

**Agenda for Montgomery County Planning Board Meeting  
Thursday, September 11, 2003, 9:30 A.M.**

8787 Georgia Avenue  
Silver Spring, MD 20910-3760

Board Action

Roll Call Approval of Minutes: May 22, 2003 Commissioners' Reports Directors' Reports Reconsideration Requests	
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**GENERAL MEETING (*Third Floor Conference Room, 8787 Georgia Avenue, Silver Spring*)**

- A. Administrative Items
- B. *Proposed Closed Session pursuant to Maryland State Government Code Annotated Section 10-508(a) (7) (Subject: Headquarters Study)*
- C. *Proposed Closed Session pursuant to Maryland State Government Code Annotated Section 10-508(a) (7) (Subject: Park Mutual Aid Agreement)*
- D. *Proposed Closed Session pursuant to Maryland State Government Code Annotated Section 10-508(a) (4) (proposal for a business to locate, expand or remain in the state)*
- E. *Proposed Closed Session pursuant to Maryland State Government Code Annotated Section 10-508(3) (consider acquisition of real property for a public purpose)*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

**1. Rock Creek Stream Valley Park/Aspen Hill Local Park**

Authorization to convey to State Highway Administration 0.77 acres in Fee Simple and 0.40 acres in easements for the Veirs Mill Road/Aspen Hill, intersection improvement, Aspen Hill

**Staff Recommendation:** Approval.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

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**2. ICC Right-of-Way Property**

Authorization to convey to State Highway Administration 0.331 acres in Fee Simple, 0.405 acres in Temporary Construction Easement, and 0.033 acres in Perpetual Drainage Easement for U.S. Rte. 29 and Briggs Chaney Road intersection improvements, Fairland.

**Staff Recommendation:** Approval.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

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**3. Agricultural History Farm Park**

Authorization to acquire 8.0 acres, more or less, unimproved, from Winchester Homes, Inc., located at the end of Cypress Hill Drive, east of Redland, in a subdivision known as Brookefield, Derwood

**Staff Recommendation:** Approval..

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

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**4. Facility Plan for a New Trail in Black Hill Regional Park**

This 1.0 mile trail would provide access from Spinning Wheel Drive in the Churchill Town Sector area to develop the area of Black Hill Regional Park, Aspen Hill, Boyds

**Staff Recommendation:** Approval of a facility plan.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

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**5. Facility Plan for a Pedestrian Bridge for the Rock Creek Hiker/Biker Trail over Veirs Mill Road, Aspen Hill**

**Staff Recommendation:** Approval..

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

**6. Board of Appeals Petition No. S-2423-A (Special Exception Modification)**

Meadow Ridge Seniors Villas, LLC. Applicant requests a modification to Housing for the Elderly and Handicapped Persons for conversion of rental dwelling units to condominium units, R-200 Zone, 9700-9704, 9706, 9709, 9711 and 9713 Cordonary Ct. Gaithersburg

**Staff Recommendation:** Approval.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

7. **Zoning Text Amendment No. 03-22**

Introduced by Councilmembers Floreen, Knapp and Leventhal; amend the Zoning Ordinance to authorize the District Council to approve certain exceptions to the setback requirements for buildings and parking area existing at the time of reclassification to the Country Inn Zone

**Staff Recommendation:** Approval with minor modifications.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

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8. **Zoning Text Amendment No. 03-23**

Introduced by Councilmembers Leventhal and Perez; amend the Zoning Ordinance allowing existing nonconforming uses in the CBD-1 zone within an area designated as an arts and entertainment district to expand under limited circumstances

**Staff Recommendation:** Denial.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

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9. **Zoning Text Amendment No. 03-18**

Introduced by Councilmember Praisner; amend the Zoning Ordinance to eliminate the 1,200 gross square foot limit on the size of an accessory apartment

**Staff Recommendation:** Approval with modifications.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

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10. **Zoning Text Amendment No. 03-20**

Introduced by Councilmember Floreen; amend the Zoning Ordinance to permit certain commercial uses by right, rather than by special exception, in the Transit Station-Residential (TS-R) zone

**Staff Recommendation:** Approval with modifications.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

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**11. Mandatory Referral No. 03813-DPWT-1,**

Proposed Sale of County-owned Property - 12,065 square feet of Woodmont Avenue right-of-way; northeast quadrant of the intersection of Old Georgetown Road (MD 187) and Woodmont Avenue in the CBD-R2 zone; Bethesda

**Staff Recommendation:** Approval.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

**12. Project Plan No. 9-03002 – Woodmont Corner**

CBD-R2 zone; 1 Lot; (18,808 square foot Retail space and 253 residential units, including 44 MPDUs of which 32 MPDUs are provided on site); 56,837 square foot lot; northeast quadrant of the intersection of Old Georgetown Road (MD 187) and Woodmont Avenue; Bethesda

