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

MCPB
Item #
07/12/07

MEMORANDUM

DATE: June 27, 2007

TO: Montgomery County Planning Board

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

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

SUBJECT: Informational Maps and Summary of Record Plats for the Planning Board Agenda for July 12, 2007

The following record plats are recommended for APPROVAL, subject to the appropriate conditions of approval of the preliminary plan and site plan, if applicable, and conditioned on conformance with all requirements of Chapter 50 of the Montgomery County Code. Attached are specific recommendations and copies of plan drawings for the record plat. The following plats are included:

220070940 **Chevy Chase, Section 4**
220071050 **Smoot's Addition to Chevy Chase, Section 5**
220071500 **Barmakian Property (Reservation)**

PLAT NO. 220070940

Chevy Chase, Section 4
Located on the north side of Virgilia Street, approximately 250 feet west of Connecticut Avenue (MD 185)
R-60 Zone; 1 Lot
Community Water, Community Sewer
Master Plan Area: Bethesda – Chevy Chase
Jeremy Brown, 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 9 & 10) 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

PB date: 07/12/07

RECORD PLAT FOR MINOR SUBDIVISION REVIEW SHEET
(This form contains 3 pages)

Plat Name: Cherry Chase Sec. 4 Plat Number: 220070940
Plat Submission Date: 11/10/07
DRD Plat Reviewer: T. Alam
DRD Prelim Plan Reviewer: NA
*For category of minor see pages 2 and 3

Initial DRD Review:

Pre-Preliminary Plan No. NA 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 ok Easements N/A Open Space N/A Non-standard
BRLs N/A Adjoining Land ✓ Vicinity Map ok Septic/Wells N/A
TDR note N/A Child Lot note N/A Surveyor Cert ok Owner Cert ok Tax Map ✓
SPA N/A

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	A. Lindsay	1/18/07	2/2/07	—	No Comments
Research	Bobby Fleury	↓	↓	1/18/07	OK
SHA	Doug Mills			NC	No Comments
PEPCO	Steve Baxter			NC	OK
Parks	Doug Powell			NC	NA
DRD	Steve Smith	↓	↓	1/31/07	See PLAT

Final DRD Review:	Initial	Date
DRD Review Complete:	SJS	6-25-07
(All comments rec'd and incorporated into mark-up)		
Engineer Notified (Pick up Mark-up):	SJS	2-7-07
Final Mylar w/Mark-up & PDF Rec'd:	SJS	6-20-07
Board Approval of Plat:		
Plat Agenda:	SJS	7-12-07
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 #:		No.
Update Green Books for Resubdivision:		
Notify Engineer to Seal Plats:		
Engineer Seal Complete:		
Complete Reproduction:		
Sent to Courthouse for Recordation:		

RECORD PLAT REVIEW SHEET – MINOR SUBDIVISION SEC-50-35A

Select which Category of Minor Subdivision and fill information as required

Requirements under Sec 50-35A (A)

(1) Minor Lot Adjustment

a) Total area does not exceed 5% of combined area affected: _____
b) No additional lots created: _____
c) Adjusted line is approximately parallel/does not significantly change shape of the lots: _____
d) Date sketch plan submitted: _____
e) Sketch plan revised or denied within 10 business days: _____
f) Final record plat submitted within ninety days: _____
g) Sketch shows following information:
   i. proposed lot adjustment: _____
   ii. physical improvements within 15 feet of adjusted line: _____
   iii. alteration to building setback: _____
   iv. amount of lot area affected: _____

(2) Conversion of Outlot into a Lot

a) Outlot not required for open space or otherwise constrained: _____
b) Adequate sewerage and water service/public or private: _____
c) Adequate public facilities and AGP satisfied: _____
d) Any conditions/agreements of original subdivision: _____
e) Special Protection Area, Water Quality Plan required: _____

(3) Consolidation Of Two of More Lots

a) Any prior subdivision conditions: ✓
b) Part of lot created by deed prior to June 1 1958: ✓ (Maas) ok SJS 6/25/0

(4) Further Subdivision of Commercial/Industrial/Multi-Family Lot

Any subdivision/conditions; APF agreement satisfied: _____

(5) Plat of Correction

a) All owners and trustees signed: _____
b) Original Plat identified: _____

(6) Plats for Residentially Zoned Parcels Created by Deed prior to June 1958

a) Deed(s) submitted: _____
b) Developable with only one single family detached unit: _____

(7) Plat for Existing Places of Worship, Private Schools, Country Club, Private Institution, and Similar Uses located on Unplatted Parcels

