



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

MCPB
Item #
04/26/07

MEMORANDUM

DATE: April 11, 2007
TO: Montgomery County Planning Board
FROM: Catherine Conlon, Supervisor
Development Review Division *CAC*
(301) 495-4542
SUBJECT: Informational Maps and Summary of Record Plats for the Planning Board
Agenda for April 26, 2007

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

220062100 – Blair Park (1)
220062110 – Hoyles Mill Village (1)
220070070 – Glen Vista (1)
220070730 – Highland View of Sligo Park
220090930 – Huntington (1)

PLAT NO. 220062100

Blair Park (Preliminary Plan: 1200 East West Highway)

Located on northwest quadrant, intersection of East-West Highway and Blair Mill Road
CBD-2 zone; 1 parcel

Community Water, Community Sewer

Master Plan Area: Silver Spring CBD

Centex Homes, Applicant

The record plat has been reviewed by MNCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that the plat complies with Preliminary Plan No. 120050840, as approved by the Board and that any minor modifications reflected on the plat do not alter the intent of the Board's previous approval of the preliminary plan.

RECORD PLAT REVIEW SHEET

Plan Name: 1200 EW Highway Plan Number: 120050840
 Plat Name: Blair Park Par B Plat Number: 220062100
 Plat Submission Date: 4/28/06
 DRD Plat Reviewer: Pweiss
 DRD Prelim Plan Reviewer: Conlon

Initial DRD Review:

Signed Preliminary Plan – Date 120050840 Checked: Initial CAE Date 6/20/06
 Planning Board Opinion – Date 10/4/05 Checked: Initial PW Date 5/30/06
 Site Plan Req'd for Development? Yes No Verified By: PW (initial)
 Site Plan Name: 1200 EW Highway Site Plan Number: 820060140
 Planning Board Opinion – Date 3/28/06 Checked: Initial PW Date 5/30/06
 Site Plan Signature Set – Date 2-16-07 Checked: Initial SB Date 3-19-07
 Site Plan Reviewer Plat Approval: Checked: Initial PAK Date 6-7-06

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	Amy L.	5/11/06	5/26/06	5/15	Exemption Note
Research	Bobby Fleury			5/12	ok
SHA	Doug Mills			5/05	
PEPCO	Jose Washington			5/15	
Parks	Doug Powell			5-26	
DRD	Steve Smith				see plat

Final DRD Review:

DRD Review Complete:
 (All comments rec'd and incorporated into mark-up)
 Engineer Notified (Pick up Mark-up):
 Final Mylar w/Mark-up & PDF Rec'd:

Initial TA Date 4/6/07
TA 3/23/07
TA 4/5/07
TA 4/26/07

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:

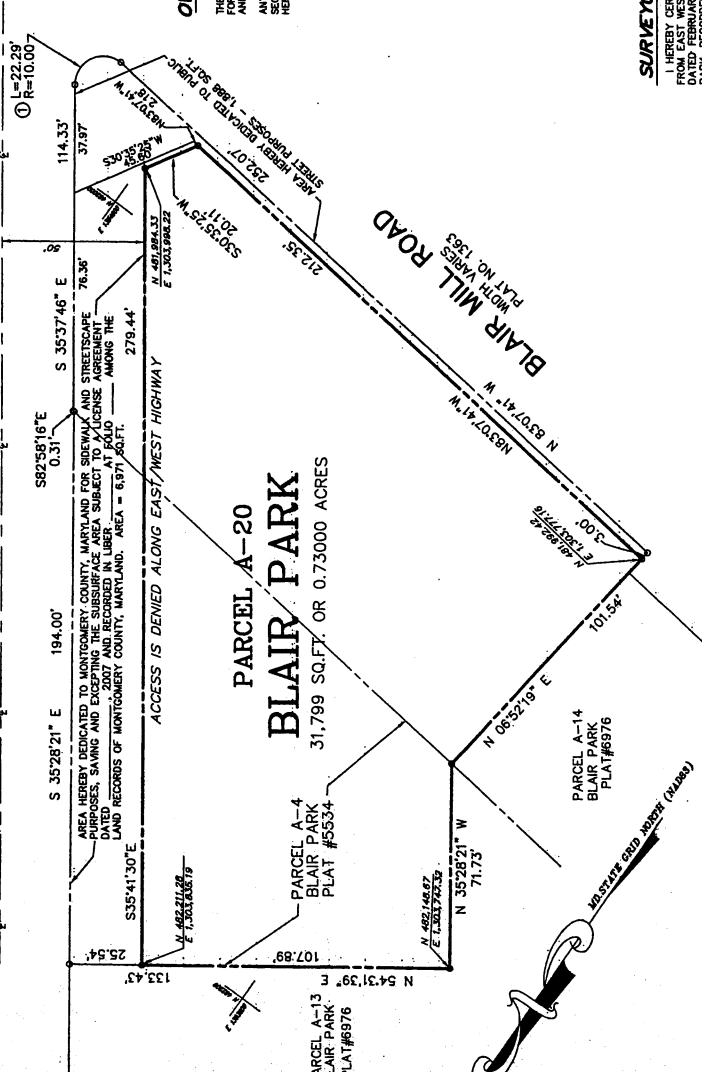
Addressing: _____
 File Card Update: _____
 Final Zoning Book Check: _____
 Update Address Books with Plat #: _____
 Update Green Books for Resubdivision: _____
 Notify Engineer to Seal Plats: _____
 Engineer Seal Complete: _____
 Complete Reproduction: _____
 Sent to Courthouse for Recordation: _____

No. _____

CURVE TABLE

CURVE	RADIUS	LENGTH	TANGENT	CHORD BEARING	DISTANCE	DELTA
1	10.00'	22.28'	20.36'	S 27°27'51" W	17.96'	127°43'55"

EAST/WEST HIGHWAY
MARYLAND ROUTE 410
60' WIDE
PB.5 PG.446



NOTES:

- 1.) THE PROPERTY IS LOCATED ON TAX ASSESSMENT MAP NO. J433 AND IS ZONED C80-2.
- 2.) THE METERS (METERS AND STILE PLANE MARKS) AND VERTICAL (MGS 88) IS BASED ON THE FOLLOWING USGS CONTROL POINTS: 48433.857 EAST 130204.187 ... ELEVATION 344.97 ...
- 3.) THIS SUBDIVISION RECORD PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING THE OWNERSHIP AND USE OF THE PROPERTY. THE SUBDIVISION RECORD PLAT IS NOT INTENDED TO REPLACE AN EXAMINATION OF TITLE OR TO DEPT OR NOTE ALL MATTERS AFFECTING TITLE.
- 4.) ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAN, SITE PLAN, PROJECT PLAN OR OTHER PLAN ALLOWING DEVELOPMENT OF THIS PROPERTY APPROVED BY THE MONTGOMERY COUNTY PLANNING BOARD ARE INTENDED TO SURVIVE AND NOT BE EXTINGUISHED BY THE RECORDATION OF THIS PLAT, UNLESS EXPRESSLY CONTINGENT UPON THE PLAN AS APPROVED. THE OFFICIAL PUBLIC FILES FOR ANY SUCH PLAN ARE MAINTAINED BY THE PLANNING BOARD AND AVAILABLE FOR PUBLIC REVIEW DURING NORMAL BUSINESS HOURS.
- 5.) THIS PLAT IS SUBJECT TO THE USES AND CONDITIONS WITHIN M.N.C.P. PRELIMINARY PLAN #1-05084 AND SITE PLAN #1-06014 ENTITLED "1200 E/W HIGHWAY".
- 6.) THE APPROVAL OF THIS PLAT IS PREDICATED ON THE AVAILABILITY OF PUBLIC WATER AND SEWER.
- 7.) THE PROPERTY INCLUDED ON THIS PLAT WILL BECOME SUBJECT TO A "DECLARATION OF COVENANTS" FOR THE OPERATION AND MAINTENANCE OF PRIVATE STORM DRAINS AND OPEN SPACE AREAS TO BE RECORDED BY THE PURCHASER OF THIS PROPERTY IMMEDIATELY AFTER RECORDEMENT OF THIS PLAT.
- 8.) THIS PLAT IS SUBJECT TO A "TRAFFIC MITIGATION AGREEMENT" RECORDED IN LIBER 33422 AT FOLIO 092 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND.
- 9.) THIS PROPERTY IS EXEMPT FROM CHAPTER 22A, FOREST CONSERVATION, #1-05228E.
- 10.) THIS PROPERTY IS SUBJECT TO A COMMON OPEN SPACE COVENANT RECORDED IN LIBER 28045 AT FOLIO 57B.
- 11.) THIS PLAT IS SUBJECT TO A SUBSURFACE AGREEMENT RECORDED IN LIBER _____ AT FOLIO _____.

DATE: _____

FOR PUBLIC WATER AND SEWER ONLY
MARYLAND NATIONAL CAPITAL PARK & PLANNING COMMISSION
MONTGOMERY COUNTY PLANNING BOARD

APPROVED: _____
CHAIRMAN SECRETARY - TREASURER

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

APPROVED: _____
DIRECTOR

DPS #25685
P&P #08010

PLAT NO.

AREA TABULATION

TOTAL AREA OF PARCEL A-20 31,799 SQ.FT. OR 0.73000 ACRES
STREET DEDICATION 8,860 SQ.FT. OR 0.20340 ACRES
TOTAL AREA OF THIS PLAT 40,659 SQ.FT. OR 0.93340 ACRES

OWNERS CERTIFICATE

WE, THE UNDERSIGNED, OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, HEREBY ADOPT THIS PLAN OF SUBDIVISION, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, DEDICATE THE AREA ON BLAIR MILL ROAD AND SHOWN HEREON TO MONTGOMERY COUNTY, MARYLAND, FOR PUBLIC STREET PURPOSES AND THE AREA ON EAST WEST HIGHWAY SHOWN HEREON TO MONTGOMERY COUNTY, MARYLAND FOR SIDEWALK AND FURTHERMORE, WE AS OWNERS OF THIS SUBDIVISION, OUR SUCCESSORS AND ASSIGNS, WILL CAUSE ALL PROPERTY CORNER MARKERS AND ANY OTHER REQUIRED MONUMENTATION TO BE SET BY A MARYLAND PROFESSIONAL LAND OR PROPERTY LINE SURVEYOR IN ACCORDANCE WITH SECTION 30-24 (4) OF THE MONTGOMERY COUNTY CODE PRIOR TO OCCUPANCY OF THE BUILDING TO BE CONSTRUCTED ON THE PARCELS SHOWN HEREON. THERE ARE NO SITS, ACTIONS-AT-LAW, LEASES, LENS, OR TRUSTS ON THE PROPERTY INCLUDED IN THIS SUBDIVISION PLAN.

HOME PROPERTIES 1200 EAST WEST, LLC.

BY: *Donald R. Thayer* PRESIDENT
DATE: *6 APRIL 2007*

WITNESS

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS CORRECT; THAT IT IS A PLAN OF ALL OF THE PROPERTY DESCRIBED IN CONVEYANCE FROM EAST WEST AT SILVER SPRING, LLC. TO HOME PROPERTIES 1200 EAST WEST, LLC. A MARYLAND LIMITED LIABILITY COMPANY, BY DEED RECORDED IN LIBER 28045 AT FOLIO 57B AND ALSO BEING ALL OF LOT A-4, BLAIR PARK RECORDED AS PLAT NO. 5534 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND. I FURTHER CERTIFY THAT, ONCE ENGAGED AS DESCRIBED IN THE OWNERS DEDICATION HEREON, ALL MONUMENTS SHOWN THUS ——— AND ALL PROPERTY MARKERS AND OTHER BOUNDARY MARKERS SHOWN THUS ——— WILL BE SET AS DELINEATED HEREON IN ACCORDANCE WITH THE PLAN. THE TOTAL AREA OF STREET DEDICATION INCLUDED IN THIS PLAN OF SUBDIVISION IS 8,860 SQUARE FEET OR 0.20340 ACRES AND THE TOTAL AREA OF THIS PLAN OF SUBDIVISION IS 40,659 SQUARE FEET OR 0.93340 ACRES OF LAND.

DATE: *April 5, 2007*
DAVID F. UNGER, II
MARYLAND PROFESSIONAL LAND SURVEYOR # 21238

SUBDIVISION RECORD PLAT

PARCEL A-20

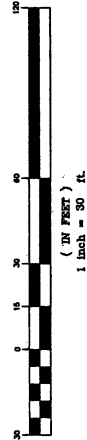
BLAIR PARK

13TH ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
SCALE: 1" = 30'
DATE: APRIL 5, 2007



DRAWN BY: PLANNING & LANDSCAPE ARCHITECTS & SERVICES & GPS SERVICES
VIA INCORPORATED
2007 CENTURY PLACE, SUITE 100, FOLIO 1000 THE CAPITAL CENTER BUILDING
GAITHERSBURG, MD. 20878 MONTGOMERY COUNTY, MARYLAND

GRAPHIC SCALE



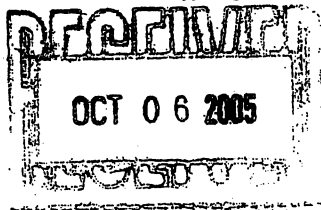
M-NCPPC



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



OCT 04 2005

Date Mailed:
Date of Hearing: June 30, 2005
Action: Approved with conditions
Motion of Commissioner Bryant,
seconded by Commissioner Robinson,
with a vote of 4-0;
Commissioners Bryant, Perdue,
Wellington and Robinson voting in
favor. Chairman Berlage was absent.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-05084
Name of Plan: 1200 East West Highway

OCT 04 2005

The date of this written opinion is _____ (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 Rule).

INTRODUCTION

On 03/31/05, Goodman East-West I, LLC ("Applicant"), submitted an application for the approval of a preliminary plan of subdivision of property in the CBD-2 zone. The application proposed to create 1 lot on 0.93 acres of land located at the northwest quadrant of the intersection of East-West Highway (MD 410) and Blair Mill Road in the Silver Spring CBD master plan area ("Subject Property"). The application was designated Preliminary Plan No. 1-05084 ("Preliminary Plan"). On 06/30/05, the Preliminary Plan was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Planning Board heard testimony and received evidence submitted in the record on the application.

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

correspondence and any other written or graphic information issued by Planning Board staff concerning the application; all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

SITE DESCRIPTION

The Subject Property consists of 1.4 acres of land located at the corner of East-West Highway (MD 410) and Blair Mill Road within the Silver Spring Central Business District. The site is zoned CBD-2 and lies within the Sligo Creek watershed which is designated as Use Class I. There are no environmentally sensitive areas or significant trees located on the site.

