



**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, March 12, 2009, at 9:00 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 6:28 p.m.

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

Items 1 through 7 are reported on the attached agenda.

The Board recessed at 12:10 p.m. for lunch and to take up Items 15 and 16 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 12:25 p.m. in the third floor conference room, on motion of Commissioner Cryor, seconded by Commissioner Robinson, with Commissioners Hanson, Robinson, Alfandre, and Cryor present and voting in favor of the motion. Commissioner Presley was 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; and §10508(a)(13), State Government Article, 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.

Also present for the Closed Session were Associate General Counsels Janelle Jordan, David Lieb, Derrick Rogers, Carol Rubin, and Christina Sorrento of the Legal Department; Director Rollin Stanley, Piera Weiss, and Scott Whipple of the Planning Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board received a briefing and provided guidance to staff on pending legislation related to the Advance Land Acquisition Revolving Fund; received a briefing and provided guidance to staff on issues related to Goshen-Damascus Locational Atlas Designations; and approved submitted Closed Session minutes.

The Closed Session was adjourned at 1:12 p.m. The Board reconvened in open session in the third floor conference room and received a presentation by Planning Director Rollin Stanley on a commercial/residential district approach to zoning.

The Board reconvened in the auditorium at 1:38 p.m. with the same four Commissioners present.

Items 8 through 14 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 6:28 p.m. The next regular meeting of the Planning Board will be held Thursday, March 19, 2009, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye  
Technical Writer

M. Clara Moise  
Technical Writer

**Montgomery County Planning Board Meeting**  
**Thursday, March 12, 2009**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600

**1. Adoption of Opinions/Resolutions**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: There were no Resolutions submitted for approval.**

## 2. Record Plats

[Subdivision Plat No. 220061060, Chas. L. Duvall Farm](#)

R-200 zone; 2 lots; located on the north side of Duvall Road, 500 feet west of Duvall Hill Court, Fairland. *Staff Recommendation: Approval*

[Subdivision Plat No. 220081460, Burtonsville Shopping Center](#)

C-2 zone; 1 parcel, 1 outlot; located in northwest quadrant of the intersection of Old Columbia Pike and US Route 29A (Burtonsville Boulevard), Fairland. *Staff Recommendation: Approval*

[Subdivision Plat No. 220081510, Goshen Manor](#)

RE-2 zone; 2 lots; located on the west side of Cog Wheel Way, 500 feet south of Brink Road. Agriculture and Rural Open Space *Staff Recommendation: Approval*

[Subdivision Plat No. 220090390, Wheel of Fortune](#)

O-M and I-3 zones; 2 parcels; located on the north side of Montrose Road at the intersection with Park Potomac Avenue, Potomac. *Staff Recommendation: Approval*

[Subdivision Plat No. 220090460, Takoma Park](#)

R-60 zone, 1 lot; located in the southeast quadrant of the intersection of Linden Avenue and New Hampshire Avenue (MD 650). Takoma Park. *Staff Recommendation: Approval*

## **BOARD ACTION**

**Motion:** ROBINSON/CRYOR

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** PRESLEY ABSENT

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

## 3. Consent Items

[Consent Site Plan Amendment No. 81997024E, Orchard Center, Target Remodel](#), C-6 Zone; 11.80 acres; Amendment to modify the parking lot layout, stormwater and sewer lines, landscaping, building footprint with no increase in the square footage and site details; Fairland Master Plan

*Staff Recommendation: Approval of the Consent Agenda with Conditions and Approval of the Draft Resolution*

**ADDED -** [Resolution of Adoption of Amendment to the Master Plan for Historic Preservation: Damascus-Goshen Historic Resources](#), Designates 19 individual sites and one historic district on the Master Plan for Historic Preservation, retains four resources on the Locational Atlas and In-

dex of Historic Sites, recommends adding one resource to the Locational Atlas, and removes 37 resources from the Locational Atlas listing or Atlas consideration  
*Staff recommendation: Approval to Transmit Resolution to Full Commission*

**BOARD ACTION**

**Motion:** ROBINSON/ALFANDRE

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** PRESLEY ABSENT

**Action:** Approved the staff recommendation to approve the Consent Items as stated above.

**4. Approval of Minutes**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:** There were no minutes submitted for approval.

