



**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 31, 2008, at 9:00 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 8:15 p.m.

Present were Chairman Royce Hanson, Vice Chair John Robinson, and Commissioners Joe Alfandre, Jean Cryor, and Amy Presley.

Items 1 through 7 are reported on the attached agenda. Item 8 was postponed to the afternoon session.

The Board recessed for lunch at 12:20 p.m.

In compliance with Section 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, Items 10 and 12 and Items 19 through 21 on the regular agenda, in the third floor conference room at 12:33 p.m. The Board postponed a scheduled Item 11 Closed Session to consult with counsel on MPDU/TDR (moderately priced dwelling units and transfer of development rights) calculations. The motion to go into Closed Session was made by Commissioner Cryor, seconded by Commissioner Presley. Chairman Hanson, Vice Chair Robinson, Commissioner Alfandre, Commissioner Cryor and Commissioner Presley were present and voted in favor of the motion.

The meeting was closed under authority of State Government Article, Annotated Code of Maryland Section 10-508(a)(1), to discuss personnel matters that affect one or more specific employees; and Section 10-508(a)(7), to consult with counsel to obtain legal advice.

Also present for all or a part of the Closed Session were Executive Director Oscar Rodriguez; General Counsel Adrian R. Gardner and Associate General Counsels Debra Daniel, William Dickerson, and David Lieb of the Legal Office; Director of Planning Rollin Stanley, Alison Davis, Clare Lise Kelly, Callum Murray, and Gwen Wright of the Department of Planning; Director of Parks Mary Bradford and Deputy Director Michael Riley of the Parks Department; and Ann Daly of the Commissioners' Office.

In Closed Session, the Board consulted with counsel to obtain legal advice on (1) the historic designation process for property, in preparation for discussion of regular Agenda Item 15 on Wild Acres; (2) a draft document of Planning Board enforcement rules; (3) draft legislation related to the Building Lot Termination (BLT) program and associated amendments to Council Bill 39-07 (Chapter 2B); and a briefing on the status of *Awkard, et al v. Maryland-National Capital Park & Planning Commission, et al*, a case pending before the United States District Court for the District of Maryland. The Board also received a report on the status of plans for the upcoming reorganization of the Planning Department.

The Closed Session was adjourned at 2:50 P.M. and the Board reconvened in the third floor conference room.

The Board reconvened in the auditorium at 3:00 p.m.

Items 8 and 14 through 17 are reported on the attached agenda.

The Board recessed for dinner at 6:30 p.m.

The Board reconvened at 7:30 p.m. with the same five Commissioners present for the single evening item, Item 18, a presentation on the SilverPlace development proposal, developed through the week-long public charrette design process. The evening item also is intended to provide an opportunity for the public to comment. This item is reported on the attached agenda.

There being no further business, the meeting was adjourned at 8:15 p.m. The Montgomery County Planning Board will be on recess for the month of August. The next regular meeting of the Planning Board will be held Thursday, September 4, 2008, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise  
Technical Writer

Ellyn Dye  
Technical Writer

**Montgomery County Planning Board**  
**Thursday, July 31, 2008**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760

**1. Adoption of Opinions/Resolutions**

**Three Commissioners Eligible to Vote [Commissioners Cryor, Hanson and Robinson]**

- i) EZ Storage - Burtonsville Industrial Park - Preliminary Plan No. 120070510, ADOPTION OF RESOLUTION No. 08-36
- ii) Ashton Meeting Place - Site Plan No. 820060230, ADOPTION OF RESOLUTION No. 08-83  
\*\*
- iii) Ashton Meeting Place - Preliminary Plan No. 120060060, ADOPTION OF RESOLUTION No. 08-82 \*\*
- iv) Ashton Meeting Place - Preliminary Plan No. 120080070, ADOPTION OF RESOLUTION No. 08-93
- v) Ashton Meeting Place - Site Plan No. 820080040, ADOPTION OF RESOLUTION No. 08-59
- vi) Rock Spring Park Preliminary Plan Amendment No. 11998093A, ADOPTION OF RESOLUTION No. 08-91
- vii) Rock Spring Park Limited Site Plan Amendment No. 81989049G, ADOPTION OF RESOLUTION No. 08-92
- viii) Clarksburg Town Center Site Plan Amendment No. 81998001I, ADOPTION OF RESOLUTION No. 08-23\*\*
- ix) Clarksburg Town Center Site Plan Amendment No. 82002014D, ADOPTION OF RESOLUTION No. 08-22\*\*

