MEMORANDUM

DATE: February 21, 2007

TO: Montgomery County Planning Board

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

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

SUBJECT: Informational Maps and Summary of Record Plats for the Planning Board Agenda for March 6, 2008

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:

220081140 Goodwill
PLAT NO. 220081140

Goodwill
Located on the south side of Cedar Croft Drive, approximately 150 feet west of Cedar Croft Lane
R-60 zone; 2 lots
Community Water, Community Sewer
Master Plan Area: Bethesda-Chevy Chase
Elm Street Development, Applicant

Staff recommends approval of the this minor subdivision plat pursuant to Section 50-35A(a)(5), which states as follows:

Plat of Correction. A plat may be recorded under the minor subdivision procedure to correct inaccurate or incomplete information shown on a previously recorded subdivision plat. The plat may correct drafting or dimensional errors on the drawing; failure to include a required note, dedication, easement or other restriction; incorrect or omitted signatures; and/or other information normally required to be shown on a recorded plat. All owners and trustees or the land affected by the correction must sign the revised plat. In addition, the plat of correction must clearly identify the original plat that is being replaced and contain a note identifying the nature of the correction.

Staff applied the above-noted minor subdivision criteria for this property and concludes that the proposed subdivision complies with the criteria of Section 50-35A(a)(5) of the subdivision regulations, and with the conditions required by Site Plan No. 82003005A, as approved by the Board, and supports this minor subdivision record plat.

PB date: 3/6/08
RECORD PLAT FOR MINOR SUBDIVISION REVIEW SHEET
(This form contains 3 pages)

Plat Name: Goodwill
Plat Number: 220081140
Plat Submission Date: 12/24/07
DRD Plat Reviewer: S. Smith
DRD Prelim Plan Reviewer: N/A
*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: Goodwill Property Site Plan Number: 2200300S
Planning Board Opinion – Date 1-12-07 Checked: Initial ______ Date ______
Lot # & Layout __ Lot Area __ Zoning __ Bearings & Distances __ Coordinates __
Plan # __ Road/Alley Widths N/A Easements Open Space __ Non-standard
BRLs N/A Adjoining Land __ Vicinity Map __ Septic/Wells N/A
TDR note N/A Child Lot note N/A Surveyor Cert __ Owner Cert __ Tax Map __
SPA N/A

<table>
<thead>
<tr>
<th>Agency Reviews Req'd</th>
<th>Reviewer</th>
<th>Date Sent</th>
<th>Due Date</th>
<th>Date Rec'd</th>
<th>Comments</th>
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<td>1-31-07</td>
<td>1-18-08</td>
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<td>Research</td>
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<td>Doug Mills</td>
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<td>Steve Baxter</td>
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<td>DRD</td>
<td>Nellie Carey</td>
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Final DRD Review:

DRD Review Complete: Initial 5/5 Date 2/26/08
(All comments rec'd and incorporated into mark-up)
Engineer Notified (Pick up Mark-up): 5/5 2-4-08
Final Mylar w/Mark-up & PDF Rec'd: 5/5 2-14-08

Board Approval of Plat:
Plat Agenda: 5/5 3-6-08
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: ______
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: __________

(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 Residually 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:
WHEREAS, pursuant to Montgomery County Code ("Code") Division 59-D-3, the Montgomery County Planning Board ("Planning Board" or "Board") is required to review site plan applications; and

WHEREAS, pursuant to Code Section 59-D-3.4(b), following a public hearing on the application, the Planning Board must, by resolution, approve, approve with conditions or disapprove a proposed site plan; and

WHEREAS, the Planning Board, in reaching its decision on a site plan, must determine that the site plan meets all the requirements of Code Section 59-D-3.4(c); and

WHEREAS, on July 15, 2005, Elm Street Development ("Applicant") filed an application for approval of an amended site plan for 28 dwelling units, including 10 one-family semi-detached units, 14 townhouses, and 4 two-over-two moderately priced dwelling units (MPDUs), on 4.97 acres of R-60 zoned land located on the west side of Wisconsin Avenue, approximately 400 feet north of West Cedar Lane and within the Bethesda – Chevy Chase Master Plan area ("Property" or "Subject Property"); and

WHEREAS, in April 2003, the Planning Board approved Site Plan No. 820030050 (formerly 8-03005) for the proposed development; and

WHEREAS, the Applicant's amended site plan application was designated Site Plan No. 82003005A, Goodwill Property (Bethesda Crest) ("Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on March 1, 2007, Staff...
presented the Application to the Planning Board at a public hearing ("Hearing") for its review and action; and

