



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB

Item #

12/6/07

2

MEMORANDUM

DATE: November 28, 2007

TO: Montgomery County Planning Board

VIA: Catherine Conlon, Supervisor *CC*
Development Review Division
(301) 495-4542

FROM: Stephen Smith *SS*
Development Review Division
(301) 495-4522

SUBJECT: Informational Maps and Summary of Record Plats for the Planning Board
Agenda for December 6, 2007

The following record plats are recommended for APPROVAL, subject to the appropriate conditions of approval of the preliminary plan and site plan, if applicable, and conditioned on conformance with all requirements of Chapter 50 of the Montgomery County Code. Attached are specific recommendations and copies of plan drawings for the record plat. The following plats are included:

220080250 **B.F. Gilbert's Addition to Takoma Park**
220080370 **Homecrest**
220080410 **Hodges Heights**

PLAT NO. 220080250

B.F. Gilbert's Addition to Takoma Park

Located on the east side of Carroll Avenue, approximately 350 feet north of Lincoln Avenue

R-60 zone; 1 lot

Community Water, Community Sewer

Master Plan Area: Takoma Park

Adventist Healthcare, Applicant

Staff recommends approval of this minor subdivision plat pursuant to section **50-35A (a)(3)** of the Subdivision Regulations, which states:

Consolidation of Two or More Lots or a Part of a lot into One Lot. Consolidating more than one lot into a single lot is permitted under the minor subdivision procedure provided:

- a. Any conditions applicable to the original subdivision remain in full force and effect and the number of trips generated on the new lot do not exceed those permitted for the original lots or as limited by an Adequate Public Facilities agreement.
- b. Any consolidation involving a part of a lot may occur under the minor subdivision process if the part of a lot was created by deed recorded prior to June 1, 1958

Staff applied the above-noted minor subdivision criteria for this property and concludes that the proposed subdivision complies with the requirements of Section 50-35A (a)(3), including a waiver of Section 50-35A(a)(3)(b), SRW200801, as granted by the board (MCPB Resolution 07-210, adopted November 8, 2007), and supports this minor subdivision record plat.

RECORD PLAT FOR MINOR SUBDIVISION REVIEW SHEET

(This form contains 3 pages)

Plat Name: B. F. Gilbert's Addition to Talcom Park Plat Number: 270080250

Plat Submission Date: 8-2-07

DRD Plat Reviewer: S. Smith

DRD Prelim Plan Reviewer: C. Carlson **SRW 200801**

*For category of minor see pages 2 and 3

Initial DRD Review:

Pre-Preliminary Plan No. _____ Checked: Initial _____ Date _____

Preliminary Plan No. _____ Checked: Initial _____ Date _____

Planning Board Opinion - Date _____ Checked: Initial _____ Date _____

Site Plan Name if applicable: _____ Site Plan Number: _____

Planning Board Opinion - Date _____ Checked: Initial _____ Date _____

Lot # & Layout Lot Area Zoning Bearings & Distances Coordinates ok
 Plan # N/A Road/Alley Widths ok Easements ok Open Space N/A Non-standard
 BRLs N/A Adjoining Land Vicinity Map ok Septic/Wells N/A
 TDR note N/A Child Lot note N/A Surveyor Cert Owner Cert Tax Map ok
 SPA N/A

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>A. Bradley</u>	<u>9-5-07</u>	<u>9-21-07</u>	_____	<u>EXEMPTION 9/27/07</u>
Research	<u>Bobby Fleury</u>	_____	_____	<u>9-10-07</u>	<u>OK</u>
SHA	<u>Doug Mills</u>	_____	_____	_____	_____
PEPCO	<u>Steve Baxter</u>	_____	_____	_____	_____
Parks	<u>Doug Powell</u>	_____	_____	_____	_____
DRD	<u>Steve Smith</u>	_____	_____	<u>9-17-07</u>	<u>OK</u>

Final DRD Review:

DRD Review Complete:

(All comments rec'd and incorporated into mark-up)

Engineer Notified (Pick up Mark-up):

Final Mylar w/Mark-up & PDF Rec'd:

Board Approval of Plat:

Plat Agenda:

Planning Board Approval:

Chairman's Signature:

DPS Approval of Plat:

Engineer Pick-up for DPS Signature:

Final Mylar for Reproduction Rec'd:

Plat Reproduction:

Addressing:

File Card Update:

Final Zoning Book Check:

Update Address Books with Plat #:

Update Green Books for Resubdivision:

Notify Engineer to Seal Plats:

Engineer Seal Complete:

Complete Reproduction:

Sent to Courthouse for Recordation:

Initial

SSS

SSS

SSS

SSS

Date

11-1-07 / 11/28-07

10-22-07

11-28-07

11-8-07

No. _____

RECORD PLAT REVIEW SHEET – MINOR SUBDIVISION SEC-50-35A

Select which Category of Minor Subdivision and fill information as required

Requirements under Sec 50-35A (A)

(1) Minor Lot Adjustment

- a) Total area does not exceed 5% of combined area affected: _____
- b) No additional lots created: _____
- c) Adjusted line is approximately parallel/does not significantly change shape of the lots: _____
- d) Date sketch plan submitted: _____
- e) Sketch plan revised or denied within 10 business days: _____
- f) Final record plat submitted within ninety days: _____
- g) Sketch shows following information:
 - i. proposed lot adjustment: _____
 - ii. physical improvements within 15 feet of adjusted line: _____
 - iii. alteration to building setback: _____
 - iv. amount of lot area affected: _____

(2) Conversion of Outlot into a Lot

- a) Outlot not required for open space or otherwise constrained: _____
- b) Adequate sewerage and water service/public or private: _____
- c) Adequate public facilities and AGP satisfied: _____
- d) Any conditions/agreements of original subdivision: _____
- e) Special Protection Area, Water Quality Plan required: _____

(3) Consolidation Of Two of More Lots

- a) Any prior subdivision conditions: _____
- b) Part of lot created by deed prior to June 1 1958: ok
SRW 200801 ✓

(4) Further Subdivision of Commercial/Industrial/Multi-Family Lot
Any subdivision/conditions; APF agreement satisfied: _____

