



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, July 10, 2008, at 9:30 a.m., following a welcome reception for newly appointed Commissioners Joe Alfandre and Amy Presley. The meeting was held in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 9:55 p.m.

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

Items 1 through 9 are reported on the attached agenda.

The Board recessed at 12:55 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, Item 10 on the regular agenda, in the third floor conference room at 1:15 p.m., on motion of Vice Chair Robinson, seconded by Commissioner Presley, with Chairman Hanson, Vice Chair Robinson, and Commissioners Alfandre, Cryor, and Presley 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)(7), to consult with counsel to obtain legal advice.

Also present for all or a part of the Closed Session were Planning Director Rollin Stanley, Countywide Planning Chief Gwen Wright, and Community Based Planning Acting Chief Glenn Kreger; Associate General Counsels Debra Daniel, David Lieb, and Carol Rubin of the Legal Office; Director of Parks Mary Bradford, and Ann Daly of the Commissioners' Office.

In Closed Session, the Board consulted with Counsel on the *Master Plan for Historic Preservation* process with respect to Falkland Chase, an item on the Regular afternoon agenda.

The Closed Session was adjourned at 1:50 p.m., and the Board returned to open session and immediately recessed for lunch.

The Board reconvened in the auditorium at 2:00 p.m.

Items 11 through 15 are reported on the attached agenda. There was no item 12.

The Board recessed for dinner at 7:05 p.m. and reconvened in the auditorium at 7:45 p.m. with all five Board members present.

Items 16 and 17 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 9:55 p.m. The next regular meeting of the Planning Board will be held Thursday, July 17, 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, July 10, 2008
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

CONSENT AGENDA

1. Adoption of Opinions/Resolutions

Group A: Three Commissioners Eligible to Vote [Commissioners Cryor, Hanson and Robinson]

i) Preliminary Plan No. 120080050, Holladay at Edgemoor, ADOPTION OF RESOLUTION No. 08-79

ii) Site Plan No. 820080030, Holladay at Edgemoor, ADOPTION OF RESOLUTION No. 08-74

BOARD ACTION

Motion: ROBINSON/CRYOR

Vote:

Yea: 3-0-2

Nay:

Other: ALFANDRE, PRESLEY ABSTAINED

Action: Adopted the Resolutions identified above.

2. Record Plats

[Subdivision Plat No. 220071180, Whites Store Estates](#)

RDT zone; 1 lot; located in the northeast quadrant of the intersection of Whites Store Road and Peach Tree Road; Agriculture and Rural Open Space

Staff recommendation: Approval

[Subdivision Plat No. 220081230, Edgemoor](#)

C-2 zone; 1 lot; located in the southwest quadrant of the intersection of Hampden Lane and Woodmont Avenue; Bethesda CBD

Staff recommendation: Approval

BOARD ACTION

Motion: ROBINSON/CRYOR

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Record Plats listed above.

3. Consent Items

[Preliminary Plan 12004109A, Burtonsville Shopping Center](#)

C-2 and RC zones; 27.16 acres; 1 lot previously approved for 260,000 square feet of commercial retail use; request to eliminate a previous condition of approval requiring an off-site bike trail extension; located in the northwest quadrant of the intersection of MD 198 and MD 29; Fairland

Staff recommendation: Approval

BOARD ACTION

Motion: **ROBINSON/CRYOR**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved staff recommendation for approval to revise Condition No. 6 of the Corrected Opinion of March 21, 2006.**

4. [Preliminary Plan No. 120061220, Strawberry Knoll \(Resubdivision\)](#)

R-200/TDR-4 zone; 4.11 acres; 13 lots requested; 13 one-family detached dwelling units, 2 existing to be removed; located on Strawberry Knolls Drive, 300 feet northeast of Traxell Way; Gaithersburg and Vicinity

Staff recommendation: Approval with conditions

BOARD ACTION

Motion: **ALFANDRE/PRESLEY**

Vote:

Yea: **5-0**

Nay:

Other:

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

Staff of the Development Review Division presented highlights of the June 27 technical staff report that recommends the Board find that the application for 13 one-family residential lots complies with Section 50-29(b)(2) of the Montgomery County Subdivision Regulations. This preliminary plan application was approved September 20, 2007, a reconsideration was granted June 12, 2008, and the application was reopened to address the resubdivision findings.

