



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

301-495-4617

**APPROVED**  
**MINUTES**

The Montgomery County Planning Board met in regular session on Thursday, September 18, 2008, at 9:07 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 6:25 p.m.

Present were Chairman Royce Hanson and Commissioners Jean Cryor, Joe Alfandre, and Amy Presley. Vice Chair John Robinson joined the meeting shortly after it was called to order.

Items 1 through 9 are reported on the attached agenda.

The Board recessed at 12:10 p.m. for lunch and to take up Item 10 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 1:00 p.m. in the third floor conference room, on motion of Commissioner Cryor, seconded by Commissioner Robinson, with Commissioners Hanson, Alfandre, Cryor, Robinson, and Presley present and voting in favor of the motion. The meeting was closed under authority of §10-508(a)(14), State Government Article, Annotated Code of Maryland, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal before the contract is awarded or bids are opened, if public discussion or disclosure would adversely impact the ability of the Commission to participate in the competitive bidding or proposal process.

Also present for the Closed Session were Secretary-Treasurer Patti Barney; Associate General Counsels Derrick Rogers and Carol Rubin; Director Mary Bradford, Deputy Director Michael Riley, and Dan Hertz of the Parks Department; Ellyn Dye of the Commissioners' Office; and Donald Zuchelli, consultant.

In Closed Session, the Board received a briefing and provided guidance to staff on negotiation of the General Development Agreement for the SilverPlace project.

The Closed Session was adjourned at 1:12 p.m. and the Board reconvened in open session in the third floor conference room.

The Board reconvened in the auditorium at 1:25 p.m. with all five Commissioners present.

Items 11 through 14A are reported on the attached agenda.

Item 14B was postponed.

There being no further business, the meeting was adjourned at 6:25 p.m. The next regular meeting of the Planning Board will be held Thursday, September 25, 2008, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye  
Technical Writer

M. Clara Moise  
Technical Writer

**Montgomery County Planning Board Meeting**  
**Thursday, September 18, 2008, 9:00 am**  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

**1. Adoption of Opinions/Resolutions**

**Group A: All Five Commissioners Eligible to Vote [Commissioners Alfandre Cryor, Hanson, Presley and Robinson]**

- i) Chevy Chase Bank - Hillandale, Preliminary Plan No. 120080090, ADOPTION OF RESOLUTION No. 08-109
- ii) Chevy Chase Bank - Hillandale, Site Plan No. 820080060, ADOPTION OF RESOLUTION No. 08-95
- iii) Churchill Senior Living, Site Plan No. 81997014A, ADOPTION OF RESOLUTION No. 08-97
- iv) Layhill Overlook, Site Plan No. 820080160, ADOPTION OF RESOLUTION No. 08-103
- v) Layhill Overlook, Preliminary Plan No. 12007049A, ADOPTION OF RESOLUTION No. 08-89
- vi) Town Center at Germantown Preliminary Plan 11994004A, ADOPTION OF RESOLUTION No. 08-107
- vii) Town Center at Germantown Site Plan 81999021A, ADOPTION OF RESOLUTION No. 08-102

**Group B: Four Commissioners Eligible to Vote [Commissioners Alfandre, Cryor, Hanson, and Presley**

viii) Fairmont Preliminary Plan 120050980, ADOPTION OF RESOLUTION No. 08-114

**BOARD ACTION**

**Motion:** (1) PRESLEY/CRYOR  
(2) ALFANDRE/CRYOR

**Vote:**

**Yea:** (1) 4-0  
(2) 4-0

**Nay:**

**Other:** ROBINSON ABSENT

**Action:** (1) Adopted Resolutions in Group A, as stated above.  
(2) Adopted Resolutions in Group B, as stated above.

**2. Record Plats**

**Subdivision Plat No. 220090150, Edgemoor**

R-60 zone; 1 lot; located on the south side of Edgemoor Lane, 180 feet east of Fairfax Road; Bethesda-Chevy Chase. *Staff recommendation: Approval*

