



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**Staff Report: Glenvilah Center  
Limited Site Plan Amendment 82001030A**

**ITEM #:** 8

**MCPB HEARING**

**DATE:** November 13, 2008

**REPORT DATE:** October 31, 2008

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief *RK*  
Robert Kronenberg, Supervisor *RAN*  
Development Review Division

**FROM:** Elza Hisel-McCoy, Assoc. AIA, *an*  
LEED-AP Coordinator  
Development Review Division  
301.495.2115  
[Elza.Hisel-McCoy@mncppc-  
mc.org](mailto:Elza.Hisel-McCoy@mncppc-mc.org)



**APPLICATION**

**DESCRIPTION:** Amend the Site Plan to increase the maximum allowable building height for a two-story commercial building from 20 feet to 30 feet.

**APPLICANT:** Travilah Oak, LLC

**FILING DATE:** September 8, 2008

**RECOMMENDATION:** Approval

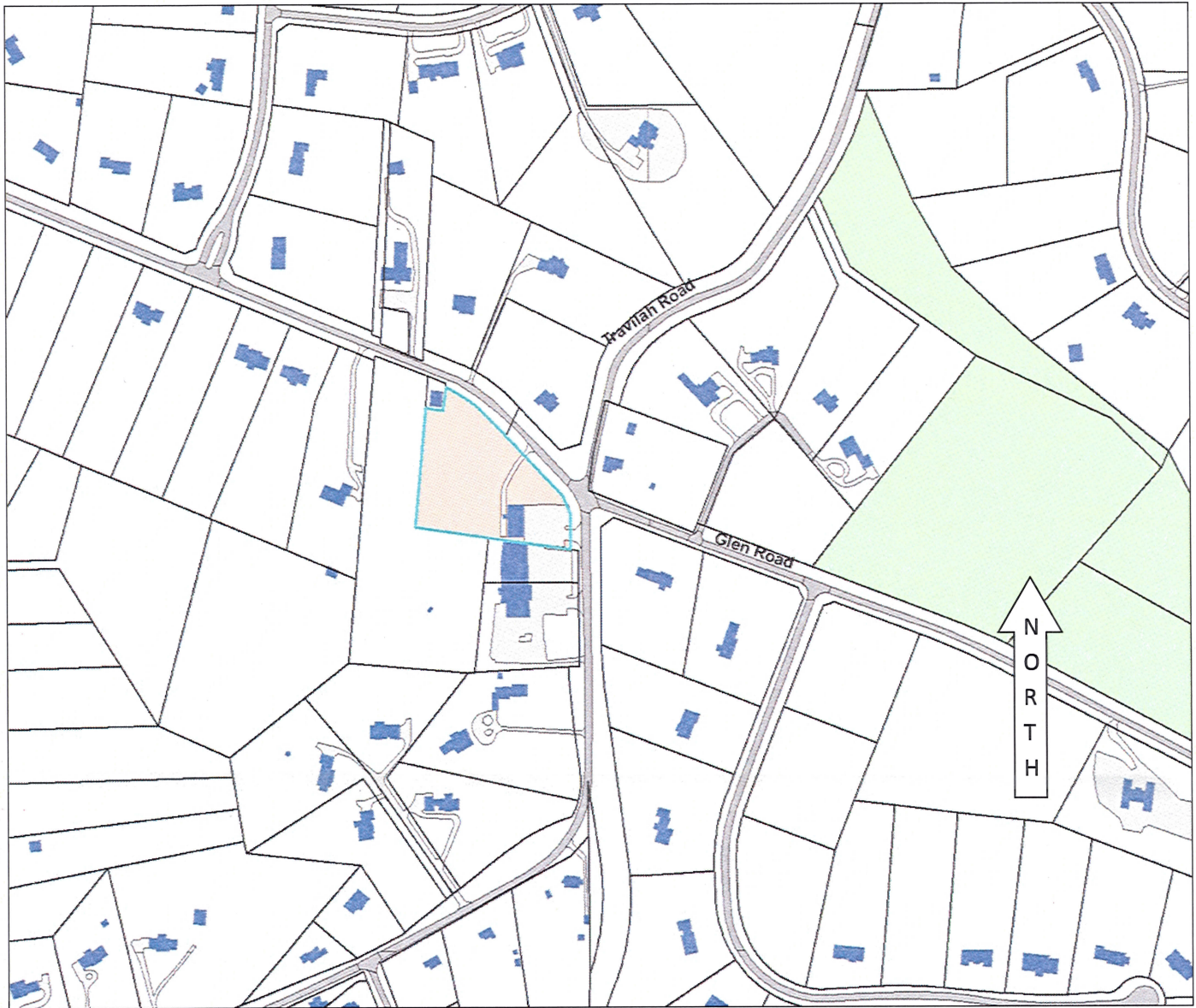
**EXECUTIVE**

**SUMMARY:** The Applicant's approved original site plan allowed a two-story commercial building with a maximum height of 20 feet. The Applicant has since determined 20 feet to be insufficient to construct their planned design, and so is requesting an additional 10 feet of building height.

## SECTION 1: CONTEXT AND PROPOSAL

### SITE DESCRIPTION

The proposed development is located in the southwest quadrant of the intersection of Travilah Road and Glen Road in Potomac. The subject site is currently a grass field adjacent to an existing retail center. The center consists of several one- and two-story buildings and a surface parking lot.



*Vicinity Map*



*Aerial Site View*

## **PROJECT DESCRIPTION**

### **Previous Approvals**

#### *Preliminary Plan*

The Planning Board approved Preliminary Plan #119883230 on March 15, 1990, requiring Site Plan review of the project. On November 1, 2001, the Board approved Preliminary Plan Amendment 11988232A, to increase the maximum allowable buildable area to 4,240 sf of existing retail space and 4,434 sf of retail in a new building. The Planning Board Opinions are appended.

#### *Site Plan*

The Planning Board approved Site Plan #820010300 on November 1, 2001, for 4,434 sf of new office space and 4,240 sf of existing office space. The new office building was limited to two stories, with a maximum building height of 20 feet.

