TECHNICAL STAFF REPORT

Planning Board Quasi-Judicial Public Hearing of June 3, 2021

Case No./Petitioner: PB Case No. 452 / Clarksville NL, LLC

Project Name: Clarksville Crossing, SP-20-001
Phase 2, Lots 5-12, Non-Buildable Preservation Parcels A and B

DPZ Planner: Brenda Luber, (410) 313-4343, BLuber@howardcountymd.gov

Request: For Planning Board approval of a Preliminary Equivalent Sketch Plan (SP-20-001) for a 23.85-acre resubdivision that creates eight buildable lots, and two non-buildable preservation parcels and associated site improvements. The property is zoned “RR-DEO” (Rural Residential – Density Exchange Option) and is in the Tier III Growth Area; therefore, it is subject to Maryland Senate Bill 236, The Sustainable Growth and Agricultural Preservation Act of 2012. The sole Planning Board review and approval criterion is based on the “potential environmental issues or a natural resources inventory related to the proposed major residential subdivision”.

Location: The property is located on the west side of Maryland Route 108 and east side of Prestwick Drive. The property may be found on Tax Map 34, Grid 23, Parcel 301, Lot 3, in the Fifth Election District of Howard County, Maryland.
Vicinal Properties: Surrounding properties are zoned RR-DEO and designated Tier III.

North – Improved residential parcels – Parcels 319, Lots 10 and 16 of the Greene Fields subdivision.

East – Across existing Maryland Route 108 are improved residential lots – Parcels 218 and Lot 1 of the Swann Property subdivision.

South – Improved residential parcels – Parcels 190, 80 and Lots 4, 6 and 7 of the Koandah Garden Estates subdivision and Lot 71 of the Highland Lake subdivision.

West – Improved residential Lots 16, 18 and 19 of the Greene Fields subdivision.

Legal Notice: The legal notice was published in The Howard County Times and The Baltimore Sun 30 days prior to the hearing. The property was properly posted and verified by DPZ.

Regulatory Compliance: The project must comply with the Amended Fifth Edition of the Subdivision and Land Development Regulations, the Zoning Regulations (effective October 6, 2013) and Zoning Map, the Howard County Design Manual, the Adequate Public Facilities Ordinance, the Forest Conservation Manual, and the Landscape Manual.

History:

- **F-18-081, Phase 1** – Recorded on August 19, 2019 creating 4 residential lots.
- **WP-18-099 (Phase 1)** - Approved on June 13, 2018 for the removal of 12 specimen trees and for environmental disturbances for the proposed shared driveway to serve the lots that access Maryland Route 108.
- **WP-20-016 (Phase 2)** - Approved on September 17, 2020 for the removal of 13 of the 104 specimen trees on-site and on September 15, 2020 to allow Lots 7-12 to share an access easement instead of providing road frontage for Phase 2.

Analysis: Site Improvements – Lots 1-4 were created as part of Phase 1 (F-18-081) and are existing recorded lots. Because Phase 1 was a minor subdivision, approval by the Planning Board was not required. Under Phase 2, recorded Lot 3 is being resubdivided into a major subdivision to create Lots 5-12 and Non-Buildable Preservation Parcels A and B. Lot 5, Lot 6, and Non-Buildable Preservation Parcel A will be accessed by the shared driveway to MD Route 108 constructed under Phase 1. Lots 7-12 and Non-Buildable Preservation Parcel B will be accessed by a proposed shared driveway from Prestwick Drive. Non-Buildable Preservation B bisects the property and will contain forest conservation easements, stream, wetlands and their buffers. Non-Buildable Preservation Parcel A is located along the frontage of MD Route 108 and will contain forest conservation easements, stream, wetlands, their buffers and 100-year floodplain. To protect these environmental features, two shared driveways are being provided.
Setbacks – The development complies with the “RR” zoning setback requirements.

Storm Water Management – The development complies with the Stormwater Management Act of 2007 by providing Environmental Site Design (ESD) to the maximum extent practicable (MEP). SWM will include non-rooftop disconnects, drywells and micro bio-retention facilities, in accordance with the MDE Stormwater Design Manual.

Environmental Considerations – The forest conservation easements, 100-year floodplain, stream, wetlands and their buffers will be contained within the non-buildable preservation parcels.

Landscaping - Landscaping complies with the Howard County Landscape Manual and Design Criteria.

