



**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, May 22 2008, at 9:00 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 9:10 p.m.

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

Items 1 through 8 are reported on the attached agenda.

The Board recessed at 1:02 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 15 and 19 on the regular agenda, in the third floor conference room at 1:25 p.m., on motion of Vice Chair Robinson, seconded by Commissioner Cryor, with Chairman Hanson, Vice Chair Robinson, Commissioner Bryant and Commissioner Cryor present and voting in favor of the motion.

The meeting was closed under authority of State Government Article, Annotated Code of Maryland Section 10-508(a)(3), to consider acquisition of real property for a public purpose; and 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.

Also present for all or a part of the Closed Session were Director of Parks Mary Bradford, Deputy Director Gene Giddens, Bill Gries, April O'Neal, and Dominic Quattrocchi of the Department of Parks, and Ann Daly of the Commissioners' Office.

In Closed Session, the Board considered land acquisitions for the Upper Paint Branch Stream Valley Park and the Northwest Branch Stream Valley Park Unit 3; approved Closed Session minutes; and received a brief report from the Department of Parks Director on management issues in need of attention.

The Closed Session was adjourned at 1:50 p.m., and the Board convened in open session in the third floor conference room.

The Board reconvened in the auditorium at 2:04 p.m.

Items 16-18 and 9-13, taken up in that order, are reported on the attached agenda.

The Board recessed for dinner at 4:40 p.m. and reconvened in the auditorium at 7:30 p.m. for a presentation on Growth and Decline in U.S. Suburbia by Bernadette Hanlon, part of the Excellence in Planning Speakers Series.

There being no further business, the meeting was adjourned at 9:10 p.m. The next regular meeting of the Planning Board will be held Thursday, May 29, 2008, in the Montgomery Regional Office in Silver Spring, Maryland.

E. Ann Daly  
Technical Writer

Ellyn Dye  
Technical Writer

**AGENDA**  
**Montgomery County Planning Board Meeting**  
**Thursday, May 22, 2008, 9:00 am**  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

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**1. Adoption of Opinions/Resolutions**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: No Resolutions were submitted for action.**

**2. Record Plats**

**Subdivision Plat No. 220071630, North Takoma**

R-60; 1 lot; located on the north side of Mississippi Avenue, approximately 250 feet east of Sligo Avenue; Takoma Park. *Staff recommendation: Approval*

**Subdivision Plat No. 220070680, Heritage Farm**

R-200 zone; 4 lots; located on the west side of Hall Road, approximately 600 feet north of Brimfield Court; Potomac *Staff recommendation: Approval*

**Subdivision Plat No. 220080160, Traville**

MXN zone; 2 parcels; located in the northwest quadrant of the intersection of Shady Grove Road and Traville Gateway Drive; Shady Grove *Staff recommendation: Approval*

**Subdivision Plat No. 220080730 – 220080740, Montevideo**

RDT zone; 2 lots; located in the northwest quadrant of the intersection of River Road (MD 190) and Montevideo Road; Agriculture and Rural Open Space *Staff recommendation: Approval*

**BOARD ACTION**

**Motion: BRYANT/ROBINSON**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other:**

**Action: Approved staff recommendations for approval.**

**3. Consent Items**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: No Consent Items were submitted for action.**

**4. Extension Request: Project Plan Review No. 920070100, 8700 Georgia Avenue**

CBD-2 zone; 0.526 acres; 7,980 gross square feet retail, 21,540 gross square feet office, 103,650 gross square feet residential, 106 multi-family dwelling units; including 16 MPDUs; located on Georgia Avenue northwest of Cameron Street; Silver Spring CBD  
*Staff recommendation: Approval of the Extension Request*

**BOARD ACTION**

**Motion: BRYANT/CRYOR**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other:**

**Action: Approved staff recommendation for approval of the extension request for up to six months and no later than November 27, 2008.**