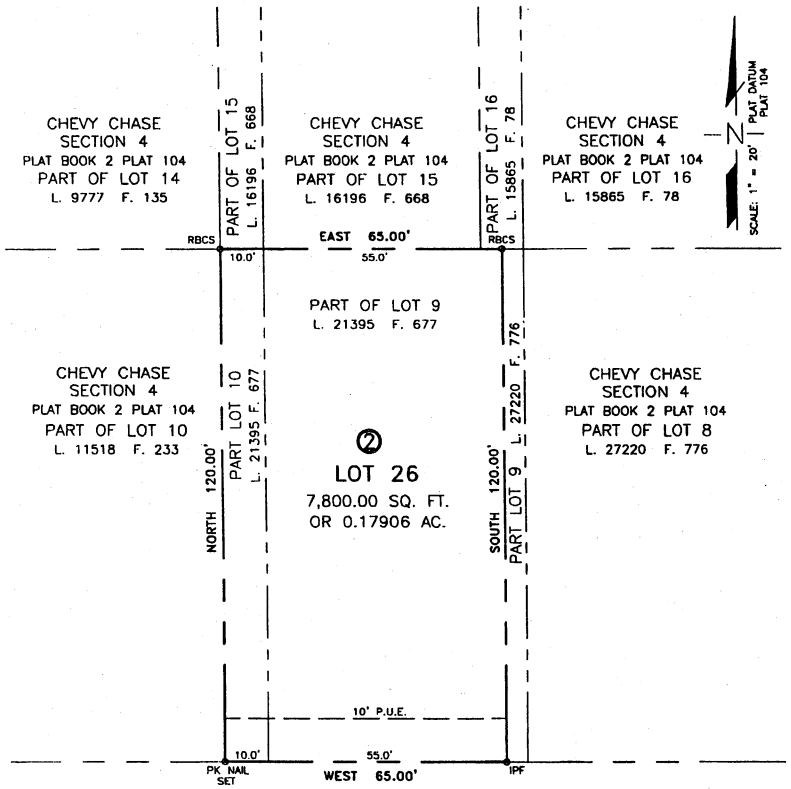
a) Adequate Public Facilities satisfied: _____
b) Street dedication required: _____
c) Forest conservation: _____
d) Storm water management: _____
e) Special Protection Area/Water Quality Plan: _____
f) Landscaping and lighting plan including parking lot layout: _____

g) Approved Special Exception: _____

(8) Plats for Certain Residential Lots in the RDT Zone;5 Lot Maximum

a) Number of Lots: _____
b) Written MCDPS approval of proposed septic area: _____
c) Required street dedication: _____
d) Easement for balance of property noting density and TDRS: _____
e) Average lot size of 5 acres: _____
f) Forest Conservation requirements met: _____

PLAT NO.



OWNERS' CERTIFICATE

I, Jeremy Brown, owner of the properties shown and described hereon, hereby adopt this plan of resubdivision; establish the minimum building restriction lines; grant a public utilities easement (P.U.E.) as shown hereon to the parties named in a document titled "Terms and Provisions of Public Utility Easements" as recorded in Liber 3834 at Folio 457 among the Land Records of Montgomery County, Maryland, which said terms are incorporated therein;

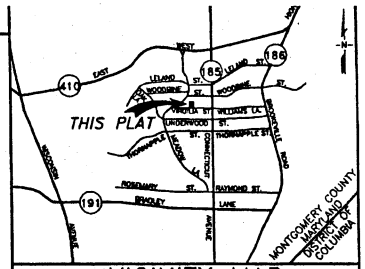
Further, we, our successors, or assigns will cause permanent property corner markers shown thus (-●-) to be set by a registered Maryland Land Surveyor in accordance with section 50-24(e)(2) of the subdivision regulations of Montgomery County, Maryland.

There are no suits, actions-at-law, leases, liens, mortgages or trusts affecting the property shown hereon, except a certain mortgage and the party in interest thereto has below indicated its assent.

Witness — Date 6/4/07 — Jeremy E. Brown

We hereby assent to this plan of subdivision
National City Mortgage

Witness MARY PARRISH — Date 6-13-07 — Signature — Print Name, Title CRYSTAL A. CARTER-RHODES ASSISTANT VICE PRESIDENT



VICINITY MAP
SCALE: 1" = 2000'

NOTES

1. All the 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 contemplated by the plan as approved. The official public files for any such plan are maintained by the Planning Board and available for public review during normal business hours.
2. This plat conforms with the requirements of Minor Subdivision approvals contained in Section 50-35A of Montgomery County, Maryland, Subdivision Regulations, being Chapter 50 of the County Code. This plat involves consolidation of two part of lots into one lot as provided for in Section 50-35A(a)(3)(b). This property has been in the same configuration since August 11, 1919 (L. 284 F. 39).
3. 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.
4. The Zoning is R-60.
5. All existing and proposed development on this property is subject to the standards under R-60 Zone classification.
6. Tax Map HN342, WSSC Sheet No. 209NW04.
7. For Public Water and Sewer systems only.

SURVEYOR'S CERTIFICATE

I hereby certify that the plan shown hereon is correct to the best of my professional knowledge, information and belief; that it is a resubdivision of all of the land conveyed to Jeremy Brown, from Michael S. Meers and Holley C. Meers, his wife by Deed dated January 8, 2007 and recorded among the Land Records of Montgomery County, Maryland in Liber 33665 at Folio 646, said land known as Part of Lot 9 and Part of Lot 10, Block 2 in a subdivision known as "Chevy Chase - Section Four (4)", Montgomery County, Maryland, as per plat recorded in Plat Book 2 at Plat 104 of said Land Records; and that the total area included in the plat is 7,800.00 square feet or 0.17906 acre of land. There is no street dedication by this plat.

