

PB Date: 12/22/05

The following record plat is recommended for APPROVAL, subject to the appropriate conditions of approval of the preliminary plans and site plans if applicable, and conditioned on conformance with all requirements of Chapter 50 of the Montgomery County Code.

PLAT NO. 220060290

Dufief Mill

North side of Travilah Road, approximately 500 feet west of the intersection of Lake Winds Way

R-200 Zone, 4 Lots

Community Water, Community Sewer

Master Plan Area: Potomac

Chris Mckee, Applicant

The record plat has been reviewed by MNCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that the plat complies with Preliminary Plan No. 120050590 formerly 1-05059, as approved by the Board; and that any minor modifications reflected on the plats do not alter the intent of the Board's previous approval of the preliminary plan.

RECORD PLAT REVIEW SHEET

Plan Name: Travilah Place Plan Number: 120050590
 Plat Name: Duffies Mill Plat Number: 22006029
 Plat Submission Date: 8/15/05
 DRD Plat Reviewer: D. Kinney
 DRD Prelim Plan Reviewer: R. Weaver

Initial DRD Review:

Signed Preliminary Plan - Date 7/12/05 Checked: Initial TA Date 11/20/05
 Planning Board Opinion - Date 6/17/05 Checked: Initial TA Date 11/30/05
 Site Plan Req'd for Development? Yes No Verified By: TA (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
 Coordinates Plan # Road/Alley Widths Easements N/A Open Space N/A
 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

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>M. Pfeiffer</u>	<u>11/21/05</u>	<u>12/9/05</u>	<u>12/8/05</u>	<u>No comment</u>
Research	<u>Bobby Fleury</u>			<u>11/22/05</u>	<u>No comments</u>
SHA	<u>Doug Mills</u>			<u>12/9/05</u>	<u>NO COMMENTS</u>
PEPCO	<u>Jose Washington</u>			<u>12/9/05</u>	<u>OK</u>
Parks	<u>Doug Powell</u>			<u>N/A</u>	<u>N/A</u>
DRD	<u>Steve Smith</u>			<u>12/9/05</u>	<u>Change Sub. + Lot + Block</u>

Final DRD Review:

DRD Review Complete: Initial PLJ Date 12/14/05
 (All comments rec'd and incorporated into mark-up)
 Engineer Notified (Pick up Mark-up): Initial PLJ Date 12/9/05
 Final Mylar w/Mark-up & PDF Rec'd: Initial PLJ Date 12/9/05

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: _____

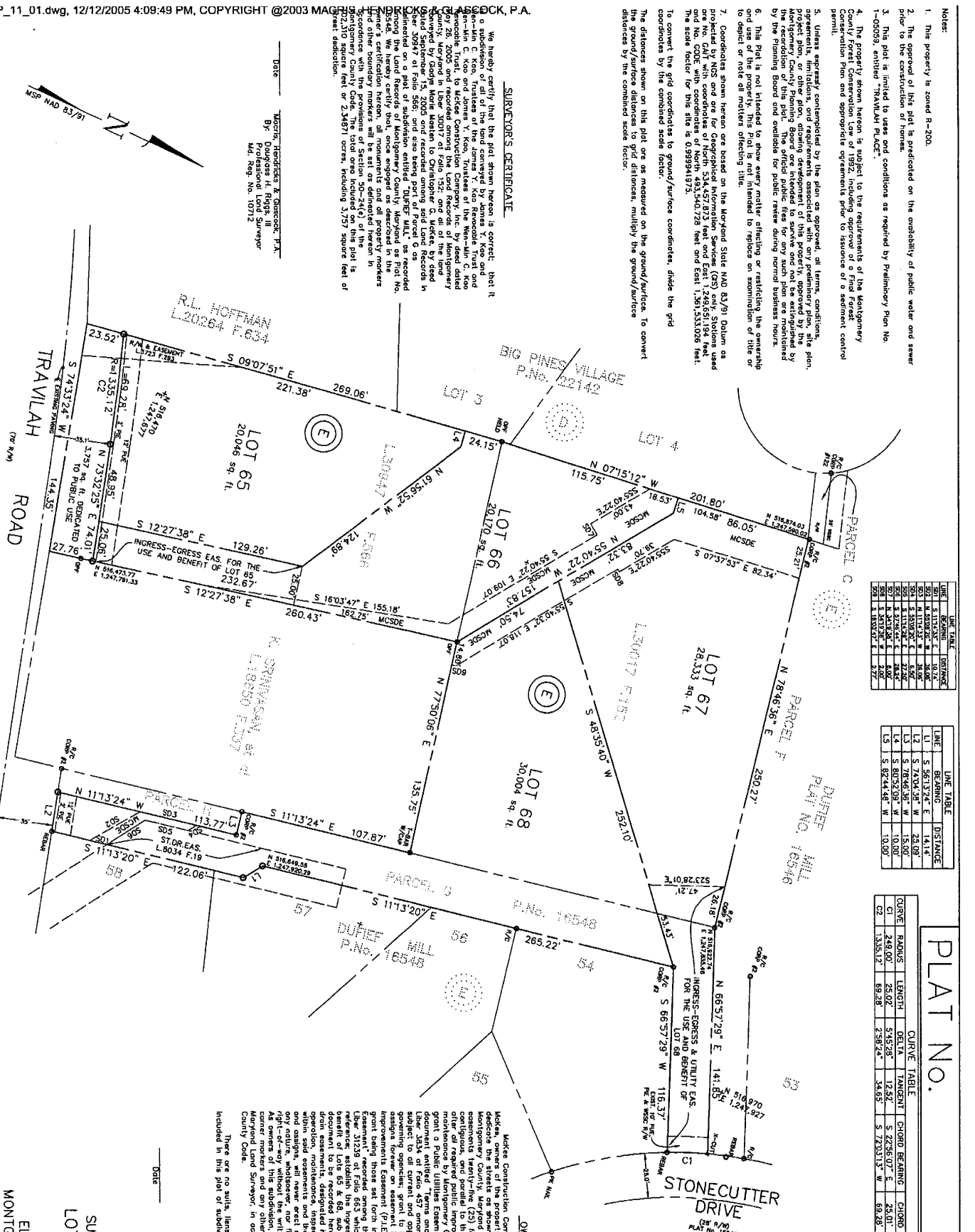
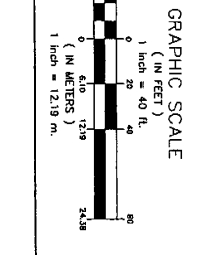
Plat Reproduction:

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: _____

No. _____

FOR PUBLIC WATER AND SEWER ONLY
 THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION
 MONTGOMERY COUNTY, MARYLAND
 DEPARTMENT OF PERMITTING SERVICES
 APPROVED: _____
 DIRECTOR

CHAIRMAN
 M.N.C.P. & P.C. RECORD FILE NO. _____
 SECRETARY-TREASURER
 APPROVED: _____
 DATE: _____
 PLOT NO. _____



PLAT NO.

LINE	BEARING	DISTANCE
L1	S 56°13'24" E	141.4
L2	S 74°04'38" W	23.08
L3	S 78°45'38" W	15.00
L4	S 80°32'58" W	10.00
L5	S 92°41'48" W	10.00

CURVE	RADIUS	LENGTH	DELTA	TANGENT	CHORD BEARING	CHORD
C1	249.00	25.02	54°52'28"	12.52	S 22°55'07" E	25.01
C2	135.12	69.28	2°58'24"	34.65	S 27°03'13" W	69.28

TAX MAP NO. FR122

PLAT TABULATION	Number of Lots	Area of Lots	Area of Street	Total Area
	4	98.553 sq. ft.	3.757 sq. ft.	102.310 square feet
				2.34871 acres

OWNER'S CERTIFICATE

Mackie Construction Company, Inc., a Maryland corporation, and Christopher G. Mackie, its president, do hereby certify that the plat shown hereon is correct; that it is a true and correct copy of the original plat on file in the Office of the Montgomery County Planning Board; that the same was prepared by the undersigned in accordance with the provisions of the Montgomery County Code, Title 20, Chapter 10, Subchapter 10-101, and that the same was approved by the Planning Board and available for public review during normal business hours.

SUBDIVISION RECORD PLAT
LOTS 65-68, BLOCK E
DUEFF MILL
ELECTION DISTRICT No. 6
MONTGOMERY COUNTY, MARYLAND
SCALE: 1" = 40'
DECEMBER, 2005

MHG Macris, Hendricks & Glascock, P.A.
 Engineers & Planners
 Landscape Architects & Surveyors
 5520 Washington Road, Suite 120
 Gaithersburg, Maryland 20885-1779
 Phone: 301.293.8846
 Fax: 301.293.8847
 www.mhgpa.com



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

JUN 17 2005

Date Mailed:

Action: Approved Staff
Recommendation

Motion of Commissioner Bryant,
seconded by Commissioner Perdue,
with a vote of 5-0;
Chairman Berlage and Commissioners
Bryant, Perdue, Robinson and
Wellington voting in favor.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-05059
NAME OF PLAN: Travilah Place

JUN 17 2005

The date of this written opinion is _____ (which is the date that this opinion is mailed to all parties of record). 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).

INTRODUCTION

On 12/16/04, the applicant, McKee Construction Company ("Applicant"), submitted an application for the approval of a preliminary plan of subdivision of property in the R-200 zone. The application proposed to create 4 lots on 2.45 acres of land located at the north side of Travilah Road approximately 300 feet east of Welland Terrace, in the Potomac Master Plan area ("Subject Property"). The application was designated Preliminary Plan 1-05059 ("Preliminary Plan"). On 04/28/05, the Preliminary Plan was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Planning Board heard testimony and received evidence submitted in the record on the application.

