

WHEATON WOODS

PRELIMINARY PLAN AMENDMENT PLAN NO. 12016006A



Description

Preliminary Plan Amendment to increase the total number of lots from six (6) lots to thirteen (13) lots; expand the plan limits to include additional land area, and associated landscape and streetscape modifications; provide 60-foot right-of-way to a non-standard cul-de-sac; located at the terminus of Landgreen Street, 300 feet west of the intersection of Landgreen Street and Marianna Drive.

No. 12016006A

Completed: 02-05-2022

MCPB

Item No.

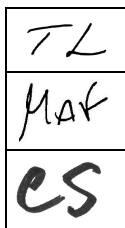
02-17-2022

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LOCATION

4610 Landgreen Street, approximately 300 feet west of its intersection with Marianna Drive

MASTER PLAN

1994 *Aspen Hill Master Plan*

ZONE

R-90

PROPERTY SIZE

4.08 acres

APPLICATION

JOB LLC

ACCEPTANCE DATE

October 6, 2021

REVIEW BASIS

Chapter 50



Summary:

Staff recommends approval of Preliminary Plan Amendment No. 12016006A and the Preliminary Forest Conservation Plan, with conditions.

The Application is being reviewed per the Development Standards of Section 59.4.4.8, as an R-90 Zone Standard Method Development project.

The Preliminary Forest Conservation Plan includes variances for the removal of eight (8) trees and to impact but not remove five (5) trees that are considered a high priority.

The Application was extended once by the Planning Director for a period of 30 days, in accordance with Section 50-4.1.E, until March 3, 2022.

The Applicant will meet all requirements in Chapter 22A, Forest Conservation.

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SECTION 1: RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN 12016006A

Staff recommends approval with conditions of the Preliminary Plan Amendment to increase the total number of residential lots from six (6) lots to thirteen (13) lots; expand the plan limits to include additional land area, and associated landscape and streetscape modifications; provide 60-foot right-of-way to a non-standard cul-de-sac. All conditions provided within this Application supersede the conditions approved within Preliminary Plan 120160060. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions:

GENERAL APPROVAL

1. This Preliminary Plan is limited to thirteen (13) lots for 13 residential single family dwelling units.

ADEQUATE PUBLIC FACILITIES AND OUTSIDE AGENCIES

2. The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

PLAN VALIDITY PERIOD

3. The Preliminary Plan will remain valid for three years (3) from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and prior to the expiration date of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

OUTSIDE AGENCIES

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated January 14, 2022, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
5. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated October 19, 2021, and incorporates them as conditions of the Preliminary Plan 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 if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

7. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Fire Department Access and Water Supply Section in its letter dated November 29, 2021, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

ENVIRONMENT

8. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
9. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
10. Prior to any demolition, clearing, grading or construction for this development Application, whichever comes first, the Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Rock Creek watershed to satisfy the reforestation requirement for a total of 0.65 acres of mitigation credit. The off-site requirement may be met by purchasing credits from a mitigation bank elsewhere in the County, subject to Staff approval, if forest mitigation bank credits are not available for purchase within the Rock Creek watershed or by making a fee-in-lieu payment if mitigation credits are not available at any bank.
11. Prior to any demolition, clearing, grading or construction for this development Application, whichever comes first, the Applicant must submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the required mitigation trees credited toward meeting the requirements of the FCP.
12. Prior to any demolition, clearing, grading or construction for this development Application, whichever comes first, the Applicant must execute a five-year Maintenance and Management Agreement (“MMA”) in a form approved by the M-NCPPC Office of General Counsel. The MMA is required for all variance tree mitigation plantings.
13. The Applicant must revise the FFCP to reflect the NRI/FSD approved on January 12, 2022 and show mitigation for the removal of 284.5” of variance trees. The Applicant must plant the variance tree mitigation plantings on the Subject Property with a minimum size of 3.5 caliper inches totaling at least 72 caliper inches.

TRANSPORTATION

New Streets

14. The Applicant must dedicate the rights-of-way and ensure construction of all necessary road improvements for the following public streets, as shown on the Preliminary Plan, to the design standards imposed by all applicable road codes. The following public street dimensions may be modified by MCDOT without the need for a Preliminary or Site Plan amendment.

- a. Landgreen Street Section 49-32.D.5, consistent with MC 2001.02 “Tertiary Residential Street” (as modified to have 11-foot green panels, 10-foot travel lanes in both directions, and 5-foot sidewalks on both north and south sides, with a 60-foot right-of-way).
- b. Landgreen Street Section 49-33.C, consistent with MC 222.01 (as modified to an oval shaped cul-de-sac with green space in the center by MCDOT).

Off-Site Improvements

15. Prior to the recordation of plat(s), the Applicant must ensure construction of the following off-site improvement by satisfying MCDOT requirements to widen the existing 4-foot sidewalk to 5 feet on the north side of Landgreen Street that extends to the intersection of Marianna Drive.
16. Prior to the recordation of plat(s), the Applicant must ensure construction of the following off-site improvement by satisfying MCDOT requirements to widen the existing 4-foot sidewalk to 5 feet on the south side to the extent possible to protect the existing mature trees along Landgreen Street that extends to the intersection of Marianna Drive.

RECORD PLAT

17. There shall be no clearing or grading of the site prior to recordation of plat(s).
18. The record plat must show necessary easements.
19. The record plat must reflect all areas under common ownership.

CERTIFIED PRELIMINARY PLAN

20. The Applicant must include the stormwater management concept approval letter and Preliminary Plan Resolution on the approval or cover sheet(s).
21. 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 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 hardscape will be determined at the time of issuance of building permit(s) [or] site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.

SECTION 2: SITE DESCRIPTION

VICINITY

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: Vicinity Map

PROPERTY DESCRIPTION

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 former 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: Subject Property

SECTION 3: PROJECT DESCRIPTION

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 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 was 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 Board did not reach a consensus on this issue. Planning Staff disagreed with MCDOT's recommendation to require sidewalks on both sides of Landgreen Street. Given the size of the proposed development, Staff felt that 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 discussed various options to provide improved sidewalks 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.

PRELIMINARY PLAN NO. 120160060

On February 25, 2016, the Planning Board approved the Preliminary Plan No. 120160060 via Resolution MCPB No. 16-015, with a mailing date of March 4, 2016, into six lots: five new lots for single-family detached dwelling units and a sixth lot for the existing community pool. Under that approval, the Property gained access from Landgreen Street, a 60-foot wide right-of-way that was to be extended into the Property with a 44-foot-wide right-of-way to terminate in a cul-de-sac. The Project had 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). All six lots had frontage and vehicular access on Landgreen Street extended.