**5. [Holy Cross Hospital of Silver Spring, Inc.](#)**

A. Department of Parks: (Scenic Easement encroachment)

*Staff recommendation: Approval with conditions*

B. Final Forest Conservation Plan Amendment S-420-H

*Staff recommendation: Approval with Conditions*

C. Board of Appeals No. S-420-H

Holy Cross Hospital of Silver Spring, Inc., applicant, requests a special exception modification for an expansion; R-60 Zone; located at 1500 Forest Glen Road, Silver Spring

*Staff recommendation: Approval with Conditions*

(Action required for hearing by the Hearing Examiner on 03/27/09)

**BOARD ACTION**

**Motion:**            **A. ALFANDRE/ROBINSON**  
                         **B. ROBINSON/ALFANDRE**  
                         **C. ROBINSON/ALFANDRE**

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

**Nay:**

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

**Action:**            **A. Approved the staff recommendation to approve the encroachment into the scenic easement, subject to conditions, as stated in the attached Letter of Transmittal.**

**B. Approved the staff recommendation to approve the amendment to the Forest Conservation Plan, subject to conditions, as stated in the attached Letter of Transmittal.**

**C. Approved the staff recommendation to recommend approval of the special exception modification, subject to conditions, as stated in the attached Letter of Transmittal.**

Development Review staff presented the proposal to modify the existing special exception for Holy Cross Hospital, including an amendment to the final forest conservation plan, a proposed encroachment into the Sligo Creek Scenic Easement, a waiver of the parking setback requirements, and variances from the rear setback and lot coverage requirements, as detailed in the staff report.

Following introductory remarks by attorney Robert Dalrymple, Mr. Kevin Sexton, CEO of Holy Cross Hospital, discussed the need for the proposed modifications and community outreach, which resulted in the submitted proposal. Mr. Phil Toby, the architect, provided additional information about the various elements of the proposed modifications, including landscaping and

**5.     [Holy Cross Hospital of Silver Spring, Inc.](#)**

CONTINUED

screening. Concluding, Mr. Dalrymple discussed two distributed modifications to the conditions of approval.

Ms. Margot Cook, representing the Forest Grove Citizens Association; Ms. Jean Heide, representing the Northmont Citizens Association; Ms. Cheryl Gustitus of Forest Glen Road; and Mr. Martin Klauber, the Montgomery County People’s Counsel; and Mr. Wayne Goldstein of Kensington, offered comments.

There followed considerable discussion of the recommended conditions of approval and the distinctions between the authority of the Board of Appeals over the special exception and the authority of the Commission over the Sligo Park scenic easement. Discussion also focused on

traffic management and screening. In discussion the Board made a number of modifications to the proposed conditions.

6. [Bonifant Plaza](#)

**A. Project Plan Review No. 920070060, Bonifant Plaza**

CBD-1 zone; .59157 acres; 72 multi-family dwelling units, including 9 MPDUs; located on Bonifant Street, approximately 135 feet east of Georgia Avenue; Silver Spring

*Staff recommendation: Approval with conditions*

**B. Preliminary Plan No. 120070190, Bonifant Plaza**

CBD-1 zone; .59157 acres; 72 multi-family dwelling units, including 9 MPDUs; located on Bonifant Street, approximately 135 feet east of Georgia Avenue; Silver Spring.

*Staff recommendation: Approval with conditions*

**BOARD ACTION**

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

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

**Nay:**

**Other:**                    **PRESLEY 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 project plan and preliminary plan to consolidate lot 10, part of lot 11, part of lot 12, and lot 12A into one lot for development of 72 multi-family dwelling units, including MPDUs, as detailed in the staff report. Staff noted that primary vehicular access is via an abutting alley, along which the applicant will construct sidewalks, and there is a potential Purple Line alignment along the frontage.

Mr. Theo Margas, of the applicant company; Ms. Patricia Harris, attorney; and Ms. Rosana Torres, the architect, spoke in support of the staff recommendation, provided additional information about the project, and responded to questions from the Board.

7. [Preliminary Plan No. 119970400, Barnard Property](#)

RE-2C zone; 30.2 acres; 11 lots 12 lots and one outlet\* requested; 11 12\* one-family detached dwelling units; located on Damascus Road, 1,800 feet west of Viewland Drive; Damascus.