(5) Plat of Correction

- a) All owners and trustees signed: _____
- b) Original Plat identified: _____

(6) Plats for Residentially Zoned Parcels Created by Deed prior to June 1958

- a) Deed(s) submitted: _____
- b) Developable with only one single family detached unit: _____

(7) Plat for Existing Places of Worship, Private Schools, Country Club, Private Institution, and Similar Uses located on Unplatted Parcels

- a) Adequate Public Facilities satisfied: _____
- b) Street dedication required: _____
- c) Forest conservation: _____
- d) Storm water management: _____
- e) Special Protection Area/Water Quality Plan: _____
- f) Landscaping and lighting plan including parking lot layout: _____

g) Approved Special Exception: _____

(8) Plats for Certain Residential Lots in the RDT Zone; 5 Lot Maximum

a) Number of Lots: _____

b) Written MCDPS approval of proposed septic area: _____

c) Required street dedication: _____

d) Easement for balance of property noting density and TDRS: _____

e) Average lot size of 5 acres: _____

f) Forest Conservation requirements met: _____

PLAT NO. 220080370

Homecrest

Located on the north side of Bel Pre Road approximately 1,300 feet east of Homecrest Road

R-200 zone; 2 lots, 1 outlot

Community Water, Community Sewer

Master Plan Area: Aspen Hill

Tamara Corporation, Applicant

The record plat has been reviewed by M-NCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that the plat complies with Preliminary Plan No. 120070430, as approved by the Board, and that any minor modifications reflected on the plat do not alter the intent of the Board's previous approval of the aforesaid plan.

RECORD PLAT REVIEW SHEET

Plan Name: Homecrest Plan Number: 120070430
 Plat Name: Homecrest Plat Number: 220080370
 Plat Submission Date: 8/23/07
 DRD Plat Reviewer: Taslima Alam
 DRD Prelim Plan Reviewer: R. Weaver

Initial DRD Review:

Signed Preliminary Plan - Date 10-12-07 Checked: Initial ZW Date 11/2/07
 Planning Board Opinion - Date 10-9-07 Checked: Initial SJS Date 11-2-07
 Site Plan Req'd for Development? Yes No X Verified By: SJS (initial)
 Site Plan Name: Site Plan Number:
 Planning Board Opinion - Date Checked: Initial Date
 Site Plan Signature Set - Date Checked: Initial Date
 Site Plan Reviewer Plat Approval: Checked: Initial Date

Review Items: Lot # & Layout ✓ Lot Area ✓ Zoning ✓ Bearings & Distances ok
 Coordinates ok Plan # ✓ Road/Alley Widths ok Easements ok Open Space ok
 Non-standard BRLs ok Adjoining Land ok Vicinity Map ok Septic/Wells N/A
 TDR note N/A Child Lot note N/A Surveyor Cert ✓ Owner Cert ✓ Tax Map ok

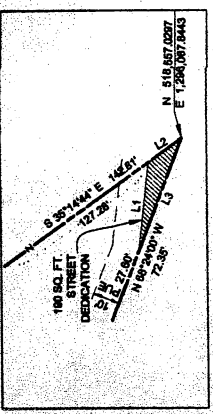
Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>D. Johnson</u>	<u>9-10-07</u>	<u>9-28-07</u>	<u> </u>	<u>No Comments</u>
Research	<u>Bobby Fleury</u>	<u> </u>	<u> </u>	<u>9-12-07</u>	<u>OK</u>
SHA	<u>Doug Mills</u>	<u> </u>	<u> </u>	<u> </u>	<u>N/A</u>
PEPCO	<u>Steve Baxter</u>	<u> </u>	<u> </u>	<u> </u>	<u>N/A</u>
Parks	<u>Doug Powell</u>	<u> </u>	<u> </u>	<u> </u>	<u>N/A</u>
DRD	<u>Nellie Carey</u>	<u> </u>	<u> </u>	<u>9-18-07</u>	<u>OK</u>

Final DRD Review:

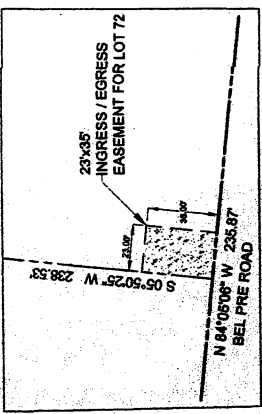
DRD Review Complete: Initial SJS Date 11/26/07
 (All comments rec'd and incorporated into mark-up)
 Engineer Notified (Pick up Mark-up): Initial SJS Date 11/2/07
 Final Mylar w/Mark-up & PDF Rec'd: Initial SJS Date 11-13-07
Board Approval of Plat:
 Plat Agenda: Initial SJS Date 12-6-07
 Planning Board Approval:
 Chairman's Signature:
DPS Approval of Plat:
 Engineer Pick-up for DPS Signature:
 Final Mylar for Reproduction Rec'd:
Plat Reproduction:
 Addressing:
 File Card Update:
 Final Zoning Book Check:
 Update Address Books with Plat #: No.
 Update Green Books for Resubdivision:
 Notify Engineer to Seal Plats:
 Engineer Seal Complete:
 Complete Reproduction:
 Sent to Courthouse for Recordation:

NOTES:

- 1) ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAN, SITE PLAN, PROPOSED PLAN OR OTHER PLAN RECORDED IN THE MARYLAND CAPITAL PARK AND PLANNING COMMISSION RECORDATION SYSTEM SHALL BE DEEMED TO BE INCORPORATED INTO THIS SUBDIVISION RECORD PLAT. THE OFFICIAL PUBLIC FILES FOR ANY SUCH PLAN ARE MAINTAINED BY THE PLANNING BOARD AND AVAILABLE FOR PUBLIC REVIEW DURING NORMAL BUSINESS HOURS.
- 2) THE LAND HEREON IS ZONED R-200.
- 3) THE LOT SHOWN HEREON IS LIMITED TO USES AND CONDITIONS AS REQUIRED BY PRELIMINARY PLAN FILE NO. 120070400.
- 4) THE PROPERTY SHOWN HEREON IS IDENTIFIED ON TAX MAP: HRS.
- 5) THE PROPERTY SHOWN HEREON IS TO BE SERVED BY PUBLIC WATER AND SEWER SERVICES ONLY.
- 6) THIS SUBDIVISION RECORD PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING THE OWNERSHIP AND USE, NOR EVERY MATTER PERTAINING TO THE OWNERSHIP AND USE OF THE PROPERTY. THE SUBDIVISION RECORD PLAT IS NOT INTENDED TO REPLACE AN EXAMINATION OF TITLE OR TO DEFECT OR NOTE ALL MATTERS AFFECTING TITLE.
- 7) THE PROPERTY SHOWN HEREON IS SUBJECT TO THE REQUIREMENTS OF CHAPTER 22A OF THE MONTGOMERY COUNTY FOREST CONSERVATION LAW, INCLUDING APPROVAL OF A TIMBER FOREST CONSERVATION PLAN AND TIMBER MANAGEMENT AGREEMENTS PRIOR TO ISSUANCE OF A SEDIMENT CONTROL PERMIT. A COPY OF THE APPROVED PLAN MAY BE VIEWED AT 8977 GEORGETOWN AVENUE, SILVER SPRING, MD.
- 8) THIS PLAT IS RENDERED IN THE MARYLAND STATE GRID SYSTEM (MAD 83971).
- 9) OUTLOT A PHASE IS MAY BE CONSIDERED FOR RESUBDIVISION BY THE MONTGOMERY COUNTY PLANNING BOARD. ANY REVISION TO THE CATEGORY 1 EASEMENT SHOWN ON OUTLOT A WILL BE CONSIDERED THEN AS AN ADJUDICATED TO THE FOREST CONSERVATION PLAN, OUTLOT A. MAY NOT BE CONVERTED TO A RECORD LOT BY THE MINOR SUBDIVISION PROCESS.



DETAIL A
SCALE: 1"=30'



DETAIL B
SCALE: 1"=40'

LINE DATA TABLE

Course	Bearing	Distance
L1	S 83°22'47\"/>	

CURVE DATA TABLE

Curve	Rad: 762.06'	Arc: 206.99'
C-1	Chk: N 76°16'48\"/>	

CONSERVATION EASEMENT DATA

Course	Bearing	Distance	Area
1	S 84°10'00\"/>		

AREA TABULATION TABLE

Category	Area (AC)
LOTS	47,079.80 FT. OR 1,088 AC.
OUTLOT	203,137.80 FT. OR 4,688 AC.
DEDICATED RW	180.84 FT. OR 0.0047 AC.
TOTAL	250,400.84 FT. OR 5,786 AC.



MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MONTGOMERY COUNTY PLANNING BOARD

APPROVED: _____
CHIEF ENGINEER
ASST. SECRETARY/TREASURER

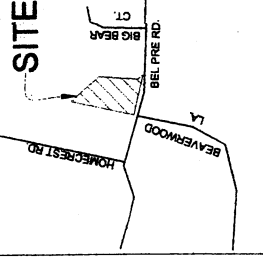
RECORDED: _____
DATE: _____
PLAT NO. _____

MONITORING COUNTY MARYLAND
DEPARTMENT OF PERMITTING SERVICES

Dowberry
203 Perry Parkway, Suite 1
Gaithersburg, MD 20877-2169
301-948-8300 Fax: 301-258-7607

SUBDIVISION RECORD PLAT
HOMECREST
LOTS 71-72 & OUTLOT A
WHEATON (138) ELECTION DISTRICT - MONTGOMERY COUNTY, MARYLAND
SCALE: 1"=100' DATE: JULY 2007

PLAT NO.



VICINITY MAP
SCALE: 1"=200'

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, BELIEF AND INFORMATION, AND THAT IT IS A SUBDIVISION OF THE LANDS CONVEYED BY FRANK R. WHEATON TO MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION BY DEED RECORDED IN LIBER 33474 FOLIO 249 AND ALSO BEING A RESUBDIVISION OF LOT 1 OF A SUBDIVISION UNKNOWN AS TO WHEREAS PER PLAT RECORDED IN PLAT BOOK 28, AT PLAT 1588 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND.

I HEREBY CERTIFY THAT CHISE EASEMENTS AS DESCRIBED IN THE CHANGERS DEEDS HEREON, ALL PROPERTY CORNERS WILL BE SET AS DELINEATED HEREON AND IN ACCORDANCE WITH SECTION 50-24(a) OF THE MONTGOMERY COUNTY CODE.

THE TOTAL LAND AREA ENCOMPASSED BY THIS PLAT IS 250,400 SQUARE FEET OR 5,786 ACRES OF WHICH 190 SQUARE FEET OR 0.0047 ACRES ARE DEDICATED TO PUBLIC USE BY THIS PLAT.

Eric V. Day
ERIC V. DAY
PROFESSIONAL LAND SURVEYOR
MARYLAND REGISTRATION NO.: 10771
DATE: 8/21/07

OWNER'S CERTIFICATE

WE, THE UNDERSIGNERS, OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, HEREBY ADOPT THIS PLAN AND GRANT PUBLIC EASEMENTS TO MONTGOMERY COUNTY PLANNING BOARD TO DEDICATE THE STREET TO PUBLIC USE, AND PARALLEL AND CONTIGUOUS TO THE DEDICATED RW LINE. SLOPE EASEMENTS SHALL BE AUTOMATICALLY EXTINGUISHED AFTER ALL REQUIRED PUBLIC IMPROVEMENTS ABUTTING THE ROAD HAVE BEEN LAWFULLY ADOPTED AND ACCEPTED FOR MAINTENANCE BY MONTGOMERY COUNTY OR OTHER APPROPRIATE PUBLIC AGENCY.

WE HEREBY GRANT TO THE MONTGOMERY COUNTY PLANNING BOARD OF THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION (M-NPCPC) CONSERVATION EASEMENTS, AS SHOWN HEREON, PURSUANT TO THE MONTGOMERY COUNTY FOREST CONSERVATION LAW, CHAPTER 22A, AND THE MONTGOMERY COUNTY FOREST CONSERVATION PLAN, INCLUDING THE TERMS, PROVISIONS AND CONDITIONS CONTAINED IN THE ACKNOWLEDGED CONSERVATION EASEMENT AGREEMENTS RECORDED AMONG THE AFORESAID LAND RECORDS IN LIBER 13178 AT FOLIO 412 AS SHOWN HEREON, AND THE MONTGOMERY COUNTY FOREST CONSERVATION PLAN, INCLUDING THE TERMS AND PROVISIONS FOR PUBLIC UTILITY EASEMENTS INDICATED WITHIN SAID DECLARATION.

