



**Abandonment No. AB 743, Glenmoor Drive**

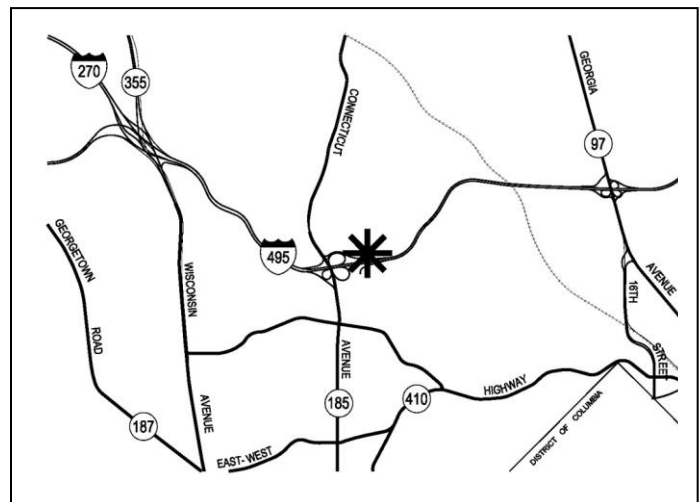
EA  
KA  
KK

Ed Axler, Planner Coordinator, Area 2 Division, [Ed.Axler@montgomeryplanning.org](mailto:Ed.Axler@montgomeryplanning.org), 301-495-4536  
Khalid Afzal, Planner Supervisor, Area 2 Division, [Khalid.Afzal@montgomeryplanning.org](mailto:Khalid.Afzal@montgomeryplanning.org), 301-495-4650  
Glenn Kreger, Chief, Area 2 Division [Glenn.Kreger@montgomeryplanning.org](mailto:Glenn.Kreger@montgomeryplanning.org), 301-495-4653

Completed: 3/13/15

**Description**

- Request to abandon the Glenmoor Drive right-of-way, 60 feet wide by approximately 250 feet long east of Kensington Parkway adjoining the Rolling Hills Subdivision and SHA I-495 right-of-way, per Section 49-62 of the County Code;
- Zoned R-90, (proposed to be the TF-12, Townhouse Floating Zone, in the concurrent Local Map Amendment H-101);
- 1989 *Master Plan for the Communities of Kensington-Wheaton*;
- Applicant – Nova Habitat, Inc.;
- Filing date: 01/30/2015.



**STAFF RECOMMENDATION AND CONDITIONS**

Transmit comments to the Montgomery County Executive recommending approval for the proposed Abandonment AB 743, subject to the following conditions:

- 1) The petitioners must submit preliminary plan and record plat applications to consolidate the right-of-way into the adjacent lot(s) while meeting all requirements of Section 49-63(c)(1) and Chapter 50 and Chapter 59 of the Montgomery County Code.
- 2) Recordation of plat must occur prior to the completion date established by the County Council resolution granting the abandonment.
- 3) The petitioner must provide a utility plan and a public utility easement for the existing utilities proposed to remain within Glenmoor Drive’s right-of-way to be abandoned.

## **PROPOSAL**

The Montgomery County Department of Transportation (MCDOT), in their letter dated January 30, 2015 (Attachment A), has requested M-NCPPC's comments on the proposed Abandonment AB 743 pursuant to Section 49-62, *et seq.* of the Montgomery County Code. The Glenmoor Drive right-of-way proposed for abandonment has an area of 13,789 square feet on the east side of the Kensington Parkway and a 60-foot right-of-way width extending eastward for approximately 250 feet to its terminus. Portions of Lots 1, 2, 3, and 4 of Block A of the Rolling Hills Subdivision are along the northeast side of the right-of-way (Attachments B & C, location maps).