PROJECT DESCRIPTION

This is an application to create a multi-family residential community using the optional method of development in the CBD-2 zone, consisting of up to 250 dwelling units, with below-grade structured parking. The housing will contain a mix of efficiencies, one-bedroom, two-bedroom, and two-bedroom plus den units. A minimum of 12.5% of the units (approximately 31 units) will be Moderately Priced Dwelling Units (MPDUs). In addition to the residential dwellings, the 14-story building will contain up to 10,600 square feet of ground-floor retail use. Site plan review per Section 59-D-3 of the Zoning Ordinance is required for this project.

RELATIONSHIP TO THE SILVER SPRING CENTRAL BUSINESS DISTRICT AND VICINITY SECTOR PLAN

The Silver Spring Central Business District and Vicinity Sector Plan, approved by the County Council on February 1, 2000 ("Sector Plan"), outlines six themes, which articulate the shared goals and vision for a revitalized Silver Spring. Four of these themes (i.e., a commercial downtown; a residential downtown; a green downtown; and a pedestrian-friendly downtown) apply to this proposed project. This project expands the employment base within the CBD by providing new retail opportunities to serve the surrounding neighborhood. The Sector Plan does not specifically identify the proposed project site as a potential housing site. However, the Sector Plan does encourage housing as an important component of the revitalization efforts. The project is being developed under the optional method of development and proposes new opportunities for landscaped public open spaces, public art and streetscapes. This project encourages the development of active urban streets by providing building entrances along East-West Highway and easily accessible public space with a significant public art component as an activity generator. This proposal improves the quality of the pedestrian environment by extending the East-West Highway streetscape treatment and other amenities required for optional method projects as well as providing a shared use path.

TRANSPORTATION

Local Area Transportation Review

A traffic study was submitted to evaluate the effect of this development on the area transportation system. A total of three intersection were included in the study area (East-West Highway/Blair Mill Road/Newell Street, East-West Highway/Georgia Avenue/Burlington Avenue/13th Street, and East-West Highway/Colesville Road). The site-generated trips were added to the existing and background traffic (traffic from approved but unbuilt developments) to develop the total future traffic. All traffic was assigned to the three intersections and the results show that they are operating within the congestion standard of 1,800 Critical Lane Volume (CLV) for the Silver Spring Central Business District (CBD) Policy Area. Therefore, the proposed development passes the LATR test.

Site Access, Circulation and Pedestrian Facilities

The only vehicle access to the site will be provided from Blair Mill Road and is located at the farthest point away from the intersection of Blair Mill Road and East-West Highway, providing for safe operation of traffic on Blair Mill Road. Adequate sidewalks and bikeways recommended in the Sector Plan will be provided along the site frontage on Blair Mill Road and East-West Highway. These facilities are connected to a comprehensive network of sidewalks and bikeways within the CBD area. Safe crosswalks with pedestrian signals are provided at all signalized intersections in the CBD.

Right-of-way Width Waiver

The Applicant has requested a waiver of Section 50-26(a) pursuant to Section 50-38 to permit reduced-width road rights-of-way along the Blair Mill Road and East-West Highway frontages of the property. The Sector Plan stipulates right-of-way widths of 70 feet and 110 feet, respectively. The plan proposes a right-of-way width of 63 feet for Blair Mill Road and 100 feet for East-West Highway.

Staff, in collaboration with the State Highway Administration, has agreed that an additional 25 feet of right-of-way dedication along East-West Highway, for a total right-of-way of 100 feet is acceptable. Standard vehicular travel ways, bikeway, sidewalk, and streetscape recommended in the Sector Plan will be provided. There was also consensus that East-West Highway is not planned for widening so the additional right-of-way is not required in the foreseeable future.

Staff also agreed that three additional feet of right-of-way dedication along Blair Mill Road, for a total right-of-way of 63 feet is acceptable. Again, within the 63 feet, there will be three travel ways, a Class III (on-road) bikeway, and a 12-foot sidewalk

along the frontage of Blair Mill Road. These improvements meet the requirements of the Sector Plan for total circulation needs.

Staff believes the waiver is the minimum necessary to provide relief from the section, is not inconsistent with the purposes and objectives of the General Plan, and is not adverse to the public interest.

ENVIRONMENTAL

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

STAFF RECOMMENDATION

Staff finds the proposed Preliminary Plan to be in conformance with the requirements of Chapter 50, the Subdivision Regulations and Chapter 59, the Zoning Ordinance, and recommends approval of the plan with conditions.

PLANNING BOARD HEARING

At the hearing, Staff introduced property location, described the proposed development, and outlined the requested waivers of right-of-way widths. Staff recommended approval of the Preliminary Plan with one modification to the proposed Condition No. 7 to clarify the timing of the execution of the traffic mitigation agreement.

The applicant was represented by legal counsel who stated that the applicant accepted all of the conditions of approval as well as the proposed change. No other speakers testified at the hearing.

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, with the conditions of approval, that:

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

- a) The Preliminary Plan No. 1-05084 substantially conforms to the Silver Spring CBD and Vicinity Sector Plan.
- b) Public facilities will be adequate to support and service the area of the proposed subdivision. The Planning Board further grants the requested waiver of § 50-26(a) to permit reduced width rights-of-way for Blair Mill Road and East-West Highway along the property frontage pursuant to the Staff's analysis as set forth above.
- c) The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.
- d) The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.
- e) The application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.
- f) The Record of this application does not contain any contested issues; and, therefore, the Planning Board finds that any future objection, which may be raised concerning a substantive issue in this application, is waived.

CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 1-05084 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 1-05084, including a waiver of § 50-26(a) to permit reduced width road rights-of-way for Blair Mill Road and East-West Highway along the property frontage, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 275,000 square feet of gross floor area, consisting of 264,400 square feet of residential (up to 250² multi-family dwelling units, including 12.5% MPDUs) and 10,600 square feet of retail space.
- 2) Applicant shall dedicate an additional 25 feet of right-of-way from the existing property line to provide for a total of 100 feet of right-of-way for East-West Highway (MD 410). *ok*
- 3) Applicant shall dedicate an additional three feet of right-of-way from the existing property line to provide for a total of 63 feet of right-of-way for Blair Mill Road. *ok*

²While the Applicant has demonstrated that adequate public facilities exist for up to 250 multi-family dwelling units, Project Plan No. 9-05004 limits the development available on this site at 247 multi-family dwelling units.

- 4) Applicant shall provide a minimum 10-foot Class I bikeway plus a 5-foot sidewalk along the frontage of the property on East-West Highway
- 5) Applicant shall provide a Class III (on-road) bikeway plus a minimum 12-foot sidewalk along the frontage of the property on Blair Mill Road.
- 6) Applicant shall provide two 14-foot outside lanes and an 11-foot turn lane on Blair Mill Road at its intersection with East-West Highway for a total of a 39-foot pavement section along the frontage of the property.
- 7) Prior to approval of site plan signature set, the Applicant shall finalize and execute the traffic mitigation agreement. *ok*
- 8) Compliance with the conditions of the MCDPS approval of the stormwater management plan dated June 24, 2005.
- 9) Compliance with conditions of MCDPWT letter dated, June 17, 2005, unless otherwise amended.
- 10) Record plat to reflect "denial of access" along East-West Highway (MD 410). *ok*
- 11) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s).
- 12) Access and improvements as required to be approved by MDSA prior to issuance of access permits.
- 13) 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.
- 14) Other necessary easements.

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

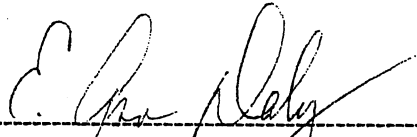
* * * * *

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

APPROVED AS TO LEGAL SUFFICIENCY
 DND 9/19/05
M-NCPPC LEGAL DEPARTMENT

CERTIFICATION OF BOARD ADOPTION OF OPINION

At its regular meeting, held on **Thursday, September 29, 2005**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission by unanimous consent **ADOPTED** the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Preliminary Plan No. 1-05084, 1200 East West Highway**. Vice Chair Perdue was absent. Chairman Berlage abstained.



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

PROJECT TEAM
 REGISTERED PROFESSIONAL ENGINEER
GOODMAN
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 1000 W. WASHINGTON ST.
 SUITE 200
 CHICAGO, IL 60606
 CONTACT: (773) 462-1000
 FAX: (773) 462-1001
 WWW.GOODMANPROPERTIES.COM

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REGISTERED PROFESSIONAL ELECTRICAL ENGINEER
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 FAX: (773) 462-1001
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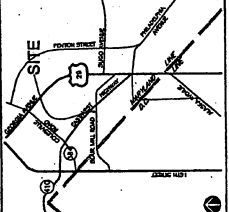
REGISTERED PROFESSIONAL MECHANICAL ENGINEER
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 FAX: (773) 462-1001
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REGISTERED PROFESSIONAL HISTORIC PRESERVATION
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 SUITE 100
 CHICAGO, IL 60610
 CONTACT: (773) 462-1000
 FAX: (773) 462-1001
 WWW.GOODMANPROPERTIES.COM



CERTIFIED SITE PLAN
1200 E W HIGHWAY
 1200 E W HIGHWAY
 CHICAGO, IL 60610

SILVER SPRING SQUARE LLC
SILVER SPRING SQUARE
 P. #223895

SILVER SPRING SQUARE LLC
SILVER SPRING SQUARE
 P. #223895

SILVER SPRING SQUARE LLC
SILVER SPRING SQUARE
 P. #223895

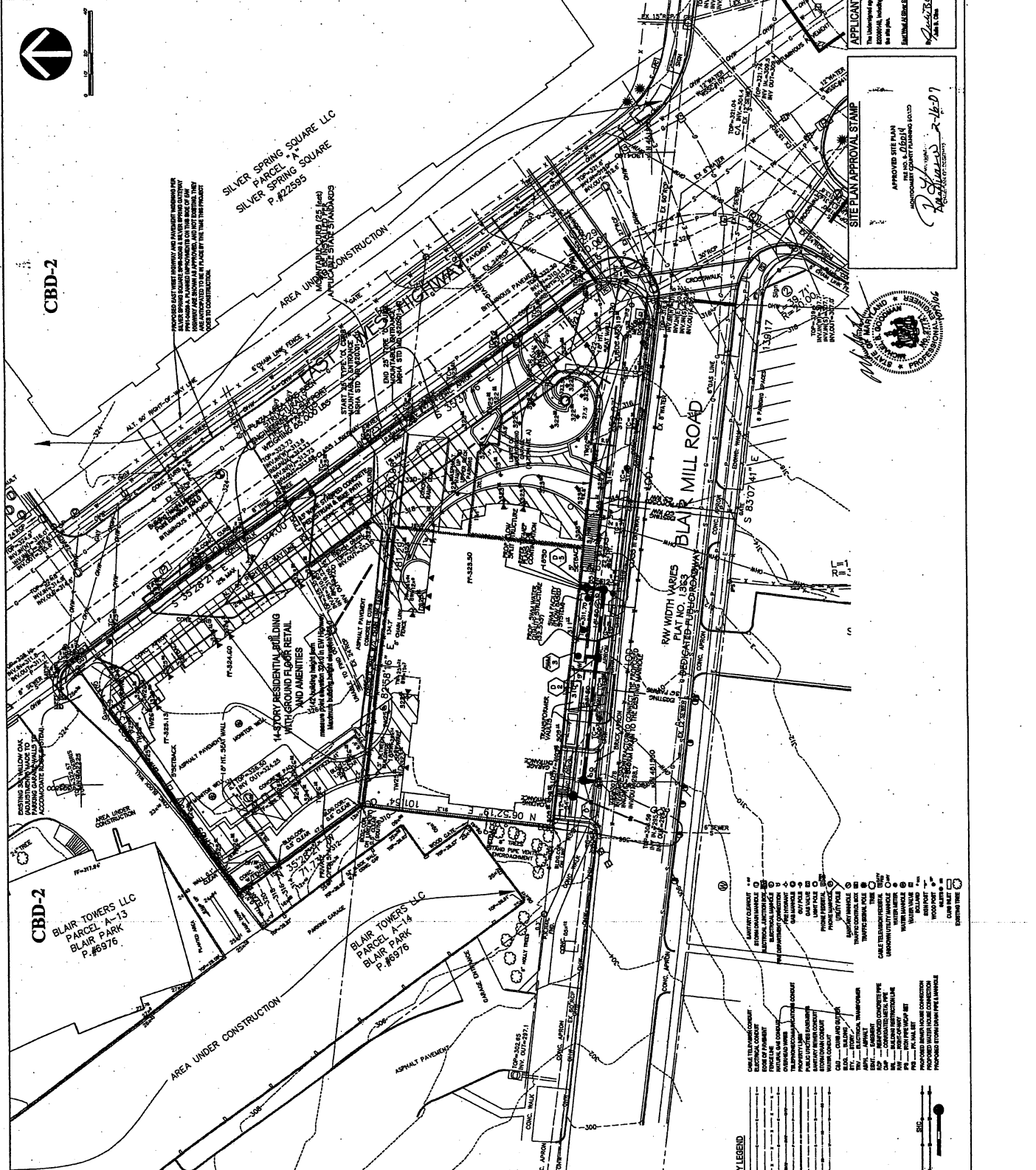
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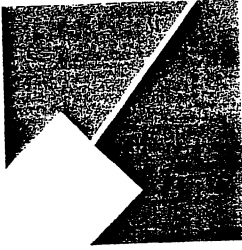
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MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

RECEIVED MAR 29 2006

Date of Mailing: MAR 28 2006

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Site Plan No.: 820060140
Project: 1200 East-West Highway
Date of Hearing: January 26, 2006

Action: **APPROVAL SUBJECT TO CONDITIONS.** (*Motion to approve was made by Commissioner Wellington; duly seconded by Commissioner Bryant; with a vote of 5-0, Commissioners Berlage, Perdue, Bryant, Wellington, and Robinson voting in favor.*)

The date of this written opinion is MAR 28 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). This site plan shall remain valid as provided in Section 59-D-3.8.

INTRODUCTION

On October 4, 2005, Goodman East West I, LLC ("Applicant"), filed an application with the Planning Board for review of a proposed 275,000 square feet of gross floor area, including 264,400 square feet of residential space consisting of approximately 247 multi-family dwelling units, of which 31 (or 12.5% of the total number of units) will be MPDUs, and 10,600 square feet of retail space on 1.40 gross acres in the CBD-2 Zone. The application was captioned Site Plan Review No. 820060140 ("Application" or "Site Plan"). On January 26, 2006, the Application 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.

