

**CITY OF ROCKVILLE PLANNING DIVISION
STAFF REPORT AND RECOMMENDATION**

February 17, 2005

FINAL RECORD PLATS: Lots 19 and 20, Block 2, Lincoln Park

APPLICATION NUMBERS: PLT2004-00435

APPLICANT: Stephen Wenthold
Meridian Surveys, Inc.
811 Russell Avenue
Suite 303
Gaithersburg, Maryland 20879

DATE FILED: December 3, 2004

DESCRIPTION OF PROPERTY:

Size: 14,150 Square Feet or .32483 Acres

Location: On the northwest corner of Johnson Drive and Frederick Avenue

Zone: R-60, One-Family Detached Residential

Present Use: Vacant

Comments: The applicant is proposing to divide the existing deeded lot into two buildable lots.

PREVIOUS RELATED ACTION: None.

STAFF COMMENTS

Resubdivision within existing neighborhoods is intended to mesh with the surrounding properties. The Zoning Ordinance provides for this within Section 25-749(b). It requires that any resubdivision within an existing residential area maintain, to the extent feasible, the average area and frontage of lots within five hundred (500) feet.

The applicant has submitted an inventory of the properties within five hundred feet. The summary presents a wide range in lot sizes but not a wide range in lot frontage. It contains properties like the Lincoln Park Community Center, the cemetery located across the street and properties belonging to the Mt. Calvary Church on North Horners Lane. It also contains the very deep lots located on Douglas Avenue and North Horners Lane. This large variety of properties does not create a clear indication as to the appropriate lot size and lot frontage that should be maintained.

To get a more accurate picture of the area, staff assessed the properties on the same side of the street that are located approximately one hundred fifty feet from the proposed subdivision. Of the twelve properties studied, four exceed the lot area proposed for the lot within this subdivision.

Staff Report: PLT2004-00435

Date: February 17, 2005

Page: two

The other eight have at least three hundred fifty square feet less. Eight of the properties do not have road frontage at all, with six having access from Johnson Drive, one having access across the City-owned property where a former police substation was located and one having access from an alley. This is a situation that is not common in the Lincoln Park neighborhood as a whole, but is mostly attributable to the fact that these properties were owned, at one time, by the same family.

Although staff does not find widespread approval of pipestem lots appropriate, staff believes that it is entirely within the character of this small portion of the neighborhood. It is also important to note that while Mr. Johnson originally owned the subject property (what is now Johnson Drive and the six lots located along it) it is not clear who currently owns Johnson Drive. The deeds for the six lots located on Johnson Drive include language granting them the ability to use the lane that later became known as Johnson Drive. At this time, there has been no evidence produced that he granted this property the same right. As such, it is not possible to grant this application as a subdivision request for a lot that fronts on Johnson Drive. (As was the process for the two lots on Johnson Drive that appear on a plat of subdivision.) If the property had contained access provisions, it would have been possible to create a lot that fronted on Johnson Drive with a variance from the requirement that a lot front on a public street.

It has been suggested that two lots are not offensive at this location but that pipestem lots are an inappropriate subdivision alternative within the neighborhood. It is understood that resubdivision of the deep lots within the community with pipestem lots is entirely out of character for the neighborhood. This property, however, has been found to be located in an unusual corner of the neighborhood with a unique set of circumstances. As a result, staff supports the creation of a pipestem lot at this location but not as a widespread resubdivision alternative in the neighborhood as a whole.

STAFF RECOMMENDATION: Approval, subject to the conditions noted below:

1. That the plat be revised to make modifications/additions as identified on Planning Commission Exhibit "A" (in the Planning Division file) and resubmitted to the Planning Division for recordation. The final plat submission should include the original mylar plat, five mylar copies and two paper copies;
2. That bonds be posted with the Department of Public Works; and
3. That the final corrected Plat be submitted in an appropriate electronic format as specified in Section 25-782(c), (d) and (e) of the Rockville Zoning Ordinance.