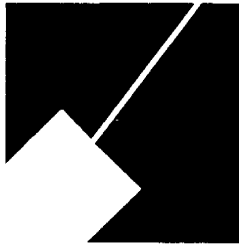


M-NCPPC



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



MEMORANDUM

DATE: October 1, 2004

TO: Montgomery County Planning Board

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

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

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

lots. Lot 34 is not part of this application; and it is staff's understanding that this property owner is not interested in participating in this resubdivision.

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 resubdivision 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 resubdivision 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 resubdivision 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 resubdivision creates two (2) rectangular lots, and one (1) irregular lot. **The shapes of the lots in the proposed resubdivision 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.

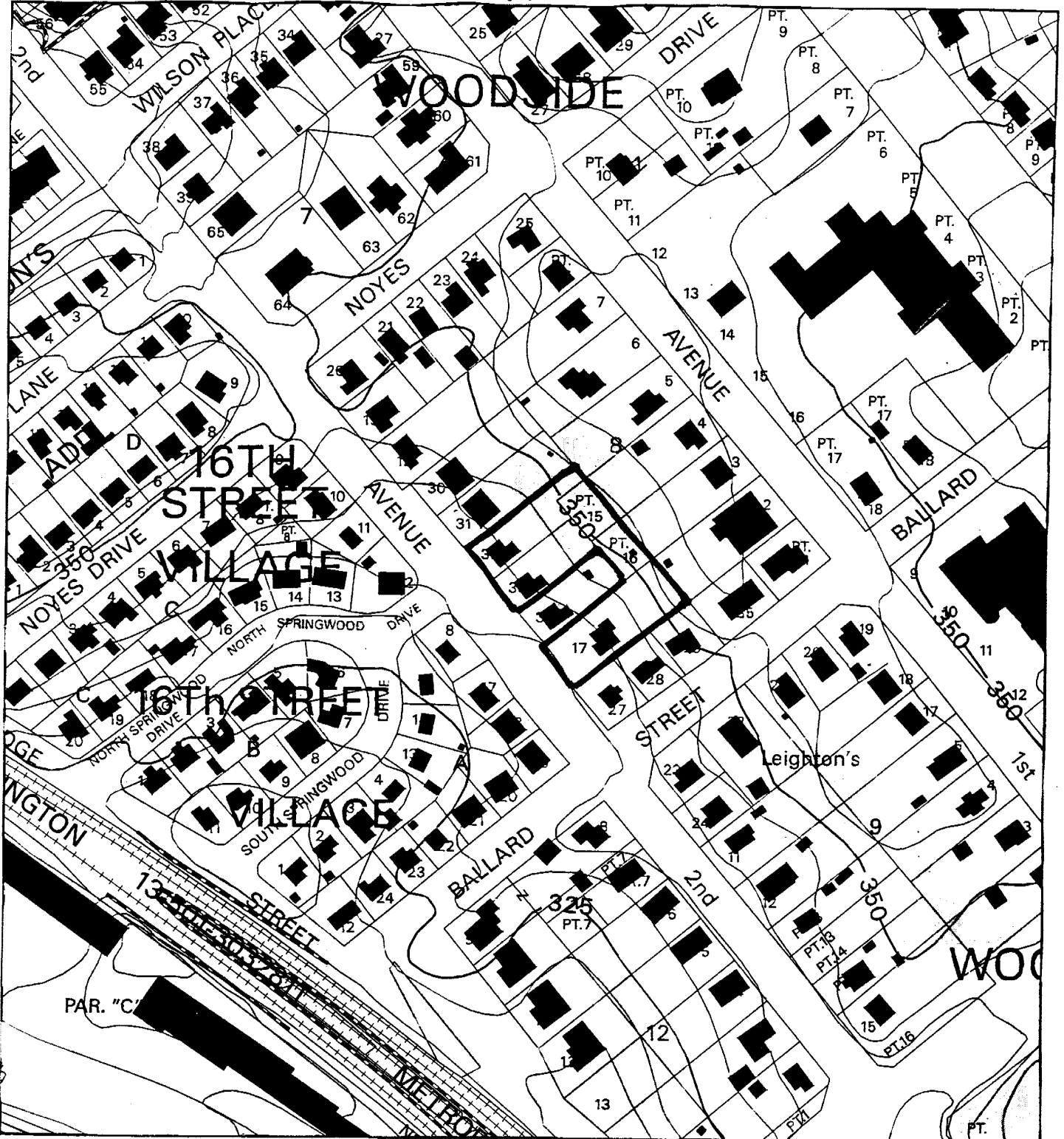
CONCLUSION:

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 (1-05013) VICINITY DEVELOPMENT



Map compiled on August 23, 2004 at 2:14 PM | Site located on base sheet no - 210NW02

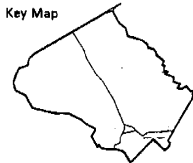
NOTICE

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Key Map



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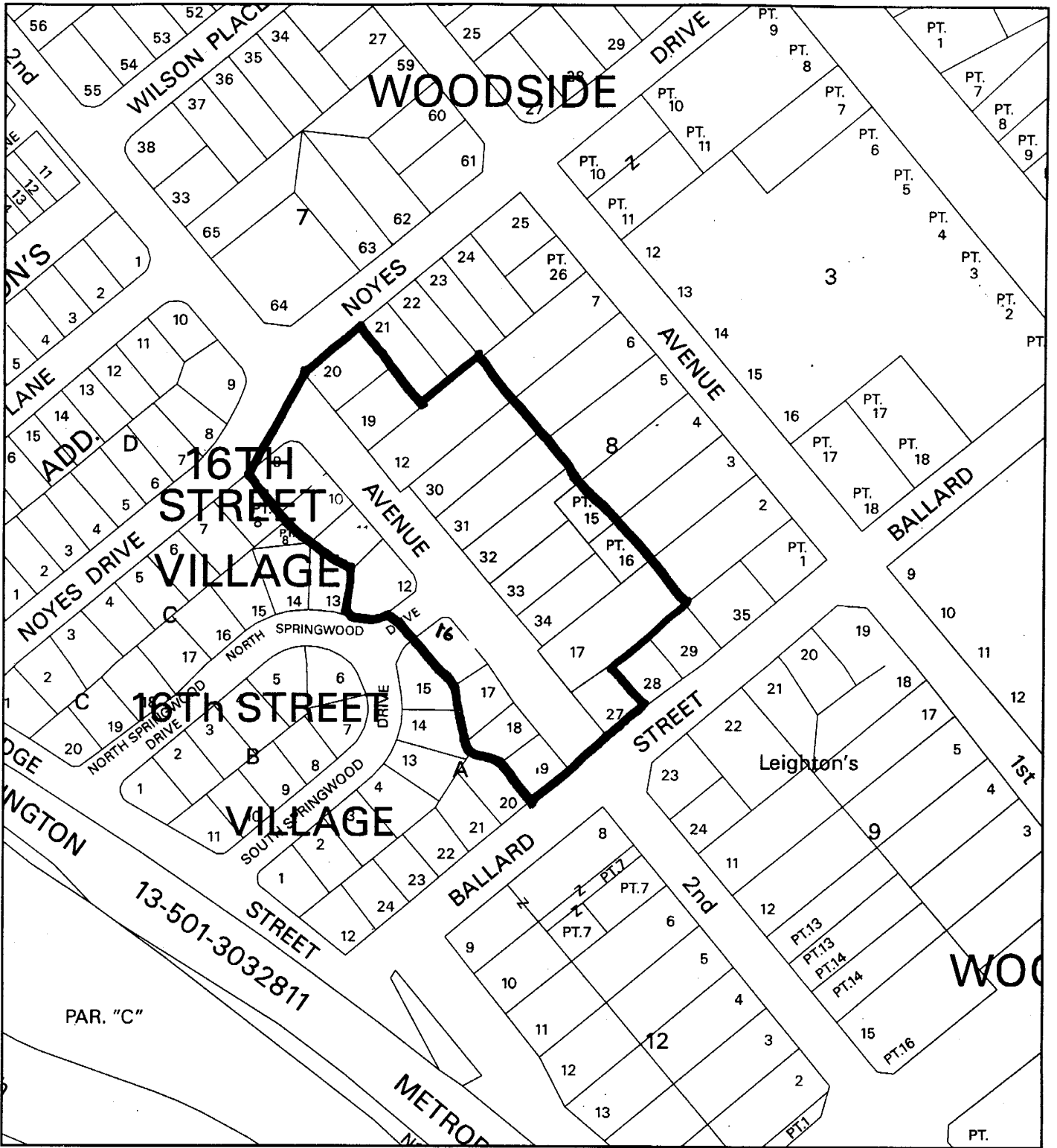
1 inch = 200 feet
1 : 2400

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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