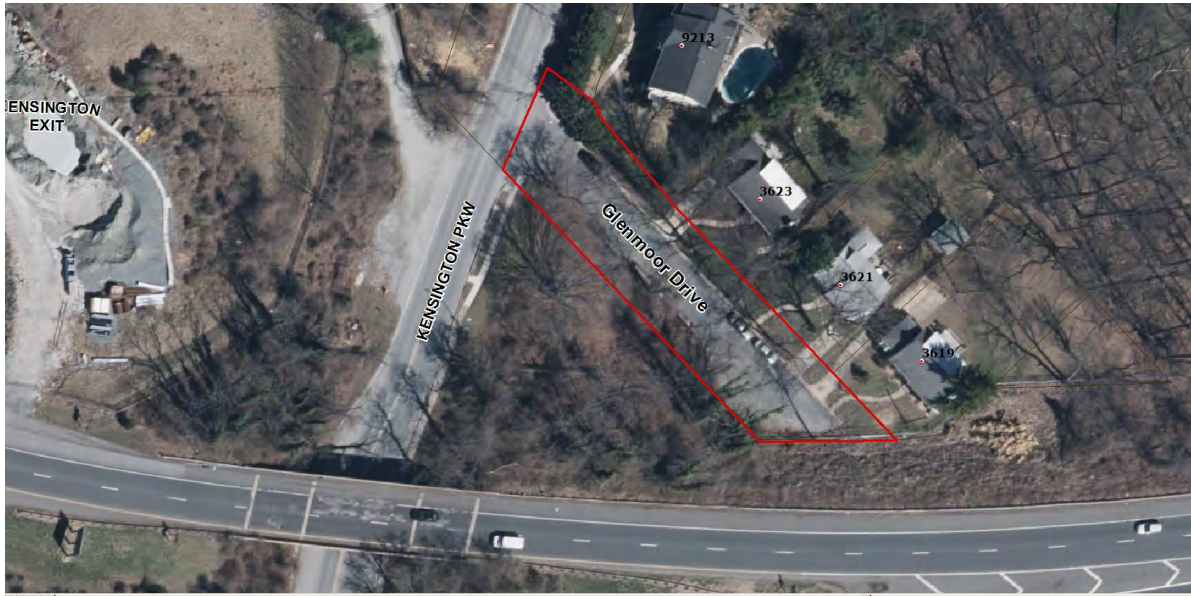
The Maryland State Highway Administration (SHA) owns the property along the south and east sides of Glenmoor Drive, which is part of the right-of-way for the Capital Beltway, I-495. The SHA has indicated in an email, dated September 15, 2014, that they do not oppose the abandonment of the public right-of-way and "would have no interest in [their right to] 50% of the roadbed" (Attachment D). The petitioner, Nova-Habitat, is proposing to incorporate 100% of the abandoned right-of-way of 13,789 square feet into the proposed redevelopment plans for the adjoining lots if the County Council approves the concurrent Local Map Amendment (LMA) No. H-101. Attachment E contains graphics and text that supports the petitioner's rationale for the subject abandonment.

A public hearing will be held on the abandonment request at 7:00 p.m. on Wednesday, April 1, 2015, in the Executive Office Building Lobby Auditorium at 101 Monroe Street, Rockville, Maryland (Attachment F). After receiving comments from M-NCPPC and other agencies, the County Executive will forward a report and recommendation to the County Council for a final decision. The public hearing for Abandonment AB 743 is scheduled on April 1, 2015, before the public hearing for the Local Map Amendment No. H-101 on April 13, 2015.

## **BACKGROUND AND EXISTING CONDITIONS**

The right-of-way was originally dedicated by Plat 3013, recorded on December 2, 1952, as part of a 9-lot subdivision (refer to Attachment B). Currently, Glenmoor Drive is an existing open-section secondary residential street with a 24-foot wide paved roadway and no sidewalks. Three single-family detached houses have access from Glenmoor Drive that will be affected by the proposed abandonment area. They, along with a fourth unit fronting on Kensington Parkway, are proposed to be demolished; their lots will be combined for a requested 16-unit townhouse development per the proposed LMA H-101, Creekside. The Planning Board is concurrently reviewing LMA H-101 at the public hearing.

Aerial photo of the Glenmoor Drive right-of-way north of the Beltway



## REVIEW BASIS

Section 49-63(c)(1) and (2) of the Montgomery County Code authorizes the County Council to abandon a right-of-way, including a public road, upon the following findings:

### Sec. 49-63. Decision of the Council

- (a) *The Council must consider the record of the proceedings and the report and recommendations of the County Executive, including any recommendations of the government agencies and other parties listed in Section 49-62(h), and any other relevant and material information the Council receives from any person.*
- (b) *The Council may at any time remand an application to the Executive or the Executive's designee to reopen the record or consider new information.*
- (c) *A right-of-way may be abandoned or closed if the Council by resolution finds that:*
  - (1) *the right-of-way is no longer necessary for present public use or anticipated public use in the foreseeable future, or*
  - (2) *the abandonment or closing is necessary to protect the health, safety and welfare of the residents near the right-of-way to be abandoned or closed. In assessing health, safety, and welfare issues, the Council may consider:*
    - (A) *any adopted land use plan applicable to the neighborhood;*
    - (B) *safe and efficient pedestrian and vehicular traffic patterns and flows, together with alternatives, in the immediate neighborhood, for local and through traffic; and*
    - (C) *changes in fact and circumstances since the original dedication of the right-of-way.*
- (d) *A right-of-way which is the sole means of access to any property must not be abandoned or closed.*

## **Master Plan for the Communities of Kensington-Wheaton**

The subject right-of-way falls under the land use guidance of the 1989 *Master Plan for the Communities of Kensington-Wheaton* (Kensington-Wheaton Plan). The Kensington-Wheaton Plan gives no specific recommendations for the subject property. Glenmoor Drive is not listed in the Master Plan, but is a secondary residential street with a 60-foot wide right-of-way.

