

**Agenda for Montgomery County Planning Board Meeting**  
**Thursday, May 22, 2003, 9:30 A.M.**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760

Board Action

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Roll Call Approval of Minutes: Commissioners' Reports Directors' Reports Reconsideration Requests	
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**GENERAL MEETING (Brookside Gardens Visitors Center, *The Adult Education Room, 1800 Glenallan Avenue, Wheaton*)**

- A. Administrative Items
- B. Special Exception Staff Report Format – *Discussion.*
- C. Streamlining Efforts – Legal Review Procedures – *Discussion.*
- D. *Proposed Closed Session pursuant to Maryland State Government Code Annotated Section 10-508(a) (7) (consult with counsel to obtain legal advice) (Subject: Reservation of Land in Development Review Process)*
- E. *Proposed Closed Session pursuant to Maryland State Government Code Annotated Section 10-508(a) (7) (consult with counsel to obtain legal advice) (Subject: Park Police Mutual Aid Agreement)*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

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3. **Preliminary Plan Review No. 1-02023 – Westchester  
(Deferred from January 17, 2002 Planning Board Public Hearing)**

R-90 Zone; One 1 Lot (One (1) Existing One-Family Detached Dwelling Unit)  
0.4784 Acres

Located on the South Side of Blueridge Avenue, Approximately 100 Feet East of Nairn Road

Community Water and Community Sewer

Policy Area: Kensington – Wheaton

Applicant: Press Real Estate Services

Engineer: Fowler Associates, Inc.

**Staff Recommendation:** Approval, Subject to the Following Conditions:

- 1) Record plat to reflect Category I forest conservation easement as shown on the approved tree save and grading plan dated, April 21, 2003
- 2) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Master Plan unless otherwise designated on the preliminary plan
- 3) Compliance with the conditions of approval of the MCDPS stormwater management approval
- 4) Prior to issuance of building permits, applicant to submit an engineered sediment and erosion control plan to MCDPS for review and approval
- 5) Access and improvements, as required, to be approved by MCDPW&T per letter dated January 11, 2002, unless other wise amended
- 6) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed
- 7) Other necessary easements

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

**4. Preliminary Plan Review No. 1-03068 – Mountain View Estates  
(Resubdivision)**

R-200 Zone; Two (2) Lots (Two (2) One-Family Attached Dwelling Units (One (1) Existing One-Family Dwelling Unit); 45,505 Square Feet

Located on the North Side of Viewside Drive, Approximately 950 Feet Southwest of Horman Drive

Policy Area: North Potomac

Applicant: Thomas and Victoria Smith

Engineer: Benning and Associates

**Staff Recommendation:**

**\*\*\*\*\* See Discussion and Conditions Enumerated in Staff Report \*\*\*\*\***

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

**5. Preliminary Plan Review No. 1-03060 – Lofts (Silver Spring Park)**

CBD-1 Zone/Fenton Village Overlay Zone; One (1) Lot (Twenty-Four (24) Multi-Family Dwelling Units); 0.392 Acres

Located on the Southwest Quadrant of the Intersection of Fenton Street and Bonifant Street  
Community Water and Community Sewer

Policy Area: Silver Spring CBD

Applicant: MAB, L.L.C./Tezzer Urban Authors

Engineer: West Consulting Group

Attorney: Beveridge and Diamond, P.C.

**Staff Recommendation:** Approval, Including Waiver of Full Width Dedication, Subject to the Following Conditions:

- 1) Planning Board approval of waiver resolution providing for the full width Master Plan (40 ft) right-of-way dedication for Fenton Street, pursuant to Section 50-26 (a). Record Plat to reflect dedication of 35 ft. from centerline with a 5 ft. public use easement
- 2) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Master Plan unless otherwise designated on the approved preliminary plan
- 3) All road right-of ways shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Master Plan, or as shown on the approved preliminary plan, and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By \_\_\_\_\_" are excluded from this condition
- 4) Record Plat to reflect all areas under Homeowners Association ownership and stormwater management areas
- 5) Compliance with the conditions of approval of the MCDPS stormwater management approval dated, March 11, 2003
- 6) Access and improvements, as required, to be approved by MCDPW&T per letter dated May 9, 2003, unless otherwise amended
- 7) No clearing, grading or recording of plats prior to site plan enforcement agreement approval
- 8) Final location of buildings, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan
- 9) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff
- 10) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed

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**Preliminary Plan Review No. 1-03060 – Lofts (Silver Spring Park) (continued)**

- 11) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
- 12) Other necessary easements

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

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**6. Site Plan Review No. 8-03025, Lofts 24 (Silver Spring Park)**

CBD-1 Zone/Fenton Village Overlay Zone; 0.392 acres; 24 multi-family dwelling units; Southwest quadrant of the intersection of Fenton Street and Bonifant Street; Silver Spring & Vicinity – PA-36

APPLICANT: MAB LLC

ENGINEER: West Consulting Group, Inc.

**Staff Recommendation:** Approval with conditions.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

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7. The FOLLOWING **Record Plats** are Recommended for APPROVAL, Subject to the Appropriate Conditions of Approval of the Preliminary and/or Site Plans:

**NOT AVAILABLE FOR TIME OF PRINTING**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

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8. **Site Plan Review No. 8-03028, Fogel/Bar-Levav Property; C-T Zone; 0.15 acres; 3,433 gross square feet commercial office; On Old Georgetown Road, approximately 130 feet northwest of Del Ray Avenue; Bethesda–Chevy Chase & Vicinity, PA-35**

APPLICANT: David Fogel & Ilana Bar-Levav

ENGINEER: Dean Packard, PE

**Staff Recommendation:** Approval with conditions.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

**9. Coalition for Smart Growth**

PowerPoint Presentation for the Planning Board.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

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**10. Annual Growth Policy – “Policy Element”**

**Staff Recommendation:** Discussion. (No Public Testimony will be taken at this time)

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**