Mr. Russell Reese, engineer for the applicant, was present.

5. Project Plan Review No. 9-20060070, The Veneto

CBD-1 zone; .294 acres; 16 multi-family dwelling units, 4,575 gross square feet retail; located at the northwest quadrant of the intersection of Cordell Avenue and Norfolk Avenue; Bethesda

Staff recommendation: Approval with conditions

BOARD ACTION

Motion: ROBINSON/CRYOR

Vote:

Yea: 5-0

Nay:

Other:

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

Staff of the Development Review Division presented highlights of the June 27 technical staff report for this proposed development, distributed a revised page 6 and reviewed changes to Condition 6 relating to public use space and public amenities.

Mr. Fred Boyd, Community Based Planning, elaborated on comments in the staff report on proposed guidelines for an "Amenity Fund," and responded to Board question on the issue.

Mr. David Freishtat, attorney representing the applicant, responded to requests for clarification and endorsed the idea of a parking garage under sidewalks, claiming such has been allowed before.

Mr. Alan Machinsky, for the applicant, described the building's features and interior layout.

6. [Extension Request: Preliminary Plan No. 11999029A, Wilgus East](#)

O-M, C-O and R-200 zones; 8.7 acres; 1 lot previously approved for 308,400 square feet of office use; request for extension of adequate public facilities (APF) and preliminary plan validity periods; located in the southwest quadrant of the intersection of Montrose Road and "Old" Old Georgetown Road; North Bethesda-Garrett Park

Staff recommendation: Extend the preliminary plan until November 27, 2009. Do not extend the APF validity period.

BOARD ACTION

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

Vote:

Yea: (1) 5-0
(2) 5-0

Nay:

Other:

Action: (1) Approved the staff recommendation for denial of the extension of the APF validity period.

(2) Approved the staff recommendation for approval of the extension of the preliminary plan validity period to November 27, 2009, under Section 50-38, as noted in the attached confirmation letter to the applicant.

Staff of the Development Review Division presented highlights of the June 27 technical staff report on these extension requests.

Mr. Stanley Abrams, attorney for the applicant, introduced Mr. Richard Cohen of the applicant company, and Mr. Alfred Blumberg, consultant with Site Solutions, Inc. Mr. Abrams reiterated points in his July 3 letter to the Board seeking approval of both extensions.

7. [Preliminary Plan No. 120060660, South Glen Road – Verma Property](#)

RE-2 zone; 4.22 acres; 2 lots requested; 2 one-family detached dwelling units, one existing to remain; located on South Glen Road, 3,750 feet north of Edison Road; Potomac
Staff recommendation: Approval with conditions

BOARD ACTION

Motion: ROBINSON/CRYOR

Vote:

Yea: 5-0

Nay:

Other:

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

Staff of the Development Review Division presented highlights of the June 27 technical staff report for this proposal to create two lots. The application was deferred by the Board on May 31, 2007.

Mr. David A. Crowe, engineer for the applicant, accepted the staff recommendation.

Mr. Joel D. Kimel, an adjacent property owner, testified he was satisfied with adjustments, but asked for confirmation on the location of a shared property line and conformance with Montgomery County records.

8. Pre-Preliminary Plan No. 720070210, Pullen Property

RE-1 zone; 3.67 acres; 3 lots requested; 3 one-family detached residential dwelling units; located on the north side of Harding Lane, 400 feet west of Pamela Drive; Cloverly
Staff recommendation: Approval with conditions

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: By consensus and with the five Commissioners present, concurred in staff's recommendation as stated in the June 27 technical staff report, "No objection to submission of a preliminary plan."

