



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

MCPB
Item #
4/5/07



MEMORANDUM

DATE: March 23, 2007

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Development Review Division

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

REVIEW TYPE: Preliminary Plan of Subdivision - Amendment

APPLYING FOR: One (1) additional lot for one (1) one-family detached dwelling unit –
Nine (9) lots previously approved

PROJECT NAME: Jones Property

CASE #: 12002032A (formerly 1-02033A)

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations.

ZONE: RDT

LOCATION: Located on the north side of Brink Road approximately 2,150 feet west of
Laytonsville Road (MD108)

MASTER PLAN: Agricultural and Rural Open Space

APPLICANT: Elm Street Development

ENGINEER: Charles P. Johnson & Associates

FILING DATE: April 26, 2005

HEARING DATE: April 5, 2007

STAFF RECOMMENDATION: Approval of One (1) additional lot, subject to the following conditions:

- 1) Approval is limited to Ten (10) lots including the nine previously approved lots and the additional lot being created with this amendment by conversion of existing Outlot A.
- 2) The portion of the existing driveway that will be shared by the dwelling on proposed Lot 11 and the existing dwelling on Lot 10 shall be improved to meet standards for access width and turnaround as required by the Montgomery County Fire and Rescue Service (MCFRS).
- 3) All applicable conditions of the previous preliminary plan approval per Montgomery County Planning Board opinion dated September 24, 2002, remain in full force and effect.

I. SITE DESCRIPTION

The subject property contains 250.11 acres of land within the RDT zone and is located on the north side of Brink Road west of Laytonsville Road (MD108), adjacent to the city limit of the Town of Laytonsville (Attachment A). The property contains nine previously recorded lots and one outlot surrounded by agricultural open space. Houses have been constructed on most, if not all, of the existing lots.

The property lies within the Great Seneca Creek watershed (Use Classification I-P) and is bisected by the Goshen Branch tributary stream and its associated floodplain and stream buffer. A total of 35.92 acres of the site is forested.

II. BACKGROUND

A. Previous Preliminary Plan Approval

The previous preliminary plan was approved by the Planning Board on August 1, 2002, with the conditions specified in the Board Opinion dated September 24, 2002 (Attachment B). As submitted, the preliminary plan application included 273.37 acres of a total tract of 299.03 acres of land that crossed the Town of Laytonsville boundary (Attachment C). The land contained fallow farmfields and forest, with one existing historic house and accessory buildings (Rolling Ridge, Master Plan site #14/38). The record of the preliminary plan approval indicates that the area upon which the approval was based contained 248.37 acres on the Montgomery County portion of the gross tract. This was because the historic resource and the 25 acres of land which were determined to be its historic setting, were excluded from the approval since necessary septic approval had not been granted at the time. A total of nine lots clustered within large agricultural use/open space parcels were approved on the remaining acreage. It was anticipated in the discussion of the preliminary plan that a tenth lot would be created around the historic structure by future plan amendment.

B. Signed Preliminary Plan and Record Plats

Subsequent to the preliminary plan approval, updated surveys were completed by the applicant as part of the preparation of subdivision record plats. As certified by the applicant's surveyor, these surveys indicated that the total area of the tract was 301.54 acres, and that 24.08 acres were located in the Town of Laytonsville. Thus, the portion of the property within Montgomery County was actually 277.46 acres, not the 273.37 as noted on the preliminary plan application. Recognizing that the additional acreage created the potential for a total of eleven lots from the property, including the one anticipated for the historic structure, the applicant modified the preliminary plan drawing to include an outlot which might be converted to a lot through further subdivision. Staff signed the version of the preliminary plan that included this outlot (Attachment D) and recorded it as part of the subsequent record plat. Although it was not included in the Board's approval of the preliminary plan, it appears that staff made a determination that it did not change the intent of that approval since the outlot is unbuildable without further Board approval.

C. Town of Laytonsville Annexation

Subsequent to the Planning Board's approval of the nine lots in the original plan, the applicant filed a petition with the Town of Laytonsville requesting the annexation of part of the unplatted remainder of the property into the town. The proposed annexation area included the historic structures. After public hearings held by the Planning Board and the Town of Laytonsville, the annexation request was approved. By resolution adopted January 4, 2005 (Attachment E), 27.36 acres of land within the county, including the historic resource, were annexed by Laytonsville. A total of 250.10 acres was identified as remaining in the county after the annexation.

III. CURRENT PROJECT DESCRIPTION

This preliminary plan amendment proposes to convert the previously recorded outlot located in the southwest corner of the property into a buildable lot (Attachment F). Since the property annexed by the town of Laytonsville included the existing historic house and the acreage remaining in the county exceeds 250 acres, the currently proposed total of ten lots meet the requirements for density in the RDT zone. The existing outlot was located by the applicant in anticipation of this plan amendment, and was located to preserve the agricultural use/open space area previously approved by the Board. The proposed house will have access to Brink Road via a shared driveway with the adjacent existing lot, for which an easement and maintenance agreement has already been recorded.

IV. ANALYSIS AND FINDINGS

A. Conformance to the Subdivision Regulations and Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations, and Chapter 59, the Zoning Ordinance. The

application meets the applicable requirements, as further discussed below. Access and public facilities will be adequate to support the proposed lots and uses. Additionally, the proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

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

a. Statutory Review Criteria

As previously noted, the Planning Board’s approval of the original preliminary plan was granted for 9 lots and several open space parcels. One of those lots was subsequently recorded as a 7.7-acre lot, and a 5-acre outlot. The outlot is the subject of this preliminary plan amendment. Since this outlot was not previously reviewed by the Board, it is appropriate, in staff’s opinion, to analyze this request to convert the outlot to a buildable lot as a resubdivision of the 12.7-acre lot that was shown on the original preliminary plan. In order to approve an application for resubdivision, the Planning Board must find that each proposed lot is in character for the neighborhood with respect to 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.

b. Neighborhood Delineation

In administering Section 50-29(b)(2) of the Subdivision Regulations, the Planning Board must determine the appropriate block, neighborhood or subdivision for evaluating the application. In this instance, the selected neighborhood (“Neighborhood”) for analysis purposes consists of 13 lots (Attachment G). The Neighborhood includes all previously approved lots in the subdivision, as well as lots in an adjacent subdivision on Laytonsville Road that was recently approved, and shares the same RDT zoning. The proposed Neighborhood is limited by the fact that most lots in proximity to the proposed lot were developed under different zoning standards, but it does provide an adequate sample for comparison of the character of the proposed lot to those RDT lots that exist. A tabular summary of the resubdivision delineated Neighborhood is included in Attachment H.

c. Analysis

Comparison of the Character of Proposed Lot to Existing

Based on the analysis, the proposed lot will be of the same character as the existing lots in the Neighborhood. As set forth below, the attached tabular summary and graphical documentation support this conclusion:

Frontage: The existing lots range in frontage from 25 feet to 582 feet. Proposed Lot 11 has a lot frontage of 440 feet. The proposed lot will be of the same character as existing lots in the Neighborhood with respect to lot frontage.

Alignment: The majority of lots in the Neighborhood (12 lots) have perpendicular alignment, and the remaining lot is angled to the street. The proposed lot is perpendicular in alignment and will be in character with other lots in the Neighborhood.

Size: The existing lots range in size from 121,538 square feet to 680,990 square feet. Proposed Lot 11 will be 217,800 square feet. The proposed lot size falls within the range of existing lots in the Neighborhood and will be in character with respect to size.

Shape: Most of the existing lots in the Neighborhood (10 lots) are irregular in shape. Two lots are rectangular and one lot is square. Proposed Lot 11 is rectangular in shape and will be in character with the shapes of other lots in the Neighborhood.

Width: The existing lots range in width at the building line from 300 feet to 1,020 feet. Proposed Lot 11 will have a lot width of 440 feet. The proposed lot will be in character with existing lots in the Neighborhood with respect to width.

