



## PLANNING COMMISSION REPORT - SUBDIVISION

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TO: Planning Commission Members

VIA: Robert S. Cohn, AICP, Planning Commission Administrator, *RC*

FROM: Olivia Vidotto, Planner I *[Signature]*

PC DATE: March 17, 2010

SUBJECT: **SD 04-10A, Storeplace Acres, Lot 7, Family Conveyance Lot 8 and Open Space "C"**

This site is located on the west side of Adelina Road in Prince Frederick. The site is zoned Farm and Forest District. The original parent tract consisted of two parcels; a 7 acre parcel and a 24 acre parcel (when surveyed the total acreage was 32.533 acres). The two parcels had a total of six 1-acre lot exceptions, three 3-acre lot exceptions and three 5-acre density lots. To date, six lots have been created from the parent tract as of June 29, 1967. Lots 1-4 were created on the northwestern portion of the site with three of the lots sharing a private lane off of Adelina Rd and one lot having direct access to Adelina Rd. Lots 5 and 6 were created on the northern part of the site with access from Dennis Monnett Rd.

The site is primarily open fields with a small amount of tree cover that extends along the west side of Lot 6 and a larger section of woods along the southern boundary that extends inward containing steeper slopes and a pond that will be contained within Open Space "C".

The 24.3 acre residue has a remaining density of one conventional lot ( $24.3 \div 5 = 4 \div 4 = 1$ ). Per Article 1.02.D.6 the applicant is eligible to create family conveyance lots. The number of conventional lots may be doubled through the use of family conveyance lots up to a total maximum of five lots, if the minimum lot size requirements can be met.

This proposal is for a clustered subdivision containing two lots, Lots 7 & 8 (Lots 1-6 were also clustered lots), which consists of the one remaining conventional density lot and one family conveyance lot. Lots 7 & 8 will have a shared access off the existing private lane of Storeplace Lane. Open space will be platted to meet the requirements of the previously platted lots along with the proposed lots. Per Article 5-2.01.5.d of the Zoning Ordinance, up to three lots may be created per parcel (as of January 1, 1993)

before platting of open space is required. Since there were two parcels, open space was not required to be platted until the creation of the 7<sup>th</sup> lot sufficient to meet the open space requirements for Lots 1-6 and any additional lots (the previous approval had listed the open space requirement as 50% which was incorrect). Prior to December 2, 2003, the equivalent of 1 acre per lot was allowed to be platted (based on the density calculations at that time), for lot area with the remaining acreage to be platted as open space. No open space was required or platted when Lots 1-3 were created in 1998 however; the maximum density at that time was 12 lots. 12 one acre lots would have used 12 acres leaving 20.533 acres that would have been platted as open space if full development had taken place. Lot 4 was created in 2002 and no open space was required or platted. After December 2, 2003, the density/open space requirements changed and building lots and roads had to be grouped onto no more than 20% of the site. The residue acreage as of December 2, 2003 was 27.201 acres. Consequently, 20% of 27.201 = 5.44 acres of the site available for lots and a remainder of 21.761 acres for open space. In 2004, Lots 5 & 6 and the widening strip containing 2.944 acres were created leaving 2.496 acres available for lots and 21.761 acres for open space (open space was still not required to be platted at the time of recording Lots 5 & 6). The proposed 21.761 acres of open space would exceed the open space requirement of 20.533 acre in effect prior to December 2, 2003 and meet the current open space requirement for the residue as of December 2, 2003.

Under the prior subdivision approvals, the focal point and sidewalk/trails requirements along with the open space requirements were deferred until future development of the site; therefore, the provisions of open space, focal point and sidewalk/trails must be addressed with this application. A review of the surrounding properties has revealed no active farm operations sharing a common boundary with the proposed lots. Therefore, no fencing is required for this subdivision.

The following review agencies have submitted comments:

- Engineering memo dated: 02-15-10
- Environmental memo dated: 02-12-10
- Transportation memo dated: 01-20-10
- Historic District memo dated: 01-20-10
- SMECO memo dated: none received
- Health Dept. memo dated: 01-08-10

The Department of Planning and Zoning has reviewed the proposed subdivision plan, the review agency comments and recommends preliminary approval of **SD 04-10A, Storeplace Acres, Lot 7, Family Conveyance Lot 8 and Open Space "C"**, subject to

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the County Subdivision Regulations, the Zoning Ordinances and the following conditions:

**Section I – Subdivision Layout and Design**

1. The site must meet all of the requirements of the Calvert County Zoning Ordinance, in effect at the time of the preliminary plan approval (Zoning Ordinance Adopted September 22, 2009).
2. At a minimum, buildings shall be arranged to avoid facing the front of one house onto the rear of another. House locations or notes to address this condition shall be shown on the final plat.
3. Lots 7 & 8 shall maintain a minimum 12.5' of road frontage for a combined 25' with a shared access on either a public or private road.
4. This approval is for a clustered subdivision. Lots 1-6 were also created as clustered lots with no open space required at recordation. Per Section 5-2.01.E.5.d of the Zoning Ordinance up to three lots may be created from the parent tract (as of January 1, 1993), prior to platting the open space as required by the cluster regulations. As there were two parcels, six lots could be created prior to platting open space. As six lots have been created, open space must be platted, sufficient in size to meet the open space requirements based on the proposed subdivision and Lots 1-6. The approval is for 21.761 acres of open space to be platted. As the open space requirement prior to 12/2/03 would have been 20.533 (32.533 ac -12 ac(1 ac per entitlement) = 20.533) this amount exceeds that requirement. Based on the acreage of the residue as of 12/2/03 when the requirement was changed to building lots and roads being grouped onto no more than 20% of the site (20% of 27.201 ac residue = 5.44 ac for development with the remaining 21.761 ac required to be platted as open space), 21.761 acres of open space meets this requirement.
5. In accordance with Article 5-2.01.E.5, the required open space shall be shown and noted on the final plat. The open space shall be designated by "type" and the applicant shall indicate the intended disposition of the open space (private or Homeowner's association). A Deed of Conservation Easement for the open space shall be submitted with the recording package. A note shall also be added to the final plat indicating that no further subdivision of Open Space "C" shall be permitted by plat or deed without the prior approval of the Planning Commission.
6. Per Article 5-2.01.5.b, no front roadway buffer is required as Lots 7 & 8 are more than 200' back from Adelina Rd.
7. Provide signed certificates by the Health Officer, surveyor and owner on the final plat.

8. Per Article 5-1.02.D, wetlands must be subtracted from the gross tract area prior to calculating density. There are 1.44 acres of wetlands resulting in a net tract area of 22.891 acres. The residue has a remaining maximum conventional density of one lot ( $22.891 \text{ acres} \div 5 \text{ (5-acre density factor)} = 4 \div 4 = 1$ ) and two additional family conveyance lots ( $1 \times 2 = 2$ ). This approval is for the one conventional lot (Lot 7) and one family conveyance lot (Lot 8). A note to this effect shall be included on the final plat.
9. Lots 7 & 8 will be the 4<sup>th</sup> and 5<sup>th</sup> lots created from Parcel 1 of ABE 848/580. Per Article 7-1.05.F.2.b., as no further subdivision is permitted, Lots 7 & 8 are exempt from Adequate Public Facilities. A note to this effect shall be included on the final plat.
10. In accordance with Article 5-1.06.A (Table 5-1), the minimum lot area for cluster lots within the RCD is 1.0 acre. Per Article 5-1.07 (Table 5-2), the setbacks/building restriction lines (BRL's) and minimum lot widths (if applicable) for lots less than 3.0 acres in size are as follows: 25' front, 10' sides and 35' rear, with a 100' minimum lot width at the front building restriction line. The lot areas and setbacks/BRL shall be shown on the final plat.
11. Per Article 5-2.01.D.8 of the Zoning Ordinance, the community focal point, trails, and walkways shall be provided. As this is a smaller subdivision with some lots accessing Storeplace Lane (private lane) and some lots accessing Dennis Monnett Rd. (private road) staff recommends waiving the trail requirement. The natural wooded areas and existing pond provide a visual focal point that is being preserved within the open space.
12. Lot 8 shall be designated as Family Conveyance Lot 8 on the final plat and shall adhere to the provisions of Article 5-1.03.7 for Family Conveyance lots. The Family Conveyance Affidavit shall be included on the final plat and the standard notes for Family Conveyance lots (sub-paragraphs a-c) shall also be included on the final plat.

#### **Environmental - Wetlands, Floodplain, Conservation Areas and Associated Buffers**

13. Indicate on the final plat that no conservation areas exist on Lots 7 & 8. These land areas include, but are not limited to, improperly drained soils, adverse soil formations, steep slopes (25% or greater) and erodible soils, unless otherwise approved by the Environmental Planner. If conservation areas exist, a minimum 10' setback must also be provided. Label any conservation areas and required setbacks on the final plat and place a note on the plat stating that these areas may not be developed unless the applicant receives the approval of the Planning Commission, with recommendations from the appropriate County agencies.

