



March 4, 2005

MEMORANDUM

TO: Montgomery County Planning Board

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

FROM: Maureen Decker, Planner Coordinator *DKH for*
Transportation Planning

SUBJECT: DPWT Docket No. AB 666
Abandonment of a Portion of 20-Foot Alley
Block "B" Wheaton Forest
Wheaton, Maryland

RECOMMENDATION

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

That the proposed abandonment become effective simultaneously with the recordation of the record plat for the resubdivision of Wheaton Forest, Parcels 13 and 14, Block B, to facilitate the redevelopment of this tract into townhouses and auxiliary retail space located above the Wheaton Metrorail station kiss-and-ride lot. This paper alley will no longer be needed and is in direct conflict with the proposed redevelopment.

DISCUSSION

This abandonment is for a portion of an alley extending south from Reddie Drive as shown on the third page of Attachment A. As noted in Attachment A, the Executive held a public hearing on case AB 666 on December 8, 2004. In December, staff requested that the Executive's

public hearing record be held open on case AB 666 pending Planning Board review of the associated Wheaton Forest subdivision case.

A more southerly portion of the same alley was abandoned on the parcel adjacent to the Wheaton Metrorail station as part of case AB 649 in December 2001. The formal submission for case AB 666 includes a relatively small technical modification concerning planimetric coordination with case AB 649. In essence, the abandonment plan, as originally described in Attachment A, requested abandonment of 340 square feet that was already abandoned as part of case AB 649. Attachment B describes the modification.

The abandonment is requested on behalf of The Bozzuto Group, Housing Opportunities Commission of Montgomery County and the Washington Metropolitan Area Transit Authority to develop the Wheaton Metrorail site that presently houses the Kiss and Ride, short-term parking, and station entrance. The proposed development, being reviewed as Preliminary Plan No. 1-05021, will consist of a multi-family residential building containing approximately 180 residential dwelling units and 2,000 square feet of auxiliary retail space located both adjacent to and directly on top of the Wheaton Metrorail station. The proposed abandonment is essential to the redevelopment of this site.

The alley, unless abandoned, conflicts with the proposed site plan. The alley will no longer be needed for public access once the lots served are combined through the proposed re-subdivision and re-platting of the property to form residential lots.

MD:gw
Attachments

mno to MCPB re AB-666 Alley Wheaton Forest.doc



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DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

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

Arthur Holmes, Jr.
Director

Douglas M. Duncan
County Executive

November 5, 2004

Mr. Derick Berlage, Chairman
Maryland-National Capital Park and
Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

RE: Request for Comments on Proposed Abandonment
AB666 – Abandonment of 20-Foot Alley
Block "B", Wheaton Forest
Wheaton, Maryland

Dear Mr. Berlage:

The purpose of this letter is to request M-NCPPC comments on the proposed abandonment of a 20-foot alley in Block "B" of the Wheaton Forest subdivision. For your reference I have enclosed a copy of the petitioner's request along with other information concerning this matter.

The purpose of the abandonment relates to the applicants' proposed residential project, a 172 unit, multi-family building to be constructed by the Wheaton Metro Station. The applicants are a partnership comprised of The Housing Opportunities Commission, WMATA, and Bozzuto Development Company.

I would greatly appreciate receiving M-NCPPC comments by December 6, 2004, if possible. If either you or your staff need additional information or have questions, please call me at 240-777-7254.

Sincerely,

Michael S. Cassidy
Michael S. Cassidy

Enclosures



Office of Real Estate

REQUEST FOR COMMENTS BY DECEMBER 6, 2004

AB666

PROPOSED ABANDONMENT OF A 20-FOOT WIDE PUBLIC ALLEY

BLOCK B, WHEATON FOREST

WHEATON, MARYLAND

Pursuant to Section 49-62 of the Montgomery County Code 1994, the County Executive or his designee shall conduct a Public Hearing

**10:30 a.m. on Wednesday December 8, 2004
101 Monroe Street, EOB Lobby Auditorium
Rockville, Maryland 20850**

to consider an application received from Lerch, Early & Brewer on behalf of its client, a partnership of The Housing Opportunities Commission of Montgomery County, Maryland, The Washington Metropolitan Area Transit Authority (WMATA), and Bozzuto Development Company, seeking abandonment of a portion of a 20-foot wide public alley running southward from Reddie Drive in Wheaton. The portion of the right-of-way consists of approximately 0.13 acres. The purpose of the request relates to the applicants' proposed residential subdivision project within which is located this small amount of right-of-way.