WE HEREBY ESTABLISH THE INGRESS & EGRESS EASEMENT SHOWN HEREON ACROSS LOT 71 FOR THE USE AND BENEFIT OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND OUR SUCCESSORS AND ASSIGNS, SHALL CAUSE PROPERTY CORNER MARKERS TO BE SET BY A REGISTERED MARYLAND LAND SURVEYOR, IN ACCORDANCE WITH SECTION 50-24(a) OF THE MONTGOMERY COUNTY CODE.

THESE ARE NO SUIT, ACTIONS AT LAW, LEASES, LIENS OR TRUSTS ON THIS PROPERTY.

FOR TAMARA CORPORATION

Joan Stenbach
JOAN STENBACH
DATE: 4/13/07
WITNESS

James A. Fisher
JAMES A. FISHER
DATE: 4/13/07
WITNESS

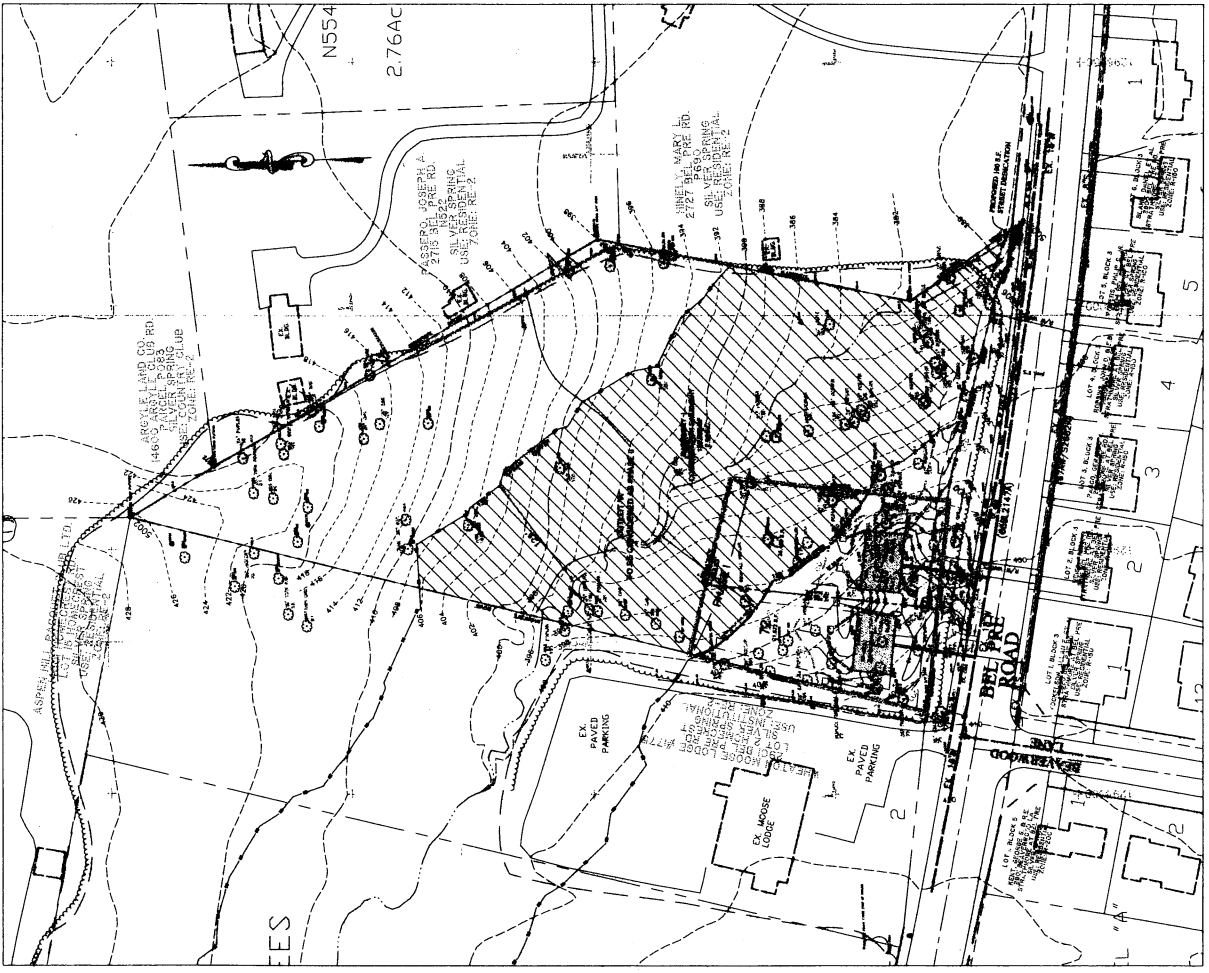
NO.	DATE	REVISIONS
1	11-18-07	ISSUED AS PER PLAN
2	11-18-07	ISSUED AS PER PLAN
3	11-18-07	ISSUED AS PER PLAN
4	11-18-07	ISSUED AS PER PLAN
5	11-18-07	ISSUED AS PER PLAN

DEVELOPER: MONTGOMERY COUNTY, MARYLAND
 PROJECT NO. 2007-0001
 DATE: 11/18/07

DESIGNER: JAMES R. HANCOCK, INC.
 1001 FERRY PARKWAY, SUITE 1
 CHARLESTON, WEST VIRGINIA 25309
 PHONE: 304.725.0100
 FAX: 304.725.0800



DEWBORTY
 1001 FERRY PARKWAY, SUITE 1
 CHARLESTON, WEST VIRGINIA 25309
 PHONE: 304.725.0100
 FAX: 304.725.0800

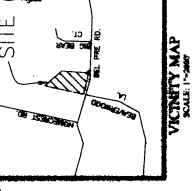


BLANKET LICENSE
 JAMES R. HANCOCK, INC.
 1001 FERRY PARKWAY, SUITE 1
 CHARLESTON, WEST VIRGINIA 25309
 PHONE: 304.725.0100
 FAX: 304.725.0800

