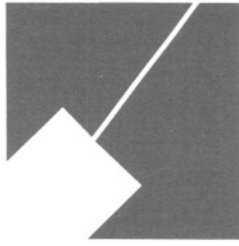


M-NCPPC



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

MCPB
Item #
10/05/06

MEMORANDUM

DATE: September 15, 2006

TO: Montgomery County Planning Board

FROM: Catherine Conlon, Supervisor *CC*
Development Review Division
(301) 495-4542

SUBJECT: Informational Maps and Summary of Record Plats for the Planning Board
Agenda for October 5, 2006

The following six record plats are 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. Attached are specific recommendations and copies of plat drawings for the record plats. The following plats are included:

220062280 North Bethesda
220062290 Spring Garden
220062440 George A. Davis Subdivision
220070020 Seneca Landing
220070030 Seneca Landing
220070080 Battery Park

PLAT NO. 220062280

North Bethesda (Preliminary Plan: Domingo Property)

Located on Grosvenor Lane, east of Broad Street

R-60 zone, 3 lots

Community Water, Community Sewer

Master Plan Area: North Bethesda Garrett Park

Domingo Campuzano, Applicant

These record plats have been reviewed by MNCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that these plats comply with Preliminary Plan No. 120060210, 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: Domingo Property Plan Number: 120060210
 Plat Name: Norm Be Mesda Plat Number: 22006228
 Plat Submission Date: 6/16/06
 DRD Plat Reviewer: TA/PW
 DRD Prelim Plan Reviewer: D. Kinney

Initial DRD Review:

Signed Preliminary Plan – Date 4/14/06 Checked: Initial AW Date 8/22/06
 Planning Board Opinion – Date 3/30/06 Checked: Initial PW Date 7/10/06
 Site Plan Req'd for Development? Yes No Verified By: CAC (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 NA
 Non-standard BRLs NA Adjoining Land Vicinity Map Septic/Wells NA
 TDR note NA Child Lot note NA Surveyor Cert Owner Cert Tax Map

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	A. Lindsey	6/21/06	7/7/06	6/29/06	NC
Research	Bobby Fleury			6/22/06	OK
SHA	Doug Mills			NC	NC
PEPCO	Jose Washington			NC	OK
Parks	Doug Powell			NC	NC
DRD	Steve Smith			6/21/06	See plat

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

TA
TA
TA

Date

9/14/06
8/29/06
9/13/06

Board Approval of Plat:

Plat Agenda:

TA

10/5/06

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:

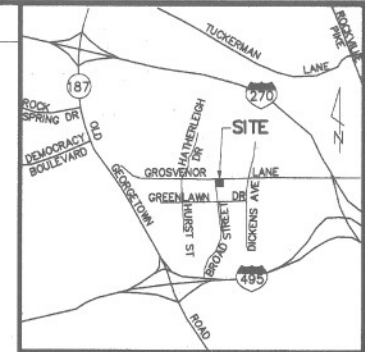
Engineer Seal Complete:

Complete Reproduction:

Sent to Courthouse for Recordation:

No. _____

PLAT NO. 206228



VICINITY MAP
SCALE: 1"=2000'
ADC MAP 35 GRID H4

SANITARY SEWER EASEMENT DATA		
LINE	BEARING	DISTANCE
1	N 88°10'47" E	12.00'
2	S 02°07'48" E	115.41'
3	S 42°52'13" W	9.86'
4	S 02°07'48" E	48.33'
5	S 87°52'12" W	12.00'
6	N 02°07'48" W	53.30'
7	N 42°52'13" E	9.86'
8	N 02°07'48" W	110.50'

CURVE DATA					
CURVE	RADIUS	Δ	ARC TANGENT	CHORD BEARING	CHORD
C1	20.00'	71°21'36"	24.91'	14.36° N 57°23'55" E	23.33'

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS CORRECT; THAT IT IS A SUBDIVISION OF THE LAND CONVEYED BY JILLIANI CAMPUZANO AND DOMINGO CAMPUZANO TO JINMANNI CAMPUZANO AND DOMINGO CAMPUZANO BY DEED DATED JANUARY 23, 1998 AND RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN LIBER 1558B AT FOLIO 132, OR KNOWN AS PART OF LOT 2, BLOCK E, PLAT BOOK 12, PLAT 818 OF NORTH BETHESDA, AND THE LAND CONVEYED BY EDWARD AND BERTIE LEAHY TO PATRICK TOMMY BY DEED DATED NOVEMBER 25, 1998 AND RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN LIBER 14432 AT FOLIO 20, OR KNOWN AS PART OF LOT 1, BLOCK B, PLAT BOOK 12, PLAT 818 OF NORTH BETHESDA.

THE TOTAL AREA INCLUDED IN THIS PLAN OF SUBDIVISION IS 28,855 SQUARE FEET OR 0.6624 ACRE OF LAND OF WHICH 798 SQUARE FEET OR 0.0183 ACRE IS DEDICATED TO PUBLIC USE.

FURTHER, I CERTIFY THAT IRON PIPES HAVE BEEN SET OR FOUND AT ALL PROPERTY CORNERS.

DATE: 05/31/06

MOHAMMAD NAJIB ROSHAN
PROFESSIONAL LAND SURVEYOR
MARYLAND REGISTRATION NUMBER 11049

OWNERS CERTIFICATE

We, the undersigned, owner(s) of the property described hereon, hereby adopt this plan of subdivision and all terms, conditions, agreements, limitations and requirements associated with any preliminary plan, site plan, project plan, or other plan, allowing development of this property, approved by the Montgomery County Planning Board are intended to survive and not be extinguished by the recordation of this plat. The official public files for any such plan are maintained by the Planning Board and are available for public review during normal business hours.

As owner of this subdivision, we, our successors and assigns, will cause all property corner markers and any other required monumentation to be set by a registered Maryland Surveyor in accordance with Section 50-24 (e)(2) of the Montgomery County Code.

There are no recorded suits, actions at law, liens, leases, mortgages or trusts affecting the property included in this plan of subdivision (consolidation), except certain deeds of trust, and all parties in interest thereto have below indicated their assent.

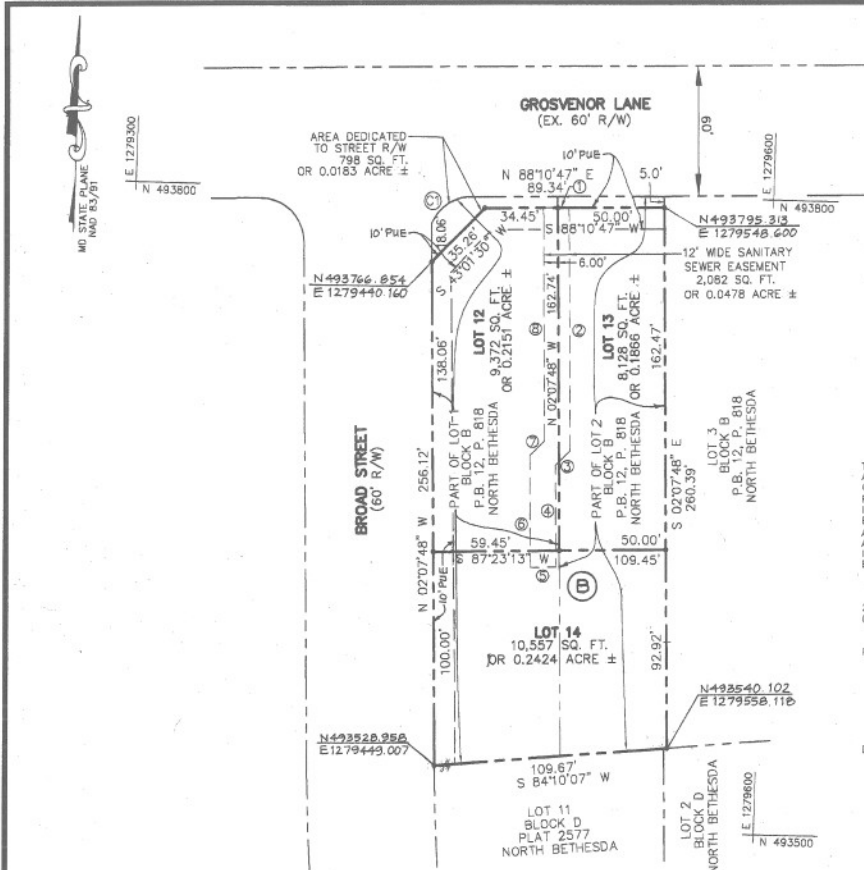
Witness: Barry J. McLeod Date: May 26, 2006
 Witness: Jim J. McLeod Date: May 25, 2006
 Witness: Michelle McLeod Date: May 26, 2006
 Witness: Domingo Campuzano Date: May 26, 2006
 Witness: Patricia Campuzano Date: 5/26/06
 Witness: Patrick E. Tommy Date: May 26, 2006

**SUBDIVISION RECORD PLAT
NORTH BETHESDA
LOTS 12, 13, & 14, BLOCK B
RESUBDIVISION OF PART OF LOT 1 AND
PART OF LOT 2, BLOCK B
PLAT BOOK 12, PLAT 818
NORTH BETHESDA**

7TH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
SCALE 1" = 40' April 21, 2006 (REV. 8/31/06)



DESIGN ENGINEERING INCORPORATED
FULL SERVICE CIVIL ENGINEERING & RELATED SERVICES
18229-A FLOWER HILL WAY GAITHERSBURG, MARYLAND 20879
PHONE: (301) 258-1173 X102
FAX: (301) 258-0690
CONTACT: PRITAM ARORA EMAIL: parora@delus.com



MONTGOMERY COUNTY, MARYLAND DEPARTMENT OF PERMITTING SERVICES

APPROVED _____

DIRECTOR

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

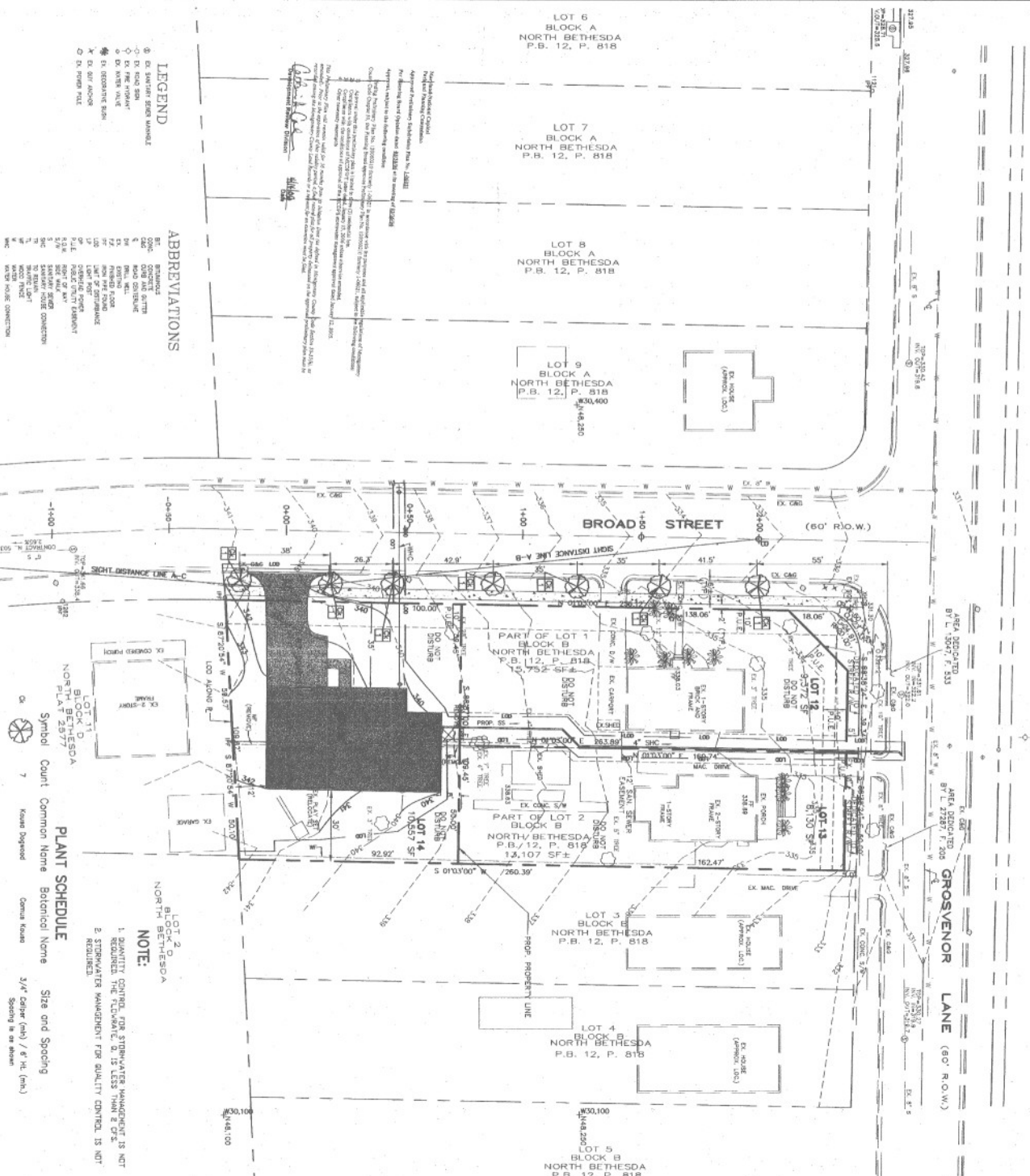
APPROVED _____

CHAIRMAN _____ ASST. SECRETARY/TREASURER _____

M.N.C.P. & P.C. RECORD FILE NO. _____

DRAWN _____ EMB/PLA _____
CHECKED _____ MR _____

RECORDED _____
PLAT BOOK _____
PLAT NO. _____



- LEGEND**
- 1. EX. STAIRS
 - 2. EX. ROOF
 - 3. EX. FLOOR
 - 4. EX. WALL
 - 5. EX. WINDOW
 - 6. EX. DOOR
 - 7. EX. SIGN
 - 8. EX. LIGHT
 - 9. EX. FURNITURE
 - 10. EX. EQUIPMENT
 - 11. EX. VENT
 - 12. EX. MECHANICAL
 - 13. EX. ELECTRICAL
 - 14. EX. PLUMBING
 - 15. EX. PAVEMENT
 - 16. EX. DRIVE
 - 17. EX. CONC. DRIVE
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 - 49. EX. CONC. DRIVE
 - 50. EX. CONC. DRIVE

- ABBREVIATIONS**
- 1. CONC.
 - 2. CONC.
 - 3. CONC.
 - 4. CONC.
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 - 36. CONC.
 - 37. CONC.
 - 38. CONC.
 - 39. CONC.
 - 40. CONC.

- PLANT SCHEDULE**
- 1. QUANTITY CONTROL FOR STOPWATER MANAGEMENT IS NOT REQUIRED. THE FLUME IS 2. IS LESS THAN 2' OR 2'.
 - 2. STOPWATER MANAGEMENT FOR QUALITY CONTROL IS NOT REQUIRED.
- NOTE:**
- 1. QUANTITY CONTROL FOR STOPWATER MANAGEMENT IS NOT REQUIRED. THE FLUME IS 2. IS LESS THAN 2' OR 2'.
 - 2. STOPWATER MANAGEMENT FOR QUALITY CONTROL IS NOT REQUIRED.

ENGINEER'S CERTIFICATE

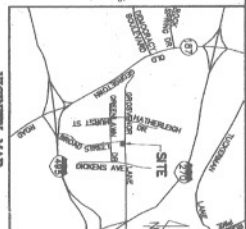
I, the undersigned, being a duly Licensed Professional Engineer in the State of Maryland, do hereby certify that the foregoing is a true and correct copy of the original as shown to me by the applicant, and that the same conforms to the requirements of the laws of the State of Maryland in that behalf relating to the preparation and filing of such plans.

[Signature]
 REGISTERED PROFESSIONAL ENGINEER
 MD. NO. 11111

- GENERAL NOTES & ZONING ANALYSIS**
1. PROJECT NAME: DOMINGO PROPERTY, GROSVENOR LANE, MONTGOMERY COUNTY, MARYLAND
 2. OWNER / DEVELOPER: DOMINGO DEVELOPMENT, 9716 GROSVENOR LANE, P.O. BOX 2000, ROCKVILLE, MD 20850
 P. (301) 983-3979, F. (301) 983-3979
 3. CIVIL ENGINEER: DESIGN ENGINEERING INCORPORATED, 18881-A FLOWER HILL WAY, ROCKVILLE, MD 20850
 PHONE: (301) 258-1173 X 102, FAX: (301) 258-0690
 L. (1998) F. 128 K. L. (1452) F. 80
 4. LEGAL DESCRIPTION: TAX MAP NO. 0643, L. 11599 F. 128 K. L. (1452) F. 80
 5. SITE AREA: 0.6417 AC (0.62899 SF)
 6. SURVEY: ORIGINAL GEODESIC SURVEY PREPARED BY DESIGN ENGINEERING, INC., GAITHERSBURG, MD
 7. ZONING DISTRICT: R-6
 8. TAX ACCOUNT NO: 00573285 & 00576185
 9. ELECTION DISTRICT: 07
 10. BUILDING SETBACKS:

TYPE	REQUIRED	PROVIDED
FRONT	25'	25'
REAR	10'	10'
SIDE	10'	10'
REAR	25'	25'

 11. PROPOSED USE: SINGLE FAMILY - DETACHED DWELLING
 12. MIN. LOT AREA REQUIRED: 6,000 SF
 13. MIN. LOT AREA PROVIDED: 6,100 SF
 14. MIN. LOT WIDTH REQUIRED AT FRONT BLDG LINE: 50'
 15. MIN. LOT WIDTH PROVIDED AT FRONT BLDG LINE: 50'
 16. MIN. LOT WIDTH REQUIRED AT STREET LINE: 25'
 17. MIN. LOT WIDTH PROVIDED AT STREET LINE: 25'
 18. CONSTRUCTION WITHIN PUBLIC RIGHT-OF-WAY: EXISTING CONSTRUCTION WILL BE WITHIN PUBLIC RIGHT-OF-WAY.
 19. STOPWATER MANAGEMENT: STOPWATER MANAGEMENT IS BEING PROVIDED IN ACCORDANCE WITH NEPA REQUIREMENTS.
 20. STOPWATER MANAGEMENT FOR QUALITY CONTROL IS NOT REQUIRED.
 21. STOPWATER MANAGEMENT FOR QUALITY CONTROL IS NOT REQUIRED.
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 29. STOPWATER MANAGEMENT FOR QUALITY CONTROL IS NOT REQUIRED.
 30. STOPWATER MANAGEMENT FOR QUALITY CONTROL IS NOT REQUIRED.



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: February 16, 2006

Date Mailed:

MAR 30 2006

Action: Approved Staff Recommendation

Motion of Commissioner Bryant,
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 120060210 formerly 1-06021
NAME OF PLAN: Domingo Property (Resubdivision)

The date of this written opinion is MAR 30 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 August 15, 2005, Domingo Campuzano ("Applicant") submitted an application for the approval of a preliminary plan of subdivision of property in the R-60 zone. The application proposed to create 3 lots on 0.66 acres of land located in the southeast quadrant of the intersection of Grosvenor Lane and Broad Street, in the North Bethesda Garrett Park master plan area. The application was designated Preliminary Plan 120060210 (formerly Plan No. 1-06021) ("Preliminary Plan"). On February 16, 2006, the Preliminary Plan was brought before the Montgomery County Planning Board for a public hearing ("Hearing"). At the hearing, 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. SITE AND PROJECT DESCRIPTION

Parts of Lots 1 and 2 ("Subject Property" or "Property") are part of the North Bethesda Subdivision, which was recorded in 1937. The Subject Property is located in the southeast quadrant of the intersection of Grosvenor Lane and Broad Street. The Property contains 0.6617 square feet of land and is zoned R-60. Two one-family detached residential dwelling units currently exist on the Subject Property.

