



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

MCPB
Item # 2
5/22/08

MEMORANDUM

DATE: May 9, 2008

TO: Montgomery County Planning Board

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

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

SUBJECT: Informational Maps and Summary of Record Plats for the Planning Board
Agenda for May 22, 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:

220070680 **Heritage Farm**
220071630 **North Takoma**
220080160 **Traville**
220080730-220080740 **Montevideo (2)**

PLAT NO. 220080160

Traville

Located in the northwest quadrant of the intersection of Shady Grove Road and Traville Gateway Drive

MXN zone; 2 parcels

Community Water, Community Sewer

Master Plan Area: Shady Grove

BMR Shady Grove Road, Applicant

Staff recommends approval of this subdivision plat pursuant to Section **50-35A(a)(4)** of the Subdivision Regulations, which states:

Further Subdivision of a Commercial, Industrial or Multi-Family Residential Lot to Reflect a Change in Ownership, Deed, Mortgage or Lease Line. The creation of deed, mortgage or lease line within a commercial, industrial or multi-family residential lot does not require the approval of a new subdivision plan. At the owner's discretion, the creation or deletion of internal lots to reflect a new deed, mortgage or lease line may be platted under the minor subdivision procedure. All prior conditions of approval for the original subdivision remain in full force and effect and the number of trips generated on any new lot will not exceed those permitted for the original lot or as limited by an Adequate Public Facilities agreement. Any necessary cross-easements, covenants or other deed restrictions necessary to perpetuate previous approvals must be executed prior to recording the record plat.

Staff applied the above-noted criteria for this property and concludes that the proposed subdivision complies with the criteria of Section 50-35A(a)(4) 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: Traville Plat Number: 220080160
 Plat Submission Date: 7-31-07
 DRD Plat Reviewer: S. Smith
 DRD Prelim Plan Reviewer: J. Davis

*For category of minor see pages 2 and 3

Initial DRD Review:

Pre-Preliminary Plan No. Checked: Initial Date
 Preliminary Plan No. 1-97022 Checked: Initial SJS Date 9-11-07
 Planning Board Opinion - Date Checked: Initial Date
 Site Plan Name if applicable: Human Genome Science Site Plan Number: 8-01012
 Planning Board Opinion - Date 5-31-07 Checked: Initial SJS Date 9/11/07
 Lot # & Layout ✓ Lot Area ✓ Zoning ✓ Bearings & Distances ✓ Coordinates ✓
 Plan # ok Road/Alley Widths ok Easements ok Open Space ✓ 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>D. Johnson</u>	<u>8-28-07</u>	<u>9-7-07</u>	<u>9-10-07</u>	<u>ok</u>
Research	Bobby Fleury	<u>↓</u>	<u>↓</u>	<u>8-30-07</u>	<u>ok</u>
SHA	Doug Mills	<u>↓</u>	<u>↓</u>	<u> </u>	<u> </u>
PEPCO	Steve Baxter	<u>↓</u>	<u>↓</u>	<u> </u>	<u> </u>
Parks	Doug Powell	<u>↓</u>	<u>↓</u>	<u>9/11/07</u>	<u>ok</u>
DRD	<u>Steve Smith</u>	<u>↓</u>	<u>↓</u>	<u> </u>	<u> </u>

Final DRD Review:

DRD Review Complete: Initial SJS Date 5-8-08
 (All comments rec'd and incorporated into mark-up)

Engineer Notified (Pick up Mark-up): Initial SJS Date 10-19-07

Final Mylar w/Mark-up & PDF Rec'd: Initial SJS Date 4-14-08

Board Approval of Plat:

Plat Agenda: Initial SJS Date 5-22-08

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:

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: _____

(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. 220080730 - 220080740

Montevideo

Located in the northwest quadrant of the intersection of River Road (MD 190) and Montevideo Road

RDT zone; 2 lots

Private Well, Private Septic

Master Plan Area: Agriculture and Rural Open Space

Austin Kiplinger, Applicant

Staff recommends approval of this minor subdivision plat pursuant to Section **50-35A (a)(8)** of the Subdivision Regulations, which states:

