, which will be a 22 foot wide public road with street trees on both sides, but no sidewalks or street lights. Allnutt Lane will extend approximately 440' and terminate in a cul-de-sac. The remaining 10 lots will gain access to Allnutt Lane via two 16 foot wide pipestem driveways. Two non-buildable preservation parcels (Parcels B and C) protect the site's environmentally sensitive areas (wetlands, streams, floodplains).

- Forest Conservation The site has 12.60 acres of forest, but 5.19 acres will be cleared (7.41 acres to remain). A 3.60 acre forest planting requirement will be met by placing the 7.41 acres into Public Forest Conservation Easements 1, 2 and 3. In addition, 3.60 acres of tree planting (afforestation) will be placed into Public Forest Conservation Easements 4 and 5. These easements will be located in Non-Buildable Preservation Parcels B and C and recorded with a forthcoming plat. The easements (along with the deed of forest conservation) will serve to protect and preserve forests from future development and/or disturbance. The Department of Recreation and Parks will own the two preservation parcels and manage the forest conservation areas.
- **Landscaping** The subdivision will comply with the Landscape Manual's perimeter and street tree planting requirements.
- Stormwater Management Stormwater management (SWM) will provide environmental site design (ESD) to the maximum extent practicable (MEP), in accordance with Chapter 5 of the M.D.E. Storm Water Design Manual, Volumes I and II. Stormwater management will utilize micro-bioretention facilities (M-6), a bio-swale (M-8), rooftop disconnects (N-1), non-rooftop disconnects (N-2), sheetflow to buffer (N-3), and dry-wells (M-5).
- Adequate Public Facilities Ordinance (APFO):

Roads Test - The Highland Road and Brighton Dam Road and the Highland Road and Mink Hollow Road intersections were tested. The Development Engineering Division (DED) determined that both will operate at an acceptable level-of-service.

Schools Test - This project is in the Rural West Allocation (Planning) Area, the West School Region, the Dayton Oaks Elementary School District, and the Lime Kiln Middle School District. Following a signed Decision and Order, the housing unit allocations and the open/closed schools tests will be performed.

III. Planning Board Criteria:

In accordance with Maryland Senate Bill 236 (SB-236) "The Sustainable Growth and Agricultural Preservation Act of 2012", the following criteria must be considered by the Planning Board when evaluating this Preliminary Equivalent Sketch Plan.

1. The cost of providing local governmental services to the residential major subdivision unless a local jurisdiction's Adequate Public Facilities Ordinance already requires a review of government services.

Howard County has an Adequate Public Facilities Ordinance, therefore, this requirement has been met.

2. The potential environmental issues or a natural resources inventory related to the proposed residential major subdivision.

The site has two perennial streams that enter from the north and south, combine, and then flow east to Carroll Branch. Floodplains are associated with the streams and are shown on the plans. The environmental assessment also shows the southern stream channel to include wetlands that extend beyond the floodplain. These are generally forested, although some have a limited tree canopy. Section 16.116.(a) of the Subdivision and Land Development Regulations requires a 100-foot buffer for a perennial stream and a 25-foot buffer for a wetland. It also prohibits disturbing streams and wetlands and requires them to be located in a non-buildable preservation parcel.

Some minor disturbances to stream buffers are proposed to accommodate use-in-common driveways, which requires an Alternative Compliance Petition (WP-17-034).

This site contains 25 specimen trees between 30" to 62.5" in diameter, which vary by species (oak, maple, poplar) and condition. The developer proposes removing ten due to poor tree health and driveway/house locations. Removal has been requested through Alternative Compliance Petition (WP-17-128).

The subdivision avoids and preserves existing environmental resources as much as possible and eliminates on-going disturbances related to horse farm operations. An existing stream crossing will be retained to access the existing house, which will remain, and lots 12-15 and buildable preservation parcel A. Minor disturbances to the stream buffer are proposed to retrofit the existing driveway so that it meets current county standards.

A bridge crossing is proposed along southern portion of the site to access lots 4-9. The bridge and abutments will be designed to avoid disturbing the stream and impacts to the 100-year floodplain. The driveway approaches to the bridge require minor disturbances to the stream buffer, which are addressed by Alternative Compliance Petition (WP-17-034).

SRC Action: The developer was notified that subdivision plan, SP-17-007, was **technically complete**

in a November 8, 2017, letter; subject to complying with Subdivision Review Committee

(SRC) comments and any conditions by the Planning Board.

Recommendation: The Department of Planning and Zoning recommends the Planning Board approve

Preliminary Equivalent Sketch Plan, SP-17-007, The Estates at River Hill, subject to

complying with the SRC comments and any conditions by the Planning Board.

Please note that this file is available for public review <u>by appointment</u> 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.

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Date

Department of Planking and Zoning