The Applicant proposed the creation of three residential lots for three one-family detached dwelling units. Two dwellings that currently exist on the property are intended to remain and a third dwelling will be constructed. Access to the Subject Property will be directly from Grosvenor Lane and Broad Street.

III. SUMMARY OF TESTIMONY AND EVIDENCE IN RECORD

Development Review Staff ("Staff") recommended approval of the Application in its memorandum dated January 20, 2006 ("Staff Report"). Staff presented its findings consistent with the Staff Report at the Hearing.¹ The Applicant appeared at the Hearing represented by his engineer, who advised the Board that the Applicant supported the Staff recommendation. No other party testified in support of or in opposition to the Application. Additionally, the record includes no correspondence either in support of, or in opposition to, the Application.

IV. FINDINGS

Having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopt and incorporate by reference; the recommendations of the applicable public agencies²; the Applicant's position; and other evidence contained in

¹ Staff advised the Board during the Hearing of three minor corrections to the analysis presented in the Staff Report, correcting the range in the area of the existing lots (actual area range from 1,885 to 7,000 square feet), and the number of existing corner lots (six existing).

² The application was referred to outside agencies for comment and review, including the Washington Suburban Sanitary Commission, the Department of Public Works and

the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board finds, based on uncontested evidence of record, that:

- a) Preliminary Plan No. 120060210 (formerly Plan No. 1-06021) substantially conforms to the North Bethesda Garrett Park master plan. The North Bethesda Garrett Park 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 gives attention to redeveloping areas and encourages land use patterns that provide opportunities for housing. The Board finds that the Preliminary Plan complies with the recommendations adopted in the master plan in that it is a request for residential development.
- 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. This finding is subject to the applicable condition(s) of approval.
- 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 proposed lots are of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing neighborhood (delineated in the Staff Report) ("Neighborhood"), as analyzed below.

Frontage: In a neighborhood of 23 lots, lot frontages range from 45 feet to 112 feet. Proposed Lots 12 and 13 have frontages of 59 and 50 feet, respectively. The Board finds that the latter two frontages represent existing conditions and are not impacted by the instant application.³ Proposed Lot 14, with a frontage of

Transportation, the Department of Permitting Services and the various public utilities. All of these agencies recommended approval of the application.

³ The Board notes that, although the frontages of proposed Lots 12 and 13 are narrower than the minimum required frontage in the R-60 zone, Code § 59-B-5.2 (Resubdivision of R-60 Lots)

100 feet, will be at the upper end of the range of lots in the neighborhood with respect to frontage. Staff advised the Board that two existing corner lots have frontages greater than proposed lot 14. Lot access and orientation of the existing homes on the latter corner lots is from Broad Street, as will be the lot access and home orientation of proposed Lot 14; and, therefore, the Board finds that the Broad Street frontages of those corner lots are appropriate for comparison with the frontage of proposed lot 14. The Board finds that the proposed lots, which are within the range of lot frontages in the neighborhood, are of the same character as lots existing in the neighborhood.

Area: In a Neighborhood of 23 lots, lot areas range from 1,885 square feet to 7,000 square feet. The areas of the proposed lots fall well within the range of lot areas in the Neighborhood: Lot 12 at 2,355 square feet, Lot 13 at 3,012 square feet, and Lot 14 at 4,395 square feet. Therefore, the Board finds that the proposed lots will be consistent in character with the existing lots in the neighborhood with respect to area.

Size: The lot sizes in the delineated neighborhood range from 5,760 square feet to 20,000 square feet. Proposed Lot 12 will have a lot size of 9,372 square feet, Lot 13 will have a lot size of 8,130 square feet, and Lot 14 will have a lot size of 10,557 square feet. The sizes of the proposed lots fall well within the range of the existing lots' sizes; and, therefore, the Board finds that the proposed lots will be in character with the existing lots in the neighborhood with respect to size.

Width: The lot widths in the Neighborhood range from 45 feet to 110 feet in width. Proposed Lots 12, 13, and 14 will have respective lot widths of 60 feet, 50 feet, and 98 feet. The Board finds that the widths of the proposed lots, which fall within the range of lot widths in the Neighborhood, are of the same character as the other lots in the Neighborhood.

Shape: There are six (6) corner lots in the Neighborhood and the remaining lots are rectangular in shape. The proposed resubdivision will create two rectangular lots and one corner lot. Therefore, the Board finds that the proposed resubdivision will be consistent in character with the lots in the Neighborhood.

permits any lot in the R-60 zone that had a frontage of less than 180 feet or an area of less than 18,000 square feet before June 1, 1958, to be resubdivided into lots with frontages of not less than 50 feet and an area of not less than 5,000 square feet if the majority of the recorded lots in the same block have frontages of less than 60 feet or areas of less than 6,000 square feet. Staff has confirmed that a majority of recorded lots in the same block as the subject lots do have frontages of less than 60 feet; and, therefore, the Board finds that resubdivision of the subject lots with the proposed frontages is permissible.

Alignment: All the existing lots in the Neighborhood are perpendicular in alignment. The proposed lots are also perpendicularly aligned and will be of the same character as the other existing lots in the neighborhood.

Suitability for Residential Use: The Board finds that the proposed lots are zoned residential and the land is suitable for residential use.

- g) 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.

V. CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 120060210 formerly 1-06021 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 120060210 formerly 1-06021, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to three (3) residential lots.
- 2) Compliance with conditions of MCDPWT letter dated, January 13, 2006 unless otherwise amended.
- 3) Compliance with the conditions of approval of the MCDPS stormwater management approval dated January 12, 2005.
- 4) Other necessary easements

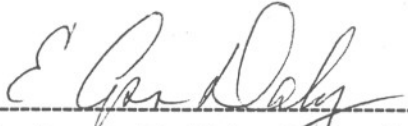
This Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed.

APPROVED AS TO LEGAL SUFFICIENCY
[Signature]
M-NCPPC LEGAL DEPARTMENT
DATE *5/26/06*

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

CERTIFICATION OF BOARD ADOPTION OF OPINION

At its regular meeting, held on **Thursday, March 23, 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. 120060210, Domingo Property (Resubdivision)**.

A handwritten signature in cursive script, appearing to read "E. Ann Daly", is written over a horizontal dashed line.

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

PLAT NO. 220062290

Spring Garden (Preliminary Plan: Blair Mill Road Condominiums)

Located on southwest quadrant, in the intersection of Blair Mill Road and East West Highway

CBD-1 zone, 1 lot

Community Water, Community Sewer

Master Plan Area: Silver Spring CBD

BMR Associates, LLC, Applicant

These record plats have been reviewed by MNCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that these plats comply with Preliminary Plan No. 120060060 and Site Plan No. 820060280, 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: 1200 Blain Mill Pl Condos Plan Number: 120060660
 Plat Name: Spring Garden Plat Number: 220062290
 Plat Submission Date: 6/16/06
 DRD Plat Reviewer: PW/TA
 DRD Prelim Plan Reviewer: C. Conlon

Initial DRD Review:

Signed Preliminary Plan – Date 6/1/06 Checked: Initial CAC Date 8/22/06
 Planning Board Opinion – Date 2/15/06 Checked: Initial PW Date 7/10/06
 Site Plan Req'd for Development? Yes No Verified By: PW (initial)
 Site Plan Name: 1200 Blain Mill Pl Condos Site Plan Number: 820060280
 Planning Board Opinion – Date 7.11.06 Checked: Initial PAK Date 8.25.06
 Site Plan Signature Set – Date 9/14/06 Checked: Initial PW Date 9/14/06
 Site Plan Reviewer Plat Approval: Checked: Initial PAK Date 8.25.06

Review Items: Lot # & Layout Lot Area Zoning Bearings & Distances
 Coordinates Plan # Road/Alley Widths Easements Open Space
 Non-standard BRLs Adjoining Land Vicinity Map Septic/Wells
 TDR note Child Lot note NA Surveyor Cert Owner Cert Tax Map

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>A. Lindsey</u>	<u>6/21/06</u>	<u>7/7/06</u>	<u>NC</u>	<u>NC</u>
Research	<u>Bobby Fleury</u>			<u>6/22/06</u>	<u>OK</u>
SHA	<u>Doug Mills</u>			<u>NC</u>	<u>NC</u>
PEPCO	<u>Jose Washington</u>			<u>NC</u>	<u>NC</u>
Parks	<u>Doug Powell</u>			<u>NC</u>	<u>NC</u>
DRD	<u>Steve Smith</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	Date
<u>TA</u>	<u>9/15/06</u>
<u>TA/PW</u>	<u>9/18/06</u>
<u>TA/PW</u>	<u>9/18/06</u>

Board Approval of Plat:

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

<u>PW</u>	<u>10/05/06</u>
_____	_____
_____	_____

DPS Approval of Plat:

Engineer Pick-up for DPS Signature:
 Final Mylar for Reproduction Rec'd:

_____	_____
_____	_____

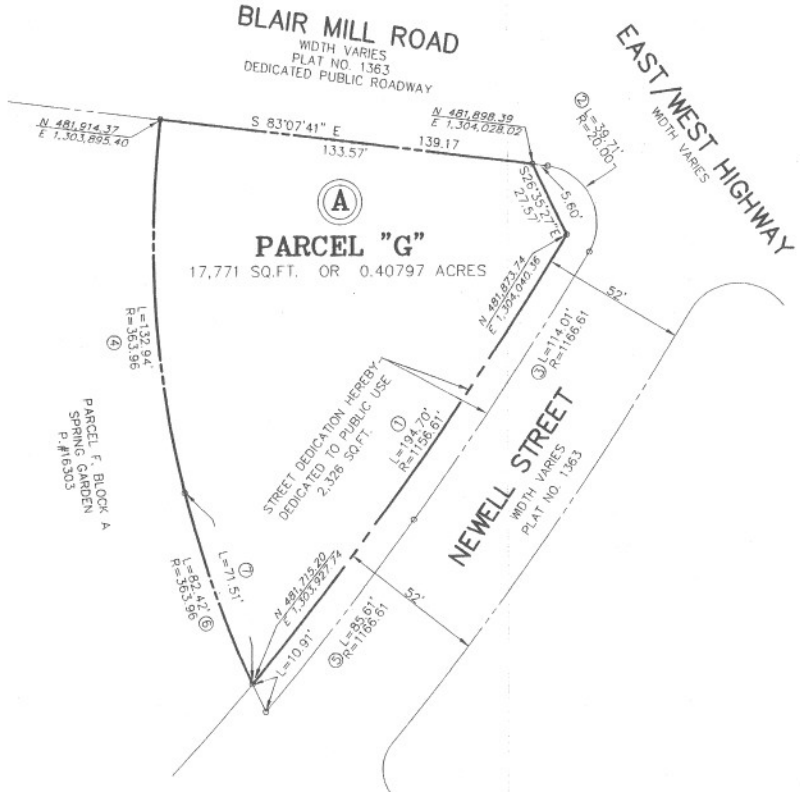
Plat Reproduction:

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.D. STATE GRID NORTH (NAD83)



BLAIR MILL ROAD
WIDTH VARIES
PLAT NO. 1363
DEDICATED PUBLIC ROADWAY

EAST/WEST HIGHWAY
WIDTH VARIES

PARCEL "G"
17,771 SQ.FT. OR 0.40797 ACRES

NEWELL STREET
WIDTH VARIES
PLAT NO. 1263

PARCEL "F" BLOCK "A"
SPRING GARDEN
P. #10303

STREET DEDICATION HEREBY DEDICATED TO PUBLIC USE
2,326 SQ.FT.

PLAT NO. _____

CURVE TABLE

NO.	RADIUS	LENGTH	TANGENT	CHORD BEARING	DISTANCE	DELTA
1	1156.61'	194.70'	97.58'	S 35°23'18"W	194.47'	09°38'42"
2	20.00'	39.71'	30.65'	S 26°15'12"E	33.50'	113°45'15"
3	1166.61'	114.01'	57.05'	S 33°25'16"W	113.97'	05°35'50"
4	363.96'	132.94'	67.22'	N 03°36'01"W	132.21'	20°55'45"
5	1166.61'	85.61'	42.82'	S 38°19'23"W	85.99'	04°12'16"
6	363.96'	82.42'	41.39'	N 20°31'50"W	82.25'	12°58'29"
7	363.96'	71.51'	35.87'	N 19°40'18"W	71.39'	11°15'26"

AREA TABULATION

PARCEL "G", BLOCK "A"	17,771 SQ.FT.	OR 0.40797 ACRES
AREA OF STREET DEDICATION	2,326 SQ.FT.	OR 0.05340 ACRES
TOTAL AREA OF THIS PLAT	20,097 SQ.FT.	OR 0.46136 ACRES



VICINITY MAP
SCALE: 1" = 2000'

OWNERS CERTIFICATE

WE, THE UNDERSIGNED, OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, HEREBY ADOPT THIS PLAN OF SUBDIVISION, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES AND DEDICATE THE AREA SHOWN HEREON FOR STREET PURPOSES. FURTHERMORE, WE AS OWNERS OF THIS SUBDIVISION, OUR SUCCESSORS AND ASSIGNS, WILL CAUSE ALL PROPERTY CORNER MARKERS AND ANY OTHER REQUIRED MONUMENTATION TO BE SET BY A MARYLAND PROFESSIONAL LAND OR PROPERTY LINE SURVEYOR IN ACCORDANCE WITH SECTION 50-24 (e) OF THE MONTGOMERY COUNTY CODE PRIOR TO OCCUPANCY OF THE DWELLING TO BE CONSTRUCTED ON THE PARCEL SHOWN HEREON. THERE ARE NO SUITS, ACTIONS-AT-LAW, LEASES, LIENS, OR TRUSTS ON THE PROPERTY INCLUDED IN THIS SUBDIVISION PLAN.

- 1200 BMR ASSOCIATES, LLC
- BY: 1200 BMR MEMBER, LLC, ITS SOLE MEMBER
- BY: PERSEUS 1200 BMR ASSOCIATES, LLC, ITS MANAGING MEMBER
- BY: PERSEUS REALTY, L.L.C., ITS MANAGING MEMBER

BY: John Wood Bolton, Jr.
JOHN WOOD BOLTON, JR. MANAGING MEMBER 9/1/06
NAME TITLE DATE

NOTES:

- THE PROPERTY IS LOCATED ON TAX ASSESSMENT MAP NO JN33 AS PARCELS N917 AND IS ZONED CBD-1.
- THE HORIZONTAL (MARYLAND STATE PLANE NAD83) AND VERTICAL (NAVD 88) IS BASED ON THE FOLLOWING NGS CONTROL POINTS: W.S.S.C. CONTROL POINT #20815 - STANDARD WSSC BRASS DISK STAMPED ITS 20815MC, LOCATED AT THE CORNER OF 16TH STREET AND SPRING STREET IN MEDIAN NORTH 484433.857 EAST 1302004.187 ELEVATION 341.9 W.S.S.C. CONTROL POINT #9904 - U.S.C.O.G.S. BENCHMARK DISK STAMPED "RIS 1951" SET IN TOP OF RETAINING WALL AT THE N.W. CORNER OF GEORGIA AVE. AND METRO TRACKS, NORTH 481893.708 EAST 1304895.787 ELEVATION 342.043 THIS CONTROL WAS ESTABLISHED USING GPS EQUIPMENT ON MAY 30, 2000.
- THIS SUBDIVISION RECORD PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING THE OWNERSHIP AND USE, NOR EVERY MATTER RESTRICTING THE OWNERSHIP AND USE, OF THE PROPERTY. THE SUBDIVISION RECORD PLAT IS NOT INTENDED TO REPLACE AN EXAMINATION OF TITLE OR TO DEPICT OR NOTE ALL MATTERS AFFECTING TITLE.
- ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS, AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAN, SITE PLAN, PROJECT PLAN OR OTHER PLAN, ALLOWING DEVELOPMENT OF THIS PROPERTY, APPROVED BY THE MONTGOMERY COUNTY PLANNING BOARD ARE INTENDED TO SURVIVE AND NOT BE EXTINGUISHED BY THE RECORDATION OF THIS PLAT, UNLESS EXPRESSLY CONTINGENT 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.
- THIS PLAT IS SUBJECT TO THE USES AND CONDITIONS WITHIN THE M.N.C.P.&P.C. PROJECT PLAN #9-2006010 ENTITLED "1200 BLAIR MILL ROAD CONDOMINIUMS", PRELIMINARY PLAN #120060080 ENTITLED "1200 BLAIR MILL ROAD CONDOMINIUMS", AND THE CERTIFIED SITE PLAN ENTITLED "1200 BLAIR MILL ROAD".
- THE APPROVAL OF THIS PLAT IS PREDICATED ON THE AVAILABILITY OF PUBLIC WATER AND SEWER.
- THE PROPERTY SHOWN HEREON IS SUBJECT TO A DECLARATION OF COVENANTS FOR PRIVATE OPEN SPACE AND STORM DRAINAGE RECORDED IN LIBER 32688 AT FOLIO 115 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND.
- THE PROPERTY SHOWN HEREON IS SUBJECT TO A "TRAFFIC MITIGATION AGREEMENT" RECORDED IN LIBER 52948 AT FOLIO 001 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND.
- THE PROPERTY SHOWN HEREON IS SUBJECT TO THE "COMMON OPEN SPACE COVENANT WITH THE M.N.C.P.&P.C." RECORDED IN LIBER 28045 AT FOLIO 578 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS CORRECT; THAT IT IS A PLAN OF ALL OF THE PROPERTY CONVEYED TO 1200 BMR ASSOCIATES, LLC, FROM SPRINGVIEW PARTNERS, LLC, BY DEED DATED JUNE 2, 2006 AND RECORDED IN LIBER 32457 AT FOLIO 552 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND. I FURTHER CERTIFY THAT, ONCE ENGAGED AS DESCRIBED IN THE OWNERS DEDICATION HEREON, ALL MONUMENTS SHOWN THIS AND ALL PROPERTY MARKERS AND OTHER BOUNDARY MARKERS SHOWN THIS WILL BE SET AS DELINEATED HEREON IN ACCORDANCE WITH THE PROVISIONS OF SECTION 50-24(e) OF THE MONTGOMERY COUNTY CODE. THE TOTAL AREA OF STREET DEDICATION INCLUDED IN THIS PLAN OF SUBDIVISION IS 2,326 SQUARE FEET OR 0.05340 ACRES AND THE TOTAL AREA OF THIS PLAN OF SUBDIVISION IS 20,097 SQUARE FEET OR 0.46136 ACRES OF LAND.

Aug 31, 2006 David F. Unger
DATE MARYLAND PROFESSIONAL LAND SURVEYOR # 21236

SUBDIVISION RECORD PLAT

PARCEL "G", BLOCK "A"
SPRING GARDEN
13TH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
SCALE: 1" = 30' DATE: AUGUST 8, 2006



ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS ■ GPS SERVICES
VIA INCORPORATED
20351 CENTURY BOULEVARD-SUITE #400 ■ GERMANTOWN, MARYLAND 20874
(301) 916-4100 ■ FAX (301) 918-2282
GERMANTOWN, MD. McLEAN, VA.

DATE: _____
PLAT NO.: _____ FOR PUBLIC WATER AND SEWER ONLY

<p>MARYLAND NATIONAL CAPITAL PARK & PLANNING COMMISSION MONTGOMERY COUNTY PLANNING BOARD</p> <p>APPROVED: _____</p> <p>CHAIRMAN SECRETARY TREASURER</p>	<p>DEPARTMENT OF PERMITTING SERVICES MONTGOMERY COUNTY, MARYLAND</p> <p>APPROVED: _____</p> <p>DIRECTOR</p>
---	---

M.N.C.P. & P.C. RECORD FILE NO.: _____

DPS#226830

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: October 10, 2005

Date Mailed: FEB 15 2006

Action: Approved Staff
Recommendation

Motion of Commissioner Wellington,
seconded by Commissioner Robinson,
with a vote of 3-0;
Chairman Berlage and Commissioners
Wellington and Robinson voting in
favor. Commissioners Perdue and
Bryant were absent.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 120060060 (formerly 1-06006)
NAME OF PLAN: 1200 Blair Mill Road Condominiums

The date of this written opinion is FEB 15 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 July 12, 2005, 1200 BMR Associates, LLC ("Applicant") submitted an application for the approval of a preliminary plan of subdivision of property in the CBD-1 zone ("Application" or "Preliminary Plan"). The Application proposed to create 1 lot on 0.77 acres of land located in the southwest quadrant of the intersection of Blair Mill Road and Newell Street, in the Silver Spring CBD and Vicinity area ("Property" or "Subject Property"). The Application was designated Preliminary Plan #120060060 (formerly #1-06006). The Applicant filed a concurrent Project Plan application #9-06001 ("Project Plan") with the Planning Board. On October 10, 2005, the Preliminary Plan 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.