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

**Please send your comments by December 6, 2004, to
Mike Cassidy
Office of Real Estate
Department of Public Works and Transportation
101 Monroe Street – 10th Floor
Rockville, Maryland 20850**

If you have any questions concerning this matter, please call me at 240-777-7254 or e-mail me at michael.cassedy@montgomerycountymd.gov

REEDIE DRIVE
60' WIDE
PB. 34 P. 2306

BITUMINOUS PAVEMENT

N76°22'03"E
20.01'

CONCRETE PAVERS
TREE WELL

TREE WELL

TREE WELL

CONC. WALL W/ RAILING

SHRUBS

4" TREE (TYP.)
CONC. WALK

5 SPACES

8" TREE

8" TREE

BUS SHELTER

SHRUBS

ROLLED CONC. CURB
CONC. WALK

PART OF PARCEL B
PB. 34 P. 2306

W.M.A.T.A.
L. 6020 F. 760

TO BE ABANDONED
ACRES

S 15°05'17" E
185.55'

N 15°05'17" W
5.643 SF

10 BE OR 0.12955

186.62'

7 SPACES

CONC. WALK

ROLLED CONC. CURB

12" TREE

6" TREE

4" TREE

12" TREE

12" TREE

BLOCK "B"
WHEATON FOREST
PB. 34 P. 2306
W.M.A.T.A.
L. 6020 F. 760

PARCEL 5
BLOCK 223569
PLAY DEVELOPMENT
BITULITE COMPANY
L. 22357 F. 132

10
11

N 18°19'07" W
118.9107'

S 18°19'02" E
118.9102'

78.81'

15' SLOPE ESMT
P. 8442

CONC. PAVERS

14 MOTORCYCLE SPACES

10" TREE

CONC. WALL

TOP=421.9'
INV=412.3'

S 71°40'53" W
10.01'

W.M.A.T.A.
L. 6293 F. 807
WHEATON FOREST
LOT 48 BLOCK "B"
PB. 82 P. 8442

DOWN ACCESS GRATES

SANITARY SEWER ESMT
3118 F. 282

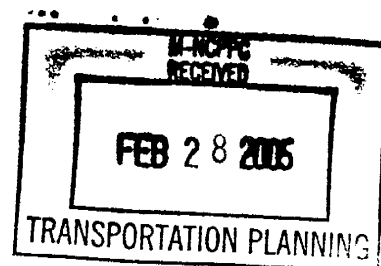


W.M.A.T.A. (W.M.A.T.A.)

**LERCH
EARLY &
BREWER
CHARTERED**

SUITE 460 | 3 BETHESDA METRO CENTER | BETHESDA, MD 20814-5367 | TEL 301.986.1300 | FAX 301.986.0332 | WWW.LERCHEARLY.COM

ATTORNEYS



February 28, 2005

BY HAND DELIVERY

Ms. Cynthia L. Brenneman
Mr. Michael Cassedy
Property Acquisition Section
Montgomery County Department of
Public Works and Transportation
101 Monroe Street, 6th Floor
Rockville, Maryland 20814

Re: Modification to Alley Abandonment AB 666 – Portion of 20-Foot Alley, Block B, Wheaton Forest

Dear Ms. Brenneman and Mr. Cassedy:

On behalf of Bozzuto Development Company (“Bozzuto”), The Housing Opportunities Commission of Montgomery County, MD (“HOC”) and The Washington Metropolitan Area Transit Authority (“WMATA”), please accept this letter and attached materials as a technical modification to abandonment petition AB 666 to the County Executive and County Council for abandonment of an unused portion of a 20-foot alley, located in Block B, in the Wheaton Forest subdivision. Hearing Examiner Joseph Beach held our hearing for AB 666 on December 8, 2004. The record continues to remain open until the Montgomery County Planning Board conducts a hearing on the Preliminary Plan of Subdivision for the redevelopment of the Wheaton Metrorail Kiss & Ride site. At that hearing (scheduled for March 10, 2005), the Planning Board may offer comments regarding the abandonment.