BACKGROUND

I. PRIOR APPROVALS

The proposed development is zoned CBD-2 (Central Business District-2). This property consists of two separately platted parcels, N864, an unrecorded lot, and N811, shown on plat no. 5534 ("Property" or "Subject Property"). A Preliminary Plan of Sub division (No. 120050840) was approved concurrently with the Project Plan (No. 920050040) on October 4, 2005.

II. THE SUBJECT PROPERTY AND PROPOSED DEVELOPMENT

The Subject Property is located at 1200 East-West Highway, in the northwest quadrant of the intersection of Blair Mill Road and East-West Highway in south Silver Spring. The site is surrounded by CBD-2 properties to the north and east across East-West Highway; however, the zoning pattern transitions to CBD-1 to the south across Blair Mill Road. The Subject Property and surrounding properties to the east and north are within the Ripley/South Silver Spring Overlay Zone.

The Property is surrounded by residential properties, including the Barrington Towers, a 15-story apartment complex, and the 4-story Silverton/Canada Dry condominium project directly to the north across East-West Highway. The 15-story Blair Towers is located adjacent to the Property further northwest on East-West Highway. Springwood apartments, a 4-story mid-rise apartment complex, is located south of the Property along Blair Mill Road. Discovery Channel Communications building is situated southeast of the Property at East-West Highway and Kennett Street, adjacent to Acorn. Below-grade parking entrance with structured parking on top is located behind the auto-related facility. Parking for this building is accessed via East-West Highway and Blair Mill Road. Access to the All Tune & Lube is from East-West Highway.

Overhead wires exist along the frontage of Blair Mill Road and on the northern property line adjacent to the Blair Apartments. The intersection of Blair Mill and East-West Highway is signalized. The northwestern boundary contains a 6-foot wood fence and Leyland Cypress buffer as well as a 40" dbh (diameter breast height) red oak on the adjacent property near the property line at East-West Highway.

The topography on the property slopes from west to south by approximately three feet along East-West Highway; however, the grade drops significantly by 10 feet along Blair Mill Road toward Eastern Avenue.

The Application proposed to redevelop the existing auto-related uses into a 14-story (142 foot) building consisting of approximately 275,000 square feet of development on 1.40 acres. The development will include 264,400 square feet of residential space consisting of approximately 247 multi-family dwelling units, of which 31 (or 12.5% of the total number of units) will be MPDUs, and 10,600 square feet of retail space.

The proposed building will have a modified "L"-shaped structure that corresponds to the alignment of the two intersecting streets. The proposed building will contain retail space on the first floor along with amenity areas, including a residential lobby, mailroom, and a recreational area for the residents. The retail space is directed toward East-West Highway, integrating the urban plaza, while also addressing pedestrian thru traffic. The residential lobby entrance to the building is on East-West Highway adjacent to the retail frontage.

The Application proposes two levels of underground parking consisting of 220 parking spaces. The Applicant has proposed an alternate option for provision of 273 parking spaces, contingent on an agreement with Montgomery County Department of Public Works and Transportation ("DPWT") for subsurface rights within the East-West Highway right-of way. If approved, this arrangement would allow the Applicant to provide an increased number of parking spaces in an underground structure within the East-West Highway right-of-way.

The Application will provide 24 percent (7,658 square feet) on-site public use space and approximately 36 percent (11,646 square feet) off-site public use space for a total of approximately 60 percent public use space. The minimum on-site public use space requirement is 20 percent, which is significantly exceeded by this proposal. Further, the combined on- and off-site public use space exceeds the standard percentage of 46-48 percent public use space within the Silver Spring CBD.

The on-site public use space consists of integrated outdoor spaces, including a public plaza designed as a foreground to the building. This public plaza is outlined by the building to the south and west with widely spaced planting to the north and east. The retail component of the building, planned for the southeastern corner, will significantly animate the proposed development. The off-site public use space is comprised of the streetscape improvements within the rights-of-way of Blair Mill Road and East-West Highway.

The public plaza contains many elements that are unified by paving patterns, planters, and a vertical public art element. The linear paving from East-West Highway to

the building face corresponds to the architecture and vertical elements in the building. The arc of stone paving directly relates to the building location and curvature of the intersecting streets, terminating into a circular ring at the entrance to the residential lobby. The arc directs pedestrian movement through the plaza while activating the retail store frontage. The arc also begins to direct pedestrian movement off-site toward Acorn Park and development to the south. The larger portion of the plaza toward the intersecting streets is a circular plaza that spirals to the vertical public art element. The interior area of the arc will contain a vertical art element designed by Ray King near the apex of the intersection. The vertical art element includes innovative types of new glass and incorporates some of the newest light and glass technology.

In addition to the public use space, the Application also proposes to provide resident amenity space, consisting of a terrace with tables, chairs, benches and planters, on the south side of the building. A portion of the private amenity space will serve as a pedestrian area for moving material and supplies in and out of the retail bays, with elevator service from the loading area at the garage entrance.

The Application also proposes a 10-foot Class I bikeway (off-road, shared-use path) and 5-foot-wide sidewalk along the west side of East-West Highway and a Class III bikeway (on-road, bike lanes or signed shared roadway) on Blair Mill Road, as recommended by the Sector Plan.

III. SUMMARY OF TESTIMONY AND EVIDENCE IN RECORD

Development Review Staff ("Staff") recommended approval of the proposed Site Plan in accordance with the analysis and recommendation set forth in its memorandum dated January 12, 2006 ("Staff Report"). Using GIS maps, PowerPoint, aerial photographs, and oblique angle aerial photography, along with rendered analytical plans, Staff described the proposed Site Plan, including a review of development data and zoning conformance, prior approvals, existing site conditions, surrounding development and road alignments. Staff testified that the proposed Site Plan is consistent with the findings in the Staff Report and the previously approved Project Plan.

The Applicant appeared at the hearing represented by legal counsel. The Applicant requested revisions in selected Conditions in the Staff Recommendations. The Applicant's engineer discussed the site design, including the proposed public use space, amenities, design features, and proposed parking. The Applicant further testified regarding the potential agreement between the Applicant and DPWT for dedication of a portion of the above-ground right-of-way on East-West Highway to allow for construction of a proposed subsurface parking facility under the right-of-way. The Applicant testified that without the arrangement with DPWT, the Applicant would seek to construct a garage with approximately 220 spaces, but that an agreement with DPWT would allow construction of approximately 50 additional spaces. The additional spaces would permit more parking for

the retail uses located on the Subject Property and also would allow for potential acquisition of parking spaces by the owners of the MPDUs.

The Board asked the Applicant whether the provision of a parking garage would eliminate any required contribution to the Silver Spring Parking Lot District. The Applicant indicated that if it provided over sixty percent of parking, the required contribution would be reduced. The Board questioned Applicant regarding the economic viability of constructing underground parking. The Applicant indicated its ongoing assessment of economic viability of the proposed expanded garage, reiterating its commitment to providing 200 parking spaces, regardless of accommodation of the garage concept currently being negotiated with DPWT.

The Board asked Staff to clarify several items on the Project Data Table ("Data Table") in the Staff Report. First, the Board asked Staff to clarify the point from which the proposed building height was measured. Staff clarified that the point of measurement as the middle of the building on East-West Highway, in accordance with the requirements for measurement in the Montgomery County Code. The Board asked that the point of measurement should be noted on the Data Table in this Opinion. Second, the Board questioned Staff regarding the setback requirements, which were omitted from the Data Table. Staff informed the Board of the applicable setback requirements and indicated that the setback requirements were on the cover sheet of the Site Plan itself. The Board asked that the setback requirements be included in the Data Table and Staff agreed to add these figures to the Data Table. Finally, the Board sought to clarify whether the Data Table omitted a required number of parking spaces for this project because no parking was required. The Applicant testified that the Parking Lot District requirements applied to this Site Plan, stating that if the vault space beneath the right-of-way were obtained, the number of parking spaces provided would increase to 273. The Board confirmed with Staff and Applicant that the signature set would reflect the final number of parking spaces, depending on the resolution of Applicant's negotiations with DPWT.

The Board questioned Applicant regarding the Revised Conditions of the Staff Recommendations. Regarding Condition No. 10, the Board asked whether total occupancy of the building was required before installation of site features in the plan. The Board expressed concern that delays in completion of the site features would result if total occupancy was not achieved. The Board agreed that a revision to the condition that would require the completion of the site features within twelve months of either 24 months from date of the initial occupancy permit or 75% occupancy of the building, whichever comes first.

The Board questioned the wording of Condition No. 10, which referred to the site plan drawings contained in the Application. The Board requested that the drawings be referred to as the site drawings dated December 22, 2005 and labeled in the Record as

Exhibit A for purposes of public identification. Applicant and Staff agreed to the requested modifications.

No other speakers testified at the public hearing.

FINDINGS

Based on all of the testimony and evidence presented and on the Staff Report, which is made a part hereof, the Montgomery County Planning Board finds:

1. The Site Plan is consistent with the approved development plan or a project plan for the optional method of development, if required.

The proposed development is consistent with the approved Project Plan (No. 920050040) in land use, density, location, building height and development guidelines.

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

The Site Plan meets all of the requirements of the CBD-2 Zone as demonstrated in the project Data Table below.

PROJECT DATA TABLE (CBD-2)			
	Zoning Ordinance Development Standard	Approved with Project Plan 920050040	Approved by Planning Board and Binding on Applicant
Gross Tract Area (sf.):	22,000	61,034	61,034
Previous Dedication (sf.):		20,375	20,375
Proposed Dedication (sf.):		8,870	8,870
Net Lot Area (sf.):		31,789	31,789
Gross Floor Area (sq. ft.):			
Retail		10,600	10,600
Residential		264,400	264,400
Total	305,170	275,000	275,000
Floor Area Ratio (FAR):	5.0	4.51	4.51
Public Use Space:			
On-site Public Use Space	(20%) 6,360	(24%) 7,658	(24%) 7,658
Off-site Public Use Space		(36%) 11,511	(36%) 11,646
Total Public Use Space	(20%) 6,360	(60%) 19,169	(60%) 19,304
Total Private Amenity Space (sf):		4,461	4,461
Max. Building Height (ft.):*	143	142	142
Number of Floors:	Not specified	14 stories	14 stories
Setbacks (ft.)			
Front (East-West Highway)	Not specified	5	3
Rear	Not specified	0	0

Front (Blair Mill Road)	Not specified	3	5
Side	Not specified	5	5
Parking:			
Residential Uses (Mkt. Rate)			
Efficiency Units @ 1 sp./unit (11 x 1.0)	11		
1 BR @ 1.25 sp./unit (136 x 1.25)	170		
2 BR @ 1.50 sp./unit (57 x 1.50)	86		
2 Br + Den @ 1.50 sp./unit (12 x 1.50)	18		
Residential Uses (MPDUs):			
Efficiency Units @ 0.5 sp./unit (2 x 0.50)	1		
1 BR @ 0.625 sp./unit (20 x 0.625)	13		
2 BR @ 0.75 sp./unit (8 x 0.75)	6		
2 Br + Den @ 1.50 sp./unit (1 x 1.50)	2		
Residential subtotal:	307		
Retail Uses:			
(10,600 sf @ 5 sp./1000)	53		
Total Base Parking Spaces	360	220**	220**
<p>* As measured from the middle of the building as reflected by the datum point on the site plan on East-West Highway.</p> <p>** Site is within the limits of the Parking Lot District and not required to provide any parking spaces pursuant to Sect. 59-E-3 of the Montgomery County Zoning Ordinance; however, the PLD will assess a parking tax for the maintenance and use of the county facilities based on the number of spaces required for the uses proposed at the time of building permit. Parking credits are also applicable pursuant to Section 59-E-3.3 for residential in the CBD and proximity to the metro. The Applicant is proposing "vault space" under the rights-of-way for East-West Highway and Blair Mill Road to accommodate a minimum of 220 parking spaces proposed in the subsurface garage. The Applicant is proposing to provide up to 273 spaces if the Montgomery County Department of Public Works and Transportation (DPW&T) permits subsurface rights within the right-of-way along East-West Highway.</p>			

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

a. Location of Buildings

The proposed building is a modified "L"-shaped structure, corresponding to the shape of the street frontage on the two intersecting streets. The building is proposed as a 14-story, 142-foot tall building, with retail and amenity space on the first floor that is directed toward East-West Highway. The residential lobby entrance to the

building is on East-West Highway adjacent to the retail space. The location of the building adequately corresponds to the rights-of-way of the two intersecting streets, aligns with the adjacent Blair Towers complex and provides an extensive amount of public use space at the forefront of the site.

The 14-story building is equipped with two levels of underground parking: 13 stories of residential units atop a mixed-use base on the first floor that includes the residential lobby, mail room, recreational area for the owners and two retail areas located at each side of the residential lobby entrance.

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

b. Open Spaces

The proposed stormwater management concept consists of (1) on-site water quality and recharge control via grass swales, dry swales, a modified dry swale, drywells and a surface sand filter. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

The Project Plan is providing 24 percent (7,658 sf) on-site public use space and 36 percent (11,646 sf) off-site public use space for a total of 60 percent public use space. The minimum on-site public use space requirement is 20 percent, which is being significantly exceeded by this proposal; additionally, the combined total of 60 percent combined on- and off-site public use space exceeds the standard percentage of required public use space within the Silver Spring CBD of between 46-48 percent. The on-site public use space consists of integrated spaces, including a public plaza, designed as a foreground to the building. This public plaza is outlined by the building to the south and west with widely spaced planting to the north and east. An eating establishment is planned for the building corner, which would animate the use considerably. The public plaza contains many elements that are unified by paving patterns, planters, vertical elements and the public art.

The off-site public use space is comprised of the streetscape improvements within the rights-of-way of Blair Mill Road and East-West Highway. The Site Plan also proposes to provide a private amenity space for the building's residents on the south side of the building, consisting of a terrace with tables, chairs, benches and planters. A portion of the private amenity space will serve as a pedestrian area for moving materials and supplies in and out of

the retail bays, linked via an elevator with the vehicular service entrance on Blair Mill Road.

c. Landscaping and Lighting

The proposed landscaping on the site consists of a series of planters within the public use space, and foundation planting at the base of the building to accent the pedestrian level of the site.

The linear paving from East-West Highway to the building face corresponds to the architecture and vertical elements in the building. The arc of stone paving directly relates to the building location and curvature of the intersecting streets, terminating into a circular ring at the entrance to the residential lobby. The arc directs pedestrian movement through the plaza while activating the retail store frontage. The larger portion of the plaza toward the intersecting streets is a circular outdoor space that spirals to the vertical public art element.

The proposed development conforms to the Silver Spring Streetscape standards and consists of the Washington acorn globe fixtures and London Plane Trees within the right-of-way for the East-West Highway and Blair Mill Road. Walkways and the building's face will be illuminated with a combination of building sconces and pavement up-lights and specialty light posts to illuminate and activate the pedestrian space during evening hours.

