



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

MCPB
Item No. 10
1-24-08

January 17, 2008

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Daniel K. Hardy, Acting Chief *DKH*
Transportation Planning

FROM: Cherian Eapen, Planner/Coordinator *CE*
Transportation Planning
301-495-4525

SUBJECT: Abandonment Request No. AB-703
Request to abandon approximately 200 feet of unimproved Pine Street with a 30-foot
right-of-way
North of Rosemere Avenue
Hollywood Park Subdivision, Silver Spring
White Oak Master Plan; Fairland/White Oak Policy Area

RECOMMENDATION

Staff recommends that the Planning Board approve transmittal of a recommendation of denial for the subject abandonment request to the Montgomery County Department of Public Works and Transportation (DPWT) for the following reason:

- The Pine Street right-of-way should be preserved to provide future north-south pedestrian and bicycle connections between Hollywood Park and Windham Manor neighborhoods to the south and Cannon Road Local Park and Cannon Road Elementary School to the north, consistent with the recommendations in the White Oak Master Plan.

DISCUSSION

This memorandum presents staff's review of the subject request to abandon approximately 200 feet of unimproved, 30-foot wide Pine Street right-of-way to the north of Rosemere Avenue that fronts Lot 11, Block B and Lot 6, Block C of the Hollywood Park Subdivision, within the White Oak Master Plan area and the Fairland/White Oak Policy Area. Properties in the general area are zoned R-90. Rosemere Avenue is an east-west residential street that extends east from New Hampshire Avenue (MD 650) to Montclair Avenue.

The purpose of this review is to present the Planning Board with staff recommendations on the requested abandonment and to formulate Planning Board comments to be transmitted to DPWT for a Public Hearing to be held by the County Executive's office on Monday, January 28, 2008.

The subject abandonment request was referred to the Planning Board by the County Executive's office for comments (See Attachment 1; Referral from County Executive's office for AB-703).

A street network map for the area near Pine Street is presented as Attachment 2. The Pine Street right-of-way extends approximately 1,400 north from Winhall Way to near Cannon Road Local Park located along Cannon Road adjacent to Cannon Road Elementary School. It exists mostly as a "paper street", and was created as part of the Hollywood Park Subdivision in 1924 with a right-of-way width of 30 feet. Approximately 180 feet of Pine Street to the north of Winhall Way, within the Windham Manor Subdivision, is currently constructed. New Hampshire Avenue, a north-south link in the area, is approximately 1,500 feet to the west of Pine Street.

The section of Pine Street requested to be abandoned is not required for access to any property. Both Lot 11, Block B and Lot 6, Block C, to the west and east of the subject Pine Street right-of-way respectively, have access to Rosemere Avenue. The abandonment is requested by the owner of Lot 11, Block B ("AM Builders") to construct a residence on the lot without requiring a front yard setback imposed from Pine Street. Lot 16, Block C is currently improved with a single family residence.

FINDINGS

The Pine Street right-of-way requested for abandonment is part of the larger, centrally-located, linear, north-south right-of-way of Pine Street that exists within both Hollywood Park and Windham Manor subdivisions. The northern tip of the right-of-way ends near Cannon Road Local Park, adjacent to Cannon Road Elementary School. Staff believes that the Pine Street right-of-way should be preserved to provide future north-south access between these areas. Though New Hampshire Avenue and streets such as Poplar Street and Maple Street (approximately 500 feet to the west and east of Pine Street) could offer alternative north-south connectivity within the neighborhood, staff believes that the block sizes resulting from an abandonment of Pine Street would be detrimental to the land use objectives included in the White Oak Master Plan.

The White Oak Master Plan, as a general land use objective, recommends protecting and strengthening existing neighborhood character and pattern of land use by using "rights-of-way as potential pedestrian and bicycle connections between neighborhoods" (Page 38). The Plan also recommends in the Transportation section building "pedestrian walkways where appropriate with community approval on paper streets to enhance the network of pedestrian ways" (Page 54). In support of these recommendations, the Plan recommends a sidewalk within the right-of-way of Pine Street to the south of Rosemere Avenue to Winhall Way. There is however no specific recommendation regarding the section of Pine Street to the north of Rosemere Avenue in the Master Plan.

Staff also notes that three lots with frontage on Pine Street, to the north of the area requested for abandonment, are currently undeveloped. Staff believes that abandonment of Pine Street right-of-way could complicate future development of these lots since a roadway terminus design to accommodate emergency vehicles is not available within a 30' wide right-of-way.

