



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

MCPB
Item # 2
9/25/08

MEMORANDUM

DATE: September 12, 2008

TO: Montgomery County Planning Board

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

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

SUBJECT: Informational Maps and Summary of Record Plats for the Planning Board
Agenda for September 25, 2008

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

220080130 **Dufief Mill**
220081270 **Griffith Park**
220081680 **Moxley Estates**
220082110 **Brookdale**

PLAT NO. 220080130

Dufief Mill

Located on the east side of Dufief Mill Road, approximately 1,000 feet north of Lake Winds Way

R-200 zone; 1 lot

Community Water, Community Sewer

Master Plan Area: Potomac

Alex Sontheimer, Applicant

Background

The subject application proposes to remove the graphic depiction of a Category I Conservation Easement as it appears on Lot 71, Block B, of Dufief Mill subdivision and as recorded among the Land Records of Montgomery County as Plat No. 19970 (Existing Plat). The Conservation Easement was originally established on this property with the intended purpose of satisfying the afforestation/reforestation requirements of the Montgomery County Forest Conservation Law upon this site. Subsequent to the recordation of the aforesaid plat, the applicant, the Planning Department, and an outside agent operating a forest mitigation area (bank) entered into a compliance agreement which allowed for the abandonment of the Conservation Easement, in exchange for the applicant's purchase of forestation credit in the forest mitigation area. The agreement and a resulting "Deed of Abandonment of Conservation Easement" were executed and recorded among the Land Records (Liber 29463, Folio 467) on March 16, 2005. This effectively removed the easement from the property.

Staff has indicated to the applicant that a new plat is not required to effectuate the abandonment, however, since the existing plat (No. 19970) still graphically indicates an apparent Category I Conservation Easement, it is the request of the applicant to record a new plat (Revised Plat) which removes this graphic depiction and eliminates any confusion for a prospective owner of this lot.

Staff has no objection to this request and recommends approval of the this minor subdivision plat pursuant to Section **50-35A(a)(5)**, which states as follows:

Plat of Correction. A plat may be recorded under the minor subdivision procedure to correct inaccurate or incomplete information shown on a previously recorded subdivision plat. The plat may correct drafting or dimensional errors on the drawing; failure to include a required note, dedication, easement or other restriction; incorrect or omitted signatures; and/or other information normally required to be shown on a recorded plat. All owners and trustees or the land affected by the correction must sign the revised plat. In addition, the plat of correction must clearly identify the original plat that is being replaced and contain a note identifying the nature of the correction.

Staff applied the above-noted minor subdivision criteria for this property and concludes that the proposed subdivision complies with the criteria of Section 50-35A(a)(5) of the subdivision regulations and supports this minor subdivision record plat.

SURVEYOR'S CERTIFICATE

I hereby certify that the plan shown hereon is correct, that it is a corrected plat of subdivision of all the lands conveyed by Alex D. Sontheimer and David L. Sontheimer, brothers, to Alex D. Sontheimer, Elysa Sontheimer, husband and wife, and David L. Sontheimer, Liber 28147 at Folio 582, being a deed dated February 28, 2002, as corrected by Marc Gregory Tholis, Grantor, to Alex D. Sontheimer and David L. Sontheimer, brothers, by corrective and confirmatory deed dated July 22, 2002, recorded in Liber 21505 at Folio 32, being also the replatting of Lot 71, Block B, Duffief Mill, Montgomery County, Maryland (P.B. 178, P. No. 19970) with no change of boundaries, all among the land records of Montgomery County, Maryland; that iron pipes marked thus: - - - are in place where indicated in accordance with the requirements of section 50-24(a) of the Montgomery County Code; that the total area included in this plat is 36,693 square feet or 0.8424 acres; that there is no street dedication to public use by this plat.

