



Montgomery Planning


THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DECISION MAILING DATE:

Memorandum

TO: Gwen Wright, Planning Director 

VIA: Elza Hisel-McCoy, Chief
DownCounty Planning Division 

FROM: Katie Mencarini, Planner Coordinator 
DownCounty Planning Division

RE: Right-of-Way Abandonment Case No. AB-775
Kentbury Drive
Bethesda/ Chevy Chase Policy Area

DATE: August 16, 2021

RECOMMENDATION

Staff supports the subject abandonment petition and recommends that the remaining, unimproved portion of the Kentbury Drive right-of-way, between 4301 Chestnut Street and 8213 Kentbury Drive, be abandoned through the County Council's action on this petition.

This memorandum hereby transmits the following staff comments to the Montgomery County Department of Transportation (MCDOT) in accordance with Montgomery County Code Chapter 49-62, "Abandonment and Closing Rights-of-Way: Abandonment Authority; Scope of Article; Procedures." This item has not been heard by the Montgomery County Planning Board.

DISCUSSION

In the spring of 2019 Staff reviewed a request to abandon the western half of the Kentbury Drive right-of-way, and at that time, Staff recommended abandonment of the full width of the right-of-way. This request to abandon the western half was later approved by the County Council on May 19, 2020. The Subject Abandonment, requested by the property owner at 8213 Kentbury Drive, is for the remaining half of the previous 50-foot wide unimproved public right-of-way located immediately adjacent to and along the Applicant's eastern property line. The requested abandonment encompasses an area of approximately 3,750 square feet and is illustrated in Attachment A. Background information on the case, including the Applicant's petition for abandonment, is attached to this memorandum in Attachments B-D.

The subject right-of-way was originally dedicated in 1949 as part of the Columbia Forest subdivision (Plat 2321, copy attached). That subdivision contained a series of 20-foot and 50-foot wide rights-of-way that ran perpendicular to the main east-west streets in the neighborhood. While some of these rights-of-way have been improved for pedestrian access or storm drains, others remain unimproved and are not identified for future improvement in the 1990 Bethesda Chevy Chase Master Plan or 2018 Bicycle Master Plan.

The area subject to this abandonment request is the eastern half of a 50-foot wide right-of-way located between 4301 Chestnut Street and 8213 Kentbury Drive. This right-of-way runs perpendicular to Chestnut Street, located along its southern limit, and is bounded to the north by the Columbia Country Club.

Consistent with Staff's review of the Abandonment Petition AB-765 for the western portion of the Kentbury Drive right-of-way between 4301 Chestnut Street and 8214 Kentbury Drive, Staff evaluated the potential need to improve the subject right-of-way (AB-775) if the adjacent property owner, the Columbia Country Club, were to seek redevelopment in the future. If the Country Club were to redevelop, that site would have access along its frontages on Jones Bridge Road, East-West Highway, and Connecticut Avenue. Additionally, the right-of-way for the Purple line and the Georgetown Branch Trail cuts across the property. Near the trail are two, currently disconnected segments of Newdale Road that could be improved and connected to provide a multimodal connection across the property. As a result of the Country Club's frontage on multiple public roadways, staff finds that the area subject to the abandonment petition is not necessary for a future site access point.

Staff concludes that the subject right-of-way is not necessary for present or future public use, with the proposed conditions, based on review of the existing transportation network and approved master plans including the 1990 *Bethesda Chevy Chase Master Plan*, the 2018 *Master Plan of Highways and Transitways*, and the 2018 *Bicycle Master Plan*. When Staff reviewed the previous request (AB-765) for the western portion of the ROW, Staff recommended abandonment of the full width of the unimproved right-of-way, subject to conditions, including the need to provide an easement for any existing storm drains in the right-of-way area. In keeping with previous recommendations, Staff is recommending approval of abandonment case AB-775, which will result in the abandonment of the full width of the Kentbury Drive right-of-way, between 4301 Chestnut Street and 8213 Kentbury Drive. Staff also recommends the following conditions of approval, consistent with the conditions of approval for AB-765, be addressed by the Property Owner prior to the abandonment becoming effective:

1. The Applicant must grant, to the satisfaction of the County, any necessary easements for the existing County storm drainage system that is located within the abandoned area, or, with the County's approval, relocate the existing storm drainage system and grant the necessary easements for the relocated system.
2. The Applicant must grant, to the satisfaction of the County, any necessary public utility easements for existing utilities that are located within the abandoned area, if any; or, with the approval of the County, relocate the existing utilities, if any, and grant the necessary easements for the relocated utilities;
3. Applicant must grant the aforementioned storm drainage and public utility easement as directed by the County and in the County's sole discretion as to the dimensions of the required easement areas;

4. The Applicant must prepare and record a new record plat incorporating the abandoned area into the Applicant's adjacent property.

Attachments

- A. Map and Photo Exhibit
- B. Applicant's Letter Requesting Abandonment of Unimproved Kentbury Drive Right-of-Way
- C. MCDOT Request for Comments on Proposed ROW Abandonment
- D. Council Resolution 19-461 for AB-765 (western half of the Subject Right-of-Way)