14. Indicate all non-tidal wetland areas on the final plat (for the 35.927 acres only). A minimum 50' undisturbed natural vegetation buffer must also be maintained from the boundaries of the non-tidal wetland landward. Per the County Zoning Ordinance, label the non-tidal wetlands and 50' wetland buffer on the final plat and place the following notes on the final plat: 1) "All wetlands and associated buffers shall remain undisturbed in perpetuity and to serve for water quality benefits as per the Calvert County Zoning Ordinance.", 2) "When any disturbance is proposed within 100' of the edge of the wetland buffer, protective snow fencing shall be placed 10' feet beyond the edge of the buffer." and 3) "The issuance of County permits or approval is a local process and does not imply that the applicant has met State and Federal requirements for wetlands under COMAR; the Federal Water Pollution Control Act; or the Rivers and Harbors Act." 4) "Any work proposed in tidal wetlands will require authorization form the MDE Tidal Wetlands Division and the US Army Corps of Engineers."
15. All forested priority areas (if applicable), including but not necessarily limited to, intermittent and/or perennial streams and buffers, conservation areas, non-tidal wetlands and buffers, designated critical habitat and 100-year floodplain and buffers, shall be included in Forest Retention Area (FRA). The FRA shall be clearly delineated on the final plat. The acreage designated within the FRA shall be indicated on the final plat along with the appropriate no-cut, no-clear notes. No building restriction lines or septic areas shall be located within the FRA. The FRA (as shown on the concept plan) must be shown and recorded on the final plat.
16. The following notes shall be added to the final plat, 1) "FRA's are to be left undisturbed unless appropriate approvals or permits have been obtained for removal of trees and/or understory vegetation. Timber harvest may occur within the FRA's with an approved Forest Harvest Plan and other required approvals or permits. Other than timber harvests, permits may only be issued for the removal of trees or under story vegetation if they are a threat to structures or to prohibit the spread of plant diseases. Permits may also be issued for the removal of understory plants composed of invasive or noxious plants or weeds. Otherwise, no construction equipment, machinery, vehicles, stockpiling, dumping of trash or structures shall be allowed within the FRA. No building restriction lines or septic areas shall be located within the FRA". 2) The previously recorded 14.1 acres of open space meets the requirements for forest retention for the entire site including but not limited to Lots 1-6.
17. Indicate on the final plat that no 100-year floodplain areas exist on Lots 5 & 6. If 100-year floodplain areas exist, a minimum 10' setback must also be provided. Label the 100-year floodplain areas and required setbacks on the final plat and place a note on the plat stating that no residential construction will be permitted within the 100-year floodplain.

**Historic District Commission**

18. There is a high probability of encountering archaeological resources; there are several Indian and colonial archaeological site recorded in the vicinity. The developer and all contractors should be made aware of the likelihood of accidental discovery of archaeological resources – both historic and prehistoric site and shall contact the Historic Preservation Planner with Planning & Zoning if that should occur. A note reflecting this condition shall be added to the final plat.

**Public Works and State Highway Administration – Road Standards and Stormwater Management**

19. The applicant's surveyor shall certify on the final plat that an entrance location exists along the lot frontage that meets or exceeds site distance requirements of the Calvert County Road Ordinance.
20. Show all storm drainage easements and points of discharge on the final plat.
21. No Stormwater Management Study for the proposed development has been submitted. In accordance with the 2000 MSDM Chapter 5 (Requirements of the SWM Act of 2007) and the Calvert County Stormwater Management Ordinance, preliminary design of the stormwater management facilities for this development must be submitted prior to final approval of the subdivision in order that easements necessary for stormwater management may be shown on the plat.
22. A shared driveway shall serve Lots 7 and 8. A Shared Driveway Access Easement shall be shown on the final plat to facilitate this and a shared driveway access easement deed shall be submitted with the recording package.
23. A Shared Driveway Maintenance Agreement for Lots 7 and 8 shall be submitted with the recording package for the benefit of these lots.
24. A revised Shared Driveway/Private Lane/RD-14A Maintenance Agreement (to include Lots 7 and 8) shall be recorded in the land records of Calvert County at time of Final Plat recordation. Original Agreement recorded at 1214/739.
25. All lots are restricted to interior road access (Storeplace Lane).
26. The first lot to develop between Lots 7 and 8 shall construct the shared portion of the shared driveway within the easement (width to be 12' minimum) in conjunction with its building permit package. A note to this effect shall be shown on the final plat.
27. The widening strip deed shall be provided with the recording package.



