MEMORANDUM

DATE: June 9, 2006

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief
     Catherine Conlon, Supervisor
     Development Review Division

FROM: Richard A. Weaver, Coordinator
      Development Review Division
      (301) 495-4544

REVIEW TYPE: Preliminary Plan Review
APPLYING FOR: Subdivision of Outlot C, Wooten Subdivision
PROJECT NAME: Wooten Subdivision
CASE #: 120060230
REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: Rural Cluster (RC)
LOCATION: Located on the north side of Sandy Spring Road, approximately
          150 feet east of Dino Drive

MASTER PLAN: Fairland
APPLICANT: Howard L. Wooten, Jr.
ENGINEER: Fowler Associates.
FILING DATE: August 18, 2005
HEARING DATE: June 22, 2006
**STAFF RECOMMENDATION:** Approval, pursuant to Chapter 50, Montgomery County Subdivision Regulations and subject to the following conditions:

1) Approval under this preliminary plan is limited to one (1) lot for one residential dwelling unit.
2) The applicant shall comply with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
3) Record plat to reflect a Category I easement over all areas of forest conservation and an open space easement over all remaining area of open space.
4) Record plat to contain a note, “Access Denied” along property frontage on Spencerville Road.
5) Compliance with conditions of MCDPWT letter dated October 25, 2005, unless otherwise amended.
6) Compliance with the conditions of the MCDPS stormwater management approval dated April 28, 2005.
7) Compliance with conditions of the MCDPS (Health Dept.) septic approval dated June 2, 2006.
8) Other necessary easements.

**SITE DESCRIPTION:**

The subject property, Outlot C, contains 8.61 acres and is zoned Rural Cluster. The property has frontage on Spencerville Road (MD 198) and is in the Fairland Master Plan area (Attachment A). Access to the property is currently allowed on a shared driveway that also serves 5 other homes.

The property is in the Lower Patuxent, a Use I-P watershed that drains to the Rocky Gorge Reservoir and is within the Patuxent River Primary Management Area (PMA). Topography is rather flat; there are no streams or forest on the property.

**PROJECT DESCRIPTION:**

This is a preliminary plan of subdivision to create one (1) lot for the construction of a one-family detached dwelling unit (Attachment B). The application proposes using the cluster method of development which requires that 60% of the site remain as open space. This plan anticipates a 5.3 acre lot and a new 3.3 acre outlot. A portion of the proposed lot will be placed in a Category I forest conservation easement. An open space easement will be placed on the entire outlot and a small portion of the proposed lot. The applicant has signed an Agricultural Declaration of Intent and proposes to continue agricultural activities on the front (southern) portions of the property, including all of the outlot. The property is partially within the Patuxent PMA, which carries with it a 10% imperviousness limitation. The plan is well under the 10% limitations.
Access to the new lot will be to Spencerville Road via an existing, shared driveway. There is an existing easement agreement between six property owners that allows for the use and maintenance of the driveway between the parties. The subject property is included in the easement agreement. SHA has informed staff that they do not object to the proposed lot using the driveway. Fire and Rescue has also reviewed and approved the access to the proposed lot.

DISCUSSION OF ISSUES

Master Plan Compliance

The Fairland Master Plan does not specifically identify the Subject Property for discussion but does give general guidance and recommendations to maintain the low density, residential character of the Patuxent area, which this plan does.

Environment

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD #4-05263) was approved on April 29, 2005. Aside from the Patuxent River PMA, the 11.35 acre site has no streams, stream buffers or forest.

Forest Conservation

The applicant submitted a preliminary forest conservation plan for the non-agricultural portions of the property as part of the preliminary plan of subdivision. Under Section 22A-12(f) of the Montgomery County Code, properties in agricultural resource areas must plant or retain a certain percentage of forest on-site. Since there is no forest on this property, the applicant will meet the afforestation threshold by planting 1.07 acres of forest on the property. This forest will be permanently protected by a Category I forest conservation easement.

Citizen Outreach and Correspondence

This plan submittal pre-dated new requirements for a per-submission meeting with neighboring residents, however, written notice was given by the applicant and staff of the plan submittal and the public hearing. As of the date of this report, no citizen correspondence has been received.