**Subdivision Plat No. 220090170, Silver Spring Gateway**

CBD-2 zone; 2 parcels; located on the north side of East-West Highway (MD 410), 500 feet west of Georgia Avenue (US 29); Silver Spring CBD  
*Staff recommendation: Approval*

**BOARD ACTION**

**Motion:** PRESLEY/CRYOR

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** ROBINSON ABSENT

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

**3. Consent Items**

**Site Plan Amendment No. 82004027A, Leesborough - REVISED**

RT-15 zone; 13.86 acres; Amendment to improve Georgia Avenue frontage and Amherst Avenue access, and to upgrade internal landscape and hardscape features; located on the east side of Georgia Avenue, approximately 200 feet south of Arcola Avenue; Wheaton

*Staff recommendation: Approval of the Consent Amendment*

**BOARD ACTION**

**Motion:** ALFANDRE/PRESLEY

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** ROBINSON ABSENT

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

**4. Worksession #2: ICC Limited Functional Master Plan Amendment (Bikeways and Interchanges) - REVISED**

**(Public Testimony record closed July 31, 2008 -- No public testimony will be taken at this time)**

*Staff recommendation: Transmit Planning Board Draft Plan to County Council*

**BOARD ACTION**

**Motion:** ROBINSON/ALFANDRE

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

**Action:** Approved transmittal of the Planning Board Draft to the County Council.

Transportation Planning staff provided an overview of the revisions made to the plan to incorporate the Board's guidance at the July 21 worksession, as detailed in the staff report. Staff also presented a revision proposed by Parks Department staff.

Mr. Jack Cochrane of Montgomery Bike Advocates (MOBIKE) participated in the discussion.

**5. Site Plan Review No. 820060250, Midtown Silver Spring**

CBD-2 zones; 0.1.80 acres; 314 multi-family dwelling units and 5,380 gross square feet of retail; located on Ripley Street, approximately 500 west of the intersection with Georgia Avenue; Silver Spring CBD

*Staff recommendation: Approval with conditions*

**BOARD ACTION**

**Motion: ROBINSON/PRESLEY**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

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

Development Review staff presented the site plan for a high-rise residential building with street-level retail, as detailed in the staff report. Staff distributed a revised list of conditions and noted that new condition 3f on the list is no longer needed. Environmental Planning staff responded to questions about noise abatement.

Ms. Anne Martin, attorney; Mr. Don Hauge of the applicant company; and Mr. Dan Pinot, the engineer, concurred in the staff recommendation and responded to questions from the Board about the streetscape maintenance obligation, parking, and the unit mix.

**6. Extension: Project Plan Amendment #91994004B, Clarksburg Town Center**

RMX-2/RDT zones; 270.00 acres; 265,660 gross square feet of development, including 210,480 square feet of retail (includes up to 70,780 sf of specialty retail within live/work units); 55,180 square feet of office (potential second floor office space within live/work units) and 1, 240 residential dwelling units, including 155 MPDUs; Clarksburg

*Staff recommendation: Approval of 90 day extension to December 17, 2008*

**BOARD ACTION**

**Motion: ROBINSON/ALFANDRE**

**Vote:**

**Yea: 4-0-1**

**Nay:**

**Other: PRESLEY RECUSED**

**Action: Approved the staff recommendation to grant an extension of the review period to December 17, 2008.**

Prior to taking up this item, Commissioner Presley recused herself, based on her past experience as the President of the Clarksburg Town Center Advisory Committee.

Development Review staff presented the request for an extension of the review period for the project plan, as stated in the staff report.

Mr. Todd Brown, attorney representing the applicant, concurred in the staff recommendation.

Mr. Dave Brown, attorney representing the Clarksburg Town Center Advisory Committee, offered comments related to his submitted written testimony.

There followed some discussion about the relationship between this extension request, other projects in Clarksburg, and the status of implementation of the Compliance Program.

