



**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**APPROVED**  
**MINUTES**

The Montgomery County Planning Board met in regular session on Thursday, July 15, 2010, at 9:06 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 7:30 p.m.

Present were Chair Françoise M. Carrier, Vice Chair Marye Wells-Harley, and Commissioners Joe Alfandre and Norman Dreyfuss. Commissioner Amy Presley was necessarily absent.

Items 1-4, 16, 5, and 6 are reported on the attached agenda.

The Board recessed at 12:51 p.m. for lunch and to take up Item 7 in Closed Session.

In compliance with §10-509(c)(2), State Government Article, Annotated Code of Maryland, the following is a report of the Board's Closed Session:

The Board convened in Closed Session at 1:05 p.m. in the third floor conference room, on motion of Commissioner Dreyfuss, seconded by Commissioner Alfandre, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Alfandre and Dreyfuss present and voting in favor of the motion, and with Commissioner Presley necessarily absent. The meeting was closed under authority of §10-508(a)(7), State Government Article, Annotated Code of Maryland, to consult with counsel to obtain legal advice.

Also present for all or part of the Closed Session were Associate General Counsels Jared McCarthy and Christina Sorrento of the Legal Department; Rose Krasnow of the Planning Department; Director Mary Bradford and Brenda Sandberg of the Parks Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board received a briefing on pending litigation and provided guidance to staff with regard to negotiations toward a possible settlement agreement with the Town of Washington Grove.

The Closed Session was adjourned at 1:45 p.m.

The Board reconvened in the auditorium at 2:00 p.m.

Item 13 and Items 8 through 15 are reported in that order on the attached agenda.

There being no further business, the meeting was adjourned at 7:30 p.m. The next regular meeting of the Planning Board will be held Thursday, July 22, 2010, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye  
Technical Writer

M. Clara Moise  
Technical Writer

**Montgomery County Planning Board Meeting**  
**Thursday, July 15, 2010**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600

**1. Consent Agenda**

**\*A. Adoption of Resolutions**

- 1. Fillmore Music Hall and LDG Office/Hotel Complex Preliminary Plan 120100260 –**  
ADOPTION OF MCPB RESOLUTION No. 10-84
- 2. Fillmore Music Hall and LDG Office/Hotel Complex Project Plan 921010040 –**  
ADOPTION OF RESOLUTION No. 10- 102
- 3. Clarksburg Village Preliminary Plan 12001030E –** ADOPTION OF MCPB  
RESOLUTION No. 10-70
- 4. Clarksburg Village Phase 3 Site Plan 820100040 -** ADOPTION OF MCPB RESOLUTION  
No. 10-77
- 5. Kentsdale Preliminary Plan 11997056A -** ADOPTION OF MCPB RESOLUTION No. 10-  
63 [Deferred from July 8, 2010]
- 6. Willerburn Acres, Preliminary Plan 120090400 -** ADOPTION OF MCPB RESOLUTION  
No. 10-48 [Deferred from July 8, 2010]
- 7. ezStorage Burtonsville Industrial Park, Site Plan 820100050 -** ADOPTION OF MCPB  
RESOLUTION No. 10-60 [Deferred from July 8, 2010]
- 8. Plum Gar Recreation Center Forest Conservation Plan MR2010714 -** ADOPTION OF  
MCPB RESOLUTION No. 10-86 [Deferred from July 8, 2010]

**BOARD ACTION**

**Motion:** DREYFUSS/WELLS-HARLEY

**Vote:**

**Yea:** 3-0-1

**Nay:**

**Other:** CARRIER ABSTAINED; PRESLEY ABSENT

**Action:** Adopted the Resolutions cited above.

**\*B. Records Plats**

**1. Subdivision Plat No. 220100640, Mountain View Overlook;** RDT zone, 1 lot; located on the north side of Bethesda Church Road, approximately 1,200 feet west of Haney Avenue; Damascus.