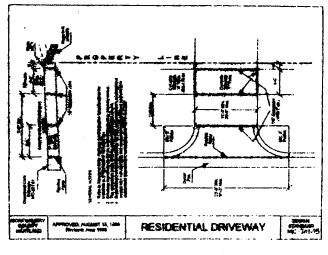
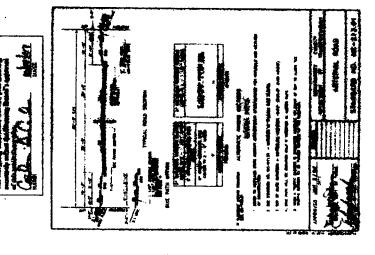
1. SHOW EXISTING AND PROPOSED LOTS AND DIMENSIONS.
2. SHOW EXISTING AND PROPOSED ROADS AND DIMENSIONS.
3. SHOW EXISTING AND PROPOSED UTILITIES AND DIMENSIONS.
4. SHOW EXISTING AND PROPOSED STRUCTURES AND DIMENSIONS.
5. SHOW EXISTING AND PROPOSED LANDSCAPING AND DIMENSIONS.
6. SHOW EXISTING AND PROPOSED PAVING AND DIMENSIONS.
7. SHOW EXISTING AND PROPOSED FENCING AND DIMENSIONS.
8. SHOW EXISTING AND PROPOSED SIGNAGE AND DIMENSIONS.
9. SHOW EXISTING AND PROPOSED LIGHTING AND DIMENSIONS.
10. SHOW EXISTING AND PROPOSED SECURITY AND DIMENSIONS.
11. SHOW EXISTING AND PROPOSED ACCESS AND DIMENSIONS.
12. SHOW EXISTING AND PROPOSED EROSION CONTROL AND DIMENSIONS.
13. SHOW EXISTING AND PROPOSED FLOOD CONTROL AND DIMENSIONS.
14. SHOW EXISTING AND PROPOSED WIND CONTROL AND DIMENSIONS.
15. SHOW EXISTING AND PROPOSED SOUND CONTROL AND DIMENSIONS.
16. SHOW EXISTING AND PROPOSED AIR CONTROL AND DIMENSIONS.
17. SHOW EXISTING AND PROPOSED VIBRATION CONTROL AND DIMENSIONS.
18. SHOW EXISTING AND PROPOSED OTHER CONTROL AND DIMENSIONS.

NO.	DATE	REVISIONS
1	11-18-07	ISSUED AS PER PLAN
2	11-18-07	ISSUED AS PER PLAN
3	11-18-07	ISSUED AS PER PLAN
4	11-18-07	ISSUED AS PER PLAN
5	11-18-07	ISSUED AS PER PLAN

DEVELOPER: MONTGOMERY COUNTY, MARYLAND
 PROJECT NO. 2007-0001
 DATE: 11/18/07



DEWBORTY
 1001 FERRY PARKWAY, SUITE 1
 CHARLESTON, WEST VIRGINIA 25309
 PHONE: 304.725.0100
 FAX: 304.725.0800





MONTGOMERY COUNTY PLANNING BOARD
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OCT 09 2007

MCPB No. 07-183
Preliminary Plan No. 120070430
Homecrest
Date of Hearing: July 5, 2007

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION¹

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on December 4, 2006, Tamara Corporation, et.al. ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create 2 lots and one outlot on 5.77 acres of land located on the north side of Bel Pre Road opposite intersection with Beaverwood Lane ("Property" or "Subject Property"), in the Aspen Hill master plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120070430, Homecrest ("Preliminary Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated June 22, 2007, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on July 5, 2007, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

APPROVED AS TO LEGAL SUFFICIENCY

Dy O 9/26/2007 by JHJ

M-NCPPC LEGAL DEPARTMENT

DATE 9/26/2007

¹ This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

WHEREAS, on July 5, 2007, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Robinson; seconded by Commissioner Lynch; with a vote of 4-1, Commissioners Cryor, Hanson, Lynch, and Robinson voting in favor, Commissioner Bryant opposed.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120070430 to create 2 lots and one outlot on 5.77 acres of land located on the north side of Bel Pre Road opposite intersection with Beaverwood Lane ("Property" or "Subject Property"), in the Aspen Hill master plan area ("Master Plan"), subject to the following conditions:

- 1) Approval for Phase I of this preliminary plan application is limited to two (2) one-family detached residential lots.
- 2) The Applicant shall comply with the conditions of the approved preliminary forest conservation plan prior to recordation of plat or issuance of sediment and erosion control permits, as appropriate.
- 3) A Category I easement shall be shown over all stream valley buffers on the site and reflected on the record plat. A 20-foot building restriction line shall be established and shown on the record plat parallel to the Category I easement on Lots 71 and 72.
- 4) Record Plat to contain a note "Outlot A, (Phase II) may be considered for resubdivision by the Montgomery County Planning Board. Any revision to the Category I easements will be considered then as an amendment to the forest conservation plan."
- 5) Compliance with the conditions of the MCDPS stormwater management approval letter dated February 2, 2007.
- 6) Compliance with the conditions of the MCDPWT approval letter dated June 25, 2007, unless otherwise amended.
- 7) Other necessary easements shall be shown on the record plat.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. The Preliminary Plan substantially conforms to the master plan.

The Aspen Hill Master Plan does not specifically identify the Subject Property. In the Land Use and Zoning section of the Master Plan, the Property and surrounding development is identified as suitable for one-family detached housing although other properties in the immediate area do have different zoning densities for residential uses. The proposed subdivision complies with the recommendations adopted in the Aspen Hill Master Plan in that it proposes one-family detached housing consistent with the current density of the neighborhood.

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

Adequate Public Facilities (APF) have been reviewed and approved by all review agencies. MCDPS has approved a stormwater management concept for the site consisting of on-site water quality control measures using infiltration techniques. MCDPWT has approved the location of the driveway access points and will require certain improvements as per their approval letter dated June 25, 2007. Fire and Rescues Services have also reviewed the Preliminary Plan and have recommended approval in a June 15, 2007 letter. The project will generate less than 30 peak hour trips and, therefore, is not required to perform a detailed traffic study. The Applicant is required to only do frontage improvements required by MCDPWT. All other agencies have recommended approval of the Application with respect to public facilities. Based on the review of APF, the Planning Board finds the Preliminary Plan to be in compliance with Chapter 50, the Montgomery County Subdivision Regulations.