Plats for Certain Residential Lots located in the Rural Density Transfer Zone. Up to five lots are permitted under the minor subdivision procedure in the RDT zone provided that a pre-preliminary plan is submitted and approved by either the Planning Board or Planning Board staff, in accordance with the procedures for submission and approval of a pre-preliminary plan of subdivision. In addition:

- a. Written approval for a proposed septic area must be received from the Montgomery County Department of Permitting Services, Well and Septic Section prior to recordation of the plat;
- b. Any required street dedications along the frontage of the proposed lots must be shown on the record plat;
- c. An easement must be recorded for the balance of the property noting that density and TDRs have been utilized for the new lots. Reference to this easement must be reflected on the record plat for the lots; and
- d. Lots created in the RDT Zone through the minor subdivision procedure must not exceed an average lot size of five (5) acres in size unless approved by the Planning Board in the review of a pre-preliminary plan of subdivision.
- e. Forest conservation requirements must be satisfied prior to recording the plat

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)(8), and with the conditions specified by Pre-Preliminary Plan No. 719980210 (formerly 7-98021) and MCPB Resolution 07-165 dated October 15, 2007, and supports this minor subdivision record plat.

OWNER'S CERTIFICATION

The undersigned, owners of the property shown hereon, hereby adopt this plan of subdivision, dedicate the area shown hereon adjacent to Montevideo Road to public use. This undersigned also grants a Public Utility Easement (10' P.U.E.) as shown hereon to the parties named in a document entitled "Terms and Provisions of Public Utility Easements" as recorded in Liber 3634 at Folio 457 among the land records of Montgomery County, Maryland. The owner will cause all property corner markers and any other required monumentation to be set by a registered Maryland Land Surveyor, in accordance with Section 50-24(c) of the Montgomery County Code.

There are no sales, mortgages, leases, liens or trust affecting the subject property.

Michael A. Maddox
Witness
4/24/08
Austin H. Kiplinger
Austin H. Kiplinger
Surviving Spouse

SURVEYOR'S CERTIFICATION

I hereby certify that the plat shown hereon is correct, that it is a subdivision of part of the land disclosed in a deed from Garvin Law, to Austin H. Kiplinger and Mary Louise Kiplinger, his wife dated September 30, 1992, and recorded in Liber 18697 at Folio 075 among the land records of Montgomery County, Maryland. I further certify that, since among the land records of Montgomery County, Maryland, all instruments and all property markers and other boundary markers will be set as delineated hereon in accordance with the provisions of Section 50-24(c) of Montgomery County Code.

The total area included on this plat is 1.01 acres, of land of which 625 square feet is dedicated to the public use.

4/24/08
DATE
Thomas A. Maddox
THOMAS A. MADDOX - Registered
Professional Land Surveyor MD #10950