**5. Extension Request: Preliminary Plan No. 119970220, Traville**

MXN zone; 192 acres; 10 lots previously approved for 750 multi-family residential dwelling units and 1,322,500 square feet of mixed retail, office and research and development uses; request to extend the validity period of the preliminary plan to permit the final lot for day care use to be recorded; located in the southeast quadrant of the intersection of Darnestown Road (MD 28) and Travillah Road; Potomac. *Staff recommendation: Approval of the Extension Request*

**BOARD ACTION**

**Motion: BRYANT/ROBINSON**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other:**

**Action: Approved staff recommendation for approval of the extension request to September 1, 2008, and reinstatement of the preliminary plan.**

**6. Hampden Lane**

**A.) Preliminary Plan No. 120070500, Parcel A & Outlot A, Block 24D (Hampden Lane)**

TSR zone; 0.74 acres; 1 lot requested; 60 multi-family dwelling units, including a minimum of 15% moderately priced dwelling units (MPDUs); located at the northeast quadrant of the intersection of Hampden Lane and Arlington Road ; Bethesda-Chevy Chase. *Staff recommendation: Approval with conditions*

**B.) Site Plan Review No. 820070100, Hampden Lane**

TS-R zone; 0.74 acres; 60 multi-family dwelling units, including 9 MPDUs; located at the northeast quadrant of the intersection of Hampden Lane and Arlington Road, Bethesda *Staff recommendation: Approval with conditions*

**BOARD ACTION**

**Motion:**                   **A.) BRYANT/CRYOR**  
                                  **B.) ROBINSON/BRYANT**

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

**Nay:**

**Other:**

**Action:**           **A.) Approved staff recommendation for approval of the Preliminary Plan with conditions as stated in the attached Board Resolution.**

**B.) Approved staff recommendation for approval of the Site Plan with conditions as stated in the attached Board Resolution.**

Items 6 and 7 were taken together because of their proposed land-swap.

Staff of the Development Review Division presented highlights of the May 9 combined technical staff report for the Preliminary and Site Plans for this proposed consolidation of five lots for the creation of 60 multi-family dwelling units including 9 (15%) moderate priced dwelling units. This is possible through a land exchange with the Housing Opportunities Commission (HOC), who traded one internal lot thus allowing the applicant to have a five-lot consolidation. HOC proposes to develop on adjacent Lot 5 a transitional housing facility. (See Item 7.)

The subject property for this proposed seven-story multi-family residential building was rezoned from the R-60 Zone to the TS-4 Zone. At the time of rezoning (G-842), binding elements were imposed on the property and are documented in the technical staff report. Staff noted areas at issue include building height, a height-related “tenting” effect between Arlington Road and Woodmont Avenue, shading of existing dwellings, and, among others, compatibility.

Mr. William Kominers, attorney for the applicant, submitted a number of items into the record. Mr. Kominers and others representing the applicant, including Mr. I Guyman Martin of the applicant company, and Mr. William Landfair, engineer, testified on specific elements, particularly those related to compliance with the sector plan and compatibility.

Offering public testimony were Mr. Stephen Israel, for property owners of 4919 Hampden Lane; Ms. Miriam Levine, an abutting property owner on Montgomery Lane; Mr. Jim Humphrey, Chair, Montgomery County Civic Federation, who asserted, among other things, that

the proposal violates the standards of the sector plan; and Mr. Brent Polkes, a townhouse resident speaking on behalf of Concerned Families of City Homes, in the absence of the usual spokesperson who is out of town, Mr. David O’Byron, president of the City Homes Home Owners Association.

In discussion, the Board explored the various issues, especially various elements of compatibility and design, the effect on the adjacent City Homes, the shadow study and light and air circulation, among other things.

