



**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, October 23, 2008, at 9:05 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 5:25 p.m.

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

Items 1 through 8 are reported on the attached agenda.

The Board recessed at 11:00 a.m. for lunch and to take up Items 9, 17, 18, and 19 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 11:25 a.m. in the third floor conference room, on motion of Commissioner Presley, seconded by Commissioner Alfandre, with Commissioners Hanson, Robinson, Alfandre, Cryor, and Presley present and voting in favor of the motion. Vice Chair Robinson participated in the Closed Session via teleconference. The meeting was closed under authority of §10-508(a)(3), State Government Article, Annotated Code of Maryland, to consider the acquisition of real property for a Commission purpose and matters directly related thereto; §10-508(a)(7), to consult with counsel to obtain legal advice; §10-508(a)(13), to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter; and §10-508(a)(14), 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 all or part of the Closed Session were Secretary-Treasurer Patti Barney; Associate General Counsels Debra Daniel, Derrick Rogers, and Carol Rubin of the Legal Department; Director Mary Bradford, Doug Alexander, Alvaro Astorga, Bill Gries, Dan Hertz, Parviz Izadjoo, April O'Neal, and Michael Riley of the Parks Department; Director Rollin Stanley and John Carter of the Planning Department; Ellyn Dye of the Commissioners' Office; and consultant Donald Zuchelli of ZHA, Inc.

In Closed Session, the Board approved Closed Session minutes, approved placing the Tilden Woods Stream Valley Park land acquisition on the open session agenda, and provided guidance to staff in ongoing negotiations related to the Wisconsin Place Community Recreation Center lease and 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.

Following the Closed Session, the Board discussed a draft letter to the County Council raising issues and providing clarification on the final draft of the proposed TOMX Zone, in preparation for Council action on Tuesday.

The Board reconvened in the auditorium at 2:05 p.m.

Items 10 through 15 and 20 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 5:25 p.m. to allow the Board to attend a dinner meeting with the Historic Preservation Commission. The next regular meeting of the Planning Board will be held Thursday, October 30, 2008, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye  
Technical Writer

M. Clara Moise  
Technical Writer

**Montgomery County Planning Board Meeting**  
**Monday, October 23, 2008**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600

**1. Adoption of Opinions/Resolutions - REVISED**

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

i) 1050 Ripley Street, Project Plan Amendment 92007004A, ADOPTION OF RESOLUTION No. 08-100

MCPB, 10-23-08, APPROVED

ii) 1050 Ripley Street, Preliminary Plan 120080210, ADOPTION OF RESOLUTION No. 08-125

iii) 1050 Ripley Street, Site Plan 820080150, ADOPTION OF RESOLUTION No. 08-99

**BOARD ACTION**

**Motion:** CRYOR/PRESLEY

**Vote:**

**Yea:** 3-0-1

**Nay:**

**Other:** ALFANDRE ABSTAINED; ROBINSON ABSENT

**Action:** Approved the staff recommendation to adopt the Resolutions cited above.

**2. Record Plats**

**Subdivision Plat No. 220090130, Hollyoak**

R-200 zone; 5 lots, 1 outlot; located on the south side of Tilden Lane, at the eastern terminus of Quaker Ridge Road; North Bethesda/Garrett Park

*Staff recommendation: Approval*

**BOARD ACTION**

**Motion:** PRESLEY/CRYOR

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** ROBINSON ABSENT

**Action:** Approved the staff recommendation.

**3. Consent Items**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: There were no consent items presented.**

**4. Leland Community Recreation Center**

Rename the Leland Community Recreation Center in honor of the late Delegate, Jane Lawton, former mayor of Chevy Chase, MD, subject to family agreement

*Staff recommendation: Approve renaming of the Leland Community Recreation Center*

**BOARD ACTION**

**Motion: CRYOR/PRESLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: ROBINSON ABSENT**

**Action: Approved the staff recommendation.**

Director of Parks Mary Bradford presented the proposal to rename the Leland Community Center in Chevy Chase to the Jane Lawton Community Center, highlighting the extensive service to the community of the late Honorable Delegate Lawton.

Commissioner Cryor offered comments about her experience with Delegate Lawton as a fellow State Delegate in Annapolis and friend.

Ms. Kathy Strom, Mayor, and Mr. David Lublin, Secretary, of the Town of Chevy Chase, spoke in support of the renaming, which was proposed by the Town, emphasizing Ms. Lawton's tireless public service, including 12 years on the Town Council and 4 years as Mayor.