WOODSIDE (1-05013) NEIGHBORHOOD DELINEATION



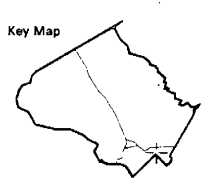
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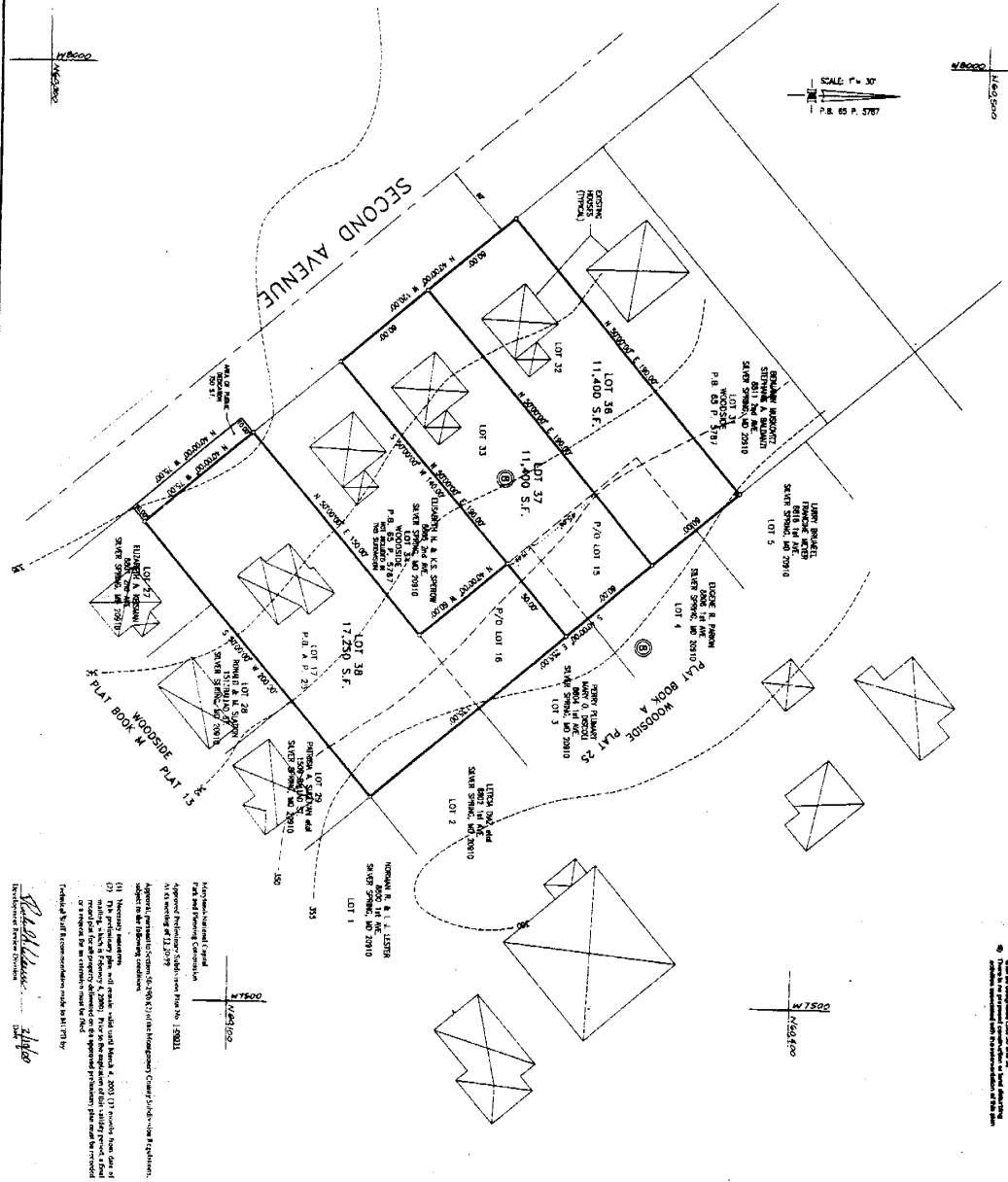


N

Research & Technology Center

0 200

1 inch = 200 feet
1 : 2400



SCALE 1" = 30'
P.B. 65 P. 5787

SCALE 1" = 2000'

NOTICE: This plan was prepared by the undersigned in accordance with the provisions of the Surveyors and Land Planners Act of 1956, Chapter 233, of the Laws of the State of Maryland. It is hereby certified that the same are true and correct to the best of the undersigned's knowledge and belief, and that the same conform to the provisions of the said Act.