In accordance with the 1989 *Master Plan for the Communities of Kensington-Wheaton* and the 2005 *Countywide Bikeways Functional Master Plan*, the adjacent roadways and bikeway are as designated as follows:

1. Kensington Parkway is recommended as a “park” road between Beach Drive and the Capital Beltway. The “revised Street Dedication Plat” No. 1584 was approved in 1944 to realign and dedicate 100 feet of right-of-way for the site’s Kensington Parkway frontage. The *2007 Agreement to Transfer Ownership and Share Maintenance of Certain M-NCPPC Roads and Bridges between MCDOT and M-NCPPC* indicates that MCDOT assumed the maintenance of Kensington Parkway. The M-NCPPC’s Parks Department is still responsible for curb cuts from park roads.

*The Countywide Bikeways Functional Master Plan* recommends a Signed Shared Roadway, SR-29, along Kensington Parkway between Howard Avenue in the Town of Kensington and Jones Bridge Road in Chevy Chase.

Ride On route 33 operates along Kensington Parkway. Metrobus route L8 operates along nearby Connecticut Avenue to the west of the site.

2. The Capital Beltway, I-495, is designated as an 8-lane divided Freeway, F-8.

## **Impact of the Abandonment**

The right-of-way contains utilities that are serving other subdivisions. A utilities plan needs to be filed as part of the abandonment case, and the existing utilities may be maintained in a PUE or relocated. Final status of utilities will be determined during the LMA with final approval at the subsequent Preliminary Plan and Site Plan reviews.

The proposed abandonment does not impact any historic or Park resources. The environmental impact of the proposed townhouse development that will incorporate the subject right-of-way will be addressed under the LMA H-101.

## **CONCLUSION**

Section 49-63(c)(1) of the County Code permits the County Council to abandon a right-of-way if it finds that it is no longer necessary for present or anticipated public use in the foreseeable future. If the LMA H-101 and subsequent preliminary plan are approved, the existing houses will be redeveloped and no other properties will be denied access to this public right-of-way as a result of the proposed abandonment. Utilities may be maintained in a PUE or may be relocated. If the County Council grants this abandonment, it should be conditioned to have an expiration date that should be long enough for the petitioner to process the LMA H-101, subsequent preliminary plan of subdivision, demolition of the four houses on the H-101 site, and record a new consolidated record plat. Therefore, staff recommends granting the abandonment, with the conditions at the front of this report because the right-of-way is not necessary for any anticipated public use in the foreseeable future.

## **ATTACHMENTS**

- A. MCDOT Request for Comments on Abandonment AB 743
- B. Applicable Record Plat
- C. Location Map
- D. SHA email relinquishing their right to the claim 50% of the ROW
- E. Petition for Abandonment/letter to the County Executive
- F. Notice of Public Hearing

# ATTACHMENT A



DEPARTMENT OF TRANSPORTATION

RECEIVED  
0067  
FEB 05 2015

OFFICE OF THE CHAIRMAN  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

Isiah Leggett  
County Executive

Al R. Roshdiah  
Acting Director

January 30, 2015

Mr. Casey Anderson, Chair  
Maryland-National Capital Park and  
Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910

RE: Request for Comments on Proposed Abandonment  
AB743 – Alley  
Crestview Subdivision, Bethesda

Dear Mr. Anderson:

The purpose of this letter is to request M-NCPPC comments on the proposed abandonment of Glenmoor Drive in the Rolling Hills Subdivision of Kensington. The subject right-of-way runs easterly from Kensington Parkway to its terminus. It is 60 feet wide and consists of 13,789 square feet. The Applicant is Nova Habitat, Inc. and is represented by Miller, Miller & Canby. The Applicant owns or is contract purchaser of property adjoining the right-of-way.

If possible, I would greatly appreciate receiving your comments by April 1, 2015 (the date of the public hearing).

If either you or your staff need additional information or have questions, please call me at 240-777-7254.

Sincerely,

  
Michael S. Cassidy

Enclosures

Division of Transportation Engineering

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878 • 240-777-7220 • 240-777-7277

[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)