The tree pits will be constructed to provide additional soil depth promoting survivability of plant material in an urban environment. The planter at the base of the art element near the apex of the intersection will consist primarily of flowering trees and shrubs to visually accentuate the plaza area and create a foundation for the vertical element.

The public art incorporates glass and light refractive elements to take advantage of the full sun exposure during the day and light element associated with the vertical art element.

d. Recreation

Recreation demand is satisfied as shown in the recreation calculations table below and consists of a indoor tot lot (children's play area) for ages 0-6, a pedestrian and bike system, an indoor community room and indoor fitness facility. The recreation amenities are in conformance with the M-NCPPC Recreation Guidelines.

RECREATION CALCULATIONS

	Tots	Children	Teens	Adults	Seniors
Demand Points					
Demand per 100 d.u.					
Total Required Points (Demand based upon 247 HR units)	10.0	10.0	10.0	192.5	115.0
Supply Points					
Tot Lot (0-6 yrs)	9.0	2.0	0.0	4.0	1.0
Picnic/Seating (6)	6.0	6.0	9.0	30.0	12.0
Pedestrian System	1.0	2.0	2.0	86.6	51.8
Bike Path	0.5	1.0	1.5	28.9	17.3
Indoor Fitness Facility	0.0	1.0	1.0	38.5	17.3
Indoor Community Space	1.0	1.5	3.0	57.8	46.0
Total Supply Points	17.5	13.5	16.5	245.8	145.4
% of demand met on-site	175	135	165	128	126

e. Vehicular and Pedestrian Circulation

Vehicular and pedestrian circulation is safe, adequate and efficient.

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

Vehicular circulation is enhanced with improved right-of-way along the southwest side of East-West Highway. An additional 25 feet was dedicated along the Applicant's property line for East-West Highway. The total right-of-way, including the previous dedication, totals 100 feet from the opposite side of East-West Highway. Both street rights-of-way will accommodate all of the optional method streetscape treatments. The Applicant was also granted a reduction in the right-of-way by 7 feet from the 70 feet recommended by the Sector Plan for Blair Mill Road.

The entrance to the parking garage and loading area is located at the southwestern end of the property with direct access from Blair Mill Road. The parking garage is a 2-level below grade structure planned to accommodate 220 parking spaces. The Applicant is proposing to provide a minimum of 220 parking spaces as indicated on the site plan and on the data table; however, the Applicant is proposing to provide up to 273 spaces if the Montgomery County Department of Public Works and Transportation

(DPWT) permits subsurface rights within the right-of-way along East-West Highway. Signs indicating traffic circulation in and out of the garage will promote safety for pedestrian activity in the public use space.

The retail component is designed to draw pedestrians from adjacent and nearby residential properties from the nearby transit stations for Metro and MARC, attract VanGo shuttle bus riders, complement the nearby shopping plaza, and activate the sidewalk and bike pathway along East-West Highway.

The streetscape improvements along East-West Highway and Blair Mill Road will facilitate the desire for pedestrian connectivity to the bus and metro station. The streetscape improvements are being expanded along East-West Highway to complement that portion of the existing streetscape on the southwest side and the existing and proposed streetscape improvements on the opposite side of the road. The full streetscape improvements along East-West Highway will complete a portion of the block all the way to Colesville Road. The street trees and streetlights within the Blair Mill Road right-of-way have been aligned with the adjacent property across Blair Mill Road. The mixed street and store frontage along East-West Highway provides for pedestrian movement through the site.

Pedestrian circulation within the right-of-way for East-West Highway includes a combined 15-foot-wide sidewalk and shared-use Class I bikeway (off-road) within the rights-of-way for East-West Highway and a Class II bikeway (on-road) within the right-of-way for Blair Mill Road. The 10-foot-wide bikeway consists of scored concrete and the 5-foot-wide sidewalk consists of a mixture of Belden Brick pavers and granite pavers, in linear bands that accent the building architectural features. A five-foot-wide walkway is also provided to the exterior courtyard for the residents from the urban plaza on the north side of the building.

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

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

The proposed mixed-use project is adjacent to the 15-story Blair Towers high-rise apartment building to the north, Blair East parking structure to the west and the 4-story mid-rise Spring Garden apartment building to the south. Directly across East-West Highway is the 4-story Silver Spring Square (The Silverton)

condominium, flanked by the 15-story Bennington apartment building to the north and the planned 14-story Silver Spring Gateway mixed-use project to the south. The subject development meets the intent of the Sector Plan and the Montgomery County Zoning Ordinance in terms of height and massing, and will not adversely affect the surrounding properties, the streetscape or the adequacy of providing light and air.

5. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.

The development is exempt from the requirements of forest conservation; however, the Applicant is required to submit a Tree Save Plan addressing tree protection measures for the 38" DBH (Diameter Breast Height) Willow Oak on the adjoining property. The Applicant has submitted a Tree Save Plan indicating tree protection fencing, root pruning, root aeration matting and root protection matting. The Applicant has proposed the tree protection measures in conjunction with stress reduction measures during the construction process to help ensure protection and survivability of the tree.

PLANNING BOARD ACTION AND CONDITIONS

The Montgomery County Planning Board APPROVES Site Plan Review No. 820060140 (formerly No. 8-06014) for 275,000 square feet of gross floor area, including 264,400 square feet of residential space consisting of approximately 247 multi-family dwelling units, of which 31 (or 12.5% of the total number of units) will be MPDUs, and 10,600 square feet of retail space on 1.40 gross acres in the CBD-2 Zone, with the following conditions. All site development elements as shown on 1200 East-West Highway plans stamped by the M-NCPPC on December 22, 2005, shall be required except as modified by the following conditions:

1. Preliminary Plan Conformance

The proposed development shall comply with the conditions of approval for Preliminary Plan 120050870 as listed in the Planning Board opinion dated October 4, 2005.

2. Project Plan Conformance

The proposed development shall comply with the conditions of approval for Project Plan 920050040 as listed in the Planning Board opinion dated October 4, 2005.

- a. Public Use Space

The Applicant shall provide 24 percent (7,658 square feet) of on-site public use space and 36 percent (11,646 square feet) of off-site public use space. The proposed public use space must be easily and readily accessible to the general

public and used for public enjoyment. All streetscape improvements shall be in accordance with the *Silver Spring Streetscape (April 1992)* Technical Manual or as amended.

b. Streetscape

The Applicant shall provide the full streetscape improvements along the southwestern boundary of East-West Highway and the north side of Blair Mill Road frontage using the *Silver Spring Streetscape (April 1992)* Technical Manual. The following elements are proposed: stone, precast concrete, brick pavers, street trees, lighting, and any other details that are necessary, including the undergrounding of utilities along the frontage of the property, to fulfill the Silver Spring streetscape standards.

c. Public Art

A public art program shall be provided to include a vertical light refracting glass element in the public plaza that encompasses the intersection of East-West Highway and Blair Mill Road.

3. Lighting

a. Provide a lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for residential development.

b. All light fixtures shall be full cut-off fixtures or be able to be equipped with reflectors, refractors or deflectors.

c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, especially on the perimeter fixtures abutting the adjacent residential properties.

d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting adjacent residential properties.

e. The up-lighting for the vertical art component near the apex of the intersecting streets shall be allowed lateral flexibility within a foot of the approved site plans to permit final movement, location and design of the art element.

4. Recreation Facilities

The Applicant shall provide one indoor tot lot (children's area for ages 0-6 years), (6) picnic/seating areas, a bike and pedestrian system, (1) indoor community space and (1) indoor fitness facility, in accordance with the M-NCPPC Recreation Guidelines.

5. Transportation

The applicant shall comply with the following conditions of approval from M-NCPPC-Transportation Planning in the memorandum dated [Appendix C]:

- a. Provide a 10-foot-wide Class I bikeway (off-road, shared use path) plus a 5-foot-wide sidewalk, for a total width of 15 feet along the East-West Highway frontage.
- b. Provide a Class III bikeway (on-road, signed shared bikeway) along Blair Mill Road.
- c. The Applicant shall enter into a Traffic Mitigation Agreement with the Montgomery County Planning Board and Montgomery County Department of Public Works and Transportation (DPWT) to participate in the Silver Spring Transportation Management District. The Traffic Mitigation Agreement shall be signed and executed prior to release of the building permit.
- d. The Applicant shall retain the subsurface rights to the East-West Highway right-of-way from the Montgomery County Department of Public Works and Transportation (DPW&T) in order to construct a portion of the garage within the right-of-way. The agreement between the Applicant and DPW&T shall be signed and executed prior to release of the building permit.

6. Tree Save Plan

The applicant shall comply with the following condition of approval from M-NCPPC-Environmental Planning in the memorandum dated October 24, 2005. The proposed development shall comply with the conditions of the tree save plan included as part of the Landscape Plan.

7. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated June 24, 2005.

✓ 8/ok Common Open Space Covenant

Record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to M-NCPPC staff prior to issuance of the 1st building permit that Applicant's recorded Homeowners Association Documents incorporate by reference the Covenant.

9. Maintenance Responsibility

Initially, the applicant, and subsequently, within ninety days of formation, the Condominium Association shall become a member and enter into an agreement with the Silver Spring Urban District for the purpose of maintaining the on-site public open

spaces, including the public art, seating areas, landscaping and lighting and participating in community events.

10. Development Program

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

- a. All site features associated with each building as defined by the site drawings labeled Exhibit A dated December 22, 2005 shall be installed no later than 24 months after the initial occupancy permit or 75 percent occupancy of the building, whichever comes first. Applicant shall provide the use and occupancy permits to M-NCPPC staff in order to inspect the site for streetscape within the respective street rights-of-way, including the street trees, street lights and pavers, as well as construction of the public plaza and art, on-site landscaping, lighting, recreation and paver materials.
- b. Street tree planting and landscaping shall progress as construction of the building is completed, but no later than six months after completion of the building.
- c. The recreation facilities located within the building shall be installed prior to occupancy of the first unit in the building.
- d. The public plaza, including the light elements, special paving and seating, shall be completed and installed upon completion of the building.
- e. The commissioned public art component shall be completed and installed upon completion of the building.
- f. Landscaping associated with the building, including the private amenity area, shall be completed as construction of the building is completed.
- g. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
- h. Tree protection and stress reduction measures shall be conducted and implemented in accordance with the specifications of the Tree Save Plan, prior to and during the construction process.

- i. Phasing of dedications, stormwater management, sediment/erosion control, public use space, streetscape, recreation, community paths, tree preservation, trip mitigation or other features.

11. Clearing and Grading

No clearing or grading prior to M-NCPPC approval of signature set of plans.

12. Signature Set

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

- a. Development program, inspection schedule, and Site Plan Opinion.
- b. Limits of disturbance.
- c. Methods and locations of tree protection.
- d. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
- e. All of the items specified in the site design, landscape, lighting and recreation conditions of approval.

* * * * *

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

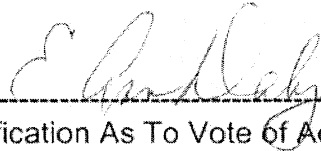
IN WITNESS WHEREOF, I, THE CLERK OF THE BOARD, have hereunto set my hand and the seal of the Board of Commissioners of the City of Baltimore, Maryland, this 21st day of March, 2006.

MR. [Signature] 3/21/06
M-NCPPC LEGAL DEPARTMENT

1200 East-West Highway
SitePlan No.: 820060140
Page 17

CERTIFICATION OF BOARD ADOPTION OF OPINION

At its regular meeting, held on **Thursday, March 23, 2006**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, by unanimous consent **ADOPTED** the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Site Plan No. 820060140, 1200 East-West Highway.**



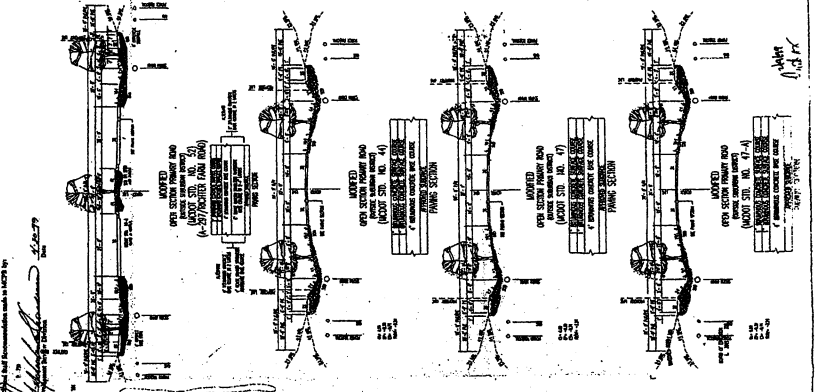
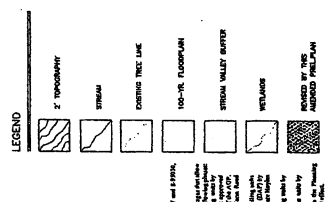
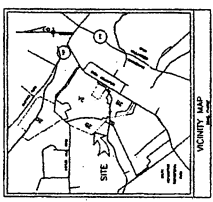
Certification As To Vote of Adoption
E. Ann Daly, Technical Writer

PLAT NO. 220062110

Hoyles Mill Village (Preliminary Plan: Hoyles Mill Village)
Locate on Leaman Farm Road, approximately 380 feet east of Black Cattle Drive
RE-200 zone; 1 parcel
Community Water, Community Sewer
Master Plan Area: Germantown
Toll MD VII Limited Partnership, Applicant

The record plat has been reviewed by MNCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that the plat complies with Preliminary Plan No. 12001063A and Site Plan No. 81995030D, 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.

This plat cannot be recorded until Site Plan signature set for plan no. 81995030D is complete.



