

**PLAT NO. 220061250**

Roberts Landing

Located on Pilot Landing Way, approximately 200 feet northwest of Talley Lane

R-200 Zone, 7 Lots and 2 Parcels

Public Water, Private Septic

Master Plan Area: Potomac

C-G Roberts, LLC, Applicant

The record plats have been reviewed by MNCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that the plats comply with Preliminary Plan No. 12004105A, formerly 1-04105A, 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: Robert's Landing Plan Number: 120041050A  
 Plat Name: Robert's Landing Plat Number: 206125/2-20061250  
 Plat Submission Date: 4/15/05  
 DRD Plat Reviewer: PWem  
 DRD Prelim Plan Reviewer: Cady Lenlon

**Initial DRD Review:**

Signed Preliminary Plan - Date 3/17/06 Checked: Initial CAC Date 4/13/06  
 Planning Board Opinion - Date 2/16/06 Checked: Initial PW Date 3/23/06  
 Site Plan Req'd for Development? Yes \_\_\_ No  Verified By: TA (initial)  
 Site Plan Name: N/A 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  Open Space \_\_\_\_\_  
 Non-standard BRLs N/A Adjoining Land  Vicinity Map  Septic/Wells \_\_\_\_\_  
 TDR note \_\_\_\_\_ Child Lot note \_\_\_\_\_ Surveyor Cert  Owner Cert  Tax Map

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	Mark P.	12/20/05	1/6/06	12/30	Need lessons
Research	Bobby Fleury			12/21	
SHA	Doug Mills			N/A	NO comments
PEPCO	Jose Washington			12/25/06	10 PUE <del>needed</del>
Parks	Doug Powell			N/A	NO comments
DRD	Steve Smith			12/29	OF

**Final DRD Review:**

DRD Review Complete: Initial PW Date 4/14/06  
 (All comments rec'd and incorporated into mark-up)  
 Engineer Notified (Pick up Mark-up): Initial PW Date 4/14/06  
 Final Mylar w/Mark-up & PDF Rec'd: Initial TA Date 5/28/06

**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: \_\_\_\_\_

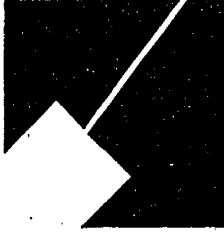
No. \_\_\_\_\_







M-NCPPC



**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760  
301-495-4500, [www.mncppc.org](http://www.mncppc.org)

**Board Approval Date: Oct. 10, 2005**

**Date Mailed: FEB 16 2006**

**Action: Approved Staff Recommendation.  
Motion of Commissioner Robinson,  
seconded by Commissioner Perdue, with a  
vote of 4-0;  
Chairman Berlage and Commissioners  
Perdue, Robinson and Wellington voting in  
favor. Commissioner Bryant absent.**

**MONTGOMERY COUNTY PLANNING BOARD**

**OPINION**

Preliminary Plan 12004105A (formerly 1-04105A)  
NAME OF PLAN: Roberts Landing

The date of this written opinion is FEB 16 2006 (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 of Court - State).

On 6/17/05, Classic Community Development Corporation ("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 7 lots on 78.47 acres of land located on the north side of Turkey Foot Road approximately 125 feet west of Jones Lane, in the Potomac master plan area. The application was designated Preliminary Plan 12004105A (formerly 1-04105A). On 10/10/05, Preliminary Plan 1-04105A was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application.

FEB 16 2006

FEB 20 2006

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, prior to the Board's action following the public hearing; all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

### **PUBLIC HEARING TESTIMONY**

At the public hearing, Staff recommended approval of the application, including a waiver to permit a sidewalk on only one side of proposed public roads, subject to the revised conditions it issued subsequent to its memorandum dated 9/29/05 ("Staff Report"). The Applicant, represented by its engineer, concurred in the Staff recommendation.

The Board heard testimony from an adjacent property owner who expressed his concern that the Applicant's project would restrict ingress/egress to his property. The adjacent property owner claimed that the Applicant's development would render him landlocked, insofar as his only other means of achieving ingress/egress would involve access through an apparent stream valley buffer. Both Staff and the Applicant stated that they were previously unaware of the adjacent property owner's concern, and further noted that the property owner has access to road frontage via an adjoining parcel in common ownership by the adjacent property owner. The Board also noted that the property in question does not abut the project before the Board at the instant public hearing, and as a result, the Board determined that they did not have authority to amend the instant application in any way to mitigate the situation.

No other testimony was received on the application and the record contains no correspondence or other evidence submitted in opposition to the application.

### **FINDINGS**

Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies<sup>1</sup>; the Applicant's position; and other

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<sup>1</sup> 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.

evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board finds that:

- a) The uncontested evidence of record demonstrates that Preliminary Plan No. 12004105A (formerly 1-04105A) substantially conforms to the Potomac master plan.
- b) The uncontested evidence of record demonstrates that public facilities will be adequate to support and service the area of the proposed subdivision.
- c) The preponderance of the evidence in the record demonstrates that the size, shape and orientation of the proposed lots are appropriate for the location of the subdivision. The uncontested evidence in the record demonstrates that the waiver of sidewalk along one side of public roads is appropriate.
- d) The uncontested evidence of record demonstrates that the application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A. This finding is subject to the applicable condition(s) of approval.
- e) The uncontested evidence of record demonstrates that 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) Aside from the access issue raised by the adjoining property owner, the Record of this application contains no other 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. 12004105A (formerly 1-04105A) in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 12004105A (formerly 1-04105A), including a waiver pursuant to §50-26(h)(3) to permit sidewalk on only one side of proposed public roads (extension of Talley Lane, Pilots Landing Way and Navigators Way), and subject to the following conditions:

- 1) Approval under this preliminary plan amendment is limited to 7 additional dwelling units for a total of 33 dwelling units within the subdivision.



- 2) Compliance with conditions of MCDPS (Health Dept.) septic approval dated July 12, 2005.
- 3) Prior to any clearing and grading, applicant shall install tree protection or super silt fence along the proposed limit of disturbance for Lots 30 and 31. The fencing shall be maintained during construction to ensure protection of trees.
- 4) Applicant to dedicate proposed Parcel E to M-NCPPC for stream valley parkland. Dedicated parkland to be transferred by time of record plat, free of trash and unnatural debris, and the boundaries and corners marked and identified to delineate between parkland and private property. Design and location of boundary markers and signs to be approved by M-NCPPC staff.
- 5) All other previous conditions included in Planning Board opinion dated February 24, 2005 remain in full force and effect.

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.

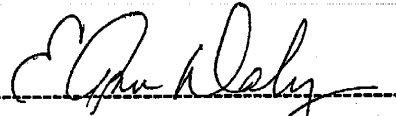
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[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

MF Hilob  
Approved for legal sufficiency  
NCPPC Office of General Counsel

**CERTIFICATION OF BOARD ADOPTION OF OPINION**

At its regular meeting, held on **Thursday, February 9, 2006**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, by unanimous consent **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 No. 1-2004105A (formerly 1-04105A), Roberts Landing**. Commissioner Bryant abstained.



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