



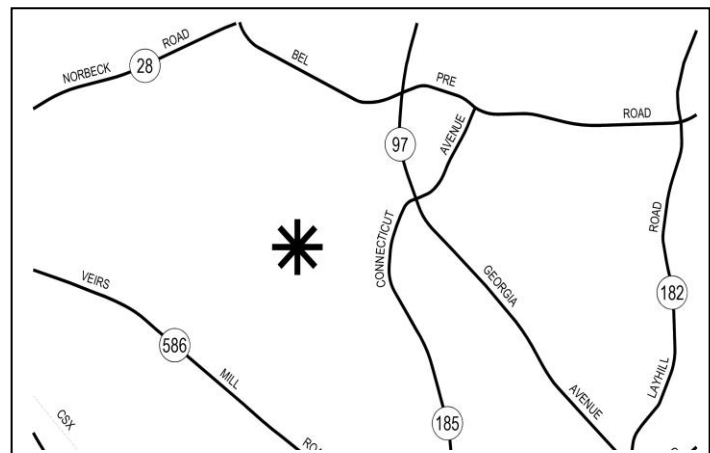
Wheaton Woods, Preliminary Plan No. 120160060

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Completed: 2/11/16

Description

- Request to resubdivide an existing recorded lot (Parcel A) into six lots (five new single-family lots and the existing lot for Wheaton Woods community pool);
- 4.08 acres in the R-90 Zone, Aspen Hill Master Plan area;
- Located at 4610 Landgreen Street, approximately 300 feet west of its intersection with Marianna Drive;
- Applicant: Sitka Properties, LLC;
- Application acceptance date: October 20, 2015.



Summary

- Staff recommends approval of Preliminary Plan No. 120160060 and the Preliminary Forest Conservation Plan, with conditions.
- The Applicant requests a design exception from MCDOT to allow a modified 44-foot right-of-way Tertiary Residential Street Standard for Landgreen Street extended; and a waiver to lot frontage criterion of the resubdivision controls; Staff supports both the design exception and street frontage waiver request.
- The Applicant has requested to not be required to upgrade existing off-site sidewalks on Landgreen Street per Section 50-35.(n) of the Subdivision Ordinance; Staff does not support this request. Staff is recommending upgrade of the existing sidewalk only on the south side.
- The Preliminary Forest Conservation Plan includes variances for impacts to three specimen trees on the Subject Property and one off-site specimen tree.

PRELIMINARY PLAN RECOMMENDATION AND CONDITIONS

Staff recommends approval of Preliminary Plan No. 120160060 subject to the following conditions:

1. Approval is limited to a total of six lots comprising five lots for single-family detached dwellings and one lot for the existing Wheaton Woods community pool.
2. The Applicant must comply with the conditions of approval of Special Exception No. 434.
3. The Applicant must dedicate a 44-foot-wide right-of-way for the proposed extension of the reclassified Tertiary Landgreen Street (and the proposed cul-de-sac) as a modified Tertiary Residential Street.
4. The Applicant must construct all road improvements within the right-of-way shown on the approved Preliminary Plan per the applicable modified Road Code design standards.
5. The Applicant must satisfy the Transportation Adequate Public Facilities-Policy Area Review test by making a Transportation Policy Area Review (TPAR) payment, equal to 25% of the applicable development impact tax, to the Montgomery County Department of Permitting Services (MCDPS).
6. No clearing, grading, or recording of record plats may occur prior to Certified Preliminary Plan approval.
7. Prior to submission of a record plat, the Applicant must obtain approval of a Final Forest Conservation Plan (FFCP) from the Planning Department. The FFCP must be consistent with the approved Preliminary Forest Conservation Plan (PFCP).
8. Prior to demolition, clearing, or grading, the Applicant must record a Category I Conservation Easement as shown on the FFCP in the Montgomery County Land Records by deed. The deed must be in a form approved by the Maryland-National Capital Park and Planning Commission (M-NCPPC) Office of the General Counsel, and the Liber Folio for the easement must be referenced on the record plat.
9. Prior to any land disturbing activities occurring on-site, a financial security agreement reviewed and approved by the Associate General Counsel Office of the M-NCPPC must be obtained for the planting requirements and invasive management work specified on the FFCP.
10. The Sediment and Erosion Control Plan and Stormwater Management Plan must be consistent with the limits of disturbance and the associated tree/forest preservation measures of the FFCP.

11. The Applicant must comply with all tree protection and tree save measures shown on the approved FFCP. Additional tree save measures not specified on the FFCP may be required by the M-NCPPC's forest conservation inspector at the pre-construction meeting.
12. The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Services (MCDPS) – Water Resources Section in its stormwater management concept approval letter, dated January 15, 2016, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS-Water Resources Section, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
13. The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated November 5, 2015, except recommendation #2, and as amended on November 30, 2015, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in these letters (except recommendation #2), which may be further amended by MCDOT, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
14. Prior to issuance of the building permit for the fourth dwelling unit, the Applicant must widen the existing four-foot wide sidewalk on the south side of Landgreen Street between the property line and Marianna Drive to a minimum width of five feet per the current County standards.
15. The Certified Preliminary Plan must contain the following note: “Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the dwelling units’ footprints, dwelling units’ heights, on-street parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of the dwelling units, accessory structures and hardscape will be determined at the time of building permit review for each dwelling unit. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height and lot coverage. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”
16. Show the required off-site sidewalk improvements on the south side of Landgreen Street for a minimum five-foot-wide sidewalk on the Certified Preliminary Plan.

17. The Subject Property is within the Wheaton High School cluster area. The Applicant must make a School Facilities Payment to MCDPS at the middle and high school-levels at the single-family detached unit rate for all units for which a building permit is issued and a School Facilities Payment is applicable. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.
18. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.

SECTION 1: CONTEXT AND PROPOSAL

SITE DESCRIPTION

The Subject Property (or the Property) is located in the Aspen Knolls subdivision in Aspen Hill. It is surrounded by single-family detached units built in the 1960's on lots ranging from 7,500 to 24,500 square feet. Brookhaven Elementary School is directly to the north of the Subject Property and the Aspen Hill Public Library is to the east, all of which (including the property) are within the R-90 Zone. Aspen Hill Road is to the southeast.



Figure 1 Subject Property and the Surrounding Area

The 4.08-acre Property, identified as Parcel A, is located at the western terminus of Landgreen Street approximately 300 feet west of its intersection with Marianna Drive. A portion of the Property is developed as the Wheaton Woods Community Swimming Pool. The pool facility has two in-ground concrete pools, a bathhouse, paved recreation areas, tot lots, open fields and picnic area, integrated paved parking lots and storage buildings. It is enclosed by a woven-wire fence.

The Subject Property is located in the Lower Rock Creek Watershed. It contains multiple mature trees around the perimeter and clustered throughout the northern portion. There are no historic resources, streams, or wetlands on-site.



Figure 2: Aerial photo of the Subject Property

PROJECT DESCRIPTION

The Applicant proposes to resubdivide the Property into six lots: five new lots for single-family detached dwelling units located in the north and northeast part, and a sixth lot for the existing community pool (Attachment 1). The entrance to the Property is from Landgreen Street, which has a 60-foot right-of-way and will be extended into the Property with a 44-foot-wide right-of-way to terminate in a cul-de-sac. The Project will have five-foot-wide sidewalks with six-foot wide green panels on both sides of Landgreen Street extended. The designation of Landgreen Street as a Tertiary Residential Street of 44-foot wide right-of-way (ROW) with sidewalks on both sides requires a design exception to the County's Tertiary Residential Street Standard (MC-2001.01) since the typical right-of-way for a standard Tertiary Residential Street with sidewalks on both sides is 50 feet wide.

All six lots will have frontage and vehicular access on Landgreen Street extended. The new boundary of the community pool lot is consistent with the boundary established in a recent amendment to the Special Exception (No. 434) in anticipation of the current application. An existing storage building for the pool facility will be removed since it will be outside the new boundary of the Community Pool lot (Attachment 2).



Figure 3: Proposed Preliminary Plan of Subdivision

Previous Approvals

Pre-Preliminary Plan No. 720130110

In November 2013, the Planning Board reviewed Pre-Preliminary Plan No. 720130110 for the Subject Property. At that time, the Applicant sought non-binding advice on three issues regarding the resubdivision of the Subject Property into six lots. The three issues were:

- 1) whether the Community Pool lot, a non-residential use, was subject to the resubdivision criteria;
- 2) street frontage--one of the new lots would create the smallest street frontage in the neighborhood; and

3) whether to require the Applicant to upgrade the existing four-foot wide sidewalks on both sides of existing Landgreen Street.

Regarding issue 1, The Board agreed with Staff's finding and recommendation that the community pool lot was not subject to the resubdivision criteria, as stated on Page 3 of the Pre-Preliminary Plan Staff Report dated 11-7-13:

"In accordance with the Planning Board's previous interpretation and policy on other such cases, the proposed community use lot is not subject to the resubdivision criteria stated in Section 50-29(b)(2), because it is for an existing non-residential use; therefore, it is not included in the resubdivision analysis. The proposed five lots are subject to the resubdivision criteria."

Regarding issue 2, the Board agreed with Staff's recommendation that, a cul-de-sac being the only viable option for street extension into the new development, it was not possible to create all new lots similar in shape and frontage to the existing lots in the neighborhood because none of the existing lots were on a cul-de-sac. Therefore, this practical difficulty justified a lack of full conformance to the resubdivision criteria for frontage and size of the proposed lots.

Regarding issue 3, the Planning Staff disagreed with the MCDOT's recommendation to require sidewalks on both sides of Landgreen Street. Given the size of the proposed development, it was not necessary to upgrade sidewalks on both sides of the street, and that the cost of reconstructing the two sidewalks could be excessive. The Board did not reach a consensus on this issue. It discussed various options to provide improved sidewalk/s that met the ADA accessibility requirement without having to rebuild the entire length of both sidewalks including: a contribution to the County's sidewalk improvement program; adding small areas of additional pavement to the south sidewalk to make it ADA accessible; and widening the sidewalk on the south side only because it was in worse condition than the sidewalk on the north side of the street.

Special Exception 434

On July 30, 1956, Board of Appeals granted Special Exception 434 for a community pool on the Subject Property. On September 21, 2004, the Board granted an administrative modification of the special exception to allow changes to several physical and operational characteristics. On October 21, 2013, the Board approved a modification to the Special Exception property boundary in anticipation of the resubdivision of the subject property, which is the subject of this Application (Attachment 3).

ANALYSIS AND FINDINGS

Master Plan Conformance

The Subject Property is located in the 1994 *Aspen Hill Master Plan* area (Attachment 4). The Master Plan does not have specific recommendations for the site. However, the proposed subdivision is consistent with the Plan's vision of maintaining Aspen Hill's primarily suburban, residential character. The Applicant's proposal also supports several of the Master Plan's land use objectives (page 21):

- To encourage the protection, enhancement and continuation of current land use patterns.
- To protect and reinforce the integrity of existing residential neighborhoods.
- To preserve and increase the housing resources in support of Montgomery County housing policies.

The proposed development will increase Aspen Hill's housing stock while maintaining the suburban character of the existing neighborhood. The proposed lot sizes are compatible with those in the surrounding residential community, and the resubdivision represents a logical continuation of the existing neighborhood. Staff finds the proposed Preliminary Plan is in substantial conformance with the land use recommendations of the 1994 *Aspen Hill Master Plan*.

DEVELOPMENT STANDARDS

Pursuant to *Section 4.4.8 Residential – 90 Zone (R-90)* of the current Zoning Ordinance, the applicable development standards for a Standard Method development of the Subject Property are as follows:

Table 1: Development Standards, R-90 Zone

DEVELOPMENT STANDARD	Required	Proposed
Minimum Lot Area:	9,000 sq. ft.	9,000 sq. ft.
Minimum Lot Width at Front Building Restriction Line:	75 feet	75 feet
Minimum Lot Frontage:	25 feet	25 feet
Minimum Setbacks:		
Front:	30 feet	30 feet
Side:	8 feet	8 feet
Sum of sides:	25 feet	25 feet
Rear:	25 feet	25 feet
Maximum Building Height¹:	30 feet	30 feet
Maximum Building Coverage:	30%	30% ²

Resubdivision

Resubdivision of residential lots are subject to review criteria specified in Section 50-29(b)(2) of the Subdivision Regulations, which require the comparison of new lots with existing lots in a delineated neighborhood to ensure that the new lots are of the same character as the existing lots in the neighborhood. Therefore, this Application must meet the seven criteria specified in Section 50-29(b)(2), which states:

“Lots on a plat for the resubdivision of any lot, tract or other parcel of land that is part of an existing subdivision previously recorded in a plat book shall be of the same character as to street frontage, alignment, size, shape, width, area, and suitability for residential use as other lots within the existing block, neighborhood, or subdivision.”

The Applicant prepared a Neighborhood Exhibit (Figure 4) of the existing Aspen Knolls subdivision for comparison purposes of the resubdivision criteria in relation to the proposed five residential lots.

¹ Thirty feet height is the mean height for a gable, hip, mansard or a gambrel roof and 35 feet is to the highest point on a flat roof.

² Section 4.4.8. Residential – 90 Zone (R-90) B.1.b. Specification for Lot and Density requires that development with a detached house building type may have to satisfy Section 4.4.1.B., Residential Infill Compatibility.

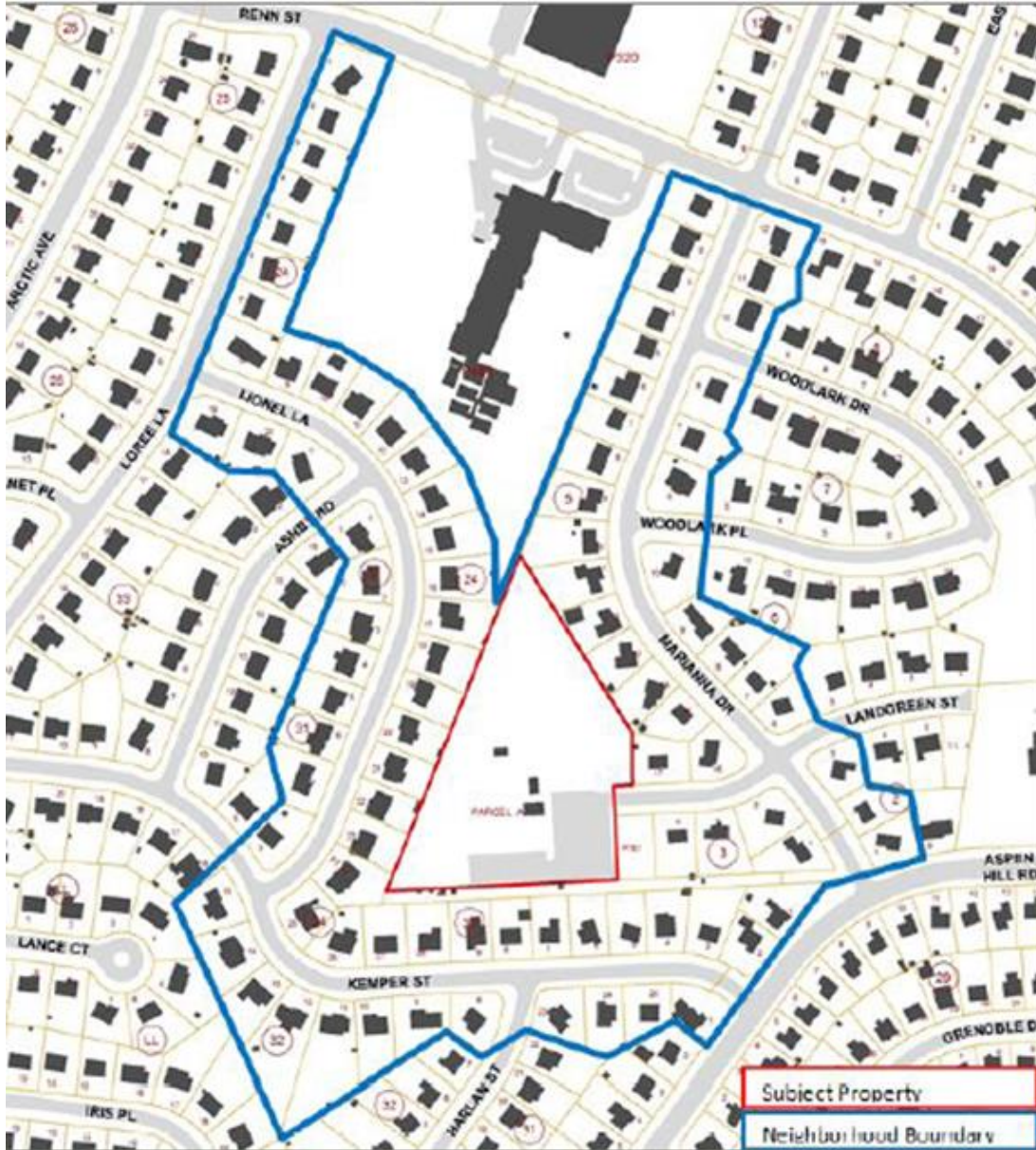


Figure 4: Neighborhood Boundary for resubdivision criteria comparison

The proposed resubdivision meets six of the resubdivision criteria as follows:

1. **Alignment**--The proposed lots are oriented directly to the street similar to a majority of existing lots in the defined neighborhood although other orientations do occur in the neighborhood.
2. **Size**--The proposed lots range in size from 9,167 square feet to 22,070 square feet; existing lots in Aspen Knolls range from 9,000 square feet to 24,471 square feet.

