



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

MCPB
Item # 9
November 2, 2006



MEMORANDUM

DATE: October 19, 2006

TO: Montgomery County Planning Board

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

FROM: Dolores M. Kinney, Senior Planner *DMK* (301) 493-1321
Development Review Division

REVIEW TYPE: Preliminary Plan of Subdivision, Resubdivision of Existing Lot 29,
Block 72A, Takoma Park

APPLYING FOR: Two one-family detached residential lots

PROJECT NAME: Takoma Park

CASE #: 120060020 (Formerly 1-06002)

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

ZONE: R-60

LOCATION: Located on the east side of Philadelphia Avenue (MD 410), west of
Boston Avenue, at the southwestern terminus of Dundalk Road.

MASTER PLAN: Takoma Park

APPLICANT: George L. Askew

ENGINEER: Maddox Engineers & Surveyors, Inc.

FILING DATE: July 6, 2005

HEARING DATE: November 2, 2006

STAFF RECOMMENDATION: Approval, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to two (2) one-family dwelling units.
- 2) The proposed development shall comply with the conditions of the October 3, 2006 tree save plan. No demolition, clearing, or grading on the Subject Property prior to installation of tree protection measures.
- 3) Compliance with conditions of MCDPWT letter dated, September 30, 2005 unless otherwise amended.
- 4) Access and improvements as required to be approved by MDSHA prior to issuance of access permits.
- 5) Prior to issue of permits, a stormwater management plan shall be approved by the City of Takoma.
- 6) Other necessary easements

SITE DESCRIPTION:

Lot 29, referred to as the "Subject Property", is part of the "Philadelphia Avenue Extension, A Resubdivision of Part of T.P.L. & C.O.'s Subdivision of Takoma Park", which was recorded in 1925. The Subject Property is located in the Sligo Creek watershed on the east side of Philadelphia Avenue, west of Boston Avenue, at the southwestern terminus of Dundalk Road (Attachment A). Surrounded by one-family residential properties, the property contains 0.29 acres (12,723 square feet) and is zoned R-60. A one-family dwelling currently exists on the property, which will remain. Access to the site is currently from Philadelphia Ave. There are a number of specimen trees located on the Subject Property.

PROJECT DESCRIPTION:

This resubdivision application proposes to create two (2) residential lots for two (2) one-family detached dwelling units, one of which currently exists and will remain (Attachment B). Access to the site will be directly from Philadelphia Avenue and Boston Avenue. The property will be served by public water and public sewer.

ANALYSIS AND FINDINGS

Master Plan Compliance

The Takoma Park 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. The proposed resubdivision complies with the recommendations adopted in the sector plan in that it is a request for residential development.

Transportation

The proposed lots do not generate 30 or more vehicle trips during the morning or evening peak-hours. Therefore, the application is not subject to Local Area Transportation Review. Proposed vehicle and pedestrian access for the subdivision will be safe and adequate with the proposed public improvements.

Environment

Environmental Guidelines

The site does not include any streams, wetlands, or floodplains and there are no environmental buffers on the property. The property is not subject to the Planning Board's Environmental Guidelines.

Forest Conservation

The Subject Property is exempt from the Forest Conservation Law because it is less than one acre in size and there is no forest on the property.

Stormwater Management

Stormwater management will be reviewed and approved by the City of Takoma Park.

Section 59-B-5.2 Resubdivision of R-60 Lots

Section 59-B-5.2 Resubdivision of R-60 Lots of the Zoning Ordinance, states that any lot in the R-60 zone that had frontage of less than 180 feet or an area of less than 18,000 square feet before June 1, 1958, may be resubdivided into lots with frontage of not less than 50 feet and an area of not less than 5,000 square feet if the majority of the recorded lots in the same block have frontages of less than 60 feet or areas of less than 6,000 square feet. These resubdivided lots (except outlots) are buildable lots.

The existing Lot 29 was recorded in 1925 with lot frontage of less than 180 feet. As such, Section 59-B-5.2 is applicable and the proposed resubdivision is recommended for approval.