3. The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.

The lots have been reviewed for compliance with 50-29(a) of the Subdivision Regulations. The Planning Board finds that the size, shape, width, and area of the lots are appropriate for their location within the subdivision.

4. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.

The project was reviewed for compliance with Chapter 22A of the Montgomery County Code, the Forest Conservation law. The forest on site is to be saved to meet the requirements of the law. The Planning Board approved a preliminary forest conservation plan with the Preliminary Plan.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.*

The MCDPS Stormwater Management Section approved the stormwater management concept for the site on February 2, 2007, consisting of on-site water quality control measures using infiltration techniques.

6. *The proposed lots are of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing neighborhood (as delineated by Staff in the Staff Report) ("Neighborhood"), as analyzed below.*

Size:

Lots in the neighborhood range in size from 10,357 square feet to 21,055 square feet. The two lots proposed in Phase I are 21,672 square feet and 25,409 square feet in size. This resubdivision creates one lot that is only slightly larger than the largest lot in the defined neighborhood and a second that is approximately 4,300 square feet larger. There is a variation in lot sizes in this neighborhood. The fact that the two lots will be larger than the largest lot that exists is not significant in this case. The proposed lots are within a reasonable departure from the range of existing lot sizes and are, therefore, of the same character with respect to size.

Width:

The range of lot widths at the front building line in the neighborhood range from 74 feet to 175 feet. Both of the proposed lots are within this range, at 110 and 126 feet, and close to the middle of the range. Both lots are of the same character with respect to width at the building line

Frontage:

The range of lot frontages in the neighborhood is from 25 feet to 187 feet. The proposed lot frontages are 105 and 110 feet for lot 72 and 71, respectively. They are well within the range for all lot frontages in the neighborhood. Therefore, the proposed lots of the same character as the lots in the neighborhood with respect to frontage

Area:

The buildable areas of lots in the defined neighborhood range from 3,344 square feet to 8,250 square feet in useable area. The resubdivision proposes two lots at 8,147 square feet for Lot 71 and 11,054 square feet for Lot 72. Lot 71 will be the third largest with respect to area and Lot 72 will be the largest. Similar to the discussion for size, the two lots are brought more into character than the parent lot is with the existing lots. The departure from the range for the area of Lot 72 from the area of existing lots is acceptable for this application. Both lots are of the same character with respect to area.

Alignment

Lots in the neighborhood align at various angles to the road. Most are perpendicular to the street frontage, two are radial, two are pipestems and one is angled. The two proposed lots are perpendicular to the road and are, therefore, of the same character as compared to the existing lots in the neighborhood.

Shape:

The neighborhood is characterized by a variation of lots shapes including rectangular, generally rectangular and irregular. The proposed lots are generally rectangular and are of the same character as the existing lots in the neighborhood.

Suitability for Residential Use

The physical nature of the lots dictates that they are suitable for residential development as are all other lots in the neighborhood

The Planning Board finds that the project is in substantial conformance with all seven resubdivision criteria as identified in Section 50-29(b)(2) of the Montgomery County Subdivision Regulations.

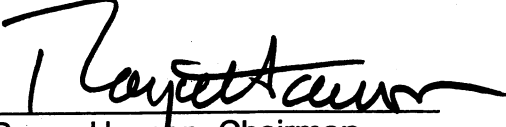
BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that the date of this Resolution is OCT 09 2007 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

At its regular meeting held on Thursday September 27, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission ADOPTED the above Resolution, on motion of Commissioner Bryant, seconded by Vice Chair Robinson, with Chairman Hanson, Vice Chair Robinson, and Commissioners Bryant, Cryor, and Lynch present and voting in favor. This Resolution constitutes the final decision of the Planning Board, and memorializes the Board's findings of fact and conclusions of law for Preliminary Plan 120070430, Homecrest.



Royce Hanson, Chairman
Montgomery County Planning Board

PLAT NO. 220080410

Hodges Heights

Located on the north side of Hodges Lane, approximately 170 feet east of Chestnut Avenue

R-60 zone; 1 lot

Community Water, Community Sewer

Master Plan Area: Takoma Park

Michael Alemar, Applicant

Staff recommends approval of this minor subdivision plat pursuant to section **50-35A (a)(2)** of the Subdivision Regulations, which states:

Conversion of an Outlot into a Lot. An outlot may be converted into a lot under the minor subdivision procedures provided:

- a. The outlot is not required open space or otherwise constrained so as to prevent it from being converted into a buildable lot;
- b. There is adequate sewerage and water service to the property, which may be either public service and/or approved private septic system/private well;
- c. All applicable requirements and/or agreements that may be relevant, in accordance with provisions for adequate public facilities, as contained in Section 50-35(k) and the Annual Growth Policy, are satisfied prior to the recordation of the plat;
- d. All applicable conditions and/or agreements applicable to the original subdivision approval creating the outlot will also apply to the new lot. The conditions and agreements may include, but are not limited to, any adequate public facilities agreement, conservation easement or building restriction lines; and
- e. If the outlot is located within a special protection area, as shown on an approved and adopted master plan, all applicable special protection areas requirements and guidelines, including approval of a water quality plan, are satisfied prior to recordation of the plat.

An outlot may be incorporated into an adjoining lot resulting in a larger lot without having to satisfy Subsections (a) and (b) above.

Staff applied the above-noted minor subdivision criteria for this application, which is incorporating a lot and an outlot into a lot, and concludes that the proposed subdivision complies with the criteria of Section 50-35A (a)(2) of the subdivision regulations and supports this minor subdivision record plat.