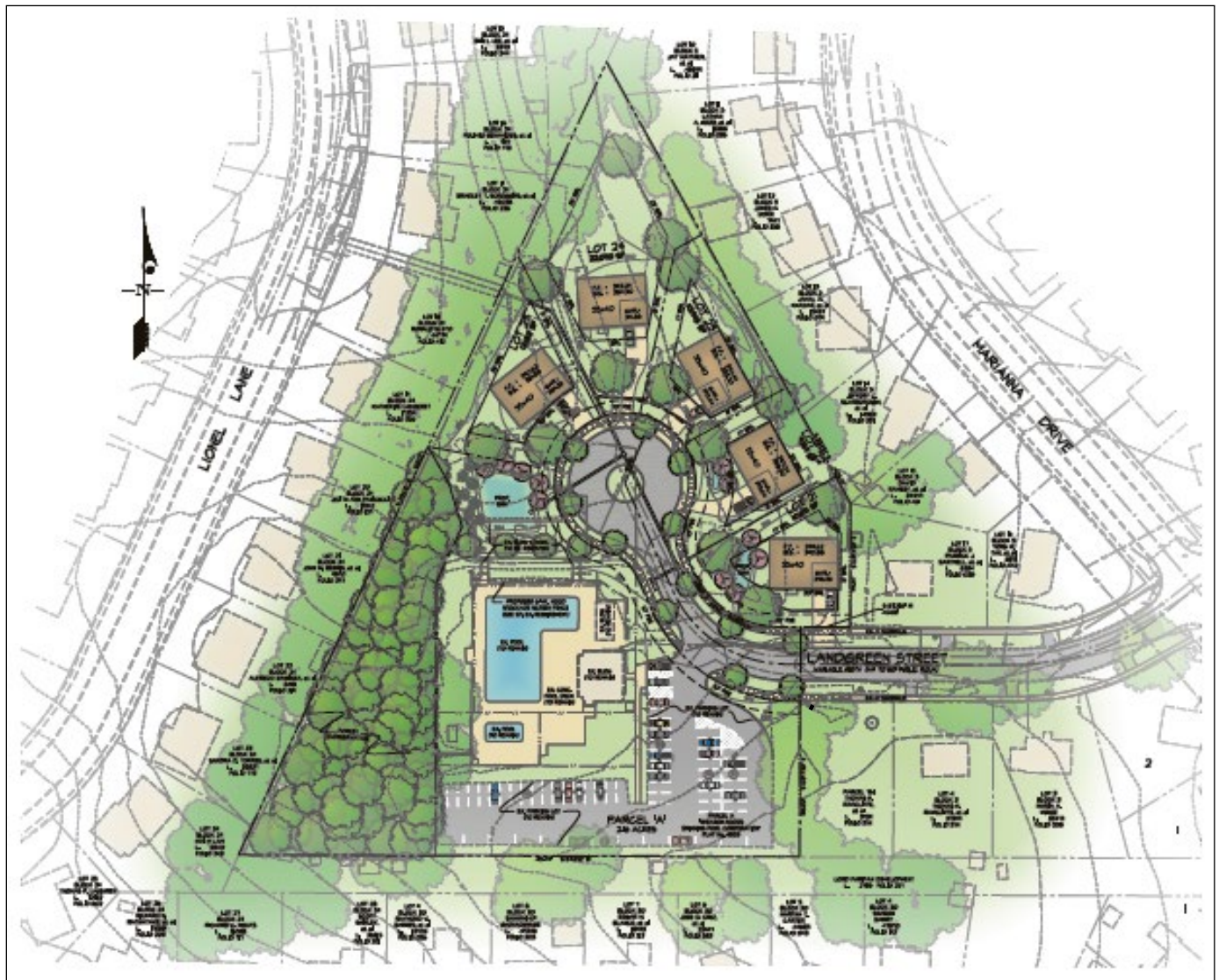


Figure 3: Preliminary Plan of Subdivision 120160060 (Prior Approval)

PROPOSAL

The proposed Preliminary Plan Amendment is for the subdivision of the existing 4.08 Acre Parcel 'A' (Wheaton Woods Community Pool) into thirteen (13) proposed single family lots (including removal of the pool lot), with a non-standard cul-de-sac containing stormwater management and an open space area with trail connection. The previous Preliminary Plan (120160060) was approved for six (6) lots, five (5) residential and one for the pool, therefore the new proposed Preliminary Plan will be an increase of eight (8) residential lots for a total of thirteen (13) lots. The lots will average 10,840 square feet, and each lot will meet the minimum lot area requirement in the R-90 Zone (Figure 4).

The proposed development will be accessible with the extension of Landgreen Street as 60-foot wide public right-of-way, into the subdivision (Figure 6). The proposed public road extension of Landgreen Street will transition to a non-standard cul-de-sac terminus (Figure 7). Approximately 36,815 square feet will be dedicated to public right-of-way for the extension of Landgreen Street and will include the stormwater management facilities and pathway inside of the cul-de-sac which will be maintained by MCDOT. The proposed homes are oriented toward the street and the units will be a maximum of 30 feet tall as allowed in the R-90 Zone. A proposed five-foot wide sidewalk will serve the proposed lots, and be extended on both sides of Landgreen Street out to Marianna Drive.



Figure 4: Proposed Preliminary Plan



Figure 5: Lotting Plan

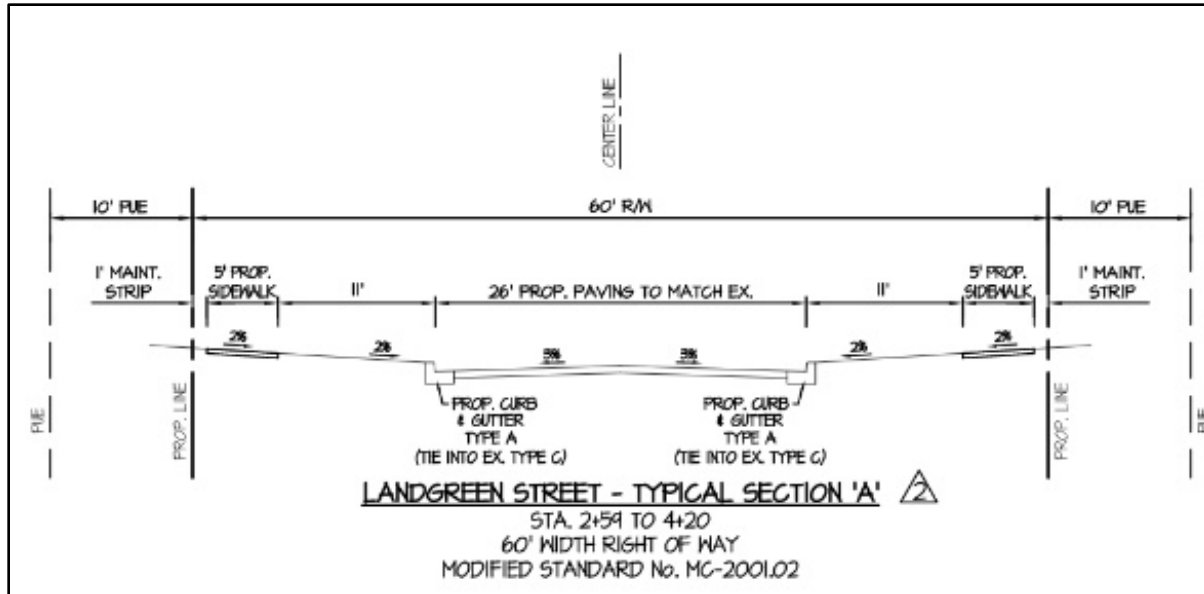


Figure 6: Landgreen Street Section A (State Limits of Section A)