Area: The buildable areas of lots in the Neighborhood range from 31,800 square feet to 433,050 square feet. Proposed Lot 11 will have a buildable area of 158,000 square feet. For this analysis, the buildable area of the adjacent Stabler Property lots excludes the onsite conservation easement areas, which is consistent with staff practice in other cases. However, these lots would still make up the low end of the Neighborhood range of buildable areas even if the conservation easement areas were included. The proposed lot falls within the range of buildable areas for the Neighborhood and will, therefore, be of the same character as other lots with respect to buildable area.

Suitability: The existing and proposed lots are suitable for residential use.

2. Conformance with the Density Requirements of the RDT Zone

As discussed above, the preliminary plan submitted in September, 2001, included a total land area of 299.03 acres. This acreage was calculated by the applicant's surveyor from available deeds and records, which is typical of most preliminary plans. A detailed survey is not required until a record plat is submitted. The same preliminary plan indicated that 273.37 acres of this land was located in Montgomery County, and the remaining 25.66 acres was in the Town of Laytonsville. Subsequent to the preliminary plan approval, updated surveys were completed by the applicant as part of the preparation of subdivision record plats. As certified by the applicant's surveyor, these surveys indicated that the total area of the tract was 301.54 acres, and 24.08 acres were located in Laytonsville. The applicant subsequently

annexed 27.36 acres to the Town, and recorded plats for the remainder of the subdivision that contain a total of 250.11 acres of land. Thus, according to the density provisions of the RDT zone, the portion of the tract within Montgomery County is eligible for 10 lots.

Neighbors in the adjacent Goshen Hunt Hills Subdivision have expressed concern that the addition of this proposed lot could result in the property exceeding the density permitted in the RDT zone. As previously discussed, the tenth lot on this property was originally anticipated to include the historic dwelling. Since that dwelling was included in the annexation to Laytonsville, it is no longer considered in the density for the subject site. One neighbor in particular calls into question the validity of the acreages contained in the subject record plats and annexation deed, because he believes previous deed descriptions of the overall property do not support the applicant's claim that they are entitled to include any additional acreage. In documents submitted by the neighbor, Mr. Joseph Hunter (binder made available to the Board), he states that the deeds associated with the applicant's purchase of the property describe 301.55 acres of land when it should have been only the 299.03 acres included in the original preliminary plan submission. He believes the additional acreage identified in the deed transferring the property to the applicant includes acreage associated with the right of way for Brink Road which the applicant is not entitled to claim. He believes this acreage comes from including the area between the centerline of the Brink Road right-of-way and the property boundary, instead of limiting the total acreage to that on "the northerly side of Brink Road" as is described in the deed associated with the land transfer.

According to the land surveys prepared by the applicant in completing the annexation and recording the nine previously approved lots, 250.10 acres of land remain in Montgomery County. This acreage is sufficient to justify the additional lot, and ten lots overall, for the subdivision. Staff has no reason not to accept the surveyor's certification with regard to this acreage.

B. Conformance to the Master Plan

The Agricultural and Rural Open Space (AROS) Master Plan establishes agriculture as the preferred use for land in the Rural Density Transfer (RDT) zone. The proposed plan amendment maintains the contiguous open space parcels as previously approved for agricultural purposes. The proposed lot encompasses acreage that was conceptually shown as the location of an optional guest house associated with existing lot 10. The lot layout continues to preserve views into the property through open space corridors as was recommended by the Planning Board during the original approval.

C. Environment

Forest Conservation

The forest retention and planting within portions of the onsite stream buffer area located within the agricultural parcels exceeds the minimum requirements of the forest conservation law. Total forest conservation requirements could have been calculated solely

on the proposed lot area and not the entire tract, but the applicant chose not to request an exemption for the agricultural use areas. As a result, the onsite stream buffer area is fully protected and has been enhanced by planting.

Environmental Guidelines

The site includes stream buffers, floodplains, and wetlands. These areas were protected by a Category I conservation easement as part of the original preliminary plan approval.

D. Transportation

The proposed lot does not change the fact that the overall subdivision generates fewer than 30 morning and evening peak-hour vehicle trips. Local Area Transportation Review (LATR) is, therefore, not required. Staff finds that vehicular access to the proposed lot via the existing driveway is sufficient.

V. CITIZEN CONCERNS

In addition to the density concern discussed above, neighbors have raised concern about the location of the proposed lot. At a meeting between the applicant, staff, Mr. Hunter and other neighbors in the Goshen Hunt Hills subdivision, neighbors questioned why the proposed lot and future house are not located further to the east where the off-site septic system easement is located. Mr. Hunter pointed out that a lot had been shown in this location on earlier versions of the preliminary plan and on earlier layouts shown for septic and water testing. The preliminary plan ultimately approved by the Planning Board created an open space “window” between lot clusters which would be lost if the proposed lot location were moved eastward toward the proposed septic field. In addition to being undesirable from the standpoint of preserving the planned view, moving the lot to the open space is probably not possible because the parcel has now been sold to an abutting lot owner and is no longer controlled by the developer.

The major concerns that Mr. Hunter and his neighbors have with the proposed lot location appear to be that it not encourage the future extension of existing Goodhurst Drive, which exists as a stub-street at the eastern boundary of the property, and that it not impact existing wells. Although extending Goodhurst Drive was discussed early in the original preliminary plan review process, a decision was made that extension of the street was not necessary. That decision was re-confirmed as part of the review of this amendment, and the county has no plans to extend Goodhurst Drive.

In response to the concern about well impacts, staff contacted the Montgomery County Department of Permitting Services (DPS), Well and Septic Section who have jurisdiction over the review and approval of wells and septic systems. DPS staff stated that, based upon their knowledge of soils and well data for the area, they do not believe an additional well on the proposed lot would impact surrounding wells. In response to the concern, however, they have approved relocation of the proposed well sites to the northeast corner of the proposed lot away from existing lots on Goodhurst Drive. Mr. Hunter has stated that the proposed relocation does

not fully address the neighborhood concerns. Instead, he would like the Planning Board to limit their consideration of location for any additional lot to the existing open space Parcel E, located in the opposite corner of the property closest to Laytonsville Road (MD 108). Staff does not support a lot on Parcel E because it would require encroachment into environmental buffer area associated with an onsite stream and wetlands.

VI. CONCLUSION

Based upon the resubdivision analysis, the location of the outlot, and the certified survey information that supports the overall acreage of the subject tract, staff supports the requested lot. The request complies with all applicable ordinances and regulations regarding the subdivision of land in Montgomery County. Based on the discussion above, staff finds that the proposed lot is consistent with the prior approval in that it maintains the area previously approved for agricultural use. In addition, adequate access and well and septic facilities will be provided for the future dwelling. Therefore, staff recommends approval of the preliminary plan amendment, subject to the conditions cited above.