## Proposed Amendment

The Applicant has determined that the 20-foot maximum building height for the two-story commercial building approved with the original site plan will be insufficient to accommodate the design they have been developing. They are requesting an additional 10 feet of height, for a maximum building height of 30 feet. The building would remain at two stories.

## COMMUNITY OUTREACH

The Applicant has complied with all submission and noticing requirements. Staff has received three communications in opposition to the proposed amendment. Attached is the complete text of each.

One nearby resident expressed the opinion that expansion of the center would “bring a nuisance into a quiet residential area.” Staff finds the proposed amendment only a minor modification required to make the approved commercial building realizable (it would be difficult to build a two-story single-family house – which has shorter floor-to-floor heights – shorter than 20 feet, let alone a two-story commercial structure, which typically has floor-to-floor heights of at least 12 feet) and does not believe the additional nuisance sufficient to recommend denial of the proposal.

Two other commenters expressed concerns both that the Applicant had not complied with the required public notice provisions of the Development Manual, and that the “enormous ultimate magnitude” of the project would provide dubious benefit to the community. Section 8.E. of the Manual of Development Review Procedures for Montgomery County, Maryland addresses review of Limited Site Plan Amendments. Such amendments propose only minor changes to approved site plans, but are brought before the Planning Board for discussion because “the change requested would alter a fundamental element of the Planning Board’s approval...(example: density height, setback)”. Subsection 8.E.(b) specifies that each “Limited Plan Amendment must satisfy the site posting and noticing and notice requirements of sections 4.C. and 4.D.(a)(i).” Consistent with these requirements, the Applicant posted signs on the site on September 24, 2008, and on September 30, 2008, mailed notice of the application to adjacent and confronting property owners and HOAs and Civic Associations located within one mile of the site. Regarding the magnitude and public benefit of the proposal, as discussed above, Staff finds this proposed amendment very limited in scope and relatively minimal in additional impact.