*Staff Recommendation: Approval*

**2. Subdivision Plat No. 220100780, Buffington at Clarksburg;** C-1, R-200 zones, 1 lot, located on the east side of Frederick Road (MD 355), 400 feet north of Stringtown Road; Clarksburg.

*Staff Recommendation: Approval*

**3. ITEM MOVED OFF CONSENT AGENDA, SEE ITEM 16 Subdivision Plat No. 220100900, Silver Spring Music Hall** CBD-2 zone, 3 lots; located on the west side of Colesville Road (US Route 29), 100 feet south of Fenton Street; Silver Spring CBD.

*Staff Recommendation: Approval with Conditions*

**4. Subdivision Plat No. 220101000, Village Center – Montgomery Village;** TS zone, 2 lots; located on the north side of Stedwick Road, 600 feet west of Montgomery Village Avenue; Gaithersburg Vicinity.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:** WELLS-HARLEY/DREYFUSS

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** PRESLEY ABSENT

**Action:** Approved the Record Plats cited above.

**C. Other Consent Items**

**Site Plan Amendment Review No. No. 82002021A, Montrose Parks (Limited)**  
**(POSTPONED TO 7/22/10)** 1R-60/TDR zone; 1.30 acres; amendment in response to a reconsideration request to modify a portion of the conservation easement on common property; located on Montrose Park Place south of Montrose Road; North Bethesda/Garrett Park  
*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**       **This item was postponed to July 22, 2010.**

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**D. Approval of Minutes**

Minutes of June 17, 2010 (Deferred from July 8, 2010)

**BOARD ACTION**

**Motion:**               **WELLS-HARLEY/DREYFUSS**

**Vote:**

**Yea:**               **3-0-1**

**Nay:**

**Other:**               **CARRIER ABSTAINED; PRESLEY ABSENT**

**Action:**       **Approved the minutes of June 17, 2010, as presented.**

**2. Briefing: Status Report per Site Plan Review No. 820070220, Clarksburg Town Center**

Update on development activity by the Applicant with the Planning Board; Condition 18 of the adopted resolution requires the Applicant to provide a status report to the Planning Board every 3 months; Clarksburg

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received briefing.**

Development Review staff presented an update on the development activity in the Clarksburg Town Center, as required under the site plan approval, as detailed in the staff report.

Mr. Steve Kaufman, attorney, and Mr. Doug Delano, of the applicant company, offered comments and elaborated on the progress of development.

There followed some discussion of the development triggers associated with the residential and retail development, the timing of development of the town center and other retail centers in Clarksburg, and the provisions in the master plan related to the timing of retail development.

**3. Site Plan Review No. 820100090, National Cancer Institute**

LSC zone; 41.08 acres; 512,278 square foot office building with a 1,949 space parking garage and 11,960 square feet of retail space, located at the southeast quadrant of the intersection of Broschart Road and Key West Avenue; Shady Grove

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion: DREYFUSS/ALFANDRE**

**Vote:**

**Yea: 3-0**

**Nay:**

**Other: WELLS-HARLEY TEMPORARILY ABSENT; PRESLEY ABSENT**

**Action:**       **Approved the staff recommendation to approve, subject to conditions as revised in discussion, as stated in the attached Board Resolution.**

Development Review staff presented the site plan for additional research and development uses, with retail, and associated surface and structured parking, for Buildings V and VI of the recently approved amended conceptual master plan for the Life Sciences Center, as detailed in the staff report. Staff made several revisions to the proposed conditions.

Ms. Barbara Sears, attorney representing the applicant; Mr. Greg Trimmer of the applicant company; and Mr. David McDonough of Johns Hopkins University concurred in the staff recommendation and elaborated on the plan. Mr. Trimmer noted that the National Cancer Institute will be located on the Johns Hopkins University campus, and Mr. McDonough responded to questions from the Board about the linkages between the proposed Institute and other educational and scientific/research facilities on the campus.