# Subdivision Application

**Calvert County, Maryland**  
 Department of Planning and Zoning  
 150 Main Street, Prince Frederick, MD 20678  
 Phone: (410)535-2348 or (301)855-1243 TDD: (410) 535-6355  
 Fax: (410)414-3092 Email: pz@co.cal.md.us

**Notice! Separate applications must be filed with the following agencies if applicable to the subdivision. Other agency permits may be necessary:**

- Environmental Health for drain field percolation tests
- State and Federal wetland permits for developments involving wetlands
- State Highway Administration for access permits on state roads

Note: All information must be completed if applicable. Incomplete applications/forms/checklists, plans, etc. will result in the entire submittal package being returned to the engineer.

## PROJECT INFORMATION

Project Name: STOREPLACE ACRES, LOTS 7 & 8 AND OPEN SPACE

Type of Subdivision:  Residential  Commercial  Industrial  Mixed Use  Institutional

Subdivision Type:  Major  Minor (Major subdivisions are defined as: (1) When the total number of residential lots derived from the Parent Tract (as of June 29, 1967) is six or more. (2) Any division of non-residential land for development purposes and/or the creation of any new public rights-of-way.)

Utilities:  Public Sewer  Septic System  Public Water  Well

Mandatory clustering per Section 5-2.01  yes  no Clustered subdivision  yes  no

# of Exception Lots: <u>2</u>	Total Parcel Acreage: <u>24.331</u>	Average Lot Size: <u>1.248</u>
# of Conventional Lots: <u>1</u>	Wetlands Acreage: <u>1.44</u>	Total Area in Lots: <u>2.496</u>
# of Family Conveyance Lots: <u>1</u>	Net Acreage: <u>22.891</u>	Total Open Space* Acreage: <u>21.664</u>
# of TDR Lots: <u>0</u>		Public R/W Acreage: <u>0</u>
# of Receiving Area Lots: <u>0</u>		Private R/W Acreage: <u>0</u>
TOTAL LOTS PROPOSED: <u>2</u>		Widening Strip Acreage: <u>0.171</u>
		Recreation Area Acreage: <u>0</u>
		Residue Acreage: <u>0</u>
		Total Platted Area: <u>24.331</u>

Multi-Family Subdivision Information (if applicable). If subdivision involves multi-family units, provide the number of units and the density. To obtain the density, divide the total number of units by the acreage involved with each unit type):

# of Townhouses: _____	Density (units per acre): _____
# of Apartments: _____	Density (units per acre): _____
# of Duplexes: _____	Density (units per acre): _____
# of Condominiums: _____	Density (units per acre): _____

\* Total acreage in open space shall include open space committed from previous cluster subdivisions, but shall not include lots or rights-of-way (see Section 5-2.01.C.2 of the Zoning Ordinance).

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# PROPERTY INFORMATION

Location (Postal Area / City): PRINCE FREDERICK

Zoning District: FFD

If within a Town Center, specify sub-district of the Town Center: N/A

Acreage within the Town Center: N/A

Is any portion of the property within the one-mile radius of a Town Center, as defined in Z.O. Section 2-10.02.C?

Yes  No

If within the one-mile radius, indicate acreage: N/A

Road Frontage(s): ADELINA ROAD & DENNIS MONNETT ROAD

Road Type:  State  County  Private

Election District: SECOND

Community Planning District: 11

Is Subdivision within Critical Area?:  Yes  No

If so, which district?  IDA  LDA  LDA3  RCA Acreage in Critical Area: \_\_\_\_\_

Parcel Information (parcels included in the subdivision):

Tax Map No.	Parcel No.	Tax ID No.	Lot (if any)	Block (if any)	Section (if any)
<u>30</u>	<u>16</u>	<u>02 001926</u>	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

Current or Past Applications<sup>1</sup> (if any):

Application Type	Case #	Resolution #	Action Date
<input type="checkbox"/> Rezoning	_____	_____	_____
<input type="checkbox"/> Board of Appeals	_____	_____	_____
<input checked="" type="checkbox"/> Subdivision	<u>SD 04-10</u>	_____	<u>Recorded 05/20/05</u>
<input type="checkbox"/> Transfer Zone	_____	_____	_____
<input type="checkbox"/> Agricultural Preservation District	_____	_____	_____
<input type="checkbox"/> Historic District	_____	_____	_____
<input type="checkbox"/> Historic Sites Survey	_____	_____	_____
<input type="checkbox"/> Site Plan Review	_____	_____	_____
<input type="checkbox"/> Replatting	_____	_____	_____
<input type="checkbox"/> Building or Grading Permit	_____	_____	_____
<input type="checkbox"/> Other (specify):	_____	_____	_____

Family Conveyance – Check any & all boxes if applicable:

For access & rights-of-way\*

For creation of lots\*

Intra-family for forest conservation requirements (Declaration of Intent required with final plat)

Intra-family transfer for critical area requirements\*

<sup>1</sup> This shall include all applications, including those that may currently be pending. If, during the subdivision review process, other types of applications are submitted, this application shall be amended accordingly.