**Staff Recommendation:** Approval with conditions.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

**13. Preliminary Plan Review No. 1-03078 – Woodmont Corner**

CBD-R2 Zone; One (1) Lot; (253 Multi Family Dwelling Units, including 44 MPDUs and 18,808 square feet retail)

Community Water and Community Sewer

Located in the Northeast Quadrant of the Intersection of Old Georgetown Road (MD 187) and Woodmont Avenue

Policy Area: Bethesda CBD

Applicant: Woodmont Triangle Limited Partnership

Engineer: Macris, Hendricks and Glascock, P.A.

Attorney: Linowes and Blocher

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

- 1) Approval under this preliminary plan is limited to 284,185 square feet of gross floor area (5.0 FAR), including 253 dwelling units, 7,050 square feet of optional mezzanine office space, and up to 18,808 square feet of ground floor retail use
- 2) The applicant must provide transportation improvements, in accordance with applicable Bethesda CBD Sector Plan recommendations
- 3) Prior to Site Plan application, Applicant shall enter into an agreement with the Montgomery County Department of Public Works and Transportation (DPWT), establishing an access easement that will permit Applicant and users of the proposed development to use the existing access way, which is located between the site and Public Parking Garage #11 and is controlled by the DPWT Division of Parking and Traffic Services, for vehicular access to the site (“Access Easement Agreement”)
- 4) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Bethesda CBD Master Plan unless otherwise designated on the preliminary plan
- 5) All road right-of-ways shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Bethesda Chevy Chase Master 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
- 6) Record plat to provide for dedication of right-of-way, forty feet from centerline for Old Georgetown Road and forty feet from centerline for Woodmont Avenue
- 7) Record plat to reflect common ingress/egress and utility easements over all shared driveways
- 8) Compliance with conditions of MCDPWT letter dated, August 19, 2003, unless otherwise amended
- 9) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s) (or MDSHA prior to issuance of access permits)
- 10) No clearing, grading or recording of plats prior to site plan enforcement agreement approval



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**Preliminary Plan Review No. 1-03078 – Woodmont Corner (continued)**

- 11) Final approval of the location of buildings, number of dwelling units, on-site parking, site circulation, and sidewalks will be determined at site plan
- 12) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff
- 13) Final number of MPDUs as per condition #11 above to be determined at the time of site plan
- 14) 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
- 15) 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
- 16) Other necessary easements

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

14. **Preliminary Plan Review No. 1-00088A - Pita Subdivision (7-11 store) (Request to revise the previous conditions of approval)**

C-3 Zone; One (1) Lot; (3,062 Square Feet Commercial Retail); 1.28 Acres

Community Water and Community Sewer

Located in the Southeast Quadrant of the Intersection of Relocated Germantown Road (MD 118) and Bowman Mill Drive

Policy Area: Germantown West

Applicant: IO Limited Partnership, L.L.P.

Engineer: Colbert, Matz, Rosenfelt, Inc.

Attorney: Abrams, West, Storm and Diamond, P.C.

**Staff Recommendation:** Approval to Revise Conditions as Follows:

- 1) Total development under this preliminary plan is limited to a 12-pump automobile filling station with a 3,062 square foot convenience store
- 2) The applicant shall participate in constructing a separate southbound right turn lane, a second northbound left turn lane, a second eastbound left turn lane and re-stripe the separate westbound lane on Wisteria Drive as a shared through and right-turn lane at the intersection of MD 118 and Wisteria Drive
- 3) The applicant shall participate in constructing a second westbound left turn lane, a second northbound left turn lane, modify signal to eliminate eastbound-westbound split phasing at the intersection of MD 118 and Middlebrook Road. The applicant shall participate in removing the channelized island located in the northeast quadrant of this intersection
- 4) The proposed driveway onto Bowman Mill Drive closest to Germantown Road (MD 118) shall operate as right in/right out only
- 5) Applicant to comply with binding elements of the Schematic Development Plan (G-788) dated October 1, 2002 and conditions of the approved Special Exception (S-2568) dated May 28, 2003
- 6) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permit(s), as appropriate
- 7) Compliance with the conditions of approval of the MCDPS stormwater management approval as amended
- 8) Compliance with conditions of MCDPWT letter dated, August 28, 2003, unless otherwise amended
- 9) All road rights-of-way shown on the approved preliminary plan shall be dedicated by the Applicant, to the full width mandated by the *Germantown Master Plan*, unless otherwise designated on the preliminary plan
- 10) All roads shown on the approved preliminary plan shall be constructed, by the Applicant, to the full width mandated by the *Germantown Master Plan*, and to the design standards imposed by all applicable road codes