**7. Edgemoor Phase IV**

**A.) Preliminary Plan No. 120070720**

TS-R zone; 0.17 acres; 12 moderately priced dwelling units; located on Hampden Lane, approximately 300 feet east of Arlington Road; Bethesda CBD. *Staff recommendation: Approval with conditions*

**B.) Site Plan Review No. 820070230**

TS-R zone; 0.17 acres; 12 moderately priced dwelling units; located on Hampden Lane, approximately 300 feet east of Arlington Road; Bethesda CBD. *Staff recommendation: Approval with conditions*

**BOARD ACTION**

**Motion:**                   A.) BRYANT/ROBINSON  
                                  B.) BRYANT/ROBINSON

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

**Nay:**

**Other:**

**Action:**           A.) **Approved staff recommendation for approval of the Preliminary Plan with conditions, as stated in the attached Board Resolution.**

                          B.) **Approved staff recommendation for approval of the Site Plan with conditions, as stated in the attached Board Resolution.**

On Item 7, heard in conjunction with Item 6, staff of the Development Review Division presented highlights of the May 12 combined technical staff report for the Preliminary and Site Plans for this proposed development to create one lot out of existing Lot 5, Block 24D and an adjacent five-foot section of Lot 4, Block 24D for a four-story housing project of 12 moderately priced dwelling units (MPDUs) for transitional housing within two blocks of the Bethesda Metro Station.. The proposal is contingent on approval of the preceding Item 6, as the subject property results from a land-swap agreement with Hampden Lane Associates, LLC, the applicant of preceding Item 6.

Representing the applicant, Housing Opportunities Commission (HOC), were Ms. Victoria Bryant, who offered a modest modification to condition 12, Mr. Brian Kim, Project Manager, who provided information on the staffing and clarified the housing is considered “supportive,” not “transitional,” and Ms. Maryann Dillon. The Housing Opportunities Commission will own and operate the property.

**8. Site Plan Review No. 820080110, North Bethesda Center Parcels F, I, and J**

TS-M zone Parcel F-3.48 acres; 323 multi-family dwelling units, including 41 MPDUs; TS-M zone Parcel J- 2.46 acres other; I-1 zone Parcel I-1.43 acres other; located at the southwest quadrant of the intersection of Nebel Street and Old Georgetown Road; North Bethesda/Garrett Park. *Staff recommendation: Approval with conditions*

**BOARD ACTION**

**Motion: BRYANT/ROBINSON**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other:**

**Action: Approved staff recommendation for approval with conditions, as modified and stated in the attached Board Resolution.**

Staff of the Development Review Division presented highlights of the May 9 technical staff report for this proposal of 327 multi-family dwelling units, including 41 moderately priced dwelling units (MPDUs) in a 19-story building on 7.36 acres, and noted corrections (pp 14, 15) to the project data table.

Mr. Steve Elmendorf, attorney representing the applicant, introduced Mr. Michael J. Smith of the applicant company and others on the development team, who reviewed elements of the proposed site and building.

**15. Closed Session**

Pursuant to Annotated Code of Maryland, State Government Article, Section 10-508 (a) (3) to consider acquisition of real property for a public purpose – Upper Paint Branch Stream Valley Park and Northwest Branch Stream Valley Park, Unit 3

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**19. Closed Session**

Pursuant to Annotated Code of Maryland, State Government Article, 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 - Closed Session Minutes

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**16. Upper Paint Branch Stream Valley Park**

A.) Authorization to acquire 3.61 acres, more or less, unimproved, from The Estate of Dolores C. Gross, located west of Blanton Road, north of Good Hope Road, Silver Spring, Maryland, as a Legacy Open Space Natural Resource Protection Area *Staff recommendation: Approval*



B.) Authorization to acquire 1.083 acres, more or less, unimproved, from Enrique Esparza Lopez, located west of Blanton Road, north of Good Hope Road, Silver Spring, Maryland, as a Legacy Open Space Resource Protection Area *Staff recommendation: Approval*

**BOARD ACTION**

**Motion:**                   A.) **ROBINSON/BRYANT**  
                                  B.) **BRYANT/ROBINSON**

**Vote:**

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

**Nay:**

**Other:**

**Action:**               A.) **Approved staff recommendation to authorize acquisition, as detailed above.**  
                                  B.) **Approved staff recommendation to authorize acquisition, as detailed above.**

