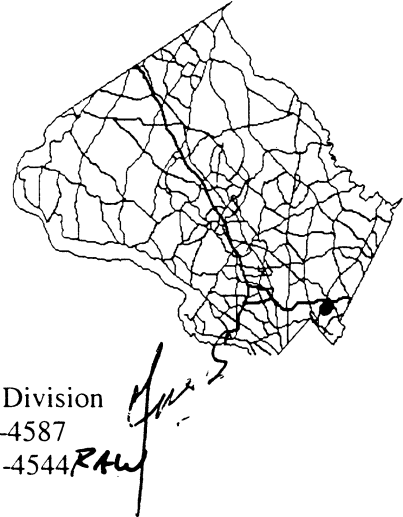




THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

ITEM# 7

DATE: 02/27/03



MEMORANDUM

DATE: February 21, 2003

TO: Montgomery County Planning Board

VIA: Joseph R. Davis, Chief Development Review Division

FROM: A. Malcolm Shaneman, Supervisor (301) 495-4587
Richard A. Weaver, Senior Planner (301) 495-4544 *RAW*
Development Review Division

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Resubdivision of Lots 10 and 11, Block 5 – Perkins and Burrows Addition to Linden

PROJECT NAME: Perkins and Burrows Addition to Linden

CASE #: 1-03055

REVIEW BASIS: Chapter 50, Sec. 50-29 (b)(2), Montgomery County Subdivision Regulations – Resubdivision Criteria

ZONE: R-60

LOCATION: Eastern Corner of the Intersection of Kansas Avenue and Maine Avenue

MASTER PLAN: Silver Spring

APPLICANT: Beatriz Merchon

FILING DATE: January 14, 2003

HEARING DATE: February 27, 2003

STAFF RECOMMENDATION: Approval, Pursuant to Section 50-29 (b) (2), and Subject to the Following Conditions:

- 1) Applicant to provide a detailed house location, grading and tree save plan for technical staff review and approval prior to issuance of building permits
- 2) Applicant to provide to MCDPS an engineered sediment and erosion control plan prior to issuance of building permits

- 3) Compliance with the conditions of approval of the MCDPS stormwater management approval
- 4) Access and improvements as required to be approved by MCDPWT prior to recordation of plat
- 5) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed
- 6) Other necessary easements

DISCUSSION OF ISSUES

Conformance to Chapter 50-29(b)(2)

In order to approve an application for Resubdivision, the Planning Board must find that the proposed lot(s) substantially meet all seven of the "Resubdivision Criteria" as set forth in Section 50-29(b)(2) of the Subdivision Regulations, which states:

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

Master Plan Compliance

The property is located within the *Approved and Adopted 2000 North and West Silver Spring Master Plan* area. The master plan does not specifically identify this property but does give general guidance and recommendations regarding zoning and land use. The master plan recommends that this area maintain the R-60 zoning as adopted and to maintain the residential land-use consisting of one-family detached homes. The proposed resubdivision complies with the recommendations adopted in the master plan in that it is a request for an additional single family lot.

Neighborhood Delineation

In administering the Resubdivision Criteria, the Planning Board must determine the appropriate "neighborhood" for evaluating the application. In this case, staff has provided a description of the area analyzed under the resubdivision criteria and has also provided an illustration that delineates the neighborhood. The neighborhood associated with this resubdivision includes all lots within Block 5 of the Perkins and Burrows Subdivision, bounded by Maine Avenue, Kansas Avenue, Pennsylvania Porter Road and Michigan Avenue. All of these lots are in the R-60 zone. Also included in the neighborhood are Lots 1, 2 and 15, confronting the subject property across Kansas Avenue. These lots are also zoned R-60. Excluded from the neighborhood are the townhouse subdivision lots located on the opposite side of Maine Avenue; zoned R-60, but developed under different standards.

DESCRIPTION

Vicinity

The subject property is located within Block 5 of the Perkins and Burrows Subdivision. The original lots located within Block 5 were recorded by plat in 1890. Two resubdivisions have occurred in Block 5 resulting in Lots 25, 26 and 27 and Lots 19 through 24. This resubdivision occurred in 1978.

Lots 1 and 2, confronting the property across Maine Avenue are in the Albert Stewart Subdivision and were recorded in 1946. Lot 15, also confronting the subject property across Maine Avenue is in the Perkins and Burrows Subdivision and was recorded in 1980. All lots within the neighborhood are improved with a single-family residence.