**4.     Site Plan Review No. 820100100, Fillmore Music Hall & LDG Office/Hotel Complex**

CBD-2 zone; 2.06 acres; 189 room hotel, 218,500 square feet of office space, 5,500 square feet of retail, and a 22,882 square foot public music hall; located on Georgia Avenue, approximately 250 feet west of Colesville Road; Silver Spring CBD

*Staff Recommendation: Approval of the Site Plan*

**BOARD ACTION**

**Motion:**               **DREYFUSS/WELLS-HARLEY**

**Vote:**

**Yea:**               **4-0**

**Nay:**

**Other:**           **PRESLEY ABSENT**

**Action:**       **Approved the staff recommendation to approve, subject to revised conditions, as stated in the attached Board Resolution.**

Development Review staff presented the site plan for the Fillmore music hall, office building, and hotel complex, as detailed in the staff report. The project consists of three buildings fronting, respectively, on Colesville Road, Georgia Avenue, and Fenton Street in Silver Spring. Staff clarified the square footages of the lots and made several changes to the staff report and conditions.

Mr. Bill Kominers, attorney representing the applicant, introduced the applicant team and concurred in the staff recommendation. Mr. Mike Hickok, the architect, made a multi-media presentation of the proposed development, and Mr. Doug Wrenn, the engineer, discussed the green roofs, streetscaping, conformance with the sector plan, and the relationship of the proposed music hall with the other development to the south on Colesville Road.

Mr. David Dise, Director of the County Department of General Services, representing the County Executive, spoke in support of the project and discussed various aspects of the public/private partnership for the development.

Mr. Tony Hausner, representing the Indian Spring Civic Association, spoke in support of the project, but raised concerns about violence at recent musical events in Silver Spring, to which Mr. Dise responded.

There followed some discussion of various aspects of the project, with staff and the applicants providing additional information and responding to questions as needed.

**16. Subdivision Plat No. 220100900, Silver Spring Music Hall - REVISED**

CBD-2 zone, 3 lots; located on the west side of Colesville Road (US Route 29), 100 feet south of Fenton Street; Silver Spring CBD.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: DREYFUSS/WELLS-HARLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: PRESLEY ABSENT**

**Action: Approved the Record Plat cited above.**

In a brief presentation, Development Review staff noted that the Record Plat was removed from the Consent Agenda, to be reviewed and approved following action on the associated site plan. Staff noted that the Plat will be recorded when the certified site plan is received.

**5. Darnestown at Travilah**

**A. Preliminary Plan 120100230:** RT-8.0 zone; 4.92 acres; 39 lots requested for 39 one-family attached residential dwellings; located on Darnestown Road (MD 28), approximately 1,000 feet southwest of Key West Avenue; Shady Grove Master Plan.

*Staff Recommendation: Approval with Conditions*

**B. Site Plan 820100070:** RT-8.0 zone; 4.92 acres; 39 single-family dwelling units including 5 MPDUs; located on Darnestown Road, approximately 1,000 feet southwest of Key West Avenue; Shady Grove

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion:**                   **A. ALFANDRE/DREYFUSS**  
                                  **B. DREYFUSS/ALFANDRE**

**Vote:**  
    **Yea:**                   **A. 4-0**  
                                  **B. 4-0**

**Nay:**

**Other:**                   **PRESLEY ABSENT**

**Action:**                   **A. Approved the staff recommendation to approve the preliminary plan, subject to revised conditions, as stated in the attached Board Resolution.**  
                                  **B. Approved the staff recommendation to approve the site plan, subject to revised conditions, as further revised in discussion, as stated in the attached Board Resolution.**

Development Review staff presented the preliminary plan and site plan for 39 lots for development of 39 one-family attached dwelling units, as detailed in the staff report. Staff noted that the original schematic development plan (SDP) accompanying the rezoning was remanded to the Board by the County Council to address noise generated by the abutting Public Service Training Academy, and a revised SDP was subsequently approved with binding elements and design elements. Staff reviewed the binding and design elements and discussed how the site plan addresses the noise issue and complies with the requirements of the SDP. Staff also noted several distributed changes to the conditions of approval for the preliminary plan and site plan and proposed an additional change for the site plan. Community-Based Planning staff discussed planning issues and master plan recommendations for the site, noting that the plan was reviewed in terms of the 1990 Shady Grove Study Area Master Plan and the now-adopted Great Seneca Science Corridor Master Plan.

