



**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, February 14, 2008, at 9:05 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 4:10 p.m.

Present were Chairman Royce Hanson, Vice Chair John Robinson, and Commissioners Allison Bryant and Jean Cryor.

Items 1 through 9 are reported on the attached agenda.

The Board recessed for lunch at 12:50 p.m. and reconvened in the auditorium at 1:50 p.m. with all four Commissioners present.

Items 10 through 13 are reported on the attached agenda. Commissioner Bryant left the meeting at 3:25 p.m. during discussion of Item 11.

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 3:45 p.m. in the auditorium, on motion of Vice Chair Robinson, seconded by Commissioner Cryor, with Commissioners Hanson, Robinson, and Cryor, present and voting in favor of the motion. Commissioner Bryant was absent. The meeting was closed under authority of §10-508(a)(14), to discuss matters directly related to a negotiating strategy or the contents of a bid or proposal before the contract is awarded or bids are opened.

Also present for all or part of the Closed Session were Rollin Stanley, Planning Director; Mary Bradford, Director, Mike Riley, Deputy Director, and Dan Hertz of the Parks Department; Alfred Warfield of the Finance Department; Carol Rubin, Associate General Counsel, Legal Department; Barbara Gloecknek, Jeff Kaufman, and Dean Harrison of SilverPlace LLC; Don Zuchelli, SilverPlace consultant; and Clara Moise of the Commissioners' office.

In Closed Session, the Board received briefing from Parks and Legal staff regarding alternate funding plan for SilverPlace, as discussed during a worksession of the Planning, Housing and Economic Development (PHED) Committee on February 11, 2008.

The Closed Session was adjourned at 4:10 p.m. and the Board reconvened in open session.

There being no further business, the meeting was adjourned at 4:10 p.m. The next regular meeting of the Planning Board will be held Thursday, February 21, 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, February 14, 2008**  
**9:00 A.M.**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760

**1. Adoption of Opinions/Resolutions**

**Group A: Three Commissioners Eligible to Vote [Commissioners Cryor, Hanson, and Robinson voting in favor, Commissioner Bryant absent]**

i) Site Plan No. 820070190, LW, Villa Cortese, Building V, ADOPTION OF RESOLUTION No. 08-02

**BOARD ACTION**

**Motion: ROBINSON/CRYOR**

**Vote:**

**Yea: 3-0-1**

**Nay:**

**Other: BRYANT ABSTAINED**

MCPB, 2-14-08, APPROVED

**Action:**        **Adopted Resolution No. 08-02 as stated above.**

**2. Record Plats**

Subdivision Plat No. 220080330, Muncaster Manor  
RE-1 zone; 2 lots; located on the south side of Rolling Drive, approximately 1,500 feet west of Muncaster Road; Upper Rock Creek.  
*Staff Recommendation: Approval*

Subdivision Plat No. 220080750, Garrett Park, Section 2  
R-90 zone, 1 lot; located on the east side of Montrose Avenue, approximately 300 feet north of Strathmore Avenue (MD 547); North Bethesda/Garrett Park.  
*Staff Recommendation: Approval*

Subdivision Plat No. 220080760, Leesborough  
RT-15 zone; 2 parcels; located on the east side of Georgia Avenue (MD 97), approximately 200 feet south of Arcola Avenue; Kensington-Wheaton.  
*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: ROBINSON/CRYOR**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other:**

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

**3. Consent Items**

Site Plan Review No. 82003038B, Greencastle Towns, RT-8 zone, 4.14 acres; amendment: add retaining wall, location of lights, different playground equipment and changes to landscaping; on Greencastle Road, approximately 1500 feet south of Robey Road; Fairland. *Recommendation: Approval with conditions.* **POSTPONED**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**4.     Preliminary Plan No. 120070510, EZ Storage – Burtonsville Industrial Park**

I-3 and Burtonsville Employment Area Overlay zones; 3.04 acres; 1 lot requested; 147,142 square-foot self-storage use; located on Sandy Spring Road (MD 198), 400 feet west of the intersection of Starpointe Drive; Fairland; *Staff Recommendation: Denial*

**BOARD ACTION**

**Motion:**                   **ROBINSON/BRYANT**

**Vote:**

**Yea:**                   **4-0**

**Nay:**

**Other:**

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

Development Review staff presented the proposal to create one lot for a self-storage use in the Burtonsville Industrial Park, as detailed in the staff report. Staff recommends denial of the proposal because it does not substantially comply with the provisions of the master plan to develop a diversified but unified employment area.