Proposal

This application for resubdivision proposes to reconfigure existing Lots 10 and 11 into two new lots: one 8,188 square feet (Lot 29) and the other, 6,000 square feet (Lot 28). This reconfiguration will allow an additional residential unit to be built. The existing house will be maintained on new Lot 29. New Lot 28 will be similar in characteristics to the adjacent Lots 26 and 27 as well as Lots 20 through 22 at the opposite end of the block with frontage on Pennsylvania Porter Road

Analysis

The proposed lots have been found by staff to satisfy all seven of the resubdivision criteria as illustrated on the attached tabular summary. The proposed lots are in character with the lot pattern that has evolved since the original recordation of the plats for the two subdivisions.

Conclusion

In applying the resubdivision criteria to the analysis area delineated by staff, staff concludes that the proposed resubdivision satisfies all of the criteria set forth in Section 50-29(b)(2) as illustrated on the attached tabular summary. Based on the development pattern within the defined neighborhood staff finds that this resubdivision is consistent with what has occurred over the past years. Staff finds there to be essentially no opportunity for future development through resubdivisions within the neighborhood. Staff recommends approval of the application, subject to the conditions enumerated above.

Attachments

| | |
|-------------------------------|-------|
| Vicinity and Neighborhood Map | 4 |
| Neighborhood Development Map | 5 |
| Proposed Resubdivision Plan | 6 |
| Large Scale Neighborhood Map | 7 |
| Tabular Summary | 8 & 9 |

Lots 1 and 2, confronting the property across Maine Avenue are in the Albert Stewart Subdivision and were recorded in 1946. Lot 15, also confronting the subject property across Maine Avenue is in the Perkins and Burrows Subdivision and was recorded in 1980. All lots within the neighborhood are improved with a single-family residence.

Proposal

This application for resubdivision proposes to reconfigure existing Lots 10 and 11 into two new lots: one 8,188 square feet (Lot 29) and the other, 6,000 square feet (Lot 28). This reconfiguration will allow an additional residential unit to be built. The existing house will be maintained on new Lot 29. New Lot 28 will be similar in characteristics to the adjacent Lots 26 and 27 as well as Lots 20 through 22 at the opposite end of the block with frontage on Pennsylvania Porter Road

Analysis

The proposed lots have been found by staff to satisfy all seven of the resubdivision criteria as illustrated on the attached tabular summary. The proposed lots are in character with the lot pattern that has evolved since the original recordation of the plats for the two subdivisions.