Development Review Division staff presented highlights of the June 27 technical staff report on this Pre-Preliminary Plan for three lots for three one-family detached dwelling units. The applicant is seeking guidance on the overall lot layout, the extension of Spotswood Drive, and the adequacy of a proposed 20-foot wide ingress/egress easement over proposed Lots 1 and 2 to provide access to an existing cemetery.

Mr. Alfred Blumberg, Site Solutions, Inc., representing the applicant, accepted the staff recommendation.

9. Park Facility Plans – Gene Lynch Urban Park and Transit Plaza Easement Area - REVISED

Replacement park areas located on and across from the site of the existing Silver Spring Metro Bus Station, at the intersection of Colesville Road and Wayne Avenue; Silver Spring CBD
Staff recommendation: Approve Facility Plans for the Gene Lynch Urban Park and the Transit Plaza Easement Area subject to a park permit; approve amendment to Resolution changing park name to Gene Lynch Urban Park

BOARD ACTION

Motion: **ROBINSON/CRYOR**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved the staff recommendation to change the park name to the Gene Lynch Urban Park, and approved facility plans for the Gene Lynch Urban Park and the Transit Plaza Easement Area, generally in accordance with a Memorandum of Understanding jointly developed and signed by the Commission, Montgomery County, and the Washington Metropolitan Area Transit Authority (WMATA).**

Staff of the Park Development Division introduced Maggie and Joey Lynch, two of four children of former Planning Board Commissioner Gene Lynch, who contributed to the design. (The Gene Lynch Urban Park is renamed to honor the late Planning Board Commissioner Gene Lynch.)

Staff presented highlights of the July 1 technical staff report that details plans for the two smaller parks that are to be constructed concurrently with construction of the Transit Center project. These smaller parks will replace an existing Metro Urban Park that will be displaced in order to construct the Paul S. Sarbanes Transit Center.

Staff also briefed the Board on the status of the Paul S. Sarbanes Transit Center project, proposed as a three-level multimodal transit facility and reviewed and approved by the Planning Board under the County Mandatory Referral process on July 12, 2007. At that approval, the Planning Board imposed specific recommendations for the project. The County has removed six of the nine essential elements, addressed in a June 27, 2008, letter from Chairman Hanson to the County Council, asserting that the absent elements are a small fraction of the cost, but have a big effect on the quality of the area.

Mr. Bruce E. Johnston, representing the County Executive, and Mr. Philip Benenati, of EDAW/AECOM, consultant to the County on this project, testified that some elements were reduced due to budget limitations, but added this action would not preclude later additions.

Ms. Jane Gorbaty of Grove Street endorsed the Chairman's June 27, 2008, letter to the County Council requesting reinstatement of certain Transit Station elements.

10. CLOSED SESSION

In accordance with the Annotated Code of Maryland, State Government Article, Section 10-508(a) (7) to consult with counsel to obtain legal advice (Falkland)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Met in Closed Session. See narrative minutes for the State citation and a brief open session report.

11. Site Plan Review No. 820080010, Symphony Park

R-60 zone; 18.61 acres 112 multi-family dwelling units, including 17 MPDUs; southeast quadrant of the intersection of Strathmore Avenue and (MD 355)

Staff recommendation: Approval with conditions

BOARD ACTION

Motion: ALFANDRE/ROBINSON

Vote:

Yea: 5-0

Nay:

Other:

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

Development Review staff presented the site plan, as detailed in the staff report.

Mr. Steve Kaufman, attorney representing the applicant, concurred in the staff recommendation and distributed two handouts related to tree preservation and the proposed tot lot, respectively.

Ms. Natalie Goldberg, representing the Garrett Park Estates/White Flint Park Citizens Association; Mr. Eliot Pfanstiehl, representing the Strathmore Hall Foundation; Mr. Norman Gurevich, confronting property owner; and Ms. Carol Placek of Kensington, offered comments on the proposal.

There followed considerable discussion of issues raised in testimony, with staff and the applicant providing information as needed.

NOTE: There was no item 12 on the agenda.