Staff therefore recommends that the Planning Board approve transmittal of a recommendation of denial for the requested abandonment to DPWT.

DKH:CE:tc
Attachments

cc: Mike Cassedy
Bill Barron
Cathy Conlon
Brian Murphy
Larry Cole
Chuck Kines
Greg Leck
Rebecca Walker

AB-703 Staff Memo.doc



MONTGOMERY COUNTY EXECUTIVE ORDER

Attachment No. 1

COPY

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: Abandonment of Pine Street Hollywood Park Subdivision Silver Spring	Executive Order No. 355-07	Subject Suffix AB
Originating Department: Public Works and Transportation	Department Number AB 18-07	Effective Date 11/26/07

AB703

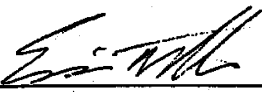
1. Pursuant to Section 49-62 of the Montgomery County Code (2004) as amended, the County Executive or his Designee shall conduct a Public Hearing

at 2:00 p.m. on Monday January 28, 2008
101 Monroe Street, EOB Lobby Conference Room
Rockville, Maryland 20850

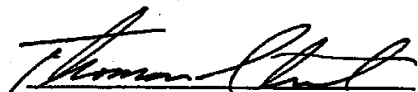
to consider an application received from Miles & Stockbridge on behalf of its client, AM Builders, LLC, the applicant, seeking abandonment of a portion of Pine Street, Hollywood Park subdivision, in Silver Spring.

2. After the aforesaid Hearing, the Hearing Officer shall report his or her findings and recommendations to the County Executive for further consideration as prescribed by County Code.

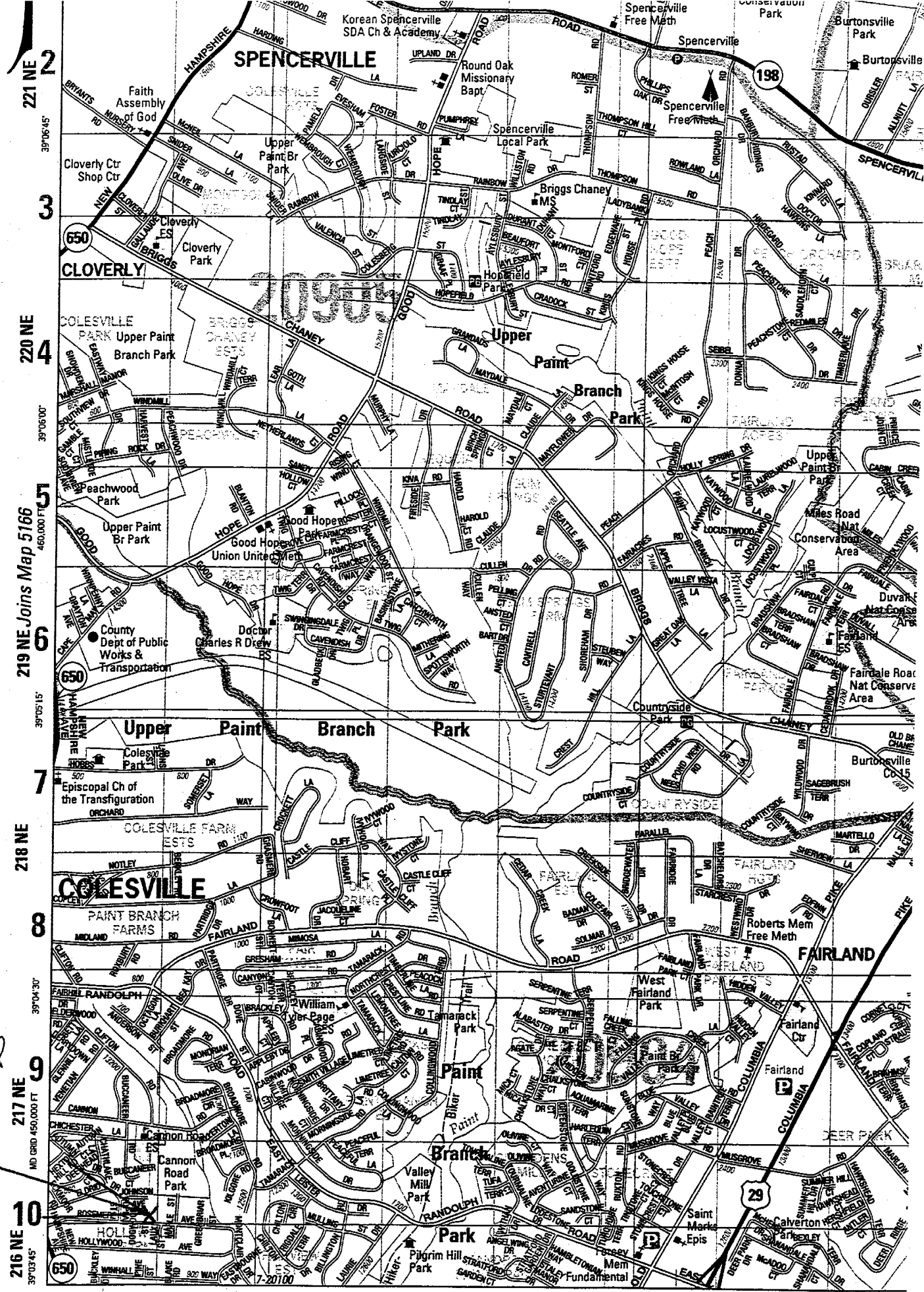
Approved as to Form and Legality
Office of the County Attorney