3. **Shape**--The proposed lots are slightly irregular with three of the five as wedge-shaped around the cul-de-sac (Lots 23, 24 and 25); the existing lots in the neighborhood are a mix of corner, irregular, rectangular and wedge-shaped lots.
4. **Width**--The proposed lots range from 75 feet to 122 feet wide; lots in the defined neighborhood have widths that range from 75 to 160 feet.
5. **Area**—The proposed lots have a building area ranging from +2,812 square feet to +11,109 square feet. The surrounding neighborhood lots range from +2,261 to +13,023 square feet.
6. **Suitability**--The proposed lots are suitable for residential use. The proposed resubdivision is a logical extension of the existing residential neighborhood's character.
7. **Street Frontage** - The proposed resubdivision does not meet the street frontage criteria. Proposed Lots 21, 22, and 25 have street frontages of 122, 96, and 60 feet, respectively, and are within the range of the lots in the defined neighborhood (+60 feet to +262 feet). Proposed Lots 23 and 24 have street frontages of 44 and 32 feet, respectively, and do not meet the resubdivision criteria. The Applicant is therefore requesting a waiver pursuant to Section 50-38(a)(1) of the Subdivision Ordinance as discussed below (and in Attachment 5).

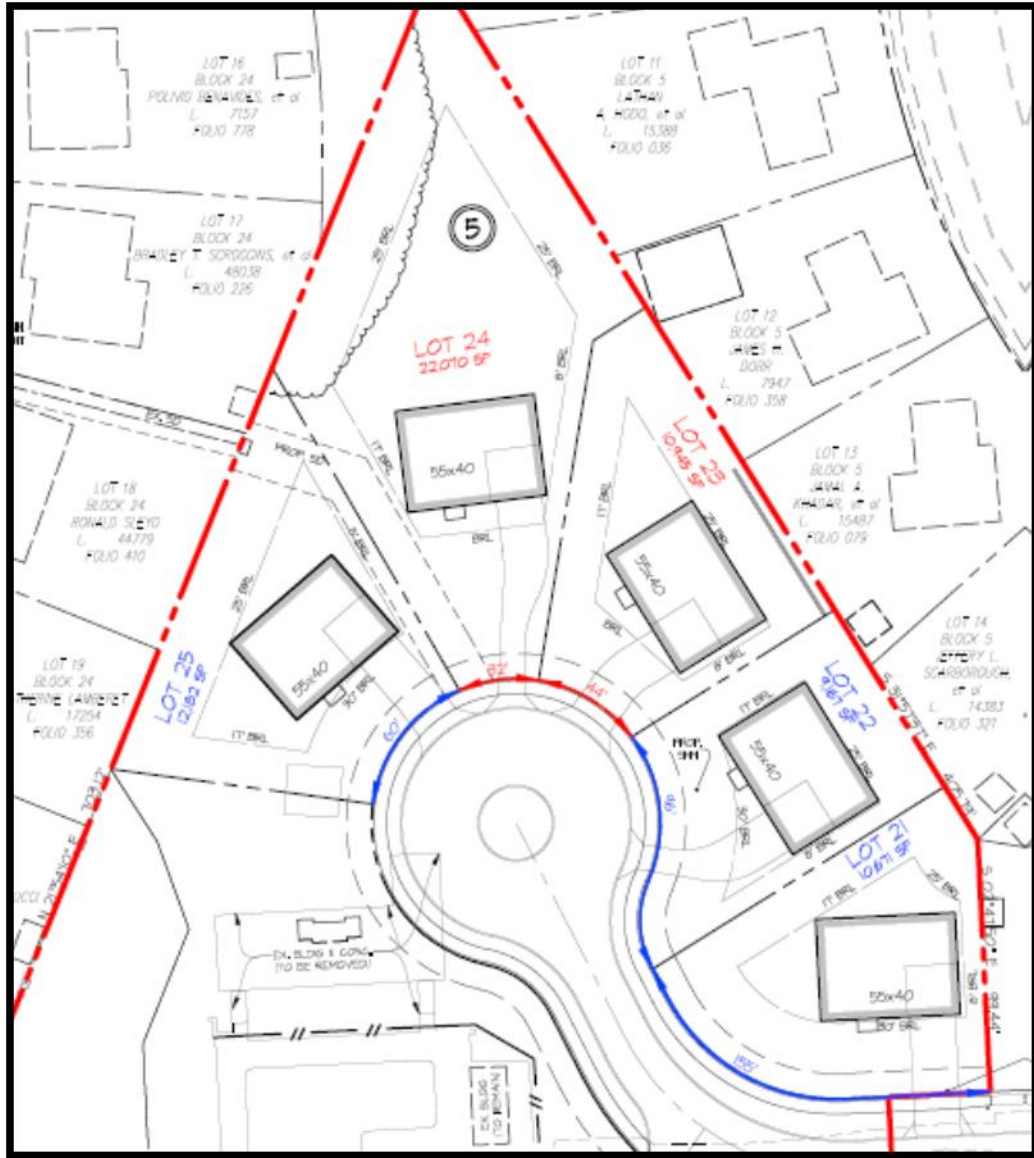


Figure 5: Waiver Request for Street Frontage exhibit - Lots 23 and 24

Subdivision Waiver

The proposed resubdivision cannot meet the street frontage criteria because of the shape of the Subject Property, its location within an existing neighborhood with access only from one public street which terminates at the property, and the size and configuration of the revised lot for the existing community pool. Since all new lots are required to have frontage on a public street, the extension of the existing Landgreen Street into the Subject Property with a cul-de-sac is the only feasible way to provide adequate public access and meet all other relevant fire and safety requirements. And since cul-de-sacs have wedge-shaped lots at the terminus (for Lots 23, 24 and 25 in this case), it is impossible for all new residential lots around the proposed cul-de-sac to have similar frontages as the lots in the neighborhood which does not have cul-de-sacs. Therefore, the Applicant has requested a waiver of the resubdivision analysis

required by Section 50-29(b)(2). The Planning Board has the authority to grant such a waiver pursuant to Section 50-38(a)(1) of the Subdivision Regulations, which states:

“The Board may grant a waiver from the requirements of this Chapter upon a determination that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements from being achieved, and that the waiver is: 1) the minimum necessary to provide relief from the requirements; 2) not inconsistent with the purposes and objectives of the General Plan; and 3) not adverse to the public interest.”

The location of the property with only one access point and the Applicant’s desire to retain the existing community pool makes a cul-de-sac the only viable layout to create the new subdivision. The lack of other feasible options that could resolve the lot frontage issue presents a practical difficulty for the Applicant. Granting a waiver for the frontage criterion for two of the five lots is the minimum waiver necessary to provide relief from the requirements. The waiver request is not inconsistent with the purposes and objectives of the General Plan (as amended by the applicable master plan) and is not adverse to the public interest because the proposal will be developed in accordance with the Zoning Ordinance (single-family development is permitted in the R-90 Zone), and the proposed development is in substantial conformance with the Master Plan. Therefore, Staff recommends approval of the waiver request because practical difficulties exist at the Subject Property that make it impossible for the Applicant to meet the strict application of the street frontage requirement.

Design Exception

Section 50-25(b) requires continuation of any existing roads in accordance with the road construction code, unless otherwise determined by the Board. Existing Landgreen Street is a Secondary Street with a 60-foot-wide right-of-way. The Applicant proposes to modify the road section for Landgreen Street extended to be a modified 44-foot-wide right-of-way Tertiary Residential Street (Std, Detail MC-2001.01), with five-foot-wide sidewalks and six-foot green panels on both sides of the road. The Applicant originally proposed a 44-foot-wide Tertiary Street, which required sidewalk only on one side. Both the MCDOT and the Staff requested sidewalks on both sides of the street, which would be a Tertiary Street with minimum 50-foot-wide right-of-way. However, this increased right-of-way width would reduce lot sizes and push building restriction lines into the proposed lots such that three of the proposed lots would not be feasible. In addition, the Applicant argued, and staff agreed, that a 50-foot right-of-way was not necessary for five new lots and the existing community pool on a cul-de-sac. Therefore, the Applicant has requested a design exception for the 44-foot Tertiary Standard in order to meet the staff recommendation of sidewalks on both side of Landgreen Street extended without negatively impacting the proposed layout. The MCDOT has accepted the modified Tertiary Street section and approved the design exception request (see attached letter dated November 30, 2015, in Attachment 10).

Although the current Landgreen Street was created as a 60-foot wide Secondary Street (a Tertiary Road classification with a 60-foot right-of-way was not available then), the more appropriate classification for this street is today's Tertiary Road classification (created by the County Council in 1970 per Bill 42-70). MCDOT has therefore asked that the Planning Board reclassify the existing Landgreen Street between the Subject Property and Marianna Drive as a Tertiary Street. This reclassification will not have any material impact on the functioning or the dedicated right-of-way of the street. It is only to create a consistent classification between the existing and the proposed extension since the current right-of-way of Landgreen Street is more appropriate as a Tertiary Street rather than a Secondary Street.

ADEQUATE PUBLIC FACILITIES

Schools

The Subject Property is located in the Wheaton High School Cluster. Both the middle and high school levels have inadequacies. The Applicant must make a required payment based on the unit-type rate, to mitigate these inadequacies, prior to the issuance of building permits.

Transportation

Transportation Adequate Public Facilities Test

For the Local Area Transportation Review (LATR) test, the proposed five new single-family detached units will generate five trips within the AM peak-period (6:30 to 9:30 a.m.) and six trips within the PM peak-period (4:00 to 7:00 p.m.). A traffic study is not required to satisfy LATR because the proposed land use generates fewer than 30 peak-hour trips within the weekday AM and PM peak periods.

For the TPAR test, the Subject Property is located in the Aspen Hill Policy Area that has inadequate roadway capacity and adequate transit capacity. The TPAR must be satisfied by paying the Montgomery County Department of Permitting Services (MCDPS) 25% of the Development Impact Tax per unit for five new single-family detached units.

Master-Planned Roadway and Bikeway

Landgreen Street is not a designated street in the 1994 *Aspen Hill Master Plan*. Marianna Drive and the segment of Landgreen Street between the Subject Property and Marianna Drive are 60-foot wide Secondary Residential Streets. Landgreen Street extension within the Subject Property is proposed to be a Tertiary Residential Street, which can support up to 75 houses (or an equivalent of 83 peak-hour trips). The existing and proposed uses generate less than 50 peak-hour trips (community pool club has 40 parking spaces and the proposed five new houses generate only six new peak-hour trips). Therefore, the street layout is adequate to serve the proposed development.

Public Transit Service

The closest Ride On route is route 26 that operates along Aspen Hill Road with 30-minute headways between the Glenmont Metrorail Station and the Montgomery Mall Transit Center on weekdays and weekends. The nearest bus stop is at the intersection of Aspen Hill Road and Marianna Drive, a walking distance of approximately 750 feet from the Subject Property.

Pedestrian Facilities-Sidewalks

Currently, the off-site segment of Landgreen Street between the Subject Property and Marianna Drive has four-foot wide sidewalks and 11-foot wide green panels. The intersection of Landgreen Street and Marianna Drive has marked crosswalks and handicap ramps across Landgreen Street, but no crosswalks across Marianna Drive. The existing Landgreen Street between the Subject Property and Marianna Drive is 290 feet long with substandard four-foot wide sidewalks. As discussed on pages 7 and 8 of this report, the Planning Board discussed the sidewalk issue during the Pre-Preliminary Plan presentation of this proposal in November 2013. Although the Board did not reach consensus on this issue, it did not accept the Applicant's position that it not be required to upgrade the sidewalks.

The Applicant is still maintaining that improving these sidewalks to current standards is financially prohibitive for the Pool's Board of Directors, who own and operate the community pool (Attachment 6). MCDOT, in the review of this Application, has again recommended the Applicant upgrade the existing sidewalks on both sides of the street. Staff is recommending that the Applicant upgrade the existing sidewalk only on the south side of the street to be five feet wide (south side because the sidewalk on the north side is in better condition than the one on the south side). Upgrades to this sidewalk are necessary to make the pedestrian facility adequate, safe and efficient. In addition, the south side is also preferable because a utility pole is located in the northwest corner of the Landgreen Street/Marianna Drive intersection, which may hinder installation of an upgraded handicap ramp to cross Marianna Drive, if required by MCDOT. If the Planning Board accepts Staff's recommendation that the Applicant upgrade the off-site sidewalk on the south side of Landgreen Street, it will require a tree variance for possible impacts to two specimen trees in the green panel as described on page 19 of this report.

ENVIRONMENT

Environmental Guidelines

The Property contains no streams or their buffers, wetlands or their buffers, steep slopes, 100-year floodplains, or known habitats of rare, threatened, and endangered species. The proposed Preliminary Plan is in compliance with the Environmental Guidelines.

Preliminary Forest Conservation Plan

There is no forest on-site (Attachment 7). The land use, zoning and net tract area yield an afforestation requirement of 0.64 acres of forest planting. The Applicant proposes to provide the planting requirement on-site, in the area labeled Reforestation Area #1. This area must be placed in a Category I Forest Conservation Easement.

Forest Conservation Variance

Section 22A-12(b) (3) of the Montgomery County code identifies certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone (CRZ) requires a variance. An Applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County code. The code requires no impact to trees that: measure 30-inches or greater, dbh; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion tree; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

Variance Request

The Applicant submitted a revised variance request on December 7, 2015, because; the proposed development will create an impact to the CRZ of three trees (numbered 4, 13, and 35) that are considered high-priority for retention under Section 22A-12(b) of the County code and a fourth tree (numbered 10) will be removed (Figure 6). The other three trees will be saved. A copy of the variance request letter, specifying the amount of CRZ disturbance for the trees to be saved, is appended to this letter (Attachment 8).

The Applicant has provided the following justification of the variance request:

The R-90 zoned property is only accessible from Landgreen Street. Standards for the public road needed to serve the proposed lots, including road width, turnaround requirements for fire and rescue services, sidewalks, utilities, etc., create a road footprint that cannot be accommodated without removal of specimen tree number 10 and impacts to the CRZ of specimen tree number 13, and pushes lot lines and grading impacts necessary for construction into the CRZ of tree number 4. One additional variance tree, number 35, is affected by the extension of a utility line connection up Landgreen Street. This tree is off-site and will be impacted minimally on one side of the CRZ to install the sewer line connection located in the right-of-way of existing Landgreen Street. Denying the variance would push the road far enough into the developable portion of the site to imperil the feasibility of buildable lots as well as denying a utility line connection needed to serve the development. Staff believes that denial of the variance would constitute a hardship. This finding must be met when determining whether or not to consider a variance for the project. Based on this finding, Staff finds that the variance can be considered. Section 22A-21 of the County code sets forth the findings that must be made by the Planning Board or

Planning Director, as appropriate, in order for a variance to be granted. Staff has made the following determinations, as the Director's designee, that granting the requested variance:

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

Impacts to specimen trees are minimal and confined to the center of the developable portion of the Subject Property, and the proposed development is consistent with the zoning. Proposed impacts to the trees subject to the variance requirement cannot be avoided. Therefore, Staff finds that the granting of this variance is not a special privilege that would be denied to other applicants.

2. *Is not based on conditions or circumstances which are the result of the actions by the Applicant.*

The requested variance is not based on conditions or circumstances, which are the result of actions by the Applicant, but on environmental, engineering and site constraints.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is not the result of land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

Three of the trees are not being removed and will continue to provide water quality functions as at pre-development. The tree to be removed will be mitigated by the planting of replacement trees that will, in time, replace the lost water quality functions of the tree being removed. Therefore, the Applicant's Preliminary Plan will not violate State water quality standards or cause a measurable degradation in water quality.

County Arborist's Recommendation on the Variance

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department referred a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection (MCDEP) for a recommendation on the variance and recommended approval with mitigation (Attachment 9).

