



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

MCPB
Item # 1B
6/24/10

MEMORANDUM

DATE: June 14, 2010

TO: Montgomery County Planning Board

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

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

SUBJECT: Informational Maps and Summary of Record Plats for the Planning Board
Agenda for June 24, 2010

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:

220090940 **Avery Forest**
220100810 **Edgemoor**

Plat Name: Avery Forest
Plat #: 220090940

Location: Located on the west side of Avery Road, 800 feet north of Southlawn Lane
Master Plan: Upper Rock Creek
Plat Details: RE-2 zone
Community Water, Private Septic
Applicant: Joseph Jacques

Staff recommends approval of this minor subdivision plat pursuant to Section **50-35A(a)(2)** of the Subdivision Regulations, which states:

Conversion of an Outlot into a Lot. An outlot may be converted into a lot under the minor subdivision procedures provided:

- a. The outlot is not required open space or otherwise constrained so as to prevent it from being converted into a buildable lot;
- b. There is adequate sewerage and water service to the property, which may be either public service and/or approved private septic system/private well;
- c. All applicable requirements and/or agreements that may be relevant, in accordance with provisions for adequate public facilities, as contained in Section 50-35(k) and the Annual Growth Policy, are satisfied prior to the recordation of the plat;
- d. All applicable conditions and/or agreements applicable to the original subdivision approval creating the outlot will also apply to the new lot. The conditions and agreements may include, but are not limited to, any adequate public facilities agreement, conservation easement or building restriction lines; and
- e. If the outlot is located within a special protection area, as shown on an approved and adopted master plan, all applicable special protection areas requirements and guidelines, including approval of a water quality plan, are satisfied prior to recordation of the plat.

An outlot may be incorporated into an adjoining lot resulting in a larger lot without having to satisfy Subsections (a) and (b) above.

Staff applied the above-noted minor subdivision criteria for this application, which is converting an outlot into a record lot, and concludes that the proposed subdivision complies with the criteria of Section 50-35A(a)(2) of the subdivision regulations and supports this minor subdivision record plat.

PLAT TOTALS	1
NUMBER OF LOTS	2,0001 ACS
AREA OF LOTS	0,000 ACS
AREA OF DEDICATION	2,0001 ACS
TOTAL AREA SHOWN ON PLAT	2,0001 ACS

PLAT NO.

SURVEYOR'S CERTIFICATION
 I hereby certify that the plat shown hereon is correct, that it is a subdivision of the land and described in Plat D, Blunt and Dorothy M. Blunt to Joy L. Blunt, recorded in Liber 15319 of Folio 12, and recorded in Liber 15319 of Folio 12, it is the responsibility of said A. M. Maddox, Surveyor of Montgomery County, Maryland, to issue a Plat 17512, all among these records of Montgomery County, Maryland, further certify that, once entered as described in the records of Montgomery County, Maryland, all monuments and all property markers and other boundary markers will be set as delineated hereon in accordance with the provisions of Section 50-24(e) of Montgomery County Code. The total area included on this plat is 2,0001 acres of land, there is no new dedication to the public use.

Thomas A. Maddox
 Registered Professional Land Surveyor
 MD #10850
 Date: 5/26/10

AVERY FOREST
 OUTLOT B
 PLAT 17369

8
 2,0001 ACRES

(FORMER OUTLOT A)

AVERY FOREST
 3
 PLAT 17512

OWNERS' CERTIFICATION
 The undersigned, owners of the property shown hereon, hereby adopt this plan of subdivision. Grant a Public Utility Easement shown hereon as (10' P.U.E.) to the parties named in a document entitled, "Terms and Provisions of Public Utility Easements" as recorded in Liber 3834 of Folio 467 among the land records of Montgomery County Maryland, subject to the terms set forth therein. The owners will cause all property corner markers and any other required monumentation to be set by a registered Maryland Land Surveyor, in accordance with Section 50-24(e) of the Montgomery County Code.
 There are no suits, liens, mortgages, or trusts, affecting the property including in this plat of subdivision.

Witness: [Signature] Date: 5/26/10
 Witness: [Signature] Date: 5/26/10
 Joseph Jacques
 Roy Jacques

MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES APPROVED: _____ DATE: _____ DIRECTOR	PLAT
	DATE
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION MONTGOMERY COUNTY PLANNING BOARD APPROVED: _____ DATE: _____	CHAIRMAN ASST.-SECRETARY-TREASURER M.N.C.P. & P.C. RECORDS FILE NO.