Regarding this amendment, there appears to be some conflation of this limited proposal with a different, non-site-plan proposal that requires extension of sewer service to the site. This site is currently served by septic wastewater systems. The amendment before the Board in no way addresses the extension of sewer service to the site.

## RECOMMENDATION

The proposed modifications to the site plan do not alter the overall design character of the development in relation to the original approval. The additional building height allows the approved two-story commercial building to be built as designed and would be comparable in height to, and likely smaller than, neighboring single-family homes. The modifications do not impact the efficiency, adequacy, or safety of the site with respect to vehicular and pedestrian circulation, open space, or landscape and lighting. Further, these modifications do not affect the compatibility of the development to its surrounding neighborhood. Staff, therefore, recommends **approval** of Site Plan Amendment 820010301A.



**FILE**

Date of Meeting: August 10, 1990

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION**  
8787 George Avenue • Silver Spring Maryland 20910-3780

**MONTGOMERY COUNTY PLANNING BOARD  
OPINION**

Preliminary Plan No. 1-88323  
Project: Hyde-Travilah

Action: Approval, Subject to Conditions. (Motion by Commissioner Hewitt, seconded by Commissioner Keeney, with a vote of 2 to 1, Commissioners Hewitt and Keeney voting in favor of the motion and Commissioner Floreen voting against. Commissioners Henry and Bauman were necessarily absent.)

On December 13, 1988, GHM Limited Partnership (the "Applicant") submitted an Application for Approval of a Preliminary Plan of Subdivision of property in the southwest quadrant of Glen and Travilah Roads (the "Property"). (see Exhibit 1). The application was designated Preliminary Plan 1-88323 (the "Preliminary Plan"). The Preliminary Plan proposed to create a single lot on 3.13 acres of land lying partly in the C-1 zone and partly in the RE-2 zone. (see Exhibit 2).

On March 15, 1990, the Preliminary Plan was brought before the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission (the "Planning Board" or "Board") for public hearing upon due notice pursuant to Article 28 of the Annotated Code of Maryland and Chapter 50 (the "Subdivision Regulations") and Chapter 59 (the "Zoning Ordinance") of the Montgomery County Code. The Planning Board heard testimony and received evidence into the record during the public hearing prior to closing the record. Based upon the evidence and testimony of record and the Preliminary Plan itself, the Planning Board finds the Preliminary Plan to be in accordance with the Subdivision Regulations and, therefore, approves the Preliminary Plan, subject to conditions.

The Property is currently improved by a commercial structure of 4,200 square feet. That structure, built in 1981, was constructed in accordance with a presumably properly issued building permit and was sited on an unrecorded parcel. The Subdivision Regulations then in effect did not require the creation of a lot through the subdivision approval process by the Board prior to the issuance of a building permit for certain, limited instances. The Planning Board did not review the building permit application for the existing structure. In 1985, Section 50-20 of the Subdivision Regulations was amended and currently requires subdivision approval prior to the issuance of a building permit for the contemplated commercial expansion.

The existing structure is situated entirely within the C-1 zoned portion of the property. The septic system serving that structure, however, extends into the portion of the property situate in the RE-2 zone. The septic system for the proposed building would be separate from the existing system and would lie entirely within the C-1 portion of the lot. This additional development, therefore, would conform with current Planning Board policy<sup>1</sup> of not approving commercial subdivision/development relying upon septic systems or similar service facilities lying in whole or part in residentially zoned property. The Board did not review or approve existing development and offers no opinion herein with respect to whether existing development conforms to current zoning and subdivision requirements.

### Decision

Expert technical staff testified that based on its review of the Subdivision Regulations and the Zoning Ordinance, as well as an advisory memorandum from the Office of the County Council, the existing structure and its septic system were legally constructed and do not represent a non-conforming use. Staff further testified that in light of this determination, it did not view the proposed structure as being itself non-conforming by virtue of its contributing to an existing non-conforming use. Staff finally testified that while the Potomac Sub-Region Master Plan recommended a downzoning for the Property, the District Council had considered (in the context of consideration of a sectional map amendment) and rejected that recommendation in light of the fact that the development rights attendant to the original C-1 zone had vested with the legal construction of the building now standing on the Property.

