

Tierney Farms-Clarksville, LP * BEFORE THE
Petitioners and Owners * PLANNING BOARD OF
PLANNING BOARD CASE NO. 437 * HOWARD COUNTY, MARYLAND

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DECISION AND ORDER

The Planning Board of Howard County, Maryland, held a public hearing on August 16, 2018, in accordance with Section 107.0.F. of the Howard County Zoning Regulations. The Board considered the petition of Tierney Farms – Clarksville, to approve Final Plan, F-18-076. It re-subdivides recorded Lots 75 thru 81 and Open Space Lot 127, on 4.331 acres zoned R-ED, into Lots 161 thru 168 and Open Space Lot 169, creating one additional lot. The 4.331-acre portion of the Enclave at River Hill, Phase 2 subdivision, located on the 12000 block of Vincents Way, is identified as part of Parcels 88 and 97 on Tax Map 34, in the Fifth Election District, in the Clarksville zip code area of Howard County, Maryland. The property is zoned R-ED (Residential: Environmental Development). The preliminary equivalent sketch plan (SP-15-006) for the entire Enclave at River Hill subdivision was approved by the Planning Board, PB Case 409, on January 28, 2015, for a total of 150 single-family detached lots and five open space lots, on 88.96 acres.

The Notice of Hearing was published, and the subject property was posted in accordance with the Planning Board’s requirements, as evidenced by certificates of publication and posting, all of which were made part of the record. Pursuant to the Planning Board’s Rules of Procedure, the reports and official documents pertaining to the petition, including the Technical Staff Report of the Department of Planning and Zoning (DPZ), the Howard County Code, the General Plan of Howard County, the Howard County Subdivision and Land Development Regulations, the Howard County Zoning Map and Regulations, the Howard County Landscape and Forest Conservation Manuals, the DPW Design Manual, the Adequate Public Facilities Ordinance, and comments from the Subdivision Review Committee agencies were made part of the record in this case.

Mr. Terrell Fisher, of Fisher, Collins and Carter, Inc., represented the Petitioner as the project’s engineering consultant.

There was no opposition to this case.

After careful evaluation of all testimony and information presented, the Planning Board made the following Findings of Facts and Conclusions of Law:

FINDINGS OF FACT

1. Derrick Jones, staff planner, presented the Technical Staff Report which recommended approval of the Final Plan, F-18-076, subject to comments from reviewing agencies and any conditions of approval by the Planning Board.

The property is zoned R-ED, which permits two dwelling units per net acre. The area to be re-subdivided is within the Enclave at River Hill subdivision and has a gross area of 4.331 acres.

The re-subdivision is for eight single-family detached lots and one open space lot. The residential lots, which must be at least 6,000 square feet, range from 7,661 square feet to 10,640 square feet.

All the residential lots front on Vincents Way, a public road, but four have pipestems that utilize a 16-foot wide use-in-common driveway.

Mr. Jones testified that all subdivision requirements, in accordance with the R-ED zoning regulations, had been met and that all building and project boundary setbacks were met. Mr. Jones stated that the subdivision complies with the review criteria in Section 107.0.F.6 of the Zoning Regulations. An aerial photo of the parcel was provided, as well as an exhibit of the subdivision plan, which showed the lot layout, proposed areas of grading, the protected open space lots, and the proposed use-in-common driveway.

2. Mr. Terrell Fisher of Fisher, Collins and Carter, Inc., testified on behalf of the Petitioner. Mr. Fisher provided an overview of the Enclave at River Hill subdivision, including development objectives, challenges, and site design/strategies applied to augment the intent of the R-ED zoning. Mr. Fisher stated that the proposed buildable lot is being relocated from non-buildable Parcel C, part of the adjacent Clarks Glen North property. Parcel C will be conveyed to Howard County for a future right-of-way.
3. The final plan conformed with the following criteria of Section 107.0.F.6. of the Zoning Regulations as follows:

- a. The proposed lay-out of lots and open spaces effectively protects environmental and historic resources.

The Preliminary Equivalent Sketch plan (SP-15-006) positions the lots, roads, and storm water management (SWM) outside wetlands, streams and their buffers, and floodplains; this plan encompassed the entire Enclave at River Hill subdivision. The final plan complies with this same lay-out design.

- b. Buildings, parking areas, roads, storm water management facilities and other site features are located to take advantage of existing topography and to limit the extent of clearing and grading.

The Preliminary Equivalent Sketch Plan locates roads along ridge lines, allowing homes to have lower level walkouts. In many cases, lots that adjoin open space take advantage of topography by locating SWM facilities to maintain existing drainage patterns. Lastly, grading and tree clearing has been limited to that which is necessary to accommodate development and infrastructure (roads and utilities). The final plan complies with the criteria.