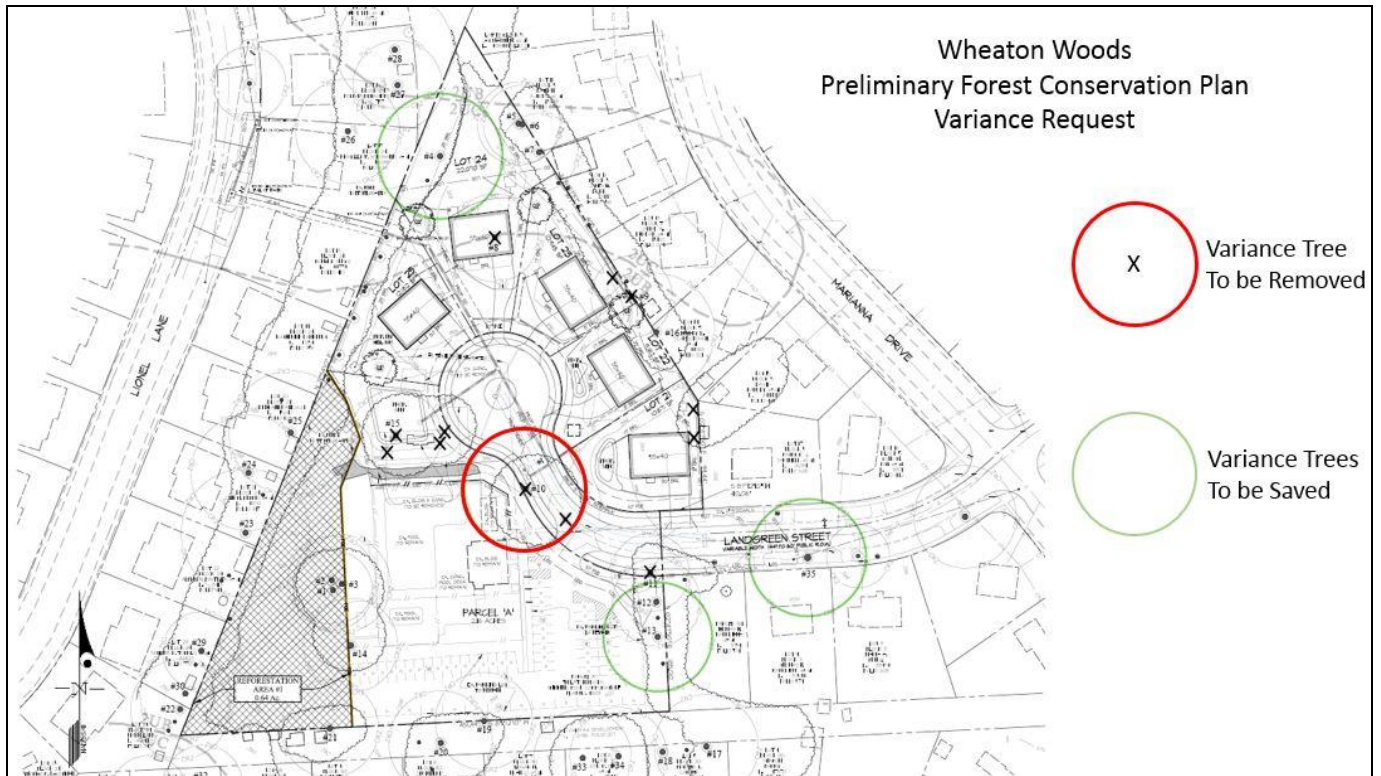


Figure 6: PFCP - Variance trees exhibit

Possible Additional Variance

If the Planning Board accepts Staff's recommendation that the Applicant upgrade the off-site sidewalk on the south side of Landgreen Street to five feet wide from the Subject Property's east boundary to Marianna Drive, it will require an additional Variance. There are two specimen trees in the green panel on the south side of Landgreen Street that will be impacted. These off-site improvements will require an adjustment to the PFCP's limits-of-disturbance which will increase its net tract area and thereby, increase the Applicant's forest conservation requirement proposed to be met on the Subject Property in a Category I easement. Any adjustment to the Category I easement will be incorporated into the FFCP.

Stormwater Management

The Applicant received approval of their stormwater management concept from the Montgomery County Department of Permitting Services, Water Resources Section on January 15, 2016 (Attachment 10). The concept proposes to meet required stormwater management goals using a combination of ESD approaches including dry wells, micro-bioretenion and landscape infiltration.

COMMUNITY OUTREACH

The Applicant has complied with all the submittal and noticing requirements. A community meeting was held on August 24, 2015 at the Wheaton Woods Community Pool. A summary of this meeting is in Attachment 11. Staff has not received any written correspondence or any phone calls about the proposed Preliminary Plan up until the time of completion of the Staff Report.

CONCLUSION

Based on the review by Staff and other relevant agencies (Attachment 10), and the analysis contained in this report, Staff finds the proposed Preliminary Plan meets the requirements and standards of all applicable sections of Chapter 50 of the Montgomery County Code, and the Zoning Ordinance. Access and public facilities will be adequate to support the proposed density and uses. The proposed development will further the goals of the Aspen Hill Master Plan by adding more housing stock to the predominantly residential area.

In addition, Staff recommends the Board grant the requested waiver to the frontage requirement of the resubdivision criteria for Lots 23 and 24. Staff also recommends the Board accept design exception approved by MCDOT for a modified Tertiary Street Standard MC 2001.01 with a 44-foot-wide right-of-way, and that the Board reclassify the existing Landgreen Street between the Subject Property and Marianna Drive as a Tertiary Street.

Staff recommends approval of Preliminary Plan 120160060 subject to the conditions stated at the beginning of this report.

Attachments:

- Attachment 1 - Statement of Justification
- Attachment 2 – Preliminary Plan
- Attachment 3 – Special Exception 434 modification
- Attachment 4 – Aspen Hill Master Plan pages 21, 22 and 25
- Attachment 5 – Street Frontage waiver request
- Attachment 6 – Off-site Sidewalks waiver request
- Attachment 7 – Preliminary Forest Conservation Plan
- Attachment 8 – Applicant’s Tree Variance request
- Attachment 9 – County Arborist’s recommendation
- Attachment 10 – Agency Approval letters
- Attachment 11 – Community meeting notice

ATTACHMENT 1

STATEMENT OF JUSTIFICATION

WHEATON WOODS PROPERTY

PRELIMINARY PLAN No. 120160060

Prepared for:

Sitka Properties, LLC
3905 National Drive, Suite 105
Burtonsville, MD 20866

Prepared by:

Gutschick, Little & Weber, P.A.
3909 National Drive, Suite 250
Burtonsville, MD 20866

Introduction

On behalf of our client Sitka Properties, LLC (the applicant) we are submitting "Wheaton Woods" (the subject property) for Preliminary Plan review and approval by the Maryland National Capital Planning Commission. This Preliminary Plan is being submitted following the Pre-Application Plan (Plan No. 720130110) and with the approved Natural Resources Inventory and Forest Stand Delineation Plan (NRI /FSD Plan No. 420160010).

The subject property, existing Wheaton Woods, Parcel 'A', is located at the terminus of Landgreen Street, 300 feet west of the intersection of Landgreen Street and Marianna Drive in Rockville, Maryland, a community in the south east portion of Montgomery County. The proposed development will consist of five (5) single family detached houses and the extension of Landgreen Street terminating in a cul-de-sac. The development will be located on excess land owned by the community pool and a separate parcel will be created to retain the existing pool complex and the parking area that accompanies the pool.

Property Description

The existing 4.08 acre parcel is partially developed with the Wheaton Woods Community Swimming Pool, including multiple pools, bathhouse, storage buildings, paved recreation areas, tot-lots, picnic area, accompanying surface parking and open recreational lawn area as approved under Special Exception (No. CBA434). The Subject Property is located within the 1994 Aspen Hill Master Plan and is surrounded by eclectic collection single family detached houses of varying ages, sizes and styles. Currently, the western-most segment of Landgreen Street dead-ends at the Subject Property and provides access to Wheaton Woods Swim Club. The subject property is well maintained with minimal understory vegetation and several specimen trees exist on-site.

This property is located in the Lower Rock Creek Watershed. The land gently slopes to a low point on the property, where an existing storm drain inlet collects storm water flowing off of the site. It was identified during the downstream, storm drain analysis, that an existing off-site storm drain is undersized in Lionel Lane and will be addressed during the subdivision process.

Description of Proposed Use

The Applicant proposes the unused portion of the property be developed using the existing R-90 zoning which allows 4.8 dwelling units per acre. The base density permitted with a 4.08 acre parcel is 19 homes ($4.08 \times 4.8 = 19.58$). The proposed Preliminary Plan is for re-subdivision of existing 4.08 Ac. Parcel 'A' (Wheaton Woods Community Pool) into five (5) proposed single family lots and one (1) proposed parcel to retain the existing community swimming pool. The lots will average 13,000 square feet, which is close to the average for the adjoining lots.

The proposed development will be accessible with the extension of public, 60' wide right-of-way, Landgreen Street into the subdivision. The proposed public road extension of Landgreen Street will be a transition from the existing 60' wide right-of-way residential street at the current terminus point to a 44' wide right-of-way tertiary residential street at the cul-de-sac terminus. ±18,730 square feet will be dedicated to public right of way for the extension of Landgreen Street. The applicant is requesting the Planning Board approve the use of a 44' wide tertiary residential street per Section 50-26(f)(1) of the Montgomery County Subdivision Regulation. Given the small number of houses served and the particularly difficult shape of the existing property, the use of a 44' wide right-of-way tertiary street is appropriate in this location. The Montgomery County Department of Transportation also supports the use of a 44' wide tertiary street for Landgreen Street. The proposed homes are oriented toward the street and the units will be a maximum of 35' tall as allowed in the R-90 Zone. A proposed five wide sidewalk will serve the proposed lots, and the Department of Transportation has approved a design exception to allow a sidewalk on both side of Landgreen Street.

As required by Montgomery County "ESD" or Environmental Site Design stormwater management treatment will be provided for the Wheaton Wood development as shown on our Stormwater Management Concept Plan. During initial site analysis for the property a storm drain pipe located off-site in Lionel Lane was identified as being undersized and causing upstream drainage/flooding problems. This pipe is proposed to be replaced as part of this development and this should improve the existing drainage problems.

A Natural Resources Inventory/ Forest Stand Delineation has been approved for the property and shows that no forest exists on site but multiple large trees exist on and around the subject property. A Preliminary Forest Conservation Plan has been submitted as part of the Wheaton Wood Preliminary Plan. A variance request for removal of one (1) tree and disturbance of two (2) existing trees is included with this proposal. All forest conservation requirements are proposed to be provided on-site.

Zoning Ordinance and Aspen Hill Master Plan Goals and Recommendations

Although generally silent on specific recommendation for the Subject Property, the Aspen Hill Master Plan reconfirms R-90 Zoning for the property, page 38:

"This Plan supports the retention and reconfirmation of existing zoning for all developed, underdeveloped and undeveloped land in the Aspen Hill Planning Area."

In general, the Aspen Hill Master Plan recommends sustaining and enhancing residential neighborhoods and housing policy, page 29:

"To encourage the protection, enhancement and continuation of current land use patterns."

“To protect and reinforce the integrity of existing residential neighborhoods.”

“To preserve and increase the housing resources in support of Montgomery County housing policies”

The proposed Preliminary Plan follows this recommendation by creating 5 lots ranging in size from 9,167 square feet to 22,070 square feet and 1 parcel to retain the existing community swimming pool. This plan will provide additional housing stock in a desirable area of Montgomery County while enhancing a valuable community resource and important part of the Aspen Hill residential fabric. The proposed lot sizes will be compatible with the surrounding single family detached homes in the neighborhood and adding a cul-de-sac to the end of Landgreen Street will provide a safe turn-around for fire rescue vehicles.

Montgomery County Code. Chapter 50- Subdivision of Land

The proposed development of the site meets the following requirements of the Montgomery County Code, Chapter 50 – Subdivision of Land. Below are selected excerpts from the Montgomery County Code (shown in italics) and an explanation of how the Application satisfies these goals, objectives, and recommendations:

Section 50 –2

Purposes of the Chapter:

(a) The harmonious development of the district.

The proposed development’s density, housing type, and lot size are appropriate for the site and will enhance the community identity as it is compatible with the existing fabric of the surrounding properties. The proposed development is unique in that it will be the only cul-de-sac within this community. The terminal street location and being that it is the last property to develop, dictated the use of a cul-de-sac. (See re-subdivision criteria discussion below)

(b) Coordination of roads within the subdivision with other existing, planned or platted roads or with other features or the district or with the commission’s general plan or with any road plan adopted or approved by the commission as a part of the commission’s general plan

The proposed extension of Landgreen Street as a public street with a public terminus to allow turnaround of public vehicles is consistent with Montgomery County Road Code and the General Plan.

(c) Adequate open spaces for traffic, recreation, light and air, by dedication, or otherwise.

With the extension of Landgreen Street into the proposed development adequate space has been, provided in the public right of way for traffic. Adequate space has also been provided within the proposed development for recreation and storm water management.

(d) Reservation of lands for schools and other public buildings and for parks, playground and other public purposes.

No reservation of lands for schools, other public buildings, parks, playgrounds, or other public purposes is required.

(e) The conservation of or production of adequate transportation, water, drainage and sanitary facilities.

The proposed 5 lot development will not have a detrimental effect on the adequate existing transportation facilities of the surrounding area. The proposed development is served by existing public water and sewer. The proposed storm water management system is a combination of "Environmental Site Design" features to provide water quality treatment, storm water management and drainage. The replacement of an undersized off-site storm drain will enhance the overall area storm drain system.

(f) The preservation of the location of and the volume of flow of water in and other characteristics of natural streams and other waterways.

There will be no increase of volume of flow to the existing streams and wetlands based on the new "Environmental Site Design" guidelines. The location of the flow of water will not be altered from the current flow except in areas of development.

(g) The avoidance of population congestion.

The proposed development's low density residential character is consistent with the adopted Master Plan and is comprised of only five lots.

(h) The avoidance of such scattered or premature subdivision or development of land as would involve danger or injury to health, safety or welfare by reason of the lack of water supply, drainage, transportation or other public services or necessitate an excessive expenditure of public funds for the supply of such services.

The proposed development is served by adequate existing public utilities. The proposed development does not detrimentally impact the existing transportation of the surrounding area, or necessitate the expenditure of public funds for the supply of such services.

(i) Conformity of resubdivided lots to the character of lots within the existing subdivision with respect to area, frontage, and alignment to existing lots and streets.

The proposed lots will be in character as to area and alignment to other lots within the subdivision. (See Surrounding Neighborhood Exhibit). Three of the five proposed lots will have similar frontage and the surrounding subdivision, but two lots fronting on the cul-de-sac will require a waiver of the lot frontage requirement. (See resubdivision criteria discussion below).

(j) Control of subdivision or building (except for agricultural purposes) in flood plain areas of streams and drainage courses, other environmentally sensitive areas, and on unsafe land areas.

The proposed development does not contain a flood plain, stream, or any wetlands. Impacts to environmentally sensitive features are limited to the disturbance of two mature trees and the removal of one mature tree.

(k) Preservation of outstanding cultural features and historic sites or structures.

There are no cultural or historic features on the site.

(l) Other benefits to health, comfort, safety or welfare of the present and future population of the regional district.

The proposed development serves to enhance and imitate the existing sense of community identity for both current and future residents by creating lots of similar size and appearance as the surrounding lots. The proposed development will be compatible in terms of both use and design with the existing single-family detached development which surrounds the property. The proposed single-family detached development is in accordance with the Master Plan and therefore promotes the health, safety, welfare and morals of the existing community and the County as a whole. The proposed design will not overburden existing public facilities. The proposed development will use existing public water and sewer systems and will not affect the capacity of the public water and sewer system. The development will be served by an extension of the existing roadway system, and is conveniently located near access to public transportation. Public schools in the vicinity of the site have adequate capacity to serve the generation of students that will be attributable to the additional proposed five lots. The proposed development will allow an important community feature (Wheaton Woods Swim Club) to continue serving the community.

(m) Preservation of forests, significant trees, and environmentally sensitive areas.

The Applicant has carefully located the proposed houses to maximize the preservation of existing mature trees throughout the site considering the Master Plan recommendation for low density residential development and is designed to minimize impacts on their critical root zones.

(n) Coordination of sidewalks within the subdivision and within adjacent subdivisions and existing public sidewalks.

The proposed development will provide sidewalks as required and will connect to existing sidewalks in Landgreen Street. (See Pre-Preliminary Plan discussion 720130110) As was previously supported by M-NCPPC staff during the 720130110 Pre-Preliminary Plan review, the applicant is requesting a waiver of the MCDOT requirement to replace existing and functioning 4' wide concrete sidewalks on both sides of Landgreen Street from the Subject Property to Marinna Drive with new 5' wide concrete sidewalks. With the scope of development limited to five (5) lots, the requirement to replacement this amount of off-site sidewalk goes beyond "reasonable" and is a significant financial hardship on the applicant especially since no relationship has been established between the size of the proposed development and the quantity of off-site sidewalk required for replacement.

Section 50-29(b)(2)

Resubdivision.

Lots on a plat for the resubdivision of any lot, tract or other parcel of land that is a part of an existing subdivision previously recorded in a plat book shall be of the same character as to street frontage, alignment, size, shape, width, area, and suitability for residential use as other lots within the existing block, neighborhood, or subdivision.