Applicant testified that the proposed commercial structure would be approximately 3,500 square feet, (likely serving as a bank facility). Applicant stresses that a need for additional local shopping, including the proposed bank tenant, continues to exist. The expansion and use, Applicant argues, will be economically successful in light of the prevailing rural neighborhood and afford reduced numbers of miles traveled by local residents in running routine errands. Applicant indicated that it was required by MCDOT to provide a deceleration/turning lane as well as maximum dedication for road width expansion.

The Applicant, in recognition of issues raised by testimony and Board questions relating to the design, appearance, and compatibility of the proposed expansion, agreed to voluntarily submit to site plan review by the Planning Board, at which time the Applicant and Planning Board can review Applicant's proposal and address these concerns. In particular, the Planning Board indicated that they wish to closely review such issues as the location and configuration of the entry way off Glen and/or Travilah Road, the area of the bank drive-through facilities, landscaping, and the general appearance of the existing and

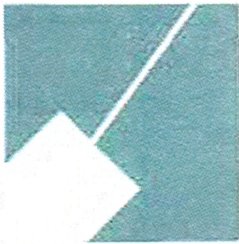
proposed structures. The Planning Board was most receptive to Applicant's proffer that it intends to provide landscaping on adjacent property not under Applicant's ownership making up the shopping center to further enhance the overall attractiveness of the center. The Board heard testimony of citizens living adjacent to and close by the proposed development. Citizens testified both in favor of and in opposition to the Preliminary Plan. The primary issues addressed were traffic at the intersection of Glen and Travilah Roads, traffic on surrounding roads and the possibility that those rural and semi-rural roads would be widened in response to increased traffic, the general appearance and cleanliness of the shopping center, the need or lack thereof of the proposed facilities, and the compatibility of the project with the surrounding residential neighborhood.

After reviewing all of the evidence and testimony contained in the record, the Board finds that the Preliminary Plan is in conformity with the purpose of the C-1 zone and that it meets the pertinent criteria set forth in the Subdivision Regulations. The Board notes that concerns relating to compatibility and appearance will be further addressed during site plan review which Applicant has voluntarily agreed to undergo and the Planning Board accepts as a condition to the Preliminary Plan approval. The Preliminary Plan for subdivision is approved subject to the following conditions:

1. Agreement with Planning Board strictly limiting development to the existing 4,240 square foot retail building and a new, separate 3,500 square feet retail building. Septic facilities for the new structure to lie entirely within the C-1 zone.
2. Dedication of Travilah Road 40' (forty feet) off center line and dedication 35' (thirty-five feet) off center line of Glen Road.
3. Improvements to Glen Road and Travilah Road to be approved by MCDOT.
4. Conditions of DEP stormwater management approval dated December 15, 1989.
5. Necessary easements.
6. No grading, clearing or recordation of the lot until site plan approval.
7. Final building location, internal road alignment and access to be decided at site plan.



M-NCPPC



**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

**Date Mailed: December 4, 2001**

**Action:** Approved Staff Recommendation

**Motion** of Comm. Wellington, seconded  
by Comm. Perdue with a vote of 5-0;  
Comms. Holmes, Hussmann, Perdue,  
Robinson and Wellington voting in favor

**MONTGOMERY COUNTY PLANNING BOARD**

**OPINION**

Preliminary Plan 1-88323A

NAME OF PLAN: GLENVILAH CENTER

On 09/28/01, GREENEBAUM & ROSE submitted an application for the approval of a preliminary plan of subdivision of property in the C-1/RE-2 zone. The application proposed to create 1 lot (previously approved) on 2.84 acres of land. The application was designated Preliminary Plan 1-88323A. On 11/01/01, Preliminary Plan 1-88323A was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-88323A to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-88323A.