Ms. Stacy Silber, attorney representing the applicant, concurred in the staff recommendation. Mr. Les Powell, the applicant’s engineer, and Mr. John Thillmann, of the applicant company, elaborated on the proposed development and responded to questions from the Board.

**6.       Development Plan Amendment No: DPA-10-2: Battery Lane, LLC**

Applicant requests Development Plan Amendment to add 10 feet 8 inches to the height, PD-75 Zone, located at the NW Corner Woodmont Avenue & Battery Lane, Bethesda

*Staff Recommendation: Denial*

**(Action Required for Hearing by the Hearing Examiner on 09/02/10)**



**BOARD ACTION**

**Motion: DREYFUSS/WELLS-HARLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: PRESLEY ABSENT**

**Action: Contrary to the staff recommendation to deny, approved the development plan amendment to increase the maximum height to 90 feet, convert the units to all two-bedrooms, and increase the number of moderately priced dwelling units (MPDUs) by one, for a total of nine, subject to binding elements, as stated in the attached Letter of Transmittal.**

A VERBATIM TRANSCRIPT OF THIS ITEM IS ON FILE WITH THE OFFICIAL MINUTES IN THE MONTGOMERY REGIONAL OFFICE IN SILVER SPRING, MARYLAND.

**7. Closed Session**

Pursuant to Maryland State Government Code Annotated Section 10-508(a)(7), to consult with counsel to obtain legal advice.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Discussed in Closed Session. See official citation and open session report in narrative minutes.**

**13. Pre-Preliminary Plan 720090120, Gottens Good Luck - NEW TIME**

RDT zone; 77 acres; 2 lots requested for 2 one-family detached residential dwellings, 1 farm remainder with an existing dwelling to remain; located on Martinsburg Road, 5,760 feet northeast of Whites Ferry Road; Agricultural and Rural Open Space Plan.

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion: ALFANDRE/WELLS-HARLEY**

**Vote:**

**Yea: 3-0**

**Nay:**

**Other: DREYFUSS ABSTAINED DUE TO POSSIBLE CONFLICT OF INTEREST  
PRESLEY ABSENT**

**Action: Approved staff recommendation for approval, subject to conditions, as stated in the attached Board Resolution.**

In keeping with the July 7 technical staff report, Development Review and Community-Based Planning staff offered a multi-media presentation of the request to create two lots for two one-family detached residential dwellings on a 77-acre property, with one existing dwelling to remain, located on Martinsburg Road in the Agricultural and Rural Open Space. Staff discussed the proposed conditions of approval and the details of the request.

Mr. David McKee, Engineer for the applicant, briefly discussed the proposed request, and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff and the applicant's representative.

**8. Mandatory Referral: Jones Bridge Road Shared Use Path from Wisconsin Avenue (MD355) to Connecticut Avenue (MD185), MCDOT CIP No. 501300, MR#2010809**

*Staff Recommendation: Approval with Comments*

**BOARD ACTION**

**Motion: DREYFUSS/WELLS-HARLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: PRESLEY ABSENT**

**Action: Approved staff recommendation and instructed staff to work with Montgomery County Department of Transportation staff to explore the possibilities of reducing the impact of construction on homeowners on the north side of Jones Bridge Road, including moving the trail to the south side.**

In keeping with the July 7 detailed technical staff report, Transportation Planning staff offered a detailed multi-media presentation of the proposed Mandatory Referral for Jones Bridge Road share use path from Wisconsin Avenue to Connecticut Avenue.