ATTACHMENTS

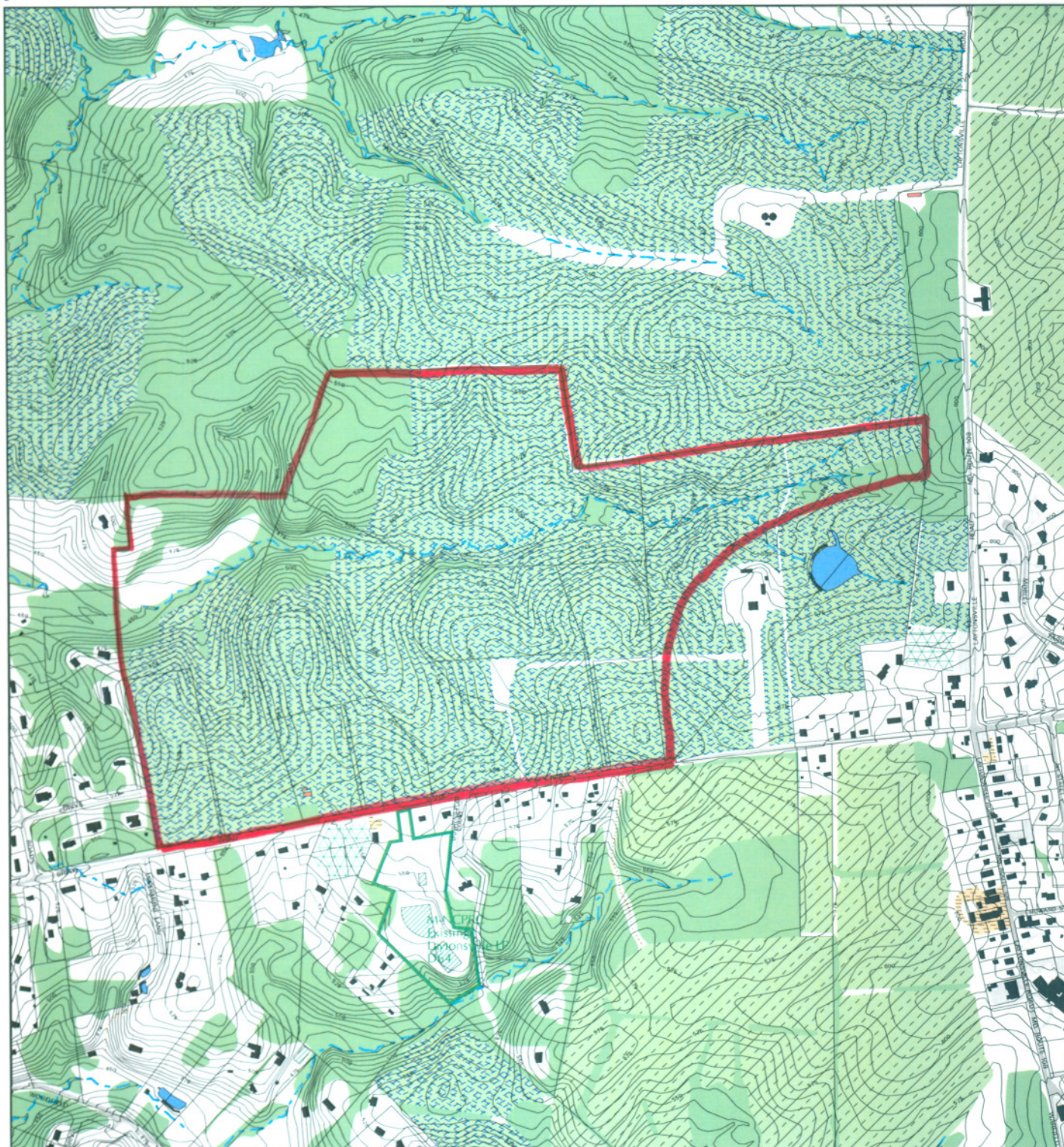
- Attachment A – Vicinity Map
- Attachment B – Preliminary Plan Opinion
- Attachment C – Preliminary Plan Area
- Attachment D – Approved Preliminary Plan
- Attachment E – Annexation Resolution
- Attachment F – Amended Preliminary Plan
- Attachment G – Resubdivision Neighborhood
- Attachment H – Resubdivision Data Table
- Attachment I – Agency Correspondence

Preliminary Plan Data Table and Checklist

Plan Name: Jones Property				
Plan Number: 12002032A				
Zoning: RDT				
# of Lots: 10 (9 previously approved, 1 proposed)				
# of Outlots: 5 open space parcels, previously approved				
Dev. Type: one-family detached residential dwelling lots				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval on the Preliminary Plan	Verified	Date
Minimum Lot Area	40,000 sq.ft.	5 acres is minimum proposed	CAC	3/23/07
Lot Width	125 ft.	Must meet minimum	CAC	3/23/07
Lot Frontage	25 ft.	Must meet minimum	CAC	3/23/07
Setbacks				
Front	50 ft. Min.	Must meet minimum	CAC	3/23/07
Side	20 ft. Min./40 ft. total	Must meet minimum	CAC	3/23/07
Rear	35 ft. Min.	Must meet minimum	CAC	3/23/07
Height	50 ft. Max.	May not exceed maximum	CAC	3/23/07
Max Residential dwelling units	10 dwelling units (1/25 acres based on 250.1 acres remaining in county)	10 dwelling units	CAC	3/23/07
MPDUs	N/A			
TDRs	One must be available for each lot created	One TDR available for each lot	CAC	3/23/07
Site Plan Req'd?	No		CAC	3/23/07
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street	Per previous approval		CAC	3/23/07
Road dedication and frontage improvements	Per previous approval		CAC	3/23/07
Environmental Guidelines	Per previous approval		CAC	3/23/07
Forest Conservation	Per previous approval		CAC	3/23/07
Master Plan Compliance	Yes		CAC	3/23/07
Other (i.e., parks, historic preservation)				
ADEQUATE PUBLIC FACILITIES				
Stormwater Management		Agency letter		4/1/05
Water and Sewer	N/a			
10-yr Water and Sewer Plan Compliance	N/a			
Well and Septic		Agency letter		7/29/05
Local Area Traffic Review	N/a			
Fire and Rescue	Driveway to be min. 20' wide if shared.		CAC	3/23/07
Other (i.e., schools)				

JONES PROPERTY (1-02032A)

Attachment A



Map compiled on May 25, 2005 at 10:13 AM | Site located on base sheet no - 230NW07

NOTICE

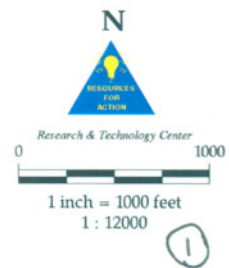
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Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

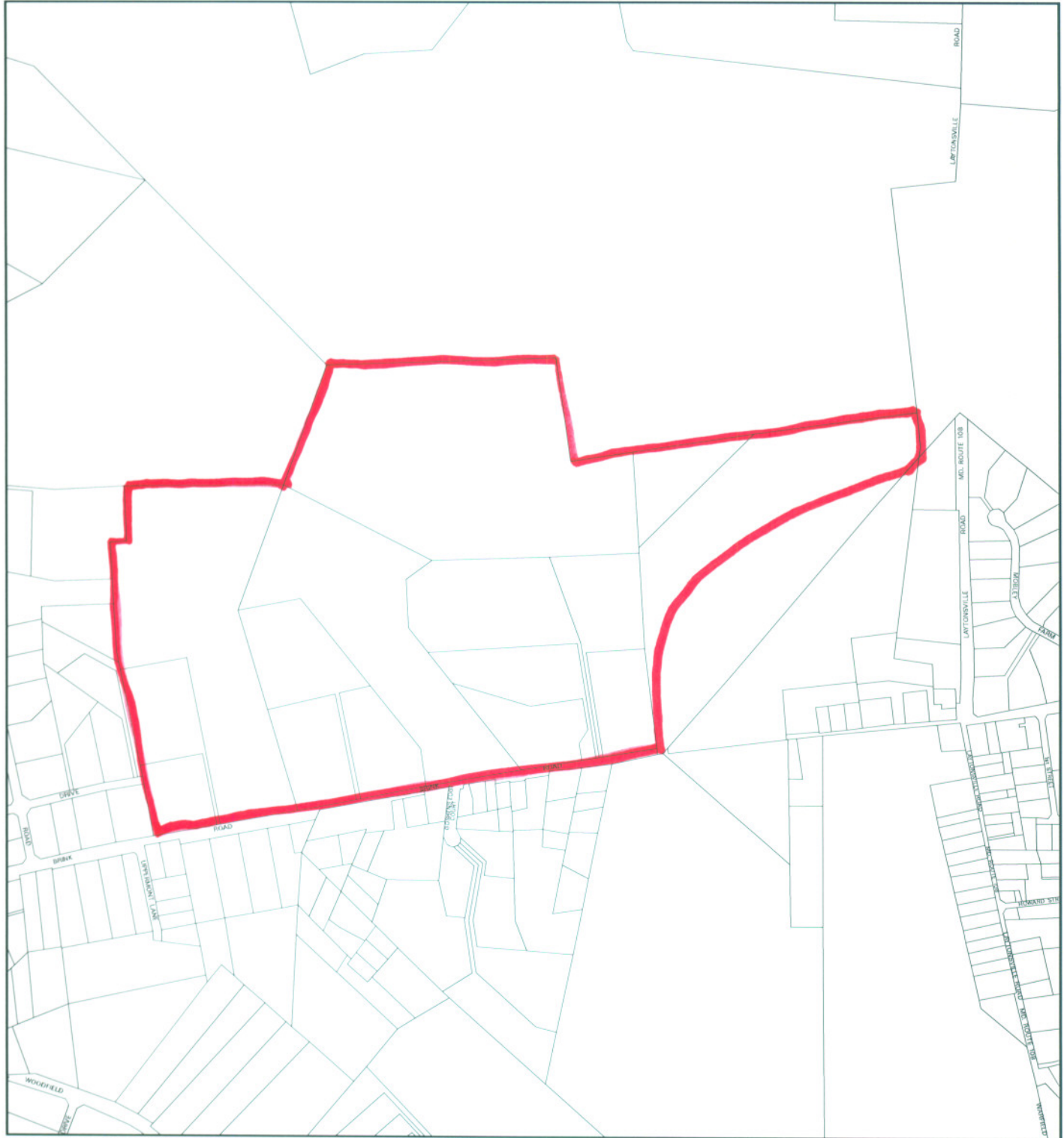
This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue - Silver Spring, Maryland 20910-3760