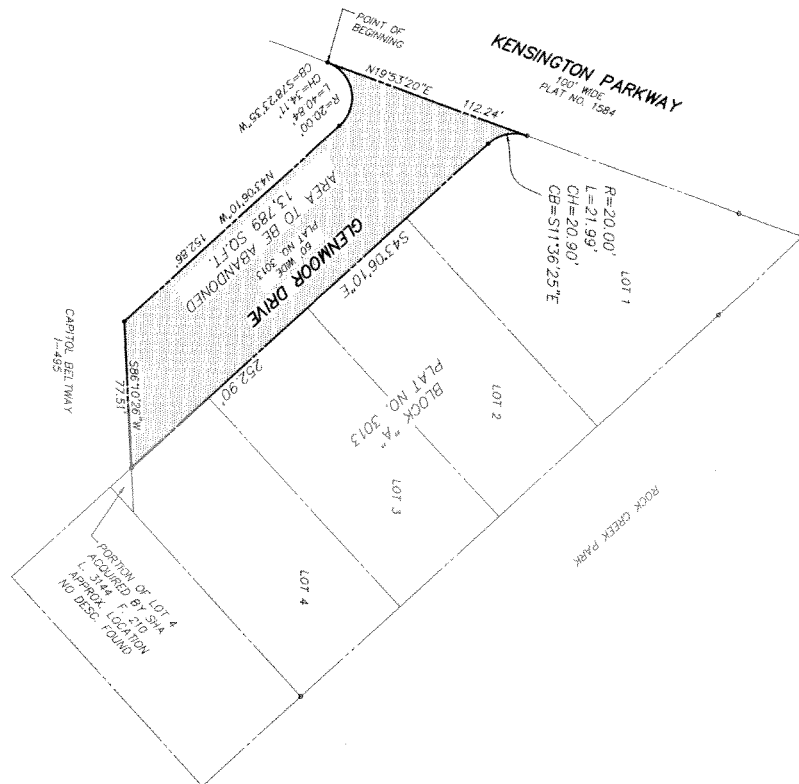
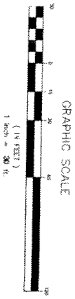
[montgomerycountymd.gov/311](http://montgomerycountymd.gov/311)



301-251-4850 TTY

# ATTACHMENT B

PLAT DATUM (2015)



- NOTES:**
- 1) THE SUBJECT PROPERTY IS LOCATED ON THE METROPOLITAN PARKWAY AND ROCK CREEK PARK AVENUE (LOT 1), ROCK CREEK PARK AVENUE (LOT 2), GLENMOOR DRIVE AND ROCK CREEK PARK AVENUE (LOT 3) AND GLENMOOR DRIVE (LOT 4).
  - 2) THE PLAT DATUM IS BASED ON THE SUBJECT PLAT (NO. 3013).
  - 3) THE SUBJECT PROPERTY IS LOCATED IN ZONE "R" (RESIDENTIAL, ROLLING HILLS) AND ZONE "P" (PARK, ROCK CREEK PARK).
  - 4) THE SUBJECT PROPERTY IS LOCATED IN THE 7TH ELECTION DISTRICT OF MONTGOMERY COUNTY, MARYLAND, PLAT NO. 1584.

