

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

Date Mailed: JUN 20 2005

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 1-04086
NAME OF PLAN: Snowden Manor

The date of this written opinion is JUN 20 2005 (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).

On 05/04/04, the applicant, Torcato Romano ("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 2 lots on 1.14 acres of land located on the southwest side of Old Bonifant Road, approximately 165 feet northwest of the intersection with New Hampshire Avenue (MD 650), in the Cloverly Master Plan Area ("Subject Property"). The application was designated Preliminary Plan 1-04086 ("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 778, is located on the southwest side of Old Bonifant Road, approximately 165 feet northwest of the intersection with New Hampshire Avenue ("MD 650"). The Subject Property contains 1.14 acres and is zoned R-200. It is currently developed with a single-family dwelling, which will be removed. The southeast area of the property contains the proposed right-of-way alignment for the Intercounty Connector ("ICC") Corridor I.

PROJECT DESCRIPTION

The Preliminary Plan proposes to subdivide the Subject Property into two (2) residential lots for the construction of two (2) one-family detached dwellings. The proposed lots will have direct access from Old Bonifant Road.

The Subject Property is located 165 feet west of MD 650 and the southeast portion of the Subject Property is located in the area of one of the alternative alignments for the ICC, specifically, the Corridor I alignment.

Properties which are less than 1.5 acres in size which have no existing forest and afforestation requirements, and will not disturb specimen or champion, trees are exempted from forest conservation, but must comply with a tree save plan. The Subject Property is 1.14 acres in size and meets the forest conservation exemption requirements. However, this development will be subject to a tree save plan.

STAFF RECOMMENDATION

Staff recommended approval of the Preliminary Plan. Staff found that the Preliminary Plan conforms to the recommendations of the Cloverly Master Plan. The proposed Preliminary Plan is consistent with the master plan goal to maintain the area's residential character. Staff also found that the proposed preliminary plan complies with Chapter 50 of the Montgomery County Code, Subdivision Regulations, in that public facilities will be adequate to support and service the area of the proposed subdivision.

Staff further found that the size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.

PLANNING BOARD HEARING

Staff described the Subject Property and proposed development, identifying specifically the location of the portion of the Subject Property to be placed in reservation for Corridor I of the ICC. Staff explained that if Corridor I is not approved, the subject Preliminary Plan will be revised. Staff further noted that due to the Subject Property's close proximity to MD 650 and the proposed ICC alignment, the Applicant will be required, as set forth in the conditions of approval, to submit a study evaluating the potential noise impacts generated from the traffic for review and approval by Staff. Staff also submitted a revision to the conditions of approval.

A representative of the Applicant testified that the Applicant concurred with Staff's recommendations. There were no other speakers 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, with the conditions of approval, that:

- a) The Preliminary Plan No. 1-04086 substantially conforms to the Cloverly Master Plan. The Preliminary Plan is consistent with the master plan goal to maintain the area's residential character.
- 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.
- 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

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.

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. 1-04086 in accordance with the purposes and all applicable regulations of Montgomery County Code, the Planning Board approves Preliminary Plan No. 1-04086, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to two (2) one-family dwelling units.
- 2) Final tree save plan to be submitted for review and approval prior to DPS issuance of sediment and erosion control permit. The tree save plan must include an evaluation and recommendations by a licensed arborist on protection measures for the three large trees on the site.
- 3) Prior to issuance of building permits, a traffic noise study by an acoustical engineer must be submitted to M-NCPPC staff for review and approval to identify the projected noise impact area of 65 dBA, Ldn.
- 4) Certification from an acoustical engineer that the building shell for residential dwelling units to be constructed within the projected 65 dBA Ldn noise contour is designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn. The certification shall be provided to M-NCPPC Environmental Planning staff for concurrence prior to issuance of building permits.
- 5) The builder shall provide a signed commitment to construct the impacted units in accord with the acoustical design specifications. Any changes to the building shell construction that may affect acoustical performance after issuance of building permit shall be approved by an acoustical engineer and M-NCPPC Environmental Planning staff prior to their implementation.
- 6) Compliance with the conditions of the MCDPS stormwater management approval dated June 2, 2004.
- 7) Record plat to depict an area of reservation on the southeast corner of Lot 2 as the right-of-way alignment of the Intercounty Connector (ICC) to expire September 1, 2005.

- 8) Place in reservation the area shown on Attachment 1 of Staff Report, per Maryland State Highway Administration (SHA) letter dated September 23, 2004, ("Reservation Area") until the earlier of (a) September 1, 2005; or (b) a final Record of Decision is issued by the FHWA, and that Record of Decision does not include the Reservation Area, or any portions thereof, within the final Intercounty Connector (ICC) alignment.
- 9) If FHWA issues a final Record of Decision that includes the Reservation Area, the applicant should submit a revised Preliminary Plan that locates all on-site improvements outside of the Reservation Area for Staff review, and should dedicate the Reservation Area as right-of-way.
- 10) Dedicate, and show on final record plat, adequate right-of-way along Old Bonifant Road to provide a minimum right-of-way of 30 feet from the roadway centerline.
- 11) Dedicate, and show on final record plat, adequate right-of-way along New Hampshire Avenue (MD 650) to provide a minimum right-of-way of 62.5 feet from the roadway centerline.
- 12) Provide Montgomery County Department of Public Works and Transportation (DPWT) and Department of Permitting Services (DPS) required roadway/site frontage improvements, including proper termination of Old Bonifant Road
- 13) Compliance with conditions of MCDPWT letter dated April 22, 2005.
- 14) 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.

* * * * *

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

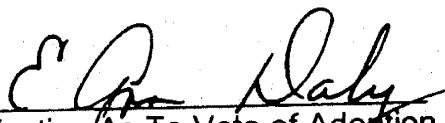
APPROVED AS TO LEGAL SUFFICIENCY

DYP 6/2/05

DEPUTY COUNTY CLERK

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 1-04086, Snowden Manor.



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

PLAT NO. 220061920

Khalilzadeh Estates (Preliminary Plan Khalilzadeh Property)

Located on east side of Falls Road, approximately 200 feet south of Glen Road

R-200 Zone, 2 Lots

Community Water, Community Sewer

Master Plan Area: Potomac

Khalilzadeh, Javad et al, 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. 120060030, formerly 1-06003, 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 preliminary plan.