**17. Northwest Branch Stream Valley Park, Unit 3**

Authorization to acquire 20,037 square feet (0.46 acres), unimproved, from The Estate of Daniel Withers, located at the westerly end of Robroy Drive, on the east side of Northwest Branch Stream Valley Park, Unit 3, as a Legacy Open Space Natural Resource Special Protection Area *Staff recommendation: Approval*

**BOARD ACTION**

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

**Vote:**

**Yea:**                   **4-0**

**Nay:**

**Other:**

**Action:**               **Approved staff recommendation to authorize acquisition as detailed above.**

**18. Staff Draft: ICC Limited Functional Master Plan Amendment (Bikeways and Interchanges)**

Staff Draft - ICC Limited functional Master Plan Amendment *Staff recommendation: Approval by Planning Board to schedule public hearing for June 26, 2008*

**BOARD ACTION**

**Motion:** ROBINSON/BRYANT

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:**

**Action:** Approved the Staff Draft for release for public comment and scheduled the Public Hearing for June 26.

Transportation Planning staff presented an overview of the master plan amendment to reconcile the highway, interchange, bicycle, pedestrian, and pathway facilities of the final approved Intercounty Connector Intercounty Connector (ICC) alignment with master plan guidance, and to evaluate cross-county bicycle and trail connections along the ICC corridor to provide connections and fill critical gaps.

**9. Preliminary Plan 120061080, Layhill View**

R-200 zone; 1.03 acres; 2 lots requested; 2 one-family detached dwelling units; located on the future extension of Alderton Road, approximately 900 feet southeast of Wagon Way; Kensington-Wheaton. *Staff recommendation: Approval with conditions*

**BOARD ACTION**

**Motion:** BRYANT/ROBINSON

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:**

**Action:** Following a brief staff presentation, approved the staff recommendation to approve, subject to conditions, as stated in the attached Board Resolution.

**10. Site Plan Review No. 820080120 W. J. Ulmsteads Addition to Kensington**

O-M zone; 0.32 acres; 1,650 square feet for office; located on 4306 Howard Avenue, approximately 225 feet north of Knowles Avenue; Kensington *Staff recommendation: Approval with conditions*

**BOARD ACTION**

**Motion:** ROBINSON/HANSON

**Vote:**

**Yea:** 3-1

**Nay:** HANSON

**Other:**

**Action:** Approved the staff recommendation to approve, subject to conditions, with modifications to condition 6, as stated in the attached Board Resolution.

Development Review staff presented the site plan for cellar space and a two-story office addition to an existing building, as detailed in the staff report.

Mr. Michael Dent, the applicant, and Mr. David McKee, his consultant, concurred in the staff report, but asked that condition 6, requiring removal of the existing stand of bamboo along the property line, be removed. Mr. Dent noted that it provides screening to the neighbors and stabilizes the grade.

Environmental Planning staff discussed the proposed removal of the bamboo, noting it is an invasive species.

There followed considerable discussion of the relative merits of retaining the bamboo, and Commissioner Bryant proposed modifying the condition to require that the stand of bamboo be contained, rather than removed. The motion was revised to incorporate that change. Chairman Hanson noted the problems in the County caused by invasive species and did not support the motion.

**11. Germantown Master Plan**

Status Report and request to schedule a Public Hearing date *Staff recommendation: Set public hearing date*

**BOARD ACTION**

**Motion:** BRYANT/ROBINSON

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:**

**Action: Approve the Staff Draft for release for public comment and scheduled the Public Hearing for June 30 at the Black Rock Center for the Arts in Germantown.**

Community-Based Planning staff presented the Staff Draft Germantown Master Plan, noting that some formatting changes will be made before it is released for public review. Staff recommended scheduling the public hearing for June 30 at the Black Rock Center for the Arts.