Conclusion

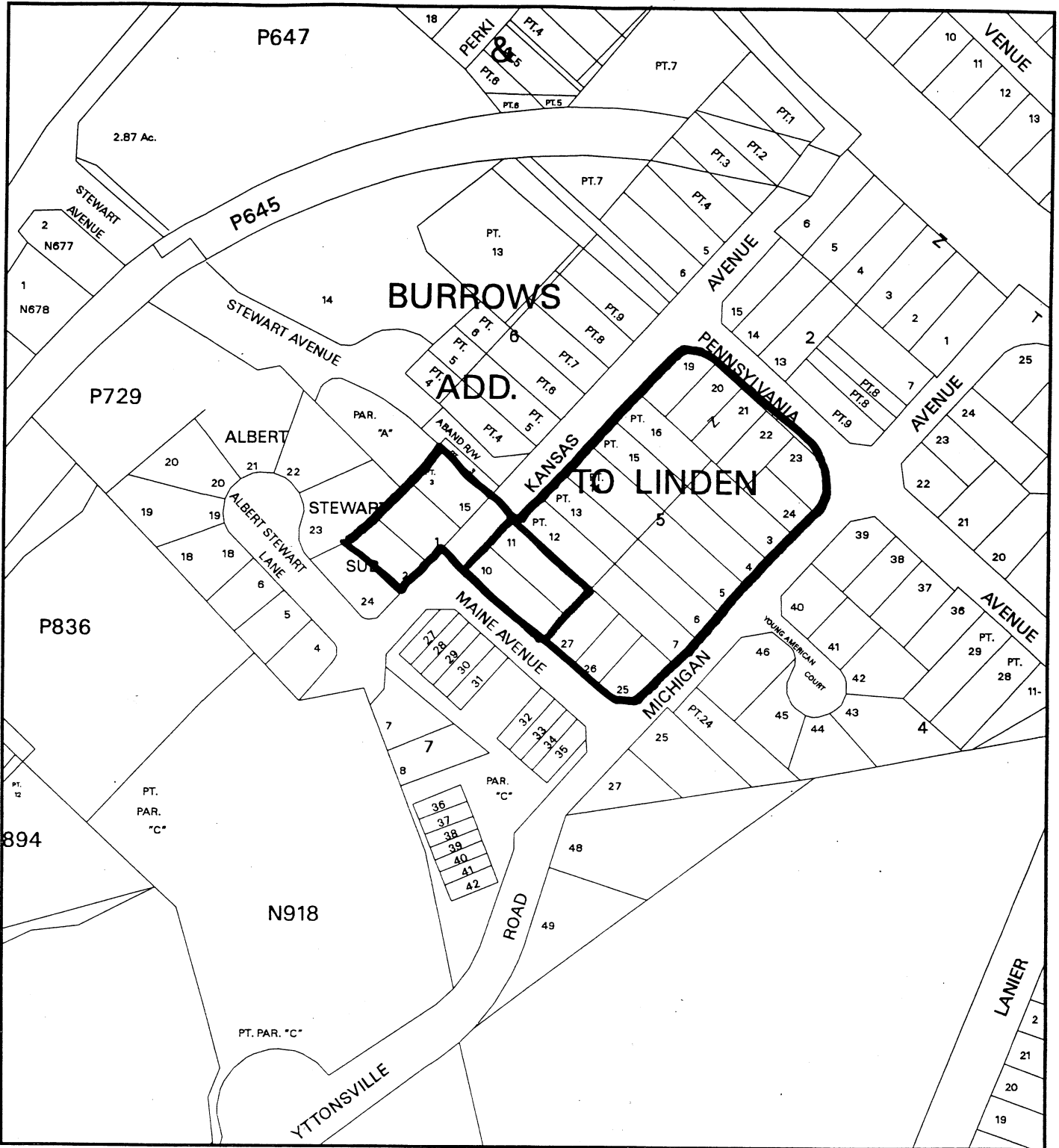
In applying the resubdivision criteria to the analysis area delineated by staff, staff concludes that the proposed resubdivision satisfies all of the criteria set forth in Section 50-29(b)(2) as illustrated on the attached tabular summary. Based on the development pattern within the defined neighborhood staff finds that this resubdivision is consistent with what has occurred over the past years. Staff finds there to be essentially no opportunity for future development through resubdivisions within the neighborhood. Staff recommends approval of the application, subject to the conditions enumerated above.

Attachments

| | |
|-------------------------------|-------|
| Vicinity and Neighborhood Map | 4 |
| Neighborhood Development Map | 5 |
| Proposed Resubdivision Plan | 6 |
| Large Scale Neighborhood Map | 7 |
| Tabular Summary | 8 & 9 |

VICINITY MAP FOR

PERKINS & BURROWS ADD. TO LINDEN (1-03055)



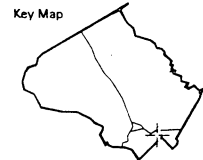
Map compiled on October 02, 1999 at 2:09 AM | Site located on base sheet no - 211NW02