RECORD PLAT REVIEW SHEET

Plan Name: Khalilzadeh Property Plan Number: 120060030
 Plat Name: Khalilzadeh Estates Plat Number: 220061920
 Plat Submission Date: 3/15/06
 DRD Plat Reviewer: PW
 DRD Prelim Plan Reviewer: Dorcas Koway 4/16/06

Initial DRD Review:

Signed Preliminary Plan - Date 1/31/06 Checked: Initial PW Date 4/7/06
 Planning Board Opinion - Date 1/10/06 Checked: Initial PW Date 4/7/06
 Site Plan Req'd for Development? Yes No ✓ Verified By: (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 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>Benny MP</u>	<u>3/20</u>	<u>4/7</u>	<u>3/24</u>	<u>OK</u>
Research	<u>Bobby Fleury</u>	<u>"</u>	<u>"</u>	<u>3/21/06</u>	<u>OK</u>
SHA	<u>Doug Mills</u> <u>ReBurns</u>	<u>"</u>	<u>"</u>	<u>4/8/06</u>	<u>NO comments</u>
PEPCO	<u>Jose Washington</u>	<u>"</u>	<u>"</u>	<u>4/7/06</u>	<u>10' PUE</u>
Parks	<u>Doug Powell</u>	<u>"</u>	<u>"</u>	<u>No comm</u>	<u>→</u>
DRD	<u>Steve Smith</u>	<u>"</u>	<u>"</u>	<u>4/7/06</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:

Initial PW
PW

Date 4/13
4/13

Board Approval of Plat:

Plat Agenda:
 Planning Board Approval:
 Chairman's Signature:

TA
TA

5/25/06
5/25/06

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.

BURGESS & NIPL

INGRESS AND EGRESS EASEMENT CURVE TABULATION

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	2408.83'	78.70'	188.03'	N 28°30'15" E	01°52'19"

INGRESS AND EGRESS EASEMENT LINE TABULATION

LINE	BEARING	DISTANCE
L1	S 62°25'54" E	42.00'
L2	S 60°33'36" E	42.00'

PROPERTY CURVE TABULATION

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	2366.83'	188.08'	N 28°46'29" E	01°33'11"	
C2	2366.83'	94.17'	S 27°38'17" W	02°16'47"	
C3	2366.83'	93.91'	S 29°54'53" W	02°16'24"	

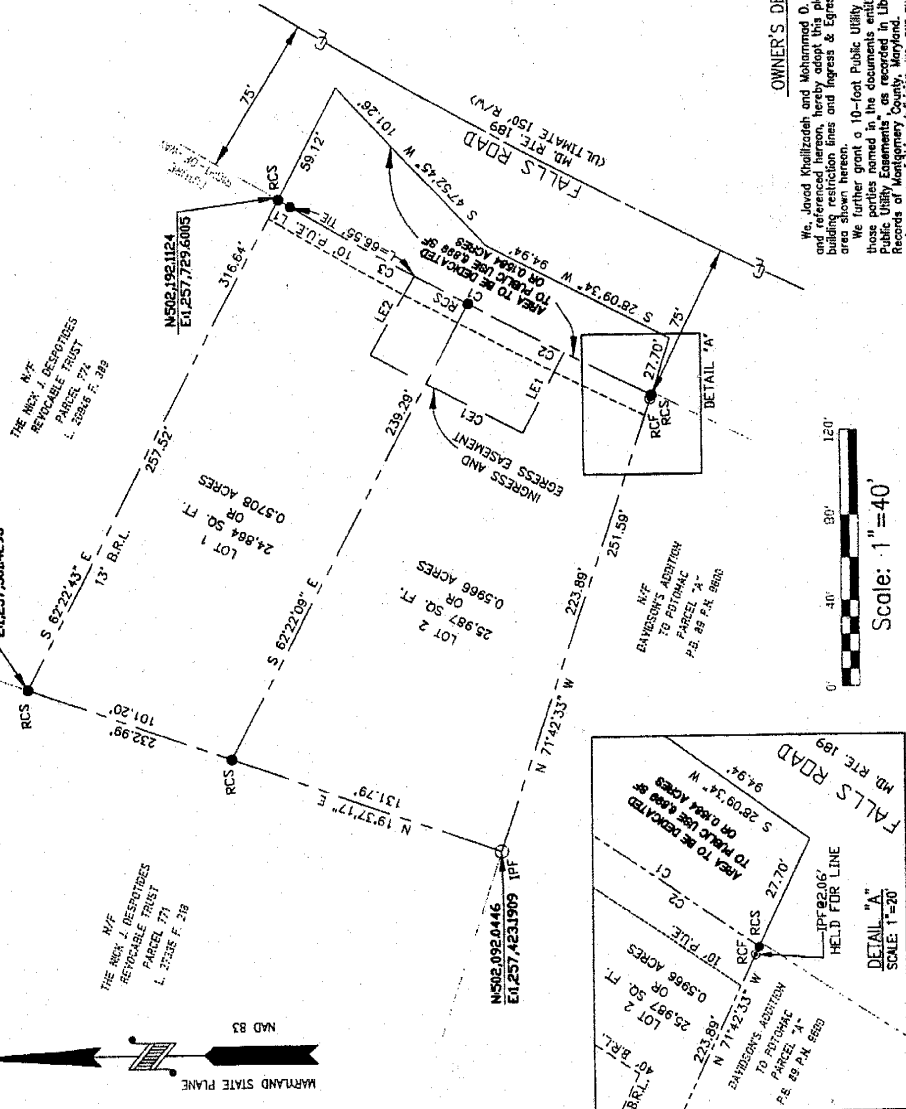
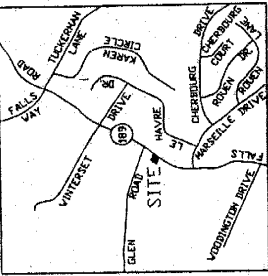
PROPERTY LINE TABULATION

LINE	BEARING	DISTANCE
L1	S 31°03'04" W	6.44'

PROPERTY CURVE TABULATION

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	2366.83'	188.08'	N 28°46'29" E	01°33'11"	
C2	2366.83'	94.17'	S 27°38'17" W	02°16'47"	
C3	2366.83'	93.91'	S 29°54'53" W	02°16'24"	

PLAT NO.