RECORD PLAT FOR MINOR SUBDIVISION REVIEW SHEET

(This form contains 3 pages)

Plat Name: Hodges Heights Plat Number: 220080410
 Plat Submission Date: 8/28/07
 DRD Plat Reviewer: T. Alam
 DRD Prelim Plan Reviewer: NA
 *For category of minor see pages 2 and 3

Initial DRD Review:

Pre-Preliminary Plan No. _____ Checked: Initial _____ Date _____
 Preliminary Plan No. _____ Checked: Initial _____ Date _____
 Planning Board Opinion – Date _____ Checked: Initial _____ Date _____
 Site Plan Name if applicable: _____ Site Plan Number: _____
 Planning Board Opinion – Date _____ Checked: Initial _____ Date _____

Lot # & Layout ok Lot Area ok Zoning _____ Bearings & Distances ✓ Coordinates ok
 Plan # N/A Road/Alley Widths ok Easements ok Open Space N/A Non-standard _____
 BRLs N/A Adjoining Land ok Vicinity Map ok Septic/Wells N/A
 TDR note N/A Child Lot note N/A Surveyor Cert ✓ Owner Cert ✓ Tax Map ok
 SPA N/A

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>A. Lindsay</u>	<u>9-10-07</u>	<u>9-28-07</u>	_____	<u>N/A</u>
Research	Bobby Fleury	↓	↓	<u>9-12-07</u>	<u>ok</u>
SHA	Doug Mills	↓	↓	_____	_____
PEPCO	Steve Baxter	↓	↓	_____	_____
Parks	Doug Powell	↓	↓	_____	_____
DRD	<u>N. Cover</u>	✓	✓	<u>9-18-07</u>	<u>ok</u>

Final DRD Review:

DRD Review Complete: Initial SOS Date 10-16-07
 (All comments rec'd and incorporated into mark-up)
 Engineer Notified (Pick up Mark-up): SOS 10-2-07
 Final Mylar w/Mark-up & PDF Rec'd: SOS 10-11-07

Board Approval of Plat:

Plat Agenda: SOS 12-6-07
 Planning Board Approval: _____
 Chairman's Signature: _____

DPS Approval of Plat:

Engineer Pick-up for DPS Signature: _____
 Final Mylar for Reproduction Rec'd: _____

Plat Reproduction:

Addressing: _____
 File Card Update: _____
 Final Zoning Book Check: _____
 Update Address Books with Plat #: _____
 Update Green Books for Resubdivision: _____
 Notify Engineer to Seal Plats: _____
 Engineer Seal Complete: _____
 Complete Reproduction: _____
 Sent to Courthouse for Recordation: _____

No. _____

RECORD PLAT REVIEW SHEET – MINOR SUBDIVISION SEC-50-35A

Select which Category of Minor Subdivision and fill information as required

Requirements under Sec 50-35A (A)

(1) Minor Lot Adjustment

- a) Total area does not exceed 5% of combined area affected: _____
- b) No additional lots created: _____
- c) Adjusted line is approximately parallel/does not significantly change shape of the lots: _____
- d) Date sketch plan submitted: _____
- e) Sketch plan revised or denied within 10 business days: _____
- f) Final record plat submitted within ninety days: _____
- g) Sketch shows following information:
 - i. proposed lot adjustment: _____
 - ii. physical improvements within 15 feet of adjusted line: _____
 - iii. alteration to building setback: _____
 - iv. amount of lot area affected: _____

(2) Conversion of Outlot into a Lot

- a) Outlot not required for open space or otherwise constrained: N/A
- b) Adequate sewerage and water service/public or private: ✓
- c) Adequate public facilities and AGP satisfied: ✓
- d) Any conditions/agreements of original subdivision: _____
- e) Special Protection Area, Water Quality Plan required: N/A

(3) Consolidation Of Two of More Lots

- a) Any prior subdivision conditions: _____
- b) Part of lot created by deed prior to June 1 1958: _____

(4) Further Subdivision of Commercial/Industrial/Multi-Family Lot

Any subdivision/conditions; APF agreement satisfied: _____

(5) Plat of Correction

- a) All owners and trustees signed: _____
- b) Original Plat identified: _____

(6) Plats for Residentially Zoned Parcels Created by Deed prior to June 1958

- a) Deed(s) submitted: _____
- b) Developable with only one single family detached unit: _____

(7) Plat for Existing Places of Worship, Private Schools, Country Club, Private Institution, and Similar Uses located on Unplatted Parcels

- a) Adequate Public Facilities satisfied: _____
- b) Street dedication required: _____
- c) Forest conservation: _____
- d) Storm water management: _____
- e) Special Protection Area/Water Quality Plan: _____
- f) Landscaping and lighting plan including parking lot layout: _____

g) Approved Special Exception:

(8) Plats for Certain Residential Lots in the RDT Zone;5 Lot Maximum

a) Number of Lots:

b) Written MCDPS approval of proposed septic area:

c) Required street dedication:

d) Easement for balance of property noting density and TDRS:

e) Average lot size of 5 acres:

f) Forest Conservation requirements met:

PLAT NO.

OWNERS' CERTIFICATE

WE, MICHAEL AND LYNNETTE SIM ALEMAR, OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, HEREBY ADOPT THIS PLAN OF SUBDIVISION, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, AND ESTABLISH THE TEN (10) FOOT PUBLIC UTILITY EASEMENT SHOWN HEREON AS 10' P.U.E. FOR THE PARTIES NAMED IN THE DOCUMENT ENTITLED "DECLARATION OF TERMS AND PROVISIONS OF PUBLIC UTILITY EASEMENTS" RECORDED IN LIBER 3834 AT FOLIO 457 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND.

THERE ARE NO LEASES, LIENS OR TRUSTS ON THE PROPERTY INCLUDED ON THIS PLAN OF SUBDIVISION EXCEPT FOR A CERTAIN DEED OF TRUST HELD BY BANK-FUND STAFF FEDERAL CREDIT UNION AND THE PARTIES OF INTEREST THERETO HEREBY ASSENT TO THIS PLAN OF SUBDIVISION.

10/10/2007 DATE
 Michael Alemar MICHAEL ALEMAR, OWNER
 Witness: [Signature]

10/10/2007 DATE
 Lynette Alemar LYNNETTE SIM ALEMAR, OWNER
 Witness: [Signature]

10/10/2007 DATE
 Carolyn Lancaster CAROLYN LANCASTER, MANAGER
 BANK-FUND STAFF FEDERAL CREDIT UNION
 Witness: [Signature]

WE HEREBY ASSENT TO THIS PLAN OF SUBDIVISION.