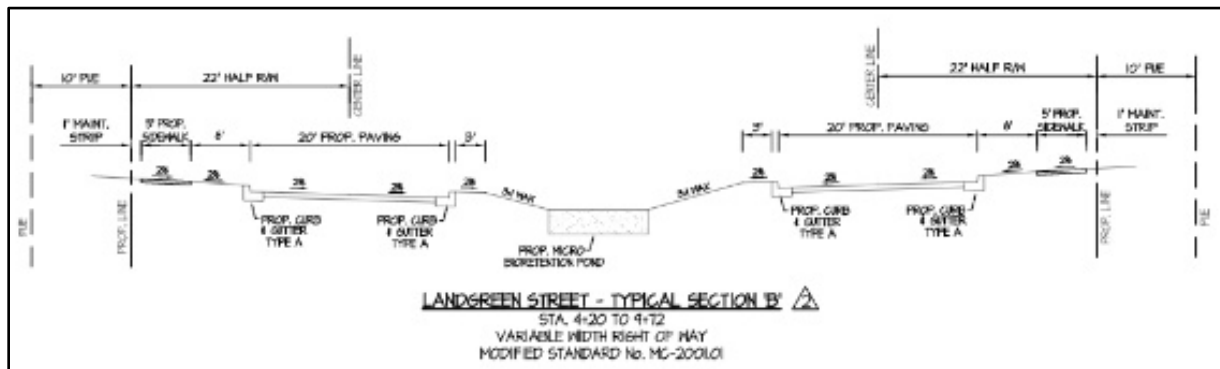


Figure 7: Landgreen Street Section B (State Limits of Section B)

SECTION 4: PRELIMINARY PLAN 12016006A FINDINGS AND ANALYSIS

The Preliminary Plan Amendment proposes the creation of thirteen (13) lots, measuring approximately 4.08 acres of Site area in a R-90 zone, for a maximum density of 13 residential detached dwelling units. This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. The Application has been reviewed by other applicable State and County agencies. The Application meets all applicable sections. The shape and orientation of the proposed lots are appropriate for the location of the subdivision taking into account the type of development and use contemplated.

1. *The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

a) *The block design is appropriate for the development or use contemplated*

b) *The lot design is appropriate for the development or use contemplated*

c) *The Preliminary Plan provides for required public sites and adequate open areas*

i. *Master Planned Sites*

ii. *Transportation and Utilities*

d) *The Lot(s) and Use comply with the basic requirements of Chapter 59*

The proposed lots were reviewed for compliance with the dimensional requirements for the R-90 Zone, as specified in the Zoning Ordinance. The proposed lot dimensions, size, width, shape and orientation are appropriate for the location of the subdivision and this type of development and will meet all dimensional requirements for the area, frontage, width, and setbacks in the R-90 Zone. The Application represents infill development in an appropriate location. The Proposal is consistent with the intent of the R-90 Zone that reads as follows:

“to provide designated areas of the County for moderate density residential uses. The predominant use is residential in a detached house.”

Pursuant to Section 59.4.4.8 of the current Zoning Ordinance, applicable development standards for a Standard Method development of the Property in the R-90 Zone are as follows:

Table 1: Wheaton Woods Data Table for R-90 Zone, Standard Method, Section 59.4.4.8

Development Standard	Permitted/ Required	Proposed
Tract Area	n/a	4.08 acres
Proposed Dedication Right of Way	n/a	36,815 sq. ft.
1. Lot and Density (59.4.4.8.B.1.) (min.)		
Lot area	9,000 sq. ft.	9,000 sq. ft.
Lot width at front building line	75 ft.	75 ft.
Lot width at front lot line	25 ft.	25 ft.
Density (max.)		
Density (units/acre)	4.84	3.18
Total units (max.)	19	13
Coverage (max.)	30%	30%
Specification for Lot & Density		
2. Placement (59.4.4.8.B.2.)		
Principal Building Setbacks (min.)		
Front setback	30 ft.	30 ft.
Side setback	8 ft.	8 ft.
Sum of side setbacks	25 ft.	25 ft.
Rear setback	25 ft.	25 ft.
Height (max.) (59.4.4.8.B.3.)	30 ft.	30 ft.

2. The Preliminary Plan substantially conforms to the Master Plan.

The proposed Preliminary Plan Amendment is located within the 1994 *Aspen Hill Master Plan* (Master Plan) area. While the Master Plan does not identify specific recommendations for the Subject Property, the land use objectives of the Master Plan seek to:

- Encourage the protection, enhancement, and continuation of current land use patterns.
- Protect and reinforce the integrity of existing residential neighborhoods.
- Preserve and increase the housing resources in support of Montgomery County housing policies.

The 1994 *Aspen Hill Master Plan* “supports the retention and reconfirmation of existing zoning for all developed, underdeveloped and undeveloped land in the Aspen Hill Planning Area, except for those sites recommended for a change” by the Plan. (Page 33)

The Preliminary Plan Amendment proposes lot sizes which are generally consistent with the surrounding neighborhood and maintains the established low-to-medium density character of the planning area. The proposed Preliminary Plan Amendment is in substantial conformance with the land use recommendations of the 1994 *Aspen Hill Master Plan*.

3. Public facilities will be adequate to support and service the area of the subdivision.

a) Roads and other Transportation Facilities

i. Existing Facilities

ii. Proposed public transportation infrastructure

Vehicular Circulation and Access Points

Pedestrian access to the Site will be from the established sidewalk network along Landgreen Street, which will be enhanced by streetscape improvements along each of the Property frontages, consistent with recommended streetscape standards within the *Complete Streets Design Guide*. Existing sidewalk segments from the Subject Property to Marianna Drive will be widened to a minimum of five feet, in accordance with ADA requirements. Portions of the four-foot sidewalk will be replaced but will remain at the existing four-foot width in specific locations as a means to maintain mature canopy trees along the residential street.

Currently, Landgreen Street terminates at the Property line, adjacent to the entrance into the former Wheaton Woods Community Swimming Pool surface parking area. The Applicant proposes to extend Landgreen Street into the Property as a public tertiary residential roadway by constructing a modified cul-de-sac design that will provide vehicular access into each of the driveways of the 13 single family residences. A design exception application was submitted by the Applicant to deviate from the MCDOT standard 222.01 for cul-de-sacs in order to accommodate a central green space and roadway curvature intended to provide access to each respective driveway, and provide sufficient radius to handle emergency vehicles. Five-foot-wide sidewalks are proposed to encircle the modified cul-de-sac design, connecting directly with the established sidewalk network to the east.

The extension of Landgreen Street into the modified cul-de-sac will be dedicated as public right-of-way, with the central green space that will include the stormwater management facilities and pathway inside of the cul-de-sac which will be maintained by MCDOT. Consistent with vehicular movements within a traditional cul-de-sac street design, vehicular movement into the Landgreen Street extension will occur in a counterclockwise fashion. As illustrated in Figures 6 & 7, Landgreen Street is proposed to be constructed in accordance with MCDOT standard 2001.02 & 222.01, proposed to be modified to an oval shaped cul-de-sac with green space in the center and stormwater management facilities which will treat the majority of the runoff from the public right-of-way with minimal runoff from private properties.