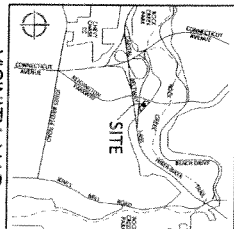
### LEGAL DESCRIPTION

BEING PART OF GLENMOOR DRIVE AS SHOWN ON A PLAT DATED APRIL 22, 2014 AND AS PLAT NO. 3013 AS THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND, AND BEING MORE PARTICULARLY DESCRIBED AS PLAT NO. 3013 AS THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND, THE WHOLE AND PART THEREOF, TO-WIT: (1) THAT PART OF LOT 1, BLOCK A, AS SHOWN ON LOT 1, BLOCK 2, AND BLOCK 3, AND BEING THE SAID DISTRICT OF GLENMOOR DRIVE, (2) THAT PART OF LOT 1, BLOCK A, AS SHOWN ON LOT 2, BLOCK 2, AND BLOCK 3, AND BEING THE SAID DISTRICT OF GLENMOOR DRIVE, (3) THAT PART OF LOT 1, BLOCK A, AS SHOWN ON LOT 3, BLOCK 2, AND BLOCK 3, AND BEING THE SAID DISTRICT OF GLENMOOR DRIVE, (4) THAT PART OF LOT 1, BLOCK A, AS SHOWN ON LOT 4, BLOCK 2, AND BLOCK 3, AND BEING THE SAID DISTRICT OF GLENMOOR DRIVE, (5) THAT PART OF LOT 1, BLOCK A, AS SHOWN ON LOT 1, BLOCK 2, AND BLOCK 3, AND BEING THE SAID DISTRICT OF GLENMOOR DRIVE, (6) THAT PART OF LOT 1, BLOCK A, AS SHOWN ON LOT 2, BLOCK 2, AND BLOCK 3, AND BEING THE SAID DISTRICT OF GLENMOOR DRIVE, (7) THAT PART OF LOT 1, BLOCK A, AS SHOWN ON LOT 3, BLOCK 2, AND BLOCK 3, AND BEING THE SAID DISTRICT OF GLENMOOR DRIVE, (8) THAT PART OF LOT 1, BLOCK A, AS SHOWN ON LOT 4, BLOCK 2, AND BLOCK 3, AND BEING THE SAID DISTRICT OF GLENMOOR DRIVE, (9) THAT PART OF LOT 1, BLOCK A, AS SHOWN ON LOT 1, BLOCK 2, AND BLOCK 3, AND BEING THE SAID DISTRICT OF GLENMOOR DRIVE, (10) THAT PART OF LOT 1, BLOCK A, AS SHOWN ON LOT 2, BLOCK 2, AND BLOCK 3, AND BEING THE SAID DISTRICT OF GLENMOOR DRIVE, (11) THAT PART OF LOT 1, BLOCK A, AS SHOWN ON LOT 3, BLOCK 2, AND BLOCK 3, AND BEING THE SAID DISTRICT OF GLENMOOR DRIVE, (12) THAT PART OF LOT 1, BLOCK A, AS SHOWN ON LOT 4, BLOCK 2, AND BLOCK 3, AND BEING THE SAID DISTRICT OF GLENMOOR DRIVE, (13) THAT PART OF LOT 1, BLOCK A, AS SHOWN ON LOT 1, BLOCK 2, AND BLOCK 3, AND BEING THE SAID DISTRICT OF GLENMOOR DRIVE, (14) THAT PART OF LOT 1, BLOCK A, AS SHOWN ON LOT 2, BLOCK 2, AND BLOCK 3, AND BEING THE SAID DISTRICT OF GLENMOOR DRIVE, (15) THAT PART OF LOT 1, BLOCK A, AS SHOWN ON LOT 3, BLOCK 2, AND BLOCK 3, AND BEING THE SAID DISTRICT OF GLENMOOR DRIVE, (16) THAT PART OF LOT 1, BLOCK A, AS SHOWN ON LOT 4, BLOCK 2, AND BLOCK 3, AND BEING THE SAID DISTRICT OF GLENMOOR DRIVE, (17) THAT PART OF LOT 1, BLOCK A, AS SHOWN ON LOT 1, BLOCK 2, AND BLOCK 3, AND BEING THE SAID DISTRICT OF GLENMOOR DRIVE, (18) THAT PART OF LOT 1, BLOCK A, AS SHOWN ON LOT 2, BLOCK 2, AND BLOCK 3, AND BEING THE SAID DISTRICT OF GLENMOOR DRIVE, (19) THAT PART OF LOT 1, BLOCK A, AS SHOWN ON LOT 3, BLOCK 2, AND BLOCK 3, AND BEING THE SAID DISTRICT OF GLENMOOR DRIVE, (20) THAT PART OF LOT 1, BLOCK A, AS SHOWN ON LOT 4, BLOCK 2, AND BLOCK 3, AND BEING THE SAID DISTRICT OF GLENMOOR DRIVE.

### SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE INFORMATION SHOWN ON THIS PLAT IS COMPLETE AND ACCURATE IN ACCORDANCE WITH EXISTING STATUTES, PRACTICES, AND PRECEDENT RECORDS.

DECEMBER 1, 2014  
DATE  
  
JAMES W. SMITH  
SURVEYOR  
MONTGOMERY COUNTY, MARYLAND  
PLAT NO. 3013



### SPECIAL PURPOSE PLAT

LOTS 1 THRU 3 AND PART OF LOT 4,  
BLOCK A AND GLENMOOR DRIVE  
ROLLING HILLS  
PLAT NO. 3013

**VIA**  
ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS ■ GPS SERVICES  
VIA INCORPORATED  
20251 CENTURY BOLLINGWOOD SUITE 300 ■ GAITHERSBURG, MARYLAND 20874  
(301) 916-4100 ■ FAX (301) 916-2282  
GOWANTOWN, MD ■ WELLES, VA ■ LEESBURG, VA

