January 15, 2008

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Daniel K. Hardy, Acting Chief Transportation Planning

FROM: David Paine, Planner/Coordinator (301) 495-2191 Transportation Planning

SUBJECT: Abandonment Request No. AB-707 Abandonment of a Portion of Unimproved Prospect Avenue Forest Glen Park subdivision, Silver Spring Silver Spring/Takoma Park Policy Area

RECOMMENDATION

Staff recommends that the Planning Board transmit a recommendation of denial on the request for abandonment to the Montgomery County Department of Public Works and Transportation (DPWT).

DISCUSSION

This memorandum presents Transportation Planning staff’s review of the subject request to seek abandonment of a portion of unimproved Prospect Avenue in the Forest Glen Park subdivision, Silver Spring. The purpose of this review is to present Planning Board with recommendations on the subject request by the Applicant and to request Planning Board approval to transmit these recommendations to DPWT for a Public Hearing to be held by the County Executive’s office on Monday, January 28, 2008.

A street network map for the area is presented as Attachment 1. The referral from the County Executive’s office for abandonment request AB-707 is included as Attachment 2.

The subject section of right-of-way is located within the North and West Silver Spring Master Plan area and the Silver Spring/Takoma Park Policy Area. The subject portion of the Prospect Avenue right-of-way is configured in an “S” curve, generally parallel to Woodstock Avenue to the
east and, parallel to Covington Road to the north. Covington Road is a paved road that extends west from Woodstock Road. The Prospect Avenue right-of-way is approximately 20 feet wide and stands unimproved, though it is level and relatively unobstructed by brush. There is visible evidence of a sewer pipe in the subject segment.

Four single family detached homes (Lots 2, 5, 10, and 11) belonging to the applicants front on the east side of this segment of right-of-way. To the west of the right-of-way is Rock Creek Stream Valley Park. The homes currently have vehicle access via two private driveways off of Woodstock Avenue. M-NCPPC owns Lot 9, an undeveloped lot adjacent to the portion of right-of-way proposed for abandonment.

A section of right-of-way south of the area in question (i.e. the southern-most segment of Prospect Avenue) may have been abandoned previously (AB348). However, no materials have been provided to support this position and according to land records (Book A, plat 13), no resubdivision to incorporate the abandonment has taken place. Even if this southern-most segment has been abandoned, abandonment of the segment in question would leave a segment of right-of-way orphaned, or land locked. This is not an advisable condition.

FINDINGS

We do not support the request by the applicants to abandon this segment of unimproved Prospect Avenue for two reasons. First, the abandonment would leave three lots without frontage on a public right-of-way. Just as Development Review staff would not recommend approval of a subdivision that created three lots without frontage, we also do not recommend that a road abandonment be approved that creates the same situation. The remaining lots, without frontage, would not conform to the current subdivision regulations. Second, the proposed abandonment would create an “orphaned” segment of road right-of-way. This is not a desirable situation from a maintenance and liability perspective. Furthermore, the orphaned roadway segment would mean that while Lot 8 would technically have frontage on a public right-of-way, it would not provide any public access.

We therefore recommend that the Planning Board transmit a recommendation of denial on the subject request to abandon the portion of unimproved Prospect Avenue.

DP:
Attachment

cc: Mike Cassedy
Glenn Kreger
Cathy Conlon
Larry Cole
AB707

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 3:15 p.m. on Monday January 28, 2008
   101 Monroe Street, EOB Lobby Conference Room
   Rockville, Maryland 20850

   to consider an application received from Mr. and Mrs. John M. Crye, Mr. Peter Collins, Ms. Kathy L. Kopinsky, Ms. Janet S. Kaplan, Mr. Robert J. Pellicoro, Mr. Adam Safir and Ms. Theresa Nielsen, the applicants, seeking abandonment of a portion of unimproved Prospect Avenue, Forest Glen 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

Attachment 2
July 2, 2007

Mr. Isiah Leggett
County Executive
101 Monroe Street, Second Floor
Rockville, MD 20850

Dear Sir:

The undersigned home owners are requesting that Montgomery County abandon portions of a 20-foot public right-of-way shown on maps as the paper road Prospect Ave. as shown on the attached map. All of the homeowners are contiguous with Prospect Ave. The other side of the right away is unimproved Maryland Capital Park and Planning property.

The portion of the Prospect Ave. right of way contiguous with 2929 Woodstock Ave. has already been abandoned by Montgomery County.

Sincerely,

Michael Crye
John M. and/or Shelia Crye
2909 Woodstock Ave.
Silver Spring, MD 20910

Peter Collins and/or Kathy L. Kopnisky
2921 Woodstock Ave.
Silver Spring, MD 20910

Janet S. Kaplan
2911 Woodstock Ave.
Silver Spring, MD 20910

Robert J. Pellicoro et al
2904 Covington Rd.
Silver Spring, MD 20910

cc: M.Cassedy, DPWT (w/ $2500 check)