**\*\* The Commissioners eligible to vote on this resolution either participated in the decision or have reviewed the record of the decision.**

**BOARD ACTION**

**Motion: ROBINSON/CRYOR**

**Vote:**

**Yea: 3-0-2**

**Nay:**

**Other: ALFANDRE, PRESLEY ABSTAINED**

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

**2. Record Plats**

**Subdivision Plat No. 220071580, Hendry Estates**

R-60 zone; 1 lot; located on the south side of Wilmett Road, 525 feet east of Lindale Drive; Bethesda-Chevy Chase

*Staff Recommendation: Approval*

**Subdivision Plat No. 220080080, Allanwood**

R-200 zone; 3 lots, 1 parcel; located on the south side of Norbeck Road (MD 28), 350 feet east of Drury Road; Aspen Hill

*Staff Recommendation: Approval*

**Subdivision Plat No. 220080700, Marywood**

R-200 zone; 2 lots; located on the north side of Marywood Drive, approximately 900 feet west of Fernwood Road; Bethesda-Chevy Chase

*Staff Recommendation: Approval*

**Subdivision Plat No. 220081440, Belvedere**

RE-2 zone; 2 lots; located in the southwest quadrant of the intersection of Split Creek Court and Stonebarn Lane; Potomac

*Staff Recommendation: Approval*

**Subdivision Plat No. 220081620, Kramer's addition to Colesville**

C-1 zone; 1 parcel; located on the north side of Randolph Road, approximately 1000 feet west of New Hampshire Avenue (MD 650); White Oak

*Staff Recommendation: Approval*

**Subdivision Plat No. 220081640, Sutton's addition to Palatine**

RE-2 zone; 7 lots, 1 parcel; located at the northern terminus of Centurion Way, between McCrossin Lane and Riding Fields Road; Potomac

*Staff Recommendation: Approval*

**Subdivision Plat No. 220082010, Sellar's addition to Glen Cove**

R-60 zone; 2 lots; located on the south side of Newport Avenue, 300 feet east of Montgomery Avenue; Bethesda-Chevy Chase

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:** ROBINSON/CRYOR

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

**Action:** Approved record plats as stated above.

### 3. Consent Items

**Adequate Public Facilities finding for Building Permits No. 485344 and No. 485346**  
(Greenbank Building) No. 485344; 4834 Cordell Avenue, Bethesda and No. 485346 at 8008 Woodmont Avenue, Bethesda to construct 9,616 square feet of general retail space.

*Staff recommendation: Approval of the APF Finding*

#### **BOARD ACTION**

**Motion: ROBINSON/CRYOR**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Following a brief staff presentation, approved staff recommendation to approve the Adequate Public Facilities (APF) finding, as stated above.**

### 4. Cape May Road and Good Hope Road Sidewalk Improvements

**\*A. Water Quality Plan - Upper Paint Branch Special Protection Area**

*Staff recommendation: Approval with conditions*

**B. Mandatory Referral No. 04816-DPW&T-1: Sidewalk Improvements along Cape May Road from New Hampshire Avenue to Good Hope Road, and along Good Hope Road from Cape May Road to about 1,250 feet east of Cape May Road, CIP No. 506747**

*Staff recommendation: Approval with comments to Montgomery County Department of Transportation (DOT)*

#### **BOARD ACTION**

**Motion: A) ALFANDRE/ROBINSON  
B) ROBINSON/CRYOR**

**Vote:**

**Yea: A) 5-0**

**B) 5-0**

**Nay:**

**Other:**

**Action:**        **A) Approved staff recommendation to approve, subject to conditions.**  
                  **B) Approved staff recommendation to approve, as stated in the attached**  
**transmittal letter to Montgomery County Department of Transportation (DOT).**

In keeping with the July 17 technical staff report, Transportation Planning and Environmental Planning Divisions staff offered a multi-media presentation regarding the proposed sidewalk improvements and water quality plan for Cape May and Good Hope Roads.

