




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

MCPB
Item #
11/09//06

MEMORANDUM

DATE: November 09, 2006

TO: Montgomery County Planning Board

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

SUBJECT: Informational Maps and Summary of Record Plats for the Planning Board
Agenda for November 09, 2006

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 plat drawings for the record plat. The following plats are included:

220061780 Edgemoor (1)
220070270 Gude North Parcel "Z" (1)

PLAT No. 220061780

Edgemoor

Located in the northwest quadrant, intersection of Fairfax Road and Elm Street

R-90 Zone, 1 Lot and 1 Parcel

Community Water, Community Sewer

Master Plan Area: Bethesda-Chevy Chase

Sandy Spring Builders, Applicant

This record plat has been reviewed by MNCPPC staff and other applicable agencies as documented on the attached Record Plat Review Sheet. Staff has determined that the plat complies with Preliminary Plan No. 120060150, 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: Edgemoor Plan Number: 1-06015/1-20060150
 Plat Name: Edgemoor Plat Number: 2-06178/220061780
 Plat Submission Date: 3/2/06
 DRD Plat Reviewer: PW
 DRD Prelim Plan Reviewer: Deloris Kuning

Initial DRD Review:

Signed Preliminary Plan - Date 6/9/06 Checked: Initial DMC Date 4/7/04
 Planning Board Opinion - Date 6/1/06 Checked: Initial PW Date 6/7/06
 Site Plan Req'd for Development? Yes No Verified By: PW (initial)
 Site Plan Name: NA 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	<u>Arny Wade</u>	<u>3/7/06</u>	<u>3/24</u>	<u>NC</u>	<u>NC</u>
Research	<u>Bobby Fleury</u>			<u>3/8/06</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>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>3/21/06</u>	<u>OK</u>

Final DRD Review:

DRD Review Complete: TA 10/20/06
 (All comments rec'd and incorporated into mark-up)
 Engineer Notified (Pick up Mark-up): PW 6/7/06
 Final Mylar w/Mark-up & PDF Rec'd: TA 10/19/06
Board Approval of Plat:
 Plat Agenda: TA 11/9/06
 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

- TOTAL AREA INCLUDED ON THIS PLAT IS 17,010.9 S.F. (0.39 ACRES)
LOT II = 14,424 S.F. (0.33 ACRES)
OUTLOT "A" = 2,586.9 S.F. (0.059 ACRES)
- TOTAL AREA OF DEDICATION FOR FAIRFAX ROAD IS 0 SQUARE FEET.
TOTAL AREA OF DEDICATION FOR ELM STREET IS 0 SQUARE FEET.
- PROPERTY IS SHOWN ON TAX MAP HX 022.
- MISC 200-FOOT SHEET 201 HX 06.
- WATER CATEGORY: I SEWER CATEGORY: I
- IPF/IPS = IRON PIPE FOUND / IRON PIN SET.
- THE APPROVAL OF THIS PLAT IS PREDICATED ON THE ADEQUACY AND AVAILABILITY OF PUBLIC WATER AND SEWER.
- 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 THIS PLAT UNLESS EXPRESSLY STATED 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.
- 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.
- THIS PROPERTY IS EXEMPT FROM CHAPTER 22A, THE MONTGOMERY COUNTY FOREST CONSERVATION LAW (NR/PSD FILE NO. 4-05468, 2005).
- THE LOTS SHOWN HEREON ARE LIMITED TO THE USES AND CONDITIONS AS REQUIRED BY PRELIMINARY PLAN I-0606. ANY PROPOSED CHANGES IN USE WILL REQUIRE FURTHER PLANNING BOARD REVIEW AND APPROVAL.
- ALL EXISTING AND PROPOSED DEVELOPMENT ON THIS PROPERTY IS SUBJECT TO THE STANDARDS UNDER MONTGOMERY COUNTY ZONING ORDINANCE. CURRENT ZONE CLASSIFICATION IS R-10.

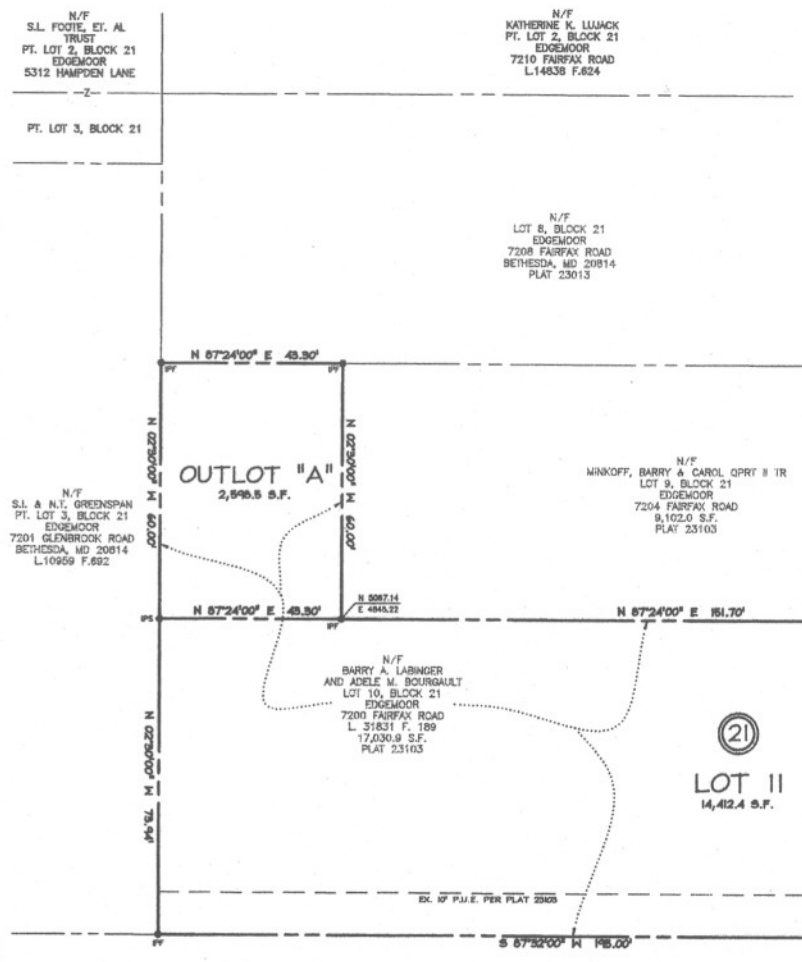
OWNER'S CERTIFICATE

WE, BARRY A. LABINGER AND ADELE M. BOURGALT, 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 "P.U.E." TO THOSE PARTIES NAMED IN THE DOCUMENT ENTITLED "DECLARATION OF TERMS AND PROVISIONS OF PUBLIC UTILITY EASEMENTS", AS RECORDED IN LIBER 8884 AT FOLIO 487 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND. THERE ARE NO SUITS, ACTIONS AT LAW, LEASES, LIENS, OR TRUSTS AFFECTING THE PROPERTY SHOWN HEREON, EXCEPT AS INDICATED HEREON.