WHEREAS, prior to the Hearing, on February 16, 2007, Staff had issued a memorandum to the Board setting forth its analysis and recommendation for approval of the Application subject to certain conditions ("Staff Report" or "Report"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record ("Record") on the Application and approved the Application on motion of Commissioner Bryant, seconded by Commissioner Purdue, with a vote of 4-1, Chairman Hanson and Commissioners Purdue, Bryant, and Robinson voting in favor of the motion and Commissioner Wellington against.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 82003005A for 28 dwelling units, including 10 one-family semi-detached units, 14 townhouses, and 4 two-over-two moderately priced dwelling units (MPDUs), on 4.97 acres of land in the R-60 Zone, subject to the following conditions:

1. **Prior Approval**
   The terms and conditions of all applicable prior regulatory approvals and agreements remain in full force and effect, except as affected by this site plan amendment.

2. **Record Plat Amendment**
   The applicant shall re-record the record plat for Lots 19 and 20 to reflect the revised lot lines (proposed Lots 28 and 29) in accordance with the certified site plan 82003005A prior to the issuance of any building permit for these two lots.

3. **Forest Conservation**
   The proposed development shall comply with the conditions of the final forest conservation plan.

4. **Proposed Fence and Wall**
   a. A new six-foot-high metal fence with brick piers as shown on the certified site plan shall be constructed along the north property line of the site adjacent to the Temple Hills Baptist Church prior to the issuance of any building permit for Lots 28 and 29 (old Lots 19 and 20) or commencement of any construction on Lots 23 and 24, whichever comes first.
   b. The proposed brick/stone wall along the southwest property line shall be completed prior to the issuance of any building permit for Lots 28 and 29 (old Lots 19 and 20).
c. The applicant may start construction of the proposed fence and wall as described in conditions 4.a. and 4.b. above prior to approval of the certified site plan 82003005A for Goodwill Property.

5. **Certified Site Plan**
   Prior to approval of the certified site plan, the following revisions shall be included and/or information provided, subject to staff review and approval:
   
   Revised Development Standard table, inspection schedule, plan index, and Site Plan Resolution.

   **BE IT FURTHER RESOLVED,** that all site development elements shown on Goodwill Property plans stamped by the M-NCPPC on February 16, 2007, shall be required, except as modified by the above conditions of approval; and

   **BE IT FURTHER RESOLVED,** that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

   **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 other evidence contained in the Record, which is hereby incorporated in its entirety into this Resolution, the Montgomery County Planning Board FINDS, based on uncontested evidence of record, that:

1. **The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Montgomery County Code § 59-D-1.64.**

   An approved development plan or a project plan is not required for the subject development.

2. **The site plan meets all of the requirements of the zone in which it is located.**

   The Planning Board finds that the Application, as amended by the conditions, meets all of the requirements of the R-60 Zone. This amendment revised and clarified building height and setback requirements for individual lots from north, west, and south property lines as presented to the Planning Board at the compliance hearing on November 17, 2005. It also established lot width and yard requirements for individual lots and revised minimum lot area for three building types. In its Staff Report, Staff presented a project data table, which listed the Zoning Ordinance development standards requirements and the proposed
standards. The Board finds, based on the data table and other uncontested evidence and testimony of record, that the Application meets all of the applicable requirements of the R-60 Zone. The following table sets forth the development standards approved by the Board.