The following speakers offered testimony: Mr. Allen Hutter of Jones Bridge Road and representing the Chevy Chase Valley Citizens Association; Mr. Shu-Ping Chan of Jones Bridge Road; Mr. Robert Weesner of Jones Bridge Road and representing the Village of North Chevy Chase; Mr. Casey Anderson of First Avenue and representing the Washington Area Bicyclist Association; and Mr. Patrick O'Neal, attorney representing the Howard Hughes property.

Mr. Edgar Gonzalez, Director of the Montgomery County Department of Transportation, offered comments.

Environmental Planning staff discussed the existing forest conservation easement and the impact of the proposed project.

There followed extensive Board discussion with questions to staff and the speakers.

## **9. Briefing on Transportation Policy Area Review (TPAR)**

Montgomery County Department of Transportation staff briefing on the Executive's proposed replacement for Policy Area Mobility Review (PAMR)

### **BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received briefing from Transportation Planning staff on the Transportation Policy Area Review (TPAR), followed by Board discussion.**

Messrs. Art Holmes, Director of the Montgomery County Department of Transportation, and Edgar Gonzalez, Deputy Director for Transportation Policy at the Montgomery County Department of Transportation, offered a detailed multi-media presentation and discussed the TPAR.

Mr. Gonzalez noted that the report has been transmitted to the County Executive and the County Council and comments from the Board will be welcome.

There followed a brief Board discussion with questions to staff and the speakers.

**10. Bill 19-10: Transportation Impact Tax Credits**

To amend Section 52 of the County Code to update the credits which apply to the transportation impact tax and codify in law the transportation mitigation payment referred to in the County Growth Policy.

*Staff Recommendation: Transmit Comments to the County Council*

**BOARD ACTION**

**Motion: DREYFUSS/WELLS-HARLEY**

**Vote:**

**Yea: 3-1**

**Nay: ALFANDRE**

**Other: PRESLEY ABSENT**

**Action: Approved staff recommendation to transmit comments to the Montgomery County Council, as stated in the attached transmittal letter.**

Transportation Planning staff offered a brief presentation on the proposed Bill 19-10 for transportation impact tax credits. Staff noted that the Bill recommends that the Planning Board transmit comments to the Montgomery County Council.

The following speakers offered testimony: Mr. William Kominers of Tower & Dawson, LLC, Bethesda Metro Center; Mr. Steve Robins of Davis Brothers Montgomery Forum LP & Cavalier LP, Bethesda Metro Center; Mr. Patrick O'Neil of Multi-Employment Property, Bethesda Metro Center; Ms. Raquel Montenegro of Elton Road and representing the Maryland National Capital Building Industry Association; Mr. Edgar Gonzalez, Deputy Director for Transportation Policy of the Montgomery County Department of Transportation; and Mr. David Moss of the Department of Transportation.

There followed extensive Board discussion, with questions to staff and the speakers.

**11. Briefing on M-NCPPC/MCDOT Shared Parking Study Update - POSTPONED**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: This item was postponed.**

**12. Piedmont Road Property**

**A. Water Quality Plan: Preliminary Plan 120090330, Piedmont Road**

*Staff Recommendation: Approval with Conditions*

**B. Preliminary Plan 120090330, Piedmont Road Property, R-200/TDR zone; 3.60 acres; 4 lots requested for 4 one-family detached dwelling units, 1 existing dwelling to remain; located on Piedmont Road, 360 feet southeast of Grand Elm Street; Clarksburg Master Plan.**

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion: A. ALFANDRE/WELLS-HARLEY  
B. ALFANDRE/WELLS-HARLEY**

**Vote:**

**Yea: A. 4-0  
B. 4-0**

**Nay:**

**Other: PRESLEY ABSENT**

**Action: A. Approved staff recommendation for approval of the Water Quality Plan, subject to conditions, as stated in the attached Board Resolution.**

**B. Approved staff recommendation for approval of the Preliminary Plan, subject to conditions, as stated in the attached Board Resolution.**

Development Review staff gave a brief presentation of the request to create four lots for four one-family detached dwelling units, with one existing dwelling to remain, on a 3.60-acre property located on Piedmont Road in Clarksburg.