As required by the above referenced section, the proposed development will be evaluated to compare the subdivision criteria of street frontage, alignment, size, shape, width, area, and suitability for residential use as other lots in the surrounding neighborhood. During the previous Pre-Preliminary Plan (No.720130110) review, M-NCPPC staff identified a surrounding neighborhood, and to simplify review we have accepted that neighborhood for our re-subdivision criteria review. (See Surrounding Neighborhood Exhibit). As previously discussed during the review of Pre-Preliminary Plan No.720130110, the proposed lots, generally meet six of the seven re-subdivision criteria, as follows: The proposed lots range in size from $\pm 9,167$ SF to $\pm 22,070$ SF and the neighborhood lots range from $\pm 9,000$ SF to $\pm 24,471$ SF. The proposed lots are generally wedge or slightly irregularly shaped, and the neighborhood lots are a mixture of irregular, wedge, rectangular and corner lots. The proposed lots have a width from ± 75 feet to $\pm 122'$ and the neighborhood lots range from ± 75 feet to ± 160 feet. The proposed lots have a building area of $\pm 2,812$ SF to $\pm 11,109$ SF and the neighborhood lot range from $\pm 2,261$ SF to $\pm 13,023$ SF. The proposed lots have straight orientation to the street and the neighborhood lots have mostly straight orientation to the street, but others orientations occur as well. The proposed lots are all suitable for residential use, and all of the neighborhood lots are also suitable for residential use.

The remaining re-subdivision criteria to be evaluated includes street frontage. The existing neighborhood lots have street frontage that ranges from ± 60 feet to ± 262 feet.

Proposed Lots 21, 22, and 25 have street frontages of ± 122 feet, ± 96 feet and ± 60 feet and fit within the range of the surrounding neighborhood lots. Proposed Lots 23 and 24 have street frontages of ± 44 feet and ± 32 feet and do not meet the re-subdivision criteria. Given that with this land-locked parcel a cul-de-sac was the only way to provide public street access that is required for SFD lots, and these are the only cul-de-sac lots in the neighborhood, there is no practical way to make these two cul-de-sac lots have similar street frontage to non-cul-de-sac lots. Therefore the applicant is requesting a waiver of the subdivision criteria for street frontage.

After completing a full design analysis of the site and incorporating on-site requirements including storm water management, forest conservation, existing environmental features, and surrounding neighborhood compatibility, the Applicant was able to develop a layout which meets the goals and recommendations of the Montgomery County Zoning Ordinance and the Aspen Hill Master Plan.

ATTACHMENT 3

BOARD OF APPEALS for MONTGOMERY COUNTY

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
www.montgomerycountymd.gov/content/council/boa/index.asp

(240) 777-6600

Case No. CBA-434 [CBA-882, CBA-1564]

PETITION OF WHEATON WOODS SWIMMING POOL CORPORATION

RESOLUTION TO MODIFY SPECIAL EXCEPTION

(Resolution Adopted September 25, 2013)

(Effective Date of Resolution: October 21, 2013)

Case No. CBA-434 is a special exception that the Board of Appeals granted to Wheaton Woods Swimming Pool Corporation ("Wheaton Woods") on July 30, 1956, to permit the construction and use of a community swimming pool. Case No. CBA-882 was a request for approval of the continued use of the special exception, which the Board granted, and for modification of the hours of operation of the special exception, which the Board denied, effective March 24, 1960. In Case No. 1564, effective May 20, 1964, the Board permitted the continued use of the special exception, denied a request to add certain recreational facilities to the special exception, and denied permission to be relieved from a condition imposed in Case No. CBA-882. Effective September 21, 2004, the Board granted an administrative modification of the special exception to allow changes to several physical and operational characteristics of the special exception.

The subject property is 4.0796 acres, Aspen Knolls Subdivision, located at 4610 Landgreen Street, Rockville, Maryland 20853, in the R-90 Zone.

The Board of Appeals received a letter, dated July 14, 2013, from Andrew Sheetz, President, Board of Directors of the Wheaton Woods Swimming Pool Corporation. Mr. Sheetz requested administrative modification of the special exception to reflect subdivision of the subject property into seven separate lots. The Pool intended to sell six lots "to be developed per the existing R-90 Zone," with the pool remaining on the seventh lot. He explained that the Pool had a Pre-Preliminary Plan [No. 720130110] application pending at the Maryland National Capital Park and Planning Commission, scheduled for review by the Development Review Committee on July 22, 2013.

The Board considered Mr. Sheetz's letter at its July 24, 2013 Worksession, and requested additional information including the Development Review Committee Report, as well as more complete information about how the special exception, as re-subdivided, would meet all of the requirements of Section 59-G-2.56 of the Zoning Ordinance, particularly subsections (a) and (c). The Board also requested information about whether the revised parking for the special exception would have an increased impact on nearby residential properties.

On September 12, 2013, the Board of Appeals received a revised request to modify the special exception, from Andrew Sheetz, President, Wheaton Woods Pool Board of Directors. Mr. Sheetz explains that Wheaton Woods wishes to subdivide its property into six separate lots. Five lots, comprising approximately 1.36 acres, will be sold, to be developed "per the existing R-90 zone," with the pool remaining on the sixth lot of 2.22 acres. Mr. Sheetz further states that "the existing pool, pool apron, pool house, pump house and baby pool will remain. A storage building to the north of the pool will be removed in order to stay in conformance with Section 59-G-2.56(a)...A new fence will be installed per code where the revised pool property boundaries abut proposed lot 5 and the proposed new street right-of-way, to remain in conformance with Section 59-G-2.56(c). The existing parking will remain with the reduction of 3 parking spots in order to accommodate the proposed street right-of-way and new pool driveway. The required off-street parking requirements will continue to be met in order to remain in conformance with Sec. 59-G-2.56(d)." Mr. Sheetz's request includes a copy of the county's Development Review Committee's comments on the proposed subdivision, together with Wheaton Woods' response to those comments, as well as an Existing Conditions Plan [Exhibit No. 48 (d)] and a Pre-Preliminary Plan [Exhibit No. 48(c)].

The Board considered the revised modification request at its Worksession on September 25, 2013. Andrew Sheetz and Michael Ourand of the Wheaton Woods Swimming Pool Board of Directors appeared at the Worksession. In response to Board questions Mr. Sheetz and Mr. Ourand stated that access to the pool and to the newly created lots will be via Landgreen Street, which will be extended to a cul de sac on which the new lots will front. They also stated that after the property is subdivided, the pool will have 53 parking spaces. Mr. Sheetz further stated that the pool is always able to accommodate all users, including attendees at swim meets, with parking on the pool's property [Transcript, September 25, 2013, pp.6, 8].

Section 59-G-1.3(c)(1) of the Montgomery County Zoning Ordinance provides, pertaining to modification of special exceptions:

If the proposed modification is such that the terms or conditions could be modified without substantially changing the nature, character or intensity of the use and without substantially changing the effect on traffic or on the immediate neighborhood, the Board,

without convening a public hearing to consider the proposed change, may modify the term or condition.

The Board finds that division of the pool property into six lots will not substantially change the nature, character of intensity of the special exception use. No change in the membership or other operational characteristics of the pool is proposed. The location of the special exception parking will remain the same, and access to the pool will continue to be from Landgreen Street. Thus, there will be no substantial change in the pool's effect on traffic or on the immediate neighborhood.

Section 59-G-2.56(a) provides, in pertinent part:

The swimming pool, including the apron and any buildings, must not at any point be closer than 75 feet from the nearest property line nor closer than 125 feet from any existing single family or two-family dwelling; ...Any buildings erected on the site of any such pool must comply with the yard requirements of the zone in which the pool is located."

Based upon the evidence of record, the Board finds that the special exception will continue to comply with all required setbacks [See Exhibit Nos. 48 and 48(c)].

Section 59-G-2.56(c) provides:

When the lot on which any such pool is located abuts the rear or side lot line of, or is across the street from, any land in a residential zone, other than publicly owned land, a wall fence or shrubbery must be erected or planted so as to substantially screen such pool from view from the nearest property of such land in a residential zone.

The modification request contains a proposal to install a fence to maintain the required screening [See Exhibit Nos. 48 and 48(c)].

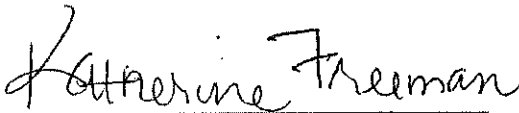
On a motion by Stanley B. Boyd, seconded by David K. Perdue, Vice-Chair, with Carolyn J. Shawaker, John H. Pentecost and Catherine G. Titus, Chair, in agreement, the Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.



Catherine G. Titus
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 21st day of October, 2013.



Katherine Freeman
Executive Director

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure. It is each party's responsibility to participate in the Circuit Court action to protect their respective interests. In short, as a party you have a right to protect your interests in this matter by participating in the Circuit Court proceedings, and this right is unaffected by any participation by the County.

LAND USE

INTRODUCTION

The Land Use chapter is divided into three sections: land use objectives, general planning framework and land use recommendations. The land use objectives state the principal goals that this Plan is attempting to meet. The general planning framework defines the planning context that shapes the land use recommendations, as well as other recommendations made in later chapters. The land use recommendations provide a description and recommendation for parcels or areas recommended for change in use or density. Finally, it also provides commentary for several parcels and areas that are not proposed for any change. It also provides an overview of recommendations for special exceptions and shopping centers.

LAND USE OBJECTIVES

- o To encourage the protection, enhancement and continuation of current land use patterns.
- o To protect and reinforce the integrity of existing residential neighborhoods.
- o To preserve and increase the housing resources in support of Montgomery County housing policies.

- o To permit a limited amount of retail activity on the former Vitro site and to allow a reversion to office use in the long term.

GENERAL PLANNING FRAMEWORK

Aspen Hill's existing land use, zoning, natural features and concurrent planning activities are all important determinants of its future land use pattern. Past and present decisions of private developers and public policy have had a role in shaping the current land use pattern of the communities of Aspen Hill. This planning effort provides the framework for future development in Aspen Hill.

Plan Determinants

LAND USE

The Aspen Hill community is, to a large degree, already developed. Relatively few acres remain that are not either developed or in some respect committed to development. It is unrealistic and undesirable to recommend radical departures from the current land use pattern. Figures 4, 5 and 6 illustrate existing land use in Aspen Hill.

The predominant land use in Aspen Hill is housing. This land use is characterized by a wide variety of housing types, ranging from detached homes on large and small lots to townhouses, garden apartments and high-rises. In terms of life-style preference and affordability, this housing stock serves the area's existing residents well.














Aspen Hill has a number of conveniently located neighborhood shopping centers. No areas are lacking a nearby grocery store. The center of Aspen Hill's economic activities lies in and around the intersections of Georgia Avenue, Connecticut Avenue and Aspen Hill Road. This area contains the most significant office space in the planning area and also provides the largest concentration of retail activity.

ZONING

The land use and zoning recommendations of the 1970 Aspen Hill Master Plan were not implemented through an area-wide comprehensive rezoning by sectional map amendment. Instead, rezonings were implemented by a series of local map amendments filed by individual property owners. Figure 7 shows the existing zoning for the planning area. Between 1971 and 1988, 62 zoning cases were filed and 39 were approved; approximately 301 acres of land were rezoned. Figure 8 shows the location of the approved zoning cases. The land use patterns that resulted from the combination of existing zoning and

**EXISTING
 LAND USE**

VIEW THREE

-  SINGLE FAMILY DETACHED HOUSING
-  SINGLE FAMILY ATTACHED HOUSING
-  GARDEN APARTMENTS AND HIGH-RISE HOUSING
-  RETAIL
-  OFFICE
-  WHOLESALE
-  INDUSTRIAL
-  PUBLIC PARK
-  PRIVATE OPEN SPACE
-  PRIVATE RECREATION AREA
-  PUBLIC AND PRIVATE INSTITUTIONS
-  UNDEVELOPED
-  PIPELINE DEVELOPMENT