13. Zoning Text Amendment No. 08-12

Introduced by Councilmember Floreen: to amend the Zoning Ordinance allow a landscape contractor as a permitted use in the General Commercial (C-2) Zone under certain circumstances

Staff recommendation: Transmit Comments to County Council

BOARD ACTION

Motion: **CRYOR/PRESLEY**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved the staff recommendation to approve, as stated in the attached Letter of Transmittal, following a brief presentation by Development Review staff in keeping with the staff report.**

14. Zoning Text Amendment No. 08-13

Introduced by Councilmember Berliner: to amend the Zoning Ordinance to define a Transit Center; and to amend the purpose of the C-2 zone to allow transit oriented mixed-use development use in close proximity to Transit Centers.

Staff recommendation: Transmit Comments to County Council

BOARD ACTION

Motion: **ROBINSON/CRYOR**

Vote:

Yea: 2-2

Nay: HANSON, PRESLEY

Other: ALFANDRE RECUSED

Action: To endorse the Zoning Text Amendment, contrary to the staff recommendation to recommend deferral. A copy of the Letter of Transmittal to the District Council is attached. **FAILED FOR LACK OF A MAJORITY**

Prior to taking up this item, Commissioner Alfandre recused himself.

Development Review staff presented the Zoning Text Amendment, as detailed in the staff report, noting that the amendment would add a third mixed-use option to the zone without comprehensive review. Staff recommends deferring the amendment for further consideration as part of the Zoning Ordinance rewrite.

Ms. Barbara Sears, attorney, and Mr. Cameron Pratt and Mr. Dick Knapp, representing Foulger-Pratt, discussed their proposed redevelopment, which could move forward under the proposed change to the C-2 Zone standards.

Ms. Paula Bienenfeld, representing the Montgomery Mall Citizens Advisory Panel, spoke in support of the Zoning Text Amendment.

**15. Public Hearing and Worksession: Falkland
(Continued from MCPB Hearing December 6, 2007; rescheduled from Planning Board Agenda of June 12, 2008)**

Public Hearing, Worksession, and Action on Evaluation for Master Plan for Historic Preservation Eligibility, Falkland Apartments, Locational Atlas Resource #36/12
(Note: New testimony will be limited to two (2) hours, three (3) minutes per individual. Previous testimony from December 6, 2007 MCPB meeting will be incorporated into the record of this hearing.) *Staff recommendation: Transmit recommendation to County Council for partial Master Plan designation; vote to partially remove from the Locational Atlas.*

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received testimony and evidence submitted into the record and agreed to schedule the Board worksession in September.

Planning Director Rollin Stanley, Countywide Planning Division Chief Gwen Wright, Community-Based Planning Division Chief Glenn Kreger, Community-Based Planning staff, and Historic Preservation staff made an extensive presentation on the proposal to designate the three parcels of the Falkland Apartments as a historic resource on the Master Plan for Historic Preservation, weighing the relative merits and public benefits of designating all three parcels compared to designating the south and west parcels and allowing demolition and redevelopment of the north parcel, as detailed in the staff report.

Mr. Jeff Fuller, Chairman, and Commissioners David Rotenstein and Caroline Alderson of the Historic Preservation Commission, spoke in support of designating all three parcels, based on designation criteria 1a, 1d, 2a, and 2d.

Ms. Mary Reardon of the Silver Spring Historical Society, Ms. Eileen McGuckian, Mr. Dorn McGrath, and Ms. Bonnie Rosenthal of the National Trust for Historic Preservation, collectively representing the nominators, elaborated on the historic merits of the entire Falkland Apartments development in support of designating all three parcels.

Ms. Barbara Sears, attorney; Mr. Donald Hague and Mr. Nelson Leenhouts of Home Properties, the property owner; Ms. Kate Kuranda and Mr. Ward Boucher, historic and

15. Public Hearing and Worksession: Falkland

Architectural consultants; and Ms. Trini Rodriguez, landscape architect, discussed the proposed redevelopment of the north parcel. The property owner supports designation of the south and west parcels only.