JAN 24, 2008
 Date
 Jerome J. Norris
 Professional Land Surveyor
 Maryland No. 4607

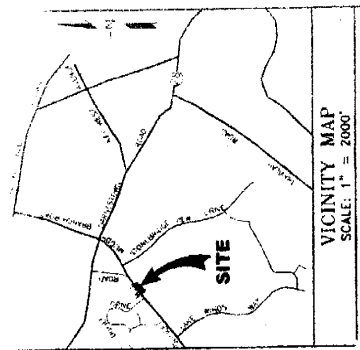
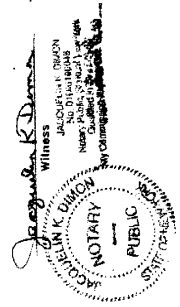
OWNERS' DEDICATION

We, Alex D. Sontheimer, Elysa Sontheimer, husband and wife, and David L. Sontheimer, brother, heretofore mentioned, hereby dedicate to the public use and to the benefit of the community, the minimum building restriction lines, and all other restrictions shown on this plan of subdivision. There are no suits of actions, leases, liens, or trusts on the property included in this plan of subdivision, except a certain deed of trust and the parties in interest thereto have below indicated their assent:

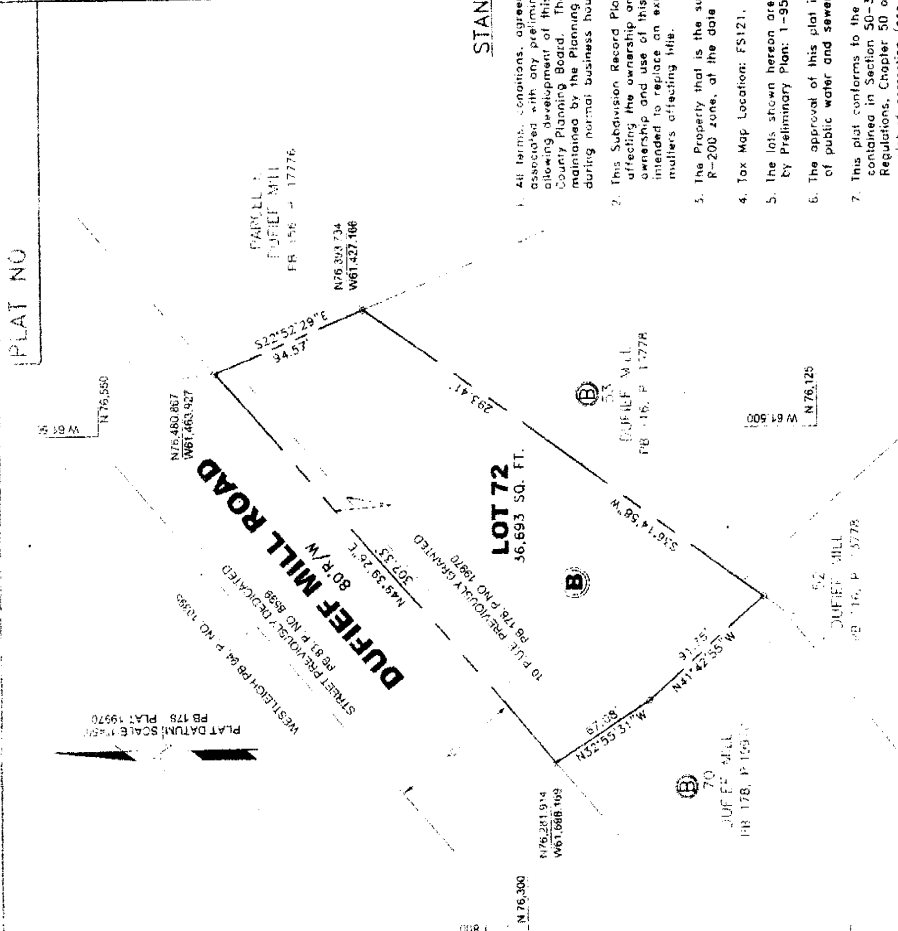
JAN 26, 2008
 Date
 Alex D. Sontheimer
 Elysa Sontheimer
 David L. Sontheimer
 Witnesses: [Signatures]

We hereby assent to this plan of subdivision:

[Signatures of Trustees]



VICINITY MAP
 SCALE: 1" = 2000'