NOTICE

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

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

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



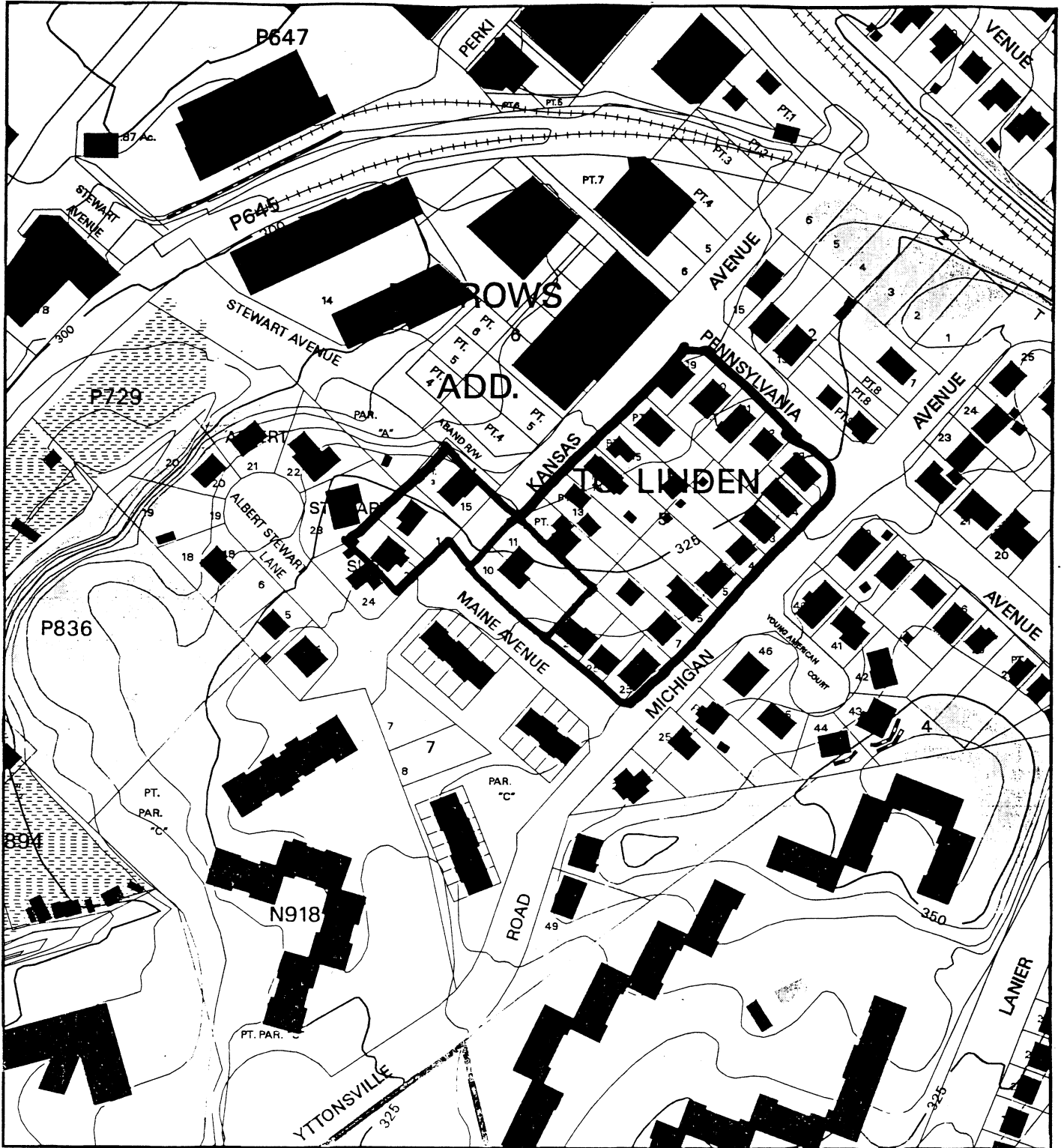
1 : 2400

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

8787 Georgia Avenue - Silver Spring, Maryland 20910-3760

VICINITY MAP FOR

PERKINS & BURROWS ADD. TO LINDEN (1-03055)



Map compiled on January 29, 2003 at 11:14 AM | Site located on base sheet no. 211NW02

NOTICE

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland - National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