Mr. Gabe Albornoz, Director of the County Department of Recreation, also spoke in support of the proposal.

Mr. Steve Lawton and Ms. Stephanie Lawton, family members, thanked the Board, the Parks Director, and the Town Council and residents for the proposed renaming and offered comments. Ms. Lawton said that she was the first child to play at the Leland Community Center and that her mother was very proud of that project for the Town.

**5. AB717: Abandonment of a portion of Evans Parkway - REVISED**

Northbrook Estates Subdivision, Silver Spring. The abandoned area would be incorporated into the Evans Parkway Neighborhood Park

*Staff recommendation: Transmit recommendation supporting approval to the County Executive*

**BOARD ACTION**

**Motion:** ALFANDRE/CRYOR

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** ROBINSON ABSENT

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

Transportation Planning staff presented the proposal to abandon a portion of right-of-way to be incorporated into the Evans Parkway Neighborhood Park, as detailed in the staff report.

**6. 8711 Georgia Avenue**

**A.** Limited Project Plan Amendment No. 92005002A, 8711 Georgia Avenue, CBD-2 zone, 0.76 acres; amendment to revise the site access to Fenton Street extended and modify the on-site public use space; located on Georgia Avenue approximately 250 feet northeast of Cameron Street; Silver Spring CBD

*Staff recommendation: Approve Limited Amendment*

**B.** Site Plan No. 820080230, 8711 Georgia Avenue CBD-2 zone, 0.76 acres; 152,740 gross square feet of development including 148,278 gross square feet of office and 4,462 gross square feet of retail; located on Georgia Avenue approximately 250 feet northeast of Cameron Street; Silver Spring CBD

*Staff recommendation: Approve Site Plan with conditions*

**BOARD ACTION**

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

**Vote:**

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

**Nay:**

**Other:**               **ROBINSON ABSENT**

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

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

Development Review staff presented the proposed project plan amendment and site plan for mixed-use development of office and ground-floor commercial space, as detailed in the staff report, noting that the project includes 326 underground parking spaces, a public art plaza, a pedestrian connection between Georgia Avenue and Fenton Street, and onsite and offsite sidewalk and streetscape improvements.

Mr. Harry Lerch, attorney representing the applicant, and Mr. Brian Lang of the applicant company concurred in the staff recommendation and provided an overview of the project; Mr. George Dove, the architect, presented highlights of the sustainable design and architectural features; and Mr. Dan DeRosa, the landscape architect, and Ms. Martha Jackson-Jarvis, the artist, discussed the public use space.

There followed some discussion of the desirability of improving and activating the Fenton Street frontage and providing a mid-block connection from Georgia Avenue. Members of the applicant team responded to questions from the Board and provided additional information as needed.

**7.       **Limited Site Plan Amendment No. 82004033B, Eton Square****

R-60 zone; 10.88 acres; amendment to add small retaining walls, modify landscaping for HVAC units, adjustment to stair, add bollards, and decrease the driveway width for MPDUs; located at the southwest quadrant of the intersection with Oxbridge Road and MD 335; Germantown  
*Staff recommendation: Approval of the Limited Amendment*

**BOARD ACTION**

**Motion:**                   **ALFANDRE/CRYOR**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: ROBINSON ABSENT**

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

Development Review staff presented the proposed site plan amendment to modify landscaping, retaining walls, driveway width, and side yard setbacks for a townhouse development, as detailed in the staff report. Staff elaborated on the need for the modifications due to a violation of the setback requirements caused by the location of HVAC units.

Ms. Barbara Sears, attorney, and Mr. Ray Sobrino of the applicant company discussed various elements of the proposed amendments.

**8. Preliminary Plan No. 11988197A, Redland**

C-1 zone; 0.64 acres; 1 existing lot; 6,400 square feet of retail previously approved; request for approval of 7,273 square feet of office to replace approved retail; located on Redland Road, 400 feet southwest of Muncaster Mill Road; Gaithersburg.

*Staff recommendation: Approve Preliminary Plan with conditions*

**BOARD ACTION**

**Motion: ALFANDRE/CRYOR**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: ROBINSON ABSENT**

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

Development Review staff presented the proposal to modify a previously approved preliminary plan to construct an 864-square foot addition and change the use from retail to office use, as detailed in the staff report. Staff noted that a use and occupancy permit was issued for the current office use.