GENERAL NOTES

- ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS, AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAN, SITE PLAN, PROJECT PLAN, ASSOCIATED WITH THE DEVELOPMENT OF THIS PROPERTY, INCLUDING DEVELOPMENT OF THE MONTGOMERY COUNTY, PLANNING BOARD ARE INTENDED TO SURVIVE UNLESS MODIFIED BY FURTHER ACTIONS BY THE BOARD. THE OFFICIAL PLANNING BOARD AND ARE AVAILABLE FOR PUBLIC REVIEW DURING NORMAL BUSINESS HOURS.
- THIS SUBDIVISION RECORD PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING OWNERSHIP AND USE NOR EVERY MATTER PERTAINING TO THE OWNERSHIP AND USE OF THIS PROPERTY. THE SUBDIVISION RECORD PLAT IS NOT INTENDED TO REPLACE THE EXAMINATION OF TITLE OR TO DEPICT OR NOTE ALL MATTERS AFFECTING TITLE.
- THE APPROVAL OF THIS PLAT IS PREDICATED ON THE ADEQUACY AND AVAILABILITY OF PUBLIC WATER AND SEWER.
- THIS PROPERTY IS CURRENTLY ZONED R-200.
- THIS PROPERTY IS SHOWN ON V.S.S.C. 200-FOOT SHEET 215, NV 09
- THIS PROPERTY IS EXEMPT FROM CHAPTER 22A THE MONTGOMERY COUNTY FOREST CONSERVATION LAW OF 2001.
- THE LOTS SHOWN HEREON ARE LIMITED TO THE USES AND CONDITIONS AS REQUIRED BY PRELIMINARY PLAN #120660030, ENTITLED "KHALILZADEH PROPERTY."

SURVEYOR'S CERTIFICATE

I hereby certify that the plan shown hereon is correct to the best of my professional knowledge and belief, that it is a subdivision of the lands conveyed to Javed Khalilzadeh, et al., by deed dated July 28, 2004 and recorded among the Land Records of Montgomery County, Maryland in Liber 28083 at folio 88, and that the lots, areas, and monuments shown thereon are a Dedication hereon, in accordance with section 50-24(e) of the Subdivision Regulations of Montgomery County, Maryland.

The total area included in this plat of subdivision is 1,3758 acres of which 6,899 sq. ft. or 0.1584 acres is hereby dedicated to public use.

James Scott Simpson
Professional Land Surveyor
Maryland Registration No. 21268

OWNER'S DEDICATION

We, Javed Khalilzadeh and Mohammad O. Porgay, the owners of the property shown on the reference plat, do hereby dedicate to the public use the minimum building easement, ingress and egress easement and dedicate to public use the area shown hereon.

We further grant a 10-foot Public Utility Easement, shown hereon as 10' P.U.E. to those parties named in the documents entitled "Declaration of Terms and the Land Public Utility Easements" as recorded in Liber 3034 at folio 457 among the Land Records of Montgomery County, Maryland.

As owners of this subdivision, we, our successors, agents and assigns will cause corner markers and any other required monumentation to be set by a Registered Maryland Land Surveyor in accordance with Section 50-24(e)(2) of the Montgomery County Code. No suits, actions or law, leases, liens, mortgages, or trusts affecting the property shown hereon, except certain deed(s) (last and of interested parties, thereto have below indicated their assent).

4/19/06 [Signature] Witness
4/19/06 [Signature] Witness
[Signature] Witness
[Signature] Witness
[Signature] Witness
[Signature] Witness

M.N.C.P. & P.C. Record File No. _____

Department of Permitting Services
Montgomery County, Maryland

Approved _____ Date _____
Director _____

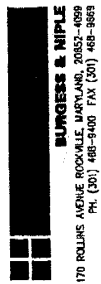
Recorded _____
Checked _____
Job No. 40078

Plot No. _____

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

Approved _____ Date _____
Chairman _____
Asst. Secretary - Treasurer _____

SUBMISSION RECORD PLAT
LOTS 1 AND 2
KHALILZADEH ESTATES
POTOMAC (10TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
SCALE: 1" = 40' FEBRUARY, 2006

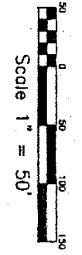
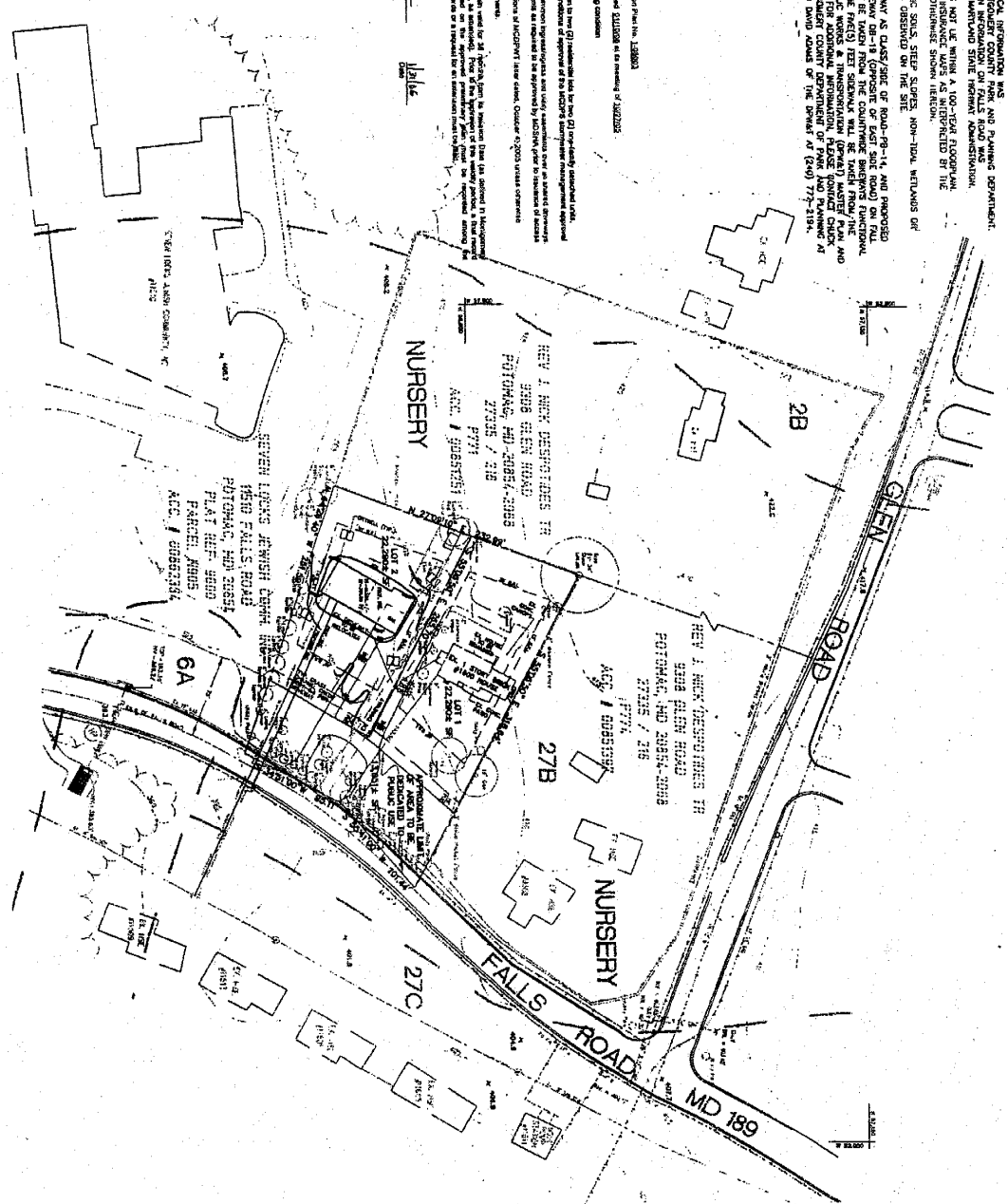


