



MCPB
Item No. /
11-21-02

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

November 15, 2002

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Daniel K. Hardy, Supervisor *DKH*
Transportation Planning

FROM: Janet E. Gregor, Planner/Coordinator *JEG*
Transportation Planning

SUBJECT: DPWT Docket No. AB-655
Abandonment of a Portion of Ramsey Avenue between Colesville Road
And Wayne Avenue
Silver Spring, Maryland

RECOMMENDATION

Staff recommends the following condition related to approval of the subject abandonment:

That the proposed abandonment become effective simultaneously with the creation of a parcel (through the recording of a plat of subdivision) to combine the portion of Ramsey Avenue to be abandoned with the Discovery Communication World Headquarters parcel, Lot 5, as shown on the approved Site Plan 8-00032.

DISCUSSION

This abandonment, shown in Exhibit 1, is for a portion of Ramsey Avenue that has been closed as a public street and incorporated into the ingress and egress ramp to the Discovery Communications World Headquarters Building underground parking garage and surface loading dock area in accordance with approved Site Plan #8-00032. The Montgomery County Planning Board approved this site plan, subject to conditions, on June 1, 2000. A copy of the Montgomery County Planning Board Opinion, Attachment "A", is provided for informational purposes.

The portion of Ramsey Avenue proposed for abandonment does not currently serve a public access function. As required by Site Plan # 8-00032, Discovery Communications has reconfigured the bus lanes adjacent to Ramsey Avenue (the "WMATA Tip") and the former Ramsey Avenue has been closed to through traffic between Wayne Avenue and Colesville Road.

In August 2001, the owner of Lot 5, The Silver Triangle Realty Trust 1999-1, and the holder, Discovery Realty, LLC, shown on Site Plan #8-00032 recorded a Declaration of Covenants to indemnify and hold harmless Montgomery County for any legal action in connection with the improvements made within the "Maintenance Area" (that area proposed for abandonment) shown on Exhibit 1. This declaration provided that the owner of Lot 5 maintain responsibility for this area, until either removal of the improvements, as shown on Exhibit 1, or the approval of a County Council Resolution abandoning the Maintenance Area, located in a portion of the Ramsey Avenue right-of-way. The Declaration of Covenants anticipated this abandonment. Discovery Communications seeks this abandonment to obtain ownership of the portion of the Ramsey Avenue right-of-way that serves as a private access into their garage and loading area, and to consolidate this area into Lot 5 through the recordation of a plat of subdivision. The abandonment of this portion of former Ramsey Avenue is a logical next step in the development process as it provides an opportunity to put land records in proper order by consolidating lots consistent with approved Development and Site Plans.

This portion of Ramsey Avenue is not the sole means of access to any property. Staff, therefore, finds the proposed abandonment consistent with Section 49-63 (f) of the County Code, which states "A right-of-way which is the sole means of access to any property must not be abandoned or closed."

Executive order 195-02 describing the abandonment is included as Attachment "B".