Approval to revise the previous conditions of approval as follows:

- (1) Submit an amended Adequate Public Facilities (APF) agreement with the Planning Board to limit development to the existing 4,434 square feet of retail space and a new separate 3,500 square feet retail building
- (2) The applicant/developer shall comply with the conditions enumerated in Site Plan No. 8-01030 opinion
- (3) All prior applicable conditions in the Planning Board opinion for Preliminary Plan No. 1-88323 remain in full force and effect

**Date Mailed: December 4, 2001**

**Action:** Approved Staff Recommendation  
**Motion** of Comm. Wellington, seconded  
by Comm. Perdue with a vote of 5-0;  
Comms. Holmes, Hussmann, Perdue,  
Robinson and Wellington voting in favor

[REDACTED]  
**MONTGOMERY COUNTY PLANNING BOARD**

**OPINION**

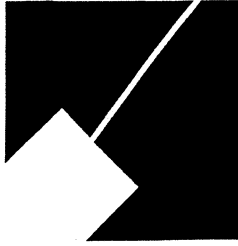
Preliminary Plan 1-88323A  
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Approval to revise the previous conditions of approval as follows:

- (1) Submit an amended Adequate Public Facilities (APF) agreement with the Planning Board to limit development to the existing [REDACTED] square feet of retail space and a new separate [REDACTED] square feet retail building
- (2) The applicant/developer shall comply with the conditions enumerated in Site Plan No. 8-01030 opinion
- (3) All prior applicable conditions in the Planning Board opinion for Preliminary Plan No.1-88323 remain in full force and effect





## MONTGOMERY COUNTY PLANNING BOARD

## O P I N I O N

**DATE MAILED:** November 6, 2001

**SITE PLAN REVIEW:** #8-01030

**PROJECT:** Glenvilah Center

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*Action: Approval subject to conditions. Motion was made by Commissioner Bryant, seconded by Commissioner Perdue, with a vote of 5-0, Commissioners Bryant, Holmes, Perdue, Robinson, and Wellington voting for.*

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The date of this written opinion is November 6, 2001 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before December 5, 2001 (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, this site plan shall remain valid for as long as Preliminary Plan #1-88323A is valid, as provided in Section 59-D-3.8. Once the property is recorded, this site plan shall remain valid until the expiration of the project's APFO approval, as provided in Section 59-D-3.8.

On November 1, 2001, Site Plan Review #8-01030 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

1. *The Site Plan is consistent with the approved development plan or a project plan for the optional method of development, if required;*
2. *The Site Plan meets all of the requirements of the C-1 Zone;*
3. *The locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient;*
4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development;*

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

The Montgomery County Planning Board APPROVES Site Plan #8-01030 which consists of 4,334 sf of office space, and 4,240 sf existing retail space, subject to the following conditions:

1. Conditions of MCDPS stormwater management approval, dated May 9, 2001.
2. Conditions of Transportation Planning Division memo, dated October 26, 2001, including: Applicant to provide 8-foot bike path/sidewalk along Travilah Road frontage at lots 1, 2, 3, and 4, subject to staff, DPS and DPWT review and approval;
3. Provide additional street tree(s) and lighting at lots 1, 2, 3, and 4 on Travilah Road, subject to review by staff, DPS, and DPWT; trees and lighting to be field located;
4. Provide tree protection measures for rear line of trees;
5. Shift north parking bay (5 spaces) a distance of two feet to achieve setback requirement;
6. Site, landscape/lighting, forest conservation, and sediment and erosions control plans subject to staff review prior to approval of signature set.
7. Standard Conditions dated October 10, 1995, Appendix A.
  - A. Submit a Site Plan Enforcement Agreement and Development Program for review and approval prior to approval of the signature set as follows:
    1. Development Program to include a phasing schedule as follows:
      - a. Street tree planting must progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
      - b. Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
      - c. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
    2. Site Plan Enforcement Agreement to delineate tree protection and relocation plans.
  - B. Signature set of site, landscape/lighting, forest conservation and sediment and erosion control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
    1. Limits of disturbance;
    2. Methods and location of tree protection;

3. Conditions of DPS Stormwater Management Concept approval letter dated May 9, 2001;
  4. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
  5. The development program inspection schedule.
  6. Street trees along all public streets;
- C. No clearing or grading prior to M-NCPPC approval of signature set of plans.