Environmental Planning staff discussed the water quality plan.

Ms. Jean Hulse-Hayman, the applicant, offered comments and concurred with the staff recommendation.

Mr. Paul Majewski of Piedmont Road offered testimony.

There followed a brief Board discussion, with questions to staff.

**14. Shirkey's Addn. to Fairland Acres (Resubdivision)**

**A. Preliminary/Final Water Quality Plan 120100110:** R-200 zone and the Environmental Overlay Zone for the Upper Paint Branch Special Protection Area; 7.12 acres; 2 lots requested for 2 one-family detached residential dwellings, 1 existing dwelling to remain; located on Old Briggs Chaney Road, 420 feet west of Old Columbia Pike; Fairland Master Plan.

*Staff Recommendation: Approval with Conditions*

**B. Preliminary Plan 120100110:** R-200 zone and the Environmental Overlay Zone for the Upper Paint Branch Special Protection Area; 7.12 acres; 2 lots requested for 2 one-family detached residential dwellings, 1 existing dwelling to remain; located on Old Briggs Chaney Road, 420 feet west of Old Columbia Pike; Fairland Master Plan.

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion:**                    **A. WELLS-HARLEY/ALFANDRE**  
                                  **B. WELLS-HARLEY/ALFANDRE**

**Vote:**

**Yea:**                    **A. 4-0**  
                                  **B. 4-0**

**Nay:**

**Other:**                **PRESLEY ABSENT**

**Action:**                **A. Approved staff recommendation for approval of the Water Quality Plan, subject to conditions, as stated in the attached Board Resolution.**  
                                  **B. Approved staff recommendation for approval of the Preliminary Plan, subject to conditions, as stated in the attached Board Resolution.**

Development Review staff offered a brief presentation of the request to create two one-family detached residential dwellings, with one existing dwelling to remain, on a 7.12-acre property located on Old Briggs Chaney Road in Fairland.

Mr. David McKee, Engineer for the applicant, concurred with the staff recommendation.

**15. Zoning Text Amendment No. 10-07**

To amend the Zoning Ordinance to amend the RNC and RNC/TDR zones to allow large off-street parking areas only under certain circumstances

*Staff Recommendation: Transmit Comments to the County Council*

**BOARD ACTION**

**Motion:**                    **DREYFUSS/ALFANDRE**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: PRESLEY ABSENT**

**Action: Approved staff recommendation to transmit comments to the County Council, as stated in the attached transmittal letter.**

In accordance with the July 6 technical staff report, Development Review staff presented the Zoning Text Amendment request introduced by Councilmembers Navarro and Elrich to amend the Zoning Ordinance to amend the Rural Neighborhood Cluster (RNC) zone and RNC/TDR (Transfer Development Rights) zones to allow large off-street parking areas only under certain circumstances.

The following speakers offered testimony: Ms. Mary Steele Williams of Lakenheath Way; Mr. David Williams, Pastor of the First Baptist Church; Ms. Clara Bryant of Curtis Place; Mr. Philip Perrine of Grosvenor Place, Land Planner, representing the First Baptist Church of Wheaton; Mr. Clark Robinson of White Mane Road, Mr. Paul Newman of Wightman Road; Mr. Gregory Baker of the Wheaton Redevelopment Advisory Committee; Mr. Stan Abrams of Montgomery Avenue, attorney for the First Baptist Church of Wheaton; Ms. Paula Moutsos of Cottrell Terrace; Mr. Larry White of Mimosa Lane; Mr. George Brown, President of Total Construction Services, Inc.

There followed extensive Board discussion with questions to staff and the speakers.