

**CHARLES COUNTY – PLANNING & GROWTH MANAGEMENT DEPARTMENT  
STAFF REPORT  
PLANNING COMMISSION MEETING DATE: AUGUST 20, 2012**

**PROJECT NAME:** Holly Hall, Preliminary Subdivision Plan

**PROJECT #:** XPN #04-0027

**PROJECT REQUEST:** A request for a one (1) year extension of time beyond the maximum six (6) year approval period per the Subdivision Regulations Section 25(i).E for the Beaver Creek, Preliminary Subdivision Plan, has been made by Mr. Timothy R. Lessner of Lorenzi, Dodds and Gunnill, Inc. The request, dated April 9, 2012, is attached to this report. The original approval date of the plan is June 6, 2005. The Applicant’s request for this extension was received within the limits of the last extension of time granted, which was until June 6, 2012. Since the time of the Applicant’s request for the additional extension of time, Staff has coordinated with the Applicant and internal agencies in order to verify the status of various conditions of approval, such as those regarding the status of the adequacy of public facilities.

**SUBJECT PROPERTY:**

**Holly Hall, XPN #04-0027,** consists of 172.09 acres in the 3rd Election District off of Holly Springs Road. The property is Zoned AC - Agricultural Conservation and is identified as Parcels 38 & P/O 101 on Tax Map 70. This is a Cluster Subdivision located outside of the Development District. Aerial, Location, and Zoning maps are attached for reference.

**PROPERTY OWNER:** Holly Hall Properties, LLC

**APPLICANT:** Mr. Timothy R. Lessner of Lorenzi Dodds & Gunnill, Inc. on behalf of the owner.

**BACKGROUND:**

The Preliminary Subdivision Plan was originally approved by the Planning Commission on June 6, 2005 for forty (40) single-family detached lots. Per the most recently approved Revision #1, of February 28, 2011, the subdivision now consists of fifty-seven (57) single-family detached lots.

A Development Services permit has been reviewed and approved, VR #07-0111, for Holly Hall – Section 1. An additional Development Services permit for Holly Hall has been submitted, VR #09-0114, and is currently under review.

As of the creation of this report none of the fifty-seven (57) single-family detached lots have been recorded; however a Final Plat application, XRS #12-0003, is currently under review awaiting recordation of twenty-five (25) of the fifty-seven (57) lots. To-date the project has obtained seventeen (17) school allocations.

## **CRITERIA FOR APPROVAL AND FINDINGS:**

### **ADEQUATE PUBLIC FACILITIES UPDATE:**

#### 1. APF-Roads:

As stated in the Subdivision Regulations, Section 25(i).i.B., "(a)ny request for an extension beyond the two(2) year initial approval period shall include a revised and updated Adequate Public Facilities Analysis. The original APF analysis (traffic study from 2008) considered the nearby intersections of Holly Springs Road at Maryland Route 6, and Site Access at Holly Springs Road. Maryland State Highway Administration traffic volume data reveals that average daily traffic volumes on Maryland Route 6 in the vicinity of the subdivision have decreased over the last few years (from 2008 until 2011-most recent available data). Given this fact, it is determined that a revised study is not required at this time, and findings of adequacy should remain valid.

#### 2. APF-Fire Suppression:

In order to satisfy Zoning Ordinance Section 297-261 "Rural Fire Suppression", this applicant is required to supply the following fire suppression facilities on site, as per March 7, 2011 approval letter and per April 8, 2010 letter located on Sheet 2 of the plan.

"The developer of Holly Hall subdivision shall install a 30,000 gallon fire suppression tank, with a dry hydrant and associated improvements, along the side of Holly Hall Court near Station 1+50, at the right side of the entrance from Holly Springs Road. All fire suppression improvements are to be installed prior to the issuance of the 6<sup>th</sup> building permit issued in Holly Hall, and will be part of the Development Services Permit."

**Status:** Applicant has provided evidence that the above-referenced facility has been designed and shown on a current plan, VR 07-0111. Applicant states that the facility will be bonded and constructed under that permit number (VR 07-0111). The Applicant has offered to provide a "tracking table" for this requirement. This tracking table should be submitted by the Applicant with any subsequent development submittals to the county, so that staff may check for full compliance with the subject regulation.

#### 3. Conditions of Approval-Letters:

Of the conditions listed in the most recent March 7, 2011 approval letter, it was found that Condition #2 is related to APF requirements (Fire Suppression, quoted above in the "APF-Fire Suppression" section).

**Status:** Applicant has provided evidence that the above-referenced facility has been designed and shown on a current plan, VR 07-0111.