NO.	DATE	DESCRIPTION
1	12/01/2014	PRELIMINARY
2	12/01/2014	FINAL
3	12/01/2014	FINAL

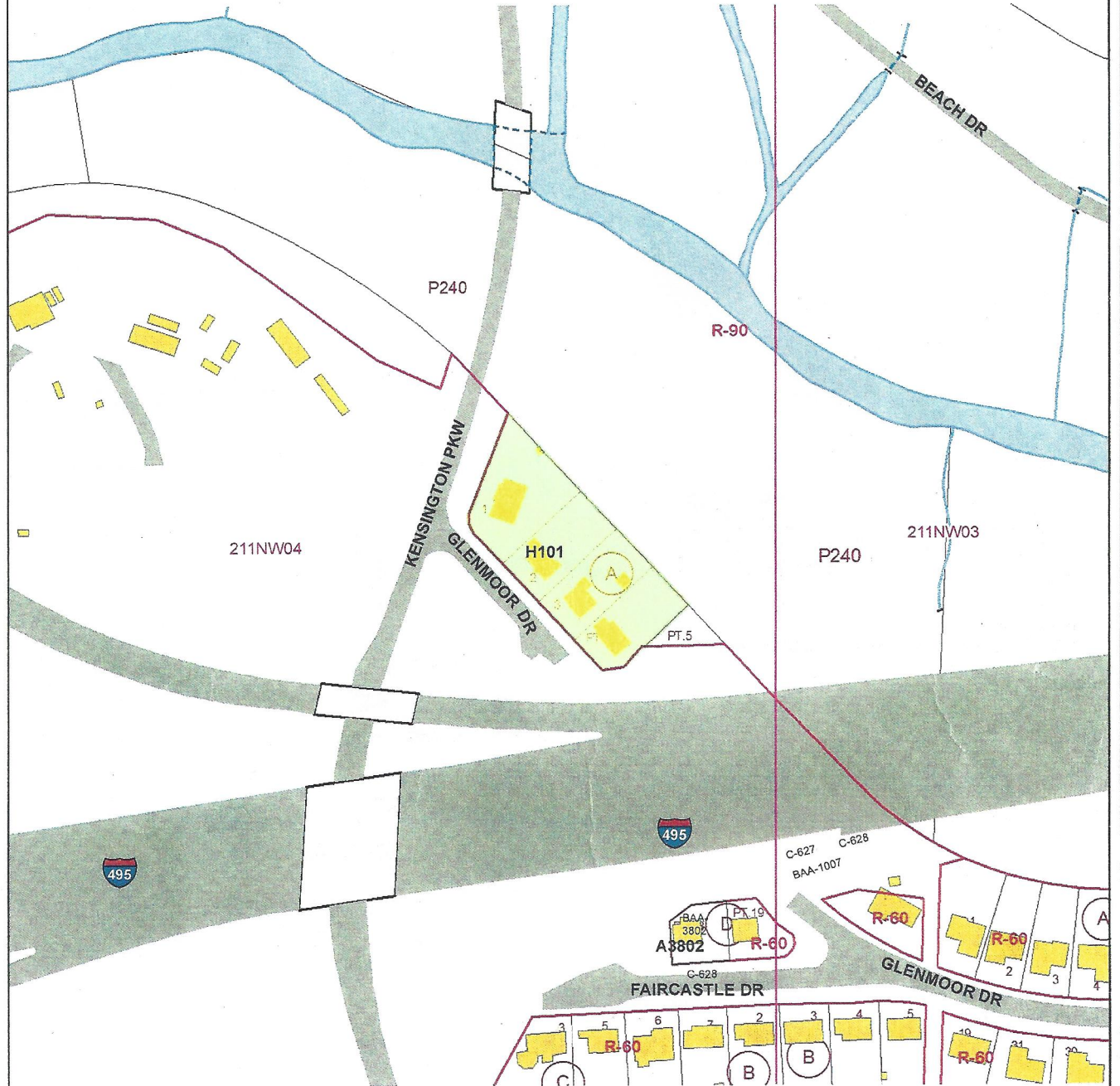
VIA REVISIONS

DATE: 12/01/2014  
SCALE: 1"=300'  
PROJECT/FILE NO: 41850  
SHEET NO: 1



# ATTACHMENT C

General Location Map



## LEGEND

-  Subject Site
-  Parcel
-  Building
-  Paved Area
-  Lake and Pond
-  Stream and River

**NOTICE:**

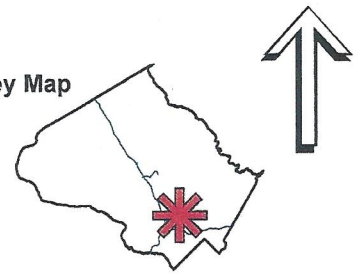
The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NPPC.

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.

1 inch = 200 feet  
Address: Lots 1,2,3 & 4 Glenmoor Drive, Kensington MD 20895

Key Map  
NTS





## ATTACHMENT D

**Damon Orobona**

---

**From:** Ed Novak [<mailto:enovak@nova-habitat.com>]  
**Sent:** Monday, September 15, 2014 8:56 AM  
**To:** Damon Orobona; Joshua C. Sloan  
**Cc:** Philip Barber  
**Subject:** Fwd: Glenmoor Drive Abandonment

Damon & Josh,

Please see e-mail below from Dwayne Kershner of SHA to Mike Cassedy of MCDOT. I confirmed with Mike that an e-mail would be sufficient to allow the County to proceed with the abandonment process.