JG:cmd

Attachments

Abandonment AB-655 Ramsey Ave.DOC

Exhibit 1

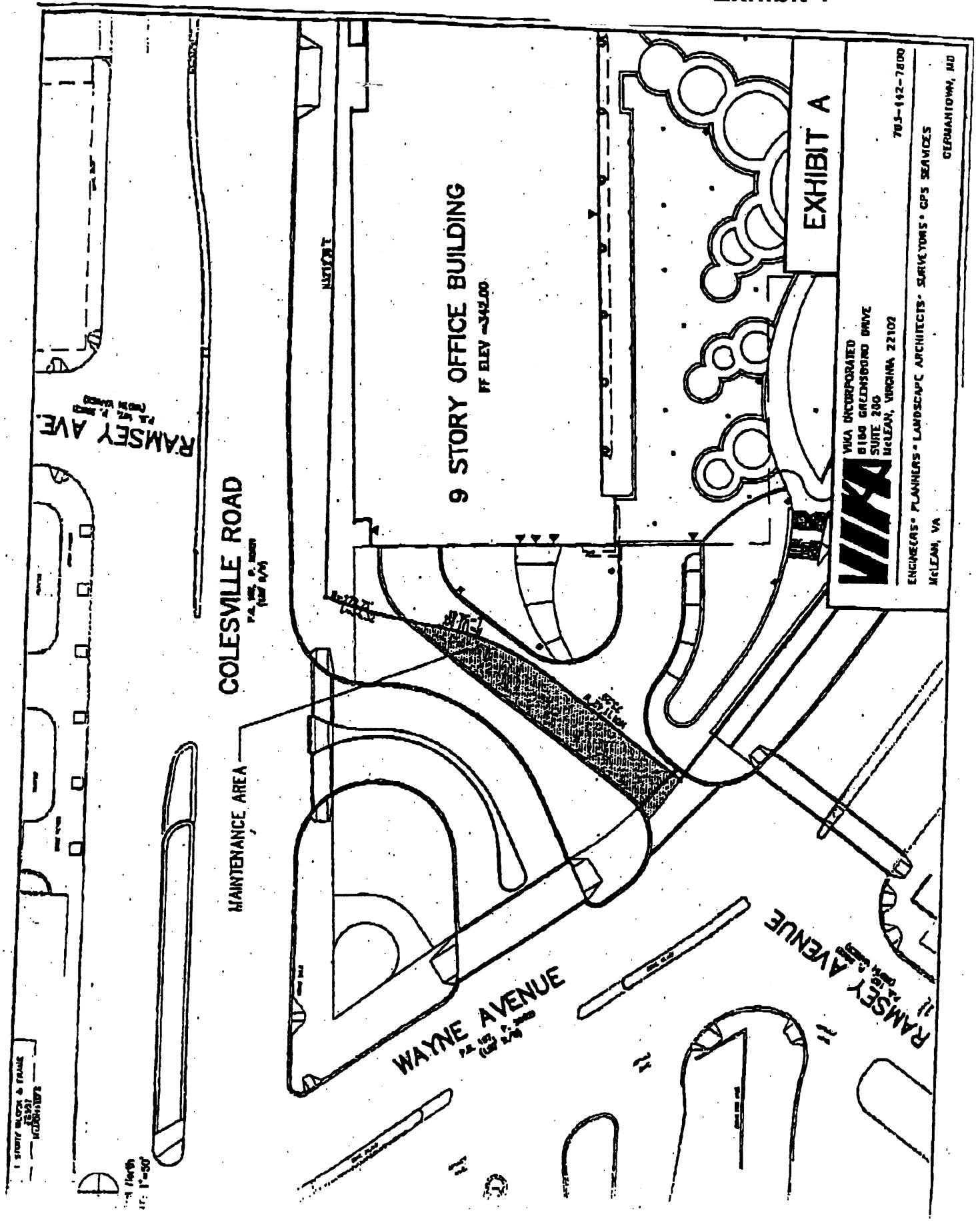


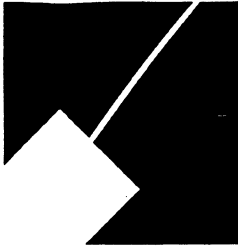
EXHIBIT A

VIVA
 ENGINEERS • PLANNERS • LANDSCAPE ARCHITECTS • SURVEYORS • GPS SERVICES
 MCLEAN, VA

VIVA INCORPORATED
 8180 GREENSBORO DRIVE
 SUITE 200
 MCLEAN, VIRGINIA 22102
 703-442-7800

GERMANTOWN, MD

M-NCPCC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MONTGOMERY COUNTY PLANNING BOARD

OPINION

DATE MAILED: August 31, 2000

SITE PLAN REVIEW: #8-00032

PROJECT: Discovery Communications World Headquarters

Action: Approval subject to conditions. Motion was made by Commissioner Perdue , seconded by Commissioner Wellington, with a vote of 4-0. Commissioner Bryant were absent.

The date of this written opinion is August 31, 2000, (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before September 30, 2000, (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, this site plan shall remain valid until the expiration of the project's APFO approval, as provided in Section 59-D-3.8.

On June 1, 2000, Site Plan Review #8-00032 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report which is made a part hereof, the Montgomery County Planning Board finds:

1. *The Site Plan is consistent with the approved development plan or a project plan for the optional method of development, if required;*
2. *The Site Plan meets all of the requirements of the CBD-2 zone;*
3. *The locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient;*

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development;*
5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

The Montgomery County Planning Board APPROVES Site Plan Review #8-00032 which consists of 478,898 gsf of commercial use subject to the following conditions:

1. Standard Conditions dated October 10, 1995, Appendix A, except as modified by Condition #3 below
2. Applicant to prepare plan revisions to Wayne Avenue to include a median in the block from Georgia to Dixon, and return the redesign to the Planning Board for review and approval. This revision shall not delay approval of the signature set, but shall constitute a staff-approved update of the signature set after Board approval.
3. Applicant is allowed to conduct all site preparation work except excavation for structure prior to MNCPPC approval of signature set, except that staff-approved street tree protection measures must be in place prior to commencement of this site preparation.
4. Applicant shall provide full site plan signature set drawings for the WMATA tip Gateway Plaza, including the streetscape in the Colesville and Wayne rights-of-way. Applicant shall assume responsibility for the design and construction of the interim WMATA tip, including streetscape in the Colesville and Wayne rights-of-way; and the design, including ultimate streetscape in the Colesville and Wayne rights-of-way, but not the construction, of the ultimate WMATA tip Gateway Plaza. Both interim and final designs shall be included in a supplementary signature set, which shall be prepared and submitted when sufficient facts are known about the Transit Center site plan to finalize the WMATA tip design. The final design signature set shall be signed by Montgomery County.
5. Applicant shall provide bicycle parking in the garage to meet demand as specified in the Traffic Mitigation Agreement between the Applicant, Board and MCDPWT and the parking ordinance; and shall supplement this with on-grade bicycle parking to reflect the existence of the Green Trail on site and the attraction of the Discovery facility as a cyclist destination.
6. Applicant shall secure approval of the Colesville Road public art amenity by the M-NCPPC Art Review Panel and the Planning Board; approval for the revised Discovery Garden enclosure/stair by the Planning Board prior to building permit release for above-grade construction.
7. The Discovery Garden enclosure shall be redesigned to minimize the visual presence of the fence along the curved portion facing the dropoff circle and to reduce the screening effect of the landscaping along the fence; all for the purpose of increasing the public's sense that they

are welcome and safe in the garden.

8. The hours of public access to the Discovery Garden are 7:00 am to 10:00 pm EDT and 7:00 am to dark during the EST period. Hours for the indoor exhibition area are 7:00 am to 5:00 pm weekdays and 10:00 am to 4:00 pm weekends and holidays throughout the year.
9. Compliance with terms of MCDPWT letter dated May 24, 2000 referencing Project Plan 9-00002, except for the comments in Paragraph #4 thereof
10. Compliance with MNCPPC Transportation Division memo dated May 16, 2000, except for the recommended Condition #3 thereof

APPENDIX A: STANDARD CONDITIONS OF APPROVAL DATED 10-10-95:

1. Submit a Site Plan Enforcement Agreement and Development Program for review and approval prior to approval of the signature set as follows:
 - a. Development Program to include a phasing schedule as follows:
 - 1) Street tree planting must progress as building construction is completed, but no later than six months after completion.
 - 2) Phasing of dedications, stormwater management, sediment/erosion control, paths.
2. Signature set of site, landscape/lighting and sediment and erosion control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
 - a. Limits of disturbance;
 - b. Conditions of DPS Stormwater Management Concept approval letter;
 - c. Methods and location of tree protection;
 - d. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
 - f. The development program inspection schedule.
3. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.
4. No clearing or grading prior to M-NCPPC approval of signature set of plans, except as provided in Conditions #1 and #3 of this opinion.

G:\SP_OPINIO\8-00032.wpd



DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Albert J. Genetti, Jr., P.E.
Director

September 30, 2002

RECEIVED
OCT 03 2002

Mr. Derick Berlage, Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

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

RE: AB655 – Proposed Abandonment of a Portion
Ramsey Avenue between Colesville and
Wayne Avenue, Silver Spring, Maryland

Dear Chairman Berlage:

Enclosed for review by the Maryland National Capital Park and Planning Commission are Executive Order No. 195-02 describing the above-captioned abandonment proposal, location map, and one copy of petitioners' letter requesting the abandonment.

Please submit the Planning Board's recommendation to the Department of Public Works and Transportation by December 4, 2002, since the hearing date is scheduled for December 16, 2002.

Sincerely,

Veena Gulhar
Office Services Coordinator

VG:vg
AB655

Enclosures

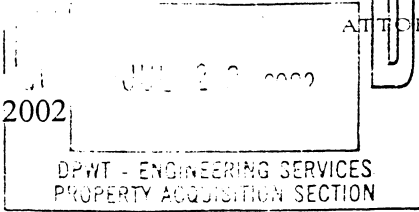


129-3

LINOWES AND BLOCHER LLP

ATTORNEYS AT LAW

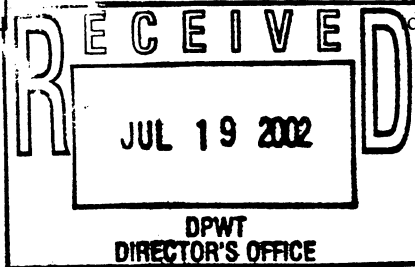
July 17, 2002



DPWT - ...
Garle ...