\* Requires Family Conveyance Affidavit with preliminary plan application submittal.

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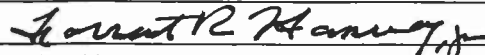
## OWNER AUTHORIZATION

I/We the undersigned and the owners of the property described above do hereby submit this application for subdivision and authorize the agent(s) listed below to act on my/our behalf. I/We also grant any review agencies and/or board members permission to conduct site visits to the subject property. **(If there are more than two owners, please attach a supplemental signature form.)**

Owner's corporation (if any): \_\_\_\_\_

Print or type First Name: FORREST

Last Name: HANVEY

Signature: 

Date: 10-30-07

Print or type First Name: \_\_\_\_\_

Last Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Address: 2860 DENNIS MONNETT ROAD

Phone: \_\_\_\_\_

City: PRINCE FREDERICK

State: MD

Zip Code: 20678

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

## APPLICANT INFORMATION & AUTHORIZATION (if different than owner)

I/We the undersigned do hereby submit this application for subdivision and authorize the agent listed below to act on my/our behalf. **(If there are more than two applicants, please attach a supplemental signature form.)**

Applicant's corporation (if any): \_\_\_\_\_

Print or type First Name: \_\_\_\_\_

Last Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Print or type First Name: \_\_\_\_\_

Last Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

## AGENT CERTIFICATION

I certify that the information, attachments and plans submitted herewith are true and correct to the best of my knowledge and ability. I file this application and will act on behalf of the owner(s) and applicant(s) listed above.

Agent's corporation (if any): COLLINSON, OLIFF & ASSOCIATES, INC.

Print or type First Name: JOHN

Last Name: OLIFF

Signature: 