JUNE 15, 2007
Date

Jerome J. Norris
Professional Land Surveyor
Maryland No. 4607

LEGEND

I.P.F. — IRON PIPE FOUND
PK NAIL SET — PK NAIL SET
RBCS — REBAR WITH CAP SET

207094 MINOR (3)

DEPARTMENT OF PERMITTING SERVICES
MONTGOMERY COUNTY, MARYLAND

APPROVED ON: _____

DIRECTOR: _____

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

DATE

CHAIRMAN — ASST. SECRETARY-TREASURER

MNCPPC RECORD FILE NO.:

20 0 10 20
SCALE: 1" = 20'

RECORDED

SUBDIVISION RECORD PLAT
CHEVY CHASE
SECTION 4
LOT 26, BLOCK 2
A RESUBDIVISION OF
PART OF LOT 9 AND PART OF LOT 10, BLOCK 2
7TH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
SCALE 1" = 20' DECEMBER, 2006

LANDMARK ENGINEERING, INC.
6110 EXECUTIVE BOULEVARD, SUITE 110 PHONE: (301) 230-5881
ROCKVILLE, MARYLAND 20852 FAX: (301) 230-5884
CONSULTING ENGINEERS PLANNERS SURVEYORS

PLAT NO. 220071050

Smoot's Addition to Chevy Chase, Section 5
Located in the southeast corner of the intersection of Windsor Place and Brookville Road (MD 185)
R-60 Lot, 1 Lot
Community Water, Community Sewer
Master Plan Area: Bethesda – Chevy Chase
Thomas Monahan, Applicant

The record plat has been reviewed by MNCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that the plat complies with Preliminary Plan No. 120070060 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 aforesaid plans.

PB date: 07/12/07

RECORD PLAT REVIEW SHEET

Plan Name: Smoot's Addition to Ch. Chase Plan Number: 120070060
Plat Name: Chevy Chase Section 5 Plat Number: 220071050
Plat Submission Date: 2-1-07
DRD Plat Reviewer: S Smith
DRD Prelim Plan Reviewer: Cathy Conlon / ERIN GRAYSON

Initial DRD Review:

Signed Preliminary Plan – Date 6-7-07 Checked: Initial EG Date 6-11-07
Planning Board Opinion – Date 5-25-07 Checked: Initial SJS Date 6-11-07
Site Plan Req'd for Development? Yes___ No X Verified By: SJS (initial)
Site Plan Name: N/A Site Plan Number: N/A
Planning Board Opinion – Date N/A Checked: Initial N/A Date N/A
Site Plan Signature Set – Date N/A Checked: Initial N/A Date N/A
Site Plan Reviewer Plat Approval: Checked: Initial N/A Date N/A

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

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	A. Ludsey	2-9-07	2-27-07		Exemption Granted 11/31/06
Research	Bobby Fleury			2-22-07	ok
SHA	Doug Mills			—	—
PEPCO	Steve Baxter			—	—
Parks	Doug Powell			—	—
DRD	Steve Smith			2-20-07	See Plat Review
MPC	M. Oaks	4-11-07		5-15-07	OK

Final DRD Review:	Initial	Date
DRD Review Complete: (All comments rec'd and incorporated into mark-up)	SJS	6-11-07
Engineer Notified (Pick up Mark-up):	SJS	5-15-07
Final Mylar w/Mark-up & PDF Rec'd:	SJS	6-26-07
Board Approval of Plat:		
Plat Agenda:	SJS	7-12-07
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 #:		No._____
Update Green Books for Resubdivision:		
Notify Engineer to Seal Plats:		
Engineer Seal Complete:		
Complete Reproduction:		
Sent to Courthouse for Recordation:		

PLAT No:

NOTES

1. WATER CATEGORY: 1 SEWER CATEGORY: 1
2. THE PROPERTY WHICH IS THE SUBJECT OF THIS RECORD PLAT IS IN THE R-60 ZONE, AS OF THE DATE OF PLAT RECORDATION.
3. IPF/IPS = IRON PIPE FOUND OR IRON PIN SET.
   RBF = REBAR 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 HN 562.
6. THIS PROPERTY IS SHOWN ON W.S.S.C. 200-FOOT SHEET 209 NW 08.
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 AND 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 MONTGOMERY COUNTY PLANNING BOARD AND ARE AVAILABLE FOR PUBLIC REVIEW DURING NORMAL BUSINESS HOURS.
8. 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.
9. THIS PROPERTY IS EXEMPT FROM THE MONTGOMERY COUNTY FOREST CONSERVATION LAW OF 2001 PER 4-06112E; THIS PROPERTY IS SUBJECT TO AN APPROVED TREE SAVE PLAN.
10. THIS PROPERTY IS LOCATED ON F.E.M.A. FLOOD INSURANCE MAP COMMUNITY-PANEL NUMBER 24031C0465D, FLOOD ZONE "X".
11. ALL EXISTING AND PROPOSED DEVELOPMENT ON THIS PROPERTY IS SUBJECT TO THE STANDARDS OF THE MONTGOMERY COUNTY ZONING ORDINANCE. CURRENT ZONE CLASSIFICATION IS R-60.
12. THE LOTS SHOWN HEREON ARE LIMITED TO THE USES AND CONDITIONS AS REQUIRED BY PRELIMINARY PLAN 1-20070060, SMOOT'S ADDITION TO CHEVY CHASE SECTION 5. ANY PROPOSED CHANGES IN USE WILL REQUIRE FURTHER PLANNING BOARD REVIEW AND APPROVAL.
13. COORDINATES SHOWN HEREON ARE BASED ON MARYLAND STATE PLANE (NAD 83) DATUM. STATIONS USED ARE WSSC #5 20476 AND 20476. THE SCALE FACTOR IS 0.9999411150 AND THE CONVERGENCE ANGLE IS -00°02'42".
14. THE PROPERTY SHOWN HEREON, INCLUDING THE DEDICATION, IS WITHIN THE ENVIRONMENTAL SETTING BOUNDARY OF THE MASTER PLAN HISTORIC RESOURCE (ENDLANE / BRADSHAW HOUSE, #35/73). ANY PROPOSED CONSTRUCTION, ALTERATIONS OF EXISTING STRUCTURES, OR GRADING WITHIN THE ENVIRONMENTAL SETTING WILL REQUIRE REVIEW AND APPROVAL THROUGH THE HISTORIC PRESERVATION COMMISSION'S HISTORIC AREA WORK PERMIT PROCESS.