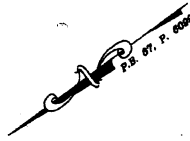
GENERAL NOTES

- ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS, AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAN, SITE PLAN, PROJECT PLAN OR OTHER PLAN, ALLOWING DEVELOPMENT OF THIS PROPERTY TO BE SUBJECT TO THE TERMS AND CONDITIONS OF ANY SUCH PLAN, SHALL BE DEEMED TO SURVIVE UNLESS MODIFIED BY FURTHER ACTIONS BY THE BOARD. THE OFFICIAL PUBLIC FILES FOR ANY SUCH PLAN ARE MAINTAINED BY THE PLANNING BOARD AND ARE AVAILABLE FOR PUBLIC REVIEW DURING NORMAL BUSINESS HOURS.
- THIS PLAN CONFORMS WITH REQUIREMENTS FOR MINOR SUBDIVISION APPLICABLE CONTAINED IN SECTION 50-35 OF THE MONTGOMERY COUNTY ZONING ORDINANCE AND SECTION 50 OF THE COUNTY CODE. THIS PLAN INVOLVES A CONSOLIDATION OF AN OUTLOT INTO ONE LOT AS PROVIDED FOR IN SECTION 50-35A(6)(2).
- THIS SUBDIVISION RECORD PLAN IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING THE OWNERSHIP AND USE, NOR EVERY MATTER RESTRICTING THE OWNERSHIP AND USE OF THIS PROPERTY. THE SUBDIVISION RECORD PLAN IS NOT TO BE CONSTRUED AS A GUARANTEE OF THE DETERMINATION OF TITLE OR TO DEFECT OR NOTE ALL MATTERS AFFECTING TITLE.
- THE APPROVAL OF THIS PLAN IS PREDICATED ON THE ADEQUACY AND AVAILABILITY OF PUBLIC WATER AND SEWER.
- THIS PROPERTY IS CURRENTLY ZONED R-60.
- ALL EXISTING AND PROPOSED DEVELOPMENT ON THIS PROPERTY IS SUBJECT TO THE STANDARDS UNDER MONTGOMERY COUNTY ZONING ORDINANCE R-60 ZONE.
- LOTS SHOWN HEREON APPEAR ON MONTGOMERY COUNTY TAX MAP JN 342 AND W.S.S.C. SHEET #209 NW 01.
- THIS PROPERTY IS NOT SUBJECT TO CHAPTER 22A MONTGOMERY COUNTY FOREST CONSERVATION LAW.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THAT IT IS A RESUBDIVISION OF ALL OF THE LANDS CONVEYED TO MICHAEL ALEMAR AND LYNNETTE S. ALEMAR KNOWN AS LOT 6, SECTION TWO (2), HODGES HEIGHTS, LOT 6, PLAT 99, SECTION TWO, BLOCK 99, HODGES HEIGHTS, MONTGOMERY COUNTY, MARYLAND IN PLAT BOOK 87, PLAT 6099, AND OUTLOT "A", BONNIE VIEW AS RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN PLAT BOOK 24 AT PLAT 1510. SAID LOT 6 HAVING BEEN CONVEYED BY WILLIAM P. DELANEY AND JOAN C. DELANEY GRANT BY DEED DATED MAY 9, 1985, AS RECORDED IN LIBER 8733, FOLIO 621; AND SAID OUTLOT "A" HAVING BEEN CONVEYED BY DAVID J. BRANTMAN AND HELEN BRANTMAN BY DEED DATED JULY 23, 2001, AS RECORDED IN LIBER 3834, FOLIO 457. THE PROPERTY ADDRESS FOR THIS PLAN OF SUBDIVISION IS 9,447.7 SQUARE FEET, NONE OF WHICH IS DEDICATED TO PUBLIC USE.

10/9/2007 DATE
 Joseph E. Snider JOSEPH E. SNIDER
 PROFESSIONAL LAND SURVEYOR
 MARYLAND REG. #12729



BONNIE VIEW
 P.B. 24, P. 1510
 LOT 6
 L. 27154, F. 431

OUTLOT "A"
 L. 19552, F. 500

99

LOT 9
 9,447.7 S.F. or 0.2168 Acres

LOT 6
 L. 6733, F. 621

PARCEL 448
 (FORMERLY OUTLOT "A")
 L. 6740, F. 620

HODGES HEIGHTS
 SECTION TWO
 P.B. 67, P. 6099
 L. 14897, F. 15

LOT 7
 L. 14897, F. 15

HODGES LANE
 (40' WIDE 8/8" PER PLAT BOOK 87, PLAT 6099)

M-NCCPC Record File No.:

Department of Permitting Services Montgomery County, Maryland	Drafted: A.L.W. Checked: J.E.S. Job No.: 01-3282-RP
Director: _____ Date: _____	Recorded: _____ Plat No.: _____

Maryland National Capital Park and Planning Commission
 Montgomery County Planning Board

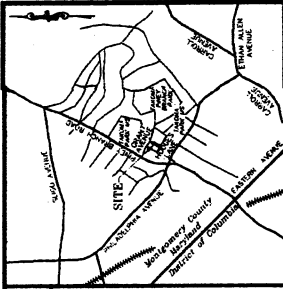
Approved: _____
 Date: _____
 Chairman: _____
 Fiscal Secretary: _____
 Treasurer: _____

Area Tabulation
 Lot 16 = 9,447.7 S.F. or 0.2168 Acres
 Dedication Area = N/A
 Total Area = 9,447.7 S.F. or 0.2168 Acres

GRAPHIC SCALE



Zo&H



VICINITY MAP
 ADC MAP PAGE 36 GRID J-10
 SCALE: 1" = 2000'

SUBDIVISION RECORD PLAN
 LOT 9, BLOCK 99
 SECTION TWO
 HODGES HEIGHTS
 WHEATON (13th) ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND
 SCALE: 1" = 20' AUGUST 2007

Prepared by
SNIDER & ASSOCIATES
 LAND SURVEYORS

20270 Goldenrod Lane, Suite 110
 Germantown, Maryland 20876
 301/948-5100 Fax 301/948-1286