NOTES:

1. Property and zoning data by reference to 21 CFR, Sec. 100, C. Chapter 1000.
2. Survey conducted by J. H. Harris, Inc., dated 11/11/03.
3. All dimensions are in feet unless otherwise noted.
4. All dimensions are to the centerline of the road unless otherwise noted.
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Table 1: Summary of Proposed Development

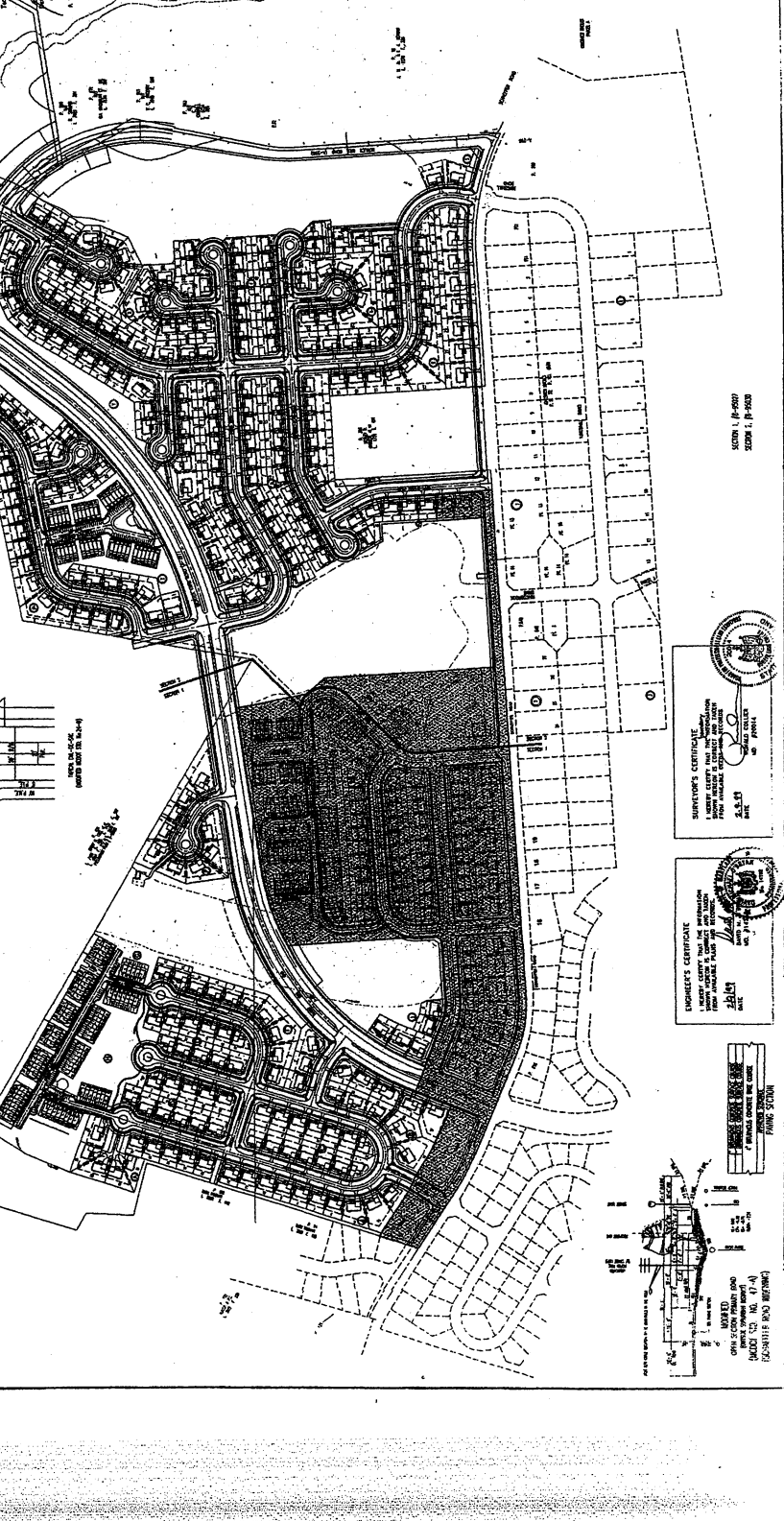
Item	Area (Acres)	Number of Units	Estimated Cost (\$)	Estimated Revenue (\$)
1. Single-Family Residential	100.00	1000	10,000,000	10,000,000
2. Multi-Family Residential	50.00	500	5,000,000	5,000,000
3. Commercial	20.00	20	2,000,000	2,000,000
4. Public Use	10.00	10	1,000,000	1,000,000
5. Total	180.00	1530	18,000,000	18,000,000

Table 2: Summary of Proposed Development

Item	Area (Acres)	Number of Units	Estimated Cost (\$)	Estimated Revenue (\$)
1. Single-Family Residential	100.00	1000	10,000,000	10,000,000
2. Multi-Family Residential	50.00	500	5,000,000	5,000,000
3. Commercial	20.00	20	2,000,000	2,000,000
4. Public Use	10.00	10	1,000,000	1,000,000
5. Total	180.00	1530	18,000,000	18,000,000

Table 3: Summary of Proposed Development

Item	Area (Acres)	Number of Units	Estimated Cost (\$)	Estimated Revenue (\$)
1. Single-Family Residential	100.00	1000	10,000,000	10,000,000
2. Multi-Family Residential	50.00	500	5,000,000	5,000,000
3. Commercial	20.00	20	2,000,000	2,000,000
4. Public Use	10.00	10	1,000,000	1,000,000
5. Total	180.00	1530	18,000,000	18,000,000



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

Planning Board Hearing Date: April 21, 2005

Date Mailed: JAN 30 2006

Action: Approved Staff Recommendation.

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

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan Numbers 1-88216B and 1-01063A
NAME OF PLAN: Hoyles Mill Village

The date of this written opinion is JAN 30 2006 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules of Court - State).

I. INTRODUCTION

On 04/14/04 Toll Brothers Inc. submitted an application for the approval of an amendment to a preliminary plan of subdivision of property in the R-200 zone. The subject property is located at the west side of Schaeffer Road, approximately 500 feet south of the intersection with Clopper Road (MD 117), in the Germantown master plan area. The application proposed to increase the limit on impervious surfaces included in the original approval of the preliminary plan from 599,459 square feet to 642,153 square

feet. No additional dwelling units proposed. The application was designated Preliminary Plan 1-01063A. On 04/21/05, Preliminary Plan 1-01063A was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application.

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

II. SITE AND PROJECT DESCRIPTION

The subject property is located on the west side of Schaeffer Road, approximately 500 feet south of the intersection with Clopper Road (MD 117) in Germantown, Maryland. The property contains 258 acres of land and is zoned R-200. The site is in the process of being developed as a residential community per previous approvals.

The amendment to the preliminary plan increases the limit on impervious surfaces within the subdivision from 599,459 square feet to 642,153 square feet. Additional imperviousness is facilitated by the applicant's purchase of offsite land to be placed in Category I Conservation Easement and maintained in a natural (pervious) condition.

III. PUBLIC HEARING

At the public hearing, staff summarized its recommendations as detailed in its staff report. The Applicant appeared, represented by legal counsel, and concurred with the conditions as recommended by staff. Wayne Goldstein testified in full support of the staff's recommendation.

IV. FINDINGS

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

- a) The Preliminary Plan Nos. 1-88216B and 1-01063A substantially conform to the Germantown master plan.
- b) Public facilities will be adequate to support and service the area of the proposed subdivision.
- c) The size, width, shape, and orientation of the lots are appropriate for the location of the subdivision.
- d) The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A. This finding is subject to the applicable condition(s) of approval.
- e) The application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.
- f) The Record of this application does not contain any contested issues; and, therefore, the Planning Board finds that any future objection, which may be raised concerning a substantive issue in this application, is waived.

V. CONDITIONS OF APPROVAL

Finding Preliminary Plan Nos. 1-88216B and 1-01063A in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan Nos. 1-88216B and 1-01063A, subject to the following conditions:

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

1. Amend previous condition No. 1 for preliminary plan #1-01063 per opinion dated October 10, 2001 to be consistent with proposed condition No. 3 of the amended site plan 8-95030D.
2. All applicable previous conditions of approvals per preliminary plan opinions dated 11/23/94 (1-88216), 6/29/96 (1-88216R), 05/05/99 (1-88216R), and 10/10/01 remain in full force and effect.
3. Applicant shall record a record plat for Parcels 859, 871, 911 and 963, showing the parcels as a single outlot, and shall show a Category I Forest Conservation Easement over the entire outlot.
4. Applicant shall record a covenant for future dedication of the right-of-way for Leaman Farm Road along the frontage of parcels 859, 871, 911 and 963.
5. No density from parcels 859, 871, 911 and 963 shall be used for the Hoyles Mill development, nor used for any future development(s). The parcels shall be restricted from any future development.
6. The outlot shall be used for the sole purpose of creating a pervious reserve for the Hoyles Mill preliminary plans (1-88216R and 1-01063).

* * * * *

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

MR 11/13/06
Approved for legal sufficiency
M-NCPPC Office of General Counsel

Hoyles Mill Village
Preliminary Plan Numbers 1-88216B & 1-01063A
Page 6

CERTIFICATION OF BOARD VOTE ADOPTING OPINON

At its regular meeting, held on Thursday, January 19, 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 Hoyles Mill Village, Preliminary Plan Numbers 1-88216B & 1-01063A. Commissioner Perdue abstained.



Certification As To Vote of Adoption
Technical Writer

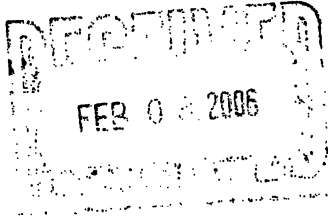
M-NCPPC



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 of Mailing: FEB - 6 2006

**MONTGOMERY COUNTY PLANNING BOARD
OPINION**

Site Plan No.: 8-95030D
Project: Hoyles Mill Village-Section II
Date of Hearing: April 21, 2005

Action: APPROVAL SUBJECT TO CONDITIONS. (Motion to approve was made by Commissioner Bryant; duly seconded by Commissioner Wellington; with a vote of 4-0, Commissioners Robinson, Wellington, Berlage, Bryant voting in favor. Commissioner Perdue was necessarily absent.)

The date of this written opinion is FEB - 6 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, as provided in the Maryland Rules of Procedure, thirty days from the date of this written opinion. This site plan shall remain valid as provided in Section 59-D-3.8.

I. INTRODUCTION

On April 21, 2005, Site Plan Review #8-95030D 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.

II. THE SUBJECT PROPERTY

Hoyles Mill Village is located on the west side of Schaeffer Road, south of the intersection with Clopper Road (MD 117), and immediately north of the South Germantown Recreational Park. Section II of Hoyles Mill Village, which is the subject of this review, is located in the north-central segment of the overall development. The subject development is approximately 81 percent complete with the construction of one-family detached homes.

Confronting property to the east is zoned R-200 and is developed with one-family detached homes. Section 1, of Hoyle's Mills Village, consisting of 316 lots, lies to the south of the subject section and is completely built with one-family attached and detached homes. King's Crossing, zoned PD-2, is currently under construction and approximately 90 percent complete. The boundary for the majority of Kings Crossing is on the west side of Richter Farm Road. All of Hoyles Mill Village and Kings Crossing have been incorporated into one name as Woodcliff Estates, with separate community boundaries within the subdivision.

III. BACKGROUND

A. Preliminary Plans

The revised Preliminary Plan, 1-01063B, was submitted on March 25, 2001, and was heard by the Planning Board concurrent with the subject site plan application. Preliminary Plan, 1-01063, was approved by the Planning Board with conditions on September 13, 2001. This preliminary plan modified the existing lot configuration and road network in Phase II to address impervious issues. A condition limiting the newly configured single-family lots and associated driveways to the same square footage of impervious surface approved as part of the overall 21.114% limit for the subdivision was included. Also included was a condition placing 20 lots in reservation pending staff approval of building permits to ensure that the impervious limit is not exceeded. The original Preliminary Plan, 1-88216, was approved by the Planning Board with conditions on June 20, 1998. On January 21, 1999 a revision to the approved Preliminary Plan, 1-88216R was approved with Conditions by the Planning Board for 579 lots on 251.90 acres. Final Plats for the property have subsequently been recorded. On December 4, 2003, Preliminary Plan 1-88216R was approved with Site Plan 8-01019 for 15 one-family detached units to comply with the impervious limitation requirement of 20 percent. Final plats for the additional 15 dwelling units have not been recorded.

The subject site plan is in substantial conformance with Preliminary Plan 1-01063 in terms of density, access, and open space and lot layout. Record Plats have been recorded for all of Section II. This proposal requests to amend Preliminary Plan 1-01063 as required in the opinion by condition 1.(c) which states "*if at any time after release of the 200th building permit for Site Plan 8-95030, the imperviousness limit in condition no. 1(a) above, is reached, building permits for the remaining 23 (or fewer remaining) single-family detached lots shall not be released. Staff will schedule a Preliminary Plan amendment hearing for final Planning Board action and the applicant will submit a complete Preliminary*

Plan amendment application pursuant to Section 50-34 of the Montgomery County Subdivision Regulations."

The conditions of both approved Preliminary Plans and the amendment to the original plan remain valid and in full force and effect.

B. Site Plans

1. Site Plan 8-95030, 8-95030A and 8-95030C

On June 1, 1995, the Planning Board approved Site Plan 8-95030 for 259 units including 233 single-family detached units and 36 single-family attached units (MPDUs). On January 21, 1999 the Planning Board approved a revision to the approved Site Plan, 8-95030A. The site plan revision was in response to a change in the access to the M-NCPPC South Germantown Regional Park from Schaeffer Road. Schaeffer Road was widened from a primary residential road to a 120-foot-wide right-of-way with center medians and landscaped berms. The end result was an increase of four single-family-detached units and two single-family attached units (MPDUs). A second amendment to this site plan, 8-95030C, was approved for Phase II concurrently with Preliminary Plan 1-01063 on September 13, 2001. This revision changed the lot layout and road configuration and placed impervious surface restrictions on the tract by placing lots in reservation to ensure compliance with the limitations.

2. Site Plan 8-00019

On April 4, 1999, a site plan was submitted for 20 single-family detached units on the subject site, including 4 MPDUs in Site Plan 8-95030B. The revisions to Site Plan 8-95030B were to change the MPDU townhouses to garage units, changes in parking, recreation and improvements along Schaeffer Road. Site Plan 8-00019 and the proposed amendment to 8-95030B was withdrawn and resubmitted to M-NCPPC. The revised site plan, together with the Preliminary Plan (#1-88216R) was brought back to the Planning Board and approved on December 4, 2003 for 15 one-family detached units. These plans met the 20 percent impervious limitation requirements.

The conditions of both approved Site Plans and the subsequent amendments remain valid and in full force and effect.

3. Site Plans 8-00019 and 8-95030C and Preliminary Plan 1-88216R

On October 20, 2002, a combined site plan and preliminary plan was submitted for 17 one-family detached units, including 4 MPDUs in Site Plan 8-95030C as a condition of Phase II. Staff's recommendation to the Planning Board was to approve only 14 one-family units conditioned on impervious coverage in Phase I and proposed realistic house footprints for the Hargett tract. The applicant deferred the project in order to resolve the impervious restrictions associated with the overall site.

The combined plans went back to the Planning Board for a total of 15 one-family detached units with approval on December 4, 2003. The revised plans addressed impervious constraints with realistic house footprints while meeting the 20% impervious cap with no waivers for the addition of sidewalks.