OWNER'S CERTIFICATE

WE, THOMAS MONAHAN AND SHARON MARCIL, OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, HEREBY ADOPT THIS PLAN OF SUBDIVISION.

WE FURTHER GRANT A PUBLIC UTILITY EASEMENT, SHOWN HEREON AS "10' P.U.E." AND "15' P.U.E." TO THOSE PARTIES NAMED IN THE DOCUMENT ENTITLED "DECLARATION OF TERMS AND PROVISIONS OF PUBLIC UTILITY EASEMENTS", AS RECORDED IN LIBER 3634 AT FOLIO 457 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND.

WE FURTHER CONVEY 3,824 SQUARE FEET (0.0877 ACRES) TO THE MARYLAND STATE HIGHWAY ADMINISTRATION, AS SHOWN HEREON.

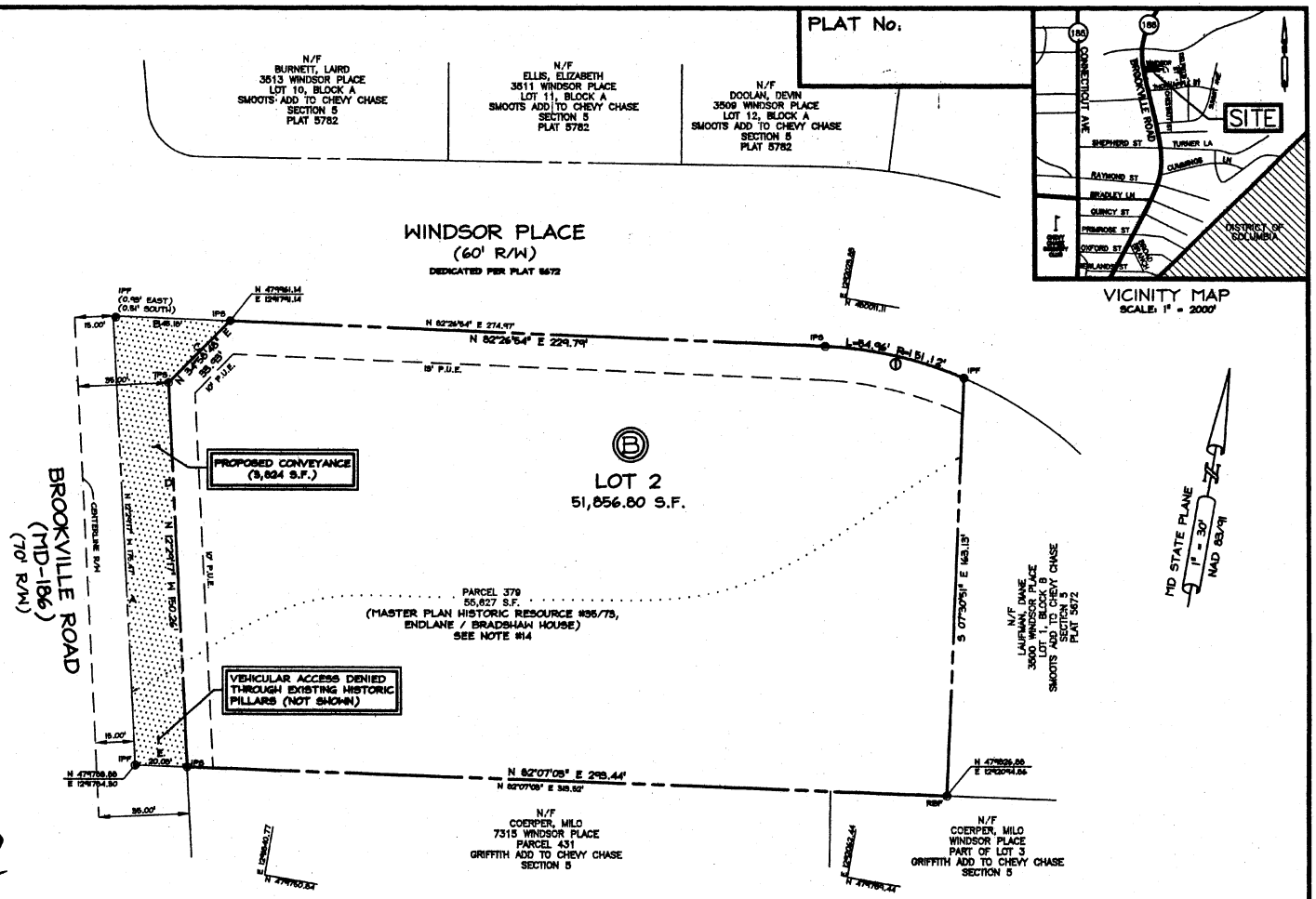
THERE ARE NO SUITS, ACTIONS AT LAW, LEASES, LIENS, MORTGAGES, OR TRUSTS AFFECTING THE PROPERTY SHOWN HEREON, EXCEPT AS INDICATED BELOW.

5/28/07 — DATE — THOMAS MONAHAN — WITNESS

5/28/07 — DATE — SHARON MARCIL — WITNESS

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.
WE, ~~AMERICAN SERVICING COMPANY~~, HEREBY CONSENT TO THIS PLAN OF SUBDIVISION.