Key Map



JONES PROPERTY (1-02032A)



Map compiled on May 25, 2005 at 10:16 AM | Site located on base sheet no - 230NW07

NOTICE

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Key Map



N



Research & Technology Center



1 inch = 1000 feet
1 : 12000



Attachment B

Date Mailed: September 24, 2002

Action: Approved Staff Recommendation
Motion of Comm. Wellington, seconded by
Comm. Perdue with a vote of 3-0;
Comms. Berlage, Perdue and
Wellington voting in favor
Comms. Bryant and Robinson
absent

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-02032

NAME OF PLAN: JONES PROPERTY

On 09/28/01, ELM STREET DEVELOPMENT submitted an application for the approval of a preliminary plan of subdivision of property in the RDT zone. The application proposed to create 10 lots on 273.37 acres of land. The application was designated Preliminary Plan 1-02032. On 8/01/02, Preliminary Plan 1-02032 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. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-02032 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-02032.

Approval of Nine (9) Lots Only At This Time, Subject to the Following Conditions:

- 1) 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
- 2) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Agricultural and Open Space Master Plan unless otherwise designated on the preliminary plan
- 3) Record plat to show delineation of a Category I conservation easement over the area of stream valley buffer and forest conservation areas
- 4) Record plat to provide for dedication of 80 foot right-of-way for Brink Road
- 5) Record plat to reflect common ingress/egress and utility easements over all shared driveways
- 6) Compliance with the conditions of MCDPS stormwater management approval
- 7) Compliance with conditions of MCDPS (Health Dept.) septic approval
- 8) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s)
- 9) Provide an affidavit to verify the availability of a TDR for each proposed dwelling unit shown on the approved preliminary plan. Include a note referencing recorded TDR easement on record plat

- 10) Record plat to identify use and ownership of open space parcel
- 11) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed
- 12) 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
- 13) Other necessary easements



Date Mailed: September 24, 2002

Action: Approved Staff Recommendation

Motion of Comm. Wellington, seconded by
Comm. Perdue with a vote of 3-0;

Comms. Berlage, Perdue and
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- 13) Other necessary easements



Originally Submitted Preliminary Plan



LEGEND

- 5' CONTOUR (CONTOUR)
- EXISTING STREAM
- WETLANDS AND 25' BUFFER
- 5% 100-yr FLOODPLAIN
- PROPOSED 100-yr FLOODPLAIN
- STREAM VALLEY BUFFER
- EXISTING TREE LINE
- SOIL S
- PROPOSED HOUSE
- PROPOSED SERVICE FIELD
- PROPOSED SERVICE TANK
- PROPOSED WELL AND 100' BUFFER

PROPOSED WELL AND 100' BUFFER

PROPOSED SERVICE TANK

PROPOSED SERVICE FIELD

PROPOSED HOUSE

EXISTING TREE LINE

STREAM VALLEY BUFFER

5% 100-yr FLOODPLAIN

WETLANDS AND 25' BUFFER

EXISTING STREAM

5' CONTOUR (CONTOUR)

LOEDERMAN ASSOCIATES, INC.
 Civil Engineering Land Surveying Land Surveying Environmental Planning
 1000 West 10th Street, Suite 100
 Oklahoma City, Oklahoma 73106
 Phone: (405) 521-1100 Fax: (405) 521-1101
 Website: www.loederman.com

NO.	DATE	DESCRIPTION
1	11/11/11	PRELIMINARY PLAN
2	11/11/11	REVISIONS
3	11/11/11	REVISIONS
4	11/11/11	REVISIONS
5	11/11/11	REVISIONS
6	11/11/11	REVISIONS
7	11/11/11	REVISIONS
8	11/11/11	REVISIONS
9	11/11/11	REVISIONS
10	11/11/11	REVISIONS

DESIGNER'S CERTIFICATE
 I, the undersigned, being a duly Licensed Professional Engineer in the State of Oklahoma, do hereby certify that I am the author of the foregoing plans and specifications, and that I am a duly Licensed Professional Engineer in the State of Oklahoma, and that I am a duly Licensed Professional Engineer in the State of Oklahoma, and that I am a duly Licensed Professional Engineer in the State of Oklahoma.

Client/Owner
 The Board of Directors
 Jones Property
 7440 Jones Road
 Oklahoma City, Oklahoma 73121
 Phone: (405) 764-4778

STATE OF OKLAHOMA
 DEPARTMENT OF REVENUE
 DIVISION OF LAND MANAGEMENT
 1000 WEST 10TH STREET, SUITE 100
 OKLAHOMA CITY, OKLAHOMA 73106
 PHONE: (405) 521-1100 FAX: (405) 521-1101
 WWW.DLM.TREASURY.STATE.OK.GOV

Composite Plan

7440 JONES ROAD, OKLAHOMA CITY, OKLAHOMA 73121
Jones Property
 14700 Jones Road, Oklahoma City, Oklahoma 73121
 Montgomery County, Maryland

DATE 11/11/11
SCALE 1" = 200'
PROJECT 11/11/11

TOWN OF LAYTONSVILLE

INCORPORATED 1892
Montgomery County, Maryland

CHARLES W. OLAND
Mayor

CATHRYN D. BUIT
Clerk

CHRISTINE WILKINSON
Treasurer

February 22, 2005

Jody S. Kline, Esq.
Miller, Miller & Canby
200-B Monroe Street
Rockville, MD 20850

Re: Annexation Resolution #R-1-05

Dear Jody:

As requested, we have ~~mailed~~ a copy of the above Resolution along with a copy of the new Zoning Map to the below entities:

Mr. Derick Berlage
Maryland-National Capital Park & Planning Commission

Ms. Georgeanne Carter
Maryland Department of Legislative Services

Ms. Molly Ruhl
Clerk of the Circuit Court – Montgomery County

Charter Department
Maryland State Department of Assessments & Taxation

We are enclosing a copy of the letters for your files.

We are also enclosing a copy of the new Zoning Map for your records.