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. SUBJECT PROPERTY AND PROJECT DESCRIPTION

The Subject Property consists of 0.77 acres of land located in the southwestern quadrant of the intersection of Blair Mill Road, East-West Highway and Newell Street, within the Silver Spring Central Business District. The property is zoned CBD-1 and lies within the Sligo Creek watershed, which is designated as Use Class I. There are no environmentally sensitive areas or significant trees located on the site.

The Application proposed to create a multi-family residential community using the optional method of development in the CBD-1 zone. The proposed housing will consist of up to 96 dwelling units, consisting of a mix of unit types and including a minimum of 12.5% (12 units) Moderately Priced Dwelling Units (MPDUs), along with below-grade structured parking. The proposed housing reflects density of 124 dwelling units per acre, consistent with the density permitted in the CBD-1 zone (maximum of 125 dwelling units per acre). The proposal includes 4,387 square feet of on-site public use space and amenities, totaling 24.7 percent of the net lot area. The minimum required public use space for this project is 20 percent of the net lot area, or 3,555 square feet. The project also includes an additional 4,235 square feet of off-site streetscape improvements.

III. BACKGROUND

A. Transportation

1. Site Location, Access, Circulation, and Parking

The Subject Property is a roughly triangular parcel located at the southwest corner of the intersection of East-West Highway, Blair Mill Road and Newell Street. The Property is bordered by Blair Mill Road on its northern boundary and by East-West Highway along its eastern boundary. Newell Road borders the Property to the south, and Acorn Park is located to the south and east along Newell Street.

2. Local Area Transportation Review ("LATR")

The proposed development of 96 residential units is not anticipated to generate more than 30 peak hour trips; therefore, the Applicant was not required to provide a formal traffic study per the LATR Guidelines. A traffic statement complying with LATR Guidelines was submitted and accepted for this Application.

3. Master Plan Roadways and Bikeways

East-West Highway is classified as a major highway with four travel lanes and an ultimate right-of-way width of 90 feet between Blair Mill Road and Georgia Avenue. Newell Street is classified as a primary residential street of ultimate right-of-way width of 70 feet per the Sector Plan. Blair Mill Road is classified as a Business Street of ultimate right-of-way width of 70 feet per the Silver Spring CBD Sector Plan.

Staff informed the Board that the Subject Property had previously dedicated its portion of the required right-of-way for Blair Mill Road. Staff further informed the Planning Board that it had granted a waiver to permit reduction of the Blair Mill Road right-of-way to 63 feet as part of the approval of the 1200 East-West Highway Project¹, located across from the Subject Property on the north side of Blair Mill Road. Staff advised the Board that it had recommended approval of the 1200 East-West Highway Project because three travel ways, a Class III (on-road) bikeway, and a 12-foot sidewalk along the frontage of Blair Mill Road will be established within the 63 feet; the Board found that these improvements met the requirements of the Sector Plan for total circulation needs.

An off-road, shared-use bikeway is planned for East-West Highway (Bikeway #5, also referred to as SP- 9) for the length of the development frontage. An on-road shared outside lane bicycle facility is planned for Blair Mill Road (Bikeway #14). Both bicycle facilities are shown in the Countywide Bikeways Functional Master Plan.

4. Right-of-Way Width Waiver

The Applicant requested a waiver of the required dedication for Newell Street pursuant to Section 50-38 of the Subdivision Regulations. The Subject Property forms a triangular parcel on the western side of the Newell Street/Blair Mill Road/East-West Highway intersection. Newell Street abuts the Subject Property along its southern boundary. To the southwest of the Subject Property, across Newell Street, is the previously approved development for Preliminary Plan #1-94057 (Caldor/Discovery Creative and Technical Center) ("Discovery Center"). The preliminary plan for the Discovery Center included a petition to abandon a section of Newell Street in order to

¹ Planning Board approval for Preliminary Plan #1-05084 granted June 30, 2005.

expand Acorn Park, which confronts the Subject Property across Newell Street. Staff informed the Board that the abandonment of a portion of Newell Street was incorporated into the Discovery Center Preliminary Plan approval, resulting in a reduced right-of-way of 42 feet at the time.² Additional dedication would have compromised the configuration of Acorn Park.

The instant Application proposes dedication of an additional 10 feet of right-of-way, for a total of 52 feet for the section of Newell Street bordering the Subject Property. Staff informed the Board that the prior abandonment and revised dimensions for the Newell Street right-of-way were not included in the Sector Plan but that the previous approval for the Discovery Center anticipated 10 feet of additional Newell Street right-of-way would be dedicated when the Subject Property came in for future development, resulting in a minimum of 33 feet of pavement within the right-of-way, plus sidewalks. Because the proposed right-of-way is less than the standard required in Subdivision Regulations Section 50-26, the Applicant requested a waiver of this section pursuant to Code Section 50-38.

Staff recommended that the Planning Board grant the requested waiver and require Applicant to dedicate 10 feet of additional right-of-way for Newell Street. Staff advised the Board that, shifting the right-of-way by attempting to expand beyond the 10 feet sought from the Subject Property would exacerbate the problems posed by the geometric configuration of the adjacent intersection. Therefore, Staff proposed that the Applicant dedicate 10 feet of right-of-way, preserving the non-standard roadway cross section for this segment of Newell Street and retaining the existing geometry of the adjacent intersection. In Staff's view, the additional 10 feet of right-of-way would adequately provide for standard streetscape amenities along the frontage of the Subject Property.

Staff recommended approval of the requested waiver, finding that the ten-foot dedication constituted the minimum necessary to provide relief from Section 50-38 of the Subdivision Regulations, that the waiver is not inconsistent with the purposes and objectives of the General Plan, and that the waiver is not adverse to the public interest. Staff further indicated that the resulting road cross-section will meet the pavement, sidewalk, and streetscape requirements of the Sector Plan.

5. Pedestrian Access

The adjacent intersection has signalized pedestrian crosswalks on all approaches, providing adequate access to and through the intersection for pedestrians. The proposed pedestrian facilities along the Property's frontage connect to a comprehensive

² Planning Board Opinion for Preliminary Plan #1-94057, Caldor/Discovery Creative and Technical Center, dated July 29, 1997.

network of safe and adequate pedestrian facilities in the CBD. No additional improvements for pedestrian access are anticipated as a result of this Application.

B. Environmental

The Subject Property contains no environmentally sensitive areas, forest, or significant individual trees. The Property is exempt from forest planting requirements because of its small size.

IV. PUBLIC HEARING TESTIMONY

Development Review Staff ("Staff") recommended approval of the Application in its memorandum dated September 29, 2005 ("Staff Report"). Staff testified at the public hearing, presenting its findings consistent with the Staff Report. Staff discussed the requested waiver of right-of-way width for Newell Street, recommending that the Board approve the waiver pursuant to Section 50-38 of the Subdivision Regulations. Staff advised the Board that the Application, as conditioned, complies with the Subdivision Regulations and recommended approval of the Preliminary Plan.

The Applicant appeared at the hearing represented by legal counsel. Applicant testified that it accepted the Staff recommendation and conditions regarding the Preliminary Plan.³

The Board questioned the Applicant regarding the impact of the Applicant's requested reduction of the number of provided parking spaces, from 46 to 44. Staff and the Applicant informed the Planning Board that the Subject Property is located within the Silver Spring Parking Lot District; and, therefore, the project is not required to provide any parking spaces, pursuant to the relevant provisions of Article 59-E of the Zoning Ordinance. Staff and the Applicant informed the Board that, subject to relevant provisions of the County Code, the Property is, however, subject to an ad valorem tax, regardless of whether 46 spaces or 44 spaces are proposed.

The Board questioned Applicant and Staff regarding an item in the Preliminary Plan Data Table and Checklist regarding submission of comments by Montgomery County Fire and Rescue Service ("DFRS"). The Board expressed concern that Staff had received no comments regarding the Preliminary Plan from DFRS within the 30-day review period. Staff informed the Board that DFRS had previously indicated that its practice was to submit comments within 30 days only when concerns existed regarding plans submitted; where no comments were submitted to Staff within the 30 day period, the Service intended to communicate acceptance of the Preliminary Plan. The Board expressed concern regarding this practice and recommended that Staff request a

³ Additional public hearing testimony relevant to the concurrently reviewed Project Plan is discussed in the separate Opinion for the Project Plan, which is incorporated herein by reference.

written statement from DFRS verifying its application review policy; and, further, that Staff seek confirmation from DFRS that the instant application conforms with all DFRS requirements. Staff testified that it would seek the requested written confirmation of the DFRS policy and obtain confirmation from DFRS that the Preliminary Plan meets the standards required by the Service.

No other speakers testified at the public hearing.

V. FINDINGS

Having given full consideration to the recommendations of its Staff, which the Board adopts; the recommendations of the applicable public agencies⁴; 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, based on uncontested evidence of record, that:

- a) The Preliminary Plan No. 120060060 (formerly 1-06006) substantially conforms to the Silver Spring CBD and Vicinity master plan.
 - i. General Conformance: The Silver Spring Central Business District ("CBD") and Vicinity Sector Plan ("Sector Plan"), approved by the County Council on February 1, 2000, outlines six themes that articulate the shared goals and vision for a revitalized Silver Spring. The Board finds that three of these themes--i.e., a residential downtown; a green downtown; and a pedestrian-friendly downtown--apply to the subject project. The Sector Plan does not specifically identify the Subject Property as a potential housing site. However, the Sector Plan does encourage high-density residential land use as an important component of the revitalization efforts. The Application proposes to employ the optional method of development, providing new opportunities for landscaped public open spaces, public art, streetscapes and amenities and improving the quality of the pedestrian environment. Additionally, the Application encourages the development of active urban streets by providing a main building entrance along Blair Mill Road.
 - ii. Sector Plan Street Rights-of-Way:
 1. Newell Street: The Sector Plan recommends a street right-of-way of 70 feet for Newell Street; however, as Staff advised the Planning Board, the existing right-of-way of 42 feet had been reduced from 60

⁴ 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.

feet through an abandonment approved by the Board as part of a separate development approval in the 1990's, which abandonment permitted the expansion of Acorn Park. Staff further advised the Board that the earlier, unrelated, development approval anticipated that when the Subject Property—which confronts Acorn Park to the North across Newell Street—came in for development, it would be required to dedicate an additional 10 feet of Newell Street right-of-way. Therefore, Staff recommended that the Applicant dedicate the additional 10 feet of street right-of-way to provide a final right-of-way width of 52 feet. As is mentioned above, the Planning Board granted a waiver of the minimum required right-of-way width on Newell Street as a part of the concurrently reviewed Preliminary Plan application. For the reasons discussed in its approval of the accompanying Preliminary Plan, the Planning Board finds that the Project Plan conforms to the Sector Plan with respect to the Newell Street right-of-way width.

2. Blair Mill Road: Blair Mill Road has an existing 63-foot street right-of-way and is symmetrical (street-centered). Staff advised the Board that the Subject Property had already dedicated its portion of the required right-of-way. Staff further noted that, although the Sector Plan recommends a street right-of-way width of 70 feet for Blair Mill Road, the right-of-way for Blair Mill Road was established at 63 feet during the Preliminary Plan Review of the 1200 East-West Highway project (No. 1-05084), which confronts the Property across Blair Mill Road. Therefore, the Board required no additional dedication of Blair Mill Road right-of-way by the Applicant in the concurrently reviewed Preliminary Plan. As such, the Board finds that the Project Plan conforms to the Sector Plan with respect to the Blair Mill Road right-of-way width.

The Board finds that the reduced right-of-way widths meet the circulation criteria and recommendations in the Sector Plan and provides the streetscape elements required by the Silver Spring Streetscape Plan.

- b) Public facilities will be adequate to support and service the area of the proposed subdivision.
 1. The Board incorporates its findings immediately above, concerning right-of-way widths and expressly finds that the reduced widths will be adequate to support and service the area of the subdivision.
 2. Parking for the proposed residential units will occur on-site, within a below-grade 2-level parking garage. The parking requirement for the proposed residential use equals 123 spaces. Credits for residential uses in the CBD and for proximity to the metro station are being provided, with

the total parking requirement for all uses equaling 105 spaces. Only 44 parking spaces are being provided on the site; however, because the Property is located within the Silver Spring Parking Lot District ("PLD"), the Board finds that the Applicant is not required to provide 105 spaces on site. Under relevant provisions of Chapter 60 of the Montgomery County Code, the Applicant may satisfy its parking requirements by 1) providing all of the required off-site parking spaces; 2) providing no parking spaces and paying a parking tax for all of the required parking spaces; or 3) providing some of the required parking spaces and paying a tax for the number of required parking spaces it does not provide. Sites within the PLD are permitted to minimize the number of spaces provided onsite and take advantage of the County's facilities. The closest County parking facilities are Garage #58 (NOAA building), approximately 500 feet north of the site, and the Kennett Street Garage, approximately 300 feet to the south and east of the project. The Board finds, based on uncontested evidence of record that the existing public parking facilities adequate to support any parking resulting from this development that is not handled on site.

3. The proposed development of 96 residential units is not anticipated to generate more than 30 peak hour trips and therefore is not required to provide a formal traffic study per the LATR Guidelines. A traffic statement complying with LATR Guidelines was submitted and accepted for this project proposal. Additionally, the Applicant will enter into a Traffic Mitigation Agreement (TMA) with the Planning Board to help the Project achieve the non-driver commuting goal for development in the Silver Spring CBD.
- c) The size, width, shape, and orientation of the proposed lot is 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. This finding is subject to the applicable condition(s) of approval.
 - 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, as memorialized in the MCDPS letter dated September 20, 2005.
 - f) The requested waiver of the Subdivision Regulations, pursuant to MONTGOMERY COUNTY CODE § 50-38, to permit 10 feet of dedication for

Newell Street is justified. The Board finds that unusual circumstances exist that prevent compliance with the requirement in § 50-26 for a minimum right-of-way width of 70 feet; and, furthermore, that the waiver is the minimum necessary to provide relief from the section, is not inconsistent with the purposes and objectives of the General Plan, and is not adverse to the public interest. Specifically, given the existing geometry of the Blair Mill Road/East-West Highway/Newell Street intersection, additional right-of-way from the south side of Newell Street would have been desirable; however, such right-of-way was not provided, as discussed above, because it would have compromised the configuration of Acorn Park. The Board concurs with Staff's view that shifting the right-of-way beyond the 10 feet sought from the Subject Property would cause the geometric configuration of the adjacent intersection to become problematic.

- g) 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.
- h) Any future objection concerning a substantive issue that was not raised prior to the closing of the Record is waived.

IV. CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 120060060 (formerly #1-06006) in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 120060060 (formerly #1-06006), including a waiver of Section 50-26(a) pursuant to Section 50-38, to permit reduced-width road rights-of-way for Newell Street along the property frontage; and subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 96 multi-family dwelling units, including 12.5% Moderately Priced Dwelling Units (MPDUs).
- 2) Applicant shall dedicate, and show on the record plat, ten feet of right-of-way on Newell Road so as to equal 52 feet of right-of-way when measured from the confronting property line.
- 3) Applicant shall participate in the Silver Spring Transportation Management District and enter into a Traffic Mitigation Agreement with M-NCPPC and MCDPWT prior to site plan signature set approval.
- 4) Final approval of the number of dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
- 5) Applicant shall provide a Class III (on-road) bikeway along the frontage of the property on Blair Mill Road.

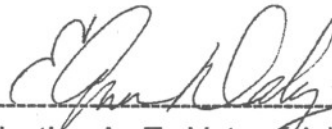
- 6) Compliance with the conditions of approval of the project plan (Project Plan No. 920060010).
- 7) Compliance with the conditions of the MCDPS approval of the stormwater management plan dated September 20, 2005.
- 8) Compliance with conditions of MCDPWT letter dated September 29, 2005, as may be amended.
- 9) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s).
- 10) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 11) 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.

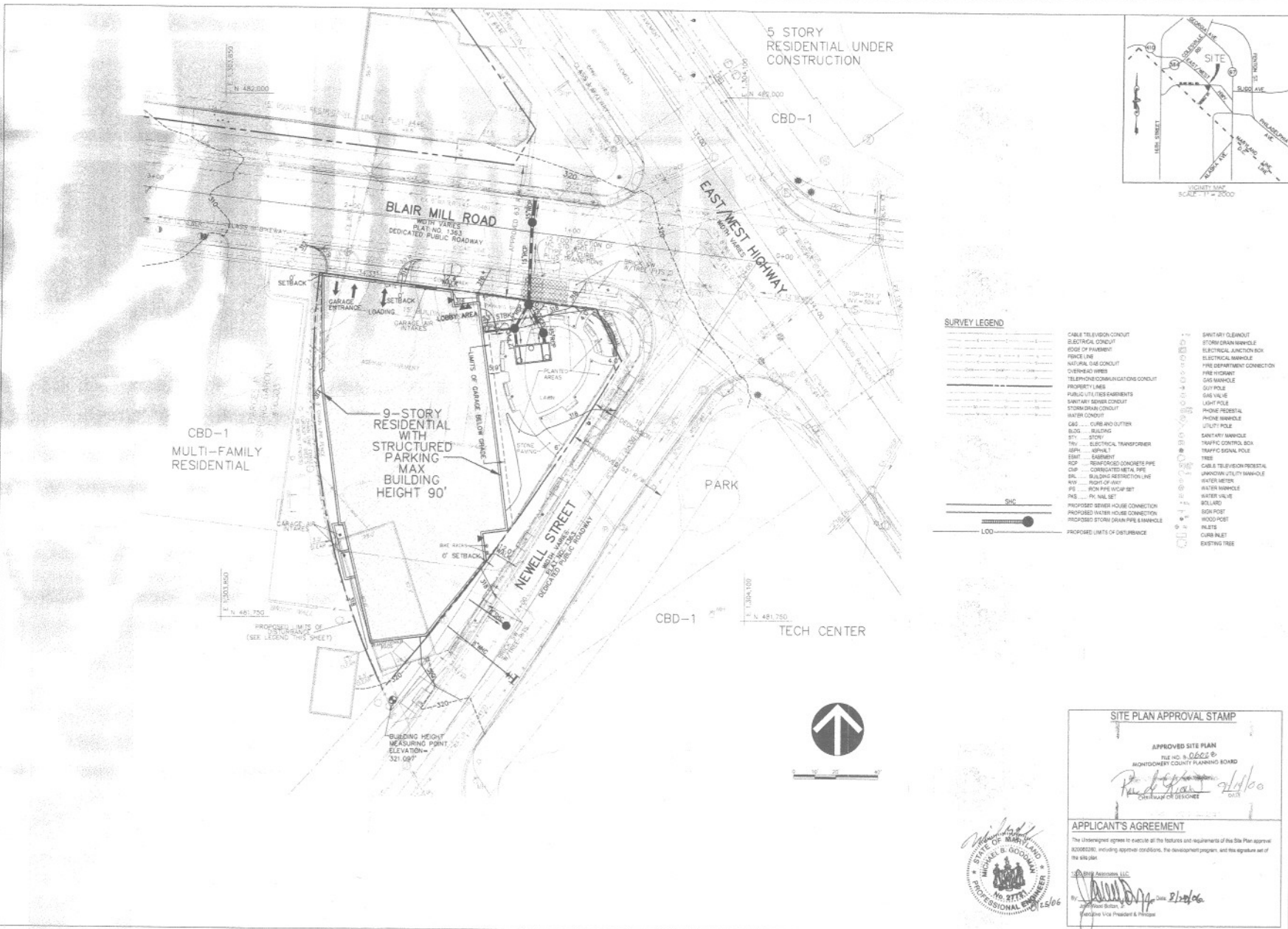
APPROVED AS TO LEGAL SUFFICIENCY
TAB
M-NCPPC LEGAL DEPARTMENT
DATE 2/3/06

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. 1-20060060, (formerly 1-06006), 1200 Blair Mill Road Condominiums**. Commissioners Perdue and Bryant abstained.