In preparation for our Preliminary Plan hearing, M-NCPPC Technical Staff noticed that a small portion of the same alley to the south was included in the legal description and on the abandonment exhibit plat for AB 666. As you may recall, a few years ago, Bozzuto and Eakin/Youngentob Associates jointly requested that the portion of the same alley be abandoned on the parcel adjacent to the Wheaton Metro station (AB 649). Thus, as M-NCPPC Staff correctly pointed out, this portion of the alley already had been included as part of AB 649 (but apparently has not yet been platted). Staff requested that we

Ms. Cynthia Brenneman/Mr. Michael Cassedy
February 28, 2005
Page 2

eliminate this strip of the alley from our application (the strip of land would then be platted separately by the beneficiaries of that abandonment). Thus, we are enclosing a revised legal description and abandonment plat that reflects the removal of the property in question. This technical modification does not affect, in any way, the presentation we made before the Hearing Examiner, the materials submitted as part of the application or the testimony offered at our abandonment hearing.

Thank you for your consideration regarding this matter. We trust that you will forward these materials to the Hearing Examiner and that Staff and the Planning Board will forward their comments, if any, to Hearing Examiner once the preliminary plan hearing occurs on March 10, 2005. We are available should you have any questions or comments regarding this matter. If you need any other information, please do not hesitate to contact us.

Sincerely,



Steven A. Robins
Patrick L. O'Neil

Enclosures, as described

cc: Artie Harris
Charles Irish
Lembit Jogi, HOC
Peter Engel, HOC
Mable Chu, WMATA
Catherine Conlon, M-NCPPC
Maureen Decker, M-NCPPC



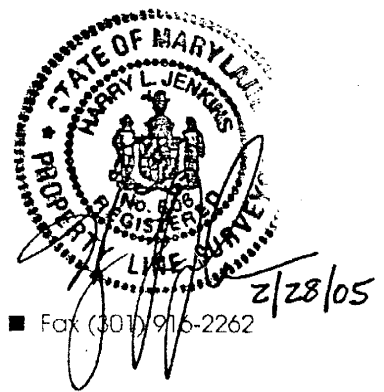
DESCRIPTION OF A PORTION OF A
20' ALLEY
WHEATON FOREST
PLAT NO. 2306
WHEATON (13TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

Being a portion of a 20' Alley as shown on a plat entitled "Blocks A, B, C & D. Wheaton Forest " recorded as Plat No. 2306 among the Land Records of Montgomery, Maryland, and being more particularly described as follows:

Beginning for the same at a point marking the easterly line of the 20' alley and the southerly right-of-way line of Reddie Drive, 60' wide, as shown on the aforesaid plat (Plat No. 2306); thence leaving said southerly right-of-way line of Reddie Drive and running with the easterly line of said 20' alley