The following speakers offered testimony and submitted evidence into the record on the potential historic designation: Mr. Joshua Folb, a resident of Falkland Apartments north parcel; Ms. Sharan London, Montgomery County Coalition for the Homeless; Mr. Rick Nelson, representing the County Executive; Mr. Norman Dreyfuss of Silver Spring; Mr. Keith Rudemiller, representing Harris-Teeter, a potential retail use in the proposed redevelopment project; Mr. Jerry McCoy and Mr. George French, representing the Silver Spring Historical Society; Mr. Jim Humphrey, representing the Montgomery County Civic Federation; Mr. David Nicholson of Vienna, Virginia; Mr. Robert Goldman, representing Montgomery Housing Partnership; Mr. Wayne Goldstein, representing Montgomery Preservation, Inc.; Ms. Marcie Stickle of Silver Spring; Ms. Jane Bergwin-Rand, a resident of the Falkland Apartments; Ms. Lianna Reisner, reading into the record a statement by Megan Moriarty, a resident of the Falkland Apartments; Ms. Deborah Miness, representing the Washington Smart Growth Alliance; Ms. Patty Kaczmariski, representing Action in Montgomery; Ms. Annie Hart, reading into the record a statement by Rebecca Brillhart, representing Action in Montgomery; Ms. Nancy Weber of Silver Spring; Ms. Felicia Eberling, representing the Colespring Plaza Tenants Association; Mr. Dick Pavlin,

representing Action in Montgomery; Ms. Nalewajk, representing the Seven Oaks/Evanswood Citizen's Association; and Ms. Caren Madsen, representing the Montgomery County Civic Federation.

16. Public Hearing - ICC Limited Functional Master Plan Amendment (Bikeways and Interchanges)

Public Testimony will be limited to two (2) hours

Staff recommendation: Accept testimony and schedule first worksession for Monday, July 21, 2008

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received testimony and, as per staff recommendation, scheduled first work-session for Monday, July 21.

Based on the July 2 technical staff report, Transportation Planning Division staff presented highlights of the Intercounty Connector Limited Functional Master Plan Amendment followed by public testimony, extensive Board discussion, and questions to staff.

The following speakers offered testimony: Mr. Jack Cochrane of First Avenue and representing Montgomery Bicycle Advocates (Mo-Bike); Mr. Joe Fritsch of Buehler Road; Mr. John Morrison of Alderbarn Court; Ms. Kathy Daniel of Valley Road; Mr. Austin Steo representing Trail Conservancy, Inc.; Mr. Calman Prussian of Danville Drive; Mr. Kelly Anderson of First Avenue; Mr. Casey Anderson of First Avenue and representing the Washington Area Bicycle Association (WABA); Mr. Richard McCluskey of Two Farm Drive; Mr. Daniel Miles of Pretoria Drive; Mr. Bernie Brown of Shinnecock Drive; Mr. Peter Burkholder of Birdle Path Lane and representing the National Institute of Health Bicycle Commuting Club; Mr. Richard Resi of Copley Lane; Mr. Patrick Ryan of Hidden Valley Lane; Mr. Peter Chines of Ross Court; Mr. Hans Riemer of Ritchie Avenue; and Mr. Stephen Higgins of Gros Beale Terrace Court.

Chairman Hanson noted that the record will stay open until close of business tomorrow, Friday, July 11, 2008.

17. Roundtable Discussion
(No public testimony will be taken at this time.)

- A. Commissioners' Report
- B. Approval of Minutes
- C. Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **A. Commissioners' Report:** None
 B. Approval of Minutes: Approved Minutes of May 29 and June 5, 2008 as presented.

C. Director's Report: Parks Department Director Mary Bradford noted that she will meet next week with the Capital Crescent Trail representatives and will report back to the Planning Board. She also added that she will brief the Board next week on the County Council's various meetings on the Advanced Land Acquisition Revolving Fund (ALARF).