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



SURVEY LEGEND

-----	CABLE TELEVISION CONDUIT	-----	SEWER HOUSE CONNECTION
-----	ELECTRICAL CONDUIT	-----	PROPOSED SEWER HOUSE CONNECTION
-----	EDGE OF PAVEMENT	-----	PROPOSED WATER HOUSE CONNECTION
-----	FENCE LINE	-----	PROPOSED STORM DRAIN PILE & MANHOLE
-----	NATURAL GAS CONDUIT	-----	PROPOSED LIMITS OF DISTURBANCE
-----	CHIMNEY	-----	
-----	TELEPHONE COMMUNICATIONS CONDUIT	-----	
-----	PROPERTY LINE	-----	
-----	PUBLIC UTILITY TRENCH	-----	
-----	SANITARY SEWER CONDUIT	-----	
-----	WATER CONDUIT	-----	
-----	GAS - CURB AND BUTTER	-----	
-----	BLDG - BUILDING	-----	
-----	STY - STORY	-----	
-----	TRF - ELECTRICAL TRANSFORMER	-----	
-----	SPRT - SPRINKLER	-----	
-----	EMBT - EMBARKMENT	-----	
-----	ROP - REINFORCED CONCRETE PIPE	-----	
-----	CMP - CORRUGATED METAL PIPE	-----	
-----	BLDG - BUILDING RESTRICTION LINE	-----	
-----	RR - RIGHT OF WAY	-----	
-----	IP - IRON PIPE (TOP SET)	-----	
-----	PKS - PK NAIL SET	-----	
-----	PROPOSED SEWER HOUSE CONNECTION	-----	
-----	PROPOSED WATER HOUSE CONNECTION	-----	
-----	PROPOSED STORM DRAIN PILE & MANHOLE	-----	
-----	PROPOSED LIMITS OF DISTURBANCE	-----	

-----	SHARITY CLEANOUT	-----	STORM DRAIN MANHOLE
-----	ELECTRICAL JUNCTION BOX	-----	ELECTRICAL MANHOLE
-----	FIRE DEPARTMENT CONNECTION	-----	FIRE HYDRANT
-----	GAS MANHOLE	-----	UTILITY POLE
-----	STY - STORY	-----	GUY WIRE
-----	STY - STORY	-----	STY - STORY
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SITE PLAN APPROVAL STAMP

APPROVED SITE PLAN
FILE NO. 8-DBCS-0
MONTGOMERY COUNTY PLANNING BOARD

Paul J. Moran DATE: 8/14/08
CHAIRMAN OF BOARD

APPLICANT'S AGREEMENT

The undersigned agrees to execute all the features and requirements of the Site Plan approval 800882820, including approval conditions, the development program, and this signature set of the site plan.

FOR APPLICANT: *[Signature]*
DATE: 8/14/08
VICE PRESIDENT & PROJECT MANAGER



APPLICANTS/DEVELOPERS
1200 BMR ASSOCIATES, L.L.C.
2099 PENNSYLVANIA AVENUE, N.W. SUITE 975
WASHINGTON, DC 20006
(202) 741-1892

ARCHITECT



JSA

ARCHITECTS
INTERIORS
PLANNERS

8757 GEORGIA AVENUE, SUITE 510
SILVER SPRING, MD 20910
(301) 589-8400

ATTORNEY

LINOWES AND BLOCHER LLP

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BETHESDA, MD 20814
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CIVIL ENGINEER

LANDSCAPE ARCHITECT

30251 CENTURY BLVD. SUITE 400
GERMANTOWN, MD 20874
(301) 916-4100

830 WYOMING PARK DRIVE, SUITE 310
BALTIMORE, MD 21211
(410) 235-6001

CERTIFIED SITE PLAN
1200 BLAIR MILL ROAD
13TH ELECTION DISTRICT,
SILVER SPRING
MONTGOMERY COUNTY, MARYLAND

Scale: AS SHOWN
Project Number: 1333A
Date: 8/14/08

1.	REVISOR PER AGENCY COMMENTS OR 8009

CERTIFIED SITE PLAN

E1.2

SHEET 2 OF 18

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

MCPB No. 06-07
Site Plan No. 820060280
1200 Blair Mill Road

RESOLUTION

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

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

WHEREAS, on May 4, 2006, 1200 BMR Associates, LLC ("Applicant"), filed an application for approval of a Site Plan for 96 multi-family dwelling units, including 12 MPDUs, on 0.77 gross acres of CBD-1-zoned land in the western quadrant of the intersection of Blair Mill Road and Newell Street in Downtown Silver Spring, consisting of Lot 917, an unrecorded lot ("Property" or "Subject Property"); and

WHEREAS, on October 10, 2005, the Planning Board approved Project Plan No. 920060010 and Preliminary Plan No. 120060060 for the proposed development; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820060280, 1200 Blair Mill Road (the "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on May 4, 2006, Staff presented the Application to the Planning Board at a public hearing for its review and action (the "Hearing"); and

WHEREAS, prior to the Hearing, on April 21, 2006, Staff had issued a memorandum to the Board setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application;

WHEREAS, on May 4, 2006, following the Hearing, the Planning Board approved the Application subject to certain conditions on Motion of Commissioner Bryant; duly

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

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board approved Site Plan No. 820060280 for 96 multi-family dwelling units, including 12 MPDUs, on 0.77 gross acres in the CBD-1 Zone, subject to the following conditions:

1. Preliminary Plan Conformance
The proposed development shall comply with the conditions of approval for Preliminary Plan #120060060 as listed in the Planning Board opinion dated February 15, 2006.
2. Project Plan Conformance
The proposed development shall comply with the conditions of approval for Project Plan 920060010 as listed in the Planning Board opinion dated February 15, 2006.
 - a. Public Use Space
The Applicant shall provide no less than 24.7 percent (4,387 sf) of on-site public use space and no less than 23.8 percent (4,235 sf) of off-site public use space.
The proposed public use space must be easily and readily accessible to the general public and used for public enjoyment.
 - b. Streetscape
The Applicant shall provide the full streetscape improvements along the Blair Mill Road and Newell Street frontages using the *Silver Spring Streetscape (April 1992)* Technical Manual. The following elements are proposed: brick pavers, street trees, lighting, and any other details that are necessary, including the undergrounding of utilities, to fulfill the Silver Spring streetscape standards.
 - c. Public Art
An art-inspired pergola that defines the space between the curvilinear walk and the eastern front of the building in the public use space shall be provided. The space defining art element shall visually link and integrate the path, landscaping and proposed building.
3. Landscaping
The street trees on east side of Blair Mill Road shall be aligned with the street trees on the west side of Blair Mill Road (site plan 820060140) starting from the intersection with East-West Highway.
4. Lighting
 - a. Provide a lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for residential development.
 - b. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting adjacent residential properties.
 - c. The up-lighting for the vertical art components shall be allowed lateral flexibility within a foot of the approved site plans to permit final movement, location and design of the art element.

5. Recreation Facilities

- a. The Applicant shall provide (8) picnic/seating areas, a bike and pedestrian system in accordance with the M-NCPPC Recreation Guidelines.
- b. The Applicant shall revise the Recreation Calculations to provide facilities and amenities within the building or take credit for immediately adjacent public facilities in Acorn Park.

6. Moderately Priced Dwelling Units

- a. The Applicant shall provide 12 Moderately Priced Dwelling Units (12.5% of the total number of units) within the building, consistent with Chapter 25A.
- b. The MPDU agreement shall be executed prior to the issuance of the first building permit.

7. Transportation

The applicant shall comply with the following condition of approval from M-NCPPC-Transportation Planning:

The Applicant shall enter into a Traffic Mitigation Agreement with the Montgomery County Planning Board and Montgomery County Department of Public Works and Transportation (DPW&T) to participate in the Silver Spring Transportation Management District. The Traffic Mitigation Agreement shall be signed and executed prior to issuance of the building permit.

8. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated September 20, 2005.

9. Maintenance Responsibility

Initially, the applicant, and subsequently, within ninety days of formation, the Condominium Association shall become a member and enter into an agreement with the Silver Spring Urban District for the purpose of maintaining the on-site public open spaces, including the public art, seating areas, landscaping and lighting and participating in community events.

10. Common Open Space Covenant

Record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to M-NCPPC staff prior to issuance of the final use and occupancy permit that Applicant's recorded Condominium Association Documents incorporate by reference the Covenant. The final use and occupancy permit shall be provided to the M-NCPPC.

11. Development Program

Applicant shall construct the proposed development in accordance with the Development Program. The Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of the certified site plan. The Development Program shall include a phasing schedule as follows:

- a. All site features associated with the proposed building as shown on the site plan dated February 27, 2006, shall be installed as construction of the proposed building is completed, but no later than six months after the issuance of the first

use and occupancy permit. Applicant shall provide the use and occupancy permit to Site Plan Enforcement staff in order to inspect the site for streetscape within the street rights-of-way, including the street trees, street lights and pavers, as well as construction of the public art, on-site landscaping, lighting, recreation and paver materials.

- b. Street tree planting shall progress as street construction is completed, but no later than six months after the issuance of the first use and occupancy permit.
- c. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
- d. Phasing of dedications, stormwater management, sediment/erosion control, public use space, streetscape, recreation, community paths, trip mitigation or other features.

12. Clearing and Grading

No clearing or grading prior to M-NCPPC approval of the certified plans.

13. Certified Site Plan

Prior to signature set approval of certified site plans the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Development program, inspection schedule, revised recreation calculations and Site Plan Opinion.
- b. Limits of disturbance.
- c. Methods and locations of tree protection.
- d. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.

BE IT FURTHER RESOLVED, that all site development elements shown on 1200 Blair Mill Road plans stamped by the M-NCPPC on February 27, 2006, shall be required except as modified by the above conditions of approval; and

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

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference, and other evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board FINDS, based on uncontested evidence of record, that:

1. *The Site Plan is consistent with an approved project plan for the optional method of development.*

If amended in accordance with recommended conditions, the proposed development is consistent with the approved Project Plan (920060010) in land use, density, location, and building height and development guidelines.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

The Site Plan meets all of the requirements of the CBD-1 Zone as demonstrated in the project Data Table below.

SITE PLAN DATA TABLE (CBD-1)

	Development Standard Approved by the Board and Binding on The Applicant
Gross Tract Area (sf.):	33,747
Previous Dedication (sf.):	13,650
Proposed Dedication (sf.):	<u>2,326</u>
Net Lot Area (sf.):	17,771
Floor Area Ratio (FAR):	4.51
Dwelling Units Per Acre:	124
Unit Mix:	
Residential Uses (Mkt. Rate)	
Studio Units	7
1 BR Units	29
1 BR + Den Units	8
2 BR Units	39
2 BR + Den Units	0
3 BR	1
Residential Uses (MPDUs)	
Studio Units	1
1 BR Units	6
1 BR + Den Units	0
2 BR	5
2 BR + Den	0
Total Number of Units:	96

	Development Standard Approved by the Board and Binding on The Applicant
<hr/>	
Public Use Space (%/ sf.):	
On-site Public Use Space	(25.1%) 4,460
Off-site Public Use Space	<u>(25.2%) 4,470</u>
Total Public Use Space	(50.3%) 8,930
Max. Building Height (ft.):	90 (Measured from Newell Street)
Number of Floors:	9 stories
Setbacks (ft.):	0 provided along Blair Mill Road
	0 provided along Newell Street
	0 provided along west property line
	53 feet from East-West Highway truncation
Total Base Parking Spaces Required: (Based upon unit mix proposed)	124
Parking Credits (59-E-3.3)	
10% for CBD 123 x .10	12
5% for <1600' to metro 123 x .05	6
Total Parking Requirement after Credits:	106
Total Parking Provided:	46*
Loading	(Incl. 2 HC) 1 sp.

*Site is located in Parking Lot District; therefore the total requirement does not need to be accommodated on-site.

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

a. Buildings and Structures

The proposed building is a rectangular structure that defines the western edge of the property, while creating an open space in the front of the building that directly corresponds to the adjacent Acorn Park. The building is proposed as a 9-story, 90-foot tall building, with amenity space on the first floor that is directed toward East-West Highway. The residential lobby entrance to the building is located on Blair Mill Road, placing more emphasis on the public green space.

The 9-story building is equipped with two levels of underground parking accommodating 46 parking spaces. The maximum 90-foot building height is measured from the southwest corner of the site directly off of Newell Street.

The location of the proposed building is adequate, safe and efficient and does not adversely affect the surrounding development.

b. Open Spaces

The project plan is providing 25.1 percent (4,460 sf) on-site public use space and 25.2 percent (4,470 sf) off-site public use space for a total of 50.3 percent. The minimum on-site public use space requirement is 20 percent, which is being significantly increased with this proposal, and the combined on and off-site public use space is higher than the standard percentage of public use space within the Silver Spring CBD of 46-48 percent. The on-site public use space consists of a lawn area and integrated pathways with benches and the art columns, designed as a foreground to the building. The public use area contains many elements that are unified by paving patterns, plant materials, seating areas, vertical elements and the public art.

The off-site public use space is comprised of the streetscape improvements within the rights-of-way of Blair Mill Road, Newell Street and East-West Highway.

The proposed stormwater management concept consists of (1) on-site water quality and recharge control via grass swales, dry swales, a modified dry swale, drywells and a surface sand filter. Channel protection

volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

c. Landscaping and Lighting

The proposed landscaping on the site consists of foundation planting along the east side of the proposed building, separated by the internal path connection and art columns. The planting consists of shrub masses with ornamental deciduous trees. The entire public use area that contains the lawn area, planting, benches and walkways is situated over the top of the structured garage and contains a minimum soil depth of three feet over the structure for adequate root growth and plant survivability.

The internal flagstone pathways will vary in width while connecting the two public streets and allowing for interaction with the public use space and proposed art elements. Benches are proposed along the outside of the pathways throughout the public use space and oriented to interact with the art.

The public art was envisioned to strike a balance between the mass of the building, that is set in a purely urban environment, to an oasis of green area that invites the public into the space. The transition provides an intimate scale for pedestrian interaction while providing an opportunity for pedestrian movement through the site. The Applicant is proposing eight stainless steel columns with a softly brushed finish. The columns will have an organic quality that resembles the graceful form of lotus columns. The columns are located in strategic areas along the internal flagstone path and vary in height from 12-16 feet, relating to the building mass.

The lighting plan consists of the standard Washington Globe fixtures and decorative bases within the rights-of-way for Blair Mill Road, Newell Street and East-West Highway, in conformance with the Silver Spring Streetscape Standards. The on-site fixtures consist of 42" tall bollards along the stone pathway and up lighting to accent the art columns. Flexibility will be allowed for the placement of the up lighting by the artist to maximize the positive impact to the vertical columns.

d. Recreation

Recreation demand and supply was shown in the recreation calculations table on page 11 of the Staff Report and consists primarily of outdoor picnic/sitting areas and the pedestrian walkways. The recreation amenities are in conformance with the M-NCPPC Recreation Guidelines.

e. Vehicular and Pedestrian Circulation

Vehicular and pedestrian circulation is safe, adequate and efficient.

This site plan encourages the development of active urban streets and improves the quality of the pedestrian environment by providing the enhancement to the streetscape as prescribed in the *Silver Spring Streetscape* (April 1992) Technical Manual, as amended.

East-West Highway is classified as a major highway with four travel lanes and an ultimate right-of-way width of 90 feet between Blair Mill Road and Georgia Avenue. Newell Street is classified as a primary residential street with ultimate right-of-way width of 70 feet, and Blair Mill Road is classified as a Business Street with 70 feet of ultimate right-of-way consistent with the Silver Spring Sector Plan recommendation. The proposed redevelopment dedicated an additional 10 feet on Newell Street, for a total right-of-way width of 52 feet, based upon an agreement to protect Acorn Park. Blair Mill Road did not require additional dedication because the recently approved preliminary plan (120050840, 1200 East-West Highway) allowed for a reduction of 7 feet of the recommended 70-foot right-of-way on the north side of Blair Mill Road. The right-of-way approved for Blair Mill Road totals 63 feet. All of the streetscape improvements, including sidewalks and bike lanes, can be accommodated within the reduced rights-of-way for both roads.

The entrance to the parking garage and loading area is located at the northwestern end of the property with direct access from Blair Mill Road. The parking garage is a 2-level, below-grade structure planned to accommodate 46 parking spaces, including 2 handicapped spaces. Signs indicating traffic circulation in and out of the garage will promote safety for pedestrian activity in the public use space. The intersection located at East-West Highway and Blair Mill Road is signalized and contains pedestrian crosswalks on all approaches. Access to and through the intersection is safe and adequate for pedestrians. The site falls within the Silver Spring Parking Lot District, allowing the Applicant to provide fewer parking spaces on site than normally required.

The streetscape improvements along East-West Highway, Newell Street and Blair Mill Road will facilitate the desire for pedestrian connectivity to the bus and metro station. The full streetscape improvements along East-West Highway will complete a portion of the block all the way to Colesville Road. The street trees and streetlights within the Blair Mill Road right-of-way will be aligned with the adjacent property across Blair Mill Road.

Internal pedestrian circulation consists of the variable width flagstone path connecting the proposed streetscapes of Blair Mill Road and Newell Street.

The Site Plan is proposing a 10-foot, Class I bikeway (off-road, shared-use path) along the west side of East-West Highway, and a Class III bikeway (on-road, bike lanes or signed shared roadway) on both sides of Blair Mill Road, as recommended by the Sector Plan.

The proposed streetscape improvements along Blair Mill Road and Newell Street will promote pedestrian circulation to East-West Highway from Eastern Avenue for the residents of Springwood apartments to the south and west, as well as residents of Shepherd Park in the District. The expanded streetscape improvements along the southwest side of East-West Highway will direct pedestrian circulation to Colesville Road and Georgia Avenue and the associated businesses and restaurants in the downtown corridor.

The Applicant is required to enter into a Traffic Mitigation Agreement with the Montgomery County Planning Board and Montgomery County Department of Public Works and Transportation (DPW&T) to participate in the Silver Spring Transportation Management District. In accordance with the conditions of approval, the Traffic Mitigation Agreement shall be signed and executed prior to release of the building permit.

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

The proposed development is compatible with existing and proposed development within the surrounding area with regard to height, design of the building and public spaces, intensity of the development and operational characteristics.

The proposed residential development is adjacent to the 4-story Spring Garden apartment building to the west, Acorn Park to the south and Blair East high-rise apartment building to the north of the recently approved 1200 East West Highway mixed-use 143-foot high-rise development across Blair Mill Road. The 60-foot-tall Silver Spring Square (The Silverton) condominium and the 15-story (143-foot) Bennington apartment buildings are located across East-West Highway from the proposed development. These buildings are in the final stages of construction. The 143-foot Silver Spring Gateway project is located next to the Silverton and will be starting construction soon. The Discovery

Communications Creative Technology Center (height 60 feet) is located across Newell Street on East West Highway. The proposed building height is 90 feet. The varying heights from 60 to 143 feet on these existing and proposed buildings provides for a compatible relationship. The subject development meets the intent of the Sector Plan and the Montgomery County Zoning Ordinance in terms of height and massing, and will not adversely affect the surrounding properties, the streetscape or the adequacy of providing light and air.

The proposed 90-foot building height is permitted in the CBD-1 Zone and is not subject to the Ripley/South Silver Spring Overlay Zone.