Forest Conservation - The forest conservation obligation was satisfied under Phase 1 with 3.65 acres of on-site retention, 5.30 acres of on-site planting, and 0.3 acres at a forest mitigation bank. The on-site forest conservation easements will be contained within the Non-Buildable Preservation Parcels.

Adequate Public Facilities – Allocations in the Rural West Allocation Area are currently available but will not be finalized until the project has been approved by the Planning Board and the Decision and Order has been executed. This plan complies with acceptable levels of service established by Adequate Road Facilities requirements. The APFO traffic study for this project was approved as part of SP-20-001.

Development Criteria – This plan complies with the Howard County Subdivision and Land Development Regulations and the October 6, 2013, Howard County Zoning Ordinance.

**Planning Board Criteria:**

In its review of the residential major subdivision within Growth Tier III, the Planning Board must consider the following:

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.**

   There does not appear to be potential environmental issues or impacts to the on-site intermittent stream, stream bank buffer, wetlands, wetland buffer, and floodplain (collectively, the environmental features), since they are contained within Non-Buildable Preservation Parcels A and B. The proposed residential major subdivision does not encroach into or modify these identified natural resources.

   Forest Conservation for this major subdivision was satisfied under the Phase I which included 3.65 acres of on-site retention, 5.30 acres of on-site planting, and 0.3 acres at a forest mitigation bank. The Forest Conservation easements are located to include the stream bank and wetland buffers, floodplain and steep slopes which are identified as priority forest retention areas in the regulations. Of the 104 specimen trees on this site,
22 specimen trees were requested for removal in order to accommodate this major subdivision. Alternative compliance to the regulations was granted to approve removal of 13 specimen trees by the Director of Planning and Zoning, Director of Recreation and Parks, and Administrator of the Office of Community Sustainability after requiring the design be modified to minimize tree removal. Approval was based upon the Director’s finding that there would be an unwarranted hardship if those trees were to remain. As mitigation, the development will plant 26 trees, each with a 3-inch DBH as mitigation to specifically replace those trees lost.

Amy Gowan, Director
Department of Planning and Zoning

5/20/2021
**Forest Stand Data**

- **Legend:**
  - Key symbols and definitions for forest stand data.
  - Color-coding for different vegetation types.
  - Symbols for special notes or areas of interest.

- **Notes:**
  1. No rare, threatened, or endangered species, or their habitats, were observed on the property.
  2. Surrounding land use is conducive to density-restricted development.
  3. Approximately 15% of forest is currently present within 100 feet of the subject property. The forest occurs on private residential lots.
  4. The site lies within the 100-year floodplain of the Conococheague Creek (031213). The development requirements must be met.
  5. No wetlands, marshes, or swamps are known to occur on the property.
  6. There is a 2.1-acre 100-year floodplain area on the property.
  7. There are steep slopes present on the site.
  8. Specimen trees are present on the subject property. Forty-six specimen trees have been identified outside of the stream buffers.

**Plan Prepared by:**

Myra Brosius
Eco-Science Professionals, Inc.

**Engineering Professional:**

[Signature]

**For Continuation See** MATCH SHEET 13.

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**BENCHMARK ENGINEERING, INC.**

**Address:**

CLARKSVILLE CROSSING, PHASE 2

**Scale:** 1:200

**Engineer:**

[Name]

**Date:** April 2021

**Project No.:** 2044

**Company:**

[Company Name]

**Scale:** As Shown

**Drawing No.:** 12 of 13

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**SP-23-003**
CLARKSVILLE CROSSING,
PHASE 2
PRELIMINARY EQUIVALENT
SKETCH PLAN
LOTS 5 THRU 12, AND
NON-BUILDABLE PRESERVATION
PARCELS 'A' & 'B'
TAX MAP 34, GRID 23, P/O PARCEL 301
5TH ELECTION DISTRICT, HOWARD COUNTY, MD