Existing Transit Service

The Subject Site is serviced by Montgomery County Ride On bus service, with existing bus stops located along Aspen Hill Road and Parkland Drive. The nearest public transit routes are as follows:

- Ride On Route 26 operates along Aspen Hill Road, providing service between the Montgomery Mall Transit Center, the Aspen Hill and Wheaton Woods neighborhoods, and the White Flint, Twinbrook, and Glenmont Metrorail stations.
- Ride On Route 48 operates along Parkland Drive, providing service between the Rockville and Wheaton central business districts, Aspen Hill, and the Rockville and Wheaton Metrorail stations.

According to the 2013 *Countywide Transit Corridors Functional Master Plan*, the future Veirs Mill Bus Rapid Transit service is planned to have a station at the Veirs Mill Road-Aspen Hill Road intersection, to the southwest of the Property.

Pedestrian and Bicycle Facilities

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 that are proposed to be widened to five feet. Portions of the four-foot-wide sidewalks along the existing off-site southern frontage of Landgreen Street are proposed to be replaced in-kind in order to preserve two existing mature canopy trees.

An internal sidewalk path is proposed within the central green area within the modified cul-de-sac, to be accessed by new crosswalks from the sidewalks adjacent to the new single-family residences.

No bicycle facilities are planned along the Property's frontage of the Landgreen Street extension. Bidirectional sidepaths are planned along the northern frontages of Aspen Hill Road and Renn Street, within the immediate area.

Master-Planned Roadways, Bikeways, and Transitways

Marianna Drive and the segment of Landgreen Street between the Subject Property and Marianna Drive function as Secondary Residential Streets within 60-foot wide rights-of-way, however, Landgreen Street is not formally classified within the 1994 *Aspen Hill Master Plan*. Landgreen Street Extended, within the Subject Property, is proposed to be a Tertiary Residential Street.

b) Local Area Transportation Review (LATR)

Transportation Adequate Public Facilities (APF) Review

The Applicant submitted a traffic statement to satisfy the Local Area Transportation Review (LATR). The proposed 13 new single-family detached units will generate 16 person trips within the AM peak-

period (6:30 to 9:30 a.m.) and 21 person trips within the PM peak-period (4:00 to 7:00 p.m.). In accordance with the 2020-2024 Growth and Infrastructure Policy, a traffic study is not required because the number of morning and evening peak period person trips is fewer than 50.

c) Other Public Facilities and Services

Based on the following school cluster and individual school capacity analysis performed using the FY2022 Annual School Test, there is adequate school capacity for the amount and type of development proposed by this application.

Overview and Applicable School Test

The FY2022 Annual School Test, approved by the Planning Board on June 17, 2021 and effective July 1, 2021 is applicable to this Application. This Plan increases the prior approval by eight (8) single-family detached units for a total of thirteen (13) units¹.

School Adequacy Test

The Project is served by Brookhaven ES, Parkland MS and Wheaton HS. Based on the FY2022 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

¹ The FY2022 Annual School Test already incorporated the previous approved 5 units from Preliminary Plan 120160060, thus the current applicant is required to test for increase per the amendment for the 8 units.

Table 2: Applicable FY2022 School Adequacy

School	Projected School Totals, 2025				Adequacy Status	Adequacy Ceilings		
	Program Capacity	Enrollment	% Utilization	Surplus/ Deficit		Tier 1	Tier 2	Tier 3
Brookhaven ES	470	445	94.7%	+25	No UPP	110	127	190
Parkland MS	1,216	1,118	91.9%	+98	No UPP	224	342	524
Wheaton HS ²	2,234	2,082	93.2%	+152	No UPP	332	599	934

The school adequacy test determines the extent to which an applicant is required to make a Utilization Premium Payment (UPP) based on each school's adequacy status and ceilings, as determined in the Annual School Test. **Under the FY2022 Annual School Test, Brookhaven ES, Parkland MS and Wheaton HS do not require any UPP.** If the project is estimated to generate more students than the identified ceilings, then additional UPPs or partial payments at multiple tiers may still be required.

Calculation of Student Enrollment Impacts

To calculate the number of students generated by the proposed amendment, the number of dwelling units is multiplied by the applicable School Impact Area student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low-rise multifamily unit, or high-rise multifamily unit.

With a net increase of 8 single-family detached units that are not age-restricted, the proposed Amendment is estimated to generate the following number of students based on the subject Property's location within a Turnover Impact Area:

² Projected enrollment reflects the estimated impact of CIP P651908, which will reassign students between the Downcounty Consortium, Walter Johnson HS and Woodward HS in 2025.

Table 3: Estimated Student Enrollment Impacts

Type of Unit	Net Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
SF Detached	8	0.185	1.480	0.108	0.864	0.154	1.232
SF Attached	0	0.225	0.000	0.123	0.000	0.159	0.000
MF Low-rise	0	0.107	0.000	0.058	0.000	0.070	0.000
MF High-rise	0	0.051	0.000	0.024	0.000	0.030	0.000
TOTALS	8		1		0		1

As shown in Table 3, on average, this project is estimated to generate one elementary school student, no middle school students and one high school student. The number of students generated does not exceed the adequacy ceilings identified for each school in Table 2, therefore no additional UPPs are required and neither are partial payments across multiple UPP tiers.

Analysis Conclusion and Condition of Approval

Prior to issuance of each building permit for the 8 single-family detached units in this Preliminary Plan Amendment, the Applicant must obtain an assessment from Montgomery County Department of Permitting Services (MCDPS) for Utilization Premium Payments (UPPs) consistent with the Growth and Infrastructure Policy, as follows:

No UPP condition required.

Other Public Facilities

The proposed development will be served by public water and sewer systems. The Montgomery County Department of Permitting Services Fire Department Access and Water Supply Section has reviewed the Application and has determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services including police stations, firehouses and health care are currently operating in accordance with the Growth and Infrastructure Policy and will continue to be sufficient following construction of the project. Electric, gas and telecommunications services are available and adequate.

4. All Forest Conservation Law, Chapter 22A requirements are satisfied.

A Final Forest Conservation (FFCP) was approved in conjunction with Preliminary Plan No. 120160060. However, the plan was never implemented and due to the change in layout, the FFCP associated with Preliminary Plan No. 12016006A replaces the previously approved FFCP.

Environmental Guidelines

Staff approved Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) No. 420221250 on January 12, 2022, reflecting the current tree sizes. The approximately 4.08-acre Property is currently developed with a swimming pool and associated asphalt surface parking lots and grass lawns with scattered trees. There are no forest or streams but there are large and specimen trees on-site. The proposed plan is in conformance with the *Environmental Guidelines*.