Sincerely,



Charles W. Oland
Mayor

CWO/cdb

RESOLUTION NO. 1-05

RESOLUTION ANNEXING TO
THE TOWN OF LAYTONSVILLE, MARYLAND 27.36 ACRES OF LAND,
KNOWN AS THE JONES FARM PROPERTY

ANNEXATION X-01-05

WHEREAS, Section 19(a) of Art. 23A of the Annotated Code of Maryland, 1957 Edition (1981 Replacement Volume) provides that the legislative body of a municipal corporation in Maryland may enlarge the corporate boundaries thereof in accordance with the requirements therein provided; and

WHEREAS, the Mayor and Council of the Town of Laytonsville have received a petition filed by Jones Farm, LC, requesting the enlargement of the corporate boundaries of the Town of Laytonsville, so as to include the property described below; and

WHEREAS, the signatures of the said petition for annexation have been verified and it has been ascertained that the persons signing said petition are owners of not less than twenty-five percent (25%) of the assessed valuation of the real property located in the area to be annexed, and constitute not less than twenty-five percent (25%) of the persons who reside in the area to be annexed and who are registered as voters in County elections in the precincts in which the territory to be annexed is located; and

WHEREAS, the Mayor and Town Council authorized consideration of the annexation by Resolution No.1-05 and caused notice of the proposed annexation to be published in a newspaper of general circulation in the Town of Laytonsville as required by law and transmitted copies of Resolution No.1-05 to be delivered to the agencies and instrumentalities identified therein; and

WHEREAS, the Town has conducted public meetings on the annexation application on July 6, 2004 and on November 2, 2004.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Town of Laytonsville, pursuant to Resolution No.1-05 that the corporate boundaries of the Town of Laytonsville be, and they hereby are, enlarged by including therein the area known as the Jones Farm Property as described in Schedule A and shown on the sketch (Schedule B) attached hereto containing 27.36 acres of land.

ADOPTED by the Town Council this 4th day of January 2005



CHARLES W. OLAND
MAYOR

DELIVERED to the Mayor of the Town of Laytonsville, Maryland, this 29th day of December, 2004. Approved by the Mayor of the Town of Laytonsville this 4th day of January, 2005.



CHARLES W. OLAND, MAYOR

THIS IS TO CERTIFY that the foregoing Resolution was adopted by the Town Council of the Town of Laytonsville in public meeting assembled on the 4th day of January, 2005 and that the same was approved by the Mayor of the Town of Laytonsville on the 4th day of January, 2005.
This Resolution will become effective on the 18th day of February, 2005.



Cathryn D. Buit, TOWN CLERK

Charles P. Johnson & Associates, Inc.
Planners Engineers Landscape Architects Surveyors



Silver Spring, MD

Frederick, MD

Fairfax, VA

DESCRIPTION OF
PART OF THE PROPERTY OF

JONES FARM, L.C.
A VIRGINIA LIMITED LIABILITY COMPANY

TO BE ANNEXED TO

THE TOWN OF LAYTONSVILLE

Being part of the property acquired by Jones Farm, L.C., a Virginia limited liability company, from James Netterstrom, et al., by deed dated December 3, 2002 and recorded among the land records of Montgomery County, Maryland in Liber 22599 as Folio 161, and being more particularly described in the Maryland State Plane Datum (NAD83/96) as follows

Beginning at a point at the intersection of the existing, north-westerly, Corporate Limits of the Town of Laytonsville, and the northerly side of Brink Road, said point being also on the twelfth (12th) or South 80°01'51" West, 2,079.00 feet line of said deed recorded in Liber 22599 at Folio 161, distant, 242.72 feet from the beginning thereof, and running thence with and binding on said northerly side of Brink Road and said twelfth (12th) deed line, the following course and distance

1. South 80°01'51" West, 89.97 feet to a point at the southerly end of the easterly or South 06°55'35" East, 744.60 feet line as shown on a subdivision record plat entitled "Subdivision Record Plat, Lots 2 through 6 and Parcels A & C, Block A, Jones Farm" and recorded among the aforesaid land records as Plat No. 25568 and running thence, reversely with and binding on said plat line, the following course and distance
2. North 06°55'35" West, 25.45 feet to a point, thence running in, through, over and across the property acquired by Jones Farm, L.C., the following six (6) courses and distances
3. North 36°59'18" East, 36.04 feet to a point, thence
4. North 06°55'35" West, 656.78 feet to a point of curvature
5. 793.86 feet along the arc of a tangent curve, deflecting to the right, having a radius of 625.00 feet and a chord bearing and distance of North 29°27'41" East, 741.56 feet to a point, thence with a tangent line

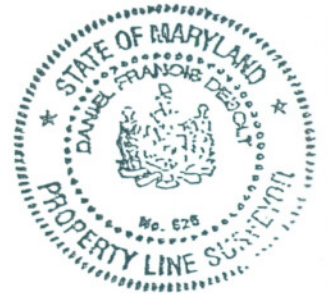
DESCRIPTION OF
PART OF THE PROPERTY OF
JONES FARM, L.C.
TO BE ANNEXED TO
THE TOWN OF LAYTONSVILLE

Page 2 of 2

6. North $65^{\circ}50'57''$ East, 1,597.69 feet to a point of curvature, thence
7. 58.23 feet along the arc of a tangent curve, deflecting to the left, having a radius of 505.00 feet and a chord bearing and distance of North $62^{\circ}32'45''$ East, 58.20 feet to a point on the aforesaid existing, north-westerly, Corporate Limits of the Town of Laytonsville, and running thence with a non-tangent line and binding on said existing, north-westerly, Corporate Limits of the Town of Laytonsville, the following course and distance
8. South $40^{\circ}32'36''$ West, 2,653.77 feet to the point of beginning, containing 1,191,862.29 square feet or 27.36 acres of land.