Date: 10-30-09

Address: P.O. BOX 2209

City: PRINCE FREDERICK

State: MD

Zip Code: 20678

Phone: 410-535-3101

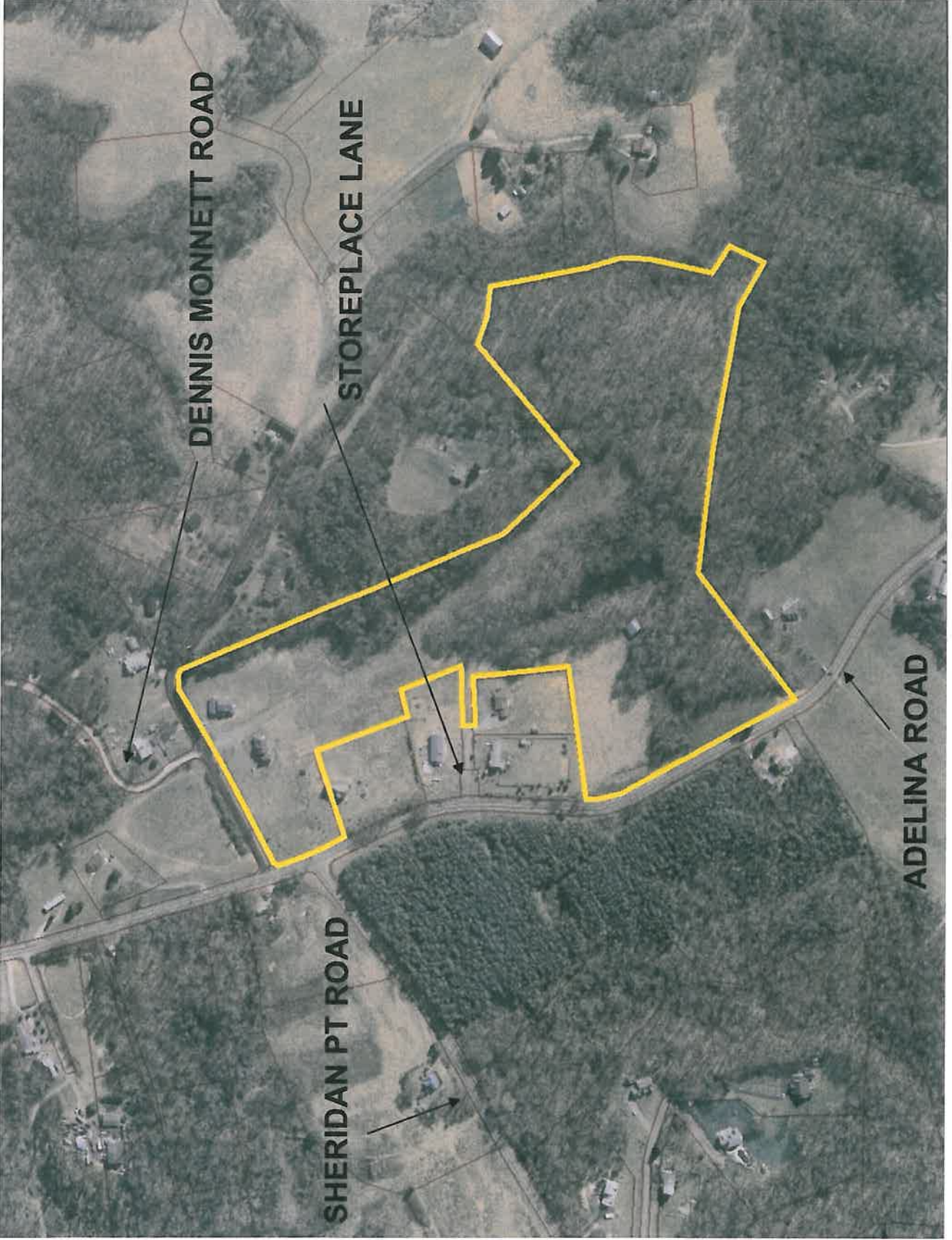
Fax: 410-535-3103

Email: joliff@coainc.com

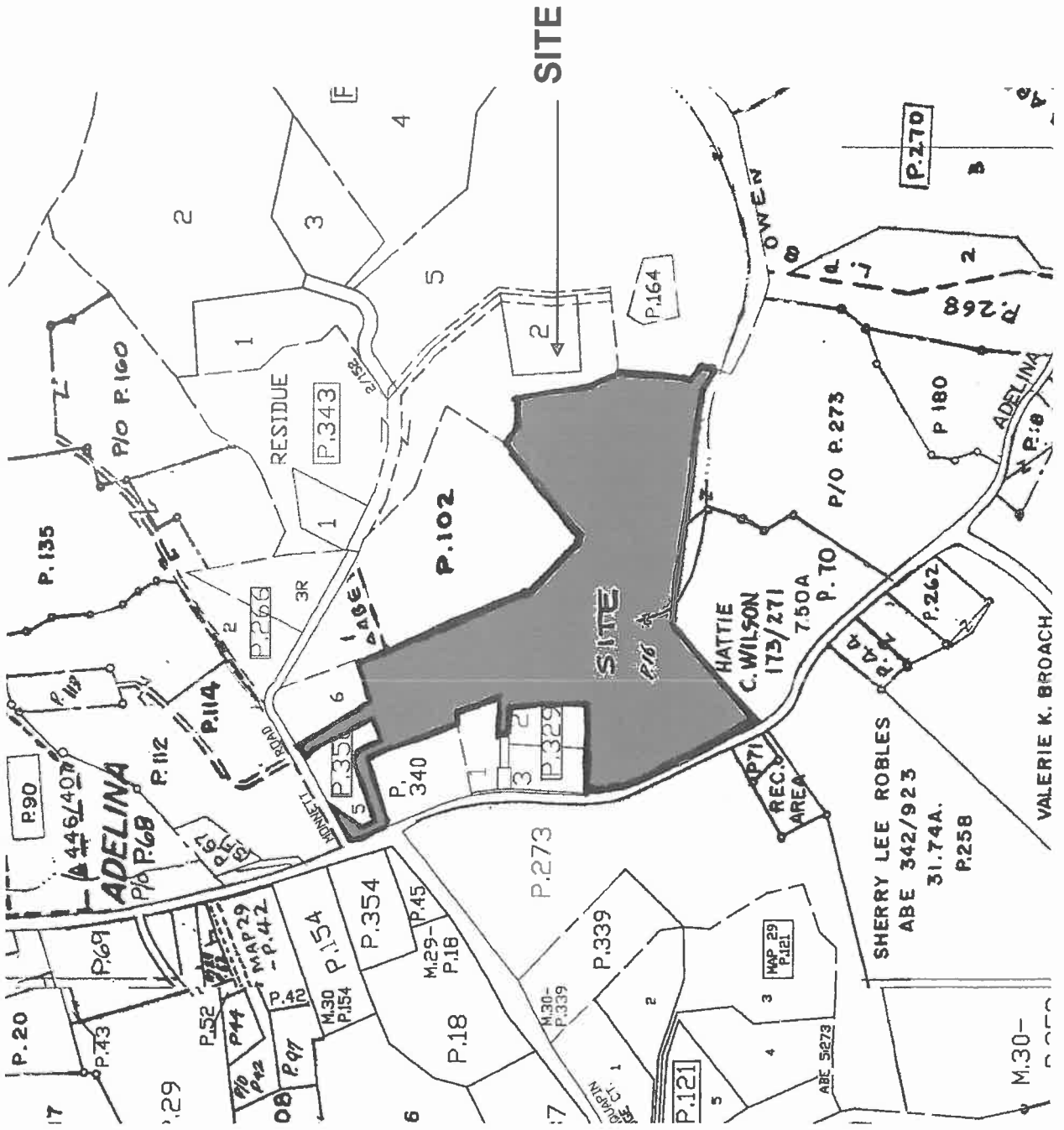
Agent Notes:

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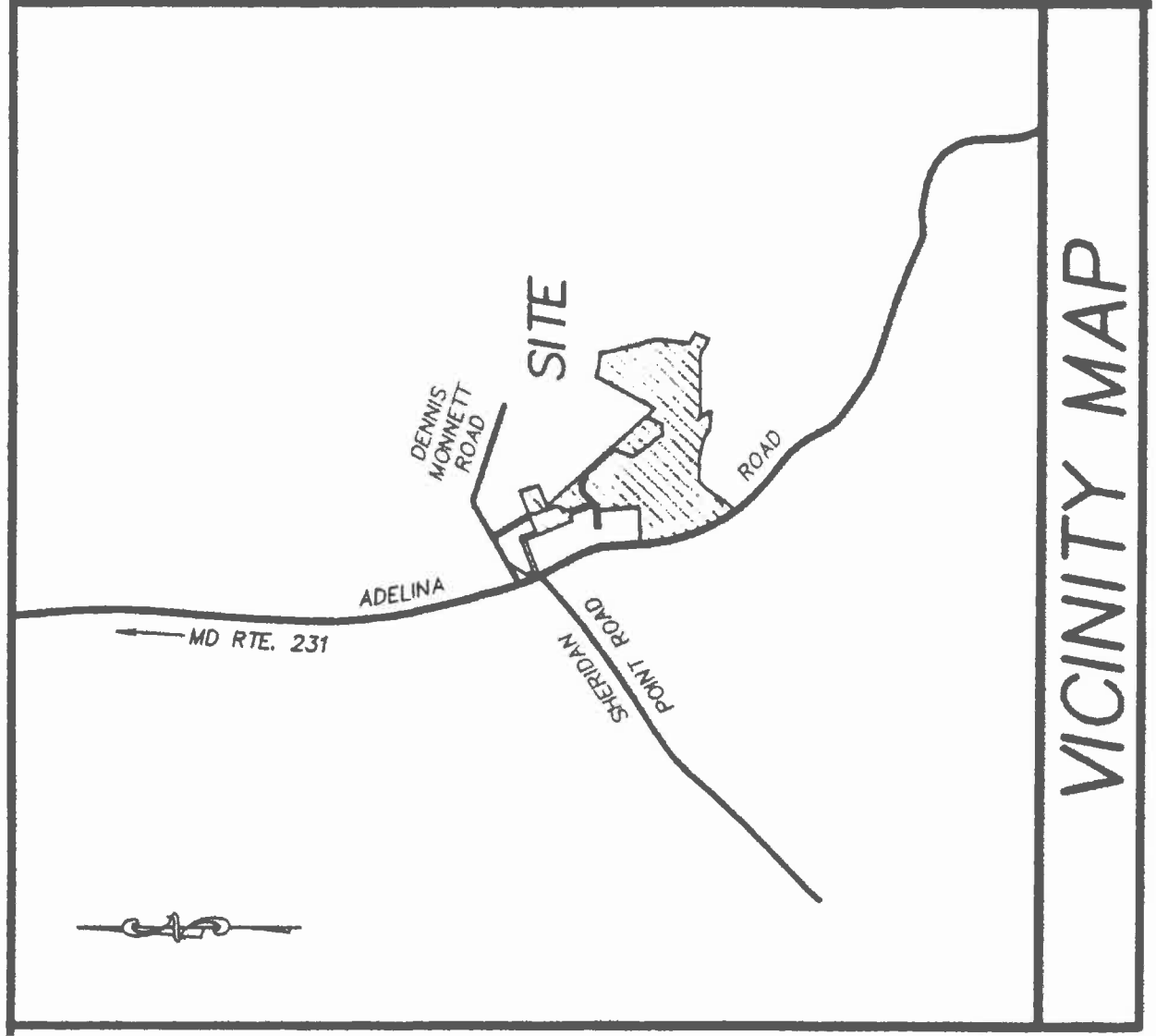
Item 7c; STOREPLACE ACRES, LOT 7,8 & OPEN SPACE



