MEMORANDUM

DATE: October 1, 2004

TO: Montgomery County Planning Board

VIA: Richard Hawthorne, Acting Chief
      Catherine Conlon, Acting Supervisor
      Development Review Division

FROM: Richard Weaver, Planning Coordinator (301) 495-4544

REVIEW TYPE: Preliminary Plan Review
APPLYING FOR: Resubdivision of Lots 32, 33, 17 & Pt. 15 and Pt. 16, Woodside

PROJECT NAME: Woodside
CASE #: 1-05013
REVIEW BASIS: Chapter 50, Sec. 50-29 (b)(2), Montgomery County Subdivision Regulations

ZONE: R-60
LOCATION: Located on the east side of Second Street, approximately 280 feet northwest of Ballard Street

MASTER PLAN: Silver Spring
APPLICANT: Patrick T. Stingley
FILING DATE: July 20, 2004
HEARING DATE: October 7, 2004

STAFF RECOMMENDATION: Approval, pursuant to Section 50-29 (b) (2), Montgomery County Subdivision Regulations, and subject to the following conditions:

1) Compliance with conditions of the December 14, 1999, MCDPWT letter prior to recordation of plat(s). As per the DPWT approval, the covenant shall include an
agreement to participate in the construction of a sidewalk along the property frontage and off site to Ballard Street, if right-of-way is available.

2) Dedication of Second Avenue as shown on approved preliminary plan to be reflected on record plat.

3) This preliminary plan will remain valid for 37 months from the date of mailing of the Planning Board opinion. Prior to the expiration date, a final record plat must be recorded for all property shown on the preliminary plan or a request for an extension must be filed.

4) Other necessary easements

PREVIOUS PLANNING BOARD ACTION:

This application was previously reviewed and approved by the Planning Board on December 20, 1999 as preliminary plan No.1-00031. That approval has expired. Although a staff report was not prepared for the hearing on the previous application, staff and the Planning Board discussed the application with respect to the resubdivision criteria and the neighborhood. Staff raised an issue regarding the somewhat irregular shape that proposed Lot 38 would take on. Staff indicated that the owner of Lot 34 was not willing to participate in the application but that the owner of proposed Lot 38 was willing to re-plat the lot and incorporate a portion of pt 16 into their lot. Staff described this application as a "housekeeping" measure that in certain respects was cleaning up the tax records for the parts of lots.

In their deliberation, the Planning Board acknowledged that the shape of the lots would have been more consistent with the neighborhood had Lot 34 participated in this resubdivision but supported the proposal as submitted. The Board determined that the shape of Lot 38 was not necessarily out of character with the neighborhood.

For the current application, (Preliminary Plan No.1-05013), staff is presenting the identical preliminary plan, neighborhood delineation, tabular summary and rationale as was proposed in the previous application.

SITE DESCRIPTION:

The Subject Property, Lots 32, 33, 17 and Pt. 15 and Pt. 16, are parts of the Woodside Resubdivision that was recorded in 1959. The subject property is located on the east side of Second Street, approximately 280 feet northwest of Ballard Street. The property contains 0.94 acre and is zoned R-60. Houses exist on each of the three lots; no new construction is anticipated.

PROJECT DESCRIPTION:

This is an application to resubdivide (reconfigure) the 0.94-acre subject property into 3 new residential lots. No new lots will be created as part of this application; rather, it is a request to incorporate portions of two parts of lots (pt.15 and pt.16) into the three
DISCUSSION OF ISSUES

Master Plan Compliance

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

Conformance with Section 50-29(b)(2)

A. Statutory Review Criteria

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

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

B. Neighborhood Delineation

The neighborhood contains 15 lots as shown on the attached neighborhood delineation. The lots in the neighborhood range in size from 5,000 square feet to 15,000 square feet. The lot areas range from 1,097 square feet to 8,550 square feet. The frontages range from 58 feet to 75 feet. Staff concurs with the neighborhood proposed by the applicant because it provides an adequate sample that exemplifies the lot and development pattern of the area.

ANALYSIS

Comparison of the Character of Proposed Lots to Existing

As discussed above, determinations regarding resubdivision applications are subject to Section 50-29(b)(2) of the Subdivision Regulations. The proposed lots should demonstrate a high correlation between the characteristics of the proposed lots and the
existing lots in the delineated neighborhood. Staff concludes that the proposed subdivision complies with the area, size, frontage, alignment, width, and shape and suitability criteria of Section 50-29(b) (2). As set forth below, the attached tabular summary supports this conclusion:

**Lot Area:** In the neighborhood of 15 lots, the existing lot areas range from 1,097 square feet to 8,550 square feet. The proposed lots are 5,880 square feet and 9,248 square feet in area. While a high correlation does not necessarily exist with the largest proposed lot, the proposal does demonstrate that the lots are of the same character with respect to area, as the existing lots in the neighborhood.

**Lot Size:** The neighborhood lots range in size from 5,000 square feet to 15,000 square feet. The proposed lots consist of two (2) 11,400 square feet lots and one (1) 17,250 square foot lot. With respect to lot size, proposed lot 38, being the largest, does not have high correlation with the other lots in the neighborhood, as do the two other proposed lots; however, all of the proposed lots will be of the same character with regard to size as the other lots in the neighborhood.

**Alignment:** All of the lots in the existing neighborhood are perpendicular lots. There exists a high correlation with the existing lots in the neighborhood and Staff finds that the subdivision is of the same character as the existing lots.

**Lot Frontage:** The lot frontages in the existing neighborhood range from 58 feet to 75 feet. The proposed subdivision will have lots with frontages that are approximately 60 to 75 feet. Therefore the proposed lots will have a high correlation and will be of the same character as the other lots in the neighborhood with respect to lot frontage.

**Shape:** The existing neighborhood consists of six (6) corner lots, three (3) irregular lots, and six (6) rectangular lots. The proposed subdivision creates two (2) rectangular lots, and one (1) irregular lot. The shapes of the lots in the proposed subdivision will be of the same character, having exhibited a high correlation with the existing lots in the neighborhood with respect to shape.

**Width:** The neighborhood consists of lots, which range from 34 feet to 57 feet. The proposed lots range in width from 42 feet to 57 feet. The proposed lots will be of the same character and have a high correlation with the existing lots in the neighborhood with respect to width.

**Suitability for Residential Use:** The proposed lots in the neighborhood are zoned residential and are suitable for residential use.
CONCLUSION:

Section 50-29 (b) (2) of the Subdivision Regulations specifies seven criteria with which resubdivided lots must comply. They are street frontage, alignment, size, shape, width, area and suitability for residential use within the existing block, neighborhood or subdivision. Proposed Lot 38 is slightly larger than the lots in the defined neighborhood and, therefore does not have a high correlation with the other lots in the neighborhood with respect to size and area. However, Staff finds that the application would result in lots that are of the same character with the existing lots in the neighborhood with respect to the seven (7) resubdivision criteria and complies with Section 50-29(b)(2) of the Subdivision Regulations. As such, Staff recommends approval of the preliminary plan.

Attachments

Attachment 1  Vicinity Development Map
Attachment 2  Neighborhood Delineation Map
Attachment 3  Proposed Development Plan
Attachment 4  Tabular Summary
### WOODSIDE

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