## **12 Northwest Branch Recreational Park Master Plan**

Objectives and Outreach Strategy recommendations *Staff recommendation: Approval of Objectives and Outreach Strategy*

### **BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: By consensus, approved the staff recommendation.**

Prior to taking up this item, Department of Parks Director Mary Bradford presented an award to this Park Planning Team, particularly the lead planner, Lyn Coleman, from the Maryland Recreation and Parks Association. The award is in recognition of outstanding contributions to the field of park and resource conservation for the planning and design for Little Bennett Regional Park. The Board congratulated Ms. Coleman and her team.

Park Planning staff then presented the objectives and issues, outreach strategy, and schedule for developing a development plan for the Northwest Branch Recreational Park, as detailed in the staff report. Staff discussed the objectives for the park in relation to the relocation of the Trolley Museum, the Rachel Carson Trail, the proposed Llewellyn Fields athletic field, and the Intercounty Connector (ICC) right-of-way. Staff also reviewed the responses received thus far to an online survey about possible future park activities.

## **13. Roundtable Discussion Including Briefings and Worksessions**

A. Commissioners' Report

B. Director's Report –Request for approval to limit speed on the Capital Crescent Trail to 15 miles per hour.\*

C. Approval of Minutes

D. FY09 Budget

E. School Capacity Queue Expirations\*

\*Added after publication of the agenda.

**BOARD ACTION**

**Motion:**                    **B.) ROBINSON/CRYOR**  
                                 **C.) ROBINSON/BRYANT**

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

**Nay:**

**Other:**

**Action:**            **B.) Approved the staff recommendation to limit speed on the Capital Crescent Trail to 15 miles per hour.**  
                                 **C.) Approved minutes of April 10 and April 17, 2008, as submitted.**

**A.) Commissioners' Report**—Commissioner Bryant commented on the National Harbor development on the Potomac River in Prince George's County, following a recent visit, noting it was built on the New Urbanism concept. He noted that the connectivity element of New Urbanism was defeated, however, by installation of a wrought iron fence around the development.

Commissioner Robinson noted that the new development on Arlington Road in Bethesda is very effective and demonstrates the importance of attention to urban design issues.

**B.) Director's Report**—Director of Parks Mary Bradford presented highlights of her written report. She also reported that there was a very bad accident recently on the Capital Crescent Trail between a bicycle and a hiker. Ms. Bradford noted the Department is pursuing various safety improvements for the Trail, and she presented a request to limit speed on the Capital Crescent Trail to 15 miles per hour, which the Board approved.

On a separate issue, Ms. Bradford presented a status report, on behalf of Secretary-Treasurer Patti Barney, of the Park Tax Subcommittee of the County Revenue Sharing Task Force. She said that the Subcommittee is working on a formula, based on costs per acre, for County-wide support, including the Municipalities, for regional parks. She said the Subcommittee is on a tour of the regional parks today.

**C.) Approval of Minutes**—Approved minutes as stated above.

**13. Roundtable Discussion**

**D.) FY09 Budget**—Director of Parks Mary Bradford reported on the approved FY09 Parks budget, raising concerns that the rapid increases in costs for utilities, gas, and supplies will compound the effect of the budget cuts. There followed some discussion of activities and programs that were not funded this year, and the Board emphasized the need to have clear chargebacks from other agencies for staff participation in County activities that are not funded through the budget.

The Chief of Management Services for the Planning Department, Allison Davis, reported on the approved FY09 Planning Department operating budget, the extent of the budget gap and its program impact, and efforts to address it.

**E.) School Capacity Queue Expirations**—Received briefing from Research and Technology staff on the assignment of new school capacity queue expiration dates for preliminary plan applications under the provisions of the 2007-2009 Growth Policy.

**14. Excellence in Planning Speakers Series - Growth and Decline in U.S. Suburbia**

Bernadette Hanlon, Center for Urban Environmental Research and Education, University of Maryland Baltimore County

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:** Received a presentation by Bernadette Hanlon on Growth and Decline in U.S. Suburbia.