04/22/07 — DATE — LORNA L. SLAUGHTER, VICE PRESIDENT — WITNESS



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 HENRY GOLDBERG AND CAROL GOLDBERG UNTO THOMAS MONAHAN AND SHARON MARCIL, BY A DEED DATED APRIL 19, 2005, AND RECORDED APRIL 26, 2005, IN LIBER 24752 AT FOLIO 685; AND THAT ALL PROPERTY CORNERS MARKED THUS —●— ARE IN PLACE AS SHOWN HEREON IN ACCORDANCE WITH SECTION 50-24(E) OF THE SUBDIVISION REGULATIONS OF MONTGOMERY COUNTY, MARYLAND.

TOTAL AREA INCLUDED ON THIS PLAT IS 1.278 ACRES. TOTAL AREA OF CONVEYANCE FOR BROOKVILLE ROAD IS 3,824 S.F. (0.087 ACRES).

MAY 18, 2007 — DATE — DAVID JOHN RITCHIE, PROFESSIONAL LAND SURVEYOR, MD REG. NO. 21172

CURVE TABLE					
	RADIUS	LENGTH	DELTA	DIRECTION	CHORD
①	151.12'	54.96'	20°50'17"	S 07°07'56" E	54.66'

AREA CONVEYED TO THE MD. STATE HIGHWAY ADMIN. (SHA)		
A	N 12°29'17" W	175.47'
B	N 82°26'54" E	46.18'
C	N 34°58'49" E	35.49'
D	N 12°29'17" W	150.26'
E	N 82°07'05" E	20.08'

FEE SIMPLE AREA
3824 SQ. FT. OR 0.0877 ACRES
SHOWN THUS:

PLAT TABULATION

NUMBER OF LOTS	1
NUMBER OF PARCELS	N/A
AREA OF LOT	51,856.80 SF
AREA OF PARCEL	N/A
AREA OF STREET DEDICATION	3,824.00 SF
TOTAL AREA	55,680.80 SQ. FT. (1.278 ACRES)

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.
108 West Ridgeville Boulevard, Suite 101, Mount Airy, Maryland 21771
DC Metro (301) 807-8031 FAX (301) 807-8045

SUBDIVISION RECORD PLAT
LOT 2, BLOCK B

SMOOT'S ADDITION TO CHEVY CHASE SECTION 5

BETHESDA (7TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
SCALE: 1" = 30' JANUARY 2007

N:\year 2005\05081_RP.dwg 5/18/2007 10:49:53 AM EDT

GENERAL NOTES

ZONING DATA

LEGEND

NOTE

MISS UTILITY

ENGINEER'S CERTIFICATE

SITE / ZONING DATA

ZONING: R-60	REQUIRED	PROVIDED
MINIMUM LOT AREA	6,000 S.F.	PROP. LOT 2 10,000 S.F.
MINIMUM LOT WIDTH AT B.R.L.	60'	60'
EXISTING COVERAGE	35 PERCENT	0.200 S.F. (0.0%)
SETBACK FROM STREET R/W (FOR PURPOSE PROP. APPROVAL)	25 FT	25 FT
SETBACK FROM OTHER LOT LINES	SIDE: 8' TOTAL (FOR PURPOSE) 7 EACH 30'	SIDE: 8' TOTAL (FOR PURPOSE) 7 EACH 30'

OWNER

APPLICANT

7401 BROOKVILLE ROAD
PROPOSED LOT 2, BLOCK B
SMOOT'S ADDITION TO CHEVY CHASE SECTION 5

VICINITY MAP

SMOOT'S ADDITION TO CHEVY CHASE SECTION 5

PRELIMINARY PLAN

CAS ENGINEERING

MAY 25 2007

MCPB No. 07- 10
Preliminary Plan No. 120070060
Smoot's Addition to Chevy Chase
Date of Hearing: January 4, 2007
Revised April 4, 2007

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION - REVISED [1]

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on August 7, 2006, Thomas Monahan ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create 1 lot on 1.28 acres of land located at 7401 Brookville Road on the southeast corner of Brookville Road and Windsor Place ("Property" or "Subject Property"), in the Bethesda-Chevy Chase master plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120070060, Smoot's Addition to Chevy Chase ("Preliminary Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated 12/11/06, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on January 4, 2007, the Planning Board held a public hearing on the Application (the "Hearing"); and

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

WHEREAS, on January 4, 2007, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Robinson; seconded by

[1] This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

Approved as to Legal Sufficiency: DM - 5/21/07
M-NCPPC Legal Department

Commissioner Bryant; with a vote of 4-0, Commissioners Bryant, Hanson, Perdue, and Robinson voting in favor; Commissioner Wellington absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120070060 to create 1 lot on 1.28 acres of land located at 7401 Brookville Road on the southeast corner of Brookville Road and Windsor Place ("Property" or "Subject Property"), in the Bethesda-Chevy Chase master plan area ("Master Plan"), subject to the following conditions:

1) Approval under this preliminary plan is limited to one residential lot for one one-family detached dwelling unit and accessory buildings.

2) The applicant shall submit a final Tree Save Plan, for staff review and approval, that proposes specific measures and recommendations to save trees shown on the Preliminary Tree Save Plan dated November 16, 2006, prior to any demolition, clearing or grading of the site. An ISA certified arborist must prepare the final Tree Save Plan, with particular focus on the following areas:
   a) Recommendations and proper methods for the saving and removal of trees consistent with the Montgomery County Historic Preservation Commission (HPC)-approved Historic Area Work Permit, including trees atop the existing retaining wall on the southern property line going east from Brookville Road.
   b) Recommendations and proper methods for eradication of bamboo stand in the southwestern corner of the property. A written proffer shall be made to extend the bamboo eradication effort onto the adjoining lot to the south.
   c) Guidance for revisions to the proposed grading and the proposed Limit of Disturbance (LOD) to better protect healthy trees.
   d) Final sediment control plan must be consistent with final LOD as approved by MNCPPC staff.
   e) All inspections as required by Section 110 of the Forest Conservation regulations.