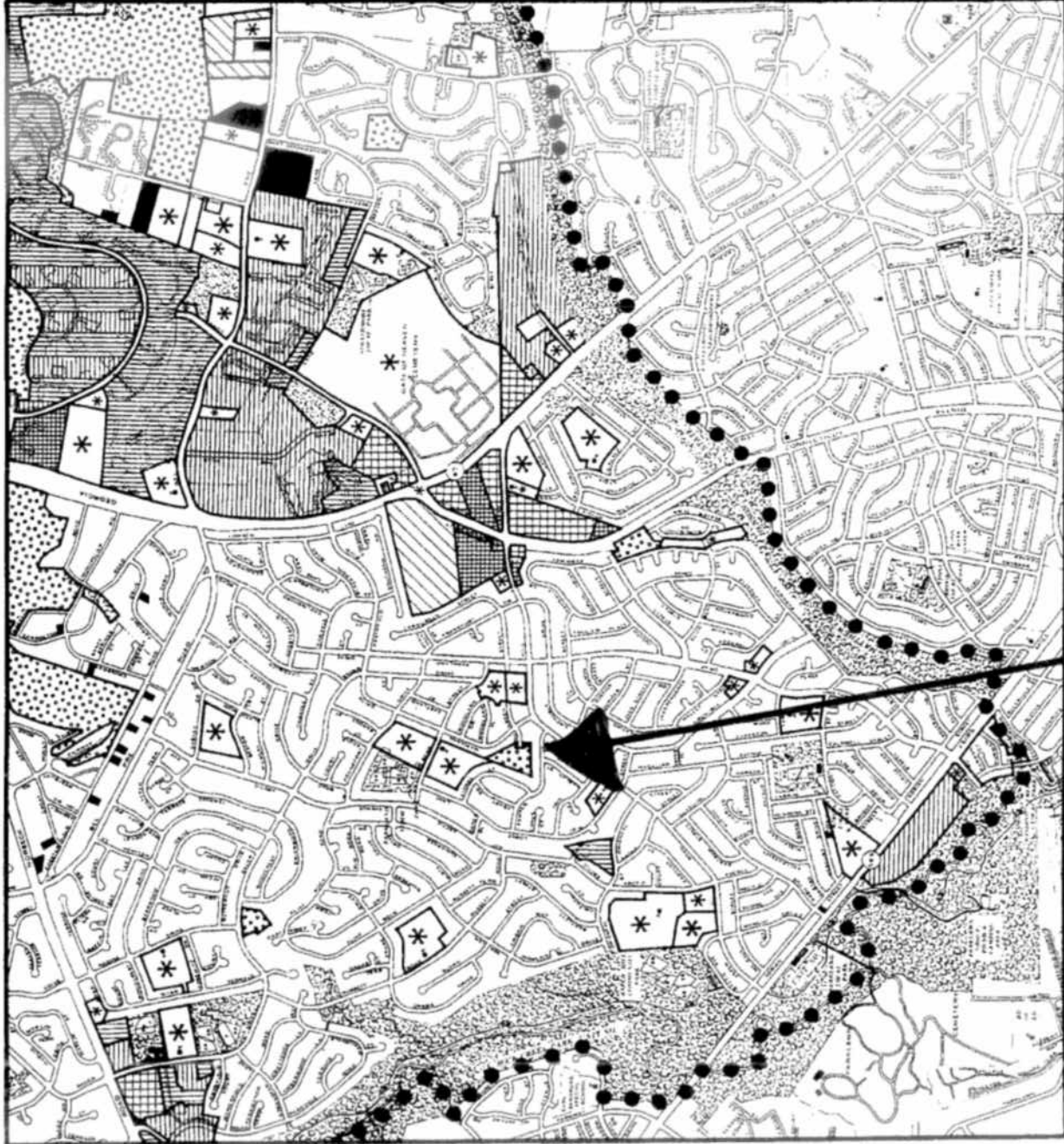


VIEW THREE

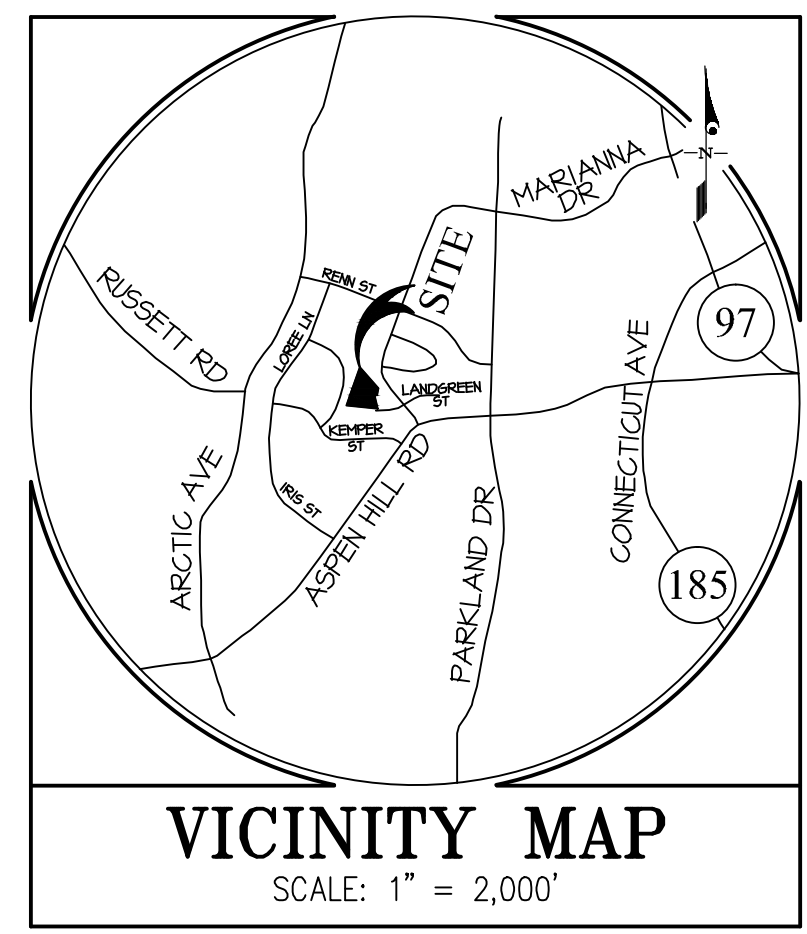


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FIGURE 6

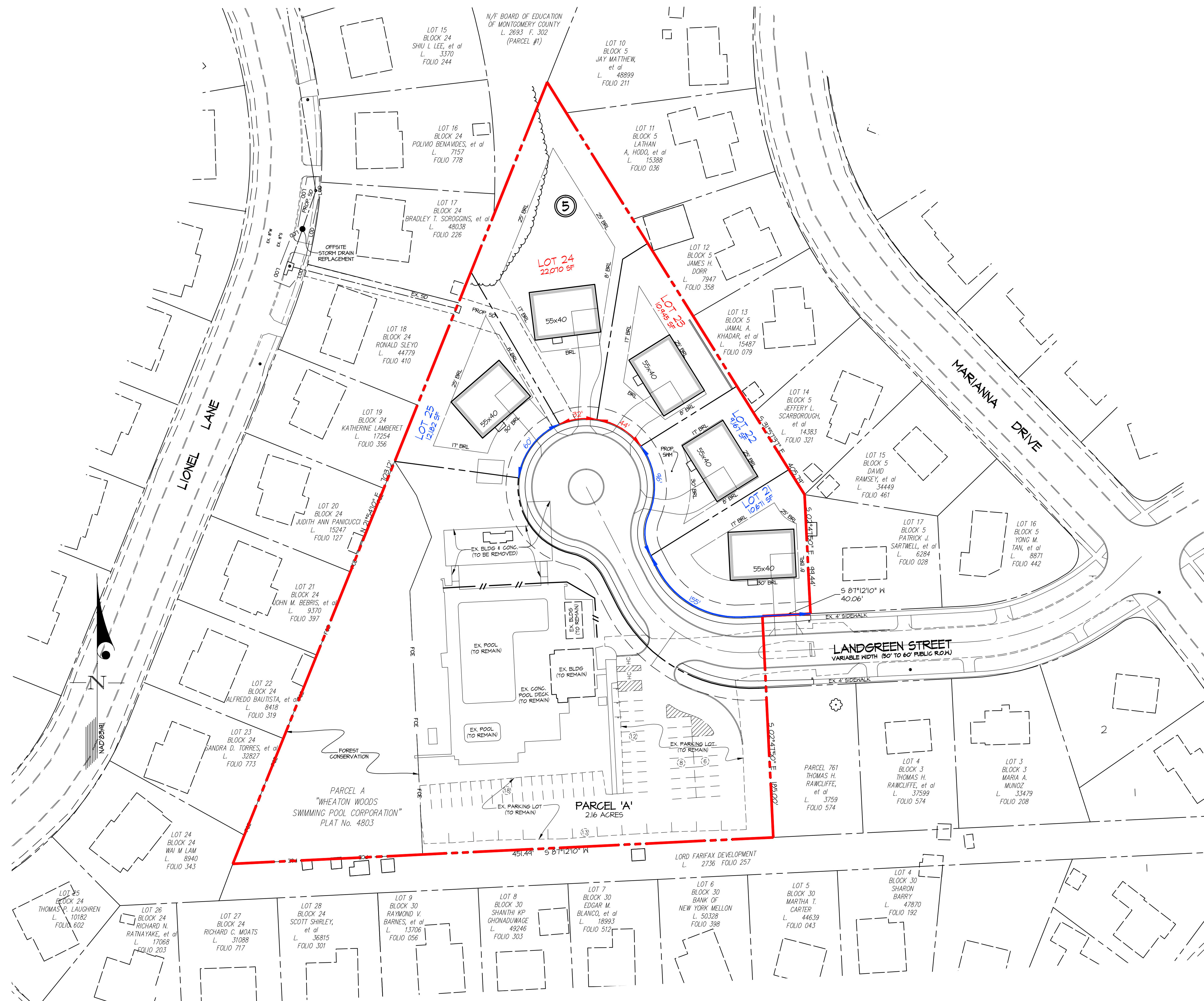


ATTACHMENT 5



LEGEND

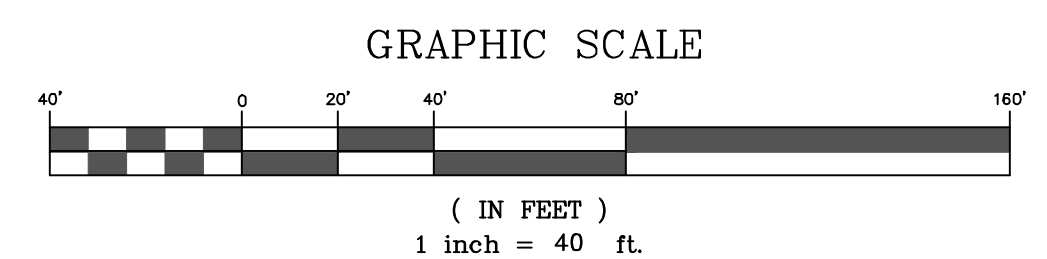
- EX. CONTOURS
- PROP. CONTOURS
- EX. BUILDING
- PROP. BUILDING
- EX. STREAM
- EX. STREAM BUFFER
- EX. CURB
- PROP. CURB
- EX. SIDEWALK
- PROP. SIDEWALK
- EX. ELECTRIC
- EX. GAS
- EX. SEWER
- PROP. SEWER
- EX. WATER
- PROP. WATER
- EX. STORM DRAIN
- PROP. STORM DRAIN
- PROP. LOD
- EX. OVER HEAD WIRE
- EXISTING TREE LINE
- MAPPED SOILS
- BOUNDARY LINE
- FCE FOREST CONSERVATION EASEMENT AREA
- FP EX. FLOODPLAIN



5 LOTS	LOT/BLOCK	SIZE	SHAPE	WIDTH (@ BRL)	BUILDING AREA (BLDG. envelope)	STREET FRONTAGE	ORIENTATION	SUITABILITY
	21/5	10,671 sf	WEDGE	122 LF	3,179 SF	155 LF	STRAIGHT	SUITABLE
	22/5	9,161 sf	IRREGULAR	150 LF	2,812 SF	156 LF	STRAIGHT	SUITABLE
	23/5	10,945 sf	WEDGE	175 LF	3,775 SF	144 LF	STRAIGHT	SUITABLE
	24/5	22,070 sf	WEDGE	175 LF	11,094 SF	132 LF	STRAIGHT	SUITABLE
	25/5	12,182 sf	WEDGE	185 LF	4,254 SF	160 LF	STRAIGHT	SUITABLE

GLWGUTSCHICK LITTLE & WEBER, P.A.
 CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS
 3909 NATIONAL DRIVE - SUITE 250 - BURTONSVILLE OFFICE PARK
 BURTONSVILLE, MARYLAND, 20866
 TEL: 301-421-4024 FAX: 301-421-4186

DES.	KAF	DRN.	KAB	CHK.	KAF



PREPARED FOR: SITKA PROPERTIES, LLC 3905 NATIONAL DRIVE, SUITE 105 BURTONSVILLE, MARYLAND 20866 ATTN: RICHARD THOMETZ PHONE: 301-476-7715	SCALE: 1"=40' DATE: AUG., 2015	ZONING: R-90 TAX MAP - GRID: HR - 32	STREET FRONTAGE EXHIBIT WHEATON WOODS EX. PARCEL 'A' (PROPOSED LOTS 21-25 & PARCEL 'A') PLAT No. 4803	G. L. W. FILE No. 14085 SHEET 1 OF 1
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SILVER SPRING ELECTION DISTRICT No. 13 MONTGOMERY COUNTY, MARYLAND

L:\CAD\DRAWINGS\14085\PLANS BY GUN\14085\14085-STREET FRONTAGE EXHIBIT.DWG

ATTACHMENT 6

GLWGUTSCHICK, LITTLE & WEBER, P.A.

CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS

December 21, 2015

Montgomery County Planning Board
Maryland National Capital Planning Commission
8787 Georgia Avenue,
Silver Spring, MD 20910

Re: Wheaton Woods 120160060
Off-site Sidewalk Waiver Request

On behalf of our client, Sitka Properties, LLC we are requesting a waiver of the Montgomery County Code, Section 50-35.(n), Preliminary subdivision plans-Approval procedure, to not remove and replace the off-site sidewalk on both sides of Landgreen Street from the Subject Property to Marianna Drive, as recommended by the Montgomery County Department of Transportation.

Sec. 50-35. Preliminary subdivision plans-Approval procedure.

(n) In approving a preliminary plan or site plan, the Board may, with the consent of the Departments of Transportation and Permitting Services, require a developer to provide a reasonable amount of off-site sidewalks or sidewalk improvements. Off-site sidewalks or sidewalk improvements may be required to provide necessary connections from the proposed development to an existing sidewalk, an existing or proposed bus or other public transit stop, or a public facility that either exists or is recommended in the area master plan, that the Board finds will be used by residents or users of the development, or for handicapped access. The developer must not be required to obtain any right-of-way to build or improve a sidewalk

Section 50-38.(a)(1) of the Montgomery County Code gives authority to Montgomery County Planning Board to "grant a waiver from the requirements of this chapter upon a determination that practical difficulties or unusual circumstances exist that prevent full compliance with requirements from being achieved, and that the waiver is: 1) the minimum necessary to provide relief from the requirements; 2) not inconsistent with the purposes and objectives of the General Plan; and 3) not adverse to the public interest."

The Subject Property, existing Wheaton Woods Swim Club, Parcel 'A', is located at the terminus of Landgreen Street, 300 feet west of the intersection of Landgreen Street and Marianna Drive in Rockville, Maryland, a community in the south east portion of Montgomery County. The proposed new development will consist of five (5) single family detached houses and the extension of Landgreen Street terminating in a cul-de-sac. The development will be located on excess land owned by the community pool and a separate parcel will be created to retain the existing pool complex and the parking area that accompanies the pool. The Subject Property is surrounded by medium density single-family lots also in the R-90 zone, and Brookhaven Elementary School.

The Montgomery County Department of Transportation (MCDOT) has recommended that the applicant widen the existing four (4) foot sidewalk along the north and south sides of Landgreen Street, from the Subject Property to Marianna Drive, to comply with the Montgomery County Department of Transportation Standard Details. To accomplish the recommendations, the applicant would be required to remove approximately +530 linear feet of four (4) foot wide concrete sidewalk, and replace it with new five (5) foot wide concrete sidewalk. Removal and replacement of four sets of handicap ramps and curb and all four corners at the intersection of Landgreen Street and Marianna Drive would also be required. Removal and replacement of sidewalks would also cause impacts to three significant existing street trees and may involve possible tree removal and tree replacement. Handicap ramp replacement may require an existing utility pole to be relocated at the Marianna Drive intersection and sidewalk replacement will also require a guy wire relocation along Landgreen Street.

The existing sidewalks along Landgreen Street are in good condition (see photos) and are representative of the sidewalk network within the surrounding neighborhood. The reason for replacing good condition sidewalk other than it not being today's standard is not clear. There are numerous driveway aprons along the street frontage approximately +80'-100' between them that serve the purpose of providing ADA "passing zones" so that the existing sidewalk is clearly ADA compliant.

Under Section 50-35.(n) "*the Board may, with the consent of the Departments of Transportation and Permitting Services, require a developer to provide a reasonable amount of off-site sidewalks or sidewalk improvements*". The applicant does not agree that the MCDOT recommendation to replace the four-foot wide sidewalk with a five-foot wide sidewalk is reasonable and would be an unnecessary burden and financial hardship on the applicant. The idea of replacing sidewalk sounds simple, but in this case, the total impacts and significant cost (see cost estimate) to a very small project, in addition to the significant cost of the off-site storm drain replacement, creates a financial hardship on the applicant and potentially the entire project.

During a previous plan review on the Subject Property, Pre-Application Plan 720130110, the Montgomery County Department of Transportation made the same recommendation as today. The previous applicant made the same argument to waive the off-site sidewalk requirement, and at that time the M-NCPPC staff supported the waiver request to not build the off-site sidewalk.

The following are reasons to justify granting the applicant a waiver of off-site sidewalk improvements:

1. The waiver is the minimum necessary to provide relief from the requirements. The existing sidewalks on Landgreen Street are in good condition and are ADA accessible. Not providing sidewalk improvements will not impede pedestrian, community or transit connectivity.
2. The Aspen Hill Master Plan recommends medium density residential development in the R-90 Zone. Subdivision of the Subject Property into just five lots, and a single parcel for continued operation of the swim club will continue the medium-density residential pattern recommended by the Master Plan, reinforce the integrity of existing residential neighborhoods,

and increase the housing resources in Montgomery County. Granting the requested waiver therefore would not be inconsistent with the Master Plan.

3. Lastly, the waiver is not adverse to the public interest. The Applicant will resubdivide Parcel A into five single-family detached lots and one remaining parcel. Allowing a longtime community institution to remain in operation and have the financial resources available to upgrade the ageing facilities used by many community residents is in the public interest. For the foregoing reasons, the requested waiver to off-site sidewalk improvements can be granted without negative impact to the Master Plan recommendations or surrounding development patterns, or to public health, safety and welfare.

If additional information is needed, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Foster". The signature is stylized with a large initial "K" and a cursive "Foster".

Kevin A. Foster, ASLA, AICP

Landgreen Street to Mariana Drive

Cost Estimate : 5' wide offsite sidewalk, both sides of Landgreen Street.

Date: 12/16/2015

Item	Quantity	Width	SF	Type	Unit Cost	Total
4' S/W Demo	530 lf	4	2120 SF		\$ 3	\$ 5,300.00
5' S/W Install	530 lf	5	2650 SF		\$ 4	\$ 10,600.00
C&G - Install & Demo	95			LF	\$ 35	\$ 3,325.00
Demo HC Ramp	4	450		EA	\$ 4	\$ 1,800.00
Install HC Ramp	4			EA	\$ 1,450	\$ 5,800.00
Excavate & Haul-off	530			SF	\$ 13	\$ 6,757.50
Topsoil and Seeding	530	3		SF	\$ 2.5	\$ 3,975.00
Grading	530			SF	\$ 3	\$ 1,325.00
Tree removal	3			EA	\$ 1,500	\$ 4,500.00
Stup removal	3			EA	\$ 450	\$ 1,350.00
Plant Street Trees	6			EA	\$ 300	\$ 1,800.00
Haulaway material	4			EA	\$ 600	\$ 2,400.00
Diposal Charge	2			EA	\$ 300	\$ 600.00
Pub. ROW Imp. Plans	1			EA	\$ 6,000	\$ 6,000.00
ROW Tree Plans	1			EA	\$ 1,500	\$ 1,500.00
Plan Review Fees	1			EA	\$ 1,500	\$ 1,500.00
Total						\$ 58,532.50
Contingency					15%	\$ 8,779.88
Lump Sum Total						\$ 67,312.38

Add: Cost estimate for the replacement of utility pole, cost range is in the amount to \$40k - \$50k.