Final Forest Conservation Plan

The Applicant has submitted a Final Forest Conservation Plan (FFCP) (Attachment B) with the Preliminary Plan. While there is no forest on the Subject Property, there is a forest conservation requirement based on the Property area and land use. The forest conservation requirements of 0.65 acres will be met in an off-site mitigation bank or by fee-in-lieu payment if no banks are available. The FFCP shows the proposed development and all disturbance necessary for development. As submitted, and including approval of the accompanying variance request, the plan complies with Chapter 22A, Forest Conservation.

Tree Variance

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify 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 Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater, DBH; are part of a historic site or designated with a 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. The Applicant submitted a variance request on December 1, 2021 to remove eight (8) trees and to impact but not remove five (5) trees that are considered a high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law.

Unwarranted Hardship

The proposed development is in accordance with both the intent and recommendations of the 1994 *Aspen Hill Master Plan* and the Site's R-90 zoning. The Subject Property is infill development and is surrounded by single-family houses. The variance trees are spread all over the Property and

are not located in a single location that could be easily avoided. It would be impossible to demolish the existing swimming pool and parking lot without impacting variance trees. For these reasons, the Applicant has demonstrated a sufficient unwarranted hardship to consider a variance request.

Table 4: Variance Tree Removals

ID	Species	Size DBH	Condition	Notes
2	Pinus strobus / White Pine	30.5"	Good	Demolition, grading, and site development.
3	Pinus strobus / White Pine	33"	Good	Demolition, grading, and site development.
4	Quercus falcata / Southern Red Oak	43.75"	Good	Demolition, grading, and site development.
8	Platanus occidentalis / Sycamore	30.5"	Good	Demolition, grading, and site development.
10	Acer rubrum / Red Maple	41.5"	Good	Demolition, grading, and site development.
13	Pinus strobus / White Pine	35.25"	Good	Grading and site development.
14	Pinus strobus / White Pine	32"	Fair	Grading and site development.
19	Quercus rubra / Red Oak	38"	Good	Demolition and site development.

Table 5: Variance Tree Impacts

ID	Species	Size DBH	Condition	% Disturbed	Notes
20	Acer rubrum / Red Maple	32"	Good	22%	Demolition and grading.
23	Liriodendron tulipifera / Tulip Poplar	41"	Good	30%	Grading and site development.
24	Quercus palustris / Pin Oak	37.5"	Good	15%	Grading and stormwater management.
35	Acer rubrum / Red Maple	37"	Good	24%	Sewer and site development.
36	Acer rubrum / Red Maple	32.5"	Good	12%	Site development.

Section 22A-21 of the County Forest Conservation Law 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.

a) Variance Findings

The following determinations are based on the required findings for granting of the requested variance:

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

The Applicant cannot demolish the existing development without disturbing four (4) of the variance trees. The impacts to the remaining trees are caused by the development requirements of an infill development and the relationship of the Property to adjacent properties. The location of the Property at the end of Landgreen Street means that any development on the Property will require the Applicant to construct a cul-de-sac to terminate the public road. The need to construct a cul-de-sac combined with the requirements of infill development determines the overall area of disturbance. Thus, granting the variance will not confer a special privilege on the Applicant.

- ii. ***Is not based on conditions or circumstances which are the result of the actions by the applicant.***

The requested variance is based on the locations of the trees, the necessity of demolishing the existing development, and providing the required infrastructure for redevelopment. The variance is not based on conditions or circumstances which are the result of actions by the Applicant.

- iii. ***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 a result of the need to demolish the existing development and redevelop the Property and not a result of land or building use on a neighboring property.

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

Mitigation must be provided for removal of these trees by planting native shade trees of at least three inches caliper, each, within the new development. The Applicant will plant 72-inch caliper of native shade trees to replace the form and function of the variance trees proposed for removal. This is based on Planning Department policy that requires replacement of variance trees at a rate of 1 inch replaced for every 4 inches removed, using replacement trees of no less than 3-inch caliper, to replace lost environmental functions performed by the trees removed. These mitigation plantings will provide sufficient tree canopy in a few years to replace the lost water quality benefits of the variance tree being removed. Therefore, the Project will not violate State water quality standards or cause measurable degradation in water quality.

Recommendation on the Variance

Staff recommends that the variance be granted.

- 5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.***

The Applicant received approval of their stormwater management concept from the Montgomery County Department of Permitting Services, Water Resources Section on October 19, 2021. The concept meets required stormwater management goals using a combination of ESD approaches including micro-bioretenention areas and landscape infiltration. The Property is not subject to a water quality plan, and there are no floodplain requirements. The requirements of Chapter 19 for stormwater management are satisfied.

- 6. *Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.M.***

Not applicable to this Property.

7. Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.

No other provisions apply to the Subdivision.

SECTION 5: COMMUNITY OUTREACH

The Applicant has met noticing requirements related to the Preliminary Plan Amendment. As of the date of this report, Staff has not received any correspondence regarding the proposed amendment.

SECTION 6: CONCLUSION

The proposed Preliminary Plan complies with the standards and requirements for approval. The proposed Preliminary Plan is consistent with the goals and recommendations of the 1994 *Aspen Hill Master Plan*. Staff recommends approval of the Wheaton Woods Preliminary Plan Amendment No. 12016006A with the proposed conditions of approval.

ATTACHMENTS

Attachment A: Preliminary Plan

Attachment B: Forest Conservation Plan



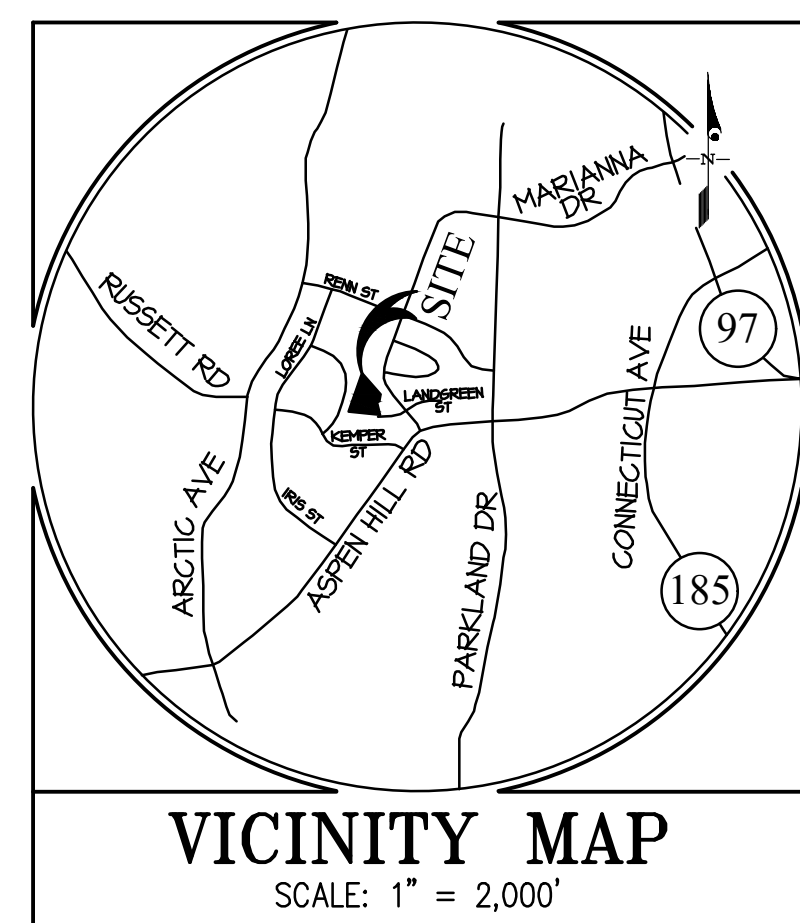
48 Hours
Before You Dig
Call
"MISS UTILITY"
Service Protection Center