Ms. Victoria Bryant and Ms. Lauren Wirth, representing the applicant, concurred in the staff recommendation.

There followed some discussion of policy issues related to the erroneous issuance of the use and occupancy permit and the ramifications of the change in use.

**17. CLOSED SESSION - ADDED**

In accordance with State Government Article, Section 10-508(a)(13), Annotated Code of Maryland, to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter. (Approval Closed Session Minutes)

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**9. CLOSED SESSION**

In accordance with State Government Article, Section 10-508(a)(7), Annotated Code of Maryland, to consult with counsel to obtain legal advice (Wisconsin Place Recreation Center Lease and Operating Agreements)

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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



**18. CLOSED SESSION - ADDED**

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.

**19. CLOSED SESSION - ADDED**

In accordance with State Government Article Section 10-508 (a) (3), Annotated Code of Maryland, to consider the acquisition of real property for a public purpose – Tilden Woods Stream Valley Park

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**20. Tilden Woods Stream Valley Park – ADDED**

Authorization to acquire 5.69 acres, more or less, unimproved, from Mary E. Armstrong, located south of Montrose Parkway, east of Tilden wood Drive, Rockville, Maryland

*Staff recommendation: Approval*

**BOARD ACTION**

**Motion: CRYOR/ALFANDRE**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: ROBINSON ABSENT**

**Action: Approved staff recommendation to authorize the acquisition of Tilden Wood Stream Valley Park located south of Montrose Parkway in Rockville with Advanced Land Acquisition Revolving Fund (ALARF).**

**10. Leaman Farm Road**

**A. Preliminary Plan No. 12004060A, Leaman Farm Road**

R-200 zone, 29.30 acres; 69 lots previously approved; amendment to include portions of adjacent parcel 12 into the plan and modify the impervious surface calculations; located in the southwest quadrant of the intersection with Clopper Road and Schaeffer Road; Germantown

*Staff recommendation: Approve Preliminary Plan with conditions*

**B. Limited Site Plan Amendment No. 82005040A, Leaman Farm Road**

R-200 zone, 29.30 acres; amendment to clarify building heights and include parcel 12 into the plan to increase the impervious surface calculations; located in the southwest quadrant of the intersection with Clopper Road and Schaeffer Road; Germantown

*Staff recommendation: Approval of Limited Amendment*

**BOARD ACTION**

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

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

**Yea:**

**Nay:**

**Other:                   ROBINSON ABSENT**

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

**B. Approved staff recommendation for approval, as stated in the attached Board Resolution.**

Development Review Division staff offered highlights of the request to create 69 lots on a 29.30-acre property located in the southwest quadrant of the intersection with Clopper Road and Schaeffer Road in Germantown.

Ms. Stefanie Smith, representing applicant Margaret Leaman also present, offered comments and concurred with the staff recommendation.

Ms. Judy Koenick of Chevy Chase offered testimony.

**11.   Public/Private Partnership: The Maryland Soccer Foundation, Inc. - REVISED**

Request to Expand the Seating Capacity of the South Germantown SoccerPlex Championship Stadium at the South Germantown Recreational Park located in Germantown, Md. from the existing 3,200 seats to 5,600 Seats as permitted in their Lease Agreement with the Commission.

*Staff recommendation: Approve request to expand seating capacity*

**BOARD ACTION**

**Motion:                   CRYOR/ALFANDRE**

**Vote:**

**Yea:                   4-0**

**Nay:**

**Other:                   ROBINSON ABSENT**

**Action:           Approved staff recommendation to approve request to expand seating capacity from 3,200 to 5,600 seats at the South Germantown SoccerPlex.**

Parks Department staff presented the request by the Maryland Soccer Foundation, Inc. to expand the seating capacity of the South Germantown SoccerPlex Championship Stadium at the South Germantown Recreational Park located in Germantown from 3,200 to 5,600 seats as permitted in their lease agreement with the Commission.

Ms. Trish Heffelfinger, Executive Director of the Maryland Soccer Foundation (MFS) offered a multi-media presentation and discussed the proposed request.

Ms. Judy Koenick of Chevy Chase offered testimony.

In response to a question from Commissioner Alfandre, Parks Department Director Mary Bradford noted that staff will review the contract with MSF to ensure that the Commission will get a share of profits.