APPROVED FOR THE STATE OF MARYLAND
 REGISTERED PROFESSIONAL SURVEYOR
 P. G. ASSOCIATES, INC.
 255 NORTH WASHINGTON STREET, #300
 ROCKVILLE, MARYLAND 20850
 DATE: 1/19/04

GENERAL NOTES

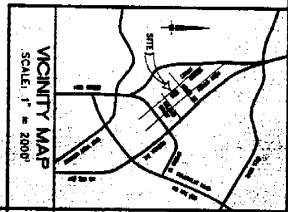
1. EXISTING ZONING: R-40
2. SITE IS SERVED BY PUBLIC WATER AND SEWER SYSTEMS.
3. RESS. CATCHMENT: N1, S1.
4. THERE ARE NO RECORDS ON FILE FOR RECORDATION ON THIS SITE.
5. PROPERTY BOUNDARIES FROM PLAT P.B. 25 & P.B. 65 P. 5787.
6. INTERSECTION FROM ALICE & P.C. 9 CORNERS.
7. THERE IS NO CONSTRUCTION PROPOSED IN THIS SUBDIVISION. THE PURPOSE OF THIS PLAN IS TO ADJUST THE LOT LINES.
8. SETBACKS: SEE 67/78.
9. TYP. W.P. 48-111.
10. TYP. TYPICAL AREA: 11,400 S.F. NET TYPICAL AREA: 4000 S.F.
11. PROPERTY IS LOCATED IN THE SEWER SERVICE AREA.
12. PROPERTY IS LOCATED IN THE ROAD ORDER IMPROVED, CLASS 1.
13. CONFORMANCE WITH LOCAL ORDINANCES.
14. PROPERTY ADJACENT TO: LOT 15 - 11,400 S.F. SECOND AVENUE LOT 16 - 11,400 S.F. SECOND AVENUE LOT 17 - 11,400 S.F. SECOND AVENUE
15. UTILITY COMPANIES: ELECTRIC, PHONE, GAS, WATER, SEWER, CABLE TELEVISION, GAS.
16. EXISTING FROM THE PROPOSED: NO CHANGES TO IMPROVEMENTS AND PROPOSED.
17. SEE: W.P. 2-4, 6, 8, 10, 11, 12, 13, 14, 15, 16, 17.

OWNER (Lot 37)
 P. G. ASSOCIATES, INC.
 255 NORTH WASHINGTON STREET, #300
 ROCKVILLE, MARYLAND 20850
 301-587-7500

ENGINEERS CERTIFICATE

I, the undersigned, being a duly licensed Professional Engineer in the State of Maryland, do hereby certify that the foregoing ENGINEERING PLAN, SPECIFICATIONS, AND NOTES were prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer in the State of Maryland.

DATE: 1/19/04



P.G. ASSOCIATES, INC.
 CIVIL ENGINEERS • SURVEYORS • LAND PLANNERS
 255 NORTH WASHINGTON STREET, #300
 ROCKVILLE, MARYLAND 20850
 PHONE (301) 309-1361

PRELIMINARY PLAN
 LOTS 38, 37 & 36
 A RESUBDIVISION OF LOTS 32, 33, 17 & THE REMAINDER OF LOTS 15 & 16
WOODSIDE
 RECORDED IN P.B. 65 P. 5787 & P.B. 65 P. 5787
 WHEATON ELECTION DISTRICT No. 13
 MONTGOMERY COUNTY, MARYLAND

SHEET 1 OF 1

WOODSIDE

Lots	Block	Frontage	Alignment	Size	Shape	Width	Area
1	20	8	75 Perpendicular	7,500	Corner	42.00	2,810
2	19	8	68 Perpendicular	6,792	Rectangular	50.00	2,742
3	12	8	75 Perpendicular	15,000	Rectangular	57.00	8,550
4	30	8	60 Perpendicular	11,400	Rectangular	42.00	5,880
5	31	8	60 Perpendicular	11,400	Rectangular	42.00	5,880
6	34	8	60 Perpendicular	8,400	Rectangular	42.00	3,780
7	27	8	67 Perpendicular	5,303	Corner	34.00	1,724
8	9	C	70 Perpendicular	6,302	Corner	37.00	1,465
9	10	C	60 Perpendicular	6,766	Rectangular	42.00	1,890
10	11	C	70 Perpendicular	5,250	Irregular	52.00	1,410
11	12	C	70 Perpendicular	7,153	Corner	47.00	4,204
12	16	A	70 Perpendicular	5,034	Corner	40.00	1,604
13	17	A	68 Perpendicular	5,091	Irregular	50.00	1,336
14	18	A	58 Perpendicular	5,000	Irregular	40.00	1,716
15	19	A	70 Perpendicular	5,225	Corner	37.00	1,097

Proposed Lots

36	8	60 Perpendicular	11,400	Rectangular	42.00	5,880
37	8	60 Perpendicular	11,400	Rectangular	42.00	5,880
38	8	75 Perpendicular	17,250	Irregular	57.00	9,248