SITE DATA TABULATION
1) GENERAL SITE DATA
a. PRESENT ZONING: RR-DEO
b. LOCATION: TAX MAP 34 — GRID 23 — PARCEL 301
c. APPLICABLE DPZ FILE REFERENCES: ECP—13—077,
   SP—07—013, F—14—048, WP—13—075, WP—14—006,
   WP—14—053, WP—18—099, F—18—081, WP—20—016
d. DEED REFERENCE: L 18416 F. 0195
e. PROPOSED USE OF SITE: 8 SFD LOTS;
   2 NON—BUILDABLE PRESERVATION PARCELS
f. PROPOSED WATER AND SEWER:
   PRIVATE WATER AND PRIVATE SEWER SYSTEMS
2) AREA TABULATION
a. TOTAL AREA OF OVERALL SITE .................................................. 20.85 Ac±
b. AREA OF 100 YEAR FLOODPLAIN (APPROX) ......................................... 2.10 Ac±
c. AREA OF STEEP SLOPES (25% OR GREATER) .............................................. 0.16 Ac±
d. NET AREA OF SITE (PHASE II) .......................................................... 18.75 Ac±
e. AREA OF THIS PLAN SUBMISSION ...................................................... 20.85 Ac±
f. LIMIT OF DISTURBANCE (APPROX) .................................................... 4.7 Ac±
g. AREA OF PROPOSED BUILDABLE LOTS ............................................... 5.84 Ac±
h. AREA OF NON—BUILDABLE PRESERVATION PARCELS .......................... 0.00 Ac
i. AREA OF PROPOSED PUBLIC ROAD .................................................. 0.00 Ac
j. AREA OF PROPOSED PUBLIC R/W DEDICATION ................................... 0.00 Ac
3) DENSITY TABULATION
a. TOTAL NUMBER OF BUILDABLE LOTS PROPOSED ON THIS SUBMISSION AND F—18—081 ...................................................... 11
b. TOTAL NUMBER OF NON-BUILDABLE PRESERVATION PARCELS PROPOSED ON THIS SUBMISSION .................................................. 0

DENSITY CHART
TAX MAP 34, GRID 23, PARCEL 301
TOTAL AREA OF SUBDIVISION 24.55 AC
DENSITY UNITS ALLOWED BY RIGHT 24.55 / 4.25 = 5 D.U.
MAXIMUM DENSITY UNITS ALLOWED 22.45 / 2 = 11 D.U.*
NUMBER OF UNITS PROPOSED 11 (PHASE I = 4 UNITS
PHASE II = 7 UNITS)
DEO DENSITY UNITS RECEIVED FOR THIS PLAN 6

DEO SENDING PROPERTY ....... F20— TAXB MAP 13 P/O PARCEL 109

*MAXIMUM DENSITY UNITS ALLOWED AS FOLLOWS:
   TOTAL TRACT AREA (24.55 ac.)
   FLOODPLAIN AREA (~2.10 ac.)
   STEEP SLOPES AREA (~0.16 ac.)
   NET TRACT AREA = 22.45 ac.

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CLARKSVILLE CROSSING, PHASE 2
A SUBDIVISION OF CLARKSVILLE CROSSING LOT 3 (PLAT #25135-25137)
TO CREATE BUILDABLE LOTS 'A' AND
NON-BUILDABLE PRESERVATION PARCELS 'A' & 'B'
TAX MAP: 34 GRID: 23 PARCEL: 301 ZONED: RR-DEO
ELECTION DISTRICT NO. 5
HOWARD COUNTY, MARYLAND

OWNER:
CLARKSVILLE NL LLC
C/O H & H ROCK COMPANIES
6800 DEERPATH ROAD
SUITE 100
ELKRIEGE, MD 21075
410-579-2442

DEVELOPER:
ROCK REALTY, INC.
C/O H & H ROCK COMPANIES
6800 DEERPATH ROAD
SUITE 100
ELKRIEGE, MARYLAND 21075
410-579-2442

DESIGN: J.C.
DRAWN: LDD
DATE: MAY, 2021
SHEET: 1 OF 4

PB 452

COVER SHEET
GENERAL NOTES

1. All construction shall be in accordance with the latest standards and specifications of Howard County plus MSHA standards and specifications if applicable.

2. Subject property zoned RR-DEO per the 10-6-2013 comprehensive zoning plan.

3. This project is subject to the amended fifth edition of the subdivision and land development regulations.

4. The coordinates shown hereon are based upon the Howard County Geodetic Control, which is based upon the Maryland State Plane Coordinate System. Howard County monuments NO. 341A and 341B were used for this project.

5. Tract boundary is based on field run boundary survey performed on or about September 25, 2018 by Benchmark Engineering, Inc.