1010 Wayne Avenue, Tenth Floor
Silver Spring, MD 20910-5600
301.588.8580
Fax 301.495.9044
Website: www.linowes-law.com

Stephen Z. Kaufman
Todd D. Brown
301.650.7113
tdb@linowes-law.com



2002 JUL 18 AM 8:31

By Overnight Delivery

The Honorable Douglas M. Duncan
Montgomery County Executive
101 Monroe Street
2nd Floor
Rockville, Maryland 20850

Re: Discovery Communications, Inc. - Petition to Abandon Ramsey Avenue between
Colesville Road and Wayne Avenue, Silver Spring

Dear Mr. Duncan:

On behalf of Petitioner, Discovery Communications, Inc. ("Discovery"), the purpose of this letter is to request the abandonment of the segment of Ramsey Avenue described and shown on the metes and bounds description and sketch attached hereto and made a part hereof as Exhibit A and Exhibit B, respectively. This request is made pursuant to Sections 49-62 through 49-68 of the Montgomery County Code 1994 (as amended).

Discovery is the developer of a new 545,429 square foot office building at the southeast quadrant of the intersection of Colesville Road with Georgia Avenue in Silver Spring. The new building is under construction and will serve as Discovery's World Headquarters when completed. Discovery's Headquarters site is more particularly known as Lot 5, Block A of the Silver Triangle Subdivision ("Lot 5"). A copy of the recorded subdivision plat for Lot 5 is enclosed (Exhibit C).

Lot 5 is bordered by Colesville Road, Georgia Avenue, Wayne Avenue and Ramsey Avenue. Vehicular access to the parking garage constructed as a part of Discovery's Headquarters will be obtained via garage entrances located on Colesville Road and Ramsey Avenue. Ramsey Avenue will also provide vehicular access to Discovery's loading and service area. A copy of the site plan for the project approved by the Montgomery County Planning Board is enclosed as Exhibit D ("Site Plan")

Until recently, Ramsey Avenue provided a connection between Wayne Avenue and Colesville Road. This connection was used primarily by buses exiting the Silver Spring Metro Station area. In accordance with Discovery's approved site plan and other approvals obtained by Discovery, the existing bus lanes adjacent to Ramsey Avenue (the "WMATA Tip") have been reconfigured and Ramsey Avenue has been closed to vehicular traffic between Wayne Avenue and Colesville Road. As shown on the approved Site Plan, the closed segment of Ramsey Avenue now provides vehicular access to Discovery's garage and loading/service area only. When the proposed Silver Spring Transit Center is constructed, the relocated bus lanes will be eliminated either as a part of

The Honorable Douglas M. Duncan
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that project or as a separate County project, but in either event, not by Discovery. (See Site Plan inset.)

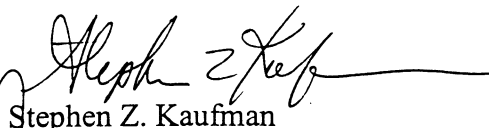
On August 8, 2001, the owner of Lot 5 recorded a Declaration of Covenants to maintain the improvements constructed within the Ramsey Avenue right-of-way pursuant to the approved Site Plan (Exhibit E). The Declaration provides that it will remain in effect until the earlier to occur of (i) the removal of the Site Plan improvements within the maintenance area, or (ii) approval by the County Council of a Resolution abandoning Ramsey Avenue. The proposed abandonment of Ramsey Avenue was discussed with County representatives and anticipated by all parties when the Declaration of Covenants was recorded. Since that time, utility relocation and installation associated with the project has been completed and, as noted above, the subject segment of Ramsey Avenue has been closed to general vehicular and pedestrian traffic. WMATA bus routes and circulation patterns have been adjusted accordingly.

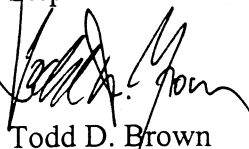
Based on the foregoing, the segment of Ramsey Avenue identified on Exhibits A and B is no longer necessary for present public use or anticipated public use in the foreseeable future. As noted, the existing right-of-way had been used predominantly by buses exiting the Metro Station area. However, Metro, Ride On and other vehicles are currently using alternate routes that do not include this segment of Ramsey Avenue. We also note that the segment of Ramsey Avenue to be abandoned is not the sole means of access to any property.