3) The applicant shall dedicate 5 feet of right-of-way along Brookville Road for a total of 35 feet from the centerline, as shown on the approved preliminary plan.

4) The applicant shall construct a 4 foot-wide path in the right-of-way along the property frontage on Brookville Road, from Windsor Place to the historic pillars. The exact location of the path shall be determined prior to construction by a field meeting between the applicant and appropriate transportation and environmental planning staff.

5) Record plat to reflect the approved and adopted environmental setting designated by the HPC and any other requirements of the HPC.

6) Record plat to note, "vehicular access denied" behind the historic pillars marking the existing driveway entrance from Brookville Road.

7) Compliance with the conditions of the MCDPS stormwater management approval letter dated August 24, 2006, unless otherwise amended.

8) Compliance with conditions of MCDPWT letter dated August 30, 2006, unless otherwise amended.

9) Access and improvements, as required, to be approved by ~~the Town~~ Section 5 of the Village of Chevy Chase 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.

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 upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the Bethesda-Chevy Chase Master Plan.*

The Bethesda-Chevy Chase Master Plan, adopted in 1990 ("Master Plan"), does not specifically identify the Subject Property; however, the Property is included in the master plan for historic preservation and identified therein as Master Plan Site #35/73, End Lane/Bradshaw House. Therefore, the Property is subject to the requirements of Chapter 24A of the Montgomery County Code, the Historic Preservation Ordinance.

On February 8, 2006, the Historic Preservation Commission of Montgomery County ("HPC") reviewed the application submitted by the Applicant for a historic area work permit (#409319) ("HAWP"). The HPC approved the HAWP for the proposed improvements shown on the Preliminary Plan, subject to

any necessary approval by related government agencies. The subdivision complies with the recommendations adopted in the Master Plan in that the historic features of the Property will be enhanced through new residential use.

2. *Public facilities will be adequate to support and service the area of the proposed subdivision.*

The new lot will not generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the Application is not subject to Local Area Transportation Review. The Property is a corner lot with frontage on Brookville Road and Windsor Place. Any access and improvements on Windsor Place are subject to the authority of ~~the Town~~ Section 5 of the Village of Chevy Chase. Staff advised the Planning Board that the Applicant proposed removing the existing driveway apron from Brookville Road and constructing a new driveway with access from Windsor Place.

The Planning Board conditioned the approval upon the dedication of five feet of right-of-way for Brookville Road. Another condition requires the construction, by the Applicant, of a four-foot wide path; Staff advised the Board that the unique circumstances make appropriate the construction of a path rather than a standard sidewalk, in order to increase safety and preserve the specimen trees and historic pillars along the Brookville Road frontage. The Board concurs with that recommendation. Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public improvements.

3. *The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections. Access and public facilities will be adequate to support the proposed lot and uses. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lot was reviewed for compliance with the dimensional requirements for the R-60 zone, which are specified in the Zoning Ordinance. The approved lot will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Table 1. The Application has been reviewed by other county agencies, all of which have recommended approval of the plan.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

The site does not contain any environmentally sensitive areas and is exempt from the county Forest Conservation Law as a result of the size of the property. A tree save plan, however, is required and subject to approval conditions.

The 130 trees on the site were inventoried in May 2006, with size and commentary as to health and shape. A rough "Tree Survey Plan" was submitted from Judy Hanks-Henn, LA (dated 11/2005), with recommendations for trees to save and remove, followed by a "Tree Save Plan" from CAS Engineering (dated 11/16/06) showing rough limits of disturbance and preliminary grading that is not consistent with standard tree save practice. A condition of approval requires that the Applicant submit to Staff, for its review and approval, a final Tree Save Plan, prepared by an ISA Certified Arborist, to address the many detailed tree save issues requiring such expertise. That condition requires, among other things, that the Tree Save Plan be consistent with the relevant conditions of the HAWP.

5. *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.*

The stormwater management plan includes on-site water quality control and onsite recharge via nonstructural methods. The MCDPS Stormwater Management Section approved the stormwater management concept for the project on August 24, 2006.

BE IT FURTHER RESOLVED, that 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) and that 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; and

BE IT FURTHER RESOLVED, that the date of this Resolution is MAY 25 2007 (which is the date that this Resolution 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 Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* *

At its regular meeting, held on Thursday, May 17, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission ADOPTED the above Resolution (revised April 4, 2007), on motion of Commissioner Bryant, seconded by Commissioner Robinson, with Commissioners Hanson, Perdue, Bryant, Robinson, and Wellington present and voting in favor. This Revised Resolution constitutes the final decision of the Planning Board, and memorializes the Board's findings of fact and conclusions of law for Preliminary Plan No. 120070060, Smoot's Addition to Chevy Chase (Revised April 4, 2007).

Royce Hanson, Chairman
Montgomery County Planning Board

PLAT NO. 220071500

Barmakian Property (Reservation)
Located in the southeast corner of the intersection of Schaeffer Road and Burdette Lane
R-200 zone, 4 Sub-Parcels: 20.92 acres to be placed in reservation for an addition to South Germantown Recreational Park
Master Plan Area: Agriculture & Rural Open Space
M-NCPPC, Applicant

The plat has been reviewed by M-NCPPC staff, and applicable agencies as listed on the attached plat review checklist. Staff recommends approval of this Plat of Reservation as necessitated by Montgomery County Planning Board Resolution 07-57.