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

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

Key Map



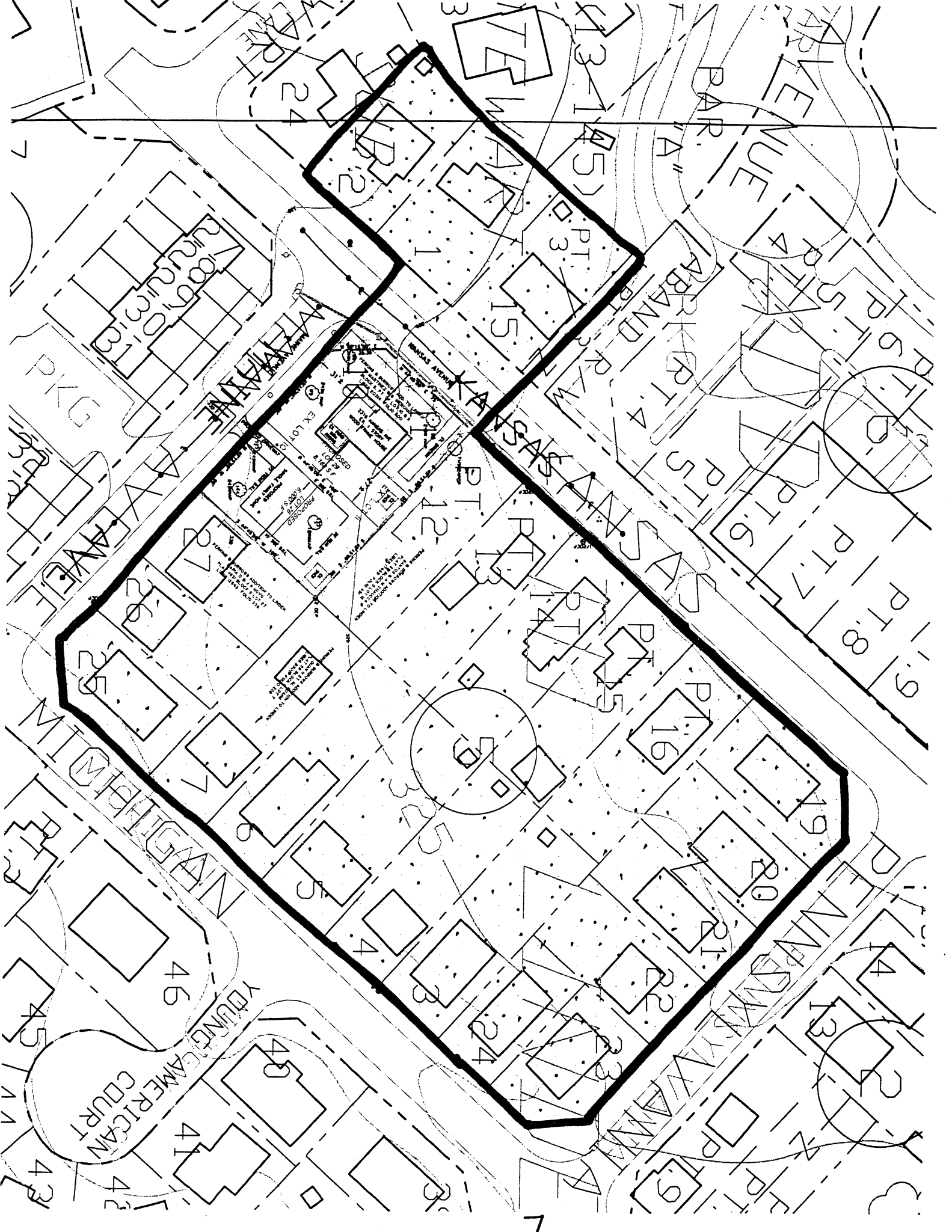
1: 2400

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

M-NCPPC

8787 Georgia Avenue - Silver Spring, Maryland 20910-3760

5



SUBDIVISION COMPATIBILITY ANALYSIS - SUBDIVISION OF LAND CH. 50.29.(b).(2)

| SUBDIVISION | BLOCK NO. | LOT NO. | PLAT BOOK & PLAT NO. | FRONTAGE | ALIGNMENT | SIZE | SHAPE | WIDTH | BUILDABLE AREA |
|----------------------------|-----------|---------|----------------------|-----------------------|------------------------|------------------------|-------------------------|-----------------|----------------|
| STEWART SUBDIVISION LINDEN | 1 | 1 | 1822 | 70' @ KANSAS AVENUE | PERPENDICULAR W/STREET | 70' X 97' 6,810 SF | RECTANGULAR | 70' @ FRONT BRL | 2704 SF |
| STEWART SUBDIVISION LINDEN | 1 | 2 | 1822 | 55' @ KANSAS AVENUE | PERPENDICULAR W/STREET | 55' X 103' 5,521 SF | RECTANGULAR | 55' @ FRONT BRL | 2146 SF |
| STEWART SUBDIVISION LINDEN | 1 | 15 | 1822 | 65' @ KANSAS AVENUE | PERPENDICULAR W/STREET | 63' X 100' 6,142 SF | RECTANGULAR | 65' @ FRONT BRL | 2475 SF |
| BURROW'S ADD/ TO LINDEN | 5 | 25 | 11831 | 75' @ MICHIGAN AVENUE | PERPENDICULAR W/STREET | 55' X 100' 5,191 SF | CORNER LOT IRREGULAR | 100' @ REAR BRL | 1694 SF |
| BURROW'S ADD/ TO LINDEN | 5 | 26 | 11831 | 45' @ MAINE AVENUE | PERPENDICULAR W/STREET | 45' X 100' 4,500 SF | RECTANGULAR | 45' @ FRONT BRL | 1755 SF |
| BURROW'S ADD/ TO LINDEN | 5 | 27 | 11831 | 50' @ MAINE AVENUE | PERPENDICULAR W/STREET | 50' X 100' 5,000 SF | RECTANGULAR | 50' @ FRONT BRL | 2080 SF |
| BURROW'S ADD/ TO LINDEN | 5 | 3-7 | 14397 | 50' @ MICHIGAN AVENUE | PERPENDICULAR W/STREET | 22' X 150; 3,300 SF | RECTANGULAR | 50' @ FRONT BRL | 1360 SF |