**MCP-Chairman**

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**From:** Wm. H. Wymer [wymer@attglobal.net]  
**Sent:** Saturday, October 04, 2008 3:11 PM  
**To:** MCP-Chairman  
**Subject:** Site Plan 82001030A

**RECEIVED**  
1099  
OCT 06 2008

OFFICE OF THE CHAIRMAN  
THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

Gentlemen/Ladies,

I am writing with respect to Site Plan 82001030A which is at the corner of Travilah Road and Glen Road in Travilah.

This is, I am sure you are aware, a one-story line of shops, restaurants, and other facilities along Travilah Road. As is, it is unobtrusive in the daytime and quiet at night. However, to expand it would indeed bring a nuisance into a quiet residential area. I ask that you deny the proposal to expand the shops, etc. I live about a mile away (as the crow flies) and feel I would be affected by any expansion, besides I feel such expansion is not needed by the residents in this area.

William Wymer, 13605 Query Mill Road, Travilah, MD 20878-3967



## Hisel-McCoy, Elza

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**From:** hfleisig.ceal@gmail.com on behalf of Heywood Fleisig [hfleisig@ceal.org]  
**Sent:** Monday, October 20, 2008 4:50 PM  
**To:** Hisel-McCoy, Elza  
**Cc:** Nuria de la Peña  
**Subject:** Comment on proposed development 119883230, Proposal for Travilah and Glen Road, Potomac

Mr. Elza Hisel-McCoy, Assoc. AIA, LEED-AP  
Planner Coordinator

Dear Mr. Hisel-McCoy,

I make these points and requests in connection with the proposed development 119883230, Proposal for Travilah and Glen Road, Potomac

### **1/ Postponement of scheduled hearings and extension of time for public comment**

I request a postponement of the scheduled hearing and an extension of the time for public comment on the grounds that there has been inadequate public notice concerning a project of unique negative impact and scope. First, the formal requirements for posting signs have not been met. Second, for a project of this enormous ultimate magnitude, Montgomery County Planning Department (MCPD) staff should have used its discretion under the law to order much broader consultation.

#### **Unusually large scope**

This is a big proposal and big deviation from the county master plan. This proposal is one of a series of attempts by this developer to expand a commercial development located in the center of a rural residential area – presumably grandfathered from the first master plan. Originally zoned only for retail, it has been rezoned for office plus commercial and now is being rezoned for a 50% increase in height. The developer plans to seek a sewer connection. It is the **only** such commercial development in the enormous area from Falls road to Great Seneca, south of the intersection of Travilah and DuFief. MCPD appears to follow the rules for C-1 zoning without paying heed to the location of this particular C-1 location within an area zoned RE-2 for rural residences.

#### **Adequacy of Formal Public Notice**

As a formal matter, the signs do not appear to have been posted on every 600' of property as stipulated in the guidelines, or outside of the 30' right of way. You have only a 50-50 chance of seeing a sign if you enter the parking lot. Nor can the sign be read on the fly passing by on Travilah. I also believe that with a project of this scope, MCPD staff should have directed the developer, as the regulations permit, to undertake broader notification of the scope and intent of the developer's proposal.

It is not clear that the relevant organizations have been informed. For a project that represents a major commercial intrusion in an RE-2 area, it is unreasonable to restrict notification to local organizations within a 1-mile radius of the proposed development. Rather, all relevant groups should have been notified. At the recent Travilah Oak Festival, for example, attended by many local organizations, the developer no distribution of informative public plans was made. The cover of the MCPD master plan for 2001 