NOTES

1. PROPERTY ZONED R01
2. THE LOT SHOWN HEREON IS BEING CREATED UNDER THE MONTGOMERY COUNTY AGRICULTURAL EASEMENT PROGRAM FOR THE USE OF THE PROPERTY OWNER AND CHILDREN OF THE OWNER. THE EASEMENT IS BEING CREATED UNDER THE MONTGOMERY COUNTY AGRICULTURAL EASEMENT PROGRAM FOR THE USE OF THE PROPERTY OWNER AND CHILDREN OF THE OWNER. THE EASEMENT IS BEING CREATED UNDER THE MONTGOMERY COUNTY AGRICULTURAL EASEMENT PROGRAM FOR THE USE OF THE PROPERTY OWNER AND CHILDREN OF THE OWNER.
3. ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS, AND RESTRICTIONS ARE SUBJECT TO THE MONTGOMERY COUNTY AGRICULTURAL EASEMENT PROGRAM FOR THE USE OF THE PROPERTY OWNER AND CHILDREN OF THE OWNER. THE EASEMENT IS BEING CREATED UNDER THE MONTGOMERY COUNTY AGRICULTURAL EASEMENT PROGRAM FOR THE USE OF THE PROPERTY OWNER AND CHILDREN OF THE OWNER.
4. THIS LOT IS BEING CREATED PERMANENT TO THE MAJOR SUBDIVISION RECREATING SECTION 20-35A(1) RECREATING LOT IN THE R01 ZONE. THIS PLAT COMPLETES THE SUBDIVISION OF LOT 2, 7.0000 TO THE MAJOR SUBDIVISION, APPROVED MARCH 22, 2007.
5. THIS PLAT IS NOT INTENDED TO SHOW EVERY WATER AFFECTING OR RELATING TO THE OWNERSHIP AND USE OF THE PROPERTY. THIS PLAT IS NOT INTENDED TO REPLACE AN EXAMINATION OF TITLE OR TO DETECT OR NOTE ALL MATTERS AFFECTING TITLE.
6. PROPERTY FOUND ON MONTGOMERY COUNTY TAX MAP OR A W.S.C. 2100W06
7. LOT 2 IS APPROVED FOR A 4 BEDROOM HOUSE.
8. THE SEPTIC FIELD IS SUBJECT TO CHANGE UPON RE-APPROVAL BY THE MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES, WELL AND SEPTIC SECTION.
9. LOT 10 IS LINED BY PRIVATE WELL AND PRIVATE SEPTIC SYSTEM ONLY.
10. THE PROPERTY SHOWN HEREON IS SUBJECT TO A SEPTIC SYSTEM EASEMENT (10' P.U.E.) AS SHOWN HEREON. THE EASEMENT IS BEING CREATED UNDER THE MONTGOMERY COUNTY AGRICULTURAL EASEMENT PROGRAM FOR THE USE OF THE PROPERTY OWNER AND CHILDREN OF THE OWNER.
11. THE PROPERTY SHOWN HEREON IS SUBJECT TO THE REQUIREMENTS OF THE MONTGOMERY COUNTY FOREST CONSERVATION LAW, INCLUDING THE REQUIREMENTS FOR THE PROTECTION OF WATERSHEDS OF MONTGOMERY COUNTY, MARYLAND, LIBER 5536 AT FOLIO 145.
12. THE INITIAL BUILDING PERMIT FOR CONSTRUCTION OF A SINGLE FAMILY RESIDENCE ON LOT 2 MUST BE ISSUED IN THE NAME OF THE MONTGOMERY COUNTY PLANNING COMMISSION. THE APPLICANT SHALL RESERVE A SEPTIC SYSTEM EASEMENT (10' P.U.E.) AS SHOWN HEREON.
13. THIS LOT IS SUBJECT TO A DECLARATION OF RESTRICTIVE COVENANTS (R/C) AS SHOWN HEREON. THE COVENANTS ARE LOCATED FROM THE FRONT PARCEL IN COVENANT NUMBER 100 AT FOLIO 100.

LEGEND
WELL
100' NON-POLLUTION RADIUS
LIMIT OF TOTAL SEPTIC SYSTEM
20' SEPTIC SYSTEM R/L

PLAT TOTALS	
NUMBER OF LOTS	1
AREA OF LOT	1.00 ACS
AREA OF DEDICATION	0.01 ACS
TOTAL AREA SHOWN ON PLAT	1.01 ACS

APPROVED	DATE	DIRECTOR
MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES		
APPROVED	DATE	DIRECTOR
THE MONTGOMERY COUNTY PLANNING COMMISSION		
APPROVED	DATE	CHAIRMAN
ASST. SECRETARY - TREASURER		

4/24/08

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OWNER'S CERTIFICATION

The undersigned, owner of the property shown hereon, hereby adopt the plan of subdivision, dedicate the easements, and agree to defend, maintain, and keep the same in force and effect for the use of the public utility, and to defend, maintain, and keep the same in force and effect for the use of the public utility, and to defend, maintain, and keep the same in force and effect for the use of the public utility.

There are no suits, mortgages, leases, liens or trust affecting the subject property.