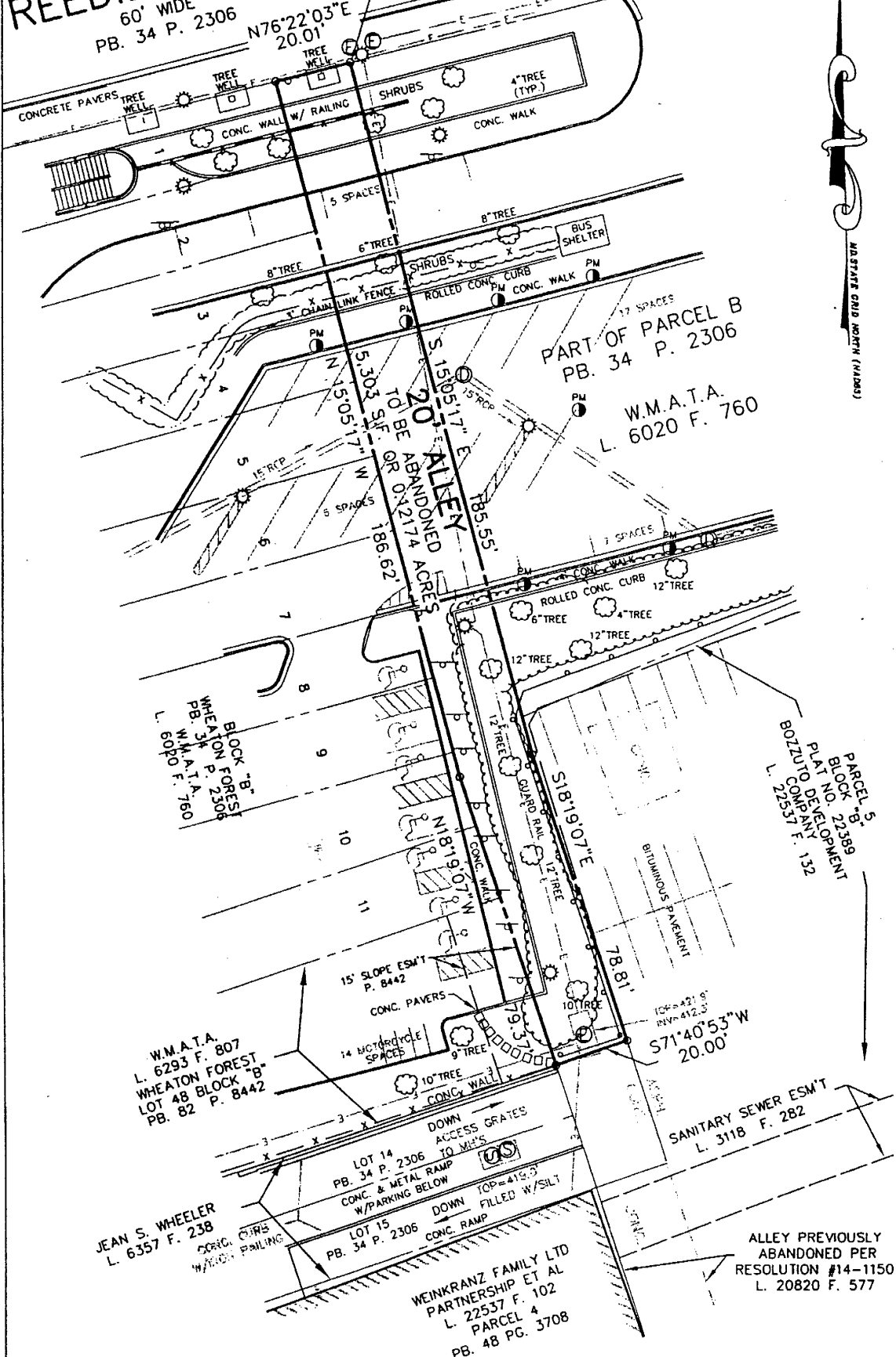
- 1.) South 15° 05' 17" East, 185.55 feet to a point marking a westerly corner of Parcel 5, Block "B". Wheaton Forest recorded as Plat No. 22389 among the aforesaid Land Records, said point also being 10.01 feet southeasterly from the northwesterly corner of the aforesaid Parcel 5, Block "B"; thence running with the westerly line of said Parcel 5, Block "B"
- 2.) South 18° 19' 07" East, 78.81 feet to a point marking the northeasterly end of a portion of the Alley Abandonment per Montgomery County Council, Resolution #14-1150; thence running with the northerly end of said Alley Abandonment
- 3.) South 17° 40' 53" West, 20.00 feet to a point; thence running with said westerly line of the 20' alley the following two (2) courses and distances
- 4.) North 18° 19' 07" West, 79.37 feet to a point; thence
- 5.) North 15° 05' 17" West, 186.62 feet to a point lying on the aforesaid southerly right-of-way line of Reddie Drive; thence leaving said westerly line of the 20' alley and running with said southerly right-of-way line of Reddie Drive
- 6.) North 76° 22' 03" East, 20.01 feet to the point of beginning containing 5,303 square feet or 0.12174 acres of land.

G:\DATA\1000-2000\1077\sam\1.g\Desc ALLEY ABANDONMENT.doc



REEDIE DRIVE
60' WIDE
PB. 34 P. 2306

BITUMINOUS PAVEMENT
POINT OF BEGINNING



**SKETCH SHOWING
20' ALLEY TO BE ABANDONED**

WHEATON (13TH) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

SCALE: 1"=30'

DATE: MARCH 22, 2004
REVISED: FEB. 28, 2005



ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS ■ GPS SERVICES
VVA INCORPORATED
20251 CENTURY BOULEVARD SUITE 400 ■ GERMANTOWN, MARYLAND 20874
(301) 918-4100 ■ FAX (301) 918-2282
GERMANTOWN, MD ■ MCLEAN, VA ■ LEESBURG, VA

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