Total: \$107,763 to \$117,763

Exclusions: Driveway Apron R&R

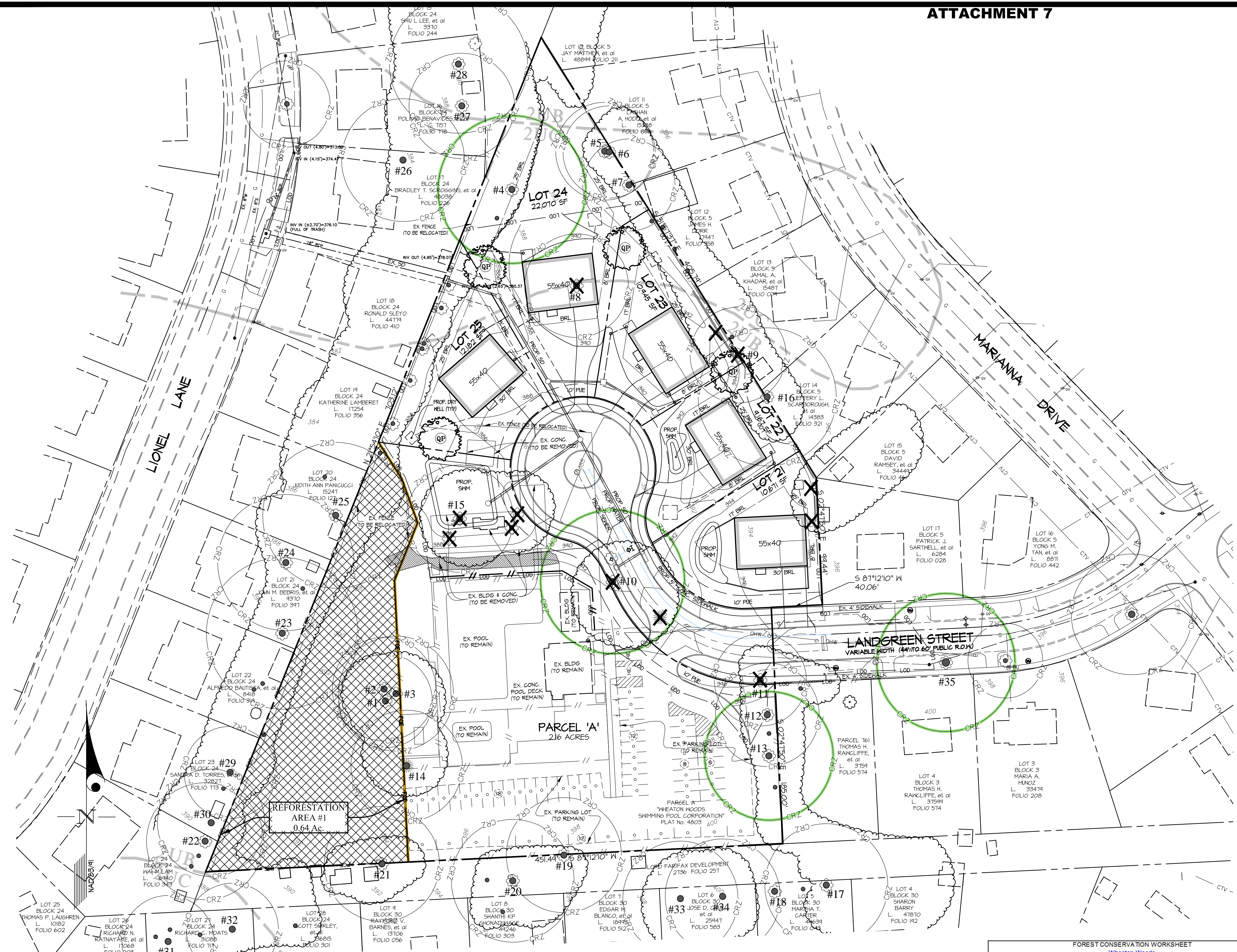






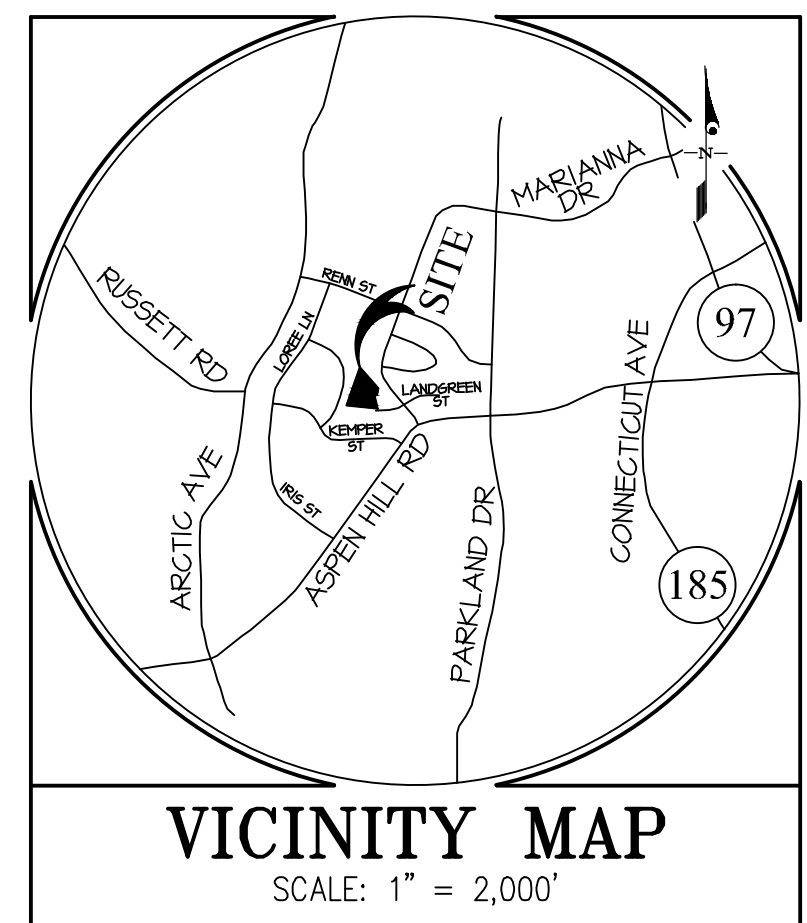


ATTACHMENT 7



GENERAL NOTES

- OWNER: WHEATON WOODS SWIMMING POOL CORPORATION
4610 LANDGREEN STREET
ROCKVILLE, MD 20851
ATTN: PIERRE ALAIN-AUROUX
- APPLICANT/ DEVELOPER: SITKA PROPERTIES, LLC
3905 NATIONAL DRIVE
BURTONSVILLE, MARYLAND 20866
ATTN: RICH THOMETZ
 - SITE AREA: 4.08 Ac.
 - ZONE: R-40
 - BOUNDARY SURVEY BY: GUTSCHICK, LITTLE & WEBER, P.A.
JANUARY 2015
 - TOPOGRAPHY BY: GUTSCHICK, LITTLE & WEBER, P.A.
JANUARY 2015
 - PRE-APPLICATION PLAN No.: 1201010
DATE: 11-07-13
 - NR/FSD BY: GUTSCHICK, LITTLE & WEBER, P.A.
NR/FSD No.: 42016010
APPROVED: August 7, 2015
 - STORMWATER CONCEPT BY: GUTSCHICK, LITTLE & WEBER, P.A.
SWM CONCEPT No.: 278546
 - TRAFFIC STATEMENT BY: GUTSCHICK, LITTLE & WEBER, P.A.
 - WATERSHED: LONER ROCK CREEK
USE CLASS: I-P
 - DEVELOPMENT PROGRAM: ONE PHASE
 - ALL UTILITIES ARE CONCEPTUAL AND SUBJECT TO CHANGE. SEE APPROPRIATE APPROVED FINAL UTILITY CONSTRUCTION PLANS.
 - UTILITY COMPANIES: GAS - WASHINGTON GAS ELECTRIC - PEPCO
WATER & SEWER - HESG
TELEPHONE - COMCAST
CABLE - COMCAST/ VERIZON
 - PROPOSED ON-SITE WATER AND SEWER SERVICE WILL BE PRIVATE. THE EXISTING WATER AND SEWER CATEGORIES ARE M-1 & S-1.
 - THERE IS NO FLOODPLAIN ON SITE PER FEMA MAP #2403100355D.
 - THIS PROPERTY DOES NOT CONTAIN A SITE LISTED ON THE INVENTORY OF HISTORIC SITES.
 - THERE ARE NO KNOWN RARE, THREATENED ENDANGERED SPECIES OR CRITICAL HABITATS ON SITE.
 - THERE ARE NO KNOWN COUNTY CHAMPION TREES AS PER THE 2011 PUBLICATION OF CHAMPION TREES IN MONTGOMERY COUNTY, MARYLAND.
 - TREES WERE MEASURED WITH A D-TAPE IN THE FIELD ON JANUARY 21, 2015 AND 28, 2015 BY JULIE SOFFS OF GUTSCHICK, LITTLE & WEBER P.A. TREE LOCATIONS ON PARCEL 'A' WERE FIELD SURVEYED BY GUTSCHICK, LITTLE & WEBER IN JANUARY, 2015. ADJACENT OFF-SITE TREES WERE FIELD MEASURED IF ACCESS WAS GRANTED BY PROPERTY OWNER, OTHERWISE ADJACENT TREES SHOWN ARE ESTIMATES ONLY.
 - UNLESS SPECIFICALLY NOTED ON THIS PLAN DRAWING OR IN THE PLANNING BOARD CONDITIONS OF APPROVAL, THE BUILDING FOOTPRINTS, BUILDING HEIGHTS, ON-SITE PARKING, SITE CIRCULATION AND SIDEWALKS SHOWN ON THE PRELIMINARY PLAN ARE ILLUSTRATIVE. THE FINAL LOCATIONS OF BUILDINGS, STRUCTURES AND HARDSCAPES WILL BE DETERMINED AT THE TIME OF ISSUANCE OF BUILDING PERMITS. PLEASE REFER TO THE ZONING DATA TABLE FOR DEVELOPMENT STANDARDS SUCH AS SETBACKS, BUILDING RESTRICTION LINES, BUILDING HEIGHT, AND LOT COVERAGE FOR EACH LOT. OTHER LIMITATIONS FOR SITE DEVELOPMENT MAY ALSO BE INCLUDED IN THE CONDITIONS OF THE PLANNING BOARD'S APPROVAL.
 - FINAL PLANTING TO BE APPROVED BY MDCPC AT THE TIME OF FINAL FOREST CONSERVATION PLAN. DETAILS WILL BE SPECIFIED ON THE FINAL FOREST CONSERVATION PLAN.



LEGEND

- EXISTING TOPOGRAPHY
- PROPOSED TOPOGRAPHY
- PROPOSED BUILDING
- EXISTING BUILDING
- EXISTING TREELINE
- PROPOSED TREELINE
- EX. CURB
- PROP. CURB
- EX. SIDEWALK
- PROP. SIDEWALK
- EX. ELECTRIC
- EX. UTILITY POLE
- EX. GAS
- EX. SEWER
- PROP. SEWER
- EX. WATER
- PROP. WATER
- EX. STORM DRAIN
- PROP. STORM DRAIN
- PROP. LOD
- EX. OVER HEAD WIRE
- FOREST CONSERVATION EASEMENT AREA
- FOREST STAND DELINEATION BOUNDARY
- SPLIT RAIL FENCE & FCE
- PERMANENT TREE PROTECTION FENCE
- SPECIMEN TREE AND CRITICAL ROOT ZONE
- VARIANCE REQUEST SPECIMEN TREE
- TREE TO BE REMOVED
- SOIL DELINEATION
- PROPOSED MITIGATION TREE
- REFORESTATION AREA - CATEGORY I

AREA TABULATIONS

	AREA	FOREST
SITE AREA	4.079 Ac.	0.00 Ac.
STREAM BUFFER	0.00 Ac.	0.00 Ac.
100-YR FLOODPLAIN	0.00 Ac.	0.00 Ac.
WETLANDS	0.00 Ac.	0.00 Ac.
WETLANDS BUFFER	0.00 Ac.	0.00 Ac.
INTERMITTENT & PERENNIAL STREAM	0 LF.	0 LF.

MAPPED SOIL TYPES

Map Unit	Description	Highly Erodible	Hydric	Prime Farmland
2UB	Glenside-Urban land complex, 0%-8% slopes	no	no	no
2UC	Glenside-Urban land complex, 8%-15% slopes	no	no	no

ACCORDING TO USDA - WEB SOIL SURVEY
Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at <http://websoilsurvey.nrcs.usda.gov/> accessed January 21, 2015.

SIGNIFICANT AND SPECIMEN TREE LIST

No.	COMMON NAME	SPECIES NAME	DBH	CONDITION	DISPOSITION
1	WHITE PINE	PINUS STROBUS	25.5'	GOOD	GOOD
2	WHITE PINE	PINUS STROBUS	21'	GOOD	SAVE
3	WHITE PINE	PINUS STROBUS	30'	GOOD	SAVE
4	SOUTHERN RED OAK	QUERCUS FALGATA	38.5'	GOOD	DISTURB
5	TULIP POPLAR	LIRIODENDRON TULIFERA	25.5'	GOOD	DISTURB
6	GREEN ASH	FRAXINUS PENNSYLVANICA	24'	GOOD	DISTURB
7	TULIP POPLAR	LIRIODENDRON TULIFERA	24'	GOOD	DISTURB
8	SYCAMORE	PLATANUS OCCIDENTALIS	21'	GOOD	REMOVE
9**	GREEN ASH	FRAXINUS PENNSYLVANICA	25'	GOOD	REMOVE
10*	RED MAPLE	ACER RUBRUM	37.5'	GOOD	REMOVE
11	PIN OAK	QUERCUS PALUSTRIS	24'	GOOD	REMOVE
12	WHITE PINE	PINUS STROBUS	21'	POOR - LIMB DAMAGE, TOP CUT OFF	DISTURB
13	WHITE PINE	PINUS STROBUS	33.5'	FAIR - LIMBED UP	DISTURB
14	WHITE PINE	PINUS STROBUS	24'	GOOD	DISTURB
15	PIN OAK	QUERCUS PALUSTRIS	28'	GOOD - PLANTER BOX	DISTURB
16**	WHITE HILBERRY	MORUS ALBA	26'	FAIR - TRUNK / LIMB DAMAGE	SAVE
17**	RED OAK	QUERCUS RUBRA	32'	GOOD	SAVE
18**	PIN OAK	QUERCUS PALUSTRIS	41'	DEAD	SAVE
19**	RED OAK	QUERCUS RUBRA	30'	GOOD	SAVE
20**	RED MAPLE	ACER RUBRUM	32'	GOOD	SAVE
21**	GREEN ASH	FRAXINUS PENNSYLVANICA	28'	GOOD	SAVE
22**	PIN OAK	QUERCUS PALUSTRIS	30.5'	GOOD	SAVE
23**	TULIP POPLAR	LIRIODENDRON TULIFERA	34.5'	GOOD	SAVE
24**	WILLOW OAK	QUERCUS PHellos	35.5'	GOOD	SAVE
25**	WHITE OAK	QUERCUS ALBA	38'	GOOD	SAVE
26**	RED MAPLE	ACER RUBRUM	32'	GOOD	SAVE
27**	WHITE OAK	QUERCUS ALBA	21.5'	GOOD	SAVE
28**	WHITE OAK	QUERCUS ALBA	36'	GOOD	SAVE
29**	BEECH	FAGUS GRANDIFOLIA	24'	GOOD	SAVE
30**	BEECH	FAGUS GRANDIFOLIA	28'	GOOD	SAVE
31**	RED OAK	QUERCUS RUBRA	24'	GOOD	SAVE
32**	BEECH	FAGUS GRANDIFOLIA	24'	GOOD	SAVE
33**	WHITE OAK	QUERCUS ALBA	30'	GOOD	SAVE
34**	WHITE OAK	QUERCUS ALBA	30'	FAIR - TOP DIE-BACK	SAVE
35**	RED MAPLE	ACER RUBRUM	36'	GOOD	DISTURB

** = SPECIMEN SIGNIFICANT TREES LOCATED OFFSITE
* = TREE MITIGATION CALCULATIONS FOR ON-SITE 30" AND GREATER TREES TO BE REMOVED OUTSIDE OF FORESTED AREAS: 37.5' DBH * 4' = 4.4' OF TREE MITIGATION / 3' CALIBER PROPOSED NATIVE TREES = 4 REPLACEMENT MITIGATION TREES

FOREST CONSERVATION WORKSHEET
Wheaton Woods

NET TRACT AREA:
A. Total tract area (Ex. Parcel A = 4.08 Ac. Offsite Disturbance = 0.16 Ac.) 4.24
B. Land dedication areas (parks, county facility, etc.) 0.00
C. Land dedication for roads or utilities (not being constructed by this plan) ... 0.00
D. Area to remain in commercial agricultural production/use ... 0.00
E. Other deductions (specify) 0.00
F. Net Tract Area 4.24

LAND USE CATEGORY: (from Trees Technical Manual)
Input the number "1" under the appropriate land use, limit to only one entry.

	ARA	MDR	IDA	HDR	MPD	CIA
	0	0	0	1	0	0

G. Afforestation Threshold ... 15% x F = 0.64
H. Conservation Threshold ... 20% x F = 0.85

EXISTING FOREST COVER:
I. Existing forest cover 0.00
J. Area of forest above afforestation threshold 0.00
K. Area of forest above conservation threshold 0.00

BREAK EVEN POINT:
L. Forest retention above threshold with no mitigation ... 0.00
M. Clearing permitted without mitigation 0.00

PROPOSED FOREST CLEARING:
N. Total area of forest to be cleared 0.00
O. Total area of forest to be retained 0.00

PLANTING REQUIREMENTS:
P. Reforestation for clearing above conservation threshold ... 0.00
Q. Reforestation for clearing below conservation threshold ... 0.00
R. Credit for retention above conservation threshold 0.00
S. Total reforestation required 0.00
T. Total afforestation required 0.00
U. Credit for landscaping (may not exceed 20% of "S") 0.00
V. Total reforestation and afforestation required 0.64

REFORESTATION CALCULATIONS
Total reforestation provided on-site 0.64
Total reforestation required off-site 0.00

Forest Conservation Data Table

Tract	Number of Acres		
	Retained	Cleared	Planted
Tract 4.08	0.00	0.00	0.00
Remaining in Agricultural Use	0.00	0.00	0.00
Road & Utility ROWs	0.00	0.00	0.00
Total Existing Forest	0.00	0.00	0.00
Forest Retention	0.00	0.00	0.00
Forest Clear	0.00	0.00	0.00

Land Use & Thresholds:
Land Use Category: HDR
Conservation Threshold: 20 percent
Afforestation Threshold: 15 percent

Stream(s)	Total Channel Length (ft.)	Average Buffer Width (ft.)
	0	0

Ares of Forest in:
Wetlands: Retained 0.00, Cleared 0.00, Planted 0.00
100-Year Floodplain: Retained 0.00, Cleared 0.00, Planted 0.00
Stream Buffers: Retained 0.00, Cleared 0.00, Planted 0.00
Priority Areas: Retained 0.00, Cleared 0.00, Planted 0.00

FOREST CONSERVATION TOTALS CHART

REFORESTATION AREA	AREA
#1	.64 Ac.
TOTAL	.64 Ac.