6. Topography shown is based on field—run survey performed on or about August, 2017 by Benchmark Engineering, Inc.

7. Existing utilities shown are based on field locations by Benchmark Engineering, Inc, Howard County GIG, F-18-061 and F-18-061.01.

8. Metland and forest stand delineation was prepared by Eco-Science Professionals, Inc., dated March, 2018.

9. The geotechnical reports were prepared by Hillius—Capers Engineering Associates, Inc. in April, 2007 and by Geocart Geotechnical Laboratories, Inc. in October, 2013.

10. No grading, removal of vegetation cover or trees, paving and new structures shall be permitted within the limits of wetlands, streams, their required buffers, 100yr floodplain, steep slopes or forest conservation easements. Except as approved by the Howard County Department of Planning and Zoning.

11. The 100-year floodplain study was prepared by Benchmark Engineering, Inc. in March, 2018. There is no change in land use within the designated floodplain areas from what was used in that floodplain analysis. This study was approved under the review of F-18-081. No new floodplain study is required.

12. To the best of our knowledge, there are no cemeteries or historic structures located on this site.

13. This site is not located within the Metropolitan District. Water and sewer will be private on-site facilities and in accordance with the percolation certification plan approved as part of SE-07-013 and as revised.

14. A noise study is not required for this project for F-18-081.

15. A traffic study is required for this subdivision, it is provided by Mars Group, Inc., dated June, 2019.

16. Stormwater management environmental site design (ESD) has been provided to the maximum extent practical (MEP). The declaration of covenants shall be recorded for on-lot devices and all shared swim units shall be privately owned and maintained in accordance with maintenance easement agreement.

17. This subdivision complies with the requirements of Section 16.200 of the Howard County Code for forest conservation as it was previously provided by F-18-081 and is to be revised and reviewed for this plan. Forest conservation obligation is to be fulfilled by retention of 3.65 acres, on-site retention of 3.50 acres, and a previously purchased forest bank of 0.3 acres (Cheslea's Knoll, SDF-14-032).

18. Landscaping is provided with a certified landscape plan in accordance with Section 16.124 of the Howard County Code and Landscape Manual. Financial posting of surety for required landscaping in accordance with Section 16.124 of the Landscape Manual will be required. Financial surety for the required landscaping must be posted as part of the DPM developer’s agreement.

19. The contractor shall notify the Department of Public Work and Engineering/construction inspection division at (410)-313-1800 at least five (5) working days prior to the start of work.

20. The contractor shall notify "Miss Utility" at 1-800-257-7777 at least 48 hours prior to any excavation work being done.

21. A) The R-11 (STOP) sign and the street name sign (SNS) assembly for this development must be installed before the final grading is completed. B) The traffic control device locations shown on the plans are approximate and must be field approved by Howard County Traffic Division. C) All traffic control devices and their locations shall be in accordance with the latest edition of the Maryland State Highway Administration.”

22. The existing structures to be removed located on lots 6-12 are to be removed prior to the Submittal of the Record Plan for signature.

23. This area designates a private sewage disposal area of at least 10,000 square feet as required by the Maryland Department of the Environment for individual sewage disposal, improvements of any nature in this area are restricted. This sewage disposal area shall become null and void upon connection to a public sewerage system. The County Health Officer shall have the authority to grant adjustments to the private sewage disposal area. Recordation of a revised septic disposal area shall not be necessary.

24. The lots shown hereon comply with the Minimum Ownership size and lot area as required by the Maryland Department of the Environment.

25. All wells and septic fields within 100 feet of the property have been shown.

26. All wells are to be drilled prior to submittal of the Record Plan for signature, it is the developer’s responsibility to schedule the well drilling prior to the final plan submittal, it will not be considered “Government Delay” if the well drilling delays the Health Department’s signature of the record plan.

27. Waiver petition WP-13-075, a request to waive subsections 18.144.(K),(L),(O) of the Howard County Subdivision and Land Development Regulations was approved on December 20, 2011 subject to the following conditions:

1. The environmental concept plan was submitted 30 days prior to the submission of the final plan.

2. The final plan submission was submitted to DPZ on July 28, 2013.

3. Compliance with previous comments from the Development Engineering Division and the Health Department.

28. Waiver petition WP-14-005, a request to waive subsections 18.144.(K),(L),(O) of the Howard County Subdivision and Land Development Regulations was approved on August 22, 2013 subject to the following conditions:

1. The applicant must redesign the Stormwater Management for this subdivision to meet the current Environmental Site Design (ESD) requirements and therefore, the May 4, 2013 MOE Grand—fathering deadline is no longer applicable to this plan.