*Staff Recommendation: Approval with conditions*

**\*Corrected during oral presentation**

**BOARD ACTION**

**Motion: ROBINSON/ALFANDRE**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: PRESLEY 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 combine two unplatted parcels to create 12 residential lots and 1 outlet for stormwater management pipes and a trail easement, as detailed in the staff report. Staff noted that one of the new lots and three offsite lots will have access via the existing private driveway to Damascus Road, while the existing house and the remaining lots will have access via and extension of Bonny Brook Lane through the property.

Mr. David McKee, of Benning & Associates, and Ms. Barbara Johnson and Ms. Kim Goode, the applicants, concurred in the staff report.

In discussion, staff responded to questions from the Board about the proposed Category I conservation easement and the proposed access.

**15. Closed Session -ADDED**

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 (Locational Atlas of Historic Resources and pending legislation\*)

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**\*Added during presentation**

**16. Closed Session -ADDED**

In accordance with State Government Article, Section10-508(a)(13), State Government Article, 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 of Closed Session Minutes)

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**8. Preliminary Plan No. 120050830, W. Drew Stabler Property – Extension Request**

RDT zone; 161.2 acres; 4 lots previously approved for 4 one-family detached dwellings; request for extension of the preliminary plan validity; located on the east and west sides of Laytonsville Road (MD 108) approximately 1,000 feet north of Brink Road; Olney

*Staff recommendation: Grant 6-month extension*

**BOARD ACTION**

**Motion:** CRYOR/ROBINSON

**Vote:**

**Yea:** 3-0

**Nay:**

**Other:** PRESLEY ABSENT  
ALFANDRE TEMPORARILY ABSENT



**Action:           Approved staff recommendation for approval of six-month extension.**

Development Review Division staff presented highlights of the six-month extension request for preliminary plan for the W. Drew Stabler Property.

Mr. Jody Kline, attorney representing the applicant, and Mr. Al Blumberg, engineer, concurred with the staff recommendation.

**9.       Preliminary Plan No. 120080030, The Bullis School**

RE-2 zone; 77.63 acres; 1 lot requested; private institutional facility, expansion to existing school; located in the northeast quadrant of the intersection of Democracy Boulevard and Falls Road; Potomac.

*Staff recommendation: Approval with conditions*

**BOARD ACTION**

**Motion:           CRYOR/ROBINSON**

**Vote:**

**Yea:           4-0**

**Nay:**

**Other:         PRESLEY ABSENT**

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

In accordance with the March 5 technical staff report, Development Review Division staff presented the request to create one lot for the expansion of the existing Bullis School located on a 77.63-acre property in the northeast quadrant of the intersection of Democracy Boulevard and Falls Road in Potomac. Staff noted that the applicant is requesting extension of the Adequate Public Facility (APF) review validity period and staff recommends that the Board approve the extension as it does not pose any issues for the neighborhood.

Ms. Soo Lee-Cho, and Mr. Jody Kline, attorneys representing the applicant, and Mr. Tom McCreight, representing The Bullis School, offered comments and concurred with the staff recommendation.

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

**10. Preliminary Plan No. 120090060, Monty**

CBD-2 zone; 0.47 acres; 1 lot requested; 200 multi-family residential dwelling units including a minimum of 12.5% moderately priced dwelling units, and 7,700 square feet of retail use; located on Fairmont Avenue, 150 feet south of Norfolk Avenue; Bethesda Chevy Chase.

*Staff recommendation: Approval with conditions*

**BOARD ACTION**

**Motion: ALFANDRE/ROBINSON**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: PRESLEY ABSENT**

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

Development Review Division staff presented the request to create one lot for 200 multi-family residential dwelling units, including a minimum of 12.5 percent Moderately Priced Dwelling Units (MPDUs), and 7,000 square feet of retail use on a 0.47-acre property located on Fairmont Avenue, 150 feet south of Norfolk Avenue in the Bethesda Central Business District. Staff also discussed the proposed revised conditions distributed at the meeting.

Mr Bob Dalrymple, attorney representing the applicant, introduced members of the applicant's team and concurred with the staff recommendation.

Mr. Lenny Greenberg of Fairmont Avenue and representing the White Flint Express Realty Group, the Greenvest Associates LP, Green City LP, and Green Bank offered testimony.