By: 
Eric Willis
Assistant County Attorney

APPROVED


Thomas J. Street
Assistant Chief Administrative Officer

Distribution:
Department of Public Works and Transportation
Department of Finance



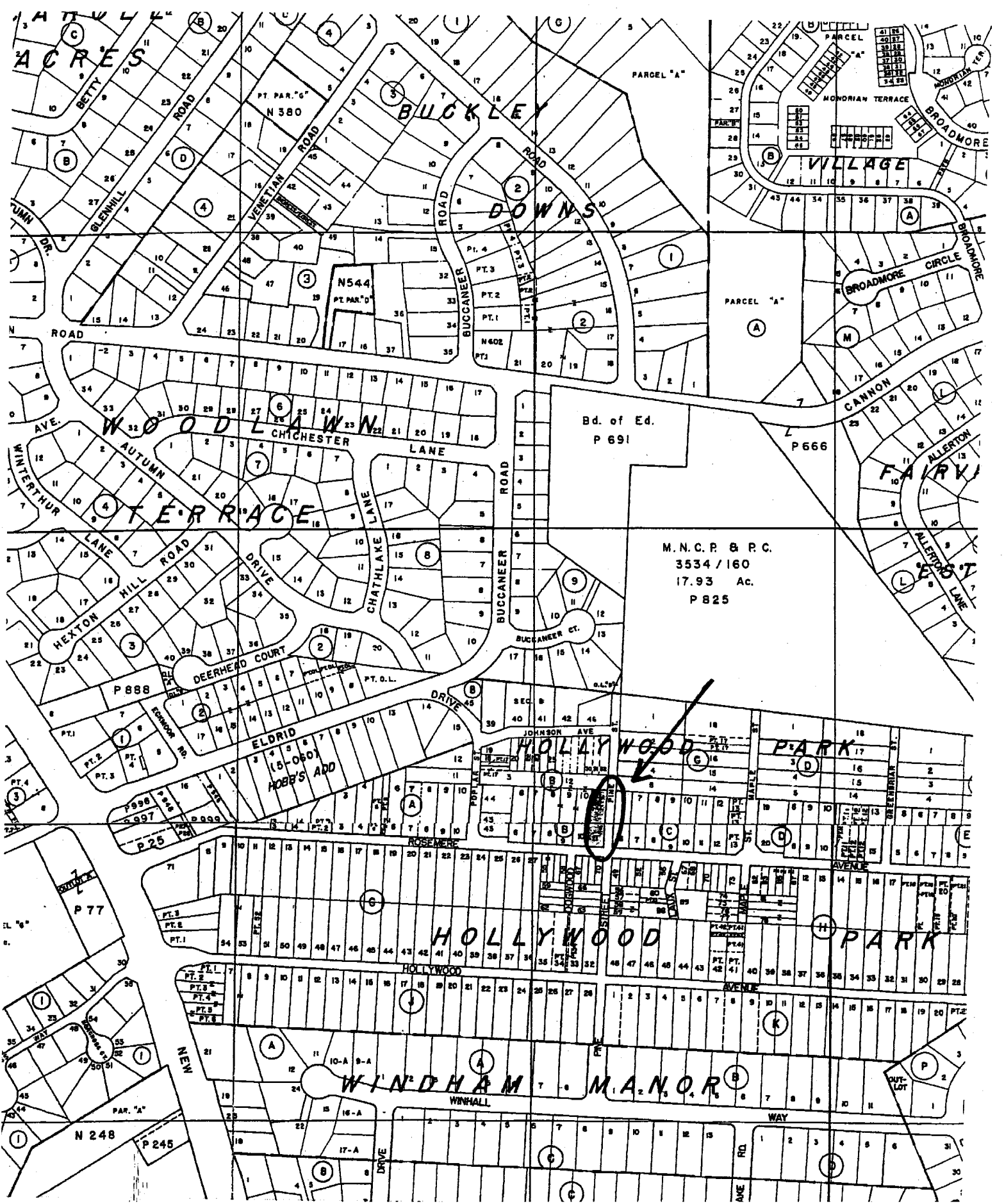
221 NE 2
39°06'45"
3
220 NE 4
39°06'00"
5
219 NE Joins Map 5166 460,000 FT
6
39°05'15"
7
218 NE
8
39°04'30"
9
217 NE
MD GRID 450,000 FT
10
216 NE
39°03'45"
46