Compliance with the Subdivision Regulations and Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections, including the requirements for resubdivision as discussed below. Access and public facilities will be adequate to support the proposed lots and uses. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lots were reviewed for compliance with the dimensional requirements for the R-60 zone as specified in the Zoning Ordinance, including Section 59-B-5.2. The lots as proposed, will meet all the dimensional requirements for area, frontage and setbacks in that zone, and width as it pertains to Section 59-B-5.2. A summary of this review is included in Attachment E. The application has been reviewed by other applicable county agencies, all of who have recommended approval of the plan.

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 the proposed lot 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

In administering the Resubdivision section, the Planning Board must determine the appropriate “neighborhood” for evaluating the application. The applicant has proposed a neighborhood of 28 lots for analysis purposes. The neighborhood extends northeast just beyond Philadelphia Avenue, northwest beyond Takoma Avenue, south to Philadelphia Avenue (MD 410) and southeast to Baltimore Avenue (Attachment C). Staff is of the opinion that the applicant’s neighborhood delineation is appropriate because it provides an adequate sample that exemplifies the lot and development pattern of the area. The applicant has provided a tabular summary of the area based on the resubdivision criteria, which is included in the Attachment D.

C. Analysis

Comparison of the Character of Proposed Lots to Existing

In performing the analysis, Staff applied the resubdivision criteria to the delineated neighborhood. Based on the analysis, Staff finds that the proposed resubdivision will be of the same character as the existing lots in the neighborhood. As

set forth below, the attached tabular (Attachment D) summary and graphical documentation support this conclusion:

Frontage: In a neighborhood of 28 lots, lot frontages range from 50 feet to 139 feet. The proposed Lot 39 has a frontage of 53 feet and Lot 40 has a frontage of 65 feet. **As such, Staff finds that the proposed lots will be consistent in character with other lots in the neighborhood with respect to frontage.**

Area: The existing lots in the neighborhood range in area from 1,000 square feet to 14,350. The proposed Lot 39 will be 2,339 square feet. Lot 40 will be 2,486 square feet. **The proposed resubdivision will be in character with the existing lots in the neighborhood with respect to area.**

Lot Size: The lot sizes in the delineated neighborhood range from 4,619 square feet to 23,618 square feet. The proposed Lot 39 will have a lot size of 6,041 square feet. The proposed Lot 40 will have a lot size of 6,682 square feet. **Therefore, Staff finds that the lot sizes of the proposed lots to be of the same character as the existing lots in the neighborhood.**

Lot Width: The lot widths in the existing neighborhood range from 31 feet to 119 feet. The proposed Lot 39 will have a lot width of 58 feet and Lot 40 will have a lot width of 65 feet. **As such, Staff finds that the proposed resubdivision will be of the same character as the other existing lots in the neighborhood as it pertains to lot width.**

Shape: There are 15 irregular lots and 13 rectangular lots in the neighborhood. The proposed Lot 39 is an irregular lot and Lot 40 is a rectangular lot. **Staff finds that the proposed lots will be of the same character as the existing lots in the neighborhood as it pertains to shape.**

Alignment: There are six (6) corner lots, four (4) radial lots and 18 perpendicular lots in the neighborhood. The proposed resubdivision will create two (2) perpendicular lots. **Staff finds that the proposed subdivision will be consistent in character with the existing lots in the neighborhood as it pertains to alignment.**

Residential Use: The proposed lots 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. As set forth above, the two proposed lots are of the same character as the existing lots in the defined neighborhood with respect to each of the resubdivision

criteria, and therefore, comply with Section 50-29(b)(2) of the Subdivision Regulations. The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance, and comply with the recommendations of the Takoma Park Master Plan. Access and public facilities will be adequate to serve the proposed lots, and the application has been reviewed by other applicable county agencies, all of which have recommended approval of the plan. Therefore, approval of the application with the conditions specified above is recommended.

Attachments

- Attachment A Vicinity Development Map
- Attachment B Proposed Development Plan
- Attachment C Neighborhood Delineation Map
- Attachment D Tabular Summary
- Attachment E Data Table



Map compiled on July 20, 2005 at 3:21 PM | Site located on base sheet no - 209NW01