The public use space proposed at the front of the building along East-West Highway frames the entire intersection providing a unified relationship with the surrounding properties. The massing of the building is compatible with the surrounding proposed and existing residential buildings and fills in a long-term gap in the urban building fabric along East-West Highway. The building and open space at the apex of the site complete and define the intersection of Blair Mill Road, Newell Street and East-West Highway.

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

The development is exempt from the requirements of forest conservation from Environmental Planning Division by letter dated July 26, 2005. The property falls under a small property exemption; whereby, activity occurring on the site is less than 1.5 acres and no existing forest in excess of 10,000 square feet is being removed. The site contains no wooded areas.

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

BE IT FURTHER RESOLVED, that the date of this written opinion is JUL 17 2006 (which is the date that this opinion is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of

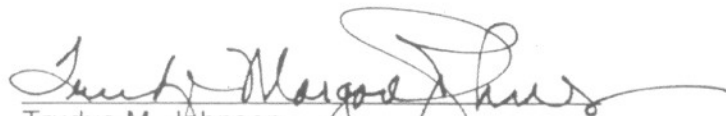
administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules of Court – State).

* * * * *

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Bryant, seconded by Commissioner Wellington, with Commissioners Berlage, Bryant, Wellington and Robinson voting in favor of the motion, with Commissioner Perdue absent, at its regular meeting held on Thursday, June 22, in Silver Spring, Maryland.

Adopted by the Montgomery County Planning Board this 22nd day of June, 2006.


Derick P. Berlage
Chair, Montgomery County Planning Board


Trudye M. Johnson
Executive Director

DPB:TMJ:mm:rak

[Faint, illegible text]

PLAT NO. 220062440

George A. Davis Subdivision (Preliminary Plan: George A. Davis Subdivision)
Located on Newport Mill Road, approximately 2000 feet southwest of Veirs Mill Road
R-60 zone, 3 lots
Community Water, Community Sewer
Master Plan Area: Kensington Wheaton
PBC, LLC, Applicant

These record plats have been reviewed by MNCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that these plats comply with Preliminary Plan No. 120060130, 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: George A Davis Sub. Plan Number: ~~220062440~~ 220060130
 Plat Name: George A Davis Sub. Plat Number: 220062440
 Plat Submission Date: 6/30/06
 DRD Plat Reviewer: PW
 DRD Prelim Plan Reviewer: Dolores Kinney

Initial DRD Review:

Signed Preliminary Plan - Date 6/1/06 Checked: Initial DMK Date 8/3/06
 Planning Board Opinion - Date 3/6/06 Checked: Initial TA Date 9/14/06
 Site Plan Req'd for Development? Yes No Verified By: CBC (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 NA Adjoining Land Vicinity Map Septic/Wells NA
 TDR note NA Child Lot note NA Surveyor Cert Owner Cert Tax Map

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	A. Lindsey	7/18/06	8/4/06	7/19/06	take off note #3
Research	Bobby Fleury	↓	↓	7/19/06	
SHA	Doug Mills	↓	↓	NC	NC
PEPCO	Jose Washington	↓	↓	NC	OK
Parks	Doug Powell	↓	↓	NC	NC
DRD	Steve Smith	↓	↓	8/4/06	OK

Final DRD Review:

DRD Review Complete: Initial TA Date 9/14/06
 (All comments rec'd and incorporated into mark-up)
 Engineer Notified (Pick up Mark-up): Initial TA Date 8/4/06
 Final Mylar w/Mark-up & PDF Rec'd: Initial TA Date 9/13/06
Board Approval of Plat:
 Plat Agenda: Initial TA Date 10/9/06
 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 CERTIFICATION

The undersigned, owners of the property shown hereon, hereby adopt this plan of subdivision, grant a Public Utilities Easements shown hereon as (10' P.U.E.) to the parties named in a document entitled "Terms and Provisions of Public Utility Easements" as recorded in Liber 3834 at Folio 314 among the Land Records of Montgomery County, Maryland, subject to the terms set forth therein. The owners 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(e) of the Montgomery County Code.

There are no suits, liens, mortgages, or trusts, affecting the property included in this plat of subdivision. Except for a specific mortgage, and the party in interest thereto has hereon indicated their assent.

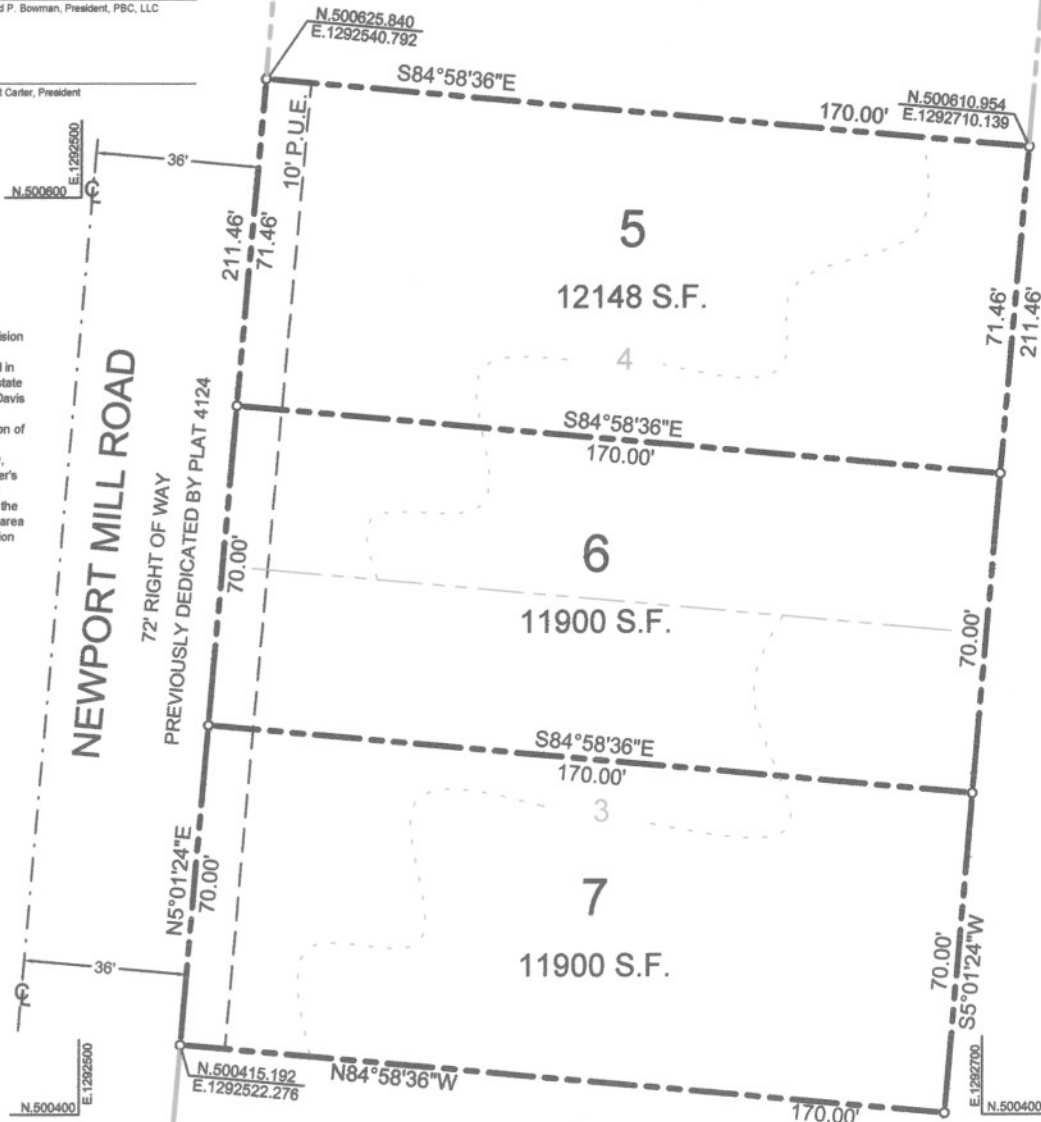
WITNESS	Date	David P. Bowman, President, PBC, LLC
For 1st Mariner Bank:		
WITNESS	Date	Brett Carler, President

SURVEYOR'S CERTIFICATION

I hereby certify that the plat shown hereon is correct; that it is a subdivision of the land described in a deed from Budd Rubin, Jeffrey Rubin and Charles Kahanov to PBC, LLC dated February 25, 2005, and recorded in Liber 29462 at Folio 433, and the land described in a deed from the Estate of Edward Morse Davis, David Richard Davis, Jr. and Joan Vaughan Davis to PBC, LLC, a Maryland Limited Liability Company dated February 8, 2005 and recorded in Liber 29306 at Folio 715, it is also a resubdivision of Lots 3 & 4, "George A. Davis Subdivision" as per plat recorded in Plat Book 66, Plat 5986, all among the land records of Montgomery County, Maryland. I further certify that, once engaged as described in the owner's certification hereon, all monuments and all property markers and other boundary markers will be set as delineated hereon in accordance with the provisions of Section 50-24(e) of Montgomery County Code. The total area included on this plat is 35,948 Square Feet of land, there is no dedication to public use.

Thomas A. Maddox - Date
Registered Professional Land Surveyor
MD #10850

PLAT TOTALS	
NUMBER OF LOTS	3
AREA OF LOTS	35,948 s.f.
AREA OF DEDICATION	0.000 s.f.
TOTAL AREA SHOWN ON PLAT	35,948 s.f.



PLAT NO.



VICINITY MAP
1" = 2000'

NOTES

- PROPERTY ZONED R-60 AT DATE OF RECORDATION. ALL EXISTING AND PROPOSED DEVELOPMENT ON THIS PROPERTY IS SUBJECT TO THE STANDARDS UNDER MONTGOMERY COUNTY ZONING.
- LOTS TO BE SERVED BY PUBLIC WATER AND SEWER. EXISTING SEWER AND WATER CATEGORIES: S-1, W-1.
- THE PROPERTY SHOWN HEREON IS EXEMPT FROM THE REQUIREMENTS OF THE MONTGOMERY COUNTY FOREST CONSERVATION LAW, EXEMPTION #4-05322E, DATED 8/21/05.
- ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS, AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAN, SITE PLAN, PROJECT PLAN, OR OTHER PLAN, ALLOWING DEVELOPMENT OF THIS PROPERTY, APPROVED BY THE MONTGOMERY COUNTY PLANNING BOARD ARE INTENDED TO SURVIVE AND NOT BE EXTINGUISHED BY THE RECORDATION OF THIS PLAT. THE OFFICIAL PUBLIC FILES FOR ANY SUCH PLAN ARE MAINTAINED BY THE PLANNING BOARD AND ARE AVAILABLE FOR PUBLIC VIEWING DURING NORMAL BUSINESS HOURS.
- THIS PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING OR RESTRICTING THE OWNERSHIP AND USE OF THE PROPERTY. THIS PLAT IS NOT INTENDED TO REPLACE AN EXAMINATION OF TITLE OR TO DEPECT OR NOTE ALL MATTERS AFFECTING TITLE.
- PROPERTY FOUND ON MONTGOMERY COUNTY TAX MAP HQ51 W5.S.C. 214NW03.
- THE LOTS SHOWN HEREON ARE LIMITED TO THE USES AND CONDITIONS OF PRELIMINARY PLAN # 120060130 ENTITLED "GEORGE A. DAVIS SUBDIVISION".

PLAT OF SUBDIVISION
LOTS 5, 6, & 7
GEORGE A. DAVIS
SUBDIVISION
A RESUBDIVISION OF LOTS 3 & 4
ELECTION DISTRICT 2
MONTGOMERY COUNTY, MARYLAND
SCALE 1" = 20' JUNE 2008

THOMAS A. MADDOX
PROFESSIONAL LAND SURVEYOR
8838 SHADY GROVE COURT
GAITHERSBURG, MARYLAND 20877
(301) 964-6804

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION MONTGOMERY COUNTY PLANNING BOARD APPROVED _____ CHAIRMAN ASST.-SECRETARY-TREASURER M.N.C.P. & P.C. RECORD FILE NO.	MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES APPROVED _____ DATE _____ DIRECTOR	RECORDED _____ DATE _____
---	--	---------------------------------

Plan No.	21-06
Scale	1" = 30'
Date	Aug. 2005
Author	
Checker	
Reviewer	
Recorder	
Plotter	



date: Aug. 2005
scale: 1" = 30'

Planning & Associates, Inc.
1813 North Green Court
Chesapeake, MD 20767
(410) 541-0100



PRELIMINARY PLAN
GEORGE A. DAVIS SUBDIVISION
(RESUBDIVISION OF LOTS 3 AND 4)
Montgomery County, Maryland



- NOTES:**
1. AREA OF PROPERTY - 35,948 SF
 2. EXISTING ZONING - R-60
 3. NUMBER OF LOTS SHOWN - 3
 4. AVERAGE LOT SIZE SHOWN - 11,983 SF
 5. SITE TO BE SERVED BY PUBLIC SEWER & WATER
 6. EXISTING SEWER & WATER SERVICE CATEGORIES: S-1, W-1
 7. LOCATED IN ROCK CREEK WATERSHED
 8. DEVELOPMENT STANDARDS:
Frontyards - 25' (Subject to established building line setback)
Sidelawns - 15' total, 8' min
Rearyards - 20'
Minimum Lot size - 8,000 sf
 9. PROPERTY LOCATED ON TAX MAP HQ51; W88C GRID SHEET 214NW03
 10. UTILITIES TO BE PROVIDED BY: Washington Gas, Verizon, PEPSCO

Marked National Control
Title and Planning Commission
Approved Preliminary Subdivision Plan No. 13000130 (Formerly J-0017)
For Planning Board Public Hearing dated 02/28/05 at the meeting of 02/28/05
Approved, subject to the following conditions:
Preliminary Subdivision Plan No. 13000130 (Formerly P1-0013) in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 05, the Planning Board approves Preliminary Plan No. 13000130 (Formerly P1-0013), subject to the following conditions:
1) Approved under this preliminary plan is limited to three (3) residential lots.
2) Compliance with conditions of MCOPTW letter dated December 15, 2004, unless otherwise amended.
3) Compliance with the conditions of approval of the MCOPTW stormwater management approval dated November 16, 2004.
4) There shall be no disturbance of trees and other vegetation on adjacent parkland and no grading onto parkland.
5) Contracts of sale for new houses shall include notice to buyers of the existence of adjacent local park and the active recreation facilities thereon, including notice of the possibility of future improvements to the park.
6) Prior to the issuance of house demolition permits for the existing building or building permits for the new houses, applicant shall provide specific tree protection plans for the affected trees on each of the lots.
7) The existing building shall not be demolished without an architect's report and an approved Tree Care Plan.
8) Other necessary easements.
This Preliminary Plan will remain valid for 30 months from its Issuance Date (as defined in Montgomery County Code Section 05-29(a)) 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.
Carole A. Cole
Development Services Division
6-1-06
Date

P334
M.N.C.P. & P.C.
NEWPORT MILL PARK
9.34 Ac.

Note:
Boundary and locust-foot contour
Inferred topographic survey
prepared by Thomas A. Shelton,
Professional Land Surveyor dated
May 2004.

BOUNDARY CERTIFICATION:
I hereby certify that the boundary shown herein is correct to my best knowledge based upon available records and visual observations.
Signature: *Thomas A. Shelton*
Date: _____



PREPARED FOR:
PBC, LLC
c/o Pat Bowman
5016 SUNFLOWER DRIVE
ROCKVILLE, MARYLAND 20853
301-871-1482

M-NCPCC

**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-493-4500, www.mncppc.org**Board Approval Date: Jan. 26, 2006****Date Mailed:** MAR 06 2006**Action:** Approved Staff Recommendation
Motion of Commissioner Bryant, 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 #120060130 (formerly #1-06013) (Resubdivision)
NAME OF PLAN: George A. Davis

The date of this written opinion is MAR 06 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 August 3, 2005, PBC, LLC ("Applicant") submitted an application for the approval of a preliminary plan of subdivision of property in the R-60 zone. The application proposed to create 3 lots on 0.83 acres of land located on the southeast side of Newport Mill Road, approximately 200 feet south of the intersection with Stark Street, northwest of Newport Mill Park, in the Kensington/Wheaton Master Plan ("Property" or "Subject Property"). The application was designated Preliminary Plan #120060130 (formerly #1-06013) ("Preliminary Plan"). On January 26, 2006, the Preliminary Plan 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.

George A. Davis
Preliminary Plan #120060130 (formerly #1-06013) (Resubdivision)
Page 2

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. SITE AND PROJECT DESCRIPTION

The Subject Property consists of two previously recorded lots, Lots 3 and 4, in the George A. Davis Subdivision, which was recorded in 1960. The Subject Property is located on the southeast side of Newport Mill Road, approximately 200 feet south of the intersection with Stark Street, northwest of Newport Mill Park. Newport Mill Park is a local park of approximately 11 acres containing a picnic area, playground and two (2) ballfields. The property contains 35,948 square feet of land and is zoned R-60. Two one-family detached residential dwelling units currently exist on the Subject Property and will be removed.

This Application proposes to create three (3) residential lots for the construction of three one-family detached dwelling units (proposed Lots 5, 6, and 7). Two dwellings, which currently exist on the Property, will be removed. Access to the Subject Property will be directly from Newport Mill Road.

III. DISCUSSION OF ISSUES

A. Conformance to the Master Plan

The Kensington/Wheaton 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 low-to-medium density residential character. The proposed resubdivision complies with the recommendations adopted in the master plan in that it is a request for residential development.

George A. Davis
Preliminary Plan #120060130 (formerly #1-06013) (Resubdivision)
Page 3

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

1. Statutory Review Criteria

In order to approve an application for resubdivision, the Planning Board must find that the proposed lots comply 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.

2. Neighborhood Delineation

In administering the Resubdivision section, the Planning Board must determine the appropriate "neighborhood" for evaluating the application. For this application, the Applicant proposed a neighborhood consisting of 10 lots. The neighborhood includes the adjacent lot to the north, and all lots on the opposite side of Newport Mill Road in the same block as the Subject Property ("Neighborhood"). Staff concluded that the Neighborhood provided an adequate sample of the lot and development pattern of the area.

In performing its analysis, Staff applied the above-noted resubdivision criteria to the Neighborhood. Staff concluded that the Property falls within the neighborhood ranges for the resubdivision criteria and is of the same character with respect to the resubdivision criteria as other lots within the defined Neighborhood. Therefore, Staff advised the Board that the proposed resubdivision complies with the criteria of Section 50-2(b)(2) as more specifically detailed in its tabular summary of the lots' characteristics (attached to the staff report).

SUMMARY OF TESTIMONY AND EVIDENCE IN RECORD

Staff recommended approval of the Application in its memorandum dated December 30, 2005 ("Staff Report"). Staff presented its findings consistent with the Staff Report at the public hearing. Staff testified regarding a letter received from a representative of Kingdom Hall of Jehovah's Witnesses,¹ the property owner of record for Lot 1. The Kingdom Hall property is located immediately north of the Subject Property. The letter expressed two concerns: (1) management of storm water runoff

¹ Letter from Richard A. Reynolds for Operating Committee, Kingdom Hall of Jehovah's Witnesses, dated August 24, 2006.

George A. Davis
Preliminary Plan #120060130 (formerly #1-06013) (Resubdivision)
Page 4

from the proposed lots; and (2) whether a privacy fence or barrier would be erected between the two properties. Staff responded to the letter explaining that preliminary plan review includes evaluation and approval of a stormwater management concept by the Department of Permitting Services (DPS) and that DPS attempts to mitigate negative impacts on adjacent properties. In reference to the privacy fence, Staff also explained that there are no subdivision regulations, which would require a privacy fence or barrier between the properties.²

The Applicant appeared at the hearing and expressed its concurrence with the Staff Report as conditioned.

The Board questioned Staff and the Applicant about the issue of the fence at the public hearing. Staff testified that no fence was required between the two properties according to the subdivision regulations. Staff indicated its understanding that an existing wooden fence currently separated the two properties. The Board questioned Applicant and Staff regarding ownership of the existing fence. The Applicant testified that the existing fence was consistent with and likely belonged to the Kingdom Hall of Jehovah's Witnesses property. The Applicant indicated that it was willing to work with the Kingdom Hall property owners regarding the type of fence they sought between the two properties.

No other speakers testified at the public hearing.

FINDINGS

Having given full consideration to the recommendations of its Staff; the recommendations of the applicable public agencies³; the Applicant's position; and other evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, based upon the uncontested evidence of record, the Montgomery County Planning Board:

- a) Finds, pursuant to MONTGOMERY COUNTY CODE § 50-35(l), that the Preliminary Plan No. 120060130 (formerly 1-06013) substantially conforms to Kensington-Wheaton master plan.
- b) Finds, pursuant to MONTGOMERY COUNTY CODE § 50-35(k), that public facilities will be adequate to support and service the area of the proposed subdivision.

² Letter from Delores Kinney, Development Review Division, dated January 6, 2006.

³ 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.

George A. Davis
Preliminary Plan #120060130 (formerly #1-06013) (Resubdivision)
Page 5

- c) Finds, pursuant to MONTGOMERY COUNTY CODE § 50-29(a)(1), that the size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.
- d) Finds 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) Finds 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) Finds, pursuant to MONTGOMERY COUNTY CODE § 50-29(b)(2), that the neighborhood delineation as recommended by staff is appropriate for comparing the proposed lots, and further finds that the proposed lots are of the same character as to street frontage, alignment, size, shape, width, area and suitability for residential use as other lots within the existing neighborhood, as analyzed below:

Frontage: In a neighborhood of 10 lots, lot frontages range from 60 feet to 201 feet. The proposed Lot 5 has a lot frontage of 71.46 feet; proposed lots 6 and 7 have frontages of 70 feet. Therefore, the Board finds that the proposed lots will be consistent in character with other lots in the neighborhood with respect to frontage.

Alignment: There are two (2) corner lots in the neighborhood and eight (8) perpendicular lots in the neighborhood. The proposed lots are also perpendicular lots; therefore, the Board finds that the proposed lots will be of the same character with respect to alignment as existing lots in the neighborhood.

Size: The lot sizes in the delineated neighborhood range from 7,137 square feet to 22,663 square feet. The proposed Lot 5 will have a lot size of 12,148 square feet and proposed Lots 6 and 7 both have lot sizes of 11,900 square feet. Therefore, the Board finds that the lot size of the proposed lot will be of the same character as the existing lots in the neighborhood.

Shape: All of the existing lots in the neighborhood are rectangular lots; the proposed lots are also rectangular in shape. Thus, the board finds that the proposed lots will be consistent in character with the existing lots in the neighborhood.

George A. Davis
Preliminary Plan #120060130 (formerly #1-06013) (Resubdivision)
Page 6

Width: The lot widths in the existing neighborhood range from 60 feet to 164 feet, with the majority being 60 to 65 feet in width. The proposed Lot 5 will have a lot width of 71.46 feet and proposed Lots 6 and 7 will have lot widths of 70 feet each. The Board finds that the proposed lots will be of the same character with respect to width as other lots in the neighborhood.

Area: Lot areas in the neighborhood range from 2,679 square feet to 14,414 square feet, with the majority of lots consisting of between 3,000 and 4,000 square feet in area. The proposed Lot 5 has an area of 4,811 square feet and proposed Lots 6 and 7 have areas of 4,680 square feet. Therefore, the Board finds that the proposed lots will be consistent in character with the existing lots in the neighborhood with respect to area.

Suitability: The existing lots and the proposed lots are residential in use.

- g) Finds that the issue of the fence is not governed by the Subdivision Regulations and thus beyond the scope of the Board's action on this plan, and that any future objection, which may be raised concerning a substantive issue in this application, is waived.

CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 120060130 (formerly #1-06013) in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 120060130 (formerly #1-06013), subject to the following conditions:

- 1) Approval under this preliminary plan is limited to three (3) residential lots.
- 2) Compliance with conditions of MCDPWT letter dated, December 15, 2005, unless otherwise amended.
- 3) Compliance with the conditions of approval of the MCDPS stormwater management approval dated November 15, 2005.
- 4) There shall be no disturbance of trees and other vegetation on adjacent parkland and no grading onto parkland.
- 5) Contracts of sale for new houses shall include notice to buyers of the existence of adjacent local park and the active recreation facilities thereon, including notice of the possibility of future improvements to the park.

George A. Davis
Preliminary Plan #120060130 (formerly #1-06013) (Resubdivision)
Page 7

- 6) Prior to the issuance of house demolition permit for the existing dwelling or building permits for the new houses, applicant shall provide specifics of tree protection planned for the affected trees on and off-site.
- 7) The existing dwelling should not be demolished without an arborist's report and an approved Tree Save Plan.
- 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.

* * * * *

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

WJ 2/16/06
 Approved for legal sufficiency
 M-NOPPC Office of General Counsel

George A. Davis
Preliminary Plan 120060130 (formerly #1-06013) (Resubdivision)
Page 8

CERTIFICATION OF BOARD ADOPTION OF OPINION

At its regular meeting, held on **Thursday, February 23, 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 120060130 (formerly #1-06013) Resubdivision, George A. Davis property.**



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

PLAT NO. 220070020- 220070030

Seneca Landing (Preliminary Plan: Lawson Property)

Located on Ganley Road, approximately 800 feet northeast of Barnesville Road

RE-2 zone, 7 lots

Private Well, Private Septic

Master Plan Area: Boyds

Lawson/Ganley Property, LLC, Applicant

These record plats have been reviewed by MNCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that these plats comply with Preliminary Plan No. 170060530, 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: Seneca Landing/Lawson Property Plan Number: 120060530
 Plat Name: Seneca Landing 192 Plat Number: 220070020
 Plat Submission Date: 7/18/06
 DRD Plat Reviewer: pw
 DRD Prelim Plan Reviewer: C. Coulton

Initial DRD Review:

Signed Preliminary Plan - Date 6/1/06 Checked: Initial CAE Date 9/1/06
 Planning Board Opinion - Date 4/26/06 Checked: Initial pw Date 8/3/06
 Site Plan Req'd for Development? Yes No Verified By: pw (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
 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>J. Penn</u>	<u>7/18/06</u>	<u>8/4/06</u>		
Research	<u>Bobby Fleury</u>			<u>7/19/06</u>	<u>OK</u>
SHA	<u>Doug Mills</u>			<u>NC</u>	<u>NC</u>
PEPCO	<u>Jose Washington</u>			<u>NC</u>	<u>OK</u>
Parks	<u>Doug Powell</u>			<u>NC</u>	<u>NC</u>
DRD	<u>Steve Smith</u>			<u>8/24/06</u>	<u>See plat</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	Date
<u>TA</u>	<u>9/14/06</u>
<u>TA</u>	<u>9/8/06</u>
<u>TA</u>	<u>9/14/06</u>

Board Approval of Plat:

Plat Agenda: TA 10/9/06

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. _____

NOTES

1. This property is shown on Tax Map DU 53 as Parcels 355, 508, 617 and 668 and is Zoned RE-2.
2. This plan is limited to the uses and conditions as required by Preliminary Plan No. 120060530 Entitled LAWSON PROPERTY, as approved on January 5, 2006. Any proposed changes in use will require further Montgomery County Planning Board review and approval.
3. All terms, conditions, agreements, limitations, and requirements associated with any preliminary plan, site plan, project plan or other plan, allowing development of this property and approved by The Montgomery County Planning Board are intended to survive and not be extinguished by the recordation of this plat unless expressly contemplated by the plan as approved. The official public files for any such plan are maintained by the Montgomery County Planning Board and are available for public review during normal business hours.
4. The Subdivision Record Plat is not intended to show every matter affecting the ownership and use, nor every matter restricting the ownership and use, of this property. The Subdivision Record Plat is not intended to replace an examination of title or to depict or note all matters affecting title.
5. This property is served by private water and private sewer systems.
6. The property shown hereon is subject to the requirements of the Chapter 22A, Montgomery County Forest Conservation Law. Forest conservation requirements are being met through dedication of Category I Conservation Easements.
7. Septic Building Restriction Lines (S.B.R.L.) are subject to change upon approval by the Montgomery County Department of Permitting Services Well and Septic Section.
8. Septic areas are approved for a maximum of a 5 (five) bedroom house.
9. The property shown hereon is subject to a "Declaration of Covenants for Road Improvements" recorded among the Land Records of Montgomery County, Maryland in Liber 32890 of Folio 321.

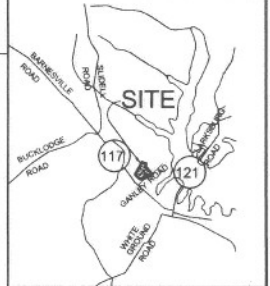
PLAT No.

SURVEYOR'S CERTIFICATE

I hereby certify to the best of my professional knowledge, information and belief, that the plat shown hereon is correct; that it is a subdivision of part of the land conveyed by JAMES J. LAWSON REVOCABLE TRUST to LAWSON/GANLEY PROPERTY, LLC, by deed dated May 12, 2006 and recorded among the land records of Montgomery County, Maryland in Liber 32349 at Folio 267; that, once engaged as described in the owner's certificate hereon, all property markers and other boundary markers shown thus  will be set as delineated hereon in accordance with the provisions of Section 50-24(e) (2) of the Montgomery County Code.

September 14, 2006
Date

Donald F. Remmers
Donald F. Remmers
Professional Land Surveyor
Maryland Registration No. 10888

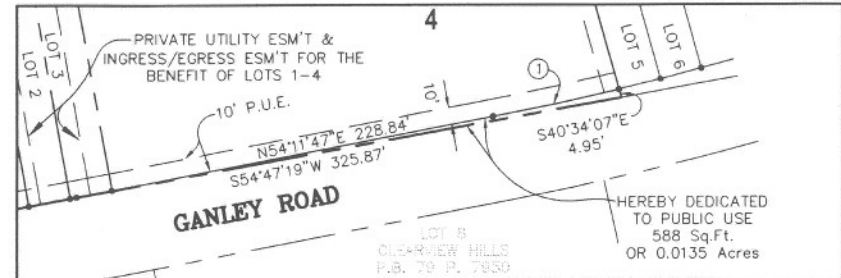
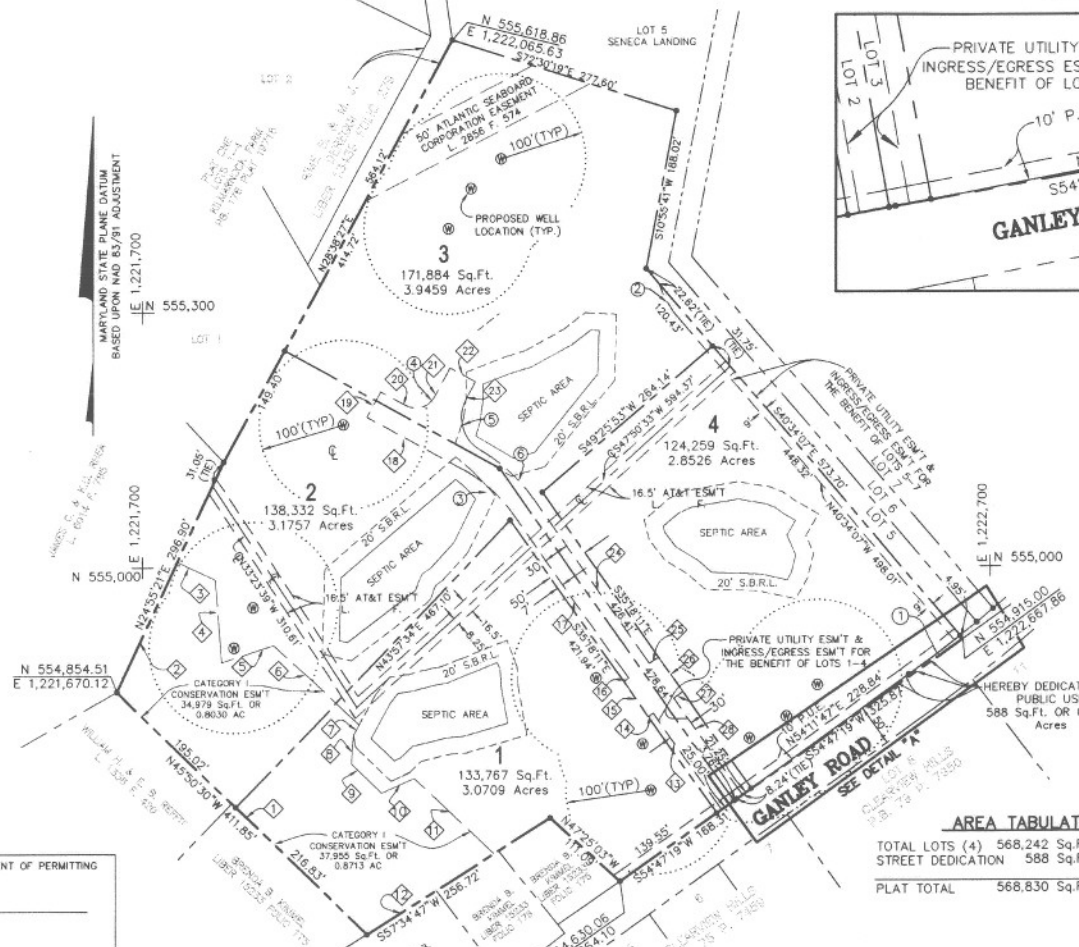


FOREST CONSERVATION AREA TABULATION

LOT #1	37,955 Sq. Ft. OR 0.8713 Acres
LOT #2	34,979 Sq. Ft. OR 0.8030 Acres
PLAT TOTAL	72,934 Sq. Ft. OR 1.6743 Acres

VICINITY MAP
SCALE: 1"=2000'

LINE TABLE	BEARING	LENGTH
1	N45°50'30"W	411.85'
2	N24°55'21"E	167.97'
3	S65°04'39"E	49.58'
4	S04°18'57"E	96.90'
5	N71°42'09"E	63.96'
6	S47°37'42"E	138.50'
7	N28°27'11"E	13.86'
8	S04°18'17"W	34.10'
9	N45°47'20"W	49.48'
10	N65°47'01"E	42.07'
11	S46°32'54"E	130.50'
12	S57°34'47"W	177.72'
13	S35°18'11"E	140.03'
14	S54°47'19"W	7.00'
15	N35°18'11"W	50.00'
16	N54°47'19"E	7.00'
17	S35°18'11"E	236.00'
18	S61°21'33"E	131.84'
19	N28°38'27"E	34.00'
20	S61°21'33"E	33.50'
21	N28°38'27"E	38.98'
22	S61°21'33"E	34.00'
23	S28°38'27"W	23.04'
24	S35°18'11"E	236.05'
25	N54°47'19"E	13.00'
26	S35°18'11"E	50.00'
27	S54°47'19"W	13.00'
28	S35°18'11"E	139.91'



DETAIL "A"
1"=60'

OWNER'S CERTIFICATE

We, LAWSON/GANLEY PROPERTY, LLC, a Maryland Limited Liability Company, owners of the property shown hereon, hereby adopt this plan of subdivision, dedicate the streets to public use, establish the minimum building restriction lines and grant to Montgomery County, Maryland slope easements 20 feet wide across the property adjacent, contiguous and parallel to the public streets, said slope easements shall be extinguished at such time as the public improvements in the abutting street have completed and accepted for maintenance by Montgomery County Maryland. Further, we hereby grant a "Public Utility Easement, designated hereon as "P.U.E.", to those parties named in the document entitled "Declaration of Terms and Provisions of Public Utility Easement" and recorded among the land records of Montgomery County, Maryland in Liber 3834 at Folio 457, said terms and provisions being incorporated herein by this reference. Further, we hereby establish a Ingress/ Egress and Private Utility Easement as shown hereon for the benefit of Lots as noted hereon. Further, we hereby establish the Category I Conservation Easements as shown and designated hereon as Category I Conservation Easement, subject to the terms and conditions as set forth in a certain document entitled "Conservation Easement Agreement Category I" and recorded among the aforesaid Land Records of Montgomery County in Liber 13178 of Folio 412. As owners of this subdivision, we, our successors, agents and assigns will cause all property corner markers and any other required monumentation to be set by a Maryland Registered Surveyor, in accordance with Section 50-24(e) (2) of the Montgomery County Code. There are no recorded suits, actions at law, liens, leases, mortgages or trusts affecting the property included in this plat of subdivision, except a certain deed of trust and the parties and interests thereto have below indicated their assent.

LAWSON/GANLEY PROPERTY, LLC
BY: John D. Petralia, Managing member
Date: 9-14-06
Witness: *[Signature]*
We hereby assent to this plan of subdivision
POTOMAC BANK MARYLAND
Date: 9/14/06
Witness: *[Signature]*

AREA TABULATION

TOTAL LOTS (4)	568,242 Sq.Ft. OR 13.0450 Acres
STREET DEDICATION	588 Sq.Ft. OR 0.0135 Acres
PLAT TOTAL	568,830 Sq.Ft. OR 13.0585 Acres

CURVE TABLE	RADIUS	ARC	DELTA	TANGENT	CHORD BEARING	CHORD
1	1812.21'	75.37'	2°22'59"	37.69'	N53°00'18"E	75.37'
2	131.00'	48.84'	21°21'43"	24.71'	S29°53'15"E	48.56'
3	170.00'	77.31'	26°53'22"	39.34'	N48°19'32"W	76.62'
4	25.00'	39.27'	90°00'00"	25.00'	N73°38'27"E	35.36'
5	45.00'	69.65'	88°40'31"	43.97'	S15°41'48"E	62.90'
6	200.00'	86.33'	24°43'53"	43.85'	N47°40'07"W	85.66'

2-07002
SUBDIVISION RECORD PLAT
LOTS 1, 2, 3 AND 4
SENECA LANDING
CLARKSBURG (2nd) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
SCALE: 1" = 100' JULY, 2006

Patton Harris Rust & Associates, pc
Engineers, Surveyors, Planners, Landscape Architects.
12850 Middlebrook Road, Germantown, MD 20874
T 301.528.4300 F 301.528.0419

MONTGOMERY COUNTY MARYLAND DEPARTMENT OF PERMITTING SERVICES

APPROVED: _____
DIRECTOR

MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MONTGOMERY COUNTY PLANNING BOARD

RECORDED: _____
PLAT NO: _____
CHAIRMAN SECRETARY-TREASURER
M.N.C.P. & P.C. RECORD NO.

RECORD PLAT REVIEW SHEET

Plan Name: Seneca Landing/Lawson Property Plan Number: 120060530
 Plat Name: Seneca Landing 192 Plat Number: 220070030
 Plat Submission Date: 7/18/06
 DRD Plat Reviewer: PW
 DRD Prelim Plan Reviewer: C. Cantor

Initial DRD Review:

Signed Preliminary Plan - Date 6/1/06 Checked: Initial CAE Date 9/1/06
 Planning Board Opinion - Date 4/26/06 Checked: Initial PW Date 8/3/06
 Site Plan Req'd for Development? Yes No Verified By: PW (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 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	J. Penn	7/18/06	8/4/06		
Research	Bobby Fleury			7/19/06	OK
SHA	Doug Mills			NC	NC
PEPCO	Jose Washington			NC	OK
Parks	Doug Powell			NC	NC
DRD	Steve Smith			8/24/06	see plat

Final DRD Review:

DRD Review Complete:	Initial <u>TA</u>	Date <u>9/14/06</u>
(All comments rec'd and incorporated into mark-up)		
Engineer Notified (Pick up Mark-up):	<u>TA</u>	<u>9/8/06</u>
Final Mylar w/Mark-up & PDF Rec'd:	<u>TA</u>	<u>9/14/06</u>
Board Approval of Plat:		
Plat Agenda:	<u>TA</u>	<u>10/9/06</u>
Planning Board Approval:	<u> </u>	<u> </u>
Chairman's Signature:	<u> </u>	<u> </u>
DPS Approval of Plat:		
Engineer Pick-up for DPS Signature:	<u> </u>	<u> </u>
Final Mylar for Reproduction Rec'd:	<u> </u>	<u> </u>
Plat Reproduction:		
Addressing:	<u> </u>	<u> </u>
File Card Update:	<u> </u>	<u> </u>
Final Zoning Book Check:	<u> </u>	<u> </u>
Update Address Books with Plat #:	<u> </u>	<u> </u>
Update Green Books for Resubdivision:	<u> </u>	<u> </u>
Notify Engineer to Seal Plats:	<u> </u>	<u> </u>
Engineer Seal Complete:	<u> </u>	<u> </u>
Complete Reproduction:	<u> </u>	<u> </u>
Sent to Courthouse for Recordation:	<u> </u>	<u> </u>

No.

NOTES

- This property is shown on Tax Map DU 53 as Parcels 355, 508, 617 and 668 and is Zoned RE-2.
- This plan is limited to the uses and conditions as required by Preliminary Plan No. 120060530 Entitled LAWSON PROPERTY, approved on January 5, 2006. Any proposed changes in use will require further Montgomery County Planning Board review and approval. This plan is subject to the limitations and conditions of Preliminary Plan No. 120060530.
- All terms, conditions, agreements, limitations, and requirements associated with any preliminary plan, site plan, project plan or other plan, allowing development of this property and approved by the Montgomery County Planning Board are intended to survive and not be extinguished by the recordation of this plan unless expressly contemplated by the plan as approved. The official public files for any such plan are maintained by the Montgomery County Planning Board and are available for public review during normal business hours.
- The Subdivision Record Plat is not intended to show any matter affecting the ownership and use, nor any matter restricting the ownership and use, of this property. The Subdivision Record Plat is not intended to replace an examination of title or to depict or note all matters affecting title.
- This property is served by private water and private sewer systems.
- The property shown hereon is subject to the requirements of the Chapter 22A Montgomery County Forest Conservation Law. Forest conservation requirements are being met through dedication of Category I Conservation Easements.
- Septic Building Restriction Lines (S.B.R.L.) are subject to change upon approval by the Montgomery County Department of Permitting Services Well and Septic Section.
- Septic areas are approved for a maximum of a 5 (five) bedroom house.
- The property shown hereon is subject to a "Declaration of Covenants for Road Improvements" recorded among the Land Records of Montgomery County, Maryland in Liber 32890 of Folio 321.

CURVE TABLE	CURVE TABLE					
	RADIUS	ARC	DELTA	TANGENT	CHORD BEARING	CHORD
1	1812.21'	25.02'	0°47'27"	12.51'	N51°25'05"E	25.02'
2	1812.21'	25.01'	0°47'26"	12.50'	N50°37'39"E	25.01'
3	1812.21'	146.43'	4°37'46"	73.25'	N47°55'02"E	146.39'
4	1802.21'	16.73'	0°31'54"	8.36'	N45°52'06"E	16.73'
5	114.00'	114.77'	57°40'51"	62.78'	S114°33'42"E	109.98'
6	105.00'	78.89'	43°02'46"	41.41'	N04°24'39"W	77.04'
7	50.00'	78.84'	90°00'00"	50.00'	N70°56'02"W	70.71'
8	95.00'	59.99'	36°10'45"	31.03'	S07°50'39"E	59.00'

FOREST CONSERVATION AREA TABULATION

LOT #5	67,022 Sq. Ft. OR 1.5386 Acres
LOT #6	84,372 Sq. Ft. OR 1.9369 Acres
LOT #7	114,936 Sq. Ft. OR 2.6386 Acres
PLAT TOTAL	266,330 Sq. Ft. OR 6.1141 Acres

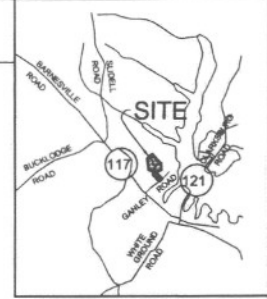
PLAT No.

SURVEYOR'S CERTIFICATE

I hereby certify to the best of my professional knowledge, information and belief, that the plot shown hereon is correct; that it is a subdivision of part of the land conveyed by JAMES J. LAWSON REVOCABLE TRUST to LAWSON/GANLEY PROPERTY, LLC, by deed dated May 12, 2006 and recorded among the land records of Montgomery County, Maryland in Liber 32549 of Folio 287; that, once engaged as described in the owner's certificate hereon, all property markers and other boundary markers shown thus —(—) will be set as delineated hereon in accordance with the provisions of Section 50-24(e) (2) of the Montgomery County Code.

September 14, 2006
Date

Donald F. Remmers
Donald F. Remmers
Professional Land Surveyor
Maryland Registration No. 10888



VICINITY MAP
SCALE: 1"=2000'

OWNER'S CERTIFICATE

We, LAWSON/GANLEY PROPERTY, LLC, a Maryland Limited Liability Company, owners of the property shown hereon, hereby adopt this plan of subdivision, dedicate the streets to public use, establish the minimum building restriction lines and grant to Montgomery County, Maryland slope easements 20 feet wide across the property adjacent, contiguous and parallel to the public streets, said slope easements shall be extinguished at such time as the public improvements in the abutting street have completed and accepted for maintenance by Montgomery County Maryland.

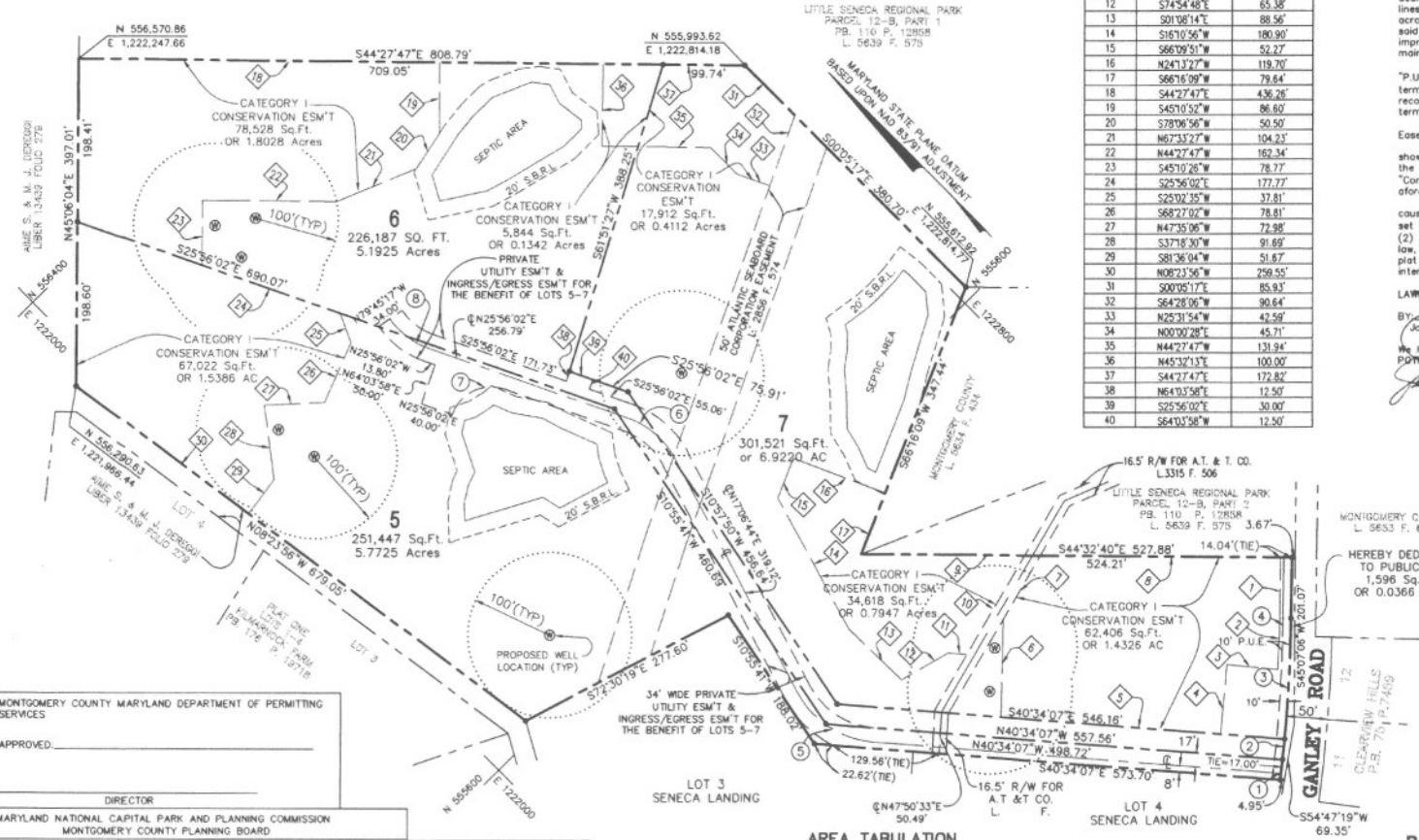
Further, we hereby grant a "Public Utility Easement, designated hereon as "P.U.E.", to those parties named in the document entitled "Declaration of terms and provisions of public utility easement" and recorded among the land records of Montgomery County, Maryland in Liber 3834 of Folio 457, said terms and provisions being incorporated herein by this reference.

Further, we hereby establish the Category I Conservation Easements as shown and designated hereon as Category I Conservation Easement, subject to the terms and conditions as set forth in a certain document entitled "Conservation Easement Agreement Category I" and recorded among the aforesaid Land Records of Montgomery County in Liber 13178 of Folio 412.

As owners of this subdivision, we, our successors, agents and assigns will cause all property corner markers and any other required monumentation to be set by a Maryland Registered Surveyor, in accordance with Section 50-24(e) (2) of the Montgomery County Code. There are no recorded suits, actions at law, liens, leases, mortgages or trusts affecting the property included in this plot of subdivision, except a certain deed of trust and the parties and interests thereto have below indicated their assent.

LAWSON/GANLEY PROPERTY, LLC
By: *John D. Petrelia*
John D. Petrelia, Managing member Date _____ Witness
We hereby assent to this plan of subdivision
POTOMAC BANK OF VIRGINIA
James D. Bohan
James D. Bohan 9-14-06 Date _____ Witness

LINE TABLE	BEARING	LENGTH
1	S45°27'20"W	89.82'
2	S47°52'18"W	45.52'
3	N39°48'41"W	62.33'
4	S50°07'11"W	84.04'
5	N40°34'07"W	268.05'
6	N46°10'56"E	119.36'
7	N75°20'16"E	87.64'
8	S44°32'40"E	293.10'
9	S44°32'40"E	198.09'
10	S75°07'43"W	138.20'
11	S40°34'07"E	22.96'
12	S74°54'48"E	65.38'
13	S01°08'14"E	88.56'
14	S16°10'56"W	180.90'
15	S66°09'51"W	52.72'
16	N24°13'27"W	119.70'
17	S68°16'09"W	79.64'
18	S44°27'47"E	436.26'
19	S45°10'32"W	86.60'
20	S78°06'56"W	50.50'
21	N67°33'27"E	104.23'
22	N44°27'47"E	162.34'
23	S45°10'28"W	78.77'
24	S25°56'02"E	177.77'
25	S25°02'35"W	37.81'
26	S68°27'02"W	78.81'
27	N47°35'06"W	72.98'
28	S37°18'30"W	91.69'
29	S81°36°04"W	51.67'
30	N08°23'56"W	299.55'
31	S00°05'17"E	85.93'
32	S64°28'06"W	90.64'
33	N25°31'54"W	42.58'
34	N00°00'28"E	45.71'
35	N44°27'47"W	131.94'
36	N45°32'13"E	100.00'
37	S44°27'47"E	172.82'
38	N64°03'58"E	12.50'
39	S25°56'02"E	30.00'
40	S64°03'58"W	12.50'



AREA TABULATION

TOTAL LOTS (3)	779,155 Sq. Ft. OR 18.8870 Acres
STREET DEDICATION	1,596 Sq. Ft. OR 0.0366 Acres
SITE TOTAL	780,751 Sq. Ft. OR 17.9236 Acres

MONTGOMERY COUNTY MARYLAND DEPARTMENT OF PERMITTING SERVICES

APPROVED: _____

DIRECTOR

MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MONTGOMERY COUNTY PLANNING BOARD

RECORDED: _____

PLAT NO: _____

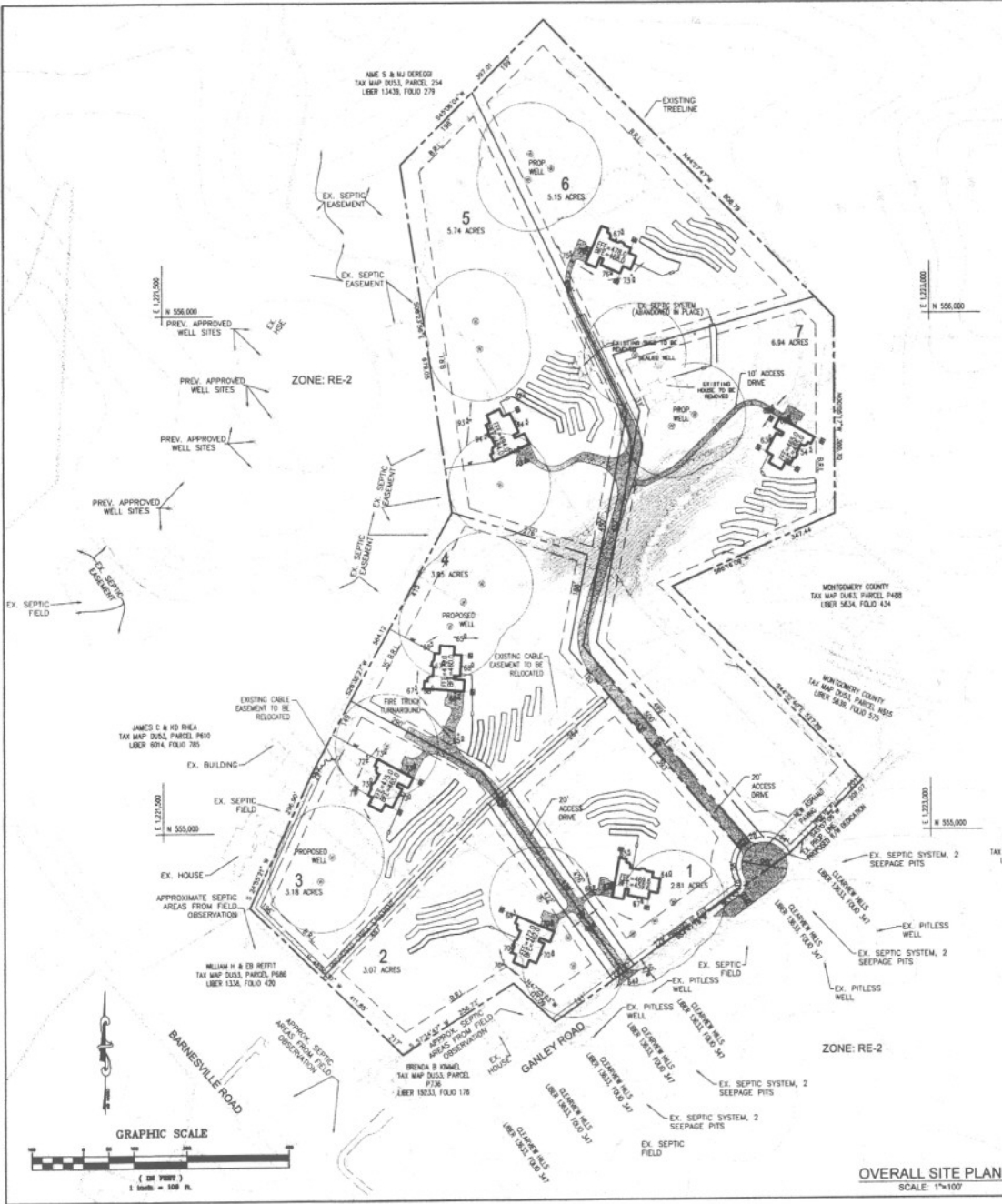
CHAIRMAN SECRETARY-TREASURER

M.N.C.P. & P.C. RECORD NO.

2-07003

SUBDIVISION RECORD PLAT
LOTS 5, 6 AND 7
SENECA LANDING
CLARKSBURG (2nd) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
SCALE: 1" = 100' JULY, 2006

Patton Harris Rust & Associates, pc
Engineers. Surveyors. Planners. Landscape Architects.
12850 Middlebrook Road, Germantown, MD 20874
T 301.528.4300 F 301.528.0419



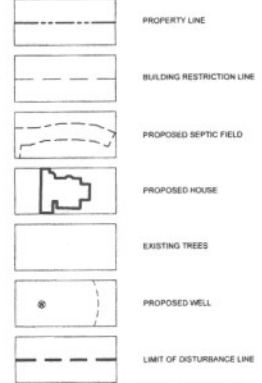
SITE DATA

LOT 1	2.81 ACRES
LOT 2	3.97 ACRES
LOT 3	3.18 ACRES
LOT 4	3.98 ACRES
LOT 5	5.74 ACRES
LOT 6	5.15 ACRES
LOT 7	6.94 ACRES
LOT 8	6.84 ACRES
TOTAL AREA	30.98 ACRES

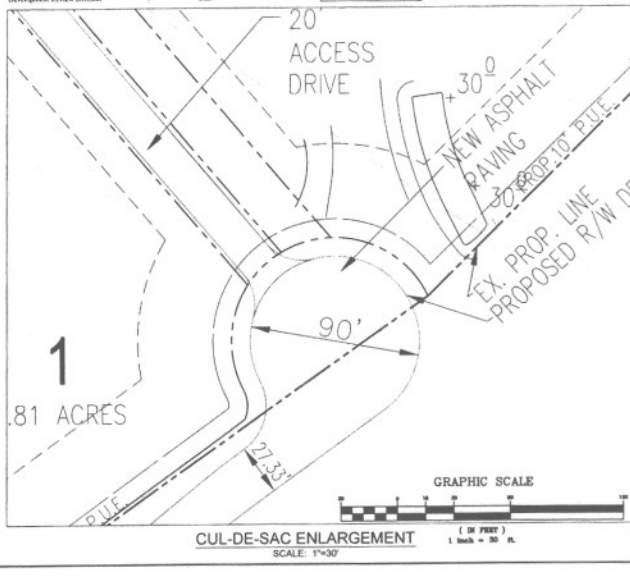
GENERAL NOTES:

- BOUNDARY INFORMATION IS PROVIDED BY PATTON HARRIS RUST & ASSOCIATES, INC.
- TOPOGRAPHY INFORMATION PROVIDED BY PATTON HARRIS RUST & ASSOCIATES, INC. CONTOUR INTERVAL=2'.
BUILDING SETBACKS:
FROM THE STREET: 50'
SIDE: 17', 35' BOTH SIDES
REAR: 35'
- PROPERTY IS ZONED RE-2.
TOTAL SITE AREA IS 30.98 ACRES.
- TAX MAP DUS3, PARCEL P355, P508, P617, P668.
- USE: SINGLE FAMILY DETACHED.
- LOTS ARE TO BE SERVED BY WELL & SEPTIC.
- MAX. LOT COVERAGE: 25%
- MAX. BUILDING HEIGHT: 50'

LEGEND:



The Maryland-National Capital Park and Planning Commission
Preliminary Plan 120066730 (formerly 1-06653)
Name of Plan: Lawson Property
The date of this written opinion is April 26, 2006.
Conditions of Approval
Finding Preliminary Plan No. 120066730 (formerly 1-06653) in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 55, the Planning Board approves Preliminary Plan No. 120066730 (formerly 1-06653), subject to the following conditions:
1) Approval under this preliminary plan is limited to seven (7) one family residential lots.
2) Compliance with the conditions of approval for the preliminary three construction plan. The Applicant must notify all conditions prior to recording of plans) or MCTPS issuance of individual and erosion control permits, as applicable.
3) The applicant shall dedicate right-of-way for Ganley Road as shown on the preliminary plan for a total of 50 feet of right of way from the opposite right of way line along the property frontage.
4) The applicant shall construct an off-center, standard cut-in-lane at the end of existing Ganley Road as shown on the preliminary plan.
5) Compliance with the conditions of approval of the MCTPS stormwater management concept approval dated February 28, 2006.
6) Compliance with conditions of DPW letter dated February 27, 2006, unless otherwise indicated.
7) Compliance with the MCTPS Well and Septic approval dated March 1, 2006.
8) Access and improvements as required to be approved by DPW prior to recordation of PRRS.
9) No grading or disturbance of adjacent parkland or critical root zones for park trees during construction on the proposed lots. This includes no temporary or permanent diverting of stormwater drainage over the parkland.
10) The applicant shall stake and sign park boundaries to distinguish between parkland and private property.
11) The Applicant shall give adequate notice to sure home purchasers of the general surface public-use trail planned for adjacent parkland.
12) Record plan to reflect a complete topographic and utility assessment over shared driveway.
13) Record plan to reflect a Category 1 conservation assessment over all areas of forest conservation.
14) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of making of the Planning Board opinion.
15) Other necessary covenants.
This Preliminary Plan will remain valid for 18 months from its inclusion in the final plan submitted to Montgomery County Code Section 55-133(a), as amended. Prior to the expiration of this validity period, a final recordation for all property delineated on the approved preliminary plan must be recorded using the Montgomery County Land Records or a request for an extension must be filed.
Technical Staff Recommendation made to MPPR by:
Catherine A. C...
Development Review Division
6-1-06
Date

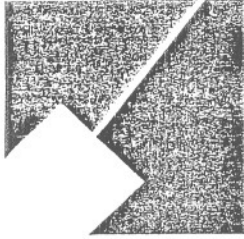


VICINITY MAP
SCALE: 1"=2000'

PRELIMINARY PLAN
LAWSON PROPERTY
TAX MAP DUS3, PARCEL P355, P508, P617, P668
15115 GANLEY ROAD
BOYDS, MD 20841
2ND ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

DESIGNED: PHRA
DRAWN: JVP
DATE: 01/03/06
SCALE: AS SHOWN
SHEET: 1 OF 1

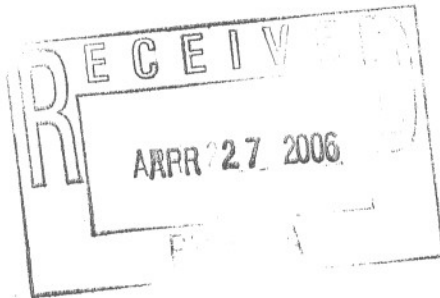
M-NCPPC



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



Date Mailed: APR 26 2006

Hearing Date: March 23, 2006

Action: Approved Staff Recommendation

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

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 120060530 (formerly 1-06053)
NAME OF PLAN: Lawson Property

The date of this written opinion is APR 26 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).

I. INTRODUCTION

On 10/27/05, Holly Ridge Development, LLC ("Applicant") submitted an application for the approval of a preliminary plan of subdivision of property in the RE-2 zone. The application proposed to create 7 lots on 30.98 acres of land located on the northwest side of Ganley Road approximately 500 feet northeast of Barnesville Road, in the Boyds Master Plan area ("Subject Property"). The application was designated Preliminary Plan 120060530 formerly 1-06053 ("Preliminary Plan"). On 03/23/06, 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

V. TRANSPORTATION

The proposed lots do not generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the Preliminary Plan is not subject to Local Area Transportation Review. The proposed right-of-way dedication and access via private driveways has been determined to be adequate to serve the proposed lots.

VI. OVER-LENGTH CUL-DE-SAC WAIVER

Per § 50-26(d), a cul-de-sac should not be longer than 500 feet unless the Planning Board finds that a greater length is justified by reason of property shape, size, topography, large lot size, or improved street alignment. Existing Ganley Road currently extends approximately 1400 feet from Barnesville Road (MD 117), and has not been properly terminated as a cul-de-sac. Per Montgomery County Department of Public Works and Transportation ("DPWT") requirements, this Preliminary Plan will include construction of the cul-de-sac at the end of Ganley Road. Staff found that terminating Ganley Road as an over-length cul-de-sac is appropriate and meets the requirements of § 50-26(d) for approval of an over-length cul-de-sac given the topography of the Subject Property and the large lot sizes with associated septic field and well locations.

VII. ENVIRONMENT

The Subject Property contains no streams or other environmentally sensitive areas and is not subject to the Planning Board's *Environmental Guidelines*.

The Applicant submitted a preliminary forest conservation plan as part of the Preliminary Plan. The preliminary forest conservation plan proposes to meet the forest conservation requirements by planting 7.78 acres of forest adjacent to existing parkland. This planting is 1.58 acres more than the minimum required by the forest conservation law, and will provide a buffer between the proposed houses and adjacent parkland. The forest planting will be protected within a Category I conservation easement.

VIII. STAFF RECOMMENDATION

Staff recommended approval of the Preliminary Plan. Staff found the lots as proposed meet all requirements as established in the Subdivision Regulations and the Zoning Ordinance, and comply with the recommendations of the Boyds Master Plan. Staff also found that access and public facilities will be adequate to serve the proposed lots. The lots have been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, Staff recommended approval of the application with conditions.

- 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 1400-foot cul-de-sac at the end of Ganley Road is justified by reason of the large lot sizes with associated septic field and well locations.
- g) 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.

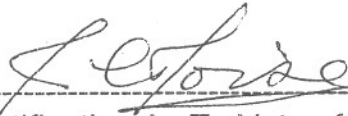
XI. CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 120060530 (formerly 1-06053) in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 120060530 (formerly 1-06053), subject to the following conditions:

- 1) Approval under this preliminary plan is limited to seven (7) one family residential lots.
- 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, as applicable.
- 3) The Applicant shall dedicate right-of-way for Ganley Road as shown on the preliminary plan for a total of 50 feet of right of way from the opposite right of way line along the property frontage.
- 4) The Applicant shall construct an off-centered, standard cul-de-sac at the end of existing Ganley Road as shown on the preliminary plan.
- 5) Compliance with the conditions of approval of the MCDPS stormwater management concept approval dated February 28, 2006.
- 6) Compliance with conditions of DPWT letter dated February 27, 2006, unless otherwise amended.
- 7) Compliance with the MCDPS Well and Septic approval dated March 1, 2006.
- 8) Access and improvements as required to be approved by DPWT prior to recordation of plat(s).

CERTIFICATION OF BOARD ADOPTION OF OPINION

At its regular meeting, held on **Thursday, April 20, 2006**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, by unanimous consent, with four Commissioners present, Vice Chair Perdue was necessarily absent, **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 Review # 120060530 (formerly 1-06053), Lawson Property.**



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

PLAT NO. 220070080

Battery Park

Located on Del Ray Avenue, approximately 100 feet north of Wilson Lane

R-60 zone, 1 lot

Community Water, Community Sewer

Master Plan Area: Bethesda-Chevy Chase

David Koitz, Applicant

Staff recommends approval of this minor subdivision plat pursuant to section **50-35A (a)(3)** of the Subdivision Regulations, which states:

Consolidation of Two or More Lots or a Part of a lot into One Lot. Consolidating more than one lot into a single lot is permitted under the minor subdivision procedure provided:

- a. Any conditions applicable to the original subdivision remain in full force and effect and the number of trips generated on the new lot do not exceed those permitted for the original lots or as limited by an Adequate Public Facilities agreement.
- b. Any consolidation involving a part of a lot may occur under the minor subdivision process if the part of a lot was created by deed recorded prior to June 1, 1958

Staff applied the above-noted minor subdivision criteria for this lot (previously known as part of lots 5, and 6) and concludes that the proposed minor subdivision complies with the criteria of Section 50-35A (a)(3) 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: Battery Park Plat Number: 220070080
 Plat Submission Date: 7/17/06
 DRD Plat Reviewer: TBA
 DRD Prelim Plan Reviewer: Taslima Alam

*For category of minor see pages 2 and 3

Initial DRD Review:

Pre-Preliminary Plan No. N/A Checked: Initial — Date —
 Preliminary Plan No. — Checked: Initial — Date —
 Planning Board Opinion – Date — Checked: Initial — Date —
 Site Plan Name if applicable: — Site Plan Number: —
 Planning Board Opinion – Date — Checked: Initial — Date —

Lot # & Layout Lot Area Zoning Bearings & Distances Coordinates N/A
 Plan # N/A 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 NA Child Lot note NA Surveyor Cert Owner Cert Tax Map
 SPA NA

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>A. Lindsey</u>	<u>7/17</u>	<u>5/4/06</u>	<u>NC</u>	<u>NC</u>
Research	<u>Bobby Fleury</u>			<u>7/19/06</u>	<u>OK</u>
SHA	<u>Doug Mills</u>			<u>NC</u>	<u>NC</u>
PEPCO	<u>Jose Washington</u>			<u>NC</u>	<u>OK</u>
Parks	<u>Doug Powell</u>			<u>NC</u>	<u>NC</u>
DRD	<u>Steve Smith</u>			<u>8/4/06</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	Date
<u>PW</u>	<u>8/4/06</u>
<u>TA</u>	<u>8/8/06</u>
<u>TA</u>	<u>9/11/06</u>

Board Approval of Plat:

Plat Agenda: TA 10/9/06

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. _____

(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: _____

NOTES

1. WATER CATEGORY: 1 SEWER CATEGORY: 1
2. THE PROPERTY THAT IS THE SUBJECT OF THIS RECORD PLAT IS IN THE R-60 ZONE AS OF THE DATE OF PLAT RECORDATION.
3. IPP/IPS = IRON PIPE FOUND OR IRON PIN SET.
RCF = REBAR AND CAP FOUND.
4. THE APPROVAL OF THIS PLAT IS PREDICATED ON THE AVAILABILITY OF PUBLIC WATER AND SEWER.
5. THIS PROPERTY IS SHOWN ON TAX MAP NH22.
6. THIS PROPERTY IS SHOWN ON W.S.S.C. 200-FOOT SHEET 209 NH 05.
7. ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS, AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAN, SITE PLAN, PROJECT PLAN, OR OTHER PLAN ALLOWING DEVELOPMENT OF THIS PROPERTY AS APPROVED BY THE MONTGOMERY COUNTY PLANNING BOARD ARE INTENDED TO SURVIVE UNLESS MODIFIED BY FURTHER ACTION BY THE BOARD. THE OFFICIAL PUBLIC FILES FOR ANY SUCH PLAN ARE MAINTAINED BY THE PLANNING BOARD AND ARE AVAILABLE FOR PUBLIC REVIEW DURING NORMAL BUSINESS HOURS.
8. THIS PLAT CONFORMS TO THE REQUIREMENTS FOR MINOR SUBDIVISION APPROVALS CONTAINED IN SECTION 50-35A OF THE MONTGOMERY COUNTY SUBDIVISION REGULATIONS, BEING CHAPTER 50 OF THE MONTGOMERY COUNTY CODE. THIS PLAT INVOLVES CONSOLIDATION OF TWO OR MORE LOTS OR PART OF A LOT INTO A LOT, AS PROVIDED FOR IN SECTION 50-35A(4)(3)(b).
9. THIS SUBDIVISION RECORD PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING THE OWNERSHIP AND USE, NOR EVERY MATTER RESTRICTING THE OWNERSHIP AND USE, OF THIS PROPERTY. THE SUBDIVISION RECORD PLAT IS NOT INTENDED TO REPLACE AN EXAMINATION OF TITLE OR TO DEPICT OR NOTE ALL MATTERS AFFECTING TITLE.
10. THE PROPERTY SHOWN HEREON IS NOT SUBJECT TO THE REQUIREMENTS OF CHAPTER 22A, MONTGOMERY COUNTY FOREST CONSERVATION LAW.
11. THIS PROPERTY IS LOCATED ON F.E.P.A. FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 24004R 075 C, FLOOD ZONE "C".

OWNER'S CERTIFICATE

WE, DAVID S. KOITZ AND GRETCHEN E. KOITZ, OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, HEREBY ADOPT THIS PLAN OF SUBDIVISION. WE FURTHER GRANT A 10-FOOT PUBLIC UTILITY EASEMENT, SHOWN HEREON AS "10' P.U.E." TO THOSE PARTIES NAMED IN THE DOCUMENT ENTITLED "DECLARATION OF TERMS AND PROVISIONS OF PUBLIC UTILITY EASEMENTS", AS RECORDED IN LIBER 3834 AT FOLIO 467 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND.

THERE ARE NO SUITS, ACTIONS AT LAW, LEASES, LIENS, MORTGAGES, OR TRUSTS AFFECTING THE PROPERTY SHOWN HEREON, EXCEPT AS INDICATED BELOW.

9/8/06 *David S. Koitz* *Gretchen E. Koitz*
DATE DAVID S. KOITZ WITNESS *Gretchen E. Koitz*

9/8/06 *Gretchen E. Koitz* *David S. Koitz*
DATE GRETCHEN E. KOITZ WITNESS

MONTGOMERY ELECTRONIC REGISTRATION SYSTEMS, INC.
WE, **AURORA ELECTRONIC SERVICES**, HEREBY CONSENT TO THIS PLAN OF SUBDIVISION.

08/15/2006 *James D. Ritchie*
DATE *James D. Ritchie* WITNESS *Chadwick Cox*

N/F
MYER, BRIAN C. & G.E.S.
PART OF LOT 14, BLOCK K
BATTERY PARK
5015 DEL RAY AVE.
L3288 F.496

N/F
MYER, BRIAN C. & G.E.S.
PART OF LOT 15, BLOCK K
BATTERY PARK
5015 DEL RAY AVE.
L3288 F.496

PLAT No.

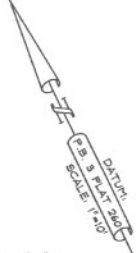
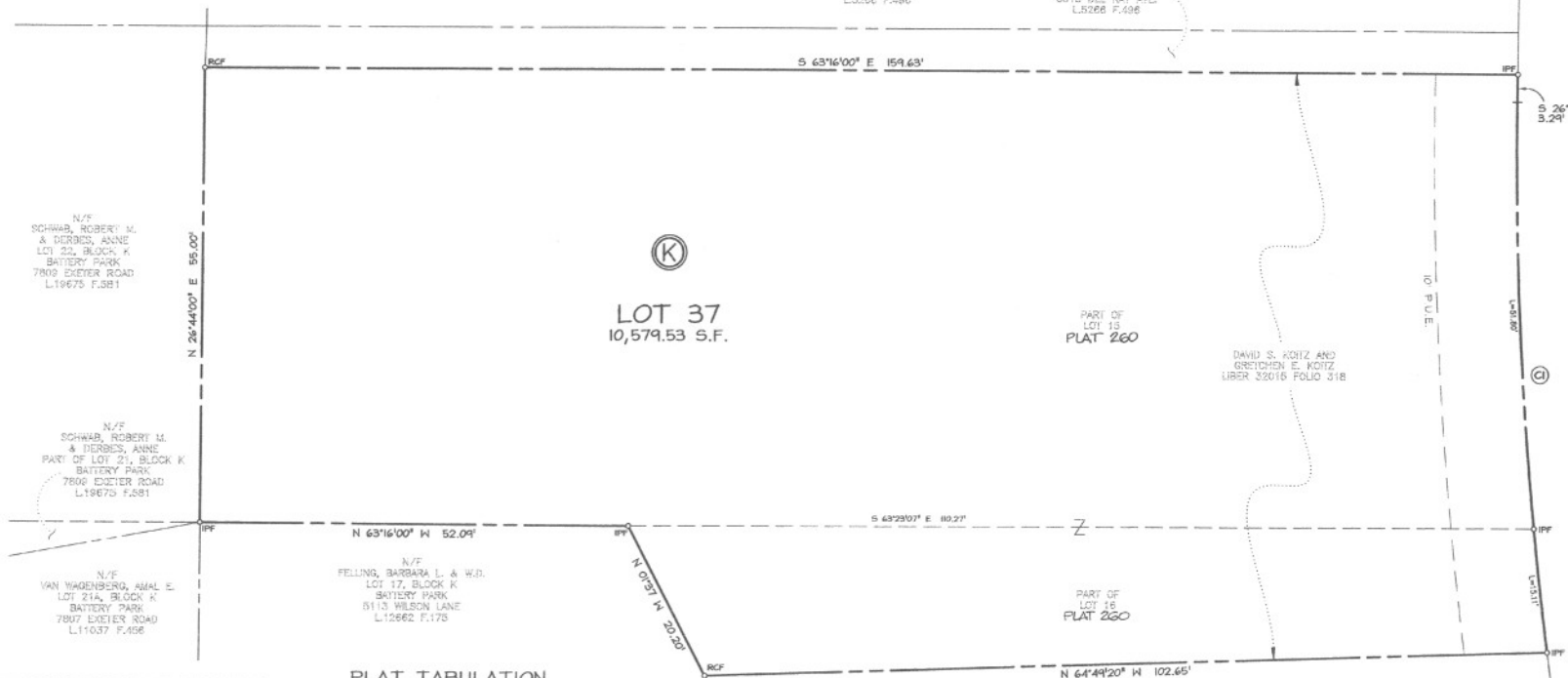


VICINITY MAP
SCALE: 1" = 2000'

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT IT IS A RESUBDIVISION OF ALL OF THE LANDS CONVEYED BY DAGMAR H. STOCK, PERSONAL REPRESENTATIVE OF THE ESTATE OF HILADA V. HORNIA UNTO DAVID S. KOITZ AND GRETCHEN E. KOITZ, BY A DEED DATED MARCH 10, 2006, AND RECORDED MARCH 22, 2006 IN LIBER 32015 AT FOLIO 318; ALSO BEING A RESUBDIVISION OF PART OF LOT 15 AND PART OF LOT 16, BLOCK K, AS RECORDED IN PLAT BOOK 3, PLAT 260, AS RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND, AND THAT ALL PROPERTY CORNERS MARKED THIS ARE IN PLACE AS SHOWN HEREON IN ACCORDANCE WITH SECTION 50-24(E) OF THE SUBDIVISION REGULATIONS OF MONTGOMERY COUNTY, MARYLAND.

9/11/2006 *David John Ritchie*
DATE DAVID JOHN RITCHIE
PROFESSIONAL LAND SURVEYOR
MD REG. NO. 2172



LOT 37
10,579.53 S.F.

PLAT TABULATION

NUMBER OF LOTS.....	1
NUMBER OF PARCELS.....	0
AREA OF LOT.....	10,579.53 SF
AREA OF PARCEL.....	0
AREA OF STREET DEDICATION.....	0
TOTAL AREA.....	10,579.53 SF (0.243 ACRES)

CURVE TABLE

CURVE	LENGTH	RADIUS	CHORD	CHORD BEARING	DELTA ANGLE
C1	66.91'	480.00'	66.66'	S22°44'22"W	75°41'2"

N/F
MORENIZ, JAMES & NANCY
LOT 36, BLOCK K
BATTERY PARK
5021 DEL RAY AVENUE
PLAT 21688

SUBDIVISION RECORD PLAT
LOT 37, BLOCK K
BATTERY PARK
A RESUBDIVISION OF PART OF LOT 15
AND PART OF LOT 16, BLOCK K
BETHESDA (7TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
SCALE: 1" = 10' AUGUST, 2006

Department of Permitting Services
Montgomery County, Maryland

Date: _____
Approved: _____
Director

The Maryland National Capital Park and Planning Commission
Montgomery County Planning Board

Approved: _____
Chairman Asst. Secretary - Treasurer

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

Recorded _____
Plat No. _____

CAS ENGINEERING
CIVIL - SURVEYING - LAND PLANNING
A DIVISION OF CAS ENTERPRISES, INC.
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DC Metro (301) 607-8031 FAX (301) 607-8045