IV. PROPOSED DEVELOPMENT

The subject site for the Phase II development is currently under construction with approximately 180 of the approved 223 single-family detached lots under roof. All of the roads have been completed and the stormwater management facilities are functional for the entire development. Richter Farm Road separates the majority of the site on the west side of the property with the remaining development situated between Richter Farm Road and Schaeffer Road. The four off-site parcels are located on the north side of Leaman Farm Road near the completed northwestern section of the development. The property contains two separate stream valley systems on the north and south sides of the site.

The current amendment seeks to address limitations on Phase II development resulting from the site imperviousness cap. Monitoring of the actual size of the current homes constructed in Phase II shows that the current pace of remaining homes will significantly exceed the approved impervious cap. The concept by the developer at the conception of Phase II allowed the construction of homes that are larger than those approved on the original site plan, while modifying the house footprint to a smaller size toward the end of the construction for the remaining homes. As part of the approval for the previous amendment, twenty lots, as identified on the plan, were held in reservation to ensure that the impervious cap would not be exceeded.

This revision seeks to increase the impervious restrictions from 599,459 square feet to 642,153 square feet through the purchase of off-site parcels located on the north side of

Leaman Farm Road. The off-site parcels include existing houses, sheds and driveways, and will be removed and placed in an open space easement and forest conservation easement prior to the release of building permits for the lots held in reservation. The off-site parcels are contiguous with the northern segment of stream valley buffer that is owned by the homeowners' association.

V. SUMMARY OF TESTIMONY AND EVIDENCE IN RECORD

At the public hearing, staff summarized its recommendations as detailed in its staff report. Toll Brothers Inc. ("Applicant") appeared, represented by legal counsel, and concurred with the conditions as recommended by staff. Wayne Goldstein testified in full support of the staff's recommendation.

VI. FINDINGS

Based on the uncontested testimony and evidence presented to the Board, including the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

1. The Site Plan is consistent with the approved development plan or a project plan for the optional method of development, if required.

An approved development plan or a project plan is not required for the subject development.

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

The Site Plan meets all of the requirements of the R-200/MPDU Zone as demonstrated in the project Data Table.

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

- a. Buildings

The location of the buildings and their respective lots has not changed from the previous submittal. As the approved lots in reservation are developed

through the purchase of off-site parcels, the houses will be sited on the existing lots based on the model type chosen by future buyers. The houses would also be subject to the monitoring for impervious restrictions, which may affect the size and location of the final house footprints in the development. The proposed house footprints, as indicated on the site plan, are consistent and compatible with those in the previously approved sections.

The existing houses and associated structures on the off-site parcels will be removed prior to release of the building permits for the lots presently being held in reservation to further achieve the desired goal of increasing the pervious area in the project.

b. Open Spaces

The open space proposed for the subject site has not changed from the previous approval and is located primarily within the stream valley buffer, on the north and south side of Leaman Farm Road. The open space associated with the off-site parcels will be placed in an open space easement and category I forest conservation easement and the existing impervious surfaces will be removed from the parcels. The off-site parcels will be treated as an off-site mitigation bank and not part the overall tract for the Hoyles Mill subdivision. The additional open space will be recorded and platted with the two easements on the property. Density from these parcels can't be attributed toward any site.

The stormwater management concept for the proposed development was approved with conditions by the Montgomery County Department of Permitting Services (DPS) for the original site plan in 1995, and remains unchanged by the subject revision. Presently, all of the stormwater management facilities are operational within the development.

c. Landscaping and Lighting

Landscaping on the site consists primarily of street trees within the rights-of-way for all of the public roads and buffer planting around the existing stormwater management parcels and berm along Ritcher Farm Road. The majority of the landscaping has been installed as completion of the streets progressed and houses constructed. The plant material approved with the

previous site plans remains the same and will be finalized with the completion of the remaining houses.

The lighting plan remains unchanged with this proposal. Lighting proposed with the previously approved site plans consists of standard street lights within the public rights-of-way for all of the streets.

d. Recreation

Recreation demand is satisfied as shown in the recreation calculations table. Off-site credit has been taken from the adjacent Kings Crossing subdivision and the South Germantown Recreational Facility.

e. Vehicular and Pedestrian Circulation

The infrastructure for the site has been constructed throughout the development and is in conformance with the approved preliminary and site plans. The applicant has agreed to provide a deed for future conveyance of Leaman Farm Road should the County improve Leaman Farm Road along the frontage of the off-site parcels.

Pedestrian circulation remains the same with the previously approved site plans. No additional pedestrian sidewalks, walkways or paths are required with this amendment.

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

The proposed structures and uses are compatible with the existing and adjacent residential communities. Additional open space contiguous to an existing stream valley buffer provides additional environmental protection and buffers to adjacent development. This development does not create any additional lots or homes; therefore is consistent with the previous findings for compatibility. Landscape buffers are proposed in areas of the site where necessary to screen views of rear yards of homes and will, along with the setbacks, ensure compatibility within the existing and surrounding neighborhood.

5. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.

The approved forest conservation plan dated November 27, 2001 has not changed and remains in effect. All of the reforestation areas have been planted and are subject to the warranty and maintenance period associated with the approved plan.

VII. PLANNING BOARD ACTION AND CONDITIONS

The Montgomery County Planning Board APPROVES Site Plan Review #8-95030D for amendment to approved site plan 8-95030C to increase the impervious limit from 599,459 square feet to 642,153 square feet (no additional dwelling units proposed), with the following conditions:

1. Preliminary Plan Conformance

The proposed development shall comply with the conditions of approval for Preliminary Plans 1-88216R and 1-01063 as listed in the Planning Board opinion dated January 21, 1999 and September 13, 2001, respectively.

2. Site Plan Conformance

The proposed development shall comply with the conditions of approval for Site Plans 8-95030, 8-95030A, 8-95030B and 8-95030C, unless specifically amended.

3. Environmental Planning

The applicant shall comply with the following conditions of approval from M-NCPPC-Environmental Planning in the memorandum dated April 13, 2005:

- a. Imperviousness for the Section II single-family detached units and driveways may not exceed 17.4886 acres or 642,153 square feet, an increase of 42,694 square feet. This increase may be reduced proportionally if the applicant does not purchase one or more of the off-site parcels (859, 871, 911 and 963).
- b. Off-site parcels (859, 871, 911 and 963) within the same watershed will be purchased by the applicant who will remove the existing impervious conditions and record a plat delineating a Category I conservation easement over the property.

Applicant may retain the right to reforest the off-site parcels in the Category I Easement.

- c. Monitoring of conformance to the imperviousness limits for the single family detached portion of Section II shall be done in accordance with the December 6, 2000 agreement between the applicant and the Commission, except that, the 20 lots identified to be held in reserve in this agreement shall be replaced by the 20 lots identified in the August 17, 2001 letter from Toll Brothers, Inc. The last five lots of the 20 lots to be released will be lots 60&61, block Z, followed by lot 1, block Z, and followed by lots 1&2, block S.
- d. If at any time the imperviousness limit is reached before building permits for all approved lots have been released, the lots for which building permits have not been released must be re-recorded as non-impervious open space. All pending use and occupancy permits will be held until such time that the open space plats are recorded.
- e. All driveways must be designed as single car width (10 feet) from the edge of the road through the sidewalk and flared out to double car width (20 feet) in front of the garage. The maximum driveway length from the edge of the road right of way to the garage entrance shall be 25 feet. Alternate driveway design may be approved by MNCPPC Environmental Planning staff on a case-by-case basis provided any additional impervious surface is accounted for as part of the overall imperviousness limit. All sales contracts must disclose to buyers that these dimensions are imposed as a condition of the Planning Board approval.
- f. Applicant shall provide each prospective homebuyer with a site plan that clearly illustrates house setback and sidewalk locations.

4. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated May 1995.

5. Common Open Space Covenant

Record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to

M-NCPPC staff prior to transfer to the Homeowners' Association, if applicable, that Applicant's recorded Homeowners Association Documents incorporate the off-site parcels by reference in the Covenant.

6. Development Program

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

- a. Applicant shall comply with the previous development program as specified in the Site Plan Enforcement Agreement for Site Plans 8-95030, 8-95030A, 8-95030B and 8-95030C with regard to landscaping, lighting, street trees, phasing, community and pedestrian pathways and walkways and recreation facilities.
- b. Applicant shall provide documentation of the off-site parcels to be purchased to offset the impervious restrictions prior to the release of lots held in reservation.
- c. Applicant shall remove the improvements on the off-site parcels (Parcels 859, 871, 911 and 963), including existing houses, sheds and driveways, prior to the release of building permits for the lots held in reservation; and convert the parcels to an open space easement and category I forest conservation easement.
- d. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.

7. Clearing and Grading

No clearing or grading of the future off-site parcels to be purchased to offset the impervious restrictions prior to M-NCPPC approval of signature set of plans.

8. Signature Set

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

- a. Development program, inspection schedule, and Site Plan Opinion.
- b. Undisturbed stream buffers unless previously approved by site plans 8-95030, 8-95030A, 8-95030B and 8-95030C.
- c. Limits of disturbance.
- d. Methods and locations of tree protection.
- e. Forest Conservation easement areas.
- f. Method for demolition of the existing structures and impervious surfaces, tree protection measures and stabilization on parcels 859, 871, 911 and 963.
- g. Note stating the M-NCPPC staff must inspect forested areas and protection devices on the off-site parcels, prior to clearing and grading.
- h. All other items specified in the environmental planning conditions of approval above.

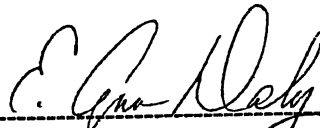
* * * * *

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

NR 1/20/06
Approved for legal sufficiency
M-NCPPC Office of General Counsel

CERTIFICATION OF BOARD ADOPTION OF OPINION

At its regular meeting, held on **Thursday, January 26, 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 **Site Plan 8-95030D, Hoyles Mill Village-Section II**. Vice Chair Perdue was temporarily absent.



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

PLAT NO. 220070070

Glen Vista (Preliminary Plan: South Glen Road)

Locate on east side of South Glen Road, approximately 800 feet north of Mulberry Point Road

RE-2 zone; 4 lots

Community Water, Community Sewer

Master Plan Area: Potomac

Helen Lee, Applicant

The record plat has been reviewed by MNCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that the plat complies with Preliminary Plan No. 120060010 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: South Glen Road Plan Number: 12006-0010
 Plat Name: Glen Vista Plat Number: 220070070
 Plat Submission Date: 7/18/06
 DRD Plat Reviewer: PW
 DRD Prelim Plan Reviewer: Cathy Conlon

Initial DRD Review:

Signed Preliminary Plan - Date 8/01/06 Checked: Initial OC Date 8/22/06
 Planning Board Opinion - Date 4/27/06 Checked: Initial PW Date 8/14/06
 Site Plan Req'd for Development? Yes No Verified By: _____ (initial)
 Site Plan Name: _____ Site Plan Number: _____
 Planning Board Opinion - Date _____ Checked: Initial _____ Date _____
 Site Plan Signature Set - Date _____ Checked: Initial _____ Date _____
 Site Plan Reviewer Plat Approval: Checked: Initial _____ Date _____

Review Items: Lot # & Layout 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 notes NA Child Lot notes NA Surveyor Cert Owner Cert Tax Map

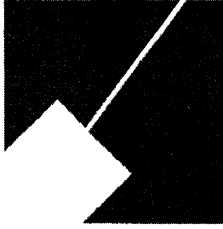
Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	M. Piersere	7/18/06	8/4/06	7/25/06	OK
Research	Bobby Fleury			7/19/06	OK
SHA	Doug Mills			NC	NC
PEPCO	Jose Washington			NC	NC
Parks	Doug Powell			NC	NC
DRD	Steve Smith			8/20/06	See plat

Final DRD Review:

DRD Review Complete:	Initial <u>TA</u>	Date <u>4/6/07</u>
(All comments rec'd and incorporated into mark-up)		
Engineer Notified (Pick up Mark-up):	Initial <u>TA</u>	Date <u>8/29/06</u>
Final Mylar w/Mark-up & PDF Rec'd:	Initial <u>TA</u>	Date <u>3/28/07</u>
Board Approval of Plat:		
Plat Agenda:	Initial <u>TA</u>	Date <u>4/26/07</u>
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. _____

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

Date Mailed: APR 27 2006
Hearing Date: March 23, 2006
Action: Approved Staff Recommendation
Motion of Commissioner Robinson, seconded by Commissioner Wellington, with a vote of 4-0; Chairman Berlage and Commissioners. Perdue, Wellington, and Robinson voting in favor. Commissioner Bryant absent.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 120060010 (formerly 1-06001)
NAME OF PLAN: South Glen Road

The date of this written opinion is APR 27 2006 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

I. INTRODUCTION

On 07/01/05, Jhong S. Lee ("Applicant") submitted an application for the approval of a preliminary plan of subdivision of property in the RE-2 zone. The application proposed to create 4 lots on 10.61 acres of land located on the east side of South Glen Road, approximately 2000 feet north of Deep Glen Drive, in the Potomac Master Plan area ("Subject Property"). The application was designated Preliminary Plan 120060010 formerly 1-06001 ("Preliminary Plan"). On 03/23/06, the Preliminary Plan was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Planning Board heard testimony and received evidence submitted in the record on the application.

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

II. SITE DESCRIPTION

The Subject Property consists of a single 10.61-acre parcel in the RE-2 zone located on the east side of South Glen Road. The site currently contains an existing one-family detached dwelling unit, which will be retained. The existing dwelling has access from South Glen Road via an existing private driveway.

The Subject Property is located within the Watts Branch watershed which is designated as a Use Class I-P. An existing stream and its associated stream buffer are located along the eastern property boundary. A total of 8.2 acres of the property is currently forested.

III. PROJECT DESCRIPTION

This Preliminary Plan requests subdivision of the parcel into four one family residential lots. The existing driveway will be widened and each of the lots will share this access from South Glen Road. The majority of the stream valley buffer and all proposed forest conservation areas will be protected by Category I conservation easements that will be shown on the record plat. The lots will be served by public water via house connections from the existing water line in South Glen Road. Public sewer will be provided to the lots via extension of an existing sewer line from the property to the north, through an existing right-of-way which will be extended to the south side of the Subject Property.

IV. MASTER PLAN COMPLIANCE

The Potomac Master Plan does not specifically identify the Subject Property for discussion but does give general guidance and recommendations regarding zoning and land use. The Master Plan recommends that this area maintain the existing zoning as adopted and maintain the residential land use consisting of one-family detached homes. Staff found that the proposed subdivision complies with the recommendations adopted

in the Master Plan in that it is a request for residential development and is consistent with the Zoning Ordinance development standards for the RE-2 zone.