8-29-06 Barry A. Labinger Adele M. Bourgalt
DATE BARRY A. LABINGER WITNESS
8-29-06 John H. Boy Mike B. Kloss
DATE ADELE M. BOURGALT WITNESS

WE, HILLS FARGO BANK, N.A., HEREBY CONSENT TO THIS PLAN OF SUBDIVISION.

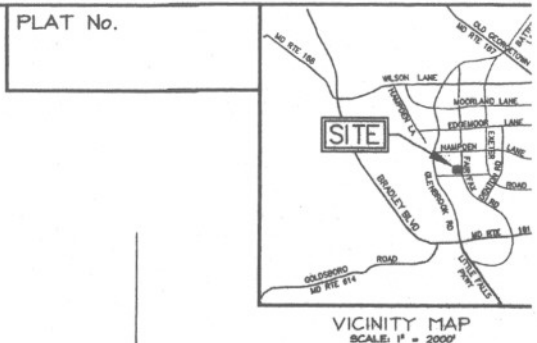
2-21-06 Lorna L. Blumharter Heather Rosemary
DATE LORNA L. BLUMHARTER WITNESS
VICE PRESIDENT



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 SANDY SPRING BUILDERS, LLC, UNTO BARRY A. LABINGER AND ADELE M. BOURGALT BY A DEED DATED FEBRUARY 8, 2005 AND RECORDED FEBRUARY 17, 2005 IN LIBER 8881 AT FOLIO 184, ALSO BEING A SUBDIVISION OF LOT 10, BLOCK 21, IN THE SUBDIVISION OF "EDGEMOOR," AS RECORDED FEBRUARY 24, 2005 BY PLAT 2808, 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.

OCT 18, 2006 David John Ritchie
DATE DAVID JOHN RITCHIE
PROFESSIONAL LAND SURVEYOR
FD REG. NO. 2172



PLAT TABULATION

NUMBER OF LOTS	1
NUMBER OF OUTLOTS	1
AREA OF LOT	14,424 S.F.
AREA OF OUTLOT	2,586.9 S.F.
AREA OF STREET DEDICATION	0 S.F.
TOTAL AREA	17,010.9 SQ. FT. (0.39 ACRES)

SUBDIVISION RECORD PLAT
LOT II AND OUTLOT "A", BLOCK 21
EDGEMOOR
A RESUBDIVISION OF LOT 10, BLOCK 21
BETHESDA (7TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
SCALE: 1" = 20' JANUARY 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.
108 West Ridgeville Boulevard, Suite 101, Mount Airy, Maryland 21771
DC Metro (301) 607-8031 FAX (301) 607-8045

GENERAL NOTES

- 1) WATER CATEGORY - 1 SEWER CATEGORY - 1
- 2) BOUNDARY INFORMATION BASED ON A SURVEY PERFORMED BY CAS ENGINEERING, DATED APRIL, 2004.
- 3) TWO-FOOT CONTOURS BASED ON A SURVEY PERFORMED BY CAS ENGINEERING, DATED APRIL, 2004.
- 4) TOTAL LOT AREA: LOT II = 14,42 S.F. ; OUTLOT A = 2,684 S.F. ;
- 5) CURRENT ZONING IS R-10.
- 6) PROPERTY SHOWN ON TAX MAP IN 122.
- 7) PROPERTY SHOWN ON 1455 200' SHEET 201 IN 05.
- 8) PROPERTY SHOWN ON MONTGOMERY COUNTY SOILS SURVEY MAP NO. 27. SOIL TYPE(S): ZB3.
- 9) FLOOD ZONE 1" FPM H.U.D. FIRM MAPS, COOPERHITZ PANEL NO. 24008 Q15 C.
- 10) SITE IS LOCATED IN THE LITTLE FALLS BRANCH WATERSHED.
- 11) LOCAL UTILITIES INCLUDE: WATER & SEWER - WASHINGTON SUBURBAN SANITARY COMMISSION; ELECTRIC - PERCO; TELEPHONE - VERIZON; GAS - WASHINGTON GAS.

ZONING DATA

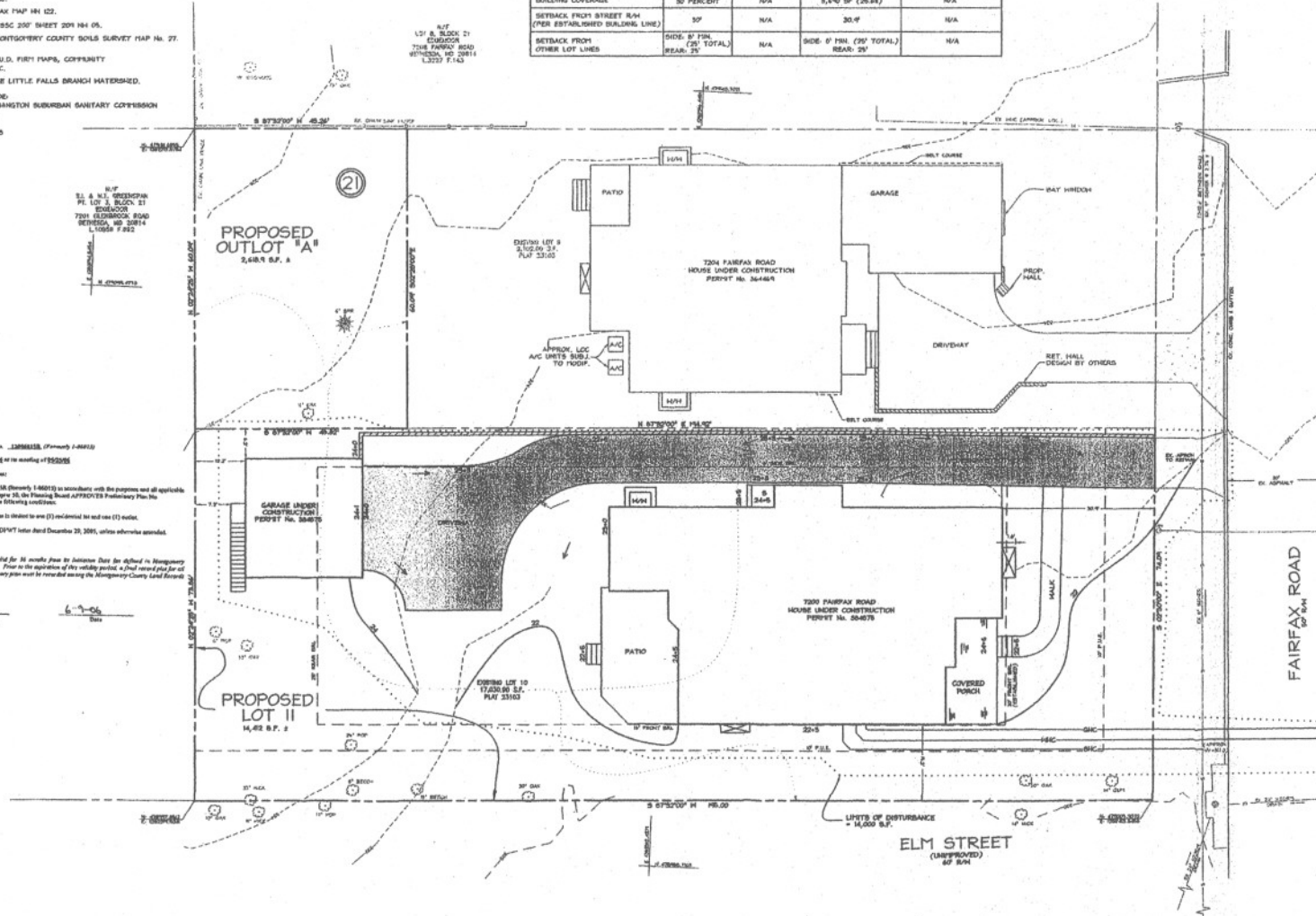
- 1) ZONING: R-10
- 2) MIN. LOT AREA = 1,000 SF
- 3) LOT WIDTH AT R/W = 25 FT
- 4) LOT WIDTH AT B.S.L. = 76 FT
- 5) FRONT B.S.L. = 30.0 FT (OR ESTABLISHED)
- 6) REAR B.S.L. = 25 FT
- 7) SIDE B.S.L. = 8 FT MIN. EACH SIDE, 25 FT MIN. TOTAL

SITE / ZONING DATA

GROSS SITE AREA		17,000 S.F. ±			
PROPOSED DESIGNATION		N/A			
NET TRACT AREA		17,000 S.F. ±			
ZONING: R-10		REQUIRED		PROVIDED	
MINIMUM LOT AREA	1,000 S.F.	PROP. LOT II	14,42 S.F. ±	OUTLOT "A"	2,684 S.F. ±
MINIMUM LOT WIDTH AT B.S.L.	75'		76'		N/A
BUILDING COVERAGE	30 PERCENT		34.0%		N/A
SETBACK FROM STREET R/W (PER ESTABLISHED BUILDING LINE)	50'		8,470 SF (26.8%)		N/A
SETBACK FROM OTHER LOT LINES	SIDE: 8' MIN. (25' TOTAL); REAR: 25'		30'-0"		N/A
			SIDE: 8' MIN. (25' TOTAL); REAR: 25'		N/A



VICINITY MAP
 ADC PUP PAGE 26, GRID J-12
 SCALE: 1" = 200'



Montgomery/Anne Arundel
 Park and Planning Commission
 Approved Preliminary Subdivision Plan No. 2006-0013 (Formerly J-40012)
 For Planning Board Option dated 05/05/06 at its meeting of 05/05/06
 Approved subject to the following conditions:
 Finding Preliminary Plan No. 12007118 (Formerly J-40012) to comply with the purposes and all applicable regulations of Montgomery County Code Chapter 25, the Planning Board APPROVES Preliminary Plan No. 12007118 (Formerly J-40012), subject to the following conditions:
 1) Approval under this preliminary plan is limited to use (1) indicated on said use (1) sheet.
 2) Compliance with conditions of 04/27/04 letter dated December 20, 2005, unless otherwise amended.
 3) Other necessary measures.
 This Preliminary Plan will remain valid for 30 months from its initiation date for all lots in Montgomery County Code Section 25-115(a) as amended. Prior to the expiration of this validity period, a final subdivision plan 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.
 Date: 6-7-06

ENGINEER'S CERTIFICATE
 I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON HAS BEEN PREPARED IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF MONTGOMERY COUNTY, MD.
 DATE: 12/15/05
 CURT A. SCHNEPPEN, PE
 CURT A. SCHNEPPEN, PE
 P.E. REG. NO. 1664



MISS UTILITY
 FOR LOCATION OF UTILITIES, CALL "800 UTILITY" AT 1-800-291-7777, OR LOG ON TO WWW.PRIVILETY.UTILITIES.ORG 48 HOURS IN ADVANCE OF ANY WORK IN THIS VICINITY. THE EXCAVATOR MUST NOTIFY ALL PUBLIC UTILITY COMPANIES WITH UNDERGROUND FACILITIES IN THE AREA OF PROPOSED DESIGNATION AND HAVE THOSE FACILITIES LOCATED BY THE UTILITY COMPANIES PRIOR TO COMMENCING EXCAVATION. THE EXCAVATOR IS RESPONSIBLE FOR COMPLIANCE WITH REQUIREMENTS OF CHAPTER 36A OF THE MONTGOMERY COUNTY CODE.

NOTE:
 ALL IMPROVEMENTS INDICATED HEREON ARE CURRENTLY UNDER CONSTRUCTION PURSUANT TO MONTGOMERY COUNTY ISSUED BUILDING PERMITS. NO ADDITIONAL DEVELOPMENT IS PROPOSED UNDER THIS SUBDIVISION.

CLIENT
 SANDY SPRING BUILDERS
 ATTN: PHIL LEWIS
 4802 EAST-NORTH HWY
 BETHESDA, MD 20814
 (301) 483-9976 FAX:
 (301) 483-2882 FAX

FILE No. 1-06015
 7200 FAIRFAX ROAD
 PROPOSED LOT 11 & OUTLOT "A"
 BLOCK 21, EDGEMOOR
 PRELIMINARY PLAN

CAS ENGINEERING
 CIVIL - SURVEYING - LAND PLANNING
 A DIVISION OF CAS ENTERPRISES, INC.
 108 Reed Ridge, Potomac, Md. 20854
 10000 Old Columbia Road, Suite 100, Columbia, Md. 21046

DATE BY EXTENSION
 04/06/05 JAR EXTENSION TO PREPARE PROPOSED LOTS TO BE SUBMITTED TO PERCO FOR REVIEW TO EXPEDIT BILT COURSE
 04/06/05 JAR EXTENSION TO PREPARE PROPOSED LOTS TO BE SUBMITTED TO PERCO FOR REVIEW TO EXPEDIT BILT COURSE
 04/06/05 JAR EXTENSION TO PREPARE PROPOSED LOTS TO BE SUBMITTED TO PERCO FOR REVIEW TO EXPEDIT BILT COURSE

PROPOSED LOT 11 & OUTLOT "A", BLOCK 21
 EDGEMOOR
 BETHESDA (7TH) ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND
 PRELIMINARY PLAN

SCALE: 1" = 10'



Date Mailed: JUN -1 2006

Action: Approved Staff Recommendation
Motion of Commissioner Wellington,
seconded by Commissioner Bryant, with a
vote of 5-0;
Commissioners Berlage, Bryant, Purdue,
Robinson, and Wellington voting in favor.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan: 12006015R (formerly 1-06015)
NAME OF PLAN: Edgemoor
Public Hearing Date: January 19, 2006

The date of this written opinion is JUN -1 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 10, 2005, Sandy Spring Builders ("Applicant") submitted an application for the approval of a Preliminary Plan for resubdivision of two residential lots in an R-90 (Residential, one family) zone. The plan application was originally filed as a request to reconfigure both existing Lot 10 and adjacent Lot 9 and create two rectangular shaped lots ("Original Plan"). However, existing Lot 9 does not, and could not, meet the minimum width requirements of the R-90 zone after subdivision. The Applicant worked with Staff to develop a revised plan that would only subdivide Lot 10 creating a small outlot from the portion of Lot 10 situated behind Lot 9 ("Revised Plan").¹

¹ At the public hearing, Staff recommended approval of the Revised Plan. While the Applicant still requested that the Original Plan be approved, ultimately, the Planning

The Revised Plan was designated Preliminary Plan No. 12006015R (formerly 1-06015). On 1/19/06, Preliminary Plan No. 12006015R (formerly 1-06015) was brought before the Montgomery County Planning Board ("Planning Board" or "Board") for a public hearing. At the public hearing, the Planning Board heard testimony and received evidence submitted in the record on the application.

The record for this application ("Record") closed at the conclusion of the public hearing, upon the taking of an action by the Planning Board. The Record includes: the information on the Preliminary Plan Application Form; the Planning Board Staff-generated minutes of the Subdivision Review Committee meeting(s) on the application; all correspondence and any other written or graphic information concerning the application received by the Planning Board or its Staff following submission of the application and prior to the Board's action at the conclusion of the public hearing, from the Applicant, public agencies, and private individuals or entities; all correspondence and any other written or graphic information issued by Planning Board Staff concerning the application, prior to the Board's action following the public hearing; and all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

II. SITE DESCRIPTION

Lot 10, referred to as the "Subject Property", is part of the Edgemoor Subdivision, which was originally recorded by plat in 1939. The Subject Property is located in the northwest quadrant of the intersection of Fairfax Road and the unimproved Elm Street right-of-way (Attachment A of the Staff report). The property contains 17,031 square feet and is zoned R-90. A one-family detached residential dwelling unit is under construction on the Subject Property. The property was originally zoned Residential "A" which became the R-60 zone in 1954. In 1990 SMA G-666 rezoned the property to R-90 and the Zoning Ordinance was amended to create a grandfathering clause (59-G-4.27) as discussed below. In November 2004, the Subject Property was part of a minor subdivision with adjacent Lot 9 to adjust a shared western property line. Lot 9 was also originally recorded in 1939 as part of the Edgemoor Subdivision.

III. REVISED PLAN DESCRIPTION

Staff recommended approval of the Revised Plan for resubdivision to reconfigure the boundary lines of existing Lot 10 and create an outlet so that a portion of the property can be transferred to the owner of adjacent Lot 9 (Attachment B of the Staff report). The Subject Property currently fronts on Fairfax Road, extends west, and wraps around the rear of the adjacent property to the north (existing Lot 9) creating an

Board considered and decided to approve only the Revised Plan.

"L" shaped lot. The proposed preliminary plan modifies the "L" configuration into a rectangle, similar in shape with the surrounding properties. Access to the site will be directly from Fairfax Road.

MASTER PLAN COMPLIANCE

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

SECTION 50-29(b)(2) COMPLIANCE

1. Statutory Requirement

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

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

2. Neighborhood Delineation

In administering the Resubdivision section, the Planning Board must determine the appropriate "neighborhood" for evaluating the application. The Applicant proposed a neighborhood of 20 lots for analysis purposes (Attachment C of the Staff report). The neighborhood extends north of Hampden Lane, east of Fairfax Road, south of Elm Street and west to Glenbrook Road. Staff is of the opinion that the Applicant's neighborhood delineation is appropriate because it provides an adequate sample that exemplifies the lot and development pattern of the area. The Applicant provided a tabular summary of the area based on the resubdivision criteria, which was included in the Staff report (Attachment D of the Staff report).

3. Comparison of the Character of Proposed Lots to Existing Neighborhood

Staff found in its report that the proposed resubdivision is of the same character as existing lots in the neighborhood and therefore, complies with Section 50-29(b)(2) of

the Subdivision Regulations. In performing the analysis for resubdivision of Lot 10, Staff applied the resubdivision criteria to the delineated neighborhood. Based on the analysis as set forth below from the Staff report, Staff found that the proposed resubdivision will be of the same character as the existing lots in the neighborhood. The tabular summary (Attachment D of the Staff report) and graphical documentation also supported this conclusion.

Frontage: In a neighborhood of 20 lots, lot frontages range from 57 feet to 197 feet and one lot has a frontage of 360 feet. The proposed Lot 11 has a lot frontage of 195 feet on Elm Street. The proposed lot will be consistent in character with other lots in the neighborhood.

Area: In a neighborhood of 20 lots, lot areas range from 2,664 square feet to 16,787 square feet and one lot has an area of 68,527 square feet. The proposed Lot 11 has an area of 7,128 square feet and will be consistent in character with the existing lots in the neighborhood with respect to area.

Lot Size: The lot sizes in the delineated neighborhood range from 6,473 square feet to 30,000 square feet and one lot has a lot size of 97,264 square feet. The proposed Lot 11 will have a lot size of 14,412 square feet. Therefore, the lot size of the proposed lot will be of the same character as the existing lots in the neighborhood.

Lot Width: The lot widths range from 52 feet to 196 feet and one lot has a width of 275. The proposed Lot 11 will have a lot width of 195 feet and have a high correlation to the other lots in the neighborhood.

Shape: There are two (2) square lots, seven (7) irregular lots and 11 rectangular lots in the neighborhood. The proposed lot will be a rectangular lot and will be consistent in character with the overall pattern of differently shaped lots in the neighborhood.

Alignment: There are eight (8) corner lots in the neighborhood and 12 perpendicular lots in the neighborhood. The proposed Lot 11 is also a corner lot and will be of the same character as the other existing corner lots in the neighborhood.

Residential Use: The existing lots and the proposed Lot 11 are residential in use.

ADEQUATE PUBLIC FACILITIES AND ZONING ORDINANCE COMPLIANCE

Staff found in its report that the proposed Preliminary Plan complies with Chapter 50 of the Montgomery County Code, Subdivision Regulations, in that public facilities will

be adequate to support and service the area of the proposed subdivision and Chapter 59, the Zoning Ordinance.

V. Findings

Having given full consideration to the recommendations of its Staff, the recommendations of the applicable public agencies,² 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, with the conditions of approval, that:

1. 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. The Planning Board hereby expressly adopts Staff's analysis and findings related to the Resubdivision Criteria as set forth in detail above.

The Board acknowledges the concerns of the citizen who testified at the hearing that no other property in the block, neighborhood or subdivision fronted on a right-of-way that does not provide vehicular access. However, as Staff testified, the actual house on the resulting lot will have a front door facing Fairfax Road, which provides its vehicular access. Since the lot is a corner, the house may be oriented toward either frontage, and for resubdivision purposes frontage may be measured from either right-of-way. The Board further finds that the Revised Plan will have no impact on the current frontages of the Subject Property on either of the two intersecting streets, nor will it alter the current buildings or those under construction on Lots 9 and 10.

2. The resulting lot, after Lot 10 is resubdivided, conforms to the minimum standards of an R-90 zone.

Objections of concerned citizens and groups to the resubdivision noted: that the resulting lot frontage on Fairfax Road is 11 inches below the standard requirement for an R-90 zone; that the resulting lot frontage on Elm Street should not be considered to satisfy lot width requirements as Elm Street is a pedestrian path dedicated right-of-way and not a street in a conventional sense of the term; and that even if the resulting lot were determined to have sufficient width frontage on Elm Street the resulting

² The application was referred to outside agencies for comment and review, including WSSC, DPWT, the Montgomery County Department of Permitting Services (MCDPS), and the various public utilities. All of these agencies recommended approval of the application.

house orientation would create insufficient front and rear setbacks to satisfy the R-90 zone standards.

After consideration of the positions of Staff, Applicant and the testimony of concerned citizens and groups, the Planning Board finds that Elm Street meets the definition of a street under Montgomery County Code Chapter 59, although it is currently unimproved, and as such the resulting lot is a corner lot under Montgomery County Code Chapter 59. As a corner lot the minimum lot width for an R-90 zone may be measured on either of the two streets abutting the corner lot. In this case, the frontage on Elm Street is 195 feet, which exceeds the 75 feet minimum.

The Board also finds that the resulting lot will retain setbacks that conform to the standards of an R-90 zone after resubdivision under the Revised Plan per Section 59-C-1.323(a) of the Montgomery County Code Chapter 59.

3. The uncontested evidence of record demonstrates that Preliminary Plan No. 12006015R (formerly 1-06015) substantially conforms to the Bethesda Chevy Chase Master Plan.
4. The uncontested evidence of record demonstrates that public facilities will be adequate to support and service the area of the proposed resubdivision.
5. The uncontested evidence of record demonstrates that application satisfies all the applicable requirements for an exemption under the Forest Conservation Law contained in Montgomery County Code Chapter 22A.
6. 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 MCDPS that the Stormwater Management Concept Plan meets MCDPS standards.
7. The Board further finds that any objection (concerning a substantive issue) that was not raised prior to the closing of the Record is waived.

X. CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 12006015R (formerly 1-06015) in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board APPROVES Preliminary Plan No. 12006015R (formerly 1-06015), subject to the following conditions:

- 1) Approval under this preliminary plan is limited to one (1) residential lot and one (1) outlot.
- 2) Compliance with conditions of MCDPWT letter dated December 29, 2005, unless otherwise amended.
- 3) Other necessary easements.

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

* * * * *

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

APPROVED AS TO LEGAL SUFFICIENCY
Dyd 5/22/06
M-NCPIC LEGAL DEPARTMENT

CERTIFICATION OF BOARD ADOPTION OF OPINION

At its regular meeting, held on **Thursday, May 25, 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. 12006015R, Edgemoor**. Vice Chair Perdue and Commissioner Bryant were absent.



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

PLAT No. 220070270

Gude North Parcel "Z"

**Located in the northeast quadrant of the intersection of East Gude Drive and Crabbs
Branch Way**

C-1 Zone, 1Lot

Community Water, Community Sewer

Master Plan Area: Shade Grove

Commerce Bank, Applicant

This record plat has been reviewed by MNCPPC staff and other applicable agencies as documented on the attached Record Plat Review Sheet. Staff has determined that the plat complies with Preliminary Plan No. 12001047A, 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: Quide North Parcel 2 Plan Number: 12001047A
 Plat Name: Commerce Bank Plat Number: 22007027
 Plat Submission Date: 9/6/06
 DRD Plat Reviewer: PW/TA
 DRD Prelim Plan Reviewer: RW case

Initial DRD Review:

Signed Preliminary Plan - Date 8/11/06 Checked: Initial PW/RW Date 9/21/06 ^{10/24/06}
 Planning Board Opinion - Date 7/18/06 Checked: Initial PW Date 9/21/06
 Site Plan Req'd for Development? Yes No Verified By: PW (initial)
 Site Plan Name: NA 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 Adjoining Land Vicinity Map Septic/Wells
 TDR note Child Lot note Surveyor Cert Owner Cert Tax Map

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	MP	9/21/06	10/6/06	9/29/06	None
Research	Bobby Fleury			9/25/06	None
SHA	Doug Mills			NC	No comment
PEPCO	Steve Baxter			NC	No comment
Parks	Doug Powell			NC	No comment - NA
DRD	Steve Smith			9/28/06	see mark-up

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>10/24/06</u>
<u>PW</u>	<u>10/24/06</u>
<u>PW</u>	<u>10/27/06</u>

Board Approval of Plat:

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

DPS Approval of Plat:

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

Plat Reproduction:

Addressing: _____
 File Card Update: _____
 Final Zoning Book Check: _____
 Update Address Books with Plat #: _____
 Update Green Books for Resubdivision: _____
 Notify Engineer to Seal Plats: _____
 Engineer Seal Complete: _____
 Complete Reproduction: _____
 Sent to Courthouse for Recordation: _____

No. _____

GENERAL NOTES:

1. NORTH ARROW AND BEARINGS BASED ON THE FOLLOWING WSSC SURVEY CONTROL STATIONS: (NAD 83/91)
#19951 N 524371.202 E 1267344.657
#19952 N 526304.387 E 1294648.609
2. ELEVATIONS ARE BASED ON THE FOLLOWING WSSC SURVEY BENCHMARK:
BM #4119 ELEV. 455.311 (NGVD '29)
3. THIS PLAT IS BASED ON INFORMATION PROVIDED BY A SURVEY PREPARED IN THE FIELD BY CONTROL POINT ASSOCIATES, INC. ON AUGUST 29, 2008 AND OTHER REFERENCE MATERIAL AS LISTED HEREON. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
4. PROPERTY IS LOCATED IN FLOOD HAZARD ZONE C (AREA OF MINIMAL FLOODING) AS DEPICTED ON F.I.R.M. COMMUNITY - PANEL NO. 240049 0125 C DATED JUNE 16, 1992 FOR MONTGOMERY COUNTY, MD.
5. REFERENCE IS MADE TO THE FOLLOWING MAPS:
a. WSSC SEWER MODEL WORKING MAP 220NW7-E.
b. WSSC WATER MAP 220NW7-W.
c. DPW&T PROJECT #79-3177 (CIP)
6. BOUNDARY SHOWN HEREON REFLECTS CONDEMNATION RECORDED AT LIBER 8158 FOLIO 55.
7. GROSS SITE AREA: 41,887 S.F. (0.957 AC. ±)
BASEMENT AREA: 449 S.F. (0.010 AC. ±)
NET AREA: 41,338 S.F. (0.947 AC. ±)
8. IRON PINS WITH CAPS TO BE SET AT ALL CORNERS NOT PREVIOUSLY MONUMENTED.
9. 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 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.
10. THIS SUBDIVISION RECORD PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING 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 THE TITLE.
11. THE LOT SHOWN HEREON IS LIMITED TO USES AND CONDITIONS AS REQUIRED BY PRELIMINARY PLAN AMENDMENT #12001047A ENTITLED COMMERCIAL BANK - ROCKVILLE, EAST GUDE DRIVE FORMERLY APPROVED PRELIMINARY PLAN #1-01047A ENTITLED PUBLIC STORAGE, MONTGOMERY COUNTY, MARYLAND AND PROPOSED CHANGES IN USE WILL REQUIRE FURTHER PLANNING BOARD REVIEW AND APPROVAL.
12. THE PROPERTY WHICH IS SUBJECT TO THIS RECORD PLAT IS IN ZONE I-1, AS OF THE DATE OF THE PLAT RECORDATION.
13. THE DECLARANT AND SUCCESSORS AGREE TO INDEMNIFY AND HOLD HARMLESS THE COUNTY AGAINST ANY AND ALL ACTIONS, SUITS, CLAIMS, DEMANDS, LIABILITY, LOSS OR DAMAGE ARISING OUT OF OR IN CONNECTION WITH THE INSTALLATION OF ANY PRIVATE STORM DRAINAGE CONSTRUCTED ON THIS SITE. WE FURTHERMORE AGREE THAT IF THERE IS PRIVATE STORM DRAINAGE, IT WILL NOT BE MAINTAINED BY MONTGOMERY COUNTY.
14. ACCESS DENIED ALONG CRABBS BRANCH WAY EXCEPT AT APPROVED LOCATIONS.
15. ACCESS DENIED ALONG EAST GUDE DRIVE EXCEPT AT APPROVED LOCATIONS.
16. THIS PLAT IS SUBJECT TO RECORDED COVENANTS TO PRIVATE OPEN SPACE AND PRIVATE STORM DRAINAGE AS RECORDED IN LIBER 33028 FOLIO 521.
17. THIS PLAT IS SUBJECT TO PUBLIC IMPROVEMENT EASEMENTS AS RECORDED IN LIBER FOLIO , AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND.
18. THIS PLAT HEREBY GRANTS 12' INGRESS-EGRESS EASEMENTS AS SHOWN HEREON.

THIS PLAT DEVELOPMENT IS INTENDED FOR PUBLIC WATER AND SEWER SERVICE ONLY.

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 =

MONTGOMERY COUNTY, MARYLAND
DEPARTMENT
OF
PERMITTING SERVICES

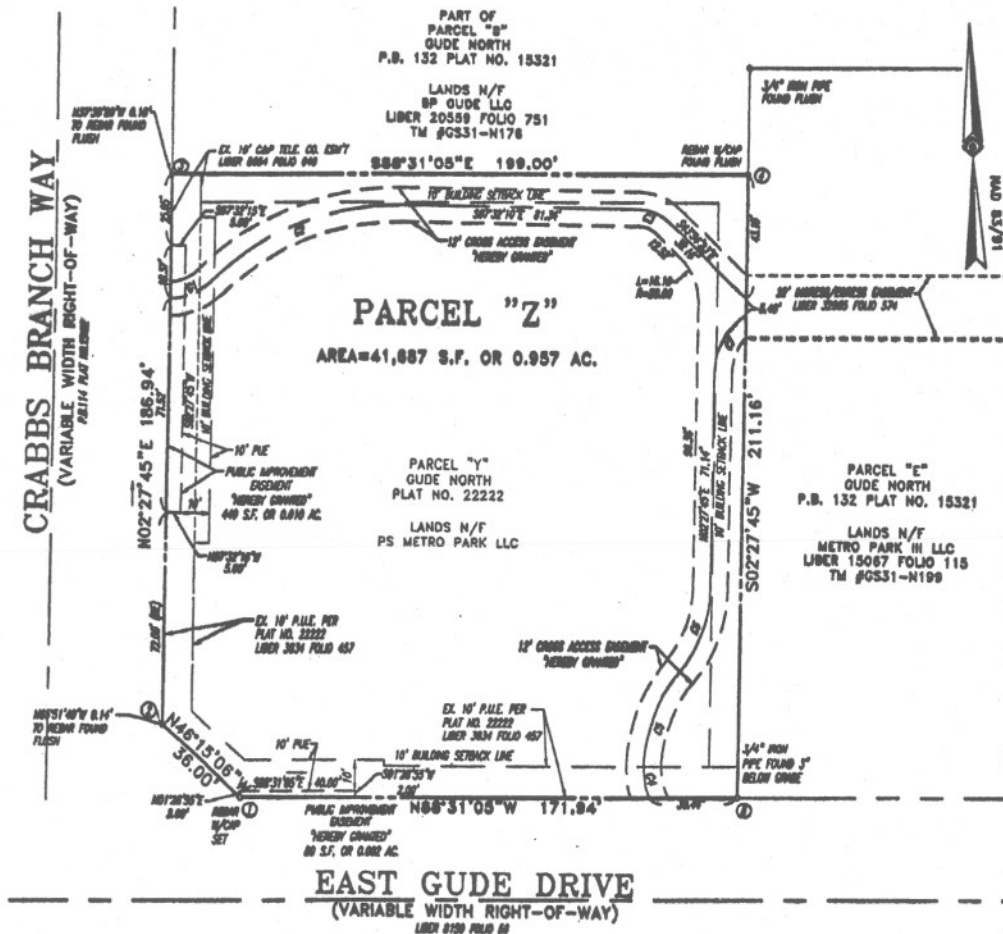
APPROVED: _____

DIRECTOR

DATE

PLAT NO.

CURVE	LENGTH	ADIUS	DELTA	CHORD	CHORD BEARING	
C1	15.00	20.00	45°11'00"	7.92	14.73	N88°10'57"
C2	24.47	34.00	46°24'26"	13.21	24.64	S88°10'57"
C3	18.00	24.00	45°23'47"	8.89	18.41	N88°10'57"
C4	11.86	20.00	36°17'44"	6.03	11.25	S88°10'57"
C5	34.78	50.00	37°38'31"	17.97	34.52	S88°10'57"
C6	28.70	44.00	38°46'24"	15.48	28.91	N88°10'57"
C7	24.23	30.00	51°24'18"	13.09	23.37	S88°10'57"



SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAT SHOWN IS CORRECT; THAT IT IS A SUBDIVISION OF THE LAND DESCRIBED IN THE FOLLOWING DEED; TO PS METRO PARK, LLC FROM MARY DEVLIN DORSEY, TRUSTEE OF THE MARY DEVLIN DORSEY REVOCABLE TRUST; DOROTHY DEVLIN SULLIVAN, TRUSTEE OF THE DOROTHY DEVLIN SULLIVAN REVOCABLE TRUST; ELIZABETH ENGLAND; LAURIE ENGLAND; LENORE ENGLAND, AND PATRICIA ENGLAND HOWARD, TRUSTEES OF THE PATRICIA JOAN ENGLAND TRUST AS RECORDED IN LIBER 21357 FOLIO 430 DATED JUNE 29, 2002, ALL AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND, ALSO BEING A RESUBDIVISION OF PARCEL 'Y', GUEDE NORTH, RECORDED AS PLAT NUMBER 22222 AMONG THE AFORESAID LAND RECORDS. I FURTHER CERTIFY, THAT ONCE ENGAGED AS DESCRIBED IN THE OWNERS DEDICATION HEREON, ALL IRON PIPES MARKED THUS ---O--- AND MONUMENTS MARKED THUS ---C--- WILL BE SET AS DELINEATED HEREON IN ACCORDANCE WITH THE PROVISIONS OF SECTION 50-24A (E) OF THE MONTGOMERY COUNTY CODE. THE TOTAL AREA INCLUDED ON THIS PLAT IS 0.957 ACRES OF LAND. THERE IS NO DEDICATION TO PUBLIC USE.

KEVIN F. STEINHEIL
MARYLAND REGISTERED PROFESSIONAL SURVEYOR NO. 88
DATE: 10/25/08

PROPERTY CORNER COORDINATE TABLE

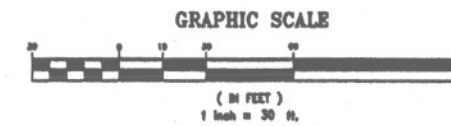
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②	N 524482.597	E 1269174.314
③	N 524669.368	E 1269182.344
④	N 524664.222	E 1269301.278
⑤	N 524453.256	E 1269372.206

OWNER'S CERTIFICATE

WE, THE UNDERSIGNED OWNERS OF THE PROPERTY SHOWN HEREON, HEREBY ADOPT THIS PLAN OF SUBDIVISION, ESTABLISH PUBLIC UTILITY EASEMENTS, AND ESTABLISH THE MINIMUM BUILDING LINES, SUBJECT TO ALL CURRENT AND APPLICABLE REGULATIONS TO ALL FEDERAL, STATE AND LOCAL GOVERNING AGENCIES. FURTHER, WE GRANT CROSS EASEMENT(S) AS SHOWN HEREON FOR THE PURPOSE OF PROVIDING ACCESS FOR PARCEL E, GUEDE NORTH. AS THE OWNER(S) 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 LAND SURVEYOR, IN ACCORDANCE WITH SECTION 50-24(a).

THERE ARE NO SUITS, LIENS, MORTGAGES OR TRUSTS AFFECTING THE PROPERTY INCLUDED IN THIS PLAT OF SUBDIVISION, TO MY KNOWLEDGE.

WILLIAM A. McFAUL - VICE PRESIDENT DATE
PS METRO PARK LLC



**SUBDIVISION RECORD PLAT
PARCEL "Z"
GUEDE NORTH**
BEING A RESUBDIVISION OF
PARCEL 'Y', GUEDE NORTH
PLAT NO. 22222
9TH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
SCALE: 1"=30' DATE: AUGUST 8, 2008
REVISED: OCTOBER 23, 2008
REVISED: OCTOBER 25, 2008

CONTROL POINT ASSOCIATES, INC.
22830 DAVIS DRIVE, SUITE 200 810 ELDEGABLES COURT SUITE 300
STERLING, VIRGINIA 20164 TOWSON, MARYLAND 21286
703.904.9000 FAX 703.904.9797 410.484.9445 FAX 410.821.8335

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: JUL 18 2006

Hearing Date: June 8, 2006

**Action: Approved Staff
Recommendation**

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

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 12001047A (formerly 1-01047A)
NAME OF PLAN: Commerce Bank Rockville

The date of this written opinion is **JUL 18 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).

INTRODUCTION

On 1/04/06, Commerce Bank ("Applicant") submitted an application for the approval of a preliminary plan of subdivision of property in the I-1 zone. The application proposed to revise the previous conditions of approval and to create 1 lot on 0.957 acres of land located in the northeast corner of the intersection of East Gude Drive and Crabbs Branch Way in the Shady Grove Sector Plan area ("Subject Property"). The application was designated Preliminary Plan 12001047A (formerly 1-01047A) ("Preliminary Plan"). On 6/08/06, 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 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.

SITE DESCRIPTION

The Subject Property is located in the northeast corner of the intersection of East Gude Drive and Crabbs Branch Way. The site is 41,687 square feet in size and is zoned I-1, Industrial. The site is currently vacant; there are no environmentally sensitive features on the property. Water and sewer are available for the property. Most of the surrounding properties are developed with low intensity office and industrial type uses.

PROJECT DESCRIPTION

The Planning Board previously approved the Subject Property for a public storage building on September 13, 2001 (1-01047). The Subject Property was platted in accordance with that approval. This application is requesting an increase in the vehicular trips under the Adequate Public Facilities review for a bank building. A new plat will need to be approved and recorded for the site, since access for the previously approved public storage building was limited to Crabbs Branch Way only. The existing plat denies access to East Gude Drive for any uses on the site.

The bank building will have access by right-in only on East Gude Drive and a right-in/right-out on to Crabbs Branch Way. Parking for the bank will be accommodated on the south and west sides of the proposed bank building; the drive through aisles and bypass lane will be located on the north side of the bank building. Access for adjacent Parcel "E" will also be accommodated through the Subject Property.

COMPLIANCE WITH THE SHADY GROVE SECTOR PLAN

The Shady Grove Sector Plan does not make specific recommendations for this site but does recommend a continuation of the I-1 zone for the Subject Property. The proposed use is allowed in the I-1 zone. The project is, therefore, in conformance with the recommendations of the Sector Plan.

TRANSPORTATION

Vehicular Access Points and Internal Circulation

Vehicular access points to Lot Y are proposed as follows:

1. An external access point from Crabbs Branch Way in the northwest corner of the site will be limited to right-turn-in and right-turn-out only, with a 90-foot-long deceleration lane including the taper.
2. An external access point from East Gude Drive in the southeast corner of the site located east of the intersection with Crabbs Branch Way will be limited to right-turn-in only.
3. An internal access point within Gude Park North in the northeast corner of the site obtained via a proposed cross easement. This two-way access point is located at the eastern property line between the subject Lot Y and the adjoining Parcel "E".

The three drive-through windows and a fourth bypass lane are located on the north side of the proposed bank building. The one-way stacking lanes approaching drive-through windows are accessed as follows:

1. From the north-south drive aisle along the building's eastern side for customers entering from northbound Crabbs Branch Way and westbound East Gude Drive.
2. From the cross easement between Lot Y and Parcel "E" for customers:
 - a. Coming internally from the Gude Park North development
 - b. Arriving externally from southbound Crabbs Branch Way and turning left into eastbound Calhoun Place.

Parking for walk-in customers and employees is located on the western and southern sides of the bank building. These parking spaces can be accessed from all access points via two-way drive aisles along the western, southern, and eastern sides.

Master-Planned Roadways and Bikeways

The master plan roadway and bikeway recommendations for the subject property are found in the Gaithersburg Vicinity Master Plan and the Countywide Bikeways Functional Master Plan. The master-planned facilities are as follows:

1. East/West Gude Drive is designated as major highway, M-23, with a 120-foot right-of-way and a shared-use path, SP-51, along the south side.
2. Crabbs Branch Way is designated as an arterial, A-262, with a 100-foot right-of-way and a shared-use path, SP-53, along the west side.

Adequate Public Transportation Facilities Review

Since the proposed bank generates in excess of 30 peak hour trips in the a.m. and p.m. peak hours, a traffic study was required to satisfy Local Area Transportation Review (LATR). From this traffic study, all CLV values at all the intersections are less than their congestion standard. At the intersection of Crabbs Branch Way and Indianola Drive, the congestion standard is 1,800 CLV because the intersection is located on the border with the Shady Grove Policy Area. At the other five intersections, the congestion standard is 1,475 CLV because the intersections are located within the Derwood Policy Area. Under the current *Annual Growth Policy*, Policy Area Transportation Review is no longer required as part of APF test.

ENVIRONMENTAL

The property is exempt from the requirement of the Montgomery County forest Conservation Law and for the requirements to prepare a Tree Save Plan. There are no streams or stream buffers on the Subject Property.

STAFF RECOMMENDATION

Staff found that the Preliminary Plan conforms to the Shady Grove Sector Plan and meets all necessary requirements of the Subdivision Regulations. As such, Staff recommended approval of the Preliminary Plan, subject to conditions.

FINDINGS

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

- a) The Preliminary Plan No. 12001047A (formerly 1-01047A) substantially conforms to the Shady Grove Sector Plan.
- b) Public facilities will be adequate to support and service the area of the proposed subdivision.
- c) The size, width, shape, and orientation of the proposed lot are appropriate for the location of the subdivision.
- d) The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.

¹ The application was referred to outside agencies for comment and review, including the Washington Suburban Sanitary Commission, the Department of Public Works and Transportation, the Department of Permitting Services and the various public utilities.

- 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 Record of this application does not contain any contested issues; and, therefore, the Planning Board finds that any future objection, which may be raised concerning a substantive issue in this application, is waived.

CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 12001047A (formerly 1-01047A) in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 12001047A (formerly 1-01047A), subject to the following conditions:

- 1) Approval under this preliminary plan is limited to a bank, not to exceed 4,100 square feet in size, with up to three drive-through aisles.
- 2) Prior to recordation of the plat, MCDPWT to review and approve the modified deceleration lane and elimination of the traffic movement control island (porkchop) at the entrance point on Crabbs Branch Way.
- 3) Access to the site is limited to a right-in/right-out on Crabbs Branch Way and a right-in only on East Gude Drive as shown on the preliminary plan.
- 4) Compliance with the conditions of approval of the MCDPS stormwater management approval dated April 21, 2006.
- 5) Compliance with conditions of MCDPWT letter dated April 6, 2006, unless otherwise amended.
- 6) Establish cross easements to serve adjacent Parcel "E", as needed, on the record plat.
- 7) 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.
- 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]

APPROVED AS TO LEGAL SUFFICIENCY

D. H. [Signature]

DEPARTMENT OF LEGAL SERVICES

CERTIFICATION OF BOARD VOTE ADOPTING OPINION

At its regular meeting, held on **Thursday July 13, 2006**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commission Bryant seconded by Commissioner Robinson by a vote of 3-0, with Chairman Berlage and Commissioner Perdue not eligible to vote, and Commissioners Bryant, Wellington, and Robinson present, **ADOPTED** the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Preliminary Plan No. 12001047A, Commerce Bank Rockville.**



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