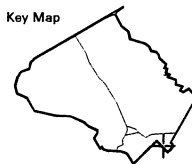
NOTICE

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

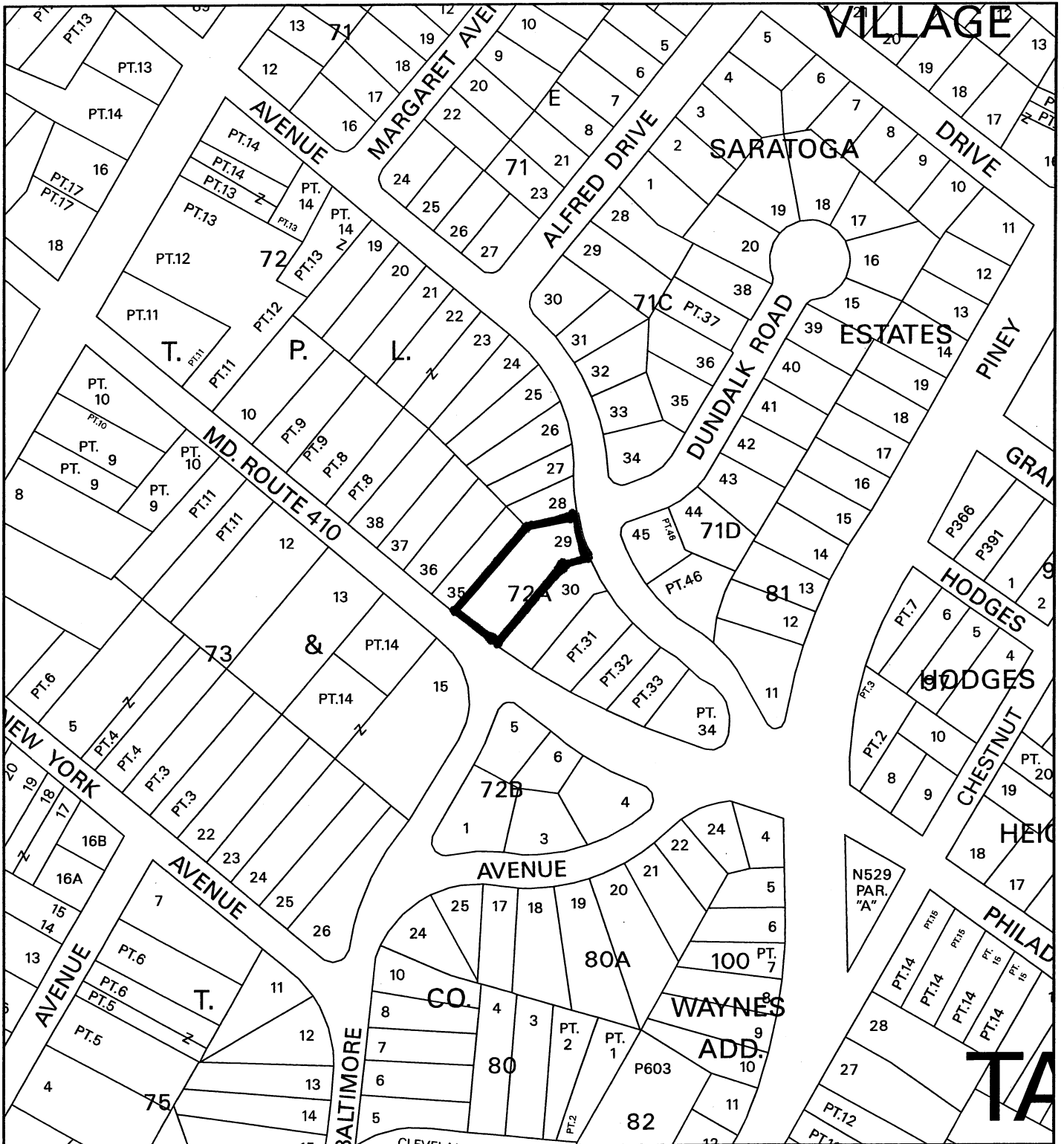


Research & Technology Center



1 inch = 200 feet
1 : 2400

TAKOMA PARK (1-06002)



Map compiled on July 20, 2005 at 3:23 PM | Site located on base sheet no - 209NW01

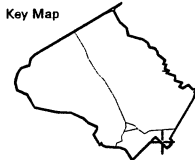
NOTICE

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



N



0 200

1 inch = 200 feet
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



Map compiled on July 20, 2005 at 3:21 PM | Site located on base sheet no - 209NW01