W. H. Kiplinger
Witness
4/24/08
Austin H. Kiplinger

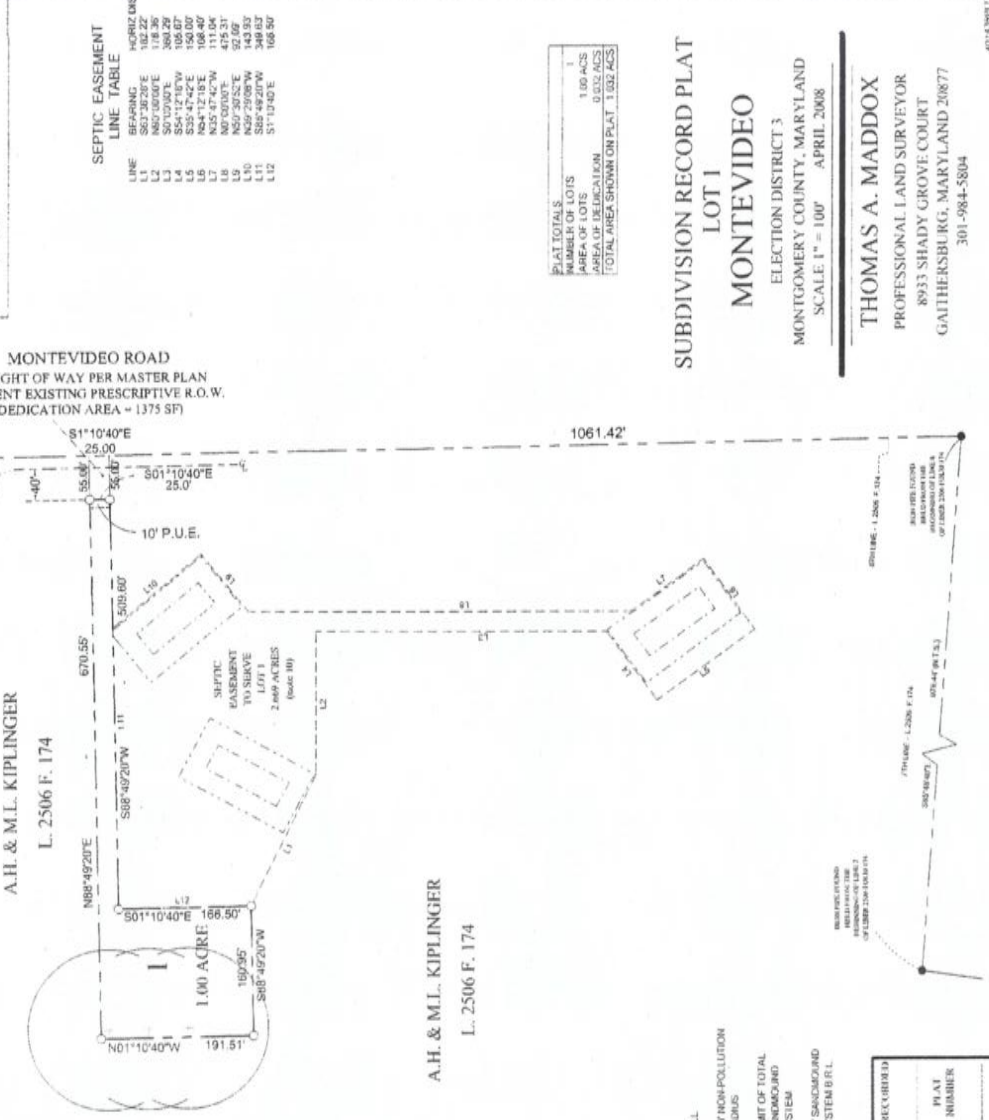
W. H. Kiplinger
Witness
4/24/08
Austin H. Kiplinger