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

**11. Limited Site Plan Amendment No. 82002013A, Middlebrook Industrial Park, Lot 9**

I-1 Zone; 4.45 acres; Amendment to modify the existing building to expand by 17,865 gross square feet with associated parking, modify setbacks, green space, landscaping and minor lot line adjustment for the building addition; located at the terminus of Amaranth Drive and adjacent to I-270; Germantown Master Plan

*Staff recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion:** ROBINSON/CRYOR

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** PRESLEY ABSENT

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

In accordance with the February 26 technical staff report, Development Review Division staff presented the proposed limited Site Plan Amendment for Middlebrook Industrial Park, Lot 9 project, located at the terminus of Amaranth Drive and adjacent to I-270 in Germantown. Staff noted that the amendment is to modify the existing building to expand 17,865 gross square feet with associated parking, modify setbacks, green space, landscaping, and minor lot line adjustment for the building addition.

Ms. Heather Dlhopsky, attorney representing the applicant, introduced members of the applicant team, briefly discussed the proposed request, and concurred with the staff recommendation. Ms. Dlhopsky also added that the applicant will install stop signs at locations identified by the applicant with staff approval.

**12. Subdivision Regulation Amendment No. 09-01 - REVISED**

Introduced by Council President Andrews: to amend the Subdivision Regulations to extend the validity period for a determination of adequate public facilities for certain developments

*Staff Recommendation: Transmit Comments to the County Council*

**(Action required for public hearing of 03/17/09)**

**BOARD ACTION**

**Motion:** ROBINSON/CRYOR

**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.

Development Review Division staff presented the request introduced by Council President Andrews to amend the Subdivision Regulations to extend the validity period for a determination of adequate public facilities for certain developments, as discussed in detail in the March 4 technical staff report.

Messrs. Bill Kominers of Bethesda Metro Center; Steve Robins of Bethesda Metro Center; and Steve Elmendorf of Wisconsin Avenue, offered testimony.

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

### **13. Roundtable Discussion**

- A. Commissioners' Reports
- B. Director's Reports
- C. County Council Activity
- D. Green Infrastructure Master Plan Strategies
- E. Semi-Annual Report
- F. Balancing Stewardship and Recreation in Montgomery County Parks **-ADDED**
- H. Status Report on Bikeway/Trail Plans Coordination **-ADDED**

### **BOARD ACTION**

#### **Motion:**

#### **Vote:**

**Yea:**

**Nay:**

**Other:**

#### **Action:**

- A. Commissioners' Report:** None
- B. Director's Reports:** None
- C. County Council Activity:** None
- D. Green Infrastructure Master Plan Strategies:** Green/Environmental Planning Division staff presented the Green Infrastructure Plan, which will identify sensitive and important environmental features throughout the county and ways to connect them into a comprehensive network. Staff noted that the plan will provide priorities for green infrastructure protection and restoration to assist in development reviews, master planning, and park acquisition. Staff discussed the plan capabilities and its relationship to other plans and programs, as discussed in detail in the March 2 technical staff report.
- E. Semi-Annual Report:** Briefing by Planning Department Director, Parks Department Director, and staff on the semi-annual report update to be sent to the County Council. Chairman Hanson instructed staff to include the list of key points to discuss with County Council such as zoning code revisions; enforcement; master plans; and strip malls re-vamping. He also requested that Parks Department staff add as an addendum a list of proposed CIP Projects.

- F. **Balancing Stewardship And Recreation In Montgomery County Parks:** Presentation by Parks Department staff and Research & Technology Division staff on the balancing of stewardship and recreation in Montgomery County Parks.
- G. **Status Report On Bikeway/Trail Plans Coordination:** Postponed.

**14. Discussion: Housing Element of the General Plan**

Limited amendment to the Montgomery County General Plan to address the range of housing needs of County residents and help increase and preserve the County's stock of affordable housing.

*Staff recommendation: Approve Public Hearing Draft and set public hearing date*  
**(No Public Testimony will be taken)**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received Briefing from Planning Department Director and Research & Technology Division staff followed by discussion.**

Planning Department Director and Research & Technology Division staff presented the Draft Housing Functional Master Plan, as discussed in the March 5 technical staff report. Staff noted that the proposed Housing Functional Master Plan is a culmination of twelve months of effort by planning staff and the Planning Board to update the housing section of the General Plan and to refine its major housing policy goals, objectives and strategies. The intent is to bring the housing policy framework for the County up-to-date and provide guidance for all future master and sector plans.

There followed extensive Board discussion, with questions to staff. The Board instructed staff to set a public hearing meeting seven weeks from today, and to resubmit the revised draft plan to the Board for further discussion at next week's Board meeting.