STANDARD NOTES

- All terms, conditions, agreements, limitations and requirements associated with any preliminary plan, site plan, project plan or other plan allowing development of this property, as approved by the Montgomery County Planning Board, shall apply to this subdivision and shall be enforceable during normal business hours.
- This Subdivision Record Plat is not intended to show every matter affecting the ownership and use, nor every matter restricting the ownership and use of this property. The Subdivision Record Plat is not intended to replace an examination of title or to depict or note all matters affecting title.
- The Property that is the subject of this record plat is in the R-200 zone, at the date of recordation.
- Tax Map Location: FS121, 200' Scale Sheet: 219NW11
- The lots shown hereon are limited to uses and conditions as required by Preliminary Plan: 1-93089.
- The approval of this plat is predicated on the adequacy and availability of public water and sewer.
- This plat conforms to the requirements for Minor Subdivision Approvals contained in Section 50-55A of Montgomery County Subdivision Regulations, Chapter 50 of the County Code. This Plat involves a plat of correction (see note below), as provided for in Section 50-35A(a)(5).

PLAT OF CORRECTION

LOT 72, BLOCK B
 ORIGINALLY RECORDED AS LOT 71, BLOCK B

DUFFIEF MILL

DARNESTOWN ELECTION DISTRICT NO. 6
 MONTGOMERY COUNTY, MARYLAND

SCALE 1" = 50' JULY, 2007

JEFFREY J. MORRIS & ASSOCIATES
 LAND PLANNING - HOUSING CONSULTANTS
 6804 32ND STREET NW
 WASHINGTON DC 20015
 PHONE: (202)537-1934

Correction Note:
 The purpose of this plat is to graphically show the elimination and removal of a Category I Forest Conservation Easement from Lot 71, Block B, Duffief Mill (P.B. 178, P. NO. 19970), as previously agreed upon in a document entitled "Deed of Abandonment of Conservation Easement" dated February 23, 2005, recorded in Liber 28483 at Folio 467, among the Land Records of Montgomery County, Maryland. No changes to property boundaries are made and the property shown hereon is the same as previously configured.

PLAT TABULATION

EXISTING ZONING = R-200
 NUMBER OF LOTS = 0
 NUMBER OF STREET FRONTS = 36,693 SQ. FT.
 TOTAL AREA OF PLAT = 36,693 SQ. FT. OR 0.8424 ACRE



208013

RECORDED	DATE	PLAT NO.
MONTGOMERY COUNTY, MARYLAND DEPARTMENT OF PERMITTING SERVICES		
APPROVED ON:	DATE	
DIRECTOR: THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION MONTGOMERY COUNTY PLANNING BOARD		
CHAIRMAN	ASST. SECRETARY-TREASURER	

EXISTING PLAT

PLAT TABULATION:
 Existing Plat = R-209
 Number of Lots = 5
 Area of Street Dedication = 0
 Total Area of Plat = 116,700 Sq Ft or 2.6791 AC.

GENERAL NOTES

- All conditions, agreements, indentures 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 recording this plat, unless expressly contemplated by the plan as approved. The official public files for any such plan are maintained by the Planning Board and are available for public review during normal business hours.
- The approval of this plat is predicated on the availability of public water and sewer, prior to the construction of houses.
- At the time of the preparation of this plat the common driveway to serve Lots 67 and 68 included hereon had not been constructed. As a condition of the approval of this plat, the Montgomery County Department of Transportation will require that the common driveway permit for Lots 67 and 68 include the removal of an existing driveway located on the northwesterly side of Lot 67 and include the restoration of the public right-of-way.

OWNER'S DEDICATION
 I, Kaga R. Farnsworth, husband and wife, of the County of Montgomery, Maryland, do hereby establish and grant the Public Utility Easement (PUE), as shown hereon, to the parties named in a document entitled "Terms and Provisions of a Public Utility Easement" as recorded among the Land Records of Montgomery County, Maryland in Liber 2834 at Folio 457, subject to all current and applicable regulations of the Federal, State and Local governing agencies; hereby cede and establish the common ingress/egress easements as shown hereon, hereby create and establish the Forest Conservation Easement, as shown hereon, per the terms and conditions of a document titled "Conservation Easement Agreement, Category I" as recorded among said Land Records in Liber 13178 at Folio 412.