GALEXANDRIA DRAFTING CO. 77°00'00" 76°59'15" 76°58'30" Joins Map 5287 76°57'45" MD GRID 810,000 FT
A 1 NE B C D 2 NE E F G 3 NE H

DC
P
167

improved
& street

Tax Map JQ 63



Rebecca D. Willens
301-517-4830
rwillens@milesstockbridge.com

Rebecca Walker

rwalker@milesstockbridge.com

May 11, 2007

The Honorable Isiah Leggett
Executive Office Building
101 Monroe Street
Rockville, Maryland 20850

Re: Abandonment Request for a portion of Pine Street, Silver Spring, Maryland.

Dear County Executive Leggett:

This letter serves as our request on behalf of our client, AM Builders, LLC ("AM Builders"), pursuant to Section 49-62 of the Montgomery County Code 1995, as amended, to abandon a portion of the right of way, of a paper street known as "Pine Street" in the subdivision of Hollywood Park, Silver Spring, which is under the jurisdiction of Montgomery County.

AM Builders is the owner of Lot 11, Block B, Hollywood Park Subdivision (the "Subject Property"), per plat 274, recorded in 1924. The Subject Property is also depicted on tax map JQ63. The Subject Property abuts the area now sought to be abandoned pursuant to this request. Enclosed herewith is a tax map with the portion of Pine Street that the Applicant proposes to abandon outlined in yellow. The Subject Property is outlined in green. Also enclosed please find a sketch exhibit prepared by Fowler and Associates depicting the proposed to be abandoned.

The portion of Pine Street proposed for abandonment is not required for access to any property and serves no current public purpose or any foreseeable future public use. See Section 49-63(e)(1) of the Montgomery County Code 2004, as amended. Abandonment of the right of way will enable AM Builders to construct a home on Lot 11 without requiring a front yard setback be imposed from the Pine Street frontage. Once the right of way is abandoned, the Pine Street frontage will only require a side yard setback in accordance with the Montgomery County zoning ordinance.

The Approved and Adopted 1994 White Oak Master Plan, under the general provisions within the land use and zoning section (pp. 38 of the master plan) recommends a delineation of "whether paper streets (designated rights-of-way that have never been constructed) are needed to provide safe and efficient movement of local traffic." The Master Plan continues by recommending the consideration of abandonment of unnecessary paper streets or use of the rights-of-way as potential pedestrian and bicycle connections between neighborhoods. (See Transportation Chapter, page 54)."

Client Documents:4847-8811-3153v1|19028-00000|4/24/2007

MILES & STOCKBRIDGE P.C.

Page 2

Hollywood Park was platted in 1924, per Plat 274 (see enclosed copy). Pine Street, having been platted and dedicated to public use in the Hollywood Park subdivision, has never been constructed, and is not necessary to provide a safe and efficient movement of local traffic.

The Transportation section of the Approved and Adopted White Oak Master Plan, page 54, recommends certain portions of Pine Street, from Rosemere Avenue to Winhall Way be constructed as sidewalks, as opposed to roads, within the right of way. Winhall Way is south of the Subject Property. The Master Plan is silent on the portion of Pine Street north of Rosemere Avenue. There is no recommendation for improvement of this portion of Pine Street with either construction of a road or a sidewalk.

Enclosed please find a copy of the fee submittal. Per Michael Cassedy, the original check has been enclosed with his copy of this letter. We would be pleased to provide you with any additional information that you require in order to proceed with this abandonment request.

Should you require further assistance, please do not hesitate to contact Steve Orens or myself.