Thank you for your consideration. Enclosed as Exhibit F is a list of abutting property owners and citizens associations. Also enclosed is a check made payable to Montgomery County in the amount of \$2,500.00 to cover the cost of processing this request. If additional information is needed, please contact us.

Very truly yours,

LINOWES AND BLOCHER LLP


Stephen Z. Kaufman


Todd D. Brown

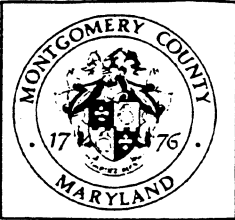
Enclosures

■ LINOWES AND BLOCHER

The Honorable Douglas M. Duncan
July 17, 2002
Page 3

cc: Gayle Libby Curtiss, Esquire
Mr. Domenick Fioravanti
Mr. Michael Solomon

#264803 v1



MONTGOMERY COUNTY EXECUTIVE ORDER

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

Subject: AB 655: Abandonment of a Portion of Ramsey Avenue, Silver Spring, Maryland	Executive Order No. 195-02	Subject Suffix PAS
Originating Department: Public Works and Transportation	Department Number AB 7-02	Effective Date 9/11/02

AB 655

**ABANDONMENT OF A PORTION OF
RAMSEY AVENUE, SILVER SPRING, MARYLAND**

1. Pursuant to Section 49-62 of the Montgomery County Code, 1994, (as amended) the County Executive or his Designee shall conduct a Public Hearing

at 2:00 p.m. on Monday, December 16, 2002
101 Monroe Street, EOB Lobby Auditorium
Rockville, Maryland 20850

to consider a petition received from Linowes and Blocher, on behalf of Discovery Communications, Inc., (the Petitioner) seeking the abandonment of a portion of Ramsey Avenue between Colesville Road and Wayne Avenue in Silver Spring. The proposed abandonment is related to the development of the Petitioner's headquarters office building on a site adjoining the proposed abandonment area as shown on Exhibits that are available for examination at the office of Montgomery County Department of Public Works and Transportation, Division of Engineering Services, Property Acquisition Section, 101 Monroe Street, 6th Floor, Rockville, Maryland 20850.

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

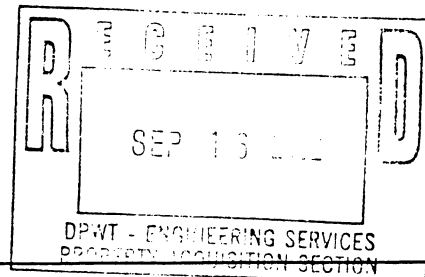
Approved as to Form and Legality
Office of the County Attorney

APPROVED

By: Gileen S. Bruner
Date: 9/5/2002

William M. Mooney, Jr.
Assistant Chief Administrative Officer

Distribution:
Department of Public Works and Transportation
Department of Finance



CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
1	24.33'	14.83'	7.65'	14.60'	N 16° 18' 03" E	34° 54' 54"
2	279.71'	36.54'	18.30'	36.52'	S 22° 43' 02" E	07° 29' 07"
3	279.71'	17.76'	8.89'	17.76'	S 28° 16' 46" E	03° 38' 20"
4	111.90'	56.81'	29.04'	56.21'	N 14° 21' 37" W	29° 05' 34"

COLESVILLE ROAD
 U.S. ROUTE 29
 P.B. 187, P. 20621
 (120' R/W)

RAMSEY AVENUE
 P.B. 187, P. 20621
 (WIDTH VARIES)

PORION OF
 RAMSEY AVENUE
 2,548 SQ.FT.

LOT 5, BLOCK "A"
 SILVER TRIANGLE
 PLAT NO. 21863

RAMSEY AVENUE

SKETCH SHOWING
 A PORTION OF

COLESVILLE ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND
 SCALE: 1" = 50'
 DATE: JULY 15, 2002

WAYNE AVENUE

P.B. 187, P. 20621
 (120' R/W)

ENGINEERS PLANNERS LANDSCAPE ARCHITECTS SURVEYORS GPS SERVICE
 WKA INCORPORATED
 20250 CENTURY BOULEVARD-SUITE 220 ■ GERMANTOWN, MARYLAND 20874
 (301) 916-4100 ■ (301) 916-2262
 GERMANTOWN, MD. ■ MCFEAN, VA.