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 inch = 200 feet
1 : 2400

ATTACHMENT D

Takoma Park Resubdivision							
Lot	Block	Size	Frontage	Alignment	Shape	Width	Area
4	72B	9,793	104	Corner	Irregular	60	2,398
5	72B	6,732	69	Corner	Irregular	61	1,275
34	71C	7,061	54	Corner	Irregular	70	1,778
30	71C	6,677	71	Corner	Irregular	73	2,287
11	81	10,329	139	Corner	Irregular	88	2,810
15	73	23,618	119	Corner	Irregular	119	14,123
31	71C	6,194	50	Perpendicular	Irregular	31	2,287
24	72A	8,118	58	Perpendicular	Irregular	46	3,370
32	71C	5,762	50	Perpendicular	Irregular	55	2,123
6	72B	5,000	55	Perpendicular	Irregular	62	1,200
33	71C	5,160	55	Perpendicular	Irregular	63	1,718
35	72A	7,625	50	Perpendicular	Rectangular	50	3,400
36	72A	7,875	50	Perpendicular	Rectangular	50	3,440
38	72A	8,375	50	Perpendicular	Rectangular	50	3,760
19	72A	8,752	50	Perpendicular	Rectangular	50	4,015
23	72A	8,765	50	Perpendicular	Rectangular	50	4,003
22	72A	8,765	50	Perpendicular	Rectangular	50	4,006
20	72A	8,765	50	Perpendicular	Rectangular	50	4,012
21	72A	8,768	50	Perpendicular	Rectangular	50	4,009
30	72A	10,247	60	Perpendicular	Rectangular	60	4,560
10	72A	13,125	75	Perpendicular	Rectangular	75	7,301
12	73	22,500	100	Perpendicular	Rectangular	100	14,350
13	73	22,500	100	Perpendicular	Rectangular	100	14,350
37	72A	8,125	50	Perpendicular	Rectangular	50	3,600
26	72A	7,171	58	Radial	Irregular	43	2,942
25	72A	7,919	58	Radial	Irregular	47	3,656
27	72A	5,695	53	Radial	Irregular	49	1,385
28	72A	4,619	57	Radial	Irregular	54	1,000
Proposed Lots							
39	72A	6041	53	Perpendicular	Irregular	58	2339
40	72A	6682	65	Perpendicular	Rectangular	65	2486

Preliminary Plan Data Table and Checklist

Plan Name: Takoma Park				
Plan Number: 120060020				
Zoning: R-60				
# of Lots: 2				
# of Outlots: 0				
Dev. Type: 2 one-family detached dwelling units				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval on the Preliminary Plan	Verified	Date
Minimum Lot Area	6,000 sq.ft.	6,041 sq.ft. is minimum proposed	<i>DML</i>	October 3, 2006
Lot Width	60 ft.	56 ft. per Sect 59-B-5.2	<i>DML</i>	October 3, 2006
Lot Frontage	25 ft.	Meets minimum	<i>DML</i>	October 3, 2006
Setbacks				
Front	25 ft. Min.	Must meet minimum ¹	<i>DML</i>	October 3, 2006
Side	8 ft. Min./ 18 ft. total	Must meet minimum ¹	<i>DML</i>	October 3, 2006
Rear	20 ft. Min.	Must meet minimum ¹	<i>DML</i>	October 3, 2006
Height	35 ft. Max.	May not exceed maximum ¹	<i>DML</i>	October 3, 2006
Max Resid'l d.u. or Comm'l s.f. per Zoning	2 dwelling units	2 dwelling units	<i>DML</i>	October 3, 2006
Site Plan Req'd?	No	No	<i>DML</i>	
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street	Yes		<i>DML</i>	October 3, 2006
Road dedication and frontage improvements	Yes		SHA/DPWT	July 29, 2005/ Sept. 30, 2005
Environmental Guidelines	Yes		Environmental Planning memo	October 3, 2006
Forest Conservation	Yes		Environmental Planning memo	October 3, 2006
Master Plan Compliance	Yes		<i>DML</i>	October 3, 2006
ADEQUATE PUBLIC FACILITIES				
Stormwater Management	Yes		City of Takoma Park	Sept. 12, 2005
Water and Sewer (WSSC)	Yes		MCDEP	August 1, 2005
Local Area Traffic Review	N/A			
Fire and Rescue	Yes		MCFRS	January 6, 2006

¹ As determined by MCDPS at the time of building permit