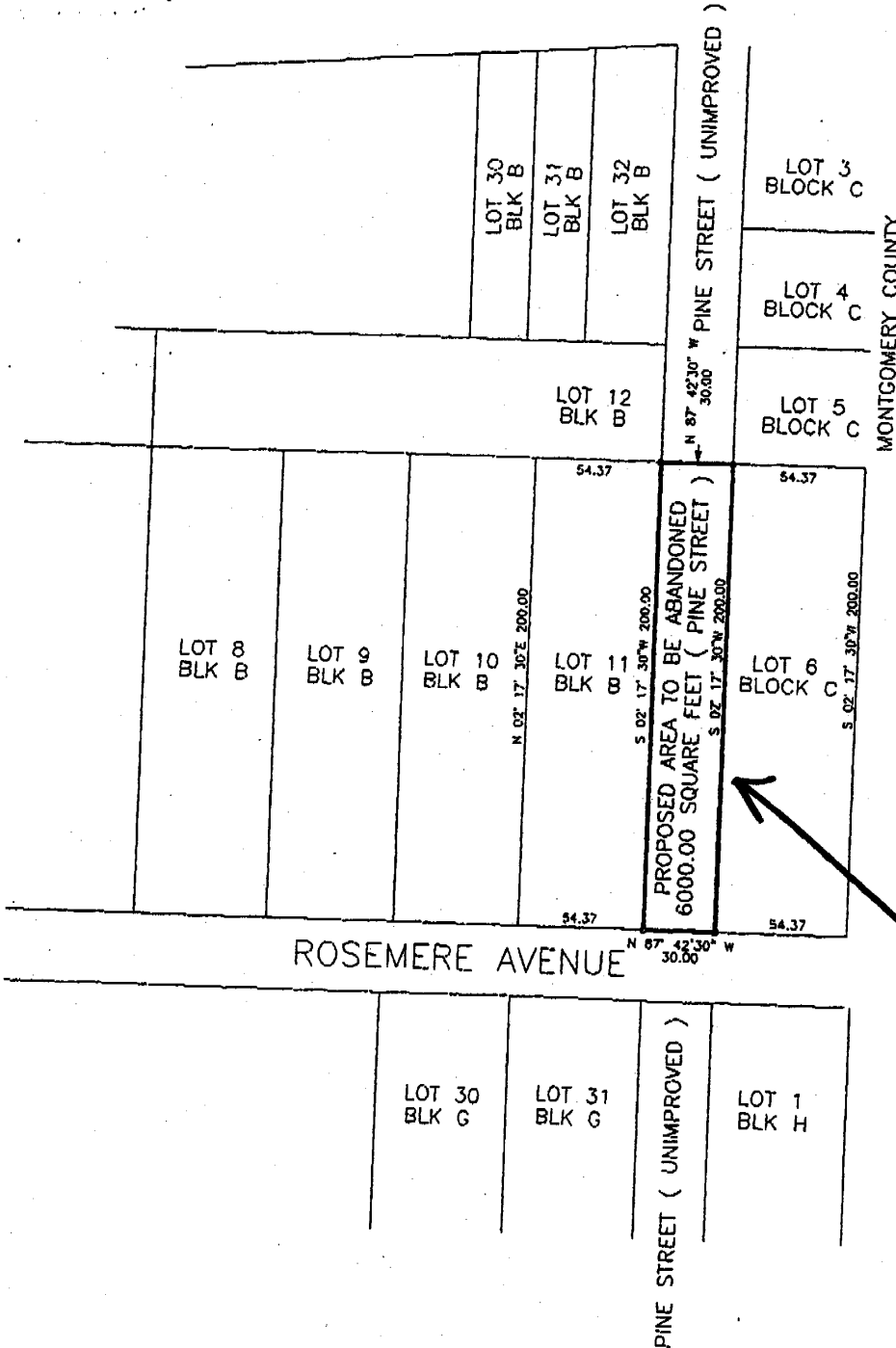
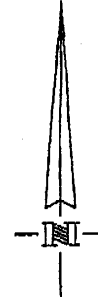
Sincerely,



Rebecca D. Willens

Enclosure

cc: AM Builders
Fowler & Associates, Inc.
Stephen J. Orens, Esquire
Michael Cassedy, DPWT