The record for this application ("Record") closed at the conclusion of the public hearing, upon the taking of an action by the Planning Board. The Record includes: the

information on the Preliminary Plan Application Form; the Planning Board staff-generated minutes of the Subdivision Review Committee meeting(s) on the application; all correspondence and any other written or graphic information concerning the application received by the Planning Board or its staff following submission of the application and prior to the Board's action at the conclusion of the public hearing, from the applicant, public agencies, and private individuals or entities; all correspondence and any other written or graphic information issued by Planning Board staff concerning the application; all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

SITE DESCRIPTION

The Subject Property, identified as Parcel 171 and 225 on Tax Map FR 122, is on the north side of Travilah Road, approximately 300 feet east of Welland Terrace. The property contains 2.45 acres and is zoned R-200 and is within a TDR-3 receiving area. Each of the two parcels is occupied by a single-family structure.

No streams, wetlands or forest exist on the site. The only specimen tree on the site, a thirty-inch Silver Maple, is to be saved.

PROJECT DESCRIPTION

The Applicant proposes to subdivide the property into four residential lots. Although the site is within a TDR receiving area, the application shows a standard method R-200 layout and does not request use of the TDR optional method of development. Access to two of the lots will be directly from Travilah Road; and two lots will access Stone Cutter Drive. There will be three pipestem lots and one standard shaped lot.

STAFF RECOMMENDATION

Staff recommended approval of the Preliminary Plan. Given the size and configuration of the property, Staff found that a standard R-200 development is the only option available to the Applicant. In Staff's opinion, an optional method TDR development is infeasible given the small size of the Subject Property. It would be very difficult to meet the 35% open space as required under Sections 59-C -1.394 and 59-C-1.395 of the Montgomery County Zoning Ordinance.

The Preliminary Plan, as proposed, creates four lots that meet the dimensional requirements of the R-200 zone pursuant to Section 59-C-1.32. Staff found that the lots shown on the plan are appropriate with respect to shape, width and orientation as compared to surrounding lots and, therefore, satisfy Section 50-29(a)(c) of the Montgomery County Subdivision Regulations. In conclusion, Staff found that the Preliminary Plan conforms to the Potomac Master Plan and meets all necessary

requirements of the Subdivision Regulations and Zoning Ordinance. As such, Staff recommended approval of the Preliminary Plan, subject to conditions.

PLANNING BOARD HEARING

Staff described the Subject Property and its location as well as the proposed development. Staff noted that the Subject Property is configured in an odd shape because the Applicant was unsuccessful in getting an adjacent property owner to join in the Preliminary Plan proposal. Staff explained that it supported the standard method R-200 development in the TDR receiving area because the configuration of the Subject Property did not allow for the site to connect to adjacent existing TDR development in order to coordinate open space. Staff also stated that there is a County road project currently proposed for Travilah Road and that the conditions of approval require the Applicant to coordinate its development with the Montgomery County Department of Public Works and Transportation ("DPWT") on Capital Improvement Project ("CIP") No. 500101.

A representative of the Applicant was present at the hearing and testified that the Applicant agreed with Staff recommendations. There were no other speakers at the hearing and none of the evidence in the record was contested.

FINDINGS

Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies¹; the applicant's position; and other evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Planning Board finds that, with the conditions of approval:

- a) The Preliminary Plan No. 1-05059 substantially conforms to the Potomac Master Plan.
- b) Public facilities will be adequate to support and service the area of the proposed subdivision.
- c) The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision. The Planning Board agrees with the Staff's finding that the configuration of the Subject Property supports development of the site as a standard method R-200 development.

¹ The application was referred to outside agencies for comment and review, including the Washington Suburban Sanitary Commission, the Department of Public Works and Transportation, the Department of Permitting Services and the various public utilities. All of these agencies recommended approval of the application.

- d) The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.
- e) 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.
- f) The Record of this application does not contain any contested issues; and, therefore, the Planning Board finds that any future objection, which may be raised concerning a substantive issue in this application, is waived.

CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 1-05059 in accordance with the purposes and all applicable regulations of Montgomery County Code, the Planning Board approves Preliminary Plan No. 1-05059, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to four (4) dwelling units.
- 2) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
- 3) Compliance with the conditions of approval of the MCDPS stormwater management approval dated April 1, 2005.
- 4) Access and improvements as required by MCDPWT prior to recordation of plat.
- 5) Final plan to show frontage improvements including sidewalk and bikeways as per DPWT's Travilah Road CIP project No. 500101.
- 6) Participate in DPWT's Travilah Road CIP project No. 500101.
- 7) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
- 8) Other necessary easements.

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). 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.

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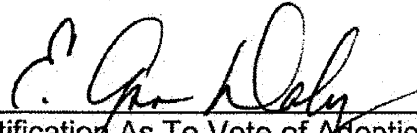
[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

APPROVED AS TO LEGAL SUFFICIENCY

DJD 6/3/05
MONTGOMERY COUNTY LEGAL DEPARTMENT

CERTIFICATION OF BOARD VOTE ADOPTING OPINION

At its regular meeting, held on Thursday, **June 9, 2005**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, by unanimous consent and with the five Commissioners present, **ADOPTED** the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Preliminary Plan 1-05059, Travilah Place**.



Certification As To Vote of Adoption
E. Ann Daly, Technical Writer