V. TRANSPORTATION

The proposed lots do not generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the application is not subject to Local Area Transportation Review. The proposed right-of-way dedication and private driveway access is acceptable.

VI. ENVIRONMENT

A. Environmental Guidelines

The Subject Property contains an existing stream and associated buffer along the eastern property boundary. The application proposes to protect most of the buffer within a Category I conservation easement on proposed Lot 4. This proposed lot currently contains the existing house and a tennis court which both encroach into the environmental buffer as delineated per the *Environmental Guidelines*. The application proposes to retain the existing house and maintain a small yard area. To facilitate this, the plan proposes permanent encroachment into the buffer of roughly 3,250 square feet. As compensation for this encroachment, the Applicant proposes to remove the existing tennis court from the environmental buffer prior to the issuance of the first building permit, and plant 0.56 acres of currently unforested buffer area. This planting will be in excess of the forest conservation requirements for the site and is approximately 7.5 times the area of proposed encroachment.

In Staff's opinion, the small area of buffer encroachment is acceptable. The proposed mitigation will result in a significant net increase in forest planting within the environmental buffer and removes some existing impervious surface within the buffer.

B. Forest Conservation

The Applicant submitted a preliminary forest conservation plan as part of the Preliminary Plan. The Applicant proposes to meet the forest conservation requirements by retaining 3.88 acres of existing forest within a Category I conservation easement. This forest retention exceeds the break-even point for the site and, therefore, no forest planting is required. However, as noted above, the Applicant will be doing some reforestation planting as compensation for buffer encroachment. Combined with the stream buffer easement area, a total of 4.44 acres of the site will be protected in a Category I conservation easement.

VII. CITIZEN CORRESPONDENCE

One letter concerning the proposed application was received from Mr. Albert Girod, an adjacent property owner on the southern side of the Subject Property. Mr. Girod pointed out several errors made in the plan notes and vicinity map on the original preliminary plan submittal which have since been corrected. He also requested that the proposed sewer line be extended along the southern property boundary, and that fences be prohibited within the proposed conservation easements.

The standard Category I conservation easement that will apply to these lots prohibits fencing without written permission from Planning Board staff. If approved, fencing must be split rail and may only be located along the perimeter of the lots. Specific requests from future homeowners will be reviewed on a case-by-case basis. With regard to sewer extension, this Applicant is not required to carry the sewer right-of-way along the southern property boundary. Instead, the Applicant will bring it perpendicularly to the property edge where most of the southern properties could access the line via sewer house connections. In order for existing Lot 7 to obtain a sewer house connection, the proposed 8" sewer would have to be extended to another manhole within a right-of-way extension to at least existing Lot 4. The Subject Property is not being required to make this extension since they do not require it to serve their proposed houses.

VIII. STAFF RECOMMENDATION

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

IX. PLANNING BOARD HEARING

Staff described the proposed development and location of the Subject Property. Staff recommended approval with conditions. Staff noted that they received a memo after the Staff's report was issued from an adjacent property owner north of the Subject Property regarding a boundary survey dispute. Staff cited to a supplemental memo filed by the same adjacent property owner indicating that the concerns raised in the original memo have now been addressed and emphasizing their support for the Category I conservation easement as shown on the proposed Preliminary Plan.

The Applicant was represented by an engineer who testified that the Applicant agreed with Staff's recommended conditions. No other speakers testified at the hearing.

X. 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 the conditions of approval, that:

- a) The Preliminary Plan No. 120060010 (formerly 1-06001) substantially conforms to the Potomac Master Plan.
- b) Public facilities will be adequate to support and service the area of the proposed subdivision.
- c) The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.
- d) The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.
- e) The application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This 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.

XI. CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 120060010 (formerly 1-06001) in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 120060010 (formerly 1-06001), subject to the following conditions:

- 1) Approval under this preliminary plan is limited to four (4) one family residential lots.

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

- 2) Compliance with the conditions of approval for the preliminary forest conservation plan. The Applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits, as applicable.
- 3) The Applicant shall remove the existing tennis court from the environmental buffer prior to the issuance of the first building permit, and plant 0.56 acres of currently unforested buffer area, as shown on the preliminary forest conservation plan.
- 4) The Applicant shall dedicate right-of-way for South Glen Road as shown on the preliminary plan for a total of 80 feet of right-of-way from the opposite right of way line along the property frontage.
- 5) Record plat to reflect a Category I conservation easement over all areas of forest conservation and stream valley buffer shown on the preliminary forest conservation plan dated 3/3/06.
- 6) Record plat to reflect a common ingress/egress and utility easement over shared driveway.
- 7) Compliance with the conditions of approval of the MCDPS stormwater management concept approval dated July 26, 2005.
- 8) Compliance with conditions of DPWT letter dated October 7, 2005, unless otherwise amended.
- 9) Access and improvements as required to be approved by DPWT prior to recordation of plat(s).
- 10) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 11) Other necessary easements.

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

* * * * *

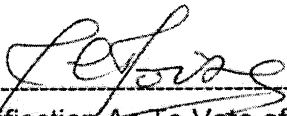
[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

APPROVED AND FORWARDED:
DYD 4/14/06
MONTGOMERY LEGAL DEPARTMENT

South Glen Road
Preliminary Plan # 120060010 (formerly 1-06001)
Page 7

CERTIFICATION OF BOARD ADOPTION OF OPINION

At its regular meeting, held on **Thursday, April 20, 2006**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, by unanimous consent, with four Commissioners present, Vice Chair Perdue was necessarily absent, **ADOPTED** the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Preliminary Plan Review # 120060010 (formerly 1-06001), South Glen Road.**



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

PLAT NO. 220070730

Highland View of Sligo Park

Locate on northeast quadrant, intersection of Flower Avenue and Melbourne Avenue

R-60 zone; 2 lots

Community Water, Community Sewer

Master Plan Area: East Silver Spring

John W. & F.A. Caulfield, Applicant

Staff recommends approval of this minor subdivision plat pursuant to section **50-35A (a)(1)** of the Subdivision Regulations, which states:

- (1) **Minor Lot line Adjustment.** The sale or exchange of part of a lot between owners of adjacent lots for the purpose of small adjustments in boundaries; provided:
 - a. The total area of the adjustments does not exceed five percent of the combined area of the lots affected by the adjustment;
 - b. No additional lots are created;
 - c. The adjusted lot line is approximately parallel with the original lot line or, if it is proposed to intersect with the original line, it does not significantly change the shape of the lots involved; and,
 - d. The owner submits a sketch plan for review and approval by the Planning Board staff. The sketch plan may be a copy of the existing record plan and must contain the following information:
 - i. proposed lot line adjustment as a dashed line;
 - ii. any buildings, driveways, or other physical improvements located within fifteen feet of the proposed adjusted lot line;
 - iii. any minimum building setback that would be altered by the minor lot line adjustment; and
 - iv. the amount of lot area affected by the minor lot line adjustment.

The sketch plan must be approved, approved with revision or denied, in writing, within ten business days after the plan is submitted or the sketch plan is deemed approved, provided requirements i through iii, above, are met. A final record plat must be submitted to Planning Board staff within ninety days after sketch plan approval or the sketch plan is no longer valid.

- e. Any minor lot line adjustment between properties that occurred prior to May 19, 1997, remains as an exception to platting as provided in Section 50-9(d).

Staff applied the above-noted minor subdivision criteria for this lot (previously known as part of lots 14 & 15) and concludes that the proposed minor subdivision complies with the criteria of Section 50-35A (a)(1) of the subdivision regulations and supports this minor subdivision record plat.

RECORD PLAT FOR MINOR SUBDIVISION REVIEW SHEET

(This form contains 3 pages)

Plat Name: Highland View of Sligo Park Plat Number: 220070730
 Plat Submission Date: 11/21/06
 DRD Plat Reviewer: Taslima Alam
 DRD Prelim Plan Reviewer: N/A

*For category of minor see pages 2 and 3

Initial DRD Review:

Pre-Preliminary Plan No. NA Checked: Initial Date
 Preliminary Plan No. Checked: Initial Date
 Planning Board Opinion - Date Checked: Initial Date
 Site Plan Name if applicable: Site Plan Number:
 Planning Board Opinion - Date Checked: Initial Date

Lot # & Layout Lot Area Zoning Bearings & Distances Coordinates
 Plan # NA 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
 SPA NA

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>J. Penn</u>	<u>11/21/06</u>	<u>12/8/06</u>	<u>NC</u>	<u>NC</u>
Research	<u>Bobby Fleury</u>	<u>11/21/06</u>		<u>11/29/06</u>	<u>OK</u>
SHA	<u>Doug Mills</u>			<u>NC</u>	<u>NC</u>
PEPCO	<u>Steve Baxter</u>			<u>NC</u>	<u>OK</u>
Parks	<u>Doug Powell</u>			<u>NC</u>	<u>OK</u>
DRD	<u>Steve Smith</u>			<u>12/7/06</u>	<u>See plat</u>

Final DRD Review:

DRD Review Complete:

(All comments rec'd and incorporated into mark-up)

Engineer Notified (Pick up Mark-up):

Final Mylar w/Mark-up & PDF Rec'd:

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:

Initial

TA

TA

TA

TA

Date

4/6/07

12/15/06

4/6/07

4/26/07

No. _____

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

Select which Category of Minor Subdivision and fill information as required

Requirements under Sec 50-35A (A)

(1) Minor Lot Adjustment

- a) Total area does not exceed 5% of combined area affected: _____ ✓
- b) No additional lots created: _____
- c) Adjusted line is approximately parallel/does not significantly change shape of the lots: _____
- d) Date sketch plan submitted: _____
- e) Sketch plan revised or denied within 10 business days: _____
- f) Final record plat submitted within ninety days: _____ 7/18/06 * resubmit?
- g) Sketch shows following information:
 - i. proposed lot adjustment: _____ ✓
 - ii. physical improvements within 15 feet of adjusted line: _____ ✓
 - iii. alteration to building setback: _____ ✓
 - iv. amount of lot area affected: _____ ✓

(2) Conversion of Outlot into a Lot

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

(3) Consolidation Of Two of More Lots

- a) Any prior subdivision conditions: _____
- b) Part of lot created by deed prior to June 1 1958: _____

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

Any subdivision/conditions; APF agreement satisfied: _____

(5) Plat of Correction

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

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

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

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

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

g) Approved Special Exception:

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

a) Number of Lots:

b) Written MCDPS approval of proposed septic area:

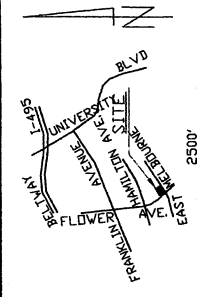
c) Required street dedication:

d) Easement for balance of property noting density and TDRS:

e) Average lot size of 5 acres:

f) Forest Conservation requirements met:

PLAT NO. 6219



VICINITY MAP
SCALE: 1" = 2,000'

OWNER'S CERTIFICATE

WE, THE UNDERSIGNED, OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREIN, HEREBY ADOPT THIS PLAN OF SUBDIVISION, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, AND GRANT TO THE PARTIES NAMED IN A DOCUMENT RECORDED WITH THIS PLAN OF SUBDIVISION, THE RIGHTS AND INTERESTS DESCRIBED THEREIN. THIS PLAN OF SUBDIVISION IS RECORDED WITH RECORDS OF MONTGOMERY COUNTY, A TEN (10) FOOT WIDE PUBLIC UTILITY EASEMENT (PUE) AS SHOWN HEREON. SUBJECT TO EASEMENTS AND/OR RIGHTS-OF-WAYS AS RECORDED & PUE THERE ARE NO SUITS OF ACTION, LEASES, LIENS OR TRUSTS ON THE PROPERTY INCLUDED IN THIS PLAN OF SUBDIVISION, EXCEPT CERTAIN DEEDS OF TRUST, AND ALL PARTIES OF INTEREST THERETO HAVE BELOW INDICATED THEIR ASSENT.

AS OWNERS OF THIS SUBDIVISION, WE, OUR SUCCESSORS, AGENTS AND ASSIGNS, WILL CAUSE PROPERLY CHURNED OWNERS TO SET UP A REGISTERED MARYLAND SURVEYOR AS DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON.

Date: 3/11/07
Date: 3/11/07
Date: 3-7-07

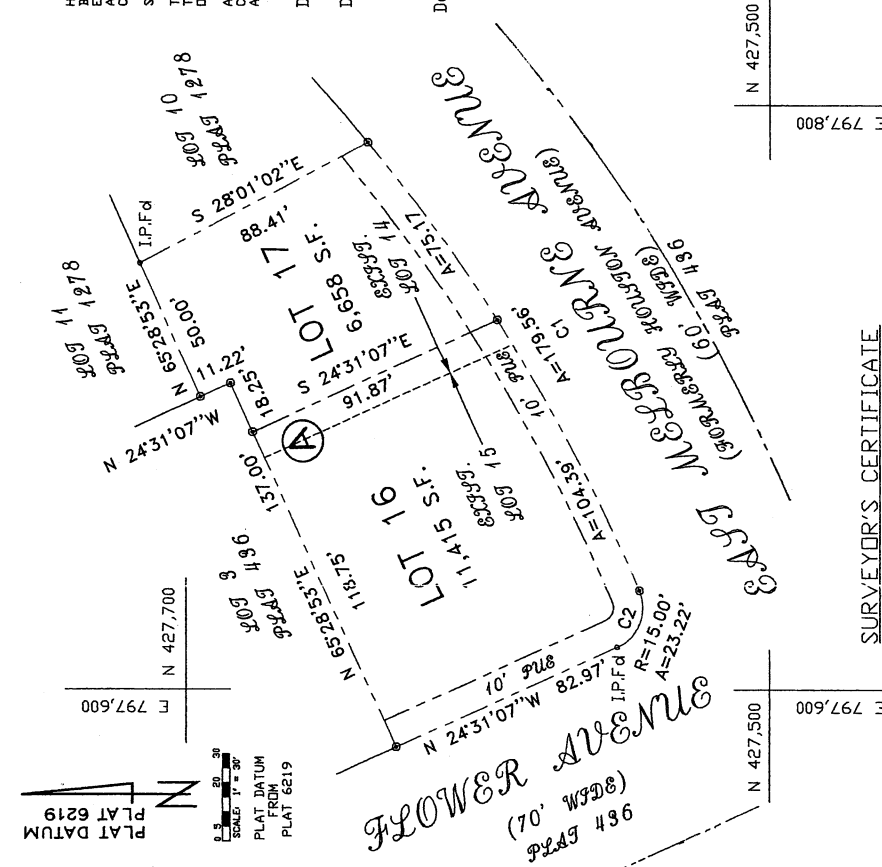
John W. Caulfield Witness
John W. Caulfield Trustee
Frances A. Caulfield Witness
Carl R. Aust Witness