PLANT SCHEDULE - MITIGATION PLANTINGS

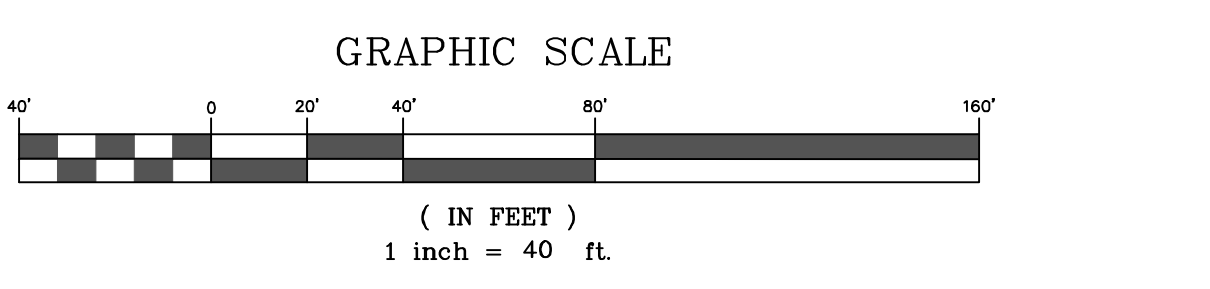
KEY QTY.	BOTANICAL NAME	COMMON NAME	SIZE	CONT. / B&B	COMMENTS
QP 4	Quercus phellos	Willow Oak	3" Cal.	B&B	6' min. branching height

PRELIMINARY FOREST CONSERVATION PLAN PREPARED BY:
Kevin Foster
Gutschick, Little & Weber, P.A.
3905 National Drive, Suite 250
Burtonsville, Maryland 20866
Ph: (301) 421-4024 Fax: (301) 421-4186
Registered Landscape Architect #8201

DEVELOPER'S CERTIFICATE
The undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. _____ including, financial bonding, forest planting, maintenance and all other applicable agreements.
Developer's Name: Sitka Properties, LLC
Contact Person or Owner: Richard Thometz
Address: 3905 National Drive, Suite 105, Burtonsville, MD 20866
Phone: 301-476-7715
Signature: Richard Thometz

GLWGUTSCHICK LITTLE & WEBER, P.A.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS
3905 NATIONAL DRIVE - SUITE 250 - BURTONSVILLE OFFICE PARK
BURTONSVILLE, MARYLAND, 20866
TEL: 301-421-4024 FAX: 301-421-4186

DATE	REVISION	BY	APPR.
01/07/16	REVISED PER DRC COMMENTS	KAB	KAF
12/18/15	REVISED PER DRC COMMENTS	KAB	KAF



PREPARED FOR:
SITKA PROPERTIES, LLC
3905 NATIONAL DRIVE, SUITE 105
BURTONSVILLE, MARYLAND 20866
ATTN: RICHARD THOMETZ
PHONE: 301-476-7715

SCALE: 1" = 40'
ZONING: R-90
DATE: AUG, 2015
TAX MAP - GRID: HR - 32

PRELIMINARY FOREST CONSERVATION PLAN
WHEATON WOODS
(PROPOSED LOTS 21-25 & PARCEL 'A')
EX. PARCEL 'A'
PLAT No. 4803
G. L. W. FILE No. 14085
SHEET 1 OF 1
SILVER SPRING ELECTION DISTRICT No. 13
MONTGOMERY COUNTY, MARYLAND

ATTACHMENT 8

GLW GUTSCHICK, LITTLE, & WEBER, P.A.

CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS

December 7, 2016

Forest Conservation Program Manager
Maryland National Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Wheaton Woods - Variance Request

On behalf of our client, Sitka Properties, we are requesting a variance of Section 22A-12.(b)(3)(c) of the Montgomery County Code.

(3) The following trees, shrubs, plants, and specific areas are priority for retention and protection and must be left in an undisturbed condition unless the Planning Board or Planning Director, as appropriate, finds that the applicant qualifies for a variance under Section 22A-21:

- (C) Any tree with a diameter, measured at 4.5 feet above the ground, of:*
- (i) 30 inches or more; or*
 - (ii) 75% or more of the diameter, measured at 4.5 feet above ground, of the current State champion tree of that species.*

Section 5-1611 of the Maryland State Code grants the authority to Montgomery County (local authority) for approval of the variances, and Section 22A-21 Variance, of the Montgomery County Code establishes the criteria to grant a variance.

The subject property, Aspen Knolls, Parcel 'A', is located to the West of the intersection of Landgreen Street and Marianna Drive in Rockville, Maryland, a community in the south east portion of Montgomery County. The site is currently, not forested. Existing single family houses abut the property to the West, East and South of the site. To the North of the site is Brookehaven Elementary School.

The applicant is requesting a variance to affect the following trees that measures 30" or greater in diameter at breast height (dbh):

Request to remove the following tree:

Tree #10 – 37.5" dbh Red Oak – Good Condition

Request to impact the critical root zones of three trees:

Tree #4 – 38.5" dbh Southern Red Oak, Good Condition

Tree #13 – 33.5" dbh White Pine, Fair Condition

Tree #35 – 36" dbh Red Maple, Good Condition

<u>TREE #</u>	<u>TREE TYPE</u>	<u>% DISTURBED</u>	<u>REASON</u>
4	Southern Red Oak	22%	Grading and house construction
13	White Pine	11%	Curb installation and grading
35	Red Maple	15%	Sewer installation on Landgreen St.

Section 22A-21 (b) lists the criteria for the granting of the variance requested herein. The following narrative explains how the requested variance is justified under the set of circumstances described above.

1. Describe the special conditions peculiar to the property which would cause the unwarranted hardship:

The site is not categorized as a forested area; however there are several specimen trees scattered throughout the site. Because numerous large trees are located in the only developable area of the site, the critical root zones will have a significant impact on the developability of the site. The subject property is the last remaining undeveloped area in the neighborhood and is landlocked with its only access being Landgreen Street. The property is zoned R-90 which allows single-family detached homes, and single family detached homes require frontage on a public street, therefore to develop the site an extension of Landgreen Street is required. Since there is nowhere for Landgreen Street to exit the site, it will require a cul-de-sac terminus. The major impacts to specimen trees will be caused by construction of the public road and utility installation to serve the proposed single-family detached homes. If the applicant were denied the ability to build the public road and therefore not build single-family homes, it would be an unwarranted hardship on the developer, not allow the same enjoyment of his property as other surrounding previous property owners to development single family homes.

Removal of Trees #10:

The removal of tree #10 could not be avoided because it is located in the middle of buildable area of the site and directly in the path of Landgreen Street. The Montgomery County street design standards necessitate the removal to allow construction of street utilities, grading, and required storm water management features.

Impacting Critical Root Zones (CRZ) of Tree #4, 13 & 35:

Tree #4 will have minimal grading impacts to one side of the outer CRZ area to clear, grade and construct the house on Lot 24. Tree #13 will be minimally impacted on one side of the outer CRZ to clear, grade and construct the curb for the construction of Landgreen Street and the tie-in to the Wheaton Woods Swimming Pool parking lot. Tree #35 is located off site and will be impacted minimally on one side of the outer CRZ to install the sewer connection located in the Right of Way for Landgreen Street. Prior to construction, root pruning, temporary tree protection fencing and signage, and other protective measures deemed necessary by the arborist will be employed to minimize the effects of construction.

2. Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas:

Not granting the variance would cause undue hardship on the applicant because there would be very limited buildable area on the property, and therefore will deny the applicant ability to full use the property. The applicant has followed the requirements of the zoning regulations. The proposed use is compatible with the surrounding properties. Nearby developments have been allowed to develop in this manner and therefore the Applicant would be denied the ability to utilize the property. The inability to remove the subject trees would make the property a virtually unbuildable parcel, and is an unwarranted

hardship to the applicant. By enforcement of this chapter, it will deprive the landowner the rights to build on the property. Granting of the variance will ultimately allow the property to be developed.

3. Verify that State water quality standards will not be violated or that a measurable degradation in water quality will not occur as a result of the granting of the variance:

The variance will not violate state water quality standards or cause measurable degradation in water quality. All proposed land development activities will require sediment control and or storm water management plan approvals by Montgomery County. This approval, of SWM Concept #278596, will confirm that the goals and objective of the current state and county water quality standards have been met for the proposed development, on site.

The slopes on the site will be graded at 3:1 to improve the stability of the existing steep slopes. This combined with the creation of Category 1 easements on the site and in addition to bioretention planter box areas will improve the existing water quality on the site.

4. Provide any other information appropriate to support the request:

The variance request is not based on conditions or circumstances which result from the actions of the applicant. The applicant did not create the utility line easements, the steep slopes, or plant the trees. As mentioned above, great care has been taken to locate development in the buildable area of the site while trying to minimize disturbance to some of the significant and specimen trees within the site. The applicant recognizes the value and need for mature trees and has selected areas to locate the houses that would impact the trees the least amount. Special attention will be given to any construction work that may impact the critical root zones of specimen trees that can be saved. In particular:

The Applicant believes that the information set forth above is adequate to justify the requested variance to impact the critical root zone of four specimen trees on the subject property. Furthermore, the Applicant's request for a variance complies with the "minimum criteria" of Section 22A-21 (d) for the following reasons:

1. This Applicant will receive no special privileges or benefits by the granting of the requested variance that would not be available to any other applicant.
2. The variance request is not based on conditions or circumstances which result from the actions of the applicant. The applicant did not create the existing site conditions, including the random location of the specimen trees.
3. The variance is not based on a condition relating to the land or building use, either permitted or nonconforming on a neighboring property.
4. Loss of the requested trees will not violate State water quality standards or cause measurable degradation in water quality.

If you have any further questions or concerns, please do not hesitate to contact me.

Sincerely,

Kevin Foster
Landscape Architect

ATTACHMENT 9



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Lisa Feldt
Director

January 21, 2016

Casey Anderson, Chair
Montgomery County Planning Board
Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: Wheaton Woods, DAIC 12016060, NRI/FSD application accepted on 7/22/2015

Dear Mr. Anderson:

All applications for a variance from the requirements of Chapter 22A of the County Code submitted after October 1, 2009 are subject to Section 22A-12(b)(3). Accordingly, given that the application for the above referenced request was submitted after that date and must comply with Chapter 22A, and the Montgomery County Planning Department ("Planning Department") has completed all review required under applicable law, I am providing the following recommendation pertaining to this request for a variance.

Section 22A-21(d) of the Forest Conservation Law states that a variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

Applying the above conditions to the plan submitted by the applicant, I make the following findings as the result of my review:

1. The granting of a variance in this case would not confer a special privilege on this applicant that would be denied other applicants as long as the same criteria are applied in each case. Therefore, the variance can be granted under this criterion.
2. Based on a discussion on March 19, 2010 between representatives of the County, the Planning Department, and the Maryland Department of Natural Resources Forest Service, the disturbance of trees, or other vegetation, as a result of development activity is not, in and of itself, interpreted as a condition or circumstance that is the result of the actions by the applicant. Therefore, the variance can be granted under this criterion, as long as appropriate mitigation is provided for the resources disturbed.

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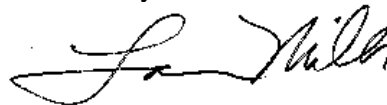
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance can be granted under this criterion.

Therefore, I recommend a finding by the Planning Board that this applicant qualifies for a variance conditioned upon the applicant mitigating for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law based on the limits of disturbance (LOD) recommended during the review by the Planning Department. In the case of removal, the entire area of the critical root zone (CRZ) should be included in mitigation calculations regardless of the location of the CRZ (i.e., even that portion of the CRZ located on an adjacent property). When trees are disturbed, any area within the CRZ where the roots are severed, compacted, etc., such that the roots are not functioning as they were before the disturbance must be mitigated. Exceptions should not be allowed for trees in poor or hazardous condition because the loss of CRZ eliminates the future potential of the area to support a tree or provide stormwater management. Tree protection techniques implemented according to industry standards, such as trimming branches or installing temporary mulch mats to limit soil compaction during construction without permanently reducing the critical root zone, are acceptable mitigation to limit disturbance. Techniques such as root pruning should be used to improve survival rates of impacted trees but they should not be considered mitigation for the permanent loss of critical root zone. I recommend requiring mitigation based on the number of square feet of the critical root zone lost or disturbed. The mitigation can be met using any currently acceptable method under Chapter 22A of the Montgomery County Code.

In the event that minor revisions to the impacts to trees subject to variance provisions are approved by the Planning Department, the mitigation requirements outlined above should apply to the removal or disturbance to the CRZ of all trees subject to the law as a result of the revised LOD.

If you have any questions, please do not hesitate to contact me directly.

Sincerely,



Laura Miller
County Arborist

cc: Amy Lindsey, Planner Coordinator

ATTACHMENT 10



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Al R. Roshdieh
Acting Director

November 5, 2015

Mr. Lori Shirley, Planner Coordinator
Area 2 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120160060
Wheaton Woods

Lori
Dear Ms. Shirley:

We have completed our review of the preliminary plan dated August, 2015. This plan will be reviewed by the Development Review Committee at its meeting on November 9, 2015. We recommend approval for the plan based to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Existing record plats for other nearby sections of Landgreen Street reflect sixty (60) foot wide right-of-way dedications, which are commensurate with a secondary residential street classification. The applicants have proposed dedication and construction of Landgreen Street, within the limits of this plan, to be classified a tertiary residential street. The Planning Board will need to make a finding to confirm that road classification.
If the Planning Board concurs with the proposed tertiary street classification, we recommend the new street extension be dedicated and constructed with a fifty (50) foot wide right-of-way in accordance with MCDOT Design Standard No. MC-2001.02 (Tertiary Residential Street, Sidewalk on Both Sides).
We do not support not providing sidewalks on both sides of the street. We recommend the sidewalk be extended from proposed Lot 25 to connect with the existing sidewalk east of the swimming pool entrance.
2. We recommend that the applicant widen the existing four (4)-foot sidewalk along north and south of Landgreen Street to five (5)-foot sidewalk to Marianna Drive to comply with the Montgomery County Department of Transportation Standard Details.
3. The cul-de-sac shall be per Montgomery County Standard Detail MC-222.01(Cul-De-Sac, Curb and Gutter Roads).
4. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.

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5. Preliminary Plan:
 - a. Provide elevations on the proposed contours.
 - b. Dimension the driveway for the swimming pool driveway.
6. Concept Street Profile:
 - a. Please provide scale of the plan view.
 - b. Show the existing and proposed contours and elevations clearly in the plan view.
 - c. Please label the proposed grade and the existing grade on the Street profile.
 - d. Label the sight distance on the profile to meet the requirements per Bill 42-70 for minimum vertical curve and sight distance requirements for a tertiary street.
 - e. The cul-de-sac curb profile shows a low point at 2+07.99. The plan does not show a proposed inlet at that location. How is the cul-de-sac draining?
 - f. Please revise the cross-sections of Landgreen Street based on comment #1(b) (ii).
7. Storm Drain Analysis:
 - a. Based on the information we have received from our Division of Highway Services, we now believe the existing storm drain system (between lots 17 and 18) is publicly maintained. Update the plans to show the existing easement on the preliminary plan for the existing 18-inch storm drain pipe and inlet between Lot 17 & Lot 18 per the SD File #687.
 - b. Show proposed storm drain easements on the plan for the proposed storm drain system which runs on proposed Lots 24 and 25.
 - c. The post development Tc path shown runs to the SWM facility but there is a proposed inlet on Landgreen Street upstream of the SWM facility. The post development Tc path should be revised on the plan and any change in the flow path length shall be taken into account and the computations shall be revised accordingly.
8. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
9. Size storm drain easement(s) prior to record plat between the proposed cul-de-sac and the existing system. No fences will be allowed within the storm drain easement(s) without a revocable permit from the Department of Permitting Services and a recorded Maintenance and Liability Agreement.
10. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with DPS Right-of-Way Plan Review Section.
11. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
12. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - a. Street grading, paving, curbs and gutters, sidewalks and handicap ramps, storm drainage and appurtenances, and street trees along Landgreen Street extended per Comment no. 1, terminating in a cul-de-sac.
 - b. On both sides of Landgreen Street between the site and Marianna Drive, widen the existing four (4)-foot sidewalk to five (5)-foot sidewalk to Marianna Drive, if required as an off-site amenity by the Montgomery County Planning Board.
 - c. Enclosed storm drainage and/or engineered channel (in accordance with the MCDOT Storm Drain Design Criteria) within the County rights-of-way and all drainage easements.