MEMBER
ONE CALL SYSTEMS INTERNATIONAL

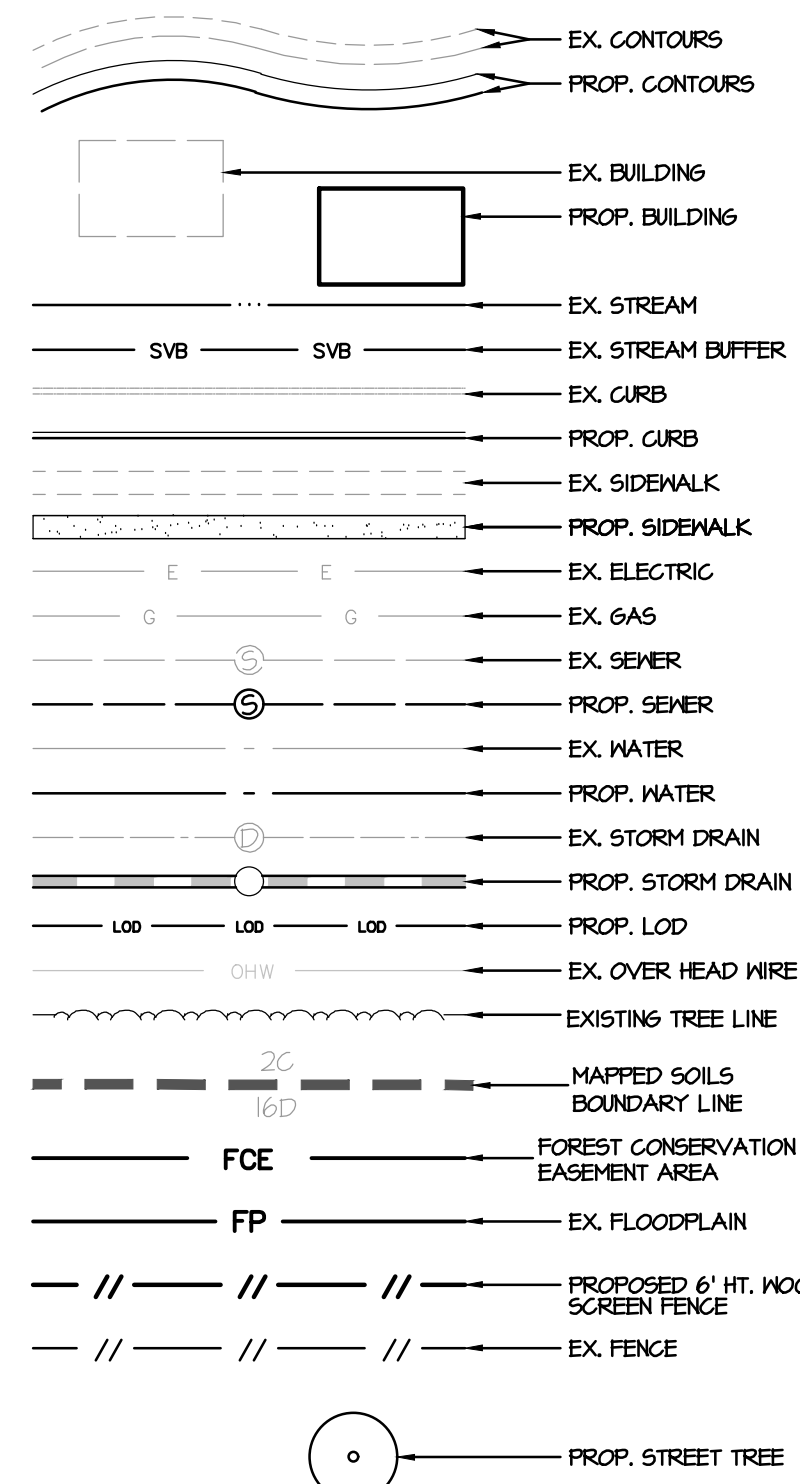
CALL TOLL FREE
1-800-257-7777

EXISTING UTILITY NOTES

- FOR MARKING LOCATIONS OF EXISTING UTILITIES, NOTIFY "MISS UTILITY" AT 1-800-257-TITI, 48 HOURS PRIOR TO ANY EXCAVATION OR CONSTRUCTION.
- INFORMATION CONCERNING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATIONS AND ELEVATIONS OF THE UTILITIES BY DIGGING TEST PITS BY HAND AT ALL UTILITY CROSSINGS WELL IN ADVANCE OF TRENCHING. IF CLEARANCES ARE LESS THAN SPECIFIED ON THIS PLAN OR LESS THAN 12 INCHES WHEN NOT SPECIFIED, CONTACT THE ENGINEER AND THE OWNER OF THE OTHER INVOLVED UTILITY BEFORE PROCEEDING WITH CONSTRUCTION.
- FOR FIELD LOCATION OF GAS LINE SERVICES, NOTIFY MASHINGTON GAS LIGHT CO., 703-750-1000, 48 HOURS PRIOR TO THE START OF ANY EXCAVATION OR CONSTRUCTION.
- OMISSIONS AND/OR ADDITIONS OF UTILITIES FOUND DURING CONSTRUCTION SHALL BE THE SOLE RESPONSIBILITY OF ANY CONTRACTOR ENGAGED IN EXCAVATION AT THIS SITE. GUTSCHICK, LITTLE & WEBER, P.A. SHALL BE NOTIFIED IMMEDIATELY OF ANY AND ALL UTILITY INFORMATION, OMISSIONS AND ADDITIONS FOUND BY ANY CONTRACTOR.
- DUE TO THE PROXIMITY OF LIVE UNDERGROUND AND OVERHEAD UTILITIES, WE ARE NOT RESPONSIBLE FOR ANY DAMAGE OR INJURY SUSTAINED DURING CONSTRUCTION BY ANY PERSONS, TRUCKS, TRAILERS, OR EQUIPMENT USED ON OR ADJACENT TO THE SITE.



LEGEND



Amendment No. 120160060A Summary:

- Plan Revisions:
- ▲ Increase density and additional land area added to development area.
 - ▲ Road section revisions to Landgreen Street.
 - ▲ Increase limits of disturbance for increased land area added to development area.
 - ▲ Increase FC mitigation plantings.

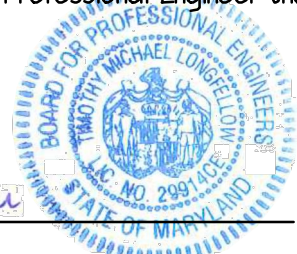
PROFESSIONAL CERTIFICATION

I hereby certify that to the best of my knowledge, information and the belief that the plan shown herein is true and correct; has been prepared in accordance with the Subdivision Regulations of Montgomery County, Maryland, and the boundary has been field surveyed. I hereby certify that these plans were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland.