ANALYSIS

Staff’s review of Preliminary Plan #120060230, Wootten Subdivision, indicates that the plan conforms to the recommendations of the Fairland Master Plan. The proposed preliminary plan is consistent with the master plan goal to maintain the area’s low density residential character and to protect the Patuxent River Watershed. Staff also
finds that the proposed preliminary plan complies with Chapter 50 of the Montgomery County Code, Subdivision Regulations, in that the public facilities will be adequate to support and service the proposed lot, as demonstrated in Attachment C, the data table. Staff further finds that the size, width, shape, and orientation of the lot is appropriate for the location of the subdivision.

CONCLUSION:

Staff finds that Preliminary Plan #120060230 conforms to the Fairland Master Plan and meets all necessary requirements of the Subdivision Regulations. As such, Staff recommends approval of the preliminary plan.

Attachments

Attachment A Vicinity Development Map
Attachment B Proposed Development Plan
Attachment C Data Table
Attachment D Agency Comments
Table 1. Preliminary Plan Data Table and Checklist

Plan Name: Wootten Subdivision
Plan Number: 120060230
Zoning: RC
# of Lots: 1
# of Outlots: 1
Dev. Type: One-family detached residential

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<tr>
<th>PLAN DATA</th>
<th>Zoning Ordinance Development Standard</th>
<th>Proposed for Approval on the Preliminary Plan</th>
<th>Verified</th>
<th>Date</th>
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<td>Minimum Lot Area</td>
<td>40,000 s.f.</td>
<td>5.32 acres is minimum proposed</td>
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<td>Lot Width</td>
<td>125 ft.</td>
<td>Must meet minimum</td>
<td>6/9/06</td>
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<td>Lot Frontage</td>
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<td>Setbacks</td>
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<td>Front</td>
<td>50 ft. Min.</td>
<td>Must meet minimum</td>
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<td>Side</td>
<td>17ft. Min./ 35 ft. total</td>
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<td>Rear</td>
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<td>Height</td>
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<td>Max Resid’l d.u per Zoning</td>
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<td>MPDUs</td>
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<td>TDRs</td>
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<td>Site Plan Req’d?</td>
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FINDINGS

SUBDIVISION

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<th>Yes</th>
<th>Agency letter</th>
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<td>Lot frontage on Public Street</td>
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<td>Road frontage improvements</td>
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<td>Environmental Guidelines</td>
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<td>Forest Conservation</td>
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<td>Master Plan Compliance</td>
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ADEQUATE PUBLIC FACILITIES

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<td>Well and Septic</td>
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<td>Local Area Traffic Review</td>
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<td>Fire and Rescue</td>
<td>Yes</td>
<td>Yes</td>
<td>Agency Letter</td>
<td>6/1/06</td>
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FIRE MARSHAL COMMENTS

DATE: 6-1-2006
TO: PLANNING BOARD, MONTGOMERY COUNTY
VIA:
FROM: JOHN FEISSNER 240 777 2436
RE: APPROVAL OF ~ WOOTEN SUBDIVISION #120060230

1. PLAN APPROVED.
   a. Review based only upon information contained on the plan submitted on 6-1-06. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
   b. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

cc: Department of Permitting Services
October 25, 2005

Ms. Catherine Conlon, Subdivision Supervisor
Development Review Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan #1-06023
Wootten Subdivision

Dear Ms. Conlon:

We have completed our review of the preliminary plan signed on August 16, 2005. This plan was reviewed by the Development Review Committee at its meeting on September 26, 2005. We recommend approval of the plan 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 or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Access and improvements along Sandy Spring Road (MD 198) as required by the Maryland State Highway Administration.

2. Record plat to reflect the deed reference for the existing reciprocal ingress, egress, and public utilities easement for the existing private common driveway.

3. Private common driveways shall be determined through the subdivision process as part of the Planning Board’s approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan.
Ms. Catherine Conlon  
Preliminary Plan No. 1-06023  
October 25, 2005  
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Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. Sam Farhadi at sam.farhadi@montgomerycountymd.gov or (240) 777-6000.

Sincerely,

[Signature]

Gregory M. Leck, Manager  
Traffic Safety Investigations and Planning Team  
Traffic Engineering and Operations Section

cc: Gary Fowler, Fowler Associates, Inc.  
Howard Wootten  
Richard Weaver; M-NCPPC DRD  
Shahriar Etemadi; M-NCPPC TP  
John Borkowski; MSHA EAPD  
Joseph Y. Cheung; DPS RWPPR  
Christina Contreras; DPS RWPPR