**12. Lower Booze Creek Stream Restoration Project - REVISED**

**A. Preliminary Forest Conservation Plan**

*Staff recommendation: Approve Preliminary Forest Conservation Plan*

**B. Mandatory Referral 08901-DEP-1**

Montgomery County DEP is proposing a stream restoration project along lower Booze Creek between River Road and Cabin John Parkway

*Staff recommendation: Transmit approval to Montgomery County DEP*

**BOARD ACTION**

**Motion:**                   **A. ALFANDRE/CRYOR**  
                                  **B. ALFANDRE/PRESLEY**

**Vote:**

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

**Nay:**

**Other:**               **ROBINSON ABSENT**

**Action:**           **A. Approved staff recommendation to approve the Preliminary Forest Conservation Plan as discussed during the meeting.**

**B. Approved staff recommendation to transmit approval of the Mandatory Referral request to the Montgomery County Department of Environmental Protection (DEP), as stated in the attached transmittal letter.**

Environmental Planning Division staff offered highlights of the Forest Conservation Plan for the Booze Creek Stream Restoration project. Staff noted that there is no conservation planting requirement but a buffer is required. Staff noted that the residents expressed concerns about the duration and timing of the project and would like some reassurance that the disturbed area will be replanted and denser planting will be done to create an immediate buffer from the major roadway.

At the Board's request, Park Planning and Stewardship Division staff offered comments. Mr. Daniel Harper from the DEP also offered comments. Ms. Marianne Cantwell of Royal Dominion offered testimony.

**13. Park Athletic Field Fees**

A Public hearing and work session was held September 15, 2008. Staff has reviewed public comment received on the proposed hourly athletic field fee proposal and will present their response to the Board

*Staff recommendation: Approval of hourly Athletic Field Fee Schedule*

**BOARD ACTION**

**Motion: PRESLEY/CRYOR**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: ROBINSON ABSENT**

**Action: Following a brief Board discussion, approved staff recommendation to approve hourly Athletic Field Fee Schedule as presented by staff, and as discussed in the October 23 staff report.**

**14. Mandatory Referral: Gas-to-Energy Facilities**

**A. Mandatory Referral No. 08607-DEP-1:**

Gude Landfill Gas-to-Energy Facility

R-200 Zone; 600 East Gude Drive, Rockville; Upper Rock Creek Area Master Plan

*Staff recommendation: Approve Mandatory Referral with comments*

**B. Mandatory Referral No. 08608-DEP-1:**

Oaks Landfill Gas-to-Energy Facility

RDT Zone; 6001 Olney-Laytonsville Road, Laytonsville, Olney Master Plan.

*Staff recommendation: Approve Mandatory Referral with comments*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:** Following extensive Board discussion, the Board unanimously requested that the item be deferred until the Maryland Department of Environmental Planning provides responses to questions raised by the speakers and also provides a plan for monitoring the proposed sites.

Community-Based Planning Division staff offered a brief presentation regarding the Mandatory Referral request for the Gude Landfill Gas-to-Energy Facility located on East Gude Drive in Rockville, in accordance with the October 9 detailed technical staff report.

Representatives from the Maryland Department of Environmental Planning offered comments.

Ms. Julia Tillery representing the Derwood Station Subdivision Homeowners Association, and Mr. Warren Tydings Jr. of Olney offered testimony.

**15. Roundtable Discussion  
(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. Road Code Design Standards Update

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:** **A. Commissioners' Report:** None  
**B. Approval of Minutes:** No Minutes were submitted for approval  
**C. Director's Report:** Parks Department Director Mary Bradford briefly reported on the National Parks Association meeting which took place in Baltimore and thanked the Chairman for participating. She also reported on the Haunted Train Ride at Wheaton Regional Park, which brought in \$7,000 over the past weekend.

Planning Department Director Rollin Stanley discussed the revised schedule for the following Master Plans: Germantown, White Flint, and Gaithersburg, and Sector Plans for Kensington, Takoma Park/Langley Crossroads, and Wheaton following discussion with the County

MCPB, 10-23-08, APPROVED

Council last week. He also added that staff will schedule a Growth Policy discussion with the Board in November.

**D. County Council Activity:** None

**E. Road Code Design Standards Update:** Transportation Planning Division staff discussed updates to the Road Code Design Standards. Chairman Hanson noted that staff should keep the County Council abreast of all updates.