FOWLER ASSOCIATES, INC.
Civil Engineers • Land Surveyors • Planners

255 North Washington Street
Suite 300, Rockville, Md. 20850
Phone: (301) 762-2377

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SKETCH SHOWING
THE PROPOSED ABANDONMENT
OF A PORTION OF PINE STREET
BETWEEN LOT 11 BLK B & LOT 6 BLK C
HOLLYWOOD PARK
AS RECORDED IN PLAT BOOK 3 AS PLAT NUMBER 274
COLESVILLE ELECTION DISTRICT NO. 5 MONTGOMERY COUNTY, MARYLAND

DATE: 04/2006

SCALE: 1"=60'

DRAWN BY: BM

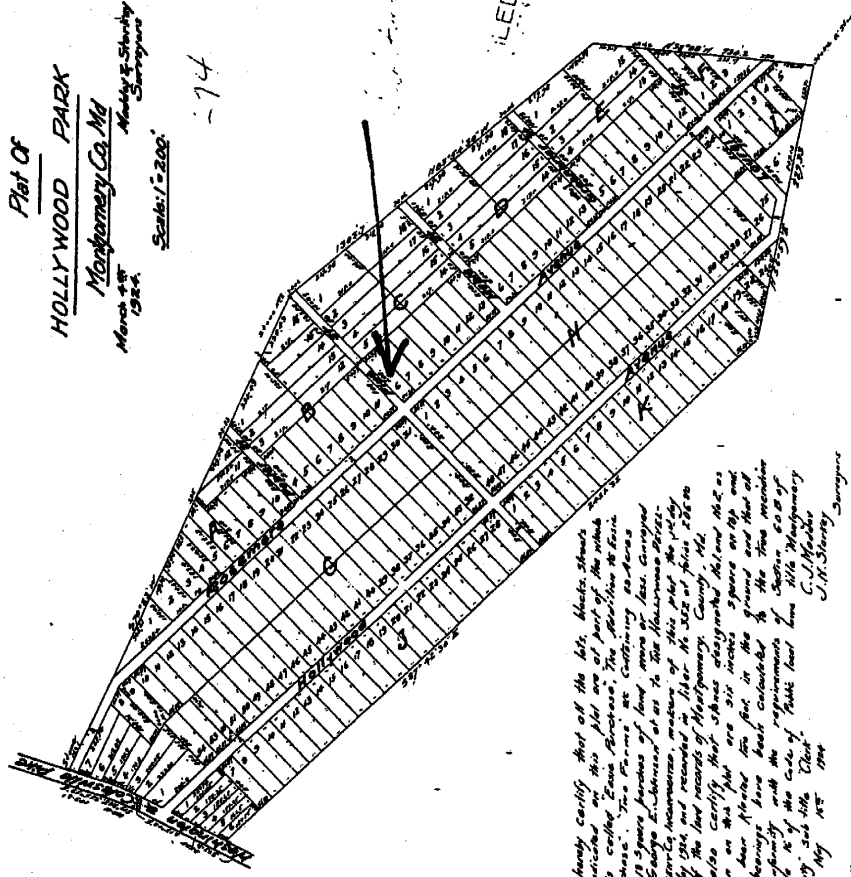
JOB NO.: 03-040-2

SHEET: 1 OF 1

Plot Of
HOLLYWOOD PARK
 Montgomery Co. Md
 March 28th 1924
 Made by Stanley
 Sargeant
 Scale: 1" = 200'