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**Preliminary Plan Review No. 1-00088A - Pita Subdivision (7-11 store) (Request to revise the previous conditions of approval) (continued)**

- 11) Access and improvements as required and approved by MCDPW&T and MDSHA
- 12) Necessary Easements

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

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**15. Site Plan Review No. 8-00042A Pita Subdivision (7-11store)**

(Request to revise the previous conditions of approval) C-3 zone; 1 lot; (3,062 square feet commercial retail); 1.28 acres; southeast quadrant of the intersection of relocated Germantown Road (MD 118) and Bowman Mill Drive; Germantown

**APPLICANT:** IO Limited Partnership LLLP

**ENGINEER:** Colbert Matz Rosenfelt, Inc.

**Staff Recommendation:** Approval with conditions.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

16. **Preliminary Plan Review No. 1-02063A – Fraley Property (Request to revise the previous conditions of approval)**

RT-12.5/R-90 Zones; Thirty-Two (32) Lots (32 Previously Approved One Family Attached Dwelling Units); 6.22 Acres

Community Water and Community Sewer

Located on the North Side of Muncaster Mill Road (MD 115), Approximately 370 Feet East of Muncaster Road

Policy Area: Upper Rock Creek

Applicant: The Bozzuto Group  
Engineer: APEX Engineering  
Attorney: Linowes and Blocher

**Staff Recommendation:** Approval, to revise the previous conditions of approval as follows:

- 1) Approval of 32 Single Family Attached Units only in the existing RT-12.5 Zone at this time (the remaining development shall not be approved until adoption of the Upper Rock Creek Sectional Map Amendment and Planning Board approval of preliminary plan and site plan
- 2) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits
- 3) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Upper Rock Creek Master Plan unless otherwise designated on the preliminary plan
- 4) All road right-of ways shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Upper Rock Creek Master 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
- 5) Record plat to provide for dedication of the variable width right-of-way for Muncaster Mill Road (MD 115) as shown on the approved preliminary plan. Final dedication to be approved prior to recordation of plat(s)
- 6) Record plat to reflect common ingress/egress easements over all shared driveways
- 7) Record Plat to reflect all areas under Homeowners Association ownership and Stormwater Management areas
- 8) Compliance with the conditions of MCDPS stormwater management approval
- 9) Compliance with conditions of MCDPWT letter dated, August 28, 2003 unless otherwise amended
- 10) Access and improvements as required to be approved by MDSHA prior to issuance of access permits

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**Preliminary Plan Review No. 1-02063A – Fraley Property (Request to revise the previous conditions of approval) (continued)**

- 11) No clearing, grading or recording of plats prior to site plan enforcement agreement approval
- 12) Final approval of the number and location of dwelling units, sidewalks, and bikepaths will be determined at site plan
- 13) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff
- 14) 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
- 15) 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
- 16) Other necessary easements

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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**Action:**

**17. Site Plan Review No 8-03030 – Fraley Property**

RT-12.5/R-90 zones 32 lots (32 one-family attached dwelling units); 6.22 acres; North side of Muncaster Mill Road (MD 115), approximately 370 feet east of Muncaster Road; Upper Rock Creek

APPLICANT: The Buzzuto Group  
ENGINEER: Apex Engineer

**Staff Recommendation:** Approval with conditions.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

**18. Preliminary Plan Review No 1-04003 – Parcel 243**

I-1 Zone; Two (2) Lots Proposed; (27,277 Square Feet of Existing Television Broadcast and Office Facility); 0.66 Acres  
Community Water and Community Sewer

South Side of River Road (MD 190), Approximately 1,000 Feet Northwest of Little Falls Parkway

Policy Area: Bethesda–Chevy Chase

Applicant: UTV of San Francisco, Inc.  
Engineer: APEX Engineering  
Attorney: Lerch, Early and Brewer, Chtd.

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

- 1) Record plat to reflect common ingress/egress and utility easements over all shared driveways and where appropriate to accommodate existing utilities
- 2) Access and improvements as required to be approved MDSHA prior to recordation of plat(s)
- 3) 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
- 4) Other necessary easements

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

**19. Preliminary Plan Review No. 1-03108 – Charred Oak Estates (Resubdivision)**

R-200 Zone; One (1) Lot (One Family Detached Dwelling Unit) 0.796 Acres  
Community Water and Community Sewer

Located on the South Side of Lonesome Pine Lane, Abutting the West Side of Seven Locks Road

Policy Area: Potomac

Applicant: John C. and Michelle Newman

Engineer: Loiederman Soltesz, Inc.

Attorney: Miller, Miller and Canby

**Staff Recommendation:**

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

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**



20. 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:**