BURGESS & NIPL
170 ROLLINS AVENUE ROCKVILLE, MARYLAND, 20852-5699
PH. (301) 468-9400 FAX (301) 468-9699

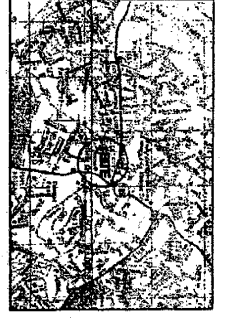
EXISTING TOPOGRAPHICAL INFORMATION WAS OBTAINED FROM MONTGOMERY COUNTY PLANNING AND ZONING DEPARTMENT. THIS PROPERTY LOTS ARE WITHIN A 100-100R FLOODPLAIN, ACCORDING TO FEMA FLOODMAP LAYS AS INTERPRETED BY THE MONTGOMERY COUNTY ENGINEERING DIVISION. THERE ARE NO HIGHER STAGES, SEEP SLOPES, NON-TOTAL METHODS OR OVERFLOW OF STAGES OBSERVED ON THE SITE.

THE PROPOSED DRIVEWAY AS CLASSIFIED OF ROAD-100-10R AND PROPOSED DRIVEWAY SHALL BE CONSIDERED AS A DRIVEWAY. THE DRIVEWAY SHALL BE CONSIDERED AS A DRIVEWAY FROM THE COUNTY ENGINEERING DIVISION. THE DRIVEWAY SHALL BE CONSIDERED AS A DRIVEWAY FROM THE COUNTY ENGINEERING DIVISION. THE DRIVEWAY SHALL BE CONSIDERED AS A DRIVEWAY FROM THE COUNTY ENGINEERING DIVISION.

Professional Seal
James A. Burgess & Niple
 Registered Professional Engineer
 License No. 20067188
 State of Maryland
 Date: 10/19/65



CERTIFICATE FOR REGISTERED ENGINEER/SUPERVISOR
 The engineer or surveyor hereby certifies that all required information for the submission of a preliminary plan of subdivision has been furnished with this application.
 Signature of Engineer/Superintendent
James A. Burgess & Niple
 License No. 20067188
 Date: 10/19/65



VICINITY MAP
 SCALE 1"=200'
 PREPARED BY AND FOR
 BURGESS & NIPLÉ
 CONSULTING ENGINEERS
 170 ROLLINS AVENUE, ROCKVILLE, MARYLAND, 20852-4096
 TEL. (301) 468-2400 FAX (301) 468-6966

LEGEND

SYMBOL	DESCRIPTION
(Solid line)	EX. EDGE OF PROPERTY
(Dashed line)	EX. CORNER LINE
(Line with 'T' symbols)	EX. TREE/GROUP OF TREES
(Line with 'P' symbols)	PROP. PROPERTY LINE
(Line with 'R' symbols)	PROP. PROPERTY LINE
(Line with 'B' symbols)	BUILDING RESTRICTION LINE
(Line with 'F' symbols)	EX. FENCE
(Line with 'O' symbols)	EX. DIRT LINE
(Line with 'W' symbols)	EX. WATER LINE
(Line with 'S' symbols)	EX. SINKHOLE SILVER AM
(Line with 'V' symbols)	EX. WALDEN VALVE
(Line with 'M' symbols)	EX. FIRE MOUNTAIN
(Line with 'D' symbols)	EX. STORM DRAIN
(Line with 'I' symbols)	EX. STORM DRAIN INLET
(Line with 'S' symbols)	SOIL TYPE

SITE INFORMATION

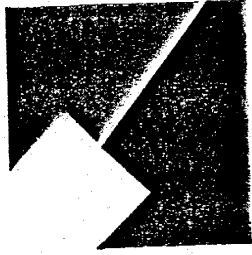
1. SITE ADDRESS: 11600 FALLS ROAD, POTOMAC, MD 20854
2. APPLICANT/OWNER: DR. JAVAD KHALILZADEH, 1008 QUINCE ORCHARD ROAD, CALVERSBURG, MD 20878-2220
3. PARCEL: P9490/0262
4. LIBRARY/ROLL: 1 AND 2
5. LOTS: R-200
6. ZONING: R-200
7. TOTAL TRACT AREA: 57,631 SF (OR 1.32 +/- ACRES)
8. EXISTING USE: RESIDENTIAL
9. PROPOSED USE: RESIDENTIAL
10. MIN. SIDE YARD SETBACK: 12'
11. SLIM OF BOTH SIDES: 23'
12. FRONT YARD SETBACK: 40'
13. REAR YARD SETBACK: 30'
14. MINIMUM LOT AREA: 20,000 SF
15. MAX BUILDING COVERAGE: 25%
16. MAX BUILDING HEIGHT: 50'

PRELIMINARY PLAN
KHALILZADEH PROPERTY
 POTOMAC, MARYLAND (10th DISTRICT)

REVISIONS

NO.	DATE	DESCRIPTION

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

Public Hearing Date: Oct. 27, 2005

Date Mailed: JAN 10 2006

**Action: Approved Staff
Recommendation**

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

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan No. 120060030 (formerly 1-06003)
NAME OF PLAN: Khalilzadeh Property

The date of this written opinion is JAN 10 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 July 6, 2005, the applicant, Javad Khalilzadeh et al. ("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 2 lots on 1.32 acres of land located on the west side of Falls Road (MD 189), approximately 250 feet southwest of the intersection with Glen Road, in the Potomac Master Plan Area. The application was designated Preliminary Plan 120060030 (formerly 1-06003) ("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, prior to the Board's action following the public hearing; all evidence,

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. 120060030 (formerly 1-06003) in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 120060030 (formerly 1-06003), subject to the following conditions:

- 1) Limit the preliminary plan to two (2) residential lots for two (2) one-family detached units.
- 2) Compliance with the conditions of approval of the MCDPS stormwater management approval dated June 15, 2005.
- 3) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
- 4) Access and improvements as required to be approved by MDSHA prior to issuance of access permits.
- 5) Compliance with conditions of MCDPWT letter dated, October 4, 2005 unless otherwise amended.
- 6) 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.