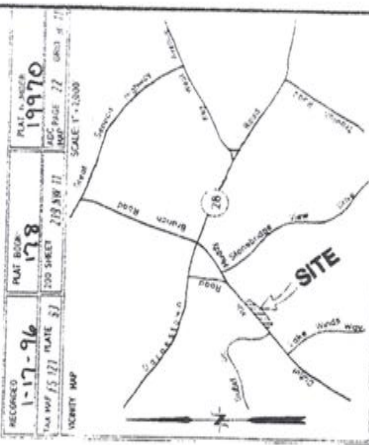
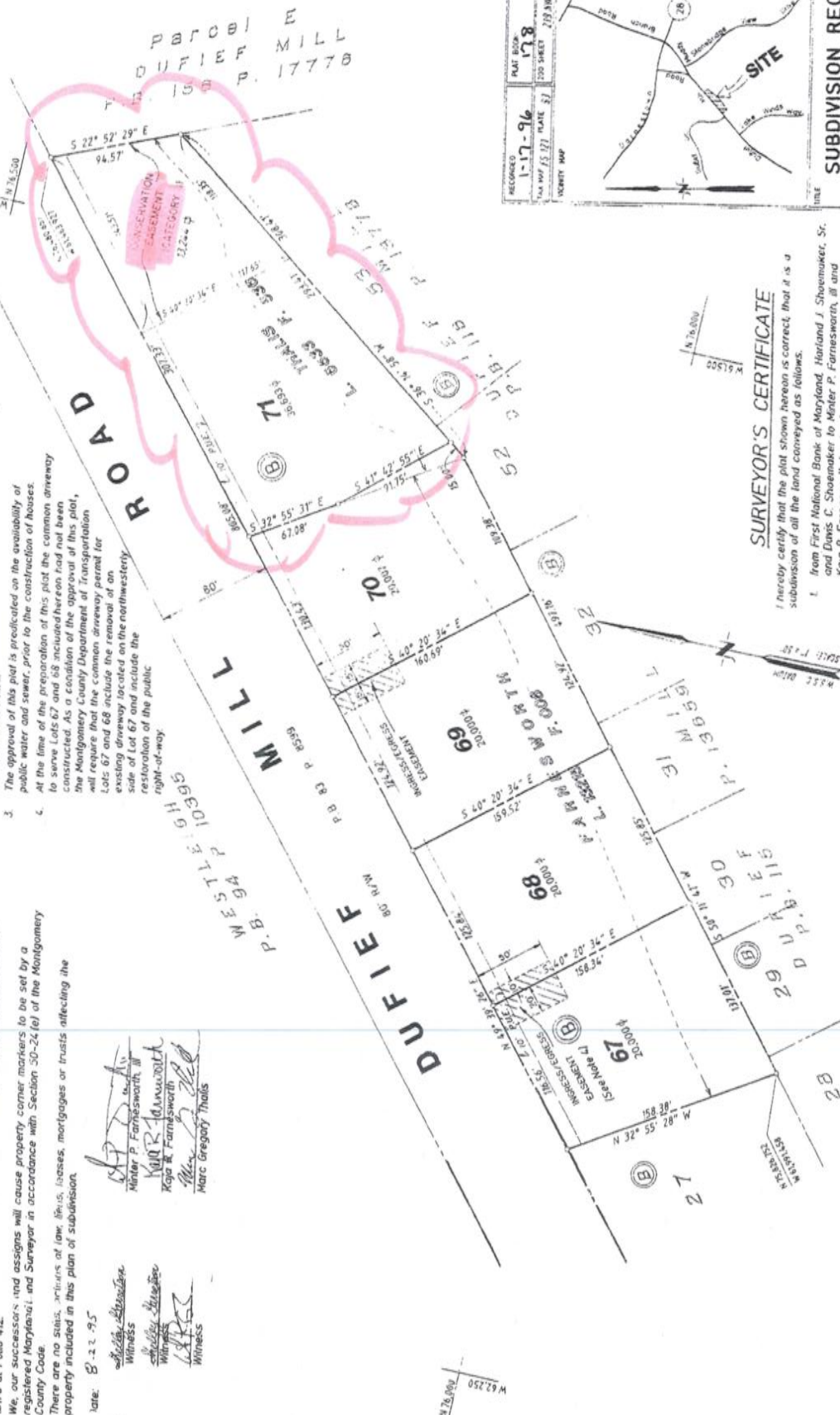
We, our successors and assigns will cause property corner markers to be set by a registered Maryland Land Surveyor in accordance with Section 30-24 (e) of the Montgomery County Code.