#### 4. Conditions on Preliminary Plan:

Of the notes and conditions listed on the Preliminary Plan, it was found that Sheet 2 contains a letter dated January 25, 2005 (Updated September 23, 2009) pertaining to road improvements which the applicant is required to perform, in order to satisfy Section 75(c) of the Subdivision

Regulations. It covers the stretch of Holly Springs Road between Maryland Route 6 (north of the site) south to the subject site entrance. The improvements include, but are not limited to the replacement of seven(7) culvert pipes under the road, and the construction of "new shoulders and ditches" "on both sides of the road and in both directions leading to seven(7) of the pipes for a distance of 100 to 200 linear feet..." As per the letter, "all work is to be bonded prior to the 26th lot in Holly Hall and to be substantially completed prior to recordation of the 41st lot in Holly Hall."

**Status:** Applicant has informed staff that all offsite road improvements and road frontage improvements are shown on the following permit: VR 07-0111.

5. Subdivision Regulations Section 74(c)

Since a project of 57 single family lots does not produce more than 1000 vehicle trips per day, this Section is not applicable.

6. Subdivision Regulations Section 75(a), Section 75(b), and Section 75(c):

Section 75(a) should be satisfied as the Applicant has delineated a "dedication strip" shown as 10 feet in width along the property frontage.

Status: As per the Applicant, the dedication strip is shown on Engineering Plans VR 07-0111 and on Final Plats.

Section 75(b) is applicable. There is a note on the plan stating "limit of proposed 1/2 section road improvements to meet Local Road standards per Section 75(b) of the Subdivision Regulations" The length of the area shown is approximately 115 feet.

**Status:** Applicant has informed staff that all offsite road improvements and road frontage improvements are shown on the following permit: VR 07-0111.

Section 75(c) is applicable. All applicable improvements are shown on Sheet 2, within the letter dated January 25, 2005 (Updated September 23, 2009). Some of the improvements are summarized above in the "Conditions on Preliminary Plan" section of this report.

**Status:** Applicant has informed staff that all offsite road improvements and road frontage improvements are shown on the following permit: VR 07-0111. Also, please see "Conditions on Preliminary Plan" section of this report.

7. APF-Water Supply:

The Project will be required to obtain approved Ground Water Appropriation Permits for the proposed on-site wells.

8. APF-Schools:

The Project originally entered the Waiting List upon PSP approval and has presently obtained 17 school allocations. The Project has further obtained an approved DRRA.

**THE STATUS OF PLANNING COMMISSION CONDITIONS OF APPROVAL OF REVISION #1, APPROVED ON FEBRUARY 11, 2011, ARE AS FOLLOWS:**

1. The developer of Holly Hall subdivision shall install a 30,000 gallon fire suppression tank, with a dry hydrant and associated improvements, along the side of Holly Hall Court near Station 1+50, at the right side of the entrance from Holly Springs Road. All fire suppression improvements are to be installed prior to the issuance of the 6<sup>th</sup> building permit issued in Holly Hall, and will be part of the Development Services Permit.

**Staff Finding:** The Applicant has provided evidence that the above-referenced facility has been designed and shown on a current plan, VR 07-0111. Applicant states that the facility will be bonded and constructed under that permit number (VR 07-0111). The Applicant has offered to provide a "tracking table" for this requirement. This tracking table should be submitted by the Applicant with any subsequent development submittals to the county, so that staff may check for full compliance with the subject regulation. Please reference the APF findings section of this report.

2. The Applicant shall follow the approved Historic Preservation Plan in order to maintain the historic character of the existing home designated as Holly Hall (CH-21).

**Staff Finding:** This condition remains in effect and compliance will be verified at the applicable development stage.

3. In accordance with the Subdivision Regulations, Section 80(f), a draft copy of the deed agreement for all property owners using the common access easement Redwing Place will be required prior to Zoning Staff approval of the Final Plats for the affected lots.

**Staff Finding:** An associated Final Plat submission for Holly Hall, XRS #12-0003, is currently under review in the Planning Office. A draft copy of the deed agreement for all property owners using the common access easement Redwing Place will be required to be provided prior to Zoning Staff approval / recordation.

4. Final plat approval is contingent upon compliance with all applicable County, State, and Federal regulations, including, but not limited to, these local regulations: Charles County Zoning Ordinance, Subdivision Regulations, Grading and Sediment Control Ordinance, Road Ordinance, Storm Water Management Ordinance, Forest Conservation Ordinance, and Floodplain Ordinance.

**Staff Finding:** This condition remains in effect and compliance will be verified at the applicable development stage.

### **RECOMMENDATION:**

As per Subdivision Regulations, Section 25(i)i.E.5, "The Planning Commission shall act on the request for extension..." Staff recommends approval of the request for a one-year extension of the plan's approval from the previous expiration date of **June 6, 2012 to June 6, 2013** with the previous conditions of approval to remain in effect, as necessary, to ensure their future implementation.

Prepared by Kirby R. Blass, Planning Division, Department of Planning and Growth Management.

### **ATTACHMENTS:**

Correspondence from Lorenzi, Dodds and Gunnill, Inc. (Timothy R. Lesser) dated April 9, 2012

Aerial Photograph

Location Map

Zoning Map

XPN #04-0027, Revision #1, dated 02/28/11