SUBJECT PROPERTY IS SIMILARLY SUITABLE FOR RESIDENTIAL USE AS COMPARED TO THE NEARBY PROPERTIES

SUBDIVISION COMPATIBILITY ANALYSIS - SUBDIVISION OF LAND CH. 50.29.(b).(2)

| SUBDIVISION | BLOCK NO. | LOT NO. | PLAT BOOK & PLAT NO. | FRONTAGE | ALIGNMENT | SIZE | SHAPE | WIDTH | BUILDABLE AREA |
|-------------------------|-----------|-------------|----------------------|-----------------------|------------------------|------------------------|----------------------|-----------------|----------------|
| BURROW'S ADD/ TO LINDEN | 5 | 19 | 11832 | 74' @ KANSAS AVENUE | PERPENDICULAR W/STREET | 60' X 100' 5,647 SF | CORNER LOT IRREGULAR | 99' @ REAR BRL | 1977 SF |
| BURROW'S ADD/ TO LINDEN | 5 | 20 | 11832 | 50' @ PENNS. AVENUE | PERPENDICULAR W/STREET | 50' X 100' 4,967 SF | RECTANGULAR | 50' @ FRONT BRL | 2080 SF |
| BURROW'S ADD/ TO LINDEN | 5 | 21 | 11832 | 45' @ PENNS. AVENUE | PERPENDICULAR W/STREET | 45' X 100' 4,470 SF | RECTANGULAR | 45' @ FRONT BRL | 1755 SF |
| BURROW'S ADD/ TO LINDEN | 5 | 22 | 11832 | 50' @ PENNS AVENUE | PERPENDICULAR W/STREET | 50' X 100' 4,967 SF | RECTANGULAR | 50' @ FRONT BRL | 2080 SF |
| BURROW'S ADD/ TO LINDEN | 5 | 23 | 11832 | 65' @ PENNS. AVENUE | PERPENDICULAR W/STREET | 90' X 54' 4,582 SF | CORNER LOT IRREGULAR | 54' @ REAR BRL | 1705 SF |
| BURROW'S ADD/ TO LINDEN | 5 | 24 | 11832 | 45' @ MICHIGAN AVENUE | PERPENDICULAR W/STREET | 45' X 90' 4,053 SF | RECTANGULAR | 45' @ FRONT BRL | 1485 SF |
| BURROW'S ADD/ TO LINDEN | 5 | * PT. 12-16 | A-58 | 50' @ KANSAS AVENUE | PERPENDICULAR W/STREET | 50' X 145' 7,250 SF | RECTANGULAR | 50' @ FRONT BRL | 3200 SF |

* THESE PARTS OF LOTS ARE INCLUDED SINCE DUE TO ROAD TAKING

SUBJECT PROPERTY IS SIMILARLY SUITABLE FOR RESIDENTIAL USE AS COMPARED TO THE NEARBY PROPERTIES

| | | | | | | | | | |
|------------------------|---|----|--|-------------------|---------------|------------------------------------|----------------------|-----------------|---------------|
| BURROW'S ADD/TO LINDEN | 5 | 28 | | 98' @ Kansas Ave. | PERPENDICULAR | 98' x 85' 8,188 sq. ft. | CORNER LOT IRREGULAR | 98' @ FRONT BRL | 3,400 sq. ft. |
| BURROW'S ADD/TO LINDEN | 5 | 29 | | 60' @ Maine Ave. | PERPENDICULAR | 60' X 100' 6,000 sq. ft. | RECTANGULAR | 60' @ FRONT BRL | 6,000 sq. ft. |

PROPOSED LOTS