Messrs. Holger Serrano and Daniel Sheridan of the Department of Transportation (DOT) offered comments, and answered questions from Board members.

The following speakers offered testimony: Ms. Verona Hung of Windflower Drive, Reverend Richard Kukowski of Colesville Manor Drive; Mr. Nonso Nzegwu of Great Hope Road; Ms. Crystal Jackson of Great Hope Road, written testimony read by a third party and submitted into the record; Reverend Jacqueline Jones-Smith of Good Hope Road; and Ms. Judy Koenick of Chevy Chase.

**5. Cresthaven Elementary School**

**\*A. Preliminary Forest Conservation Plan**

*Staff recommendation: Approval with conditions*

**B. Mandatory Referral No. 08602-MCPS-1: Cresthaven Elementary School**

Modernization Project - 1234 Cresthaven Drive, Silver Spring, R-90 Zone, White Oak Master Plan.

*Staff recommendation: Transmit comments to Montgomery County Public Schools*

**BOARD ACTION**

**Motion:**           **A) ALFANDRE/ROBINSON**  
                  **B) ROBINSON/CRYOR**

**Vote:**

**Yea:**            **A) 5-0**  
                  **B) 5-0**

**Nay:**

**Other:**

**Action:**        **A) Approved staff recommendation for approval, subject to conditions.**  
                  **B) Approved staff recommendation to transmit comments to Montgomery**  
**County Public Schools, as stated in the attached transmittal letter.**

In accordance with the July 16 technical staff report, Community-Based Planning and Environmental Planning Divisions staff offered a detailed presentation, accompanied by a multi-media presentation of the preliminary forest conservation plan and mandatory referral for Cresthaven Elementary School.

Messrs. Joe de Rosa and Craig Shuman representing Montgomery County Public Schools (MCPS), Mr. Matt Williams, engineer for MCPS, and Ms. Rachel Chung architect for MCPS offered comments and answered questions from Board members.

Ms. Judy Koenick of Chevy Chase offered testimony.

## 6. Carderock Springs Elementary School

### **\*A. Preliminary Forest Conservation Plan**

*Staff recommendation: Approval with conditions*

### **B. Mandatory Referral No. 08401-MCPS-1: Carderock Springs Elementary School**

School Replacement Project - 7401 Persimmon Tree Lane, Bethesda, R-200 Zone, Potomac Sub-region Master Plan

*Staff recommendation: Approval to transmit comments to Montgomery County Public Schools*

## **BOARD ACTION**

**Motion:**                   A) PRESLEY/ROBINSON  
                                  B) ROBINSON/ALFANDRE

**Vote:**  
**Yea:**                    A) 5-0  
                                  B) 5-0

**Nay:**

**Other:**

**Action:**                A) Approved staff recommendation for approval, subject to conditions.  
                                  B) Approved staff recommendation for approval to transmit comments to Montgomery County Public Schools, as stated in the attached transmittal letter.

In keeping with the July 14 and 16 technical staff reports, Community-Based Planning and Environmental Planning Divisions staff offered a detailed presentation accompanied by a multi-media presentation of the preliminary forest conservation and mandatory referral for the Carderock Springs Elementary School.

Messrs. James Tokar and Craig Shuman representing Montgomery County Public Schools (MCPS), and Ms. Olivia Brookman also representing MCPS offered comments.

Ms. Judy Koenick of Chevy Chase offered testimony

**7. Program Briefing: Woodstock Equestrian Park**

Briefing on the development status and the proposed Implementation Plan of Woodstock Equestrian Park; located on the east and west sides of Darnestown Road (MD 28), north of West Hunter Road; Beallsville

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received briefing on the development status and the proposed implementation plan for Woodstock Equestrian Park, followed by extensive Board discussion and questions to staff and Mr. Greenberg’s representatives.**

Parks Development Division staff offered a detailed multi-media presentation of the development status and the proposed implementation plan for Woodstock Equestrian Park in accordance with the July 23 technical staff report. Staff discussed the development schedule for Phase II of the project.