**7. Preliminary Plan No. 12007043A, Homecrest Phase II**

R-200 zone; 4.69 acres; 6 lots requested, 2 previously approved; 6 one-family detached dwelling units, 2 previously approved; located in the northeast quadrant of the intersection of Bel Pre Road and Beaverwood Lane; Aspen Hill.

*Staff recommendation: Approval with conditions*

**BOARD ACTION**

**Motion: ALFANDRE/ROBINSON**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

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

Development Review staff presented the proposal to create six lots in the second phase of a project with two lots previously approved, noting that this phase awaited resolution of an access issue related to acquisition of adjoining property, for construction of a master-planned road, to avoid encroachment into a stream buffer. Staff described the applicable neighborhood and reviewed the plan's compliance with the Resubdivision Criteria, as detailed in the staff report.

Mr. Joav Steinbach, representing the applicant, concurred in the staff recommendation and elaborated on the access issues.

There followed some discussion of the phasing of the road construction and the obligations of the affected property owners in the construction.

**8. Preliminary Plan No. 120080020, Sheppard Property**

RE-2 zone; 9.99 acres; 4 lots; 4 one-family detached dwelling units, one existing to remain; located on the west side of Clarksburg Road opposite Little Sierra Court; Boyds.

*Staff recommendation: Approval with conditions*

**BOARD ACTION**

**Motion: ROBINSON/CRYOR**

**Vote:**

**Yea: 3-2**

**Nay: HANSON, ALFANDRE**

**Other:**

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

Development Review staff presented the proposal to create four residential lots, as detailed in the staff report. Environmental Planning staff discussed the relationship between the proposed conservation easement, to protect the forested areas that will be retained, and the septic fields.

Mr. Ernest Sheppard, the applicant; Mr. Mark Hardcastle, the attorney representing the applicant; and Mr. David Crowe, the engineer, concurred in the staff recommendation. Mr. Crowe responded to questions from the Board about design of the septic fields and the possible use of sand mound technology to preserve more forest. Mr. Sheppard discussed the past and current use of the property.

Mr. Merritt Ednie, representing the Boyds Civic Association, and Mr. Richard Dove, owner of abutting property, offered comments.

Prior to the Board action, staff added a proposed condition of approval.

Chairman Hanson and Commissioner Alfandre opposed the motion, based on the large loss of trees from this heavily forested property due to the septic fields.

**9. Mandatory Referral No. 08106-MCPS-1: East Silver Spring Elementary School Addition Project**

631 Silver Spring Avenue, R-60 Zone, East Silver Spring Master Plan

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

**BOARD ACTION**

**Motion: ROBINSON/ALFANDRE**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action:**       **Approved the staff recommendation to transmit comments, as stated in the attached Letter of Transmittal.**

Community-Based Planning staff presented the mandatory referral for an addition and renovation to the East Silver Spring Elementary School, as detailed in the staff report. Environmental Planning staff responded to questions from the Board about trees on the site, noting that no specimen trees will be lost.

Mr. Ray Manhamati and Mr. Craig Shuman, Montgomery County Public Schools, and Mr. Matt Willems, the engineer, offered comments and responded to questions from the Board.

## **10.    CLOSED SESSION**

Pursuant to Maryland Annotated Code, State Government Article, Section 10-508(a)(14), negotiation of the General Development Agreement (“GDA”) between the M-NCPPC and SilverPlace, LLC for the SilverPlace Project

### **BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

## **11.    Mandatory Referral No. 08104-MCPS-1: Takoma Park Elementary School Addition Project**

7511 Holly Avenue, R-60 Zone, Takoma Park Master Plan

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



**BOARD ACTION**

**Motion:** ALFANDRE/CRYOR

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

**Action:** Approved staff recommendation to transmit comments to Montgomery County Public Schools (MCPS), as stated in the attached transmittal letter.

Community-Based Planning and Environmental Planning Divisions staff discussed the request for a mandatory referral for the Takoma Park Elementary School addition project in accordance with the September 4 technical staff report.