APPROVED AS TO LEGAL SUFFICIENCY

TAB

MONTGOMERY COUNTY LEGAL DEPARTMENT

DATE

12/30/05

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

PLAT NO. 220061820

Kenilworth (Preliminary Plan Kenilworth)

Located on the west side of Kensington Parkway, approximately 200 feet south of

Inverness Drive

R-90 Zone, 1 Lot

Community Water, Community Sewer

Master Plan Area: Bethesda-Chevy Chase

Miller & Smith, 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. 120051110, formerly 1-05111, 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 preliminary plan.

RECORD PLAT REVIEW SHEET

Plan Name: Kenilworth Plan Number: 120051110
 Plat Name: Kenilworth Plat Number: 220061820
 Plat Submission Date: 3/8/06
 DRD Plat Reviewer: pw
 DRD Prelim Plan Reviewer: Dolores E. Caney

Initial DRD Review:

Signed Preliminary Plan - Date 3/14/06 Checked: Initial dmw Date 4/3/06
 Planning Board Opinion - Date 2/27/06 Checked: Initial pw Date 4/3/06
 Site Plan Req'd for Development? Yes No Verified By: (initial)
 Site Plan Name: None 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 N/A
 Non-standard BRLs 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>Amy Linday</u>	<u>3/13</u>	<u>3/31</u>	<u>4/6/06</u>	<u>OK</u>
Research	<u>Bobby Fleury</u>	<u>"</u>	<u>"</u>	<u>3/14/06</u>	<u>OK</u>
SHA	<u>Doug Mills</u>	<u>"</u>	<u>"</u>	<u>N/A</u>	<u>N/A</u>
PEPCO	<u>Jose Washington</u>	<u>"</u>	<u>"</u>	<u>4/3/06</u>	<u>10' PUE</u>
Parks	<u>Doug Powell</u>	<u>"</u>	<u>"</u>	<u>N/A</u>	<u>N/A</u>
DRD	<u>Steve Smith</u>	<u>"</u>	<u>"</u>	<u>4/27/06</u>	<u>"</u>

Final DRD Review:

DRD Review Complete: TA 4/6/06
 (All comments rec'd and incorporated into mark-up)
 Engineer Notified (Pick up Mark-up): TA 4/6/06
 Final Mylar w/Mark-up & PDF Rec'd: TA 4/19/06
Board Approval of Plat:
 Plat Agenda: TA 5/11/06
 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.

OWNER'S CERTIFICATE

WE, CHARLES F. STUART, JR. AND DAINE HUMPHREYS STUART, OWNERS OF THE PROPERTY SHOWN HEREON, HEREBY ADVERTISE THIS PLAT OF SUBDIVISION TO THE PUBLIC RECORDS OF MONTGOMERY COUNTY, MARYLAND, AND COUNTY OF PUBLIC UTILITY, EASEMENTS (RULE 1) AS SHOWN HEREON, BY THE PARTIES NAMED IN THE INSTRUMENT ENTITLED "TERMS AND PROVISIONS OF PUBLIC UTILITY EASEMENTS" AS ACCORDING TO LIBER 264 AT FOLIO 457 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY AND WHICH SAID TERMS ARE INCORPORATED HEREON BY THIS REFERENCE. SUBJECT TO ALL CURRENT AND APPLICABLE REGULATIONS OF ALL FEDERAL, STATE, AND LOCAL GOVERNING AGENCIES. WE, AND OUR SUCCESSORS AND ASSIGNS WILL COMPLY WITH ALL CITY, STATE, AND FEDERAL REQUIREMENTS AND ANY OTHER REQUIRED MONUMENTS TO BE SET BY A REGISTERED MARYLAND LAND SURVEYOR IN ACCORDANCE WITH SECTION 50-240 OF THE MONTGOMERY COUNTY CODE. WE, AND OUR SUCCESSORS AND ASSIGNS, HEREBY WARRANT THAT THE PROPERTY INCLUDED IN THIS PLAT OF SUBDIVISION EXCEPT FOR THE PUBLIC UTILITY EASEMENTS SHOWN HEREON, IS UNENCUMBERED MARYLAND IN ORDER TO BE SET AT FOLIO 258 AND THE PARTIES OF INTEREST HERETO HAVE INDICATED THEIR ASSENT TO THIS PLAT OF SUBDIVISION.

BY: *Charles F. Stuart, Jr.* DATE: April 12, 2006
 CHARLES F. STUART, JR.
 ATTEST: *Linda E. Barron*
 LINDA E. BARRON
 BY: *Daine Humphreys Stuart*
 DAINE HUMPHREYS STUART
 ATTEST: *Linda E. Barron*
 LINDA E. BARRON
 N/F FRANCIS WILSON HEINT
 L. 15145 F. 45
 N/F MICHAEL J. KING &
 SIOBHAN MILLER KING
 L. 10676 F. 028
 N/F ANDREW B. SULLIVAN, et al
 L. 13641 F. 273

LOT 16
 KENILWORTH
 PLAT BK. 1 PLAT No. 7
 N/F CHRISTOPHER C. &
 MARY H. ROBERTS
 L. 8520 F. 729
 R. 24°30'36" E. 301.4'
 P.O. LOT 2 E. 301.4'
 S. 56°17'00" E. 312.0'
 N. 33°07'00" E. 312.0'
 S. 56°17'00" E. 312.0'
 N. 33°07'00" E. 312.0'
 N. 33°07'00" E. 312.0'
 S. 56°17'00" E. 312.0'
 N. 33°07'00" E. 312.0'
 S. 56°17'00" E. 312.0'
 N. 33°07'00" E. 312.0'

LOT 19
 KENILWORTH
 PLAT No. 5833
 N/F NORRMAN R. EVANS, JR. AND
 DENISE COLEMAN EVANS
 L. 6739 F. 372
 S. 56°17'00" E. 312.0'
 N. 33°07'00" E. 312.0'
 S. 56°17'00" E. 312.0'
 N. 33°07'00" E. 312.0'

LOT 20
 KENILWORTH
 PLAT BK. 1 PLAT No. 7
 N. 33°07'00" E. 312.0'
 S. 56°17'00" E. 312.0'
 N. 33°07'00" E. 312.0'
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 N. 33°07'00" E. 312.0'
 S. 56°17'00" E. 312.0'