Daniel F. DeBolt
Registered Property Line Surveyor
Maryland No. 526

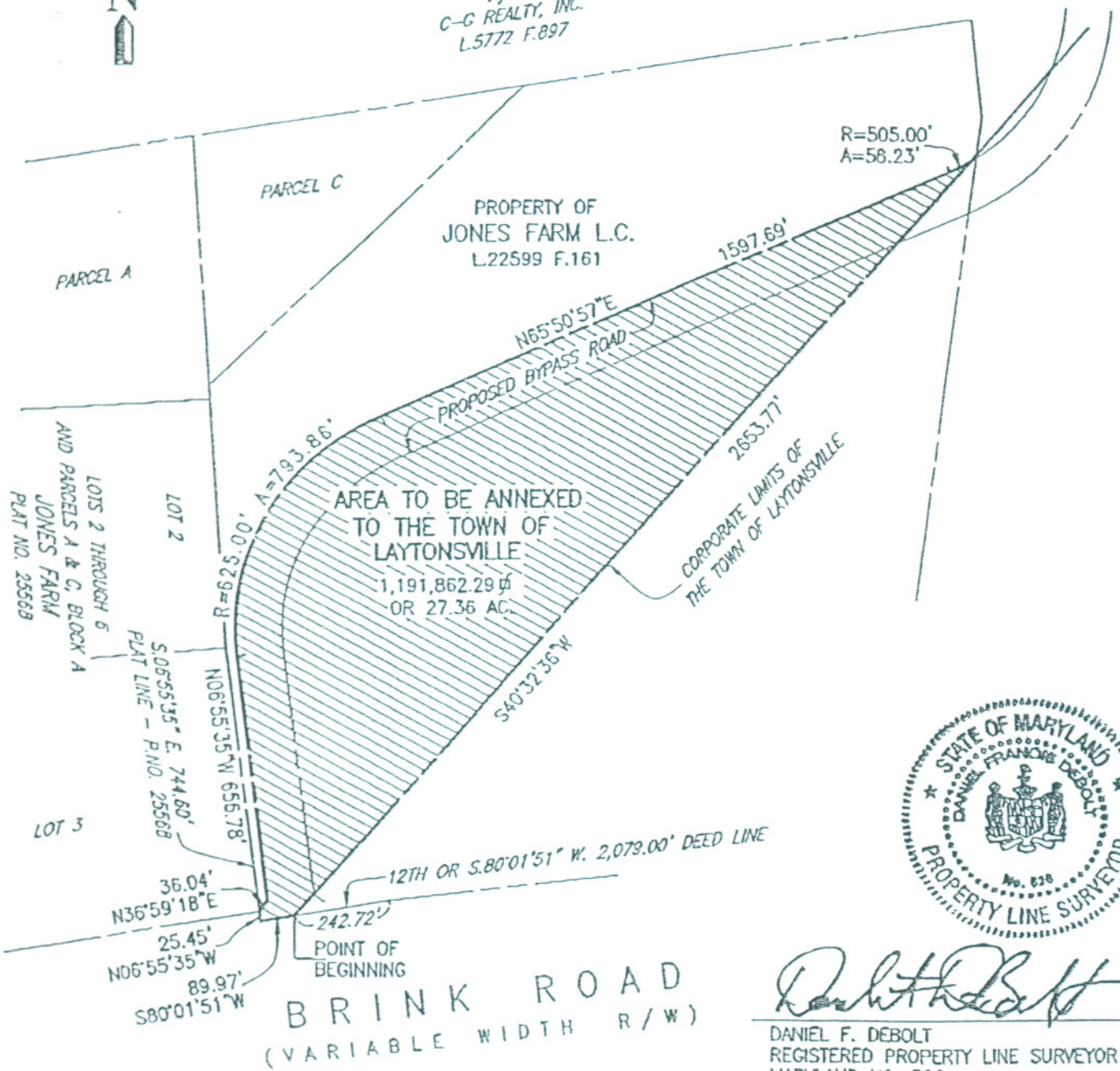


SCHEDULE B

SKETCH OF
PART OF THE PROPERTY OF
JONES FARM, L.C.
TO BE ANNEXED TO
THE TOWN OF
LAYTONSVILLE
SCALE: 1"=400' MAY, 2004



N/F
C-G REALTY, INC.
L.5772 F.897



Daniel F. Debolt

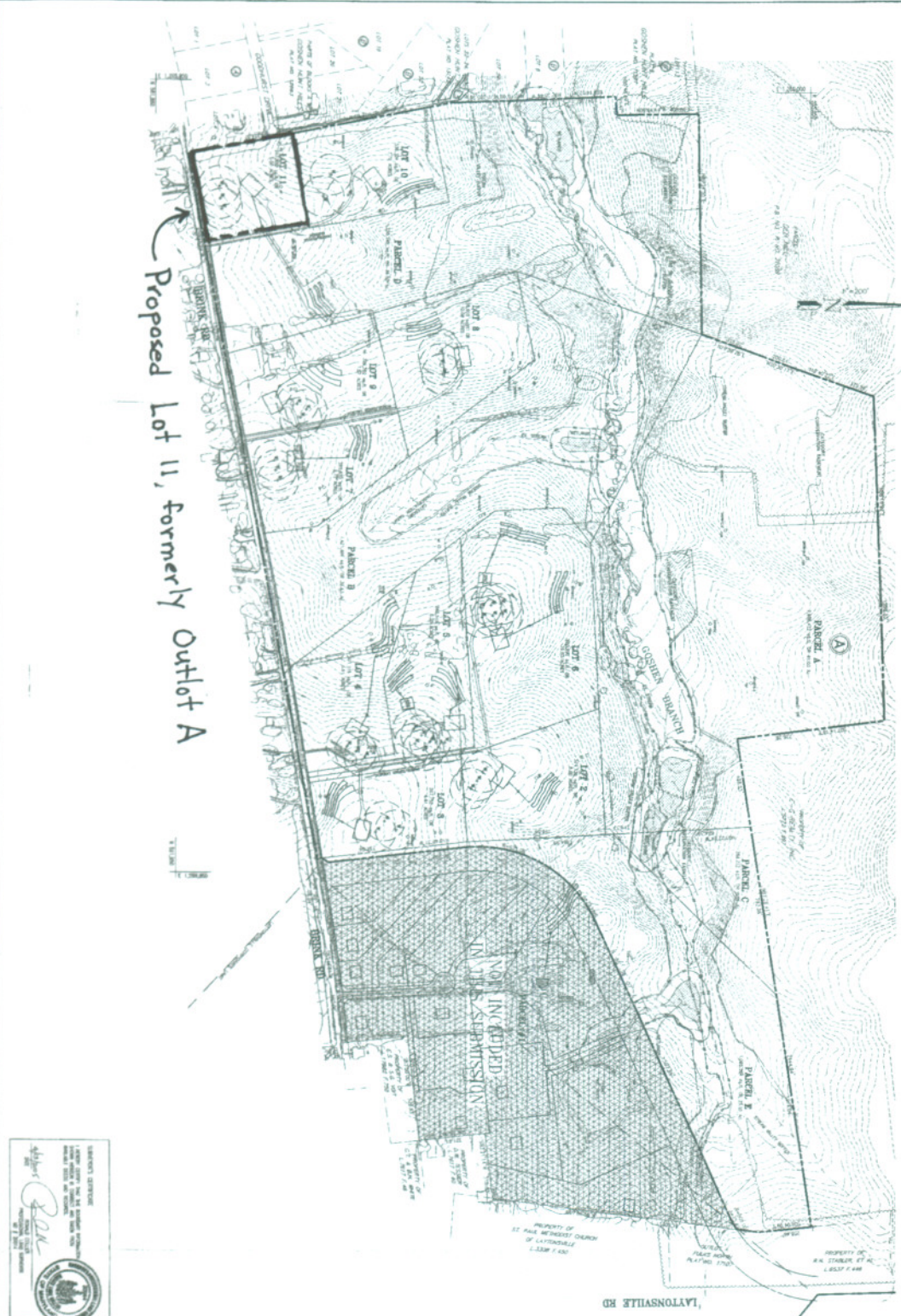
DANIEL F. DEBOLT
REGISTERED PROPERTY LINE SURVEYOR
MARYLAND NO. 528

CPI Associates
Charles F. Johnson & Associates, Inc.
PLANNERS - ENGINEERS - LANDSCAPE ARCHITECTS - SURVEYORS
165 ELLIOTT ROAD SUITE 200 BRIDGEVILLE, MARYLAND 21048
Phone (301) 464-2333 E-mail cjohnson@cfja.com
FREDERICK, MD P.O. BOX 10

ADDRESS

NO.	SECTION	TOWNSHIP	RANGE	ACRES	OWNER
1	11	11	11	11	11
2	11	11	11	11	11
3	11	11	11	11	11
4	11	11	11	11	11
5	11	11	11	11	11
6	11	11	11	11	11
7	11	11	11	11	11
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Proposed Lot 11, formerly Outlot A