License No. 24914
Expiration Date: January 20, 2022

09/14/2021
Date

Tim Longfellow
Professional Engineer
Gutschick, Little & Weber, P.A.

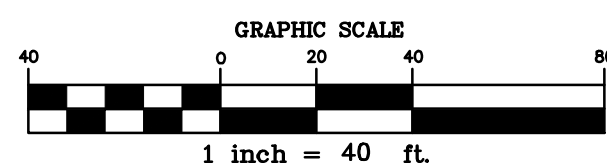


MNCPPC PRELIMINARY PLAN No. 12016006A



3809 NATIONAL DRIVE | SUITE 250 | BURTONSVILLE, MD 20866 | GLWPA.COM
PHONE: 301-421-4024 | FAX: 410-885-1800 | LOCAL: 301-421-4188

DESIGNED BY	KAF				
DRAWN BY	KAB				
CHECKED BY	KAF				
DATE		REVISION		BY	APP'R.



PREPARED FOR:
JOB, LLC
10125 COLESVILLE ROAD
SUITE 279
SILVER SPRING, MD 20901
ATTN: JEFFREY OTT
TEL: 301-442-3500

SCALE	1"=40'
DATE	SEPT. 2021
ZONING	R-90
TAX MAP - GRID	HR - 32

PRELIMINARY PLAN
WHEATON WOODS
EX. PARCEL 'A'
(PROPOSED LOTS 21-33)
PLAT NO. 4803

G. L. W. FILE No.
21024
SHEET
3 OF 5

SILVER SPRING ELECTION DISTRICT No. 13

MONTGOMERY COUNTY, MARYLAND



AREA TABULATIONS

	AREA	FOREST
SITE AREA	4.08 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	Glennel-Urban land complex, 0%-8% slopes	no	no	no
2UC	Glennel-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.sc.egov.usda.gov/> accessed January 21, 2015.

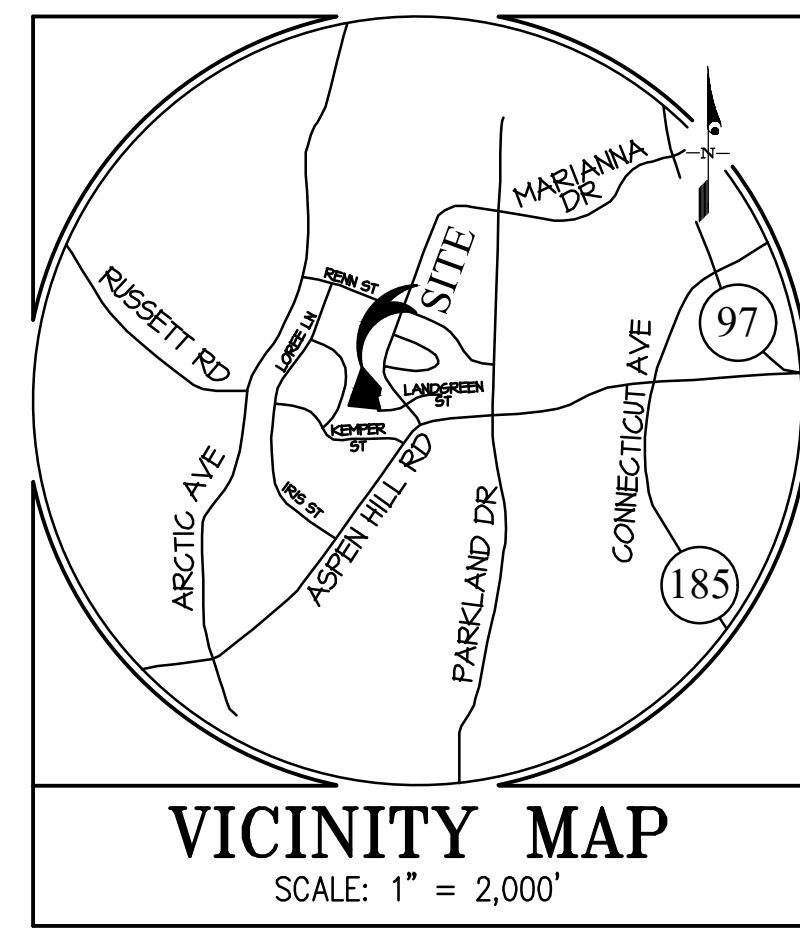
SIGNIFICANT AND SPECIMEN TREE LIST

No.	COMMON NAME	SPECIES NAME	DBH	CONDITION	DISPOSITION
1	WHITE PINE	Pinus strobus	25.5"	GOOD	REMOVE
2	WHITE PINE	Pinus strobus	21"	GOOD	REMOVE
3	WHITE PINE	Pinus strobus	30"	GOOD	REMOVE
4	SOUTHERN RED OAK	Quercus falcata	30.5"	GOOD	REMOVE
5	TULIP POPLAR	Liriodendron tulipifera	25.5"	GOOD	DISTURB
6	GREEN ASH	Fraxinus pennsylvanica	24"	GOOD	DISTURB
7	TULIP POPLAR	Liriodendron tulipifera	24"	GOOD	DISTURB
8	STCAMORE	Platanus occidentalis	27"	GOOD	REMOVE
9**	GREEN ASH	Fraxinus pennsylvanica	25"	GOOD	REMOVE
10	RED MAPLE	Acer rubrum	31.5"	GOOD	REMOVE
11	PIN OAK	Quercus palustris	24"	GOOD	REMOVE
12	WHITE PINE	Pinus strobus	27"	POOR - LIMB DAMAGE, TOP CUT OFF	DISTURB
13	WHITE PINE	Pinus strobus	33.5"	FAIR - LIMBED UP	REMOVE
14	WHITE PINE	Pinus strobus	24"	GOOD	REMOVE
15	PIN OAK	Quercus palustris	28"	GOOD - PLANTER BOX	DISTURB
16**	WHITE MULBERRY	Morus alba	26"	FAIR - TRUNK / LIMB DAMAGE	DISTURB
17**	RED OAK	Quercus rubra	32"	GOOD	SAVE
18**	PIN OAK	Quercus palustris	41"	DEAD	DISTURB
19**	RED OAK	Quercus rubra	30"	GOOD	DISTURB
20**	RED MAPLE	Acer rubrum	32"	GOOD	REMOVE
21**	GREEN ASH	Fraxinus pennsylvanica	28"	GOOD	DISTURB
22**	PIN OAK	Quercus palustris	30.5"	GOOD	DISTURB
23**	TULIP POPLAR	Liriodendron tulipifera	34.5"	GOOD	DISTURB
24**	WILLOW OAK	Quercus phellos	35.5"	GOOD	DISTURB
25**	WHITE OAK	Quercus alba	38"	GOOD	DISTURB
26**	RED MAPLE	Acer rubrum	32"	GOOD	SAVE
27**	WHITE OAK	Quercus alba	21.5"	GOOD	SAVE
28**	WHITE OAK	Quercus alba	36"	GOOD	DISTURB
29**	BEECH	Fagus grandifolia	24"	GOOD	DISTURB
30**	BEECH	Fagus grandifolia	28"	GOOD	DISTURB
31**	RED OAK	Quercus rubra	24"	GOOD	SAVE
32**	BEECH	Fagus grandifolia	24"	GOOD	SAVE
33**	WHITE OAK	Quercus alba	30"	GOOD	DISTURB
34**	WHITE OAK	Quercus alba	30"	FAIR - TOP DIE-BACK	DISTURB
35**	RED MAPLE	Acer rubrum	36"	GOOD	DISTURB
36**	RED MAPLE	Acer rubrum	31.5"	GOOD	DISTURB