22-080940



- NOTES**
- PROPERTY ZONED RE-Z AT DATE OF RECORDATION. ALL EXISTING AND PROPOSED DEVELOPMENT ON THIS PROPERTY IS SUBJECT TO THE STANDARDS UNDER MONTGOMERY COUNTY ZONING CODE.
 - REFERENCE PRELIMINARY SUBDIVISION PLAN 1-9627.
 - LOT 8 IS TO BE SERVED BY PRIVATE SEPTIC SYSTEM AND PUBLIC WATER. EXISTING SEWER AND WATER CATEGORIES: S-4, W-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 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 ARE AVAILABLE FOR PUBLIC VIEWING DURING NORMAL BUSINESS HOURS.
 - THIS PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING OR RESTRICTING THE OWNERSHIP AND USE OF THE PROPERTY. THIS PLAT IS NOT INTENDED TO REPLACE AN EXAMINATION OF TITLE OR TO DEPICT OR NOTE ALL MATTERS AFFECTING TITLE.
 - PROPERTY FOUND ON MONTGOMERY COUNTY TAX MAP GS 861, W.S.S.C. GRID 2204W96.
 - SEPTIC FIELD BUILDING RESTRICTION LINE SUBJECT TO CHANGE UPON REAPPROVAL BY THE MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES WELL AND SEPTIC SECTION.
 - SEPTIC FIELD ON LOT 8 APPROVED FOR 6 BEDROOM HOUSE.
 - THIS PLAT COMPLIES WITH THE REQUIREMENTS FOR MINOR SUBDIVISION APPROVALS CONTAINED IN SECTION 50.35A OF THE MONTGOMERY COUNTY SUBDIVISION CODE. THE PLAT DOES NOT PROVIDE FOR THE CONVERSION OF AN OUTLOT INTO A LOT AS PROVIDED FOR IN SECTION 50.35-35-5(a).
 - DEDICATION FROM THE PARENT TRACT TO ACCOMMODATE AN ULTIMATE 80 WIDE RIGHT OF WAY WAS MADE PER PLAT RECORDED IN PLAT BOOK 154 AT PLAT 17512.
 - VEHICULAR ACCESS ACROSS THE FRONTAGE OF THE SUBJECT LOT WAS DENIED PER PLAT RECORDED IN LIBER 1692 AT FOLIO 1317. ACCESS TO THE SUBJECT LOT IS TO BE PROVIDED BY AN EXISTING EASEMENT OVER LOT 3 RECORDED IN LIBER 6797 AT FOLIO 388 AND AN EASEMENT RECORDED IN LIBER AT FOLIO 388.
 - EASEMENT FOR CONSTRUCTION, RECONSTRUCTION AND/OR MAINTENANCE OF PUBLIC ROADS. PER PLAT 17512.

SUBDIVISION RECORD PLAT
 LOT 8 BLOCK A
AVERY FOREST
 A RESUBDIVISION OF
 OUTLOT A
 ELECTION DISTRICT 4
 MONTGOMERY COUNTY, MARYLAND
 SCALE 1" = 40' SEPTEMBER, 2008

THOMAS A. MADDOX
 PROFESSIONAL LAND SURVEYOR
 8633 SHADY GROVE COURT
 GAITHERSBURG, MARYLAND 20877
 (301) 964-5804

RECORD PLAT FOR MINOR SUBDIVISION REVIEW SHEET

(This form contains 3 pages)

Plat Name: Avery Forest Plat Number: 220090940
 Plat Submission Date: 3-16-09
 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. _____ 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 Non-standard
 BRLs Adjoining Land Vicinity Map Septic/Wells
 TDR note Child Lot note Surveyor Cert Owner Cert Tax Map
 SPA

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	E. Gibson	3-18-09	4-3-09	4-2-09	No REVISIONS
Research	Bobby Fleury			3-20-09	OK
SHA	Doug Mills				
PEPCO	Steve Baxter				
Parks	Doug Powell				
DRD	Nellie Carey				

Final DRD Review:

DRD Review Complete:	Initial <u>SJS</u>	Date <u>6/11/2010</u>
(All comments rec'd and incorporated into mark-up)		
Engineer Notified (Pick up Mark-up):	<u>SJS</u>	<u>4-9-2010</u>
Final Mylar w/Mark-up & PDF Rec'd:	<u>SJS</u>	<u>5/28/2010</u>
Board Approval of Plat:		
Plat Agenda:	<u>SJS</u>	<u>6/24/2010</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: ok
- b) Adequate sewerage and water service/public or private: yes
- c) Adequate public facilities and AGP satisfied: ok
- d) Any conditions/agreements of original subdivision: ok
- e) Special Protection Area, Water Quality Plan required: N/A

(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: _____