The following speakers offered testimony: Mr. Aleco Greenberg of Davenport Street; Ms. Vicki Shannon of Moore Road representing Mr. Greenberg; and Ms. Judy Koenick of Chevy Chase.

**8. Discussion: Amenity Fund for Use in Central Business District (CBD) and TMX Zones**

Amenity fund for the provision of off-site public use space/public facilities and amenities in the CBD and TMX zones

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**



**Action: Provided guidance to staff for revisions to be incorporated for final review by the Board prior to publishing a draft for public comment.**

Community-Based Planning staff presented an overview of the County Council action to allow payments in lieu of providing public amenities for optional method projects in the CBD and TOMX Zones and preliminary guidelines for the administration of a fund to hold and disburse payments, as detailed in the staff report.

**9. Zoning Text Amendment No. 08-14 - RESCHEDULED: JULY 24, 2008 AGENDA**

**Further discussion as requested by Chairman Hanson from Montgomery Planning Board session on July 17, 2008**

Introduced by the County Council at the request of the Planning Board; to amend the Zoning Ordinance to establish a Transit Mixed-Use (TMX) Zone; and establish allowable land uses, development standards, use of buildable transferable development rights, and approval procedures for development of the TMX Zone

*Staff recommendation: Transmit Comments to Montgomery County Council*  
(Action required for County Council public hearing of 7/29/08)

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: This item was taken up on July 24, 2008.**

**20. CLOSED SESSION**

In accordance with State Government Article, Section 10-508(a)(7), State Government Article, Annotated Code of Maryland, to consult with counsel to obtain legal advice (legal representation).

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Met in Closed Session. See narrative minutes for State citation and brief open session report.**

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**19. CLOSED SESSION**

In accordance with the Annotated Code of Maryland, State Government Article, Section 10-508(a)(1) (Personnel) to discuss personnel matters that affect one or more specific employees.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Met in Closed Session. See narrative minutes for State citation and brief open session report.**

**10. CLOSED SESSION**

In accordance with State Government Article, Section 10-508(a)(7), State Government Article, Annotated Code of Maryland, to consult with counsel to obtain legal advice (Amendment to Chapter 2B)

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Met in Closed Session. See narrative minutes for State citation and brief open session report.**

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**11. CLOSED SESSION - POSTPONED**

In accordance with State Government Article, Section 10-508(a)(7), State Government Article, Annotated Code of Maryland, to consult with counsel to obtain legal advice (MPDU/TDR calculations)

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: This item was postponed.**

**21. CLOSED SESSION**

In accordance with State Government Article, Section 10-508(a)(7), State Government Article, Annotated Code of Maryland, to consult with counsel to obtain legal advice (Wild Acres).

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Met in Closed Session. See narrative minutes for State citation and brief open session report.**

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**12. CLOSED SESSION**

In accordance with State Government Article, Section 10-508(a)(7), State Government Article, Annotated Code of Maryland, to consult with counsel to obtain legal advice (Enforcement Rules)

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Met in Closed Session. See narrative minutes for State citation and brief open session report.**

**13. Bill No. 39-07 Montgomery County Code Chapter 2B Agricultural Land Preservation - Amendments - POSTPONED**

*Staff recommendation: Approval to transmit comments to Montgomery County Council*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**       **This item was postponed.**

- 14.    Worksession: Enforcement Rules**  
(No public testimony will be taken at this time.)

*Staff recommendation: Adopt Enforcement Rules and transmit to Montgomery County Council*

**BOARD ACTION**

**Motion:**               **ROBINSON/ALFANDRE**

**Vote:**

**Yea:**               **5-0**

**Nay:**

**Other:**

**Action:**       **Approved the staff recommendation to adopt the Enforcement Rules and transmit them to the County Council, following a brief presentation by Legal Department staff.**

- 15.    Worksession: Wild Acres - UPDATED**  
**Continued from Montgomery County Planning Board Public Hearing, May 29, 2008**

Worksession on Amendment to the Master Plan for Historic Preservation: Wild Acres (Grosvenor Estate), #30/15, 5440 Grosvenor Lane, Bethesda

*Staff recommendation: Recommend to County Council Designation of Resource on the Master Plan for Historic Preservation*

**BOARD ACTION**

**Motion:** ROBINSON/ALFANDRE

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

**Action:** Approved the staff recommendation to approve the Public Hearing Draft as the Planning Board Draft, modified to include the revised 5-acre environmental setting recommended by staff.