2. The environmental concept plan must be approved prior to the submission of the final plan.

3. The final plan submission was submitted to DPZ on January 28, 2014.

4. Compliance with previous comments from the Development Engineering Division and the Health Department under WP-13-075.

5. Advisory/requests for additional extensions to the various deadline dates will not be granted.

CONTINUED ON NEXT PAGE
GENERAL NOTES CONTINUED:

32. ALTERNATIVE COMPLIANCE (WP–20–016) TO THE HOWARD COUNTY SUBDIVISION AND LAND DEVELOPMENT REGULATIONS FOR CLARKSVILLE CROSSING, PHASE 2, WAS APPROVED.

On September 17, 2020, and pursuant to Section 16.1205(c)(3) of the Subdivision and Land Development Regulations of Howard County, Maryland, the Howard County Planning Commission (HCPC), the Howard County Planning Board (HCJB), and the Howard County Department of Planning and Zoning (Howard County Department of Planning and Zoning (Howard County Department of Planning and Zoning (Howard County Department of Planning and Zoning)) were each notified of the proposed alternative compliance plan.

33. CLARKSVILLE CROSSING, PHASE 2 A RESUBDIVISION OF CLARKSVILLE CROSSING LOT 3 (PLAT #2135-3517)

On September 17, 2020, and pursuant to Section 16.1205(c)(3) of the Subdivision and Land Development Regulations of Howard County, Maryland, the Howard County Planning Commission (HCPC), the Howard County Planning Board (HCJB), and the Howard County Department of Planning and Zoning (Howard County Department of Planning and Zoning (Howard County Department of Planning and Zoning)) were each notified of the proposed alternative compliance plan.

34. APPLICATIONS FOR ALL SPECIES OF SPECIMEN TREES AS SHOWN ON THE ALTERNATIVE COMPLIANCE PLAN must be filed with the Howard County Department of Planning and Zoning. ANY APPLICATIONS THAT ARE NOT PERMITTED UNDER THIS APPLICATION PROTECTIVE MEASURES SHALL BE UTILIZED DURING CONSTRUCTION TO PROTECT THE SPECIMEN TREES. DETAILS OF THE PROPOSED TREE PROTECTION MEASURES ARE SHOWN ON THE FINAL SUBDIVISION PLANS.


On August 1, 2019, BGE approved the plan as long as trees were not planted under the polelines.

54. ALL WELL, LOCATION AND REPLACEMENT AREAS MUST BE AT LEAST 50 FEET FROM ALL ROADSIDE SWALES OR, AS AN ALTERNATIVE, UTILIZE CURB AND GUTTER ROADMEN DESIGNS.

55. THE SHARED DRAINAGE MAINTENANCE AGREEMENT FOR LOTS 10 THROUGH 12 SHALL INCLUDE A CLAUSE GRANTING PRIMARY LOT 10 FOR AN AREA OF ACCESS AND UTILIZATION TO THE TERTIARY WELL LOCATION AND THE TERTIARY SEWAGE DISPOSAL AREA. THE SHARED DRAINAGE MAINTENANCE AGREEMENTS WITH THE REMAINING CORE LOTS 10 TO 12 MUST BE IN CONFLICT WITH THE PROPOSED ACCESS EASEMENT, ASSOCIATED GRADING AND STORMWATER DEVICES, AND THE APPROPRIATE SEWAGE DISPOSAL AND SEWAGE TREATMENT FACILITY.

BENCHMARK ENGINEERING, INC.

8460 BALTIMORE NATIONAL PIKE SUITE 314 ELKTON, MD 21921
(410) 446–8505 (410) 446–8664
WWW.BE-CELENGINEERING.COM


OWNER: CLARKSVILLE NL LLC C/O C & H H & H ROCK COMPANIES 6800 DEEPHILL ROAD SUITE 100 ELKTON, MARYLAND 21757 TEL: 410-759-5242 (410) 446–7342

GENERAL NOTES

DATE: MAY, 2021 BEI PROJECT NO: 2525

SCALE: AS SHOWN SHEET 3 OF 4

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PB 452