74

FILED



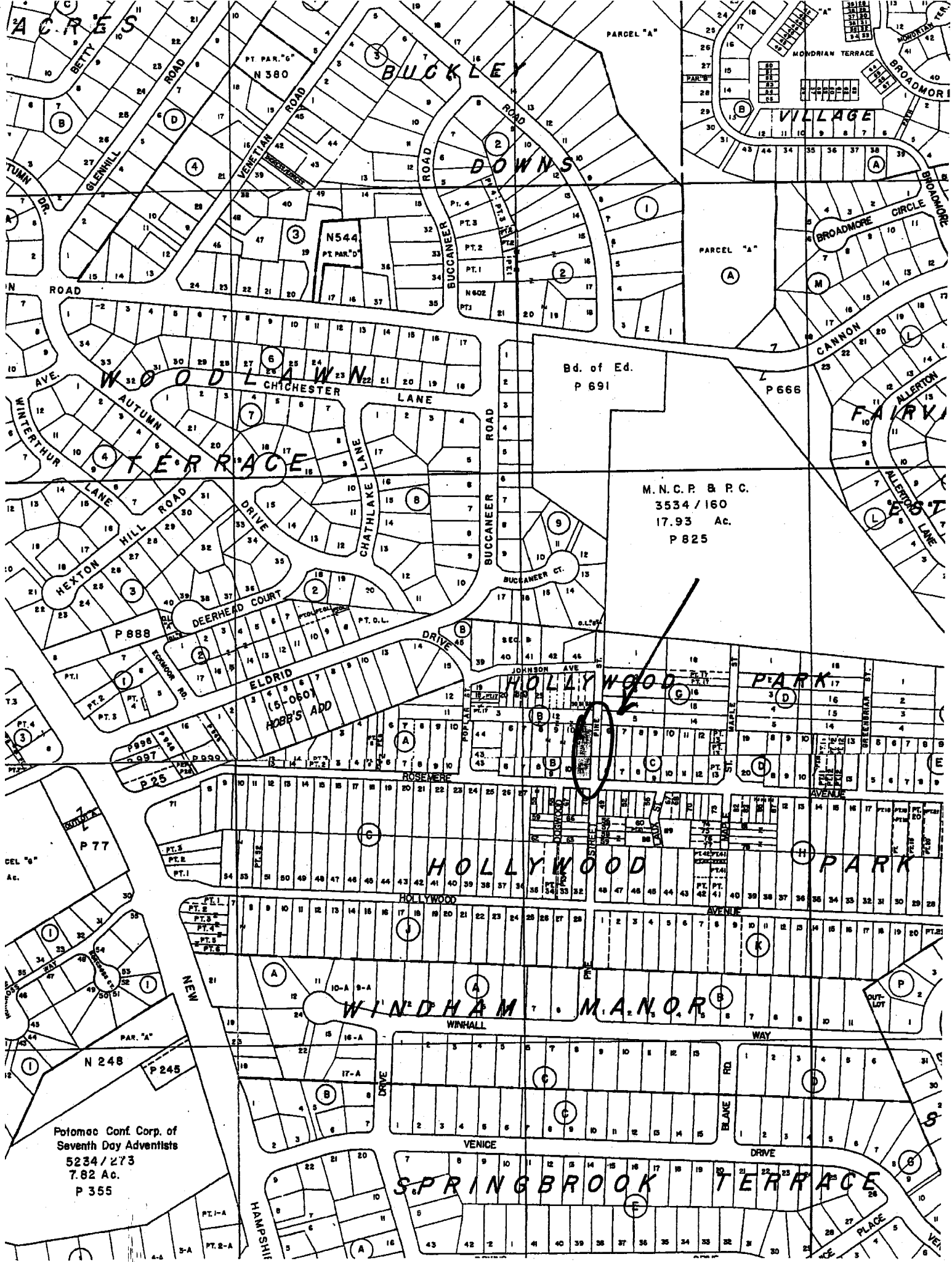
We hereby certify that all the lots, blocks shown
 as indicated on this plat are of part of the whole
 lands called "Hollywood Park," The "Hollywood Park"
 Business, "The Terrace" and "Cottages" as shown
 and 13 acres bounded of land owned or last conveyed
 by George A. Johnson, et al to the Montgomery Street
 Carriage Company, trustees, of this plat the plat
 of the lot and records, Liber No. 322 of June 1880
 Vol. 10 of the records of Montgomery County, Md.
 shown on this plat are first shown 3 years ago and
 have been placed on this plat in full compliance
 with the provisions of the act of the General Assembly
 in conformity with the requirements of Section 24 of
 article 26 of the Code of Public Law 1916 Montgomery
 County, and title "Plat".
 J. H. Searcy
 Notary

We the undersigned mayor of this plat enter the same
 for record and have caused to be filed in the Avenue
 Office
 Stanley Sargeant
 Recorder

100 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

Maryland state archives

100 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100



PARCEL "A"

VILLAGE

BUCKLEY

BUCKLEY
DOWNS

BROADMOR

BROADMOR

PARCEL "A"

Bd. of Ed.
P 691

P 666

M.N.C.P. & P.C.
3534 / 160
17.93 Ac.
P 825

WOODLAWN
CHICHESTER LANE

WATER TERRACE

BUCCANEER CT.