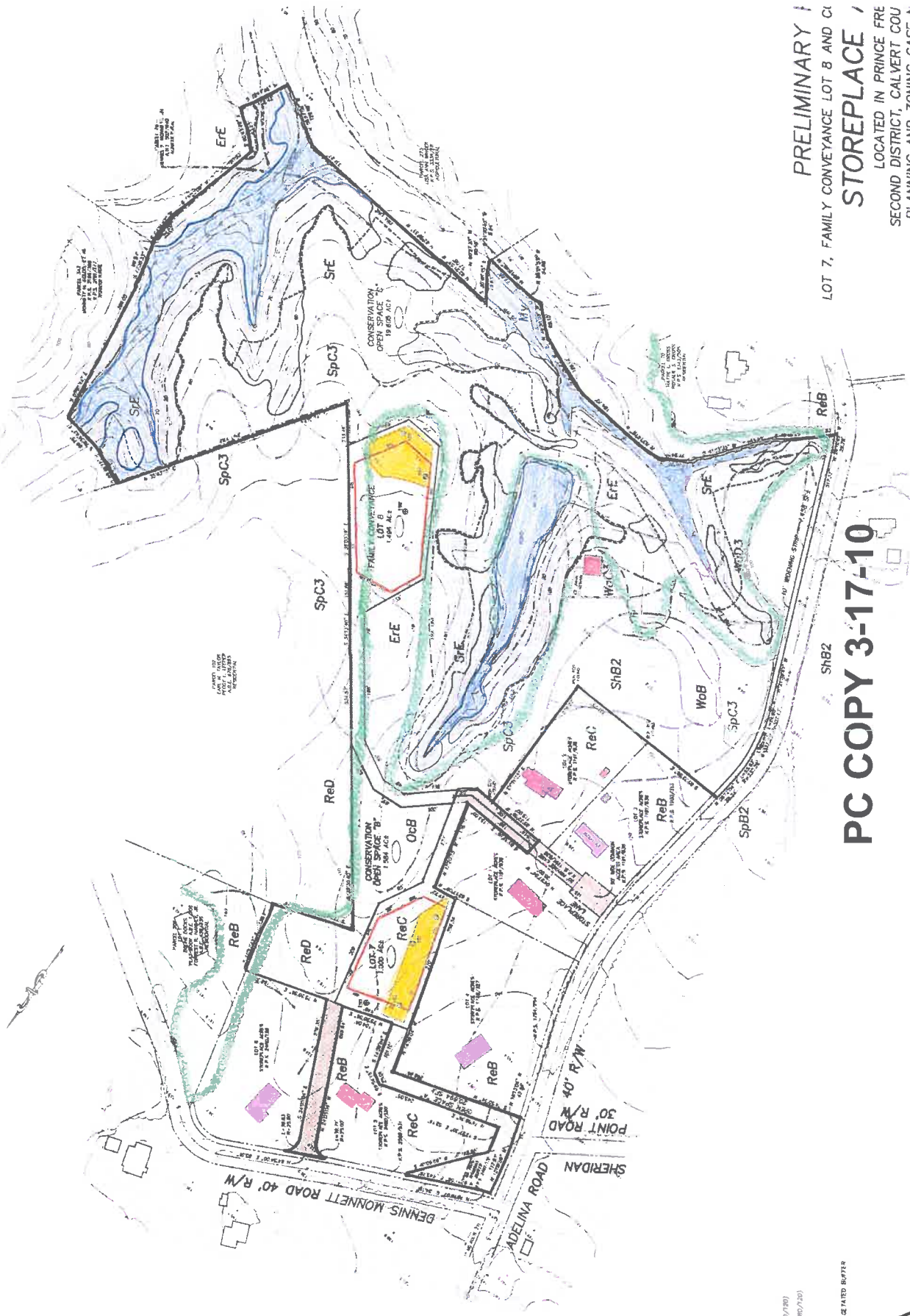
# Item 7c; STOREPLACE ACRES, LOT 7, 8 & OPEN SPACE



Item 7c; STOREPLACE ACRES, LOT 7,8 & OPEN SPACE



# Item 7c; STOREPLACE ACRES, LOT 7, 8 & OPEN SPACE



9/7/80  
400/7/300

EGGARD MAPS

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PRELIMINARY  
LOT 7, FAMILY CONVEYANCE LOT 8 AND C1

STOREPLACE /  
LOCATED IN PRINCE FREDERICK  
SECOND DISTRICT, CALVERT COUNTY  
BY ANNIEBIRD AND TOWNING CASEY A.

PC COPY 3-17-10