Best,

Ed

---

**Edward P. Novak, Jr.**

***Nova-Habitat, Inc.***

*7220 Chestnut Street  
Chevy Chase, MD 20815  
(301) 656-5901  
(202) 271-5721 (mobile)*

Begin forwarded message:

**From:** Dwayne Kershner <[DKershner@sha.state.md.us](mailto:DKershner@sha.state.md.us)>  
**Subject:** **Glenmoor Drive Abandonment**  
**Date:** September 15, 2014 8:43:11 AM EDT  
**To:** "'Cassedy, Michael'" <[Michael.Cassedy@montgomerycountymd.gov](mailto:Michael.Cassedy@montgomerycountymd.gov)>  
**Cc:** 'Ed Novak' <[enovak@nova-habitat.com](mailto:enovak@nova-habitat.com)>

Mr. Cassedy,

As a follow-up to your letter of August 15, 2014, I will clarify the position of the State Highway Administration (SHA) regarding Glenmoor Drive.

I can confirm that SHA does not oppose the abandonment of Glenmoor Drive.

I can additionally confirm that based upon an internal review ,if Montgomery County was to formally abandon Glenmoor Drive SHA would have no interest in 50% of the roadbed.

Please contact me if there are additional questions either by e-mail or at 410-545-2807

Dwayne Kershner, Supervisor/Section Chief

SHA-Office of Real Estate

Property Asset Management Division



Maryland now features 511 traveler information!  
Call 511 or visit: [www.md511.org](http://www.md511.org)



Please consider the environment before printing this email

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August 15, 2014

Mr. Dwayne Kershner  
State Highway Administration  
Office of Real Estate  
707 North Calvert Street  
Baltimore, MD 21202

RE: Abandonment of Glenmoor Drive  
Block "A" in Rolling Hills Subdivision  
Chevy Chase, MD

Dear Dwayne:

Mr. Edward P. Novak has recently contacted me concerning his applying for an abandonment of Glenmoor Drive, Block A, Rolling Hills Subdivision, in Chevy Chase (Plat No. 3013)

. He is in the process of acquiring four houses on this street. However, on the south side of Glenmoor Drive SHA owns land it purchased for construction of the Capital Beltway, MD Route 495. It is my understanding that SHA does not object to an abandonment of the road.

I manage the abandonment process for Montgomery County and have done so for 18 years. I told Mr. Novak that ordinarily the County will not consider only abandoning 50% of a ROW, reasoning that if it is not needed for public use all of it should be abandoned. I think you can appreciate that our highway maintenance staff would have a problem maintaining half a road.

I am requesting a determination by SHA that it has no objection to the proposed abandonment. I cannot process Mr. Novak's request for an abandonment without knowing SHA's position. An abandonment in Montgomery County occurs by way of a County Council Resolution of Abandonment. This is preceded by a public hearing wherein evidence is presented supporting the contention that there is neither present nor anticipated future public use of the right-of-way. Assuming that Mr. Novak successfully acquires all the properties and absence any objection by SHA, there obviously would be no reason for the right-of-way to remain in public use and could be abandoned.

For reference I have attached Tax Map HP41, a drawing of Glenmoor Drive showing existing lots, and an aerial photo highlighting the subject area.

Dwayne Kershner  
August 15, 2014  
Page 2

If you or some one else at SHA could send me a letter indicating its position, I would greatly appreciate the assistance.

Sincerely yours,

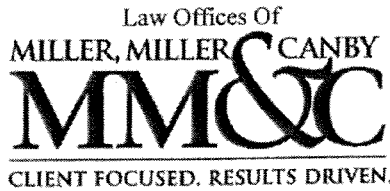
Mike Cassidy

Department of Transportation  
Division of Transportation Engineering  
100 Edison Park Drive, 4<sup>th</sup> Floor  
Gaithersburg, MD 20878

Phone: 240-777-7254

E-mail: [michael.cassedy@montgomerycountymd.gov](mailto:michael.cassedy@montgomerycountymd.gov)

# ATTACHMENT E



200-B MONROE STREET, ROCKVILLE, MARYLAND 20850 P: 301.762.5212 F: 301.424.9673 WWW.MILLERMILLERCANBY.COM

All attorneys admitted in Maryland and where indicated.

PATRICK C. MCKEEVER (DC)  
JAMES L. THOMPSON (DC)  
LEWIS R. SCHUMANN  
JODY S. KLINE  
ELLEN S. WALKER  
JOSEPH P. SUNTUM

EDWARD S. WEST (DC, PA)  
SUSAN W. CARTER  
ROBERT E. GOUGH  
DONNA E. MCBRIDE (DC)  
GLENN M. ANDERSON (FL)

HELEN M. WHELAN (DC, WV)  
MICHAEL G. CAMPBELL (DC, VA)  
SOO LEE-CHO (CA)  
BOBBY BAGHERI (DC)  
DAMON B. OROBONA (DC)  
DIANE E. FEUERHERD

DAMON@MMCANBY.COM

December 12, 2014

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

RE: Petition for Street Abandonment,  
Glenmoor Drive at Intersection with Kensington Parkway

Dear Mr. Leggett:

On behalf of Nova Habitat, Inc., we hereby request the abandonment of the entire width of Glenmoor Drive running along the southeastern portion of Lots 1, 2, 3, and 4 of Block A of the Rolling Hills Subdivision in accordance with the provisions of Sections 49-62 et seq. of the Montgomery County Code.