LOT 21
 KENILWORTH
 PLAT BK. 1 PLAT No. 7
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LOT 22
 KENILWORTH
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LOT 23
 KENILWORTH
 PLAT BK. 1 PLAT No. 7
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LOT 24
 KENILWORTH
 PLAT BK. 1 PLAT No. 7
 N. 33°07'00" E. 312.0'
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 S. 56°17'00" E. 312.0'

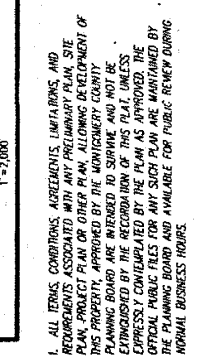
LOT 25
 KENILWORTH
 PLAT BK. 1 PLAT No. 7
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 S. 56°17'00" E. 312.0'
 N. 33°07'00" E. 312.0'
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 S. 56°17'00" E. 312.0'
 N. 33°07'00" E. 312.0'
 S. 56°17'00" E. 312.0'

LOT 26
 KENILWORTH
 PLAT BK. 1 PLAT No. 7
 N. 33°07'00" E. 312.0'
 S. 56°17'00" E. 312.0'
 N. 33°07'00" E. 312.0'
 S. 56°17'00" E. 312.0'
 N. 33°07'00" E. 312.0'
 S. 56°17'00" E. 312.0'
 N. 33°07'00" E. 312.0'
 S. 56°17'00" E. 312.0'
 N. 33°07'00" E. 312.0'
 S. 56°17'00" E. 312.0'

PLAT No.

ASSENT TO THIS PLAN
 OF SUBDIVISION
 FOR: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. (MERS)
 DATE: 4/17/06
 ATTEST: *Derek Arthur*
 DEREK ARTHUR

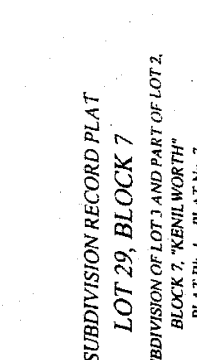
VICINITY MAP
 1"=2000'



1. ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS, AND COVENANTS ASSOCIATED WITH ANY PRELIMINARY PLAT, SITE PLAN, OR INSTRUMENT APPROVED BY THE MONTGOMERY COUNTY PLANNING BOARD ARE INCORPORATED BY REFERENCE AND NOT BE EXTENDED BY THE RECORDATION OF THIS PLAT, UNLESS EXPRESSLY CONTAINED BY THE PLAN AS APPROVED. THE OFFICIAL PUBLIC FILES FOR ANY SUCH PLAN ARE MAINTAINED BY THE PLANNING BOARD AND AVAILABLE FOR PUBLIC REVIEW DURING NORMAL BUSINESS HOURS.
2. PROPERTY MARKERS TO BE SET SHOWN THIS O
3. THIS PROPERTY IS ZONED R-30 AND LOCATED ON TAX MAP HP 41
4. THIS SUBDIVISION PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING THE OWNERSHIP AND USE, NOR EVERY MATTER RESPECTING THE OWNERSHIP AND USE OF THE PROPERTY. THE PROPERTY OWNER IS ADVISED TO OBTAIN AN INDEPENDENT EXAMINATION OF TITLE REPORT OR TO DEPEND ON HIS OWN MATTERS AFFECTING TITLE.
5. THE APPROVAL OF THIS PLAT IS PREDICATED ON THE ACCURACY AND AVAILABILITY OF PUBLIC WATER AND SEWER.
6. THE LOT SHOWN HEREON IS LIMITED TO USES AND CONDITIONS AS REQUIRED BY PRELIMINARY PLAN 7-0517L, ENTITLED "KENILWORTH", ANY PROPOSED CHANGES IN USE WILL REQUIRE FURTHER PLANNING BOARD REVIEW AND APPROVAL.
7. THE HORIZONTAL DATUM IS ESTABLISHED FROM A PLAT OF SUBDIVISION ENTITLED "KENILWORTH" AND RECORDED IN PLAT BOOK 1 AS PLAT No. 7.
8. THIS SUBDIVISION RECORD PLAT CONFORMS WITH SECT. 50-28 (a)(2)(iv) OF THE MONTGOMERY COUNTY CODE.
9. THE PROPERTY SHOWN HEREON IS EXEMPT FROM THE REQUIREMENTS OF THE MONTGOMERY COUNTY FOREST CONSERVATION LAW OF 1992 (FOREST CONSERVATION EXEMPTION # 4-0534C).

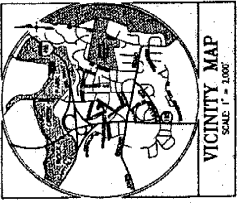
SUBDIVISION RECORD PLAT
LOT 29, BLOCK 7
PLAT BK. 1 PLAT No. 7
KENILWORTH
 A RESUBDIVISION OF LOT 3 AND PART OF LOT 2,
 BLOCK 7, "KENILWORTH"
 PLAT BK. 1 PLAT No. 7
 KENILWORTH
 BETHESSA ELECTION DISTRICT NO. 7
 MONTGOMERY COUNTY, MARYLAND
 SCALE: 1"=20'

GLW GUTSCHICK LITTLE & WEBER, P.A.
 CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS
 500 NATIONAL BLDG. SUITE 250, BARTONVILLE OFFICE PARK
 BARTONVILLE, MARYLAND 20888
 TEL: 301-491-4241 FAX: 301-987-5274 FAX: 301-421-4188



OWNER'S CERTIFICATE
 I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON IS CORRECT, THAT IT IS A PLAT OF RESUBDIVISION OF LOT 3 AND PART OF LOT 2, BLOCK 7, AS DEICATED ON A PLAT OF SUBDIVISION ENTITLED "KENILWORTH" AND RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN PLAT BOOK 1 AS PLAT No. 7. SAID PLAT ALSO BEING ALL THAT LAND CONVEYED BY STEVEN MICHAEL NEUBRICKS AND CAROLYN BENNETT NEUBRICKS TO CHARLES F. STUART, JR. AND DAINE HUMPHREYS STUART BY A DEED DATED AUGUST 4, 2004 AND RECORDED AMONG SAID LAND RECORDS IN LIBER 2833 AT FOLIO 252.
 I HEREBY CERTIFY THAT, ONCE ENGAGED AS DESCRIBED IN THE OWNER'S DEDICATION HEREON, ALL MONUMENTS SHOWN THUS (O) WILL BE SET AS DELINEATED HEREON IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 50-240(G) OF THE MONTGOMERY COUNTY CODE.
 THE TOTAL AREA INCLUDED IN THIS PLAT OF SUBDIVISION IS 31,934 SQUARE FEET OR 0.7331 OF AN ACRE OF LAND, NONE OF WHICH TO BE DEDICATED TO PUBLIC USE.