HOLLYWOOD

PARK

HOLLYWOOD

PARK

WINDHAM MANOR

WINHALL

WAY

VENICE

DRIVE

SPRINGBROOK TERRACE

Potomac Conf. Corp. of
Seventh Day Adventists
5234 / 273
7.82 Ac.
P 355

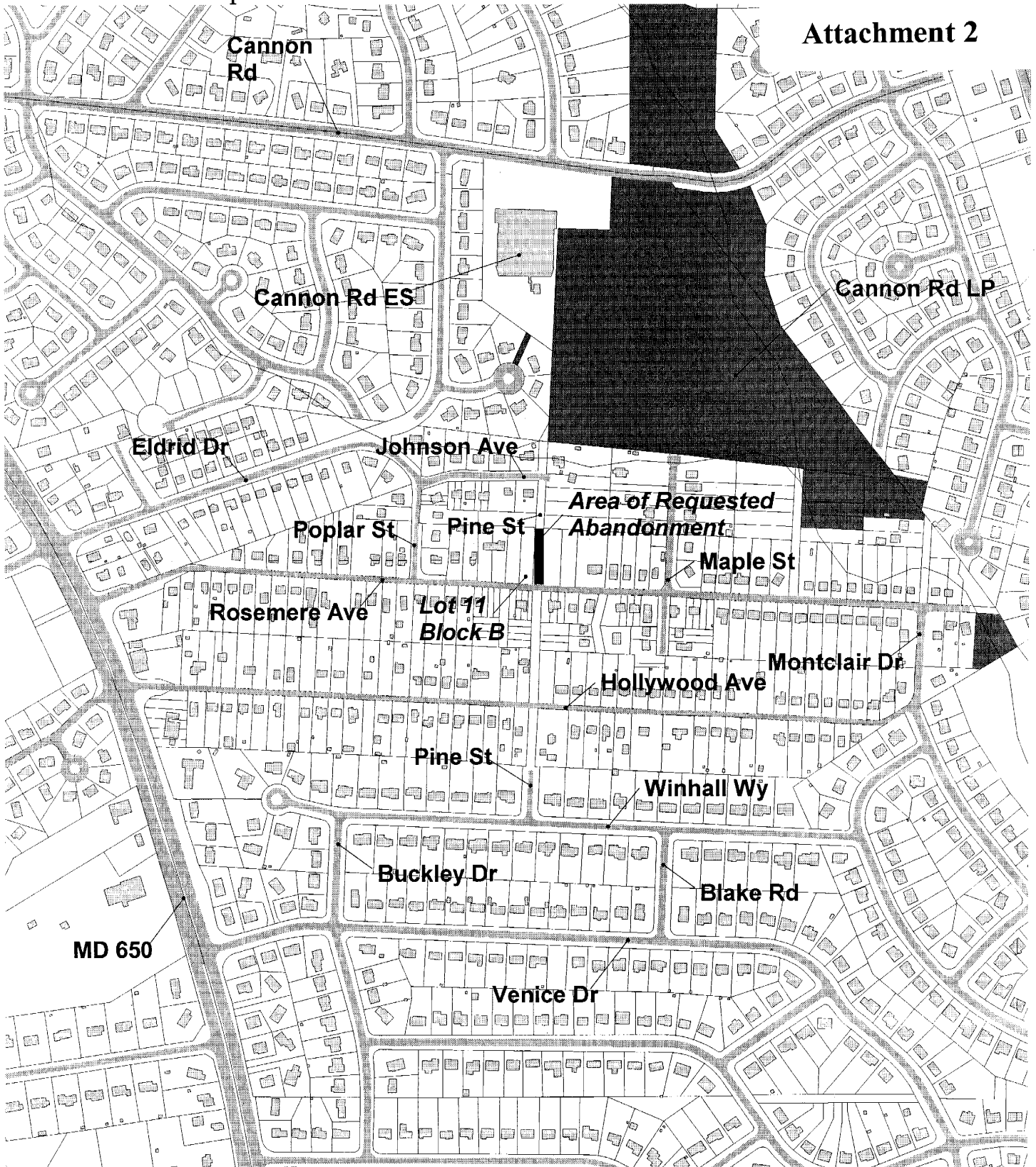
HAMPSHIRE

PLACE

VE

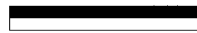
AB-703 Location Map

Attachment 2



Map Compiled On 01-10-2008 at 03:06 PM
Map Scale: 1 inch = 500 feet or 1:5000

0 500 Feet



The Maryland-National Capital Park and Planning Commission
Montgomery County Department of Park and Planning
Transportation Planning Unit
8787 Georgia Avenue | Silver Spring, Maryland 20910
301.495.4525 voice | 301.495.1302 fax | <http://www.mc-mncppc.org>

- Master Plan of Highways Centerline 2
- Street Pavement
- Buildings
- Property
- All Parks
- Montgomery County

NOTICE
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