Messrs. Ray Manhamati, Craig Shuman, Shawn Benjaminson, and Gary Mosesnan representing the Montgomery County Public Schools offered comments and agreed with staff comments and recommendations.

The following speakers offered testimony: Ms. Sara Daines representing the City of Takoma Park; Mr. Ian Barclay of Cedar Avenue; and Ms. Sandra Nakamura of Cedar Avenue.

**12. Board of Appeals No: S-2732**

M. Wajeed Khan, M.D., applicant, requests a special exception for a (medical) non-resident, R-60 Zone; located at 12014 Georgia Avenue, Wheaton

*Staff recommendation: Approval with conditions*

**(Action required for hearing by the Hearing Examiner on 09/27/08)**

**BOARD ACTION**

**Motion:** ROBINSON/PRESLEY

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

**Action:** Approved staff recommendation for approval, subject to revised conditions, as stated in the attached transmittal letter to the Hearing Examiner.

Development Review Division staff discussed the Board of Appeals request for a special exception for a medical non-resident office on a property located on Georgia Avenue, as discussed in detail in the September 8 technical staff report.

Community-Based Planning Division staff also offered comments at the Board's request.

Mr. Stan Abrams, attorney representing the applicant, introduced Mr. Lee Sutherland, Land Development Consultant for the applicant and discussed the proposed request.

### **13. Roundtable Discussion - REVISED**

**(No public testimony will be taken at this time)**

- A. Commissioners' Report
- B. Approval of Minutes
- C. Director's Report
- D. County Council Activity
- E. Healthy and Sustainable Communities Report Follow-up

### **BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

- Action:**
- A. Commissioners' Report** – None.
  - B. Approval of Minutes** – No Minutes submitted for approval.
  - C. Director's Report**- None.
  - D. County Council Activity** – Not discussed.
  - E. Healthy and Sustainable Communities Report FollowUp** - Environmental

Division staff noted that following last week's Board discussion of the report, additional indicators have been added and it would be helpful for staff to get some guidance from the Board after discussing those indicators.

### **14. ROAD CODE EXECUTIVE REGULATIONS - REVISED**

- A. MCER NO. 31-08: Proposed Department of Transportation Regulation Context Sensitive Road Design Standards.**

Executive Regulations submitted for public comment prior to submission to the County Council for adoption under Method 2. The proposed roadway design standards would replace the roadway elements table in the uncodified section of the 2007 Road Code update.

*Staff recommendation: Transmit comments to County Executive*

**ITEM 14B (RESCHEDULED TO SEPTEMBER 25, 2008) – POSTPONED**

**B. MCER NO. 29-08: Proposed Department of Fire And Rescue Service Regulation, Fire Safety Code**

Fire Department Apparatus Access and Water Supply

Executive Regulations submitted for public comment prior to submission to the County Council for adoption under Method 2. The proposed regulations have been formulated in conjunction with MCER NO. 31-08: Proposed Department of Transportation Regulation, Adoption of Context Sensitive Road Design Standards.

*Staff recommendation: Transmit comments to County Executive*

**BOARD ACTION**

**Motion: ROBINSON/PRESLEY**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

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

In accordance with the September 11 technical staff report, Transportation Planning and Urban Development Divisions staff gave a detailed presentation accompanied by a multi-media presentation.

The following speakers offered testimony: Ms. Dianne Schwartz Jones, Assistant Chief Administrative Officer, Office of the Montgomery County Executive; Mr. Chris Conklin, Office of the Montgomery County Executive; Ms. Cheryl Cort of Albemarle Street and Policy Director of the Coalition for Smarter Growth; Ms. Anne Ambler representing the Sierra Club; and Ms. Dolores Milmoie of Jones Mill Road and representing the Audubon Naturalist Society.

At the Board's request, Mr. Bruce Johnson, Director of the Montgomery County Department of Transportation (MC-DOT) offered comments followed