10 APR. 2006 *David S. Weber*
 DAVID S. WEBER
 PROFESSIONAL LAND SURVEYOR
 MARYLAND REGISTRATION NO. 10852
 APPROVED
 MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES
 FOR PUBLIC WATER AND SEWER SYSTEMS ONLY 10 APR. 2006
 THE MARYLAND NATIONAL CAPITAL PARK & PLANNING COMMISSION
 MONTGOMERY COUNTY PLANNING BOARD
 CHAIRMAN _____ BY: _____
 ASST. SECRETARY/TREASURER _____
 M.N.C.P. & P.C. RECORD FILE NO. _____
 DIRECTOR _____



LEGEND

	EXISTING STRUCTURE
	PROPOSED STRUCTURE
	STREAM VALLEY BUFFER
	FLOOD PLAIN
	UTILITY EASEMENT
	UTILITY OF PERFORMANCE
	PROPOSED CONTOURS

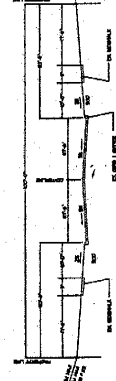
- GENERAL NOTES**
- 1. OWNER: JAMES W. SMITH, JR. 3027 KENSINGTON PARKWAY, WILMINGTON, DE 19806-2000
 - 2. ENGINEER: JAMES W. SMITH, JR. 3027 KENSINGTON PARKWAY, WILMINGTON, DE 19806-2000
 - 3. SITE PLAN: 3027 KENSINGTON PARKWAY, WILMINGTON, DE 19806-2000
 - 4. AREA: 1.5 ACRES, 66,000 SQ. FT.
 - 5. THIS SITE PLAN IS SUBMITTED TO THE CITY OF WILMINGTON IN PARTIAL COMPLIANCE WITH THE CITY OF WILMINGTON ZONING ORDINANCE, TITLE 11, SECTION 11.0101, WHICH IS PART OF THE CITY OF WILMINGTON ZONING ORDINANCE, TITLE 11, CHAPTER 11.0101.
 - 6. THE PROPERTY IS ZONED R-50 (RESIDENTIAL SINGLE-FAMILY). THE PROPOSED DEVELOPMENT IS A SINGLE-FAMILY RESIDENTIAL DEVELOPMENT.
 - 7. THE PROPOSED DEVELOPMENT IS A SINGLE-FAMILY RESIDENTIAL DEVELOPMENT.
 - 8. THE PROPOSED DEVELOPMENT IS A SINGLE-FAMILY RESIDENTIAL DEVELOPMENT.
 - 9. THE PROPOSED DEVELOPMENT IS A SINGLE-FAMILY RESIDENTIAL DEVELOPMENT.
 - 10. THE PROPOSED DEVELOPMENT IS A SINGLE-FAMILY RESIDENTIAL DEVELOPMENT.

SITE DATA

Site Name:	3027 KENSINGTON PARKWAY
Site Address:	3027 KENSINGTON PARKWAY
Site Zoning:	R-50 (RESIDENTIAL SINGLE-FAMILY)
Site Area:	1.5 ACRES, 66,000 SQ. FT.
Site Use:	SINGLE-FAMILY RESIDENTIAL DEVELOPMENT
Site Date:	APRIL, 2005
Site Status:	PROPOSED

ZONING STANDARDS

Minimum Lot Area:	1.0 ACRES
Minimum Lot Width:	100 FEET
Minimum Lot Depth:	100 FEET
Minimum Front Setback:	30 FEET
Minimum Side Setback:	10 FEET
Minimum Rear Setback:	10 FEET
Maximum Building Height:	30 FEET
Maximum Building Footprint:	50% OF LOT AREA
Maximum Building Coverage:	50% OF LOT AREA
Minimum Street Frontage:	100 FEET



EXISTING
PRIMARY ROAD - 100' R.O.M.
MODIFIED STANDARD 14 - 31221

DATE	APRIL, 2005
BY	JP - 41
SCALE	1" = 30'