Ms. Lori Shirley
Preliminary Plan No. 120160060
November 5, 2015
Page 3

- d. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- e. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- f. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- g. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. Deepak Somarajan, our Development Review Area Engineer for this project, at deepak.somarajan@montgomerycountymd.gov or (240) 777-2194.

Sincerely,



Gregory M. Leck, Manager
Development Review Team

M: /corres/FY16/Traffic/Active/120160060, Wheaton Woods -- MCDOT final plan review ltr.doc

Enclosure

cc: Richard Thometz; Sitka Properties, LLC
Kevin Foster; Gutschick, Little & Weber
Khalid Afzal; M-NCPPC Area 2
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Atiq Panjshiri; MCDPS RWPR
Sam Farhadi; MCDPS RWPR
Kyle Hanley MCDOT DHM
Deepak Somarajan; MCDOT DO



MONTGOMERY COUNTY, MARYLAND
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
 DEPARTMENT OF PERMITTING SERVICES

SIGHT DISTANCE EVALUATION

Facility/Subdivision Name: Wheaton Woods Preliminary Plan Number: 1- 20160060

Street Name: Landgreen Street Master Plan Road Classification: Tertiary

Posted Speed Limit: None Posted mph

Street/Driveway #1 (Lot 21 Driveway) Street/Driveway #2 (Prop. Swimming Pool Access)

Sight Distance (feet) OK?
 Right 241' See Comments
 Left 280' Yes

Sight Distance (feet) OK?
 Right 304' Yes
 Left 145' See Comments

Comments: Looking right, Landgreen Street ends in cul-de-sac.
Looking left down existing Landgreen Street, towards
intersection with Marianna Drive.

Comments: Looking right down existing Landgreen Street,
towards intersection with Marianna Drive.
Looking left, Landgreen Street ends in cul-de-sac.

GUIDELINES

Classification or Posted Speed (use higher value)	Required Sight Distance in Each Direction*
Tertiary - 25 mph	150'
Secondary - 30	200'
Business - 30	200'
Primary - 35	250'
Arterial - 40	325'
(45)	400'
Major - 50	475'
(55)	550'

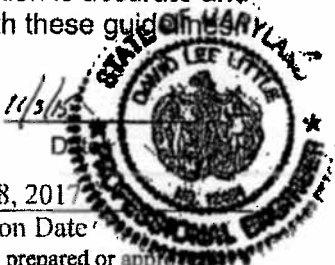
Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)

*Source: AASHTO

ENGINEER/SURVEYOR CERTIFICATE

I hereby certify that this information is accurate and was collected in accordance with these guidelines.

[Signature]
 Signature



12464 May 28, 2017
 PLS/P.E. MD Reg. No. Expiration Date

I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland.

Montgomery County Review:

Approved

Disapproved:

By: [Signature]

Date: 11/4/15

Form Reformatted:
 March, 2000



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Al R. Roshdich
Acting Director

November 30, 2015

Ms. Lori Shirley, Planner Coordinator
Area 2 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120160060
Wheaton Woods
AMENDMENT LETTER

Lori
Dear Ms. Shirley:

This letter is to amend the comments contained in our November 5, 2015 preliminary plan review letter based on our review of the **design exception request** for Landgreen Street and the **revised storm drain study** dated November 11, 2015 and November 12, 2015 respectively. We have completed the review and recommend approval of the revised storm drain study and the design exception subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading, paving or streetscape plans, or application for access permit(s). Include this letter and all other correspondence from this department.

1. All previous comments from previous Preliminary Plan letter dated November 5, 2015, is applicable unless modified below.
2. The following comments from the Preliminary Plan letter dated November 5, 2015 are amended:
 - a. Comment #1 second paragraph "*If the Planning Board concurs with the proposed tertiary street.....*" shall be **DELETED**: The Design Exception package dated November 11, 2015 proposes to use a modified standard detail MC-2001.01 (Tertiary Residential Street, Sidewalk on One Side) in order to accommodate the sidewalk on both sides of Landgreen Street within the 44-foot right-of-way. The 50-foot right-of-way section per the standard detail MC-2001.02 (Tertiary Residential Street,

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Sidewalk on Both Sides) shall reduce the lot sizes, house size (building restriction lines get pushed back), increase stormwater management requirements, and would put financial burden on the project.

Assuming the planning board concurs with the proposed tertiary street classification of Landgreen Street, MCDOT approves the design exception with proposed sidewalk on both sides of Landgreen Street within a forty four (44)-foot wide right-of-way per modified standard MC-2001.01. The amended typical section provides a ten (10)-foot travel lane, six (6)-foot lawn panel with street trees, five (5)-foot concrete sidewalk, and a one (1)-foot maintenance strip on each side of the roadway centerline.

- b. Comment #7(c) "*The post development Tc path shown.....*" Is hereby **DELETED**: The Tc path was revised in the drainage area map and the computations were revised accordingly on the revised storm drain dated November 12, 2015.
3. Per the storm drain report dated November 12, 2015; under existing conditions the existing eighteen (18)-inch storm drain pipe located between structures I-01 and I-02 does not have the capacity to carry the 10-year storm. Under proposed conditions, the existing eighteen (18)-inch storm drain pipe between structures I-02 and M-03 on Lionel Lane was proposed to be replaced by twenty one (21)-inch pipe. The existing eighteen (18)-inch pipe between between structures I-01 and I-02 will remain under pressure under the proposed conditions but the hydraulic grade line (HGL) computations show that the 10-year HGL will not overtop any of the structures and is no higher than one (1)-foot above the crown of the pipe per Section 4.3.1 of the Montgomery County Drainage Design Criteria. Therefore, the proposed twenty one (21)-inch replacement storm drain pipe on Lionel Lane will have adequate capacity to handle the 10-yr storm run off from the proposed development. The existing inlet I-01 shall be replaced with a "J" inlet (MC-506.01).
4. Comment # 12(a) is hereby amended to reflect the typical section in Comment # 2(a) of this letter.
5. Comment # 12(c) is hereby amended to reflect the following:
 - The existing eighteen (18)-inch storm drain pipe between structures I-02 and M-03 on Lionel Lane shall be replaced by twenty one (21)-inch storm drain pipe.
 - The existing inlet I-01 shall be replaced with a "J" inlet (MC-506.01).

Ms. Lori Shirley
Wheaton Woods
AMENDMENT LETTER
November 30, 2015
Page 3

Thank you for the opportunity to review the design exception requests. If you have any questions or comments regarding this letter, please contact Mr. Deepak Somarajan, our Development Review Area Engineer for this project, at (240) 777-2194 or at deepak.somarajan@montgomerycountymd.gov.

Sincerely,



Gregory M. Leck, Manager
Development Review Team
Office of Transportation Policy

M:\Subdivision\Deepak\Preliminary Plan\Wheaton Woods Pool Preliminary Plan\Letter120160060 Wheaton Woods-Landgreen Street DE and AMENDED ltr

cc: Richard Thometz; Sitka Properties, LLC
Kevin Foster; Gutschick, Little & Weber
David Cha; Gutschick, Little & Weber
Khalid Afzal; M-NCPPC Area 2
Ed Axler; M-NCPPC Area 2
Preliminary Plan folder
Preliminary Plan letters notebook
cc-e: Atiq Panjshiri; MCDPS RWPR
Sam Farhadi; MCDPS RWPR
Kyle Hanley MCDOT DHM
Deepak Somarajan; MCDOT DO

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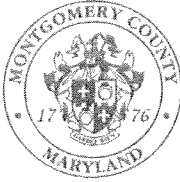


FIRE MARSHAL COMMENTS

DATE: 14-Jan-16
TO: Kevin Foster
Gutschick Little & Weber, PA
FROM: Marie LaBaw
RE: Wheaton Woods
120160060

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **14-Jan-16**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

January 15, 2016

Mr. David Cha, P.E.
Gutschick, Little & Weber, P.A.
3909 National Drive, Suite 250
Burtonsville, MD 20866

Re: Stormwater Management *Combination
CONCEPT/Site Development Stormwater
Management Plan* Request for Wheaton
Woods
Preliminary Plan #: 120160060
SM File #: 278596
Tract Size/Zone: 4.08 Ac./R-90
Total Concept Area: 2.4 Ac.
Parcel(s): A
Watershed: Lower Rock Creek

Dear Mr. Cha:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via ESD with the use of dry wells, micro-bioretenion, and landscape infiltration.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. Provide an easement and covenant for micro-bio #10.
5. At time of plan submittal you must provide full stormwater management for each lot and the right of way. No waivers will be granted.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located

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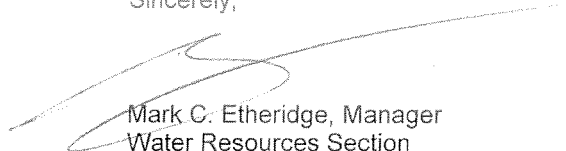
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Mr. David Cha
January 15, 2016
Page 2 of 2

outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6332.

Sincerely,



Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: me CN278596 Wheaton Woods.DWK

cc: C. Conlon
M. Pfefferle
SM File # 278596

ESD Acres:	2.40
STRUCTURAL Acres:	0.00
WAIVED Acres:	0.00

ATTACHMENT 11

Wheaton Woods Pre-Application Community Meeting Minutes

Date: August 24, 2015
Time: 7:00 PM
Location: Wheaton Woods Community Pool
4610 Landgreen Street
Rockville, MD 20853

Meeting Speakers:

Kevin Foster - Gutschick, Little & Weber, P.A.
Richard Thometz – Sitka Properties, LLC
John Marcolin – Wheaton Woods Pool Corporation

1. Site Description/Introduction:

The site is located to the West of the intersection of Marianna Drive and Landgreen Street. The site is surrounded by single family detached houses and to the North is Brookhaven Elementary School. The site is located in the R-90 zone and is approximately 4.08 acres.

In November 2013, per Pre-Preliminary Plan number 720130110 the Montgomery County Park and Planning Commission, Planning Board Staff, concluded that they are in support of the proposed six-lot re-subdivision. The proposed layout will allow the Applicant to retain the existing Wheaton Woods swim club and the parking that accompanies it, while developing the unused portion of the site. The proposed development will maintain the minimum forest conservation threshold on site while preserving a number of specimen trees, fix drainage problems, provide storm water management on site and it will be compatible in density and product type with the surrounding existing developments.

The Preliminary Plan will be heard before the Montgomery County Planning Board and the date of the hearing will be determined at a later date. The only plan that has been submitted to M-NCPPC thus far has been the Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) and the Pre-Preliminary Plan. The M-NCPPC approval process is lengthy and there will be ample opportunity for community input.

2. Community Q & A:

1. Shouldn't the county be required to fix the storm drain problems in the public right of way?

Technically, it is a public system. The county only bases its priorities on its most problematic areas. Typically, if it is a major flooding problem, the county is required to fix it, but for a small drainage area such as Wheaton Woods is not a priority for them. When a developer is involved they are required to fix these problems. The original pipe downstream was undersized.

2. How many storm drains are being serviced on site?

There is one storm drain line that stubs out to an existing storm drain inlet at the low point on the site.

3. Will the existing inlet handle all of the water from the site?

The existing drainage systems and storm water calculations were based on the R-90 zone. The calculations estimate the amount of pervious area for that zone. When the development was originally designed, the storm drain system was designed per the R-90 zone, however, the existing pipe, down-stream was undersized.

4. If that pipe is correctly sized according to the size of the area conveying the water into the storm drain, what else is going to be done to the storm drain itself?

Water quality treatment is required per the state guidelines. Water quality features will be provided on-lot and on the pool parcel. These will be conveyed. The existing inlet structure may need to be replaced. All of the storm drains conveying the drainage off the site will connect into the existing storm drainage system.

5. Will this pipe be enlarged?

Currently the plans are still preliminary design but once into technical plans, the sizing of the structures will be determined.

6. How does the storm drain get to Lionel Lane? Does the pipe need to be replaced on any of the homeowner's lots?

No, the pipe that is in between the two houses will remain. All of the water that is on site will collect into storm water management facilities, then, into the storm drain, which will tie into the existing storm drain that is located between the two houses that connects to Lionel Lane. The existing storm drain that is on Lionel Lane will be replaced is within the public right of way. All necessary measures will be taken to restore the function of the street, driveway and pedestrian systems, prior to and after construction. The majority of work will be behind the curb and in the public right of way.

7. How big is the pipe?

The existing pipe is 18". The pipe is being upsized to 21".

8. What is the max building height?

The proposed max building height is 2-12 stories 35'. (2-1/2 stories is out of the ground).

9. Have the house details been worked out, regarding, the architecture, square footage, building height? Are the homes going to be custom homes?

No, the Preliminary Plan needs to be approved first. The building footprints, building heights, on-site parking, site circulation and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures, and hardscapes will be determined at the time of issuance of building permit(s).

Currently there are not any architectural plans. The Preliminary Plan is conceptual and an illustrative representation that demonstrates how the site will function. Once approved, the Site Plan can be finalized along with the architectural details regarding engineering. This will take at least 1 year. No materials have been decided yet, but when the time comes the units will complement the architecture of the existing community. This will improve the market value for existing homes in the neighborhood. Additionally, it is typical for home builders pre-sell the house before the house is built.

10. Which trees will be removed on site?

Final engineering will determine the site specific details regarding grading and trees that need to be removed.

11. How far are the setbacks and will screening be between these lots?

The minimum rear yard setback is 25 feet and screening will be provided in the areas where it is necessary to buffer residences from one another. Forest conservation will also be provided along the western side of the site. The setbacks from the swimming club are 125 feet per the pre-preliminary plan.

12. Will the plan remain the same until construction until the fall of 2016 and when will construction begin?

It will be until the fall of 2016 that construction will likely begin, and that would coincide with the swimming season.

13. What will happen once construction begins?

Infrastructure, grading, utilities, curb gutter, then individual house construction and house construction is based on sales. The homes will be actively marketed.

14. If the plan approval process gets delayed, what will happen?

This will be a setback, but the measures that are being taken will ensure that there will not be any setbacks. The counties process pushes a lot of the planning and engineering for the site in the preliminary plan process.

15. Who reviews the Storm water management plans and engineering plans? How do the storm water management ponds and drywells work?

As part of the Preliminary Plan approval, a storm water management concept approval is required from DPS (Department of Permitting Services). Part of that is a downstream storm drain analysis.

DPS has to approve all of this before moving forward. There are microbio-retention facilities and drywells proposed on the site. DPS (Department of Permitting Services) has reviewed and approved the plan. The plan complies with the current regulations. Per a conversation with Callum Murray, all storm water management measures have been dealt with on site. The plan reviewer at DPS can exchange information with you concerning the plan and computations.

Bioretention facilities overflow to storm drain pipes that outfall to the cLionel Lane. Water enters these facilities by overland flow, curb cuts, open back inlets, and low points.

Drywells allow the runoff to percolate and recharge the groundwater level. Wye connections from the roof leaders will overflow over land into the storm drain system.

The bioretention pipes will handle a one year storm. The bioretention facilities have a 6" perforated PVC pipe, covered by planting media. The water will be treated by the plants and planting media before it enters the storm drain system.

The storm drain pipes will be designed to handle a 10 year storm.

16. Will the Site, Landscape and Lighting plans be reviewed by the county?

Yes they will. The architecture, landscaping, street trees, and lighting will be done tastefully and the plans are required to be approved by M-NCPPC.

17. Does the development of this project include the renovation of the Pool area?

The renovation of the pool will be done separately by Wheaton Woods Pool Corporation.

18. Will there be a public meeting for the Preliminary Plan Approval?

There is a community meeting at MNCPPC that the public is welcome to attend.

19. Is a wooden privacy fence going to be required?

Wheaton Woods Swimming Club is required to install a fence along the southern property line. A buffer or fencing may be provided where necessary.

20. Will there be any adjustments to the fence, landscaping and how will existing structures near the property line be impacted? What is the largest encroachment? What if the fence is located on

the Pool Parcel? Will there be any on lot impacts?

This is partially a title insurance issue and partially a grading issue. If the grading that is required on the site, interferes with a neighboring fence located on the property that will need to be addressed.

21. Will the homes be million dollar units?

The price will be based on the going market rate at the time they enter the market and the homes will be actively marketed.

22. At what point, does the pool get paid?

Wheaton Woods Swim Club will get paid in the fall of 2016 or after Planning Board Approval.

23. How does the notification process work?

The plans will be submitted to the Maryland National Capital Park and Planning Commission and then they will be reviewed. After acceptance, notification must be sent out.

Meeting adjourns at approximately 8:00 PM.

Minutes prepared by: Keith Bennett / August 2015
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