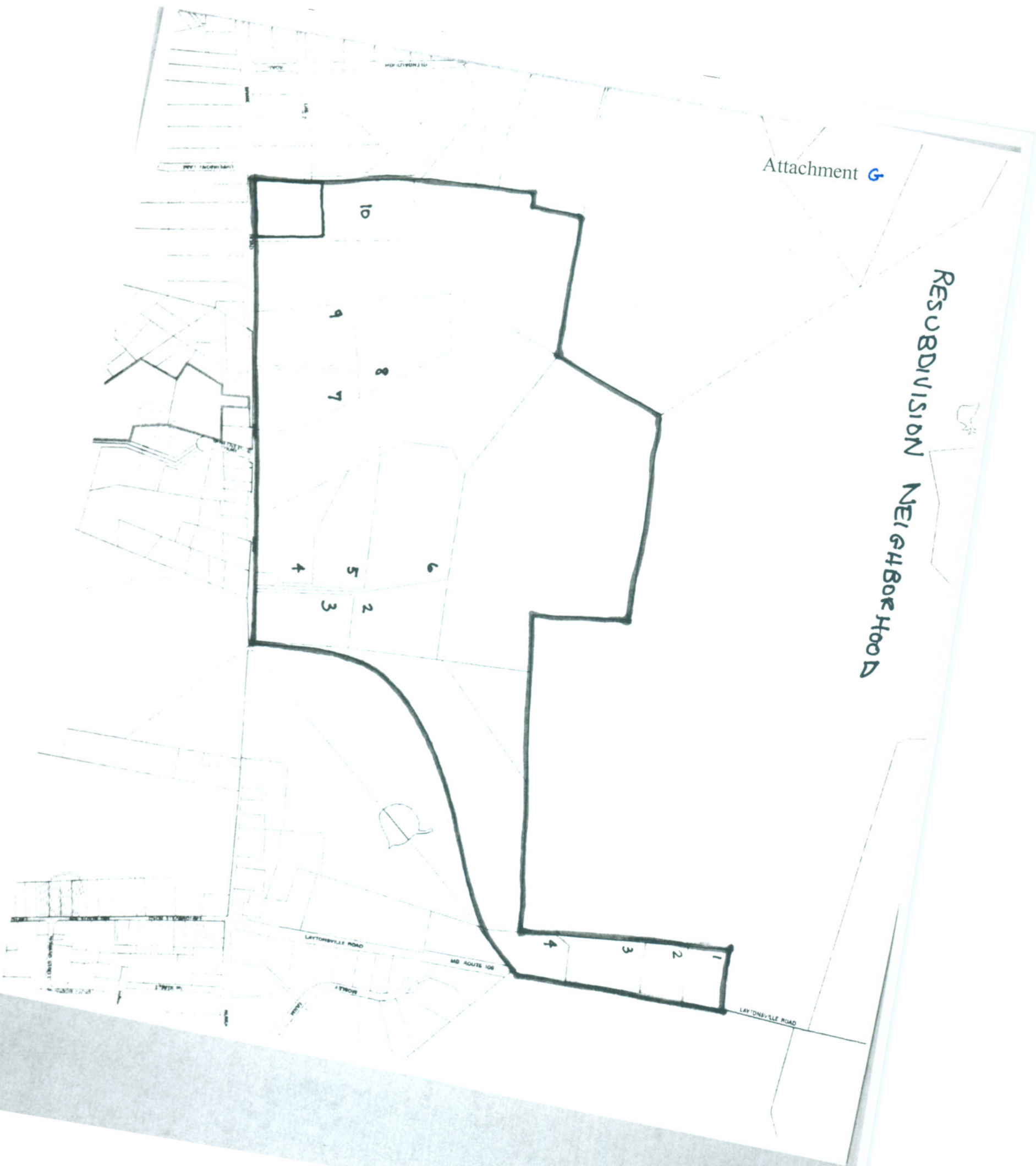


NO.	DESCRIPTION	AMOUNT
1	LOT 1	1.23
2	LOT 2	1.23
3	LOT 3	1.23
4	LOT 4	1.23
5	LOT 5	1.23
6	LOT 6	1.23
7	LOT 7	1.23
8	LOT 8	1.23
9	LOT 9	1.23
10	LOT 10	1.23
11	LOT 11	1.23
12	LOT 12	1.23
13	LOT 13	1.23
14	LOT 14	1.23
15	LOT 15	1.23
16	LOT 16	1.23
17	LOT 17	1.23
18	LOT 18	1.23
19	LOT 19	1.23
20	LOT 20	1.23
21	LOT 21	1.23
22	LOT 22	1.23
23	LOT 23	1.23
24	LOT 24	1.23
25	LOT 25	1.23
26	LOT 26	1.23
27	LOT 27	1.23
28	LOT 28	1.23
29	LOT 29	1.23
30	LOT 30	1.23
31	LOT 31	1.23
32	LOT 32	1.23
33	LOT 33	1.23
34	LOT 34	1.23
35	LOT 35	1.23
36	LOT 36	1.23
37	LOT 37	1.23
38	LOT 38	1.23
39	LOT 39	1.23
40	LOT 40	1.23
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42	LOT 42	1.23
43	LOT 43	1.23
44	LOT 44	1.23
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59	LOT 59	1.23
60	LOT 60	1.23
61	LOT 61	1.23
62	LOT 62	1.23
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70	LOT 70	1.23
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84	LOT 84	1.23
85	LOT 85	1.23
86	LOT 86	1.23
87	LOT 87	1.23
88	LOT 88	1.23
89	LOT 89	1.23
90	LOT 90	1.23
91	LOT 91	1.23
92	LOT 92	1.23
93	LOT 93	1.23
94	LOT 94	1.23
95	LOT 95	1.23
96	LOT 96	1.23
97	LOT 97	1.23
98	LOT 98	1.23
99	LOT 99	1.23
100	LOT 100	1.23



Attachment G

RESUBDIVISION NEIGHBORHOOD



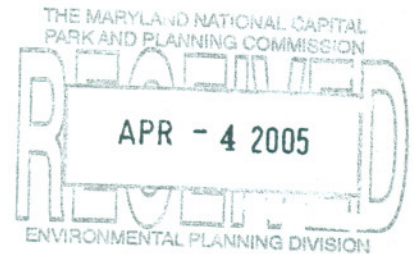
Attachment H

15

SUBDIVISION	BLOCK	LOT No.	PLAT No.	DATE RECORDED	RESUB	FRONTAGE	ALIGNMENT	LOT AREA sf	SHAPE	BLDG AREA	WIDTH
Stabler Property		1	not recorded	na	NO	300' Laytonsville Rd	Perpendiclur with Street	125,247	Rectangular	41,600	300'
Stabler Property		2	not recorded	na	NO	321' Laytonsville Rd.	Perpendiclur with Street	121,538	Square	52,400	325'
Stabler Property		3	not recorded	na	NO	582' Laytonsville Rd	Perpendiclur with Street	193,208	Irregular	31,800	580'
Stabler Property		4	not recorded	na	NO	480' Laytonsville Rd.	Perpendiclur with Street	162,487	Irregular	36,800	510'
Jones Farm	A	2	25568	5/7/2003	NO	25' Brink Rd.	Perpendiclur with Street	374,739	Irregular	229,351	460'
Jones Farm	A	3	25568	5/7/2003	NO	383' Brink Rd.	Perpendiclur with Street	287,752	Rectangular	152,060	380'
Jones Farm	A	4	25568	5/7/2003	NO	220' Brink Rd.	Perpendiclur with Street	301,115	Irregular	169,075	630'
Jones Farm	A	5	25568	5/7/2003	NO	25' Brink Rd.	Perpendiclur with Street	360,519	Irregular	49,488	900'
Jones Farm	A	6	25568	5/7/2003	NO	25' Brink Rd.	Angled with Street	680,990	Irregular	433,050	1020'
Jones Farm	A	7	25567	5/7/2003	NO	460' Brink Rd.	Perpendiclur with Street	292,670	Irregular	162,563	470'
Jones Farm	A	8	25567	5/7/2003	NO	25' Brink Rd.	Perpendiclur with Street	438,952	Irregular	253,006	580'
Jones Farm	A	9	25567	5/7/2003	NO	412' Brink Rd.	Perpendiclur with Street	287,752	Irregular	195,984	420'
Jones Farm	A	10	25567	5/7/2003	NO	25' Brink Rd.	Perpendiclur with Street	336,304	Irregular	154,704	470'
Proposed Lot 11 Jones Farm	A	11				440' Brink Rd.	Perpendicular with Street	217,800	Rectangular	158,000	440'

The Bldg. Area for lots in Burnham Woods is estimated. No info. is available for septic fields or wells.

AGENCY CORRESPONDENCE



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

April 1, 2005

Mr. Brian Davila
Charles P. Johnson & Associates
1751 Elton Farm Road
Silver Spring, MD 20878

Re: Stormwater Management **CONCEPT** Request
for Jones Property
Preliminary Plan #: 1-02032
SM File #: 209081
Tract Size/Zone: 225/RDT
Total Concept Area: 22.9ac
Lots/Block: 2-11/A
Watershed: Great Seneca Creek

Dear Mr. Davila:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept revision to add proposed lot # 11 for the above mentioned site is **acceptable**. The stormwater management concept consists of water quality control and onsite recharge via environmentally sensitive development credit. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. Site grading should utilize the use of sheetflow instead of swales for conveyance.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.



PN 1 If you have any questions regarding these actions, please feel free to contact Thomas Weadon at 240-777-6309.