Historic Preservation staff presented an overview of the proposal to designate Wild Acres on the Master Plan for Historic Preservation, testimony received at the Public Hearing, and the staff response to testimony, as detailed in the staff report.

**16. Proposed Zoning Text Amendment: Pre-Application Process**

Zoning Text Amendment to establish a pre-application process for special exception and local map amendments; revise data required to accompany special exception, local map amendment, and development plan amendment petitions; and generally amend provisions related to special exceptions, local map amendments, and development plan amendment petitions.

*Staff recommendation: Transmit to County Council for Introduction*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:** Provided guidance to staff for revisions to be incorporated prior to posting the draft for public comment; Board worksession to be scheduled prior to transmitting the Zoning Text Amendment to the County Council for introduction.

Development Review staff presented this proposed Zoning Text Amendment to establish a pre-application process, as detailed in the staff report. The Chief of Development Review Division, Rose Krasnow, elaborated on the issues the proposed text amendment is intended to address.

Ms. Raquel Montenegro, representing the Maryland National Capital Building Industry Association, and Mr. Jody Kline, attorney, offered comments.

## **17. Roundtable Discussion**

- A. Commissioners' Report
- B. Approval of Minutes
- C. Director's Report
- D. County Council Activity
- E. (Parks Department) Impacts of FY09 Budget and Strategy for FY10 Budget

### **BOARD ACTION**

#### **Motion:**

#### **Vote:**

**Yea:**

**Nay:**

**Other:**

#### **Action:**

**A. Commissioners' Report**—Chairman Hanson reported on recommendations on the Fenton Village Zoning Text Amendments concerning height by the Council Committee on Planning, Housing, and Economic Development (PHED). He also noted that he testified before the Council on the Zoning Text Amendments to the Central Business District (CBD) zones, related to the Filmore project.

**B. Approval of Minutes**—None.

**C. Director's Report**—Director of Parks Mary Bradford presented an overview of her written Director's Report.

**D. County Council Activity**—Planning Director Rollin Stanley reported on the staff presentations to the PHED Committee on the Zoning Ordinance rewrite, the special revenue fund for development review, and the management improvement program.

**E. (Parks Department) Impacts of FY09 Budget and Strategy for FY10 Budget**—Director of Parks Mary Bradford and staff briefed the Board on the approved operating budget and the impact of budget reductions on park programs, as detailed in the staff report, and discussed the strategy for preparing the FY10 budget. Secretary-Treasurer Patti Barney provided comments and responded to queries from the Board as needed.

**18. SilverPlace - REVISED**

The presentation provides the opportunity for the public to comment on the plan developed through the SilverPlace charrette process (Charrette Plan) for the replacement of the Montgomery Regional Office headquarters building of the M-NCPPC. The project includes approximately 139,700 square feet of office space and 305 housing units located at 8787 Georgia Avenue, Silver Spring, CBD-1 Zone, Sector Plan for the Silver Spring CBD

*Staff recommendation: Approval of the SilverPlace Charrette Plan to serve as the basis for (1) a construction appropriation request to the Montgomery County Council and (2) the initiation of the Montgomery County land use regulatory process*

**BOARD ACTION**

**Motion: ROBINSON/PRESLEY**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Approved staff recommendation for approval of the SilverPlace Charrette Plan to serve as the basis for a construction appropriation request to the Montgomery County Council and as the basis for the initiation of the Montgomery County land use regulatory process.**

Mr. Daniel Hertz, SilverPlace Project Manager, Department of Parks, introduced the participants present who have an interest in the project, then presented highlights of the July 24 technical staff report on this proposal and information on the successful creative charrette process.

Ms. Barbara Ditzler of Noyes Drive in Silver Spring and the president of the Woodside Civic Association, testified in her own right since the Association does not meet during the summer. Ms. Ditzler reported she had participated in the SilverPlace Charrette process, was pleased with the results and noted the community's expectations are for a very high quality project.