**Approved Development Standards**

<table>
<thead>
<tr>
<th>Development Standard</th>
<th>Approved by Planning Board for Site Plan No. 82004028A and Binding on Applicant</th>
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<tbody>
<tr>
<td>Minimum Tract Area</td>
<td>4.97 acres</td>
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<tr>
<td>Density of Development</td>
<td>28 units</td>
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<tr>
<td><strong>Number of Dwelling Units</strong></td>
<td></td>
</tr>
<tr>
<td>One-family Semi-Detached unit</td>
<td>10</td>
</tr>
<tr>
<td>Townhouse</td>
<td>14</td>
</tr>
<tr>
<td>One-family Attached unit (MPDU)</td>
<td>4</td>
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<td><strong>Total</strong></td>
<td>28</td>
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<tr>
<td><strong>Minimum Building Setback (ft.)</strong></td>
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</tr>
<tr>
<td>from public street</td>
<td>35</td>
</tr>
<tr>
<td>from north property line</td>
<td></td>
</tr>
<tr>
<td>Lot 3</td>
<td>33.3</td>
</tr>
<tr>
<td>Lot 4</td>
<td>33.3</td>
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<td>Lot 5 (new Lot 25)</td>
<td>35</td>
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<td>from west property line</td>
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<td>Lot 9</td>
<td>35</td>
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<td>Lot 19 (new Lot 28)</td>
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<td>from south property line</td>
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<td>Lot 19</td>
<td>50</td>
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<td>Lots 20 (new Lot 29) through 24</td>
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<td><strong>Minimum Yard for Individual Lots (ft.)</strong></td>
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<td>front</td>
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<td><strong>Minimum Lot Area (sq. ft.)</strong></td>
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<tr>
<td>One-family Semi-Detached unit</td>
<td>3,500</td>
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<td>Townhouse</td>
<td>2,500</td>
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<tr>
<td>One-family Attached unit (MPDU)</td>
<td>5,700 (4 units on one lot)</td>
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<td><strong>Minimum Lot Width (ft.)</strong></td>
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<td><strong>Green Space</strong></td>
<td>112,498 s.f. or 2.58 acres</td>
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<tr>
<td><strong>Maximum Building Height</strong></td>
<td>3 stories/40 feet</td>
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<td><strong>Parking (spaces)</strong></td>
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<tr>
<td>garage</td>
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<td>Surface</td>
<td>16</td>
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<td><strong>Total</strong></td>
<td>76</td>
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</table>
3. The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.

The Planning Board finds that the locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems proposed in the Application, as amended by the conditions, are adequate, safe, and efficient.

a. Buildings and Structures

The overall site layout and general building locations remain unchanged on the amended site plan. Minor building setback modifications were made for units near the north and west property lines to reflect the final location of built units. In the southwestern corner of the site, the proposed semi-detached units on Lots 19 and 20 were moved to provide deeper setbacks from adjacent properties to the west and south as required by the compliance agreement. These changes did not affect the church property to the north, but provided a deeper buffer between the development and adjacent homes to the southwest of the site.

The location of the required four MPDUs were shifted back by approximately 6 feet to allow for larger front yard area to meet the zoning definition of attached units for two-over-two units. This change did not affect setback limits from the boundary. Enclosed trash and mechanical areas were added at the east and west ends of the building.

b. Open Spaces

The amended site plan did not change the size (2.58 acres) and location of the green space provided throughout the development. The green space serves as buffer areas between the development and adjacent properties. It also provides space for recreation facilities and helps protect existing trees.

c. Landscaping and Lighting

The landscaping design was modified in certain areas to accommodate the added fence/wall near the south property line and the relocated MPDUs, and to reflect the field changes to the tree save areas and entrance areas to individual units. But the overall theme of the design remains the same. There are no changes proposed to the lighting plan.
d. **Recreation Facilities**

This development provides four sitting areas, a playground, natural areas, and pathways throughout the subdivision as its recreation facilities. The amended site plan did not change the facilities except for the manufacture of the play equipment and benches. The playground and some of the sitting areas and pathways have been installed.

e. **Vehicular and Pedestrian Circulation Systems**

The plan provides a pathway system to connect individual units with site amenities, the adjacent neighborhood and surrounding streets. The main vehicular access to the development is from Wisconsin Avenue. A secondary access is via Corsica Drive to link the development with the adjacent neighborhood. The amended site plan does not change the circulation system, but proposes to enhance the existing bus stop on Wisconsin Avenue by adding pavers at the stop area (like those used elsewhere on site) and benches.

4. **Each structure and use is compatible with other uses and other site plans, and with existing and proposed adjacent development.**

The amended site plan does not change the land use, building types, and general building locations. With a deeper building setback, modified building design, and a brick/stone wall/fence near the southwest property line, the proposed units will be compatible with the adjacent homes and uses.

5. **The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.**

The amended site plan conforms with the approved Forest Conservation Plan and Stormwater Management concept.

BE IT FURTHER RESOLVED, that this site plan shall remain valid as provided in Montgomery County Code Section 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this Resolution is **AUG 13 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 written opinion, 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 Tuesday August 7, 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 Robinson, seconded by Commissioner Bryant, with Chairman Hanson, Vice Chair Robinson, and Commissioner Bryant 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 Site Plan No. 82003005A, Goodwill Property (Bethesda Crest).

Royce Hanson, Chairman
Montgomery County Planning Board