Sincerely,



Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dm CN209081

cc: R. Weaver
S. Federline
SM File # 209081

QN - ON SITE; Acres: 27.9ac
QL - ON SITE; Acres: 27.9ac
Recharge is provided



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

MEMORANDUM

July 29, 2005

TO: Ms. Cathy Conlin, Development Review,
Maryland National Capital Park and Planning Commission

FROM: Robert Hubbard, Director
Department of Permitting Services

SUBJECT: Status of Preliminary Plan: #1-02032

Jones Property, Lot 11 (formerly
Outlot A, Block A)

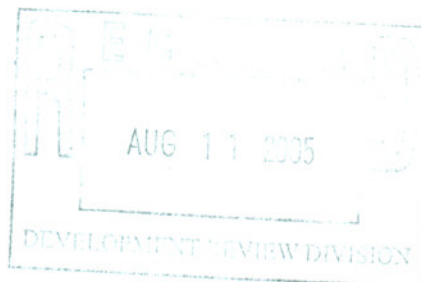
This is to notify you that the status of the plan received in this office on
January 21, 2005, is as follows:

Approved with the following reservations:

1. The record plat must be at the same scale as the preliminary plan,
or submit an enlargement of the plat to match the preliminary plan.
2. The septic easement previously recorded on the Outlot must
remain unchanged.

If you have any questions, contact Gene von Gunten at (240) 777-6319.

cc: Owner
Surveyor
File



EPD Recommendation to Dev Rev Div: Approve

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
DEVELOPMENT REVIEW COMMITTEE RECOMMENDATIONS

TO: Richard Weaver
Development Review Division

SUBJECT: Plan # 1-02032A, Name Jones Property
DRC date: Monday June 6, 2005

The above-referenced plan has been reviewed to determine if it meets requirements of the Guidelines for Environmental Management of Development in Montgomery County, and other county regulations that may apply. The following recommendations are made for the DRC meeting:


SUBMITTAL ADEQUACY
Plan is complete.

EPD RECOMMENDATIONS:

Approval.

1. All environmental buffers and preserved forest to be placed into a category I forest conservation easement.

SIGNATURE:



Mark Pfefferle
Environmental Planning
Countywide Planning Division

DATE: June 3, 2005

cc: Les Powell

Reminder: Address your submissions/revisions to the Reviewer who completed the Comments sheet.
Put the Plan numbers on your cover/transmittal sheets.

DRCRPinWord; rev 4/20/04

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
FOREST CONSERVATION PLAN RECOMMENDATIONS

TO: Richard Weaver
Development Review Division

SUBJECT: Plan # 1-02032A, Name Jones Property
DRC date: Monday June 6, 2005

The subject Forest Conservation Plan has been reviewed by Environmental Planning to determine if it meets the requirements of Chapter 22A of the Montgomery County Code (Forest Conservation Law). The following determination has been made:

SUBMISSION ADEQUACY
Adequate as submitted

RECOMMENDATIONS

Approve subject to the following conditions:

1. Required site inspections by M-NCPPC monitoring staff (as specified in "Trees Technical Manual")
2. Approval of the planting plan by M-NCPPC staff prior to DPS issuance of the sediment and erosion control permit
3. Submittal of financial security to M-NCPPC prior to clearing or grading.
4. Record plat to show appropriate notes and/or easements. Agreements must be approved by M-NCPPC staff prior to recording plats.
5. Maintenance agreement to be reviewed and approved by M-NCPPC staff prior to first inspection of planted areas.

SIGNATURE: _____


Mark Pfefferle
Environmental Planning
Countywide Planning Division

DATE: June 3, 2005

cc: Les Powell

MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES

255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850-4153

Date: June 3, 2005

MEMO TO: Catherine Conlon, Acting Supervisor for
Development Review Committee, MNCPPC

FROM: David Kuykendall, Senior Permitting Services Specialist
Division of Land Development Services, MCDPS

SUBJECT: Stormwater Management Concept Plan/Floodplain Review
Preliminary Plan 1-02032A ; Jones Property
Subdivision Review Meeting June 6, 2005 SWM File # 209081

The subject plan has been reviewed to determine if it meets the requirements of Executive Regulation 7-02AM for stormwater management and Executive Regulation 108-92 AM for Floodplain. The following summarizes our findings:

SM CONCEPT PLAN PROPOSED:

- On-site:** CPv WQv Both
- CPv** < 2cfs, not required
- Waiver:** CPv WQv Both
- On-site/Joint Use Central (Regional): waived to
 Existing Concept: Approved Date, April 1, 2005
- Other**

Type Proposed:

- Infiltration Retention Surface Detention Wetland Sand Filter
- Separator Sand Filter Underground Detention Non Structural Practices Other

FLOODPLAIN STATUS: 100-Year Floodplain On-Site Yes No Possibly

- Provide the source of the 100-Year Floodplain Delineation for approval:
- Source of the 100-Year Floodplain is acceptable.
- Submit drainage area map to determine if a floodplain study (>or equal to 30 acres) is required.
- Dam Breach Analysis Approved Under Review
- 100 yr. floodplain study Approved Under Review

SUBMISSION ADEQUACY COMMENTS:

- Downstream notification is required.
- The following additional information is required for review: _____

RECOMMENDATIONS:

- Approve as submitted with conditions (see approval letter).
- Incomplete; recommend not scheduling for Planning Board at this time.
- Hold for outcome of the SWM Concept review.
- Comments/Recommendations: _

cc: Steve Federline, Environmental Planning Division, MNCPPC

bill:DRC.3/03



**MONTGOMERY COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERSHED MANAGEMENT DIVISION**

Rockville Center - 255 Rockville Pike, Suite 120 - Rockville, Maryland 20850-4166
Telephone No. 240-777-7700 - FAX No. 240-777-7715

**SUBDIVISION PLAN REVIEW: MNCPPC Development Review Committee (DRC)
Comprehensive Water Supply and Sewerage Systems Plan Issues**

MNCPPC File Number: **1-02032** DRC Meeting Date: **06/06/2005** **10/22/2001** **02/26/2001**

Subdivision Plan Name: **Jones Property**

Proposed Development: **10 single-family houses**

Watershed: **Great Seneca Creek**

Zoning: **RDT**

Planning Area: **Goshen-Woodfield-Cedar Grove**

Site Area: **273.37 acres**

Location: **Brink Road**

Engineer: **Loiederman Soltesz Associates, Inc. 301-948-2750**

Water Supply and Sewerage Systems (as specified on the subject subdivision plan or plan application)

Proposed Water Supply:

Proposed Wastewater Disposal:

Individual (private) system-WELL(S)

Individual (private) system-SEPTIC(S)

Existing Service Area Categories: Water: **W - 6**

Sewer: **S - 6**

Water/Sewer Plan Map Amendment:

Water Supply Comments:

Sewerage System Comments:

Yes; the water supply system is consistent with the existing water service area category

Yes; the sewerage system is consistent with the existing sewer service area category

***Additional Comments:**

1-02032A (6/6/05 DRC): lot added; no comment

1-02032 (10/22/01 DRC): Prior pre-application plan 7-01031. ++ The portion of the site covered by this preliminary plan is outside the Town of Laytonsville and therefore is not affected by general water/sewer map amendment 00G-LYT-01 for public water service to the town. -- 10/18/01

Prepared by: **Alan Soukup/Dorothy Pecson**

Date prepared:

22

MCDPWT DRC Notes for JUNE 6, 2005

1-02032A

JONES PROPERTY

1. Show all existing planimetric and topographic details...(#1)
2. Necessary dedication for future widening...(#2)
3. Grant necessary slope and drainage easements. (#5)
4. Record plat to reflect a reciprocal ingress, egress, and public utilities easement. (#22)
5. Construct sidewalks.(#37)
6. The owner will be required to submit a recorded covenant... for the operation and maintenance of private streets, storm drain systems, and/or open space areas...(#52)
7. The owner will be required to furnish...a recorded covenant whereby...owner agrees to pay a prorata share for...future construction or reconstruction of _____...(#53)
8. Access and improvements along _____ (MD ___) as required by the MSHA. (#55)
9. Relocation of utilities...shall be the responsibility of the applicant. (#58)
10. All costs associated with relocation of signs, marking and/or street lights shall be the responsibility of the applicant... (#59)
11. Public Improvements Agreement (PIA)...details...determined at the record plat stage...will include...the following improvements... (#62)
12. Permit & bond...required...for...MCDPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements... (#63)

Reciprocal access easement for Lots10 and 11's driveway..

RECEIVED FOR APPLICANT AT JUNE 6, 2005 DRC MEETING

SIGNATURE

PRINTED NAME