Mr. Robert Dalrymple, attorney representing the applicant, referred to his letter submitted yesterday and maintained that the self-storage use is permitted in the applicable overlay zone and it is not within the Board's purview to deny the subdivision on the basis of the use. He cited several court cases in support of that contention. Mr. Al Blumberg, the applicant's land planner, discussed the recommendations in the master plan, and he maintained that the proposal complies with those recommendations.

Mr. Stuart Rochester, representing the Fairland Master Plan Citizens Advisory Committee; Ms. Susan Reutershan, attorney representing the Burtonsville Self-Storage; Mr. Allen Mulligan of Burtonsville; and Mr. Quentin Remein, representing the Cloverly Citizens Association, offered comments on the proposal.

In rebuttal, Mr. Dalrymple maintained that the use is permitted in the zone and the proposal complies with the master plan recommendations.

Community-Based Planning staff noted that there was an existing self-storage facility when the area was rezoned and the use was likely permitted in the overlay zone to allow that facility to remain a conforming use. Staff expressed the view that it is unlikely that there was an intent or expectation that there would be more than one self-storage use in the industrial park, given the master plan recommendations for diversity of uses and employment.

There followed considerable discussion about the overlay zone provisions and the master plan recommendation.

5. Preliminary Plan No. 120070360, Avery Lodge

RE-2 zone; 2.79 acres; 1 lot requested; 1 one-family detached dwelling unit; located in the southeast quadrant of the intersection of Avery Road and Southlawn Lane; Upper Rock Creek; *Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:** ROBINSON/CRYOR

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:**

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

Development Review staff presented the proposal to create one lot for a single-family dwelling, as detailed in the staff report. Staff distributed a revised list of conditions, with new conditions 9 and 10 related to the required Category I easement over stream valley buffers and forest conservation areas.

Mr. Russell Reese, representing the applicant, concurred in the staff recommendation, including the new conditions.

6. Preliminary Plan No. 120060300, Rolling Acres

R-90/TDR zone; 2.23 acres; 10 lots requested; 10 one-family detached dwelling units; located in the southwest quadrant of the intersection of Old Columbia Pike and Carter's Grove Drive; Fairland; *Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:** ROBINSON/BRYANT

**Vote:**

**Yea:** 4-0

**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 10 residential lots under the optional method using transferrable development rights (TDRs), as detailed in the staff report. Staff noted that the use of TDRs allows development under the R-60/MPDU standards, which reduce the minimum lot size.

Mr. Sabir Rahman, representing the applicant, concurred in the staff recommendation.

7. Board of Appeals No. SE-08-1

Special Exception request by Shanti and Sona Vaidya, applicant, to operate a child day care facility for up to 12 children; R-60 zone; located at 9201 Bardon Road, Bethesda;  
*Staff Recommendation: Approval with conditions*

**BOARD ACTION**

**Motion:** BRYANT/ROBINSON

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:**

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

Development Review staff presented the request for a special exception for a child day care facility, which will expand the present facility from 8 to 12 children, as detailed in the staff

report. Staff noted that the owners will park their cars on Bardon Road during the morning drop-off and evening pick-up times to facilitate that process.

Mr. David Gardner, attorney representing the applicant, concurred in the staff recommendation and responded to questions from the Board.

In discussion, the Board revised two of the proposed conditions and added a condition to reflect the proffer to park on Bardon Road during drop-off and pick-up times.

**8. Board of Appeals No. S-2699 - ExxonMobil Corporation: (Deferred from the 11/29/07 Planning Board meeting)**

Special Exception request by Exxon Mobil Corporation, applicant, to permit an automobile filling station; C-1 zone; located at 16201 New Hampshire Avenue, Silver Spring;  
*Staff Recommendation: Approval of revised plan with conditions*  
(Action required for hearing by the Hearing Examiner on 2/26/08)

**BOARD ACTION**

**Motion:**                    **BRYANT/CRYOR**

**Vote:**

**Yea:**                    **3-0**

**Nay:**

**Other:**                **HANSON TEMPORARILY ABSENT**

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

Development Review staff presented the request for a special exception to permit an automobile filling station, as detailed in the staff report. Staff noted that the item was deferred in November to address issues related to a proposed exit-only access to New Hampshire Avenue and the setbacks. Staff pointed out the revisions that have been made to the plan to address those issues.

Mr. Jody Kline, attorney representing the applicant, concurred in the staff recommendation and offered comments on the proposal.

Mr. Quentin Remein, representing the Cloverly Civic Association, spoke in support of the proposal and noted the need for adequate signs on New Hampshire Avenue to direct motorists to the entrance to the station on Old Spencerville Road.