- c. 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 R-ED zone requires a minimum 75-foot setback from Route 108 and Guilford Road. The Preliminary Equivalent Sketch plan provides a greater setback due to the location of environmental features. In addition, forest conservation plantings will be along the stream tributaries adjacent to Guilford Road and landscaping will buffer the perimeter of the subdivision. The final plan complies with the criteria.

PETITIONER'S SUMMATION

Mr. Fisher did not provide a summation.

Mr. Richard Talkin, owner of non-buildable Parcel C in the adjacent Clarks Glen North property, testified in favor of this re-subdivision.

WORK SESSION

The Planning Board went into work session to discuss the presented information and testimony. The Board determined that the plan meets the criteria established under Section 107.0.F. Board Vice-Chairperson Erica Roberts made a motion to approve PB Case 437 and it was seconded by Board Member Kevin McAliley.

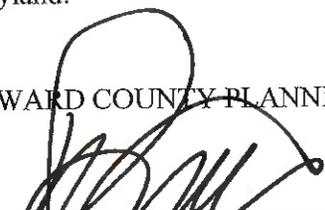
CONCLUSIONS OF LAW

1. Final Plan, F-18-076, re-subdivides seven single-family detached residential lots and one open space lot in a R-ED (Residential Environmental Development) zone, consisting of 4.331 acres, into eight single-family detached residential lots and one open space lot, yielding one additional lot.
2. The project is subject to the Howard County Subdivision and Land Development Regulations, including the Forest Conservation Regulations, the Landscape Manual, the Zoning Regulations and Maps, the Design Manual, and the Adequate Public Facilities Ordinance.
3. This public hearing was properly posted and advertised in accordance with legal requirements.
4. The site does not contain existing structures, nor cemeteries or grave sites.
5. As demonstrated by the Preliminary Equivalent Sketch plan, the entire Enclave at River Hill subdivision (including the subject lots) effectively protects, preserves and minimizes disturbance of environmental resources. The proposed subdivision plan protects environmental resources by:
 - a. There are regulated environmental features on the site, however, disturbance to these is minimal and development is concentrated at the site's most developable area; on a centrally located ridge.
 - b. Lots are small, close to the minimum 6,000 square foot lot size, thereby reducing disturbance.
 - c. Environmental open space exceeds the minimum 50% requirement and provides 56% and a substantial open space buffer to surrounding residential lots.
6. The site plan takes advantage of the unique topography by minimizing the limits of clearing by constructing a shared use-in-common driveway, single-family detached homes, stormwater management facilities and water/sewer lines.
7. All building setbacks will be met and the requirements of the Landscape and Forest Conservation Manual satisfied.
8. The proposed development will be served by public water and sewer.

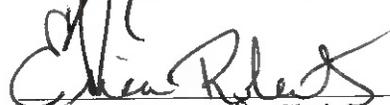
Final plan, F-18-076, satisfies all the criteria for approval of a Preliminary Equivalent Sketch Plan, provided in Section 107.0.F.6 of the Howard County Zoning Regulations, for the reasons stated in the Department of Planning and Zoning Technical Staff Report.

For the foregoing reasons, the petition of Tierney-Farms-Clarksville to approve Final Plan, F-18-076, to re-subdivide recorded Lots 75 thru 81 and Open Space Lot 127 on 4.331 acres of land zoned R-ED into Lots 161 thru 168 and Open Space Lot 169 (to create one additional lot) on this 20th day of September, 2018 is APPROVED by the Planning Board of Howard County, Maryland.

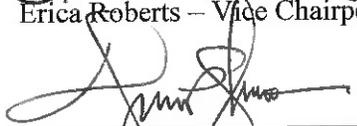
HOWARD COUNTY PLANNING BOARD



Phillis Engelke - Chairperson



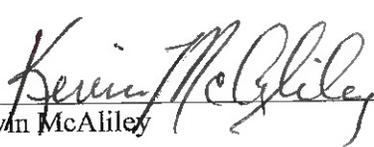
Erica Roberts - Vice Chairperson



Delphine Adler



Ed Coleman



Kevin McAliley

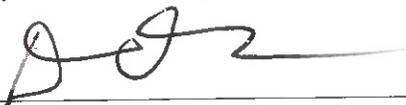
PB Case No. 437

ATTEST:



Valdis Lazdiņš, Executive Secretary

REVIEWED FOR LEGAL SUFFICIENCY BY:
HOWARD COUNTY OFFICE OF LAW
Gary W. Kuc, County Solicitor



David Moore, Senior Assistant County Solicitor

LIST OF APPLICANT'S EXHIBITS: NONE

LIST OF PROTESTANT'S EXHIBITS: NONE