PRELIMINARY SITE PLAN
KENILWORTH
LOT 3 AND PART LOT 2, BLOCK 7
LAW 16 28

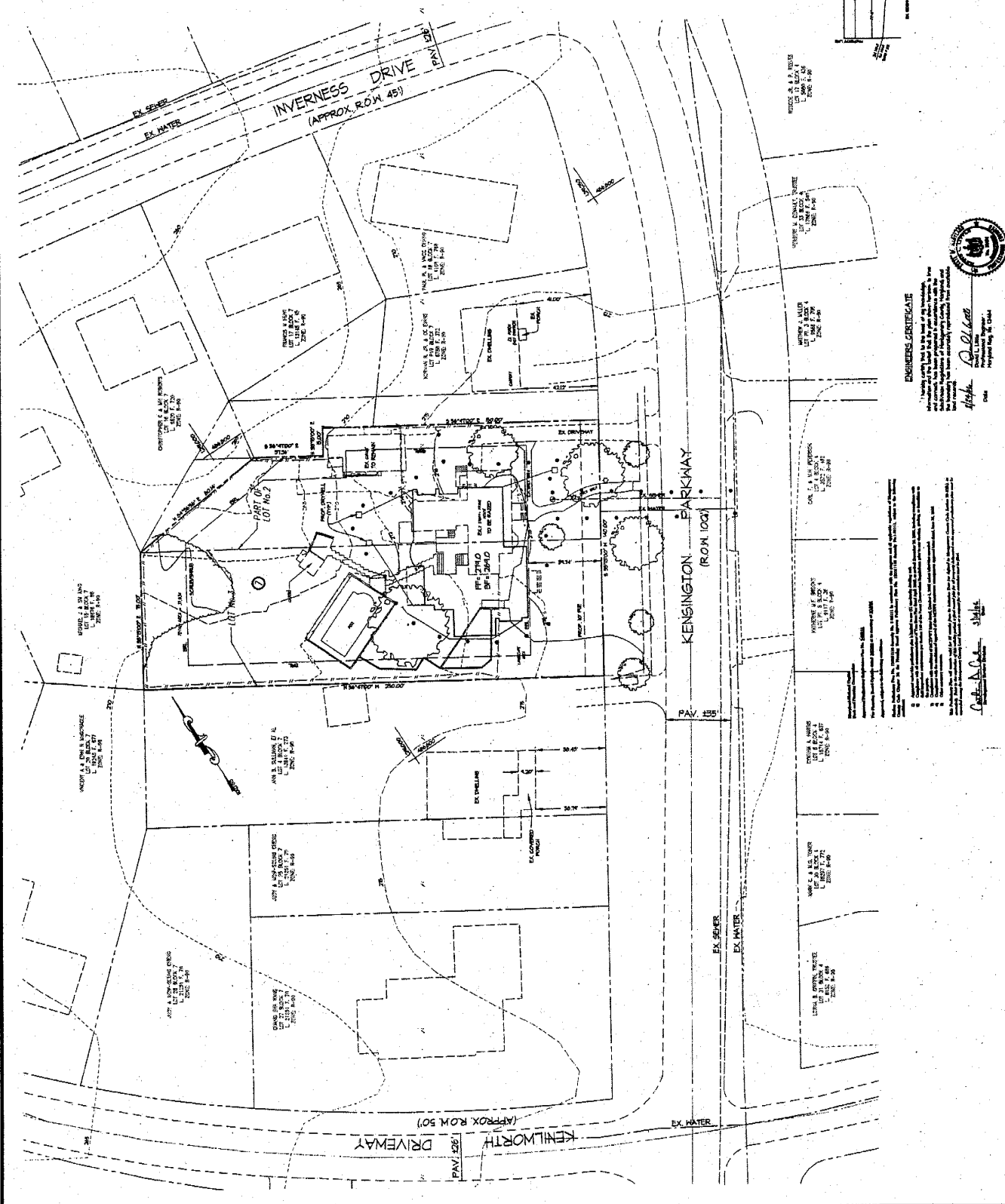
ENGINEER'S CERTIFICATE

I, the undersigned, do hereby certify that the above described lot and part thereof, to be developed as shown on the above described preliminary site plan, is in compliance with the provisions of the City of Wilmington Zoning Ordinance, Title 11, Chapter 11.0101, and that the same is suitable for the use shown on the above described preliminary site plan.

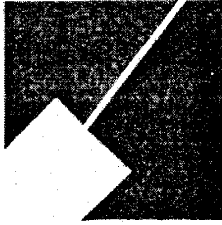
Dated: April 15, 2005

James W. Smith, Jr.
Engineer

PREPARED FOR:	James W. Smith, Jr.
DATE:	APRIL 15, 2005
BY:	James W. Smith, Jr.
TITLE:	Engineer



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

Board Approval Date Feb. 02, 2006

Date Mailed: FEB 27 2006

Action: Approved Staff Recommendation

Motion of Commissioner Wellington, seconded by Commissioner Bryant, 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 No. 120051110 (formerly No. 1-05111)

NAME OF PLAN: Kenilworth

The date of this written opinion is FEB 27 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).

I. INTRODUCTION

On 6/22/05, Miller and Smith ("Applicant") submitted an application for the approval of a preliminary plan of subdivision of property in the R-90 zone. The application proposed to create 1 lot on 0.73 acres of land located on the west side of Kensington Parkway, approximately 200 feet south of the intersection with Inverness Drive in the Bethesda-Chevy Chase master plan area. The application was designated Preliminary Plan No. 120051110, formerly No. 1-05111 ("Preliminary Plan"). On 2/02/06 the Preliminary Plan was brought before the Montgomery County Planning Board for a public hearing, during which the Montgomery County 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, 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.

II. DISCUSSION

A. Master Plan Compliance

The Bethesda Chevy Chase Master Plan does not specifically identify the Subject Property for discussion but does give general guidance and recommendations regarding zoning and land use. The plan recommends that this area maintain the existing zoning as adopted and maintain the residential land use consisting of one-family detached homes. The proposed resubdivision complies with the recommendations adopted in the master plan in that it is a request for residential development.

B. Environmental

The proposed site is exempted from forest conservation, but is subject to a tree save plan. All trees within the Kensington Parkway right-of-way and on the adjoining lots will be protected by this plan. One specimen 50" Pine Oak, which is in poor condition, will be removed from the backyard of the existing residence.

C. Conformance with Section 50-29(b)(2)

In order to approve an application for resubdivision, the Planning Board must find that the proposed lot complies with all seven of the resubdivision criteria, set forth in Section 50-29(b)(2) of the Subdivision Regulations, which states:

Resubdivision. Lots on a plat for the Resubdivision of any lot, tract or other parcel of land that is part of an existing subdivision previously recorded in a plat book shall be of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing block, neighborhood or subdivision.

In administering the Resubdivision section, the Planning Board must determine the appropriate "neighborhood" for evaluating the application.

The Applicant proposed a neighborhood of 32 lots for analysis purposes. The neighborhood extends one block north of Husted Driveway, south to Jones Bridge Road, one block east of Kensington Parkway and west to the intersection of Inverness Drive and Kenilworth Driveway. Staff concluded that the Applicant's neighborhood delineation is appropriate because it provides an adequate sample that exemplifies the lot and development pattern of the area. The Applicant has provided a tabular summary of the area based on the resubdivision criteria, which is included in the staff report.

Staff also recommended approval of the application, concluding that the application met all of the statutory criteria as detailed in its staff report.

III. PUBLIC HEARING

At the public hearing, staff testified in support of the proposed preliminary plan, and reviewed its recommended findings as to conformance with the statutory criterion of Section 50-29. The Applicant appeared and testified that it supported the staff's recommendations and proposed conditions. The Village Manager for the Village of Chevy Chase appeared and testified in favor of the application. There was no other testimony on the application.

IV. FINDINGS

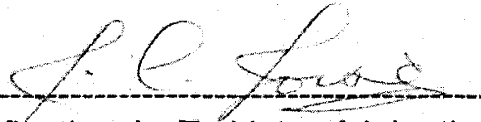
Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies¹; the Applicant's position; and other evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board finds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

- a) The Preliminary Plan No. 120051110 formerly No. 1-05111 substantially conforms to the Bethesda-Chevy Chase 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 lot are appropriate for the location of the subdivision, and in particular meet the requirements of Section 50-29(b)(2) of the Montgomery County Code, as detailed in the staff report and incorporated herein by reference.

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.

CERTIFICATION OF BOARD VOTE ADOPTING OPINON

At its regular meeting, held on **Thursday, February 16, 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. 120051110 (formerly 1-05111) Kenilworth.**



Certification As To Vote of Adoption
M. Clara Moise, Technical Writer