Glenmoor Drive was originally platted in 1951. At the time of platting, Glenmoor Drive stretched much further south and confronted approximately 36 single-family homes that comprised the Rolling Hills Subdivision. However, the small area of Glenmoor Drive that is now being petitioned for abandonment was excised from the greater Rolling Hills community when the Capital Beltway was constructed in the 1960s as part of a federal transportation initiative. Now, approximately 50 years later, this small segment of Glenmoor Drive is significantly aging and is being maintained by the County to solely serve just four single-family homes that are far removed, both literally and figuratively, from the Rolling Hills community and any other nearby community.

This petition for abandonment is being simultaneously submitted with a request for a local map amendment (rezoning) to the County Council in order to allow the creation of Creekside, which will be a new community comprised of 16 well-designed townhomes that will balance the serene natural settings and recreational amenities of Rock Creek Park with the site's close proximity to major downcounty employment centers and transit infrastructure. The proposed community of Creekside will create a sense of place that will be a significant

improvement from the vestigial remnant of the Rolling Hills Subdivision. The owners of Lots 1 through 4, Rolling Hills Subdivision, that presently front on that part of improved Glenmoor Drive that is sought to be abandoned, have banded together and have agreed to sell their properties to the applicant and consent to the granting of this abandonment petition.

The abandonment of Glenmoor Drive at its intersection with Kensington Parkway and running along the southeastern portions of Lots 1, 2, 3, and 4 meets the requirements for abandonment as provided in Montgomery County Code Section 49-63(c):

**Section 49-63(c)** *A right-of-way may be abandoned or closed if the Council by resolution finds that:*

- (1) The right-of-way is no longer necessary for present public use or anticipated public use in the foreseeable future, or*
- (2) The abandonment or closing is necessary to protect the health, safety and welfare of the residents near the right-of-way to be abandoned or closed. In assessing health, safety, and welfare issues, the Council may consider:*
  - (A) Any adopted land use plan applicable to the neighborhood;*
  - (B) Safe and efficient pedestrian and vehicular traffic patterns and flows, together with alternatives, in the immediate neighborhood, for local and through traffic; and*
  - (C) Changes in fact and circumstances since the original dedication of the right-of-way.*

The abandonment is necessary to create a new townhouse community on the site, which will substantially improve upon current urban conditions in this area and will increase the use and vitality of Rock Creek Park. The portion of Glenmoor Drive to be abandoned will not be necessary for present or anticipated public use if the local map amendment application is approved because the private streets associated with Creekside will serve as a means of ingress and egress for future residents and guests of the proposed community. The private streets of Creekside will provide a safe and efficient traffic pattern, which will work together with the proposed pedestrian and bike network of the area to provide pedestrians safe and efficient access to Rock Creek Park and Kensington Parkway.

The construction of the Capital Beltway, which severed this small area of Glenmoor Drive from the greater Rolling Hills neighborhood, is a change in circumstance that has frustrated the initial planning of Glenmoor Drive in this location. The 1989 Kensington-Wheaton Master Plan provides no land use or transportation recommendations for the subject property.

A Special Purpose Plat showing the area of Glenmoor Drive to be abandoned is enclosed, as well as a Floating Zone Plan for the proposed Creekside community. If you have any questions or require any additional information regarding this application, please do not hesitate to contact me.



Sincerely yours,

MILLER, MILLER & CANBY

A handwritten signature in black ink that reads "Damon Orobona". The signature is written in a cursive style with a large initial "D" and "O".

Damon B. Orobona

Enclosures

cc: Mike Cassedy, MCDOT (with filing fee enclosed)  
Jody Kline, Esquire

# **ATTACHMENT F**

## **NOTICE OF PUBLIC HEARING**

**AND**

## **REQUEST FOR COMMENTS**

**AB744 GLENMOOR DRIVE**

**ROLLING HILLS SUBDIVISION, KENSINGTON**

This abandonment case was requested by Miller, Miller & Canby on behalf of its client, Nova Habitat, Inc., the applicant. The applicant owns or is contract purchaser of property adjoining the subject right-of-way. The subject area begins at Kensington Parkway and runs easterly to its terminus. It is 60 feet wide and consists of 13,789 square feet. Please see the attached Tax Map HP41 and ADC Road Map 5285 for reference.

A public hearing will be held at 7:00 p.m. on Wednesday April 1, 2015, in the Executive Office Building (101 Monroe Street, Rockville) Lobby Conference Room.

Comments can be made by letter, fax or e-mail to

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