**9. Georgia Avenue Concept Study**

Review and discussion of status report.



**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received briefing and provided guidance to staff.**

Planning staff presented an overview of the purpose and scope of the Georgia Avenue Concept Study, which is intended to develop a planning and urban design framework to guide future regulatory planning and master planning, particularly for the Wheaton Central Business District and Glenmont Sector Plans. Staff highlighted issues and opportunities related to traffic volume and congestion, pedestrian accessibility and safety, and the environment that will be considered in the study. Staff also discussed the comments received at the two community meetings to date and outlined the schedule for project completion.

In discussion, the Board offered guidance on various issues to be addressed as the project moves forward.

**10. Discussion: Implementation of Parks Related Recommendations Listed in Park and Area Master Plans**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received briefing on status of park plan implementation, followed by Board discussion.**

In keeping with the February 7 technical staff report, Parks Department staff noted that during the Department of Parks Capital Improvement Program (CIP) discussions, the Planning Board requested that staff compile the status of all park related master plan recommendations to allow the Board to know what additional park facilities are needed beyond those included in the

CIP. In response, staff has reviewed a total of 25 Area Master Plans and 17 Park Master Plans and prior to finalizing the implementation status of the recommendations for these plans staff would like the Board to review them.

During the Board's discussion, Chairman Hanson noted that the County Council will soon be asking about the status of park houses, and having a policy is very important. He added that staff needs to identify the houses that are historic and needs to establish a policy for donating houses to agencies that want to move them to other sites. He also added that it is important to have a status or staging document for every park in the system with a 20-year staging period for all future work. It is also important to have a Master Plan separate from the Facility Plan for the regional parks.

#### **11. Discussion: Housing Policy Element of the General Plan**

Review of findings from new inventory of housing in Montgomery County and discussion of work program.

- Work Program
- Proposed Speakers

#### **BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received briefing from Research and Technology Division staff, followed by extensive Board discussion.**

Research and Technology Division staff presented the Housing Policy Element as mentioned in the FY08 budget, accompanied by a multi-media presentation, based on the February 1 technical staff report. Staff noted that the Department is engaged in a substantial effort to improve both our understanding of housing issues in Montgomery County and our ability to successfully address those issues. Staff also noted that the Research and Technology Division proposes a series of reports and outside speakers' presentations to the Board throughout the next few months, which will consist of analysis and findings on major housing issues facing the county, and these will lead up to worksessions on amendments to the General Plan.

There followed an extensive Board discussion during which Chairman Hanson instructed staff to do some experimentation with price grading and regression to get a better understanding of the effects of some independent variables on housing prices and quality. He also recommend-

ed that staff use the population model that might help in making estimates for the Voucher or Section 8 type programs.

Commissioner Bryant also instructed staff to get feedback from developers, attorneys, and lenders, and find out from them what can be done to legally get affordable housing. He also recommended that staff model the impact of Moderately Price Dwelling Units (MPDUs), in terms of the amount of land left to be developed, and the potential for future generation of MPDUs.

**12. Roundtable Discussion Including Briefings and Worksessions  
(No public testimony will be taken at this time)**

- A. Commissioners' Report
- B. Director's Report
- C. Approval of Minutes
- D. SilverPlace - Briefing on the outcome of the February 11th PHED Committee Work-session

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**     **A. Commissioners' Report:** None

**B. Director's Report:** The recently appointed Planning Director, Rollin Stanley, briefed the Board on the on-going Master Plan Reassessment Study. He also discussed his plans for the future of the Planning Department, noting that he welcomes the Board's suggestions. He also discussed the Chairman's request to improve the Board's agenda by scheduling the regulatory items with reasonable discussion and public testimony time planned for such items. He further discussed his plan to start a library and books discussions, to help staff get more progressive, and added that he welcomes any videos/slides that the Board members may have from their travels, especially related to European open spaces.

**C. Approval of Minutes:** None submitted

**D. SilverPlace – Briefing on the outcome of the February 11th PHED Committee Worksession:** Parks Department staff briefed the Board regarding the County Council Planning, Housing, and Economic Development (PHED) Committee worksession regarding SilverPlace on February 11, and requested the Board's approval to go into closed session in order to report in further detail the outcome of the worksession.

**13. Closed Session: ADDED**

**SilverPlace** - In accordance with State Government Article, Section 10-508(a)(14), to discuss matters directly related to a negotiating strategy or the contents of a bid or proposal before the contract is awarded or bids are opened.\*

\* Citation modified following publication.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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