Personal Representative of the
Estate of Mary Louise Kiplinger

NOTES

1. PROPERTY ZONED RUT
2. THE LOT SHOWN HEREON BEING CREATED UNDER THE MONTGOMERY COUNTY ANTI-TRUST ACT, THE LOT IS BEING CREATED FOR THE USE OF THE PUBLIC UTILITY, AND THE LOT IS BEING CREATED FOR THE USE OF THE PUBLIC UTILITY, AND THE LOT IS BEING CREATED FOR THE USE OF THE PUBLIC UTILITY.
3. ALL EASEMENTS, AGREEMENTS, LIMITATIONS, AND REQUIREMENTS OF THE MONTGOMERY COUNTY ANTI-TRUST ACT, THE LOT IS BEING CREATED FOR THE USE OF THE PUBLIC UTILITY, AND THE LOT IS BEING CREATED FOR THE USE OF THE PUBLIC UTILITY, AND THE LOT IS BEING CREATED FOR THE USE OF THE PUBLIC UTILITY.
4. THIS LOT IS BEING CREATED PURSUANT TO THE MONTGOMERY COUNTY ANTI-TRUST ACT, THE LOT IS BEING CREATED FOR THE USE OF THE PUBLIC UTILITY, AND THE LOT IS BEING CREATED FOR THE USE OF THE PUBLIC UTILITY.
5. THIS LOT IS NOT INTENDED TO SHOW ANY MATTER AFFECTING OR RESTRICTING THE OWNERSHIP AND USE OF THE PROPERTY. THIS PLAT IS NOT INTENDED TO REPLACE AN EXAMINATION OF TITLE OR TO DEPEND ON OR NOTE ALL MATTERS AFFECTING TITLE.
6. PROPERTY FOUND ON MONTGOMERY COUNTY TAX MAP FOR 2005 S.C. 7880000.
7. LOT 1 IS APPROVED FOR A 5 BEDROOM HOUSE.
8. THE SEPTIC FIELD BELL IS SUBJECT TO CHANGE UPON APPROVAL BY THE MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES, WELL AND SEPTIC SECTION.
9. LOT 1 TO BE SERVED BY PRIVATE WELL AND SANITARY SEPTIC SYSTEM ONLY.
10. THE PROPERTY SHOWN HEREON IS SUBJECT TO A SEPTIC SYSTEM EASEMENT RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND, LIBER 2535 AT FOLIO 320.
11. THE PROPERTY SHOWN HEREON IS SUBJECT TO THE REQUIREMENTS OF THE MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION, A FINAL PRELIMINARY PLAN AND APPROPRIATE ADJUSTMENT PRIOR TO ISSUANCE OF A SEPTIC CONTROL PERMIT.
12. THE INITIAL BUILDING PERMIT FOR CONSTRUCTION OF SINGLE FAMILY RESIDENCE ON LOT 1 MUST BE ISSUED WITHIN THE TIME OF THE CHARTERED RESERVATION EASEMENT RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND, LIBER 2535 AT FOLIO 320.
13. LOT 1 SHOWN HEREON IS LOCATED WITHIN THE ENVIRONMENTAL SETTING BOUNDARY OF MONTGOMERY COUNTY HISTORIC PRESERVATION COMMISSION, A FINAL PRELIMINARY PLAN AND APPROPRIATE ADJUSTMENT PRIOR TO ISSUANCE OF A SEPTIC CONTROL PERMIT.
14. THIS LOT IS SUBJECT TO A DECLARATION OF RESTRICTIVE COVENANTS RELATING TO DENSITY FROM THE FARM TRACT RECORDED IN LIBER 2535 AT FOLIO 320.

CHAIRMAN ASST. SECRETARY - TREASURER	APPROVED DATE	MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES	RECORDED PLAT NUMBER
			DIRECTOR



PLAT TOTALS	1
NUMBER OF LOTS	1.00 ACRES
AREA OF PLAT	0.00 ACRES
TOTAL AREA SHOWN ON PLAT	1.00 ACRES

SUBDIVISION RECORD PLAT
LOT 1
MONTEVIDEO
ELECTION DISTRICT 3
MONTGOMERY COUNTY, MARYLAND
SCALE 1" = 100' APRIL 2008

THOMAS A. MADDOX
PROFESSIONAL LAND SURVEYOR
8933 SHADY GROVE COURT
GAITHERSBURG, MARYLAND 20877
301-984-5804