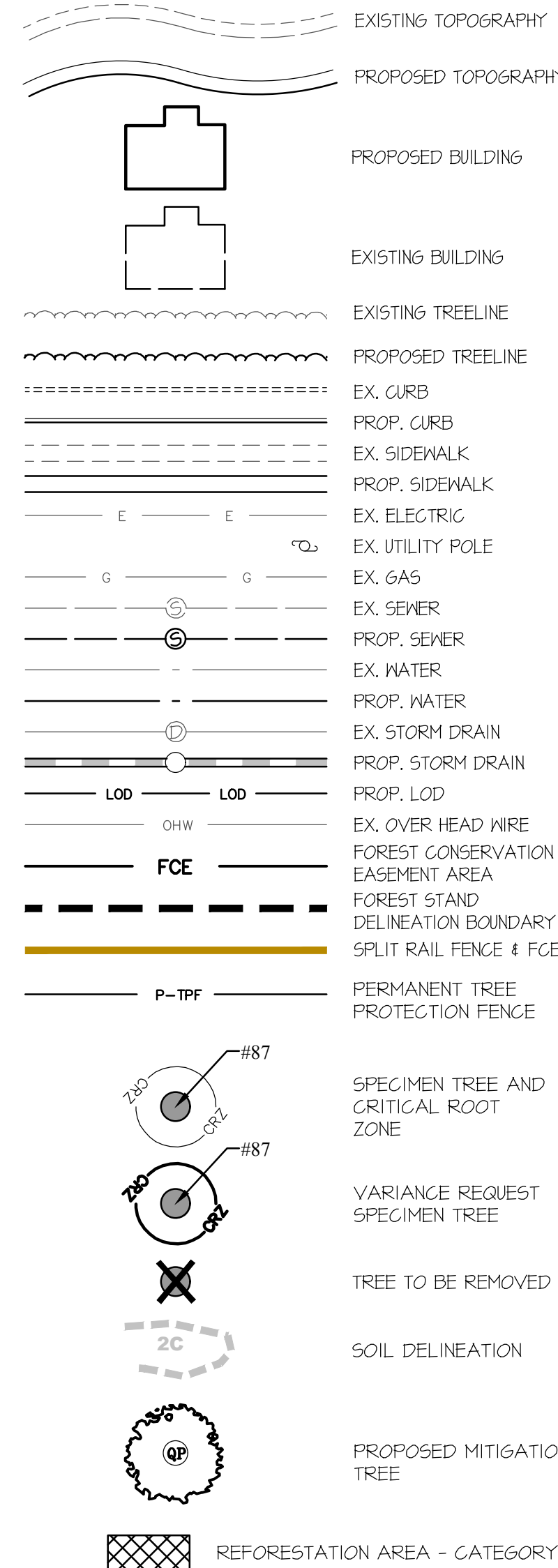
**= SPECIMEN SIGNIFICANT TREES LOCATED OFFSITE
TREE MITIGATION CALCULATIONS FOR ON-SITE 30" & GREATER TREES TO BE REMOVED OUTSIDE OF FORESTED AREAS: 140" DBH / 4" = 35" OF TREE MITIGATION / 3" CALIPER PROPOSED NATIVE TREES = 12 REPLACEMENT MITIGATION TREES

GENERAL NOTES

- OWNER: WHEATON WOODS SWIMMING POOL CORPORATION
4610 LANDGREEN STREET
ROCKVILLE, MD 20851
ATTN: PIERRE ALAIN-AUROUX
- APPLICANT/ DEVELOPER: JOB, LLC
10125 COLESVILLE ROAD
SILVER SPRING, MARYLAND 20901
ATTN: JEFFREY OTT
 - SITE AREA: 4.08 AC.
 - ZONE: R-90
 - BOUNDARY SURVEY BY: GUTSCHICK, LITTLE & WEBER, P.A.
JANUARY 2015
 - TOPOGRAPHY BY: GUTSCHICK, LITTLE & WEBER, P.A.
JANUARY 2015
 - PRE-APPLICATION PLAN No.: 12013010
DATE: 11-07-13
 - NR/FSD BY: GUTSCHICK, LITTLE & WEBER, P.A.
NR/FSD No.: 42016010
APPROVED: August 1, 2015
 - STORMWATER CONCEPT BY: GUTSCHICK, LITTLE & WEBER, P.A.
SWM CONCEPT No.: 218546
 - TRAFFIC STATEMENT BY: GUTSCHICK, LITTLE & WEBER, P.A.
 - WATERSHED: LOWER 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 - PERGO
WATER & SEWER - MEGG
TELEPHONE - COMCAST
CABLE - COMCAST/ VERIZON
 - PROPOSED ON-SITE WATER AND SEWER SERVICE WILL BE PRIVATE. THE EXISTING WATER AND SEWER CATEGORIES ARE H-1 & S-1.
 - 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 SOSS 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 SETBACK 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.



LEGEND



Forest Conservation Data Table			
Number of Acres			
Tract	4.08		
Remaining in Agricultural Use	0.00		
Road & Utility ROWs	0.00		
Total Existing Forest	0.00		
Forest Retention	0.00		
Forest Cleared	0.00		
Land Use & Thresholds			
Land Use Category	HDR	ARA, MDR, IDA, HDR, MDP, or CIA	
Conservation Threshold	20	percent	
Afforestation Threshold	15	percent	
Total Channel Length (ft.)	0	Average Buffer Width (ft.)	0
Stream(s)			
Acres of Forest in	Retained	Cleared	Planted
Wetlands	0.00	0.00	0.00
100-Year Floodplain	0.00	0.00	0.00
Stream Buffers	0.00	0.00	0.00
Priority Areas	0.00	0.00	0.00

PLANT SCHEDULE - MITIGATION PLANTINGS

KEY	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	CONT. / B4B	COMMENTS
AR	3	Acer rubrum	Red Oak	3" Cal.	B4B	6' min. branching height
QP	6	Quercus phellos	Willow Oak	3" Cal.	B4B	6' min. branching height

MNCPPC PRELIMINARY PLAN No. 12016006A

FINAL FOREST CONSERVATION PLAN

WHEATON WOODS
EX. PARCEL 'A'
(PROPOSED LOTS 21-33)
PLAT No. 4303

G. L. W. FILE No.

21024

SHEET

4 OF 5