There are no sales, mortgages, leases, mortgages or trusts affecting the property included in this plat of subdivision.

Date: 8/21/95

Witness:
 Kaga R. Farnsworth
 Kaga R. Farnsworth
 Marc Gregory Thalls

Witness:
 Kaga R. Farnsworth
 Kaga R. Farnsworth
 Marc Gregory Thalls



SUBDIVISION RECORD PLAT
 LOTS 67-71, BLOCK B
DUFIEF MILL
 6th ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND
LANIER/WITMER ASSOCIATES
 SHARON S. SHINDS • FRANKS
 224 NORTH ADAMS STREET
 ROCKVILLE, MD 20850
 (301) 251-6730

SURVEYOR'S CERTIFICATE

I hereby certify that the plat shown hereon is correct, that it is a subdivision of all the land conveyed as follows:

- from First National Bank of Maryland, Harland J. Shoemaker, Sr. and Davis C. Shoemaker to Minter P. Farnsworth, III and Kaga R. Farnsworth by deed recorded among the Land Records of Montgomery County, Maryland in Liber 13215 at Folio 008.
- from C. Howard Larson to Marc Gregory Thalls by deed recorded among said Land Records in Liber 6633 at Folio 536.

Property corner markers shown thus: —●— will be set, if so the total area included in this plat is 116,700 square feet or 2.6791 acres. There is no street dedication by this plat.

Date: Aug. 21, 1995
 Joseph R. Witmer
 Professional Land Surveyor
 MD Reg. No. 10668

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 MONTGOMERY COUNTY, MARYLAND
 APPROVED: OCTOBER 15, 1995
 BY: [Signature]
 100-THE DIRECTOR

MONTGOMERY COUNTY, MARYLAND
 DEPARTMENT OF TRANSPORTATION
 APPROVED: [Signature]
 81-July Madson
 DIRECTOR

MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION
 MONTGOMERY COUNTY PLANNING BOARD
 APPROVED: [Signature]
 CHAIRMAN
 4NCP & P.C. RECORD FILE NUMBER: 078-7-21010

for Public Water & Sewer Systems Only, 2960101930894207498

RECORD PLAT FOR MINOR SUBDIVISION REVIEW SHEET

(This form contains 3 pages)

Plat Name: Duffell Mill Plat Number: 220080130
 Plat Submission Date: 7-27-07
 DRD Plat Reviewer: S. Smith
 DRD Prelim Plan Reviewer: N/A
 *For category of minor see pages 2 and 3

Initial DRD Review:

Pre-Preliminary Plan No. _____ Checked: Initial _____ Date _____
 Preliminary Plan No. 1-95089 Checked: Initial SJS Date 9/11/07
 Planning Board Opinion - Date 7/19/95 Checked: Initial SJS Date 9-12-08
 Site Plan Name if applicable: N/A Site Plan Number: N/A
 Planning Board Opinion - Date N/A Checked: Initial N/A Date N/A

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

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>D. Johnson</u>	<u>8-28-07</u>	<u>9-11-07</u>	<u>9-10-07</u>	<u>No Revisions</u>
Research	<u>Bobby Fleury</u>			<u>8-30-07</u>	<u>OK</u>
SHA	<u>Doug Mills</u>				
PEPCO	<u>Steve Baxter</u>				
Parks	<u>Doug Powell</u>				
DRD	<u>Steve Smith</u>			<u>9-11-07</u>	<u>OK</u>

Final DRD Review:

DRD Review Complete:	Initial <u>SJS</u>	Date <u>9/11/08</u>
(All comments rec'd and incorporated into mark-up)		
Engineer Notified (Pick up Mark-up):	<u>SJS</u>	<u>1-14-08</u>
Final Mylar w/Mark-up & PDF Rec'd:	<u>SJS</u>	<u>8/22/08</u>
Board Approval of Plat:		
Plat Agenda:	<u>SJS</u>	<u>9/25/08</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. _____

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

Select which Category of Minor Subdivision and fill information as required

Requirements under Sec 50-35A (A)

(1) Minor Lot Adjustment

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

(2) Conversion of Outlot into a Lot

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

(3) Consolidation Of Two of More Lots

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

(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: _____ *pk*
- b) Original Plat identified: _____ *ok*

(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: _____