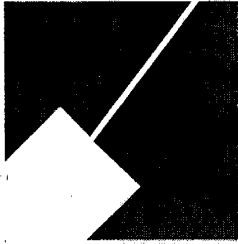


M-NCPPC



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

MCPB
Item #6



MEMORANDUM

DATE: December 3, 2004

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Catherine Conlon, Acting Supervisor *CC*
Development Review Division

FROM: Dolores Kinney, Senior Planner *DK*
Development Review

REVIEW TYPE: Preliminary Plan Review

APPLYING FOR: Subdivision

PROJECT NAME: Cator Property

CASE #: 1-05028

REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations

ZONE: R-200

LOCATION: Located at the southwest quadrant of the intersection of Railroad Street and Ridge Road

MASTER PLAN: Gaithersburg Vicinity

APPLICANT: Steven A. and Shirl R. Harrison

FILING DATE: August 18, 2004

HEARING DATE: December 9, 2004

STAFF RECOMMENDATION: Approval, pursuant to Chapter 50 of the Montgomery County Subdivision Regulations, and subject to the following conditions:

- 1) Limit the preliminary plan to three single-family detached units.
- 2) Prior to issuance of any building permits for the property, the existing garage in the Railroad Street right-of-way must be removed.
- 3) Compliance with the conditions of approval of the MCDPS stormwater management approval dated September 10, 2004.
- 4) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s).
- 5) Dedicate additional right-of-way of 30 feet from the centerline of Railroad Street and Ridge Road as secondary residential streets.
- 6) Upgrade the segments of Railroad Street and Ridge Road fronting along the property to secondary residential street standards with sidewalks and street trees in accordance with County standards and Department of Public Works and Transportation's (DPWT) letter dated November 29, 2004.
- 7) Construct five-foot off-site sidewalks along Railroad Street to connect to MARC's Washington Grove Commuter Rail Station, if right-of-way is available, in accordance with County standards and DPWT's letter dated November 29, 2004.
- 8) Compliance with conditions of MCDPWT letter dated, November 29, 2004 unless otherwise amended.
- 9) Other necessary easements.

SITE DESCRIPTION:

The subject property, identified as Parcel 655 ("Subject Property"), abuts the C & O Railroad line which is located at the southwest quadrant of the intersection of Railroad Street and Ridge Road. The property contains 1.99 acres (86,684 square feet) and is zoned R-200.

PROJECT DESCRIPTION:

This is an application to subdivide the Subject Property into three (3) lots for three (3) single-family detached dwellings, one of which is existing and will remain. The new lot sizes will be 27,980, 20,450 and 25,700 square feet. Each lot will have individual access from the existing public streets.

ANALYSIS

Staff's review of Preliminary Plan #1-05028, Nottingham Woods, indicates that the plan conforms to the recommendations of the Gaithersburg Vicinity Master Plan. The proposed preliminary plan is consistent with the master plan goal to maintain the area's residential character. Staff also finds that the proposed preliminary plan complies with Chapter 50 of the Montgomery County Code, Subdivision Regulations, in that public facilities will be adequate to support and service the area of the proposed subdivision.

Staff further finds that the size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.

The proposed Lot 1 contains an existing one-family dwelling, which was constructed prior to the adoption of the Zoning Ordinance and is currently located within the minimum required setback for the current zone. The applicant intends to retain the dwelling as part of this subdivision. Since the dwelling predates the Zoning Ordinance, it is grandfathered. However, pursuant to Section 59-B-5.3 (d), an established building line setback must conform to the standards for determining the established building line in effect for the lot when any alteration, renovation, or enlargement occurs. As such, if the house were to be replaced, the new home must comply with the zoning requirements in effect at the time.

CONCLUSION:

Staff finds that Preliminary Plan #1-05028, Cator Property, conforms to the Gaithersburg Vicinity Master Plan and meets all necessary requirements of the Subdivision Regulations. As such, Staff recommends approval of the preliminary plan.