NOTES

- This plat conforms with the requirements of Section 50-35 A (a)(1) of the Montgomery County Subdivision Regulations, being Chapter 50 of the County Code. This plat involves a Minor Lot Line Adjustment.
- Tax Map **FP 51**
- The approval of this plat is predicated on the availability of public water and sewer.
- This Subdivision Record Plat is not intended to show every matter affecting ownership and use of the property. The Subdivision Record Plat is not intended to replace an examination of title or to depict or note all matters affecting title.
- The property, which is subject of this Record Plat, is in the R-60 zone, as of the date of plat recordation.
- All terms, conditions, agreements, limitations, and requirements associated with any preliminary plan, site plan, project plan or other plan, allowing development of Lots 14 & 15 which were approved by the Montgomery County Planning Board, will apply to Lots 16 & 17, and not be extinguished by the recordation of this plat. The official public files for any such plan are maintained by the Planning Board and available for public review during normal business hours.
- Exemption from Chapter 22A, 4-07085E

SUBDIVISION RECORD PLAT
LOTS 16 AND 17
BLOCK A
SECTION 3
HIGHLAND VIEW
OF SLIGO PARK
A RESUBDIVISION OF
LOTS 14 AND 15
BLOCK A
SECTION 3
PLAT No. 6219
7th ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND
FEBRUARY 2007
SCALE: 1" = 30'

LANIER POPPE ENGINEERING
ENGINEERING + SURVEYING + PLANNING
224 North Adams Street
Rockville, MD 20850
TEL. 301-251-6730 FAX 703-971-7327



SURVEYOR'S CERTIFICATE

I hereby certify that this plan of subdivision is correct, that it is all of the land conveyed by FABIAN Q. GENERAD, Jr. and PATRICIA A. GENERAD, to JOHN W. CAULFIELD (Lot 14), by deed dated November 14, 2003, and recorded in Liber 31504 at Folio 540, and by MYRTICE F. YOUNG and WILLIAM G. YOUNG to JOHN W. CAULFIELD and FRANCES A. CAULFIELD (Lot 15) by deed dated May 31, 1985, and recorded in Liber 6753 at Folio 47, all among the Land Records of Montgomery County, Maryland; and that once engaged as described in the Owner's Certificate hereon, property corner markers shown thus -o- will be set to the finished grade in accordance with the requirements of Section 50-24(E) of the Montgomery County Code.

The total area included within this plan of subdivision is 18,073 square feet or 0.4145 acre, of which there is no street dedication.

Date: 3/11/07
William L. Poppe
William L. Poppe
Professional Land Surveyor
MD Registration No. 8620

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

APPROVED: _____ DATE _____
CHAIRMAN _____ ASST. SECRETARY-TREASURER _____
MNC&P.C. RECORD FILE NO. _____

MONTGOMERY COUNTY, MARYLAND
DEPARTMENT OF PERMITTING SERVICES

APPROVED: _____ DATE _____
DIRECTOR _____

Curve	Delta Angle	Radius	Arc	Tangent Chord	Bearing
1	16°04'30"	640.00	179.56	90.37	178.97 S 58°45'48"W
2	88°40'50"	15.00	23.22	14.66	20.97 N 68°51'32"W

RECORDED: _____
PLAT No.: _____
FOR PUBLIC WATER AND SEWER SYSTEMS ONLY.

PLAT NO. 220070930

Huntington

Locate on Custer Road, approximately 250 feet north of Wilson Lane

R-60 zone; 1 lot

Community Water, Community Sewer

Master Plan Area: Bethesda-Chevy Chase

Neal and Jill Nemeroff, Applicant

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

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

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

Staff applied the above-noted minor subdivision criteria for this lot (previously known as part of lots 27 & 28) and concludes that the proposed minor subdivision complies with the criteria of Section 50-35A (a)(3)b of the subdivision regulations and supports this minor subdivision record plat

RECORD PLAT FOR MINOR SUBDIVISION REVIEW SHEET

(This form contains 3 pages)

Plat Name: Huntington Plat Number: 220070930
 Plat Submission Date: 1/10/07
 DRD Plat Reviewer: T. Alam
 DRD Prelim Plan Reviewer: NA

*For category of minor see pages 2 and 3

Initial DRD Review:

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

Lot # & Layout Lot Area Zoning Bearings & Distances Coordinates
 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
 SPA NA

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	A. Lindsey	1/18/07	2/2/07	1/18/07	OK
Research	Bobby Fleury			1/18/07	OK
SHA	Doug Mills			NC	NC
PEPCO	Steve Baxter			NC	NC
Parks	Doug Powell			NC	NA
DRD	Steve Smith			1/31/07	OK

Final DRD Review:

DRD Review Complete: _____
 (All comments rec'd and incorporated into mark-up)
 Engineer Notified (Pick up Mark-up): _____
 Final Mylar w/Mark-up & PDF Rec'd: _____

Initial

TA
TA
TA

Date

4/6/07
2/7/07
4/9/07

Board Approval of Plat:

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

4/26/07

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. _____

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

Select which Category of Minor Subdivision and fill information as required

Requirements under Sec 50-35A (A)

(1) Minor Lot Adjustment

- a) Total area does not exceed 5% of combined area affected: _____
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- f) Landscaping and lighting plan including parking lot layout: _____

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c) Required street dedication:

d) Easement for balance of property noting density and TDRS:

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PLAT NO.

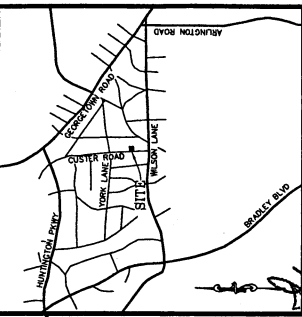
OWNERS' CERTIFICATE

WE, NEAL A. AND JILL S. NEMEROFF, OWNERS OF THE PROPERTY, SHOWN AND DESCRIBED HEREON, HEREBY ADOPT THIS PLAN OF SUBDIVISION, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, AND ESTABLISH THE TEN (10) FOOT PUBLIC UTILITY EASEMENT SHOWN HEREON AS 10' P.U.E. FOR THE PARTIES NAMED IN THE DOCUMENT ENTITLED "DECLARATION OF TERMS AND PROVISIONS OF PUBLIC UTILITY EASEMENTS" RECORDED IN LIBER 457 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND.

THERE ARE NO LEASES, LIENS OR TRUSTS ON THE PROPERTY INCLUDED ON THIS PLAN OF SUBDIVISION EXCEPT FOR A CERTAIN DEED OF TRUST HELD BY ~~COUNTRYWIDE BANK, N.A.~~ AND THE PARTIES OF INTEREST THEREIN HEREBY ASSENT TO THIS PLAN OF SUBDIVISION.

3/12/07 DATE
 NEAL A. NEMEROFF, OWNER
 JILL S. NEMEROFF, OWNER
 WE HEREBY ASSENT TO THIS PLAN OF SUBDIVISION.
 3/28/07 DATE
 TERRY STALLINGS, VICE PRESIDENT
 * COUNTRYWIDE BANK, P.S.B.
 # COUNTRYWIDE BANK, N.A.

VICINITY MAP
 DC MAP PAGE 35 GRID J-10
 SCALE: 1" = 2000'



GENERAL NOTES

1. ALL TERMS, CONDITIONS, AGREEMENTS, LIMITATIONS, AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAN, SITE PLAN, PROJECT PLAN OR OTHER PLAN, ALLOWING DEVELOPMENT OF THIS PROPERTY, APPROVED BY THE MONTGOMERY COUNTY PLANNING BOARD ARE INTENDED TO SURVIVE UNLESS MODIFIED BY FURTHER ACTIONS 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.
2. THIS PLAT CONFORMS WITH REQUIREMENTS FOR MINOR SUBDIVISION APPROVALS CONTAINED IN SECTION 50-35 A OF THE MONTGOMERY COUNTY SUBDIVISION REGULATIONS, BEING CHAPTER 50 OF THE COUNTY CODE. THIS PLAT INVOLVES A CONSOLIDATION OF TWO OR MORE LOTS OR PARTS OF LOTS INTO ONE LOT AS PROVIDED FOR IN SECTION 50-35 A (6)(5).
3. 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 THE EXAMINATION OF TITLE OR TO DEPICT OR NOTE ALL MATTERS AFFECTING TITLE.
4. THERE IS NO DEDICATION TO PUBLIC USE PER THIS PLAT.
5. THE APPROVAL OF THIS PLAT IS PREDICATED ON THE ADEQUACY AND AVAILABILITY OF PUBLIC WATER AND SEWER.
6. THIS PROPERTY IS CURRENTLY ZONED R-60.
7. ALL EXISTING AND PROPOSED DEVELOPMENT ON THIS PROPERTY IS SUBJECT TO THE STANDARDS UNDER MONTGOMERY COUNTY ZONING ORDINANCE R-60 ZONE, EXCEPT THAT THE SIDE BUILDING RESTRICTION LINE CAN CONFORM TO THE ZONING DEVELOPMENT STANDARDS IN EFFECT AT THE TIME OF THE ORIGINAL PLAT RECORDATION.
8. THE EXISTING SINGLE FAMILY DWELLING ON THE LOT SHOWN AS LOT 37 DEPICTED ON THIS RECORD PLAT CONFORMS TO THE REQUIREMENTS OF SECTION 59-B-5.3 OF THE MONTGOMERY COUNTY ZONING ORDINANCE. THE EXISTING DWELLING MAY BE ALTERED, RELOCATED, OR DEMOLISHED WITHOUT VIOLATING ANY APPLICABLE ZONING DEVELOPMENT STANDARDS IN EFFECT AT THE TIME OF THE ORIGINAL LOT(S) RECORDATION. THIS PROVISION DOES NOT EXEMPT THE SUBJECT PROPERTY FROM MEETING OTHER LEGAL REQUIREMENTS IMPOSED BY OTHER GOVERNMENTAL AGENCIES FOR REVIEW AND APPROVAL FOR RESIDENTIAL DEVELOPMENT.
9. LOTS SHOWN HEREON APPEAR ON MONTGOMERY COUNTY TAX MAP HNT122 AND W.S.S.C. SHEET #209NW05.
10. THIS PROPERTY IS EXEMPT FROM CHAPTER 22A MONTGOMERY COUNTY FOREST CONSERVATION LAW.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS IS A RESUBDIVISION OF ALL OF THE LANDS COVERED BY PLAT NO. 53, HUNTINGTON AS LOT 27 AND RECORD 15, 1998, ALONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND, AND PLAT BOOK 7, PLAT NO. 53. SAID LOT 27 HAVING BEEN CONVEYED BY PETER SWANSON, PERSONAL REPRESENTATIVE OF THE ESTATE OF CHRISTINE B. MAASS, SURVIVING TENANT BY THE ENTIRETY OF KENNETH A. MAASS BY DEED DATED OCTOBER 14, 2005, AS RECORDED IN LIBER 31080, FOLIO 100, AND SAID LOT 28 HAVING BEEN CONVEYED BY RICHARD A. REEVES AND ELIZABETH M. LITKOWSKI BY DEED DATED DECEMBER 15, 1998, AS RECORDED IN LIBER 16638, FOLIO 028; AND THAT PROPERTY CORNERS MARKED THUS ARE IN PLACE AS SHOWN HEREON.

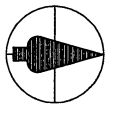
Joseph E. Snider
 JOSEPH E. SNIDER
 PROFESSIONAL LAND SURVEYOR
 MARYLAND REG. #21229

2/29/2007
 DATE

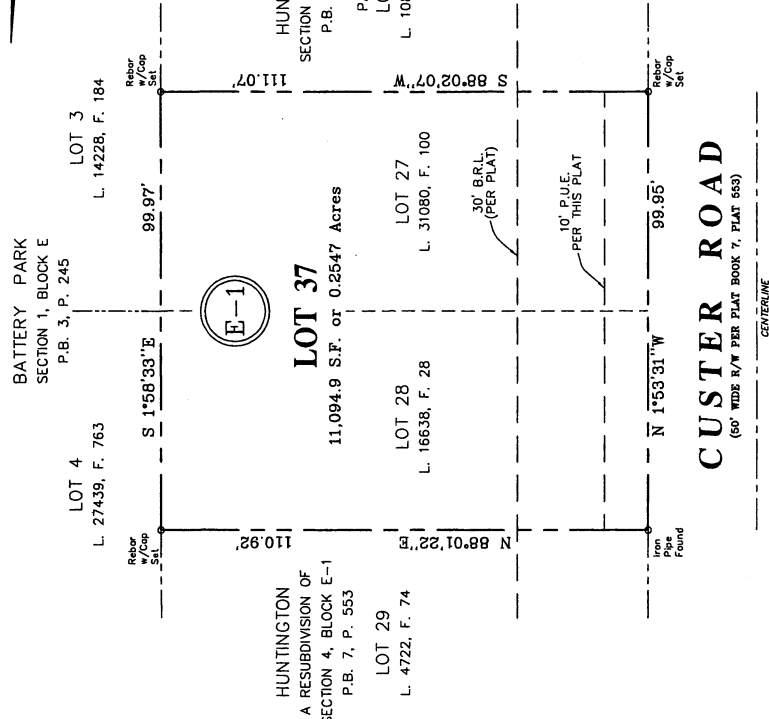
SUBDIVISION RECORD PLAT
 LOT 37, BLOCK E-1
 HUNTINGTON

BETHESDA (7th) ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND
 SCALE: 1" = 20'

Prepared by
SNIDER & ASSOCIATES
 LAND SURVEYORS
 20270 Goldenrod Lane, Suite 110
 Germantown, Maryland 20876
 301/948-5100 Fax 301/948-1286



P.B. 7, P. 563



CUSTER ROAD
 (60' WIDE E/W PER PLAT BOOK 7, PLAT 553)

Department of Permitting Services Montgomery County, Maryland	Recorded	Drafted	ALL.W.
Approved: _____	Checked	J.E.S.	
Director: _____	Plat No. _____	Job No. 06-25007	
Maryland National Capital Park and Planning Commission Montgomery County Planning Board			
Approved: _____	Chairman	Asst. Secretary - Treasurer	
	Date		
		Area Tabulation	
		Lot 37 = 11,094.9 S.F. OR 0.2547 Ac.	
		Dedication Area N/A	
		Total Area = 11,094.9 S.F. OR 0.2547 Ac.	