PB date: 07/12/07

RECORD PLAT REVIEW SHEET

Plan Name: RESERVATION BAKMAKIAN PROPERTY Plan Number: —

Plat Name: Barmakian Property Plat Number: 220071500

Plat Submission Date: 5-24-07

DRD Plat Reviewer: S Smith

DRD Prelim Plan Reviewer: N/A

Reserved per MCPB Resolution 07-57

Initial DRD Review:

Signed Preliminary Plan – Date — Checked: Initial — Date —

Planning Board Opinion – Date — Checked: Initial — Date —

Site Plan Req'd for Development? Yes — No — Verified By: — (initial)

Site Plan Name: — Site Plan Number: —

Planning Board Opinion – Date — Checked: Initial — Date —

Site Plan Signature Set – Date — Checked: Initial — Date —

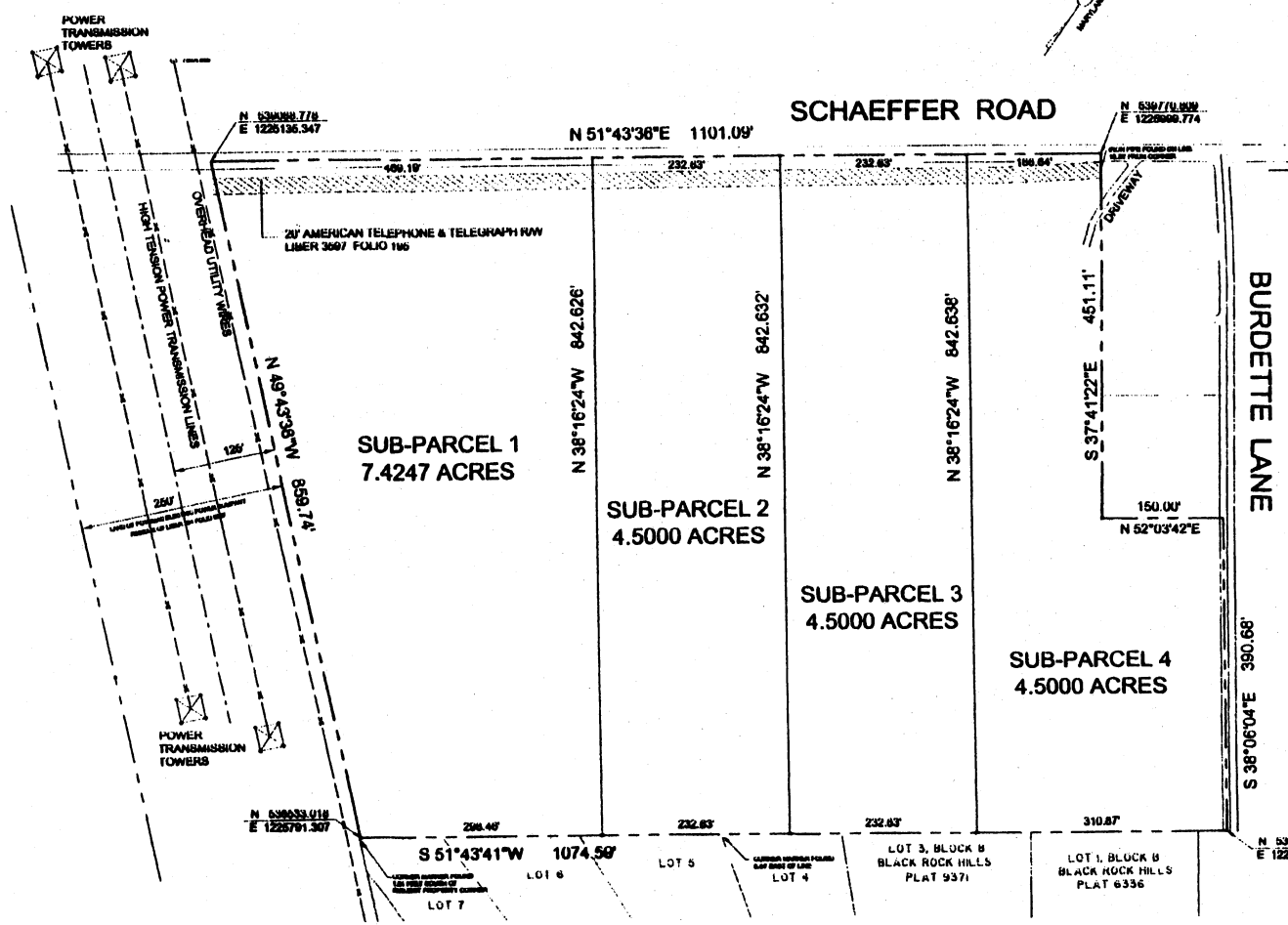
Site Plan Reviewer Plat Approval: Checked: Initial — Date —

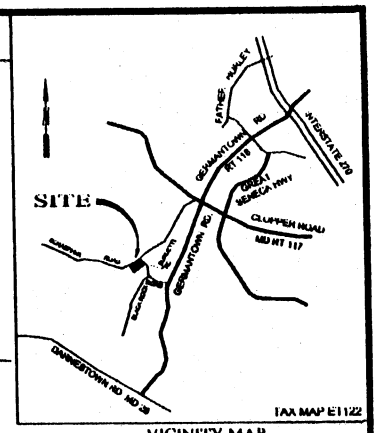
Review Items: Lot # & Layout N/A Lot Area ok Zoning N/A Bearings & Distances ok
Coordinates ✓ Plan # N/A Road/Alley Widths N/A Easements N/A Open Space N/A
Non-standard BRLs N/A Adjoining Land ok Vicinity Map ok Septic/Wells N/A
TDR note N/A Child Lot note N/A Surveyor Cert ok Owner Cert ok Tax Map ✓

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	—	—	—	—	—
Research	Bobby Fleury	6-5-07	6-20-07	6-8-07	3 Corner Coordinates
SHA	Doug Mills	—	—	—	—
PEPCO	Steve Baxter	6-5-07	6-20-07	—	No Comments
Parks	Doug Powell	6-5-07	6-20-07	6-6-07	Talked to B. Gries
DRD	Nellie Carey	6-5-07	6-20-07	6-11-07	Change to Burdette Lane

Final DRD Review:	**Initial**	**Date**
DRD Review Complete:	SJS	6-26-07
(All comments rec'd and incorporated into mark-up)		
Engineer Notified (Pick up Mark-up):	SJS	6-6-07
Final Mylar w/Mark-up & PDF Rec'd:	SJS	6-25-07
Board Approval of Plat:		
Plat Agenda:	SJS	7-12-07
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 #:		No.
Update Green Books for Resubdivision:		
Notify Engineer to Seal Plats:		
Engineer Seal Complete:		
Complete Reproduction:		
Sent to Courthouse for Recordation:		

PLAT NO.:





VICINITY MAP
1" = 2000'

DIRECTOR'S CERTIFICATION

I HEREBY CERTIFY THAT PURSUANT TO THE PROVISIONS OF ARTICLE 28, SECTION 7-116, ANNOTATED CODE OF MARYLAND, AND SECTION 50-31, MONTGOMERY COUNTY CODE, AND THE REGULATIONS FOR THE SUBDIVISION OF LAND FOR THE MARYLAND-WASHINGTON REGIONAL DISTRICT IN MONTGOMERY COUNTY, MARYLAND ADOPTED BY THE COUNTY COUNCIL FOR MONGTOMERY COUNTY, MARYLAND, OCTOBER 17, 1991 AND BY VIRTUE OF ITS AUTHORITY TO ADMINISTER SAID REGULATIONS, THE MONTGOMERY COUNTY PLANNING BOARD BY RESOLUTION # 07-67 ADOPTED ON MAY 17, 2007 HAS DECLARED THE 20.9247 ACRES OF LAND SHOWN HEREON TO BE A RESERVATION OF LAND FOR PUBLIC USE AS DEEMED NECESSARY FOR PARK PURPOSES AS AN ADDITION TO SOUTH GERMANTOWN RECREATIONAL PARK, SAID PUBLIC RESERVATION TO CONTINUE IN FULL FORCE AND EFFECT FOR THREE YEARS UNTIL JUNE 30, 2010.

DATE: _____

R. Bruce Crawford, Executive Director

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS CORRECT, THAT IT IS A RESERVATION OF ALL OF THE LAND CONVEYED BY OSCAR LAVINE AND CLAUSSE LAVINE TO STEPHEN R. BARMAKIAN BY DEED DATED AUGUST 14, 1972, RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND IN LIBER 4264 AT FOLIO 588

DATE: 6/22/07

ERIC V. DAY
PROFESSIONAL LAND SURVEYOR
MD REGISTRATION NO. 10771

PLAT OF RESERVATION

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

APPROVED: _____

CHAIRMAN — ASST. SECRETARY TREASURER

M-NCP&PC RECORD PLAT FILE NO.

RECORDED

DATE

PLAT NO.

Dewberry

203 Perry Parkway, Suite 1
Gaithersburg, MD 20877-2169
(301) 948-8300 Fax: (301) 258-7607

BARMAKIAN PROPERTY

LIBER 4264 FOLIO 588

DARNESTOWN (6TH) ELECTION DISTRICT

MONTGOMERY COUNTY, MARYLAND

SCALE: 1"= 100' DATE: MAY 2007

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Supervisor of Assessments and the Director of Finance of Montgomery County and to the Washington Suburban Sanitary Commission, advising said offices of the tax abatement provisions of Article 28 of the Annotated Code of Maryland, with respect to such Reservation of Land for Public Use, so that the land so reserved may be exempted from the levy of State and County taxes for a period of three years beginning July 1, 2007; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be transmitted to the property owners; and

BE IT FURTHER RESOLVED that the appropriate Reservation Plat covering the aforesaid property, shall be duly certified by this Commission, certified by its authorized representatives, and duly recorded among the Land Records of Montgomery County, Maryland; and

BE IT FURTHER RESOLVED that a copy of said Reservation Plat be attached to and accompany each copy of this Resolution which is transmitted to the various State and County officials hereinbefore enumerated; and

BE IT FURTHER RESOLVED that a notice of this Resolution be published in two newspapers of general circulation in the Maryland-Washington Regional District in Montgomery County as required by the above-mentioned Regulations for the Subdivision of Land.

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 Robinson, with Commissioners Bryant, Hanson, and Robinson voting in favor of the motion, and Commissioners Perdue and Wellington being absent, at its meeting held on May 17, 2007, in Silver Spring, Maryland.

R. Bruce Crawford

R. Bruce Crawford, Executive Director

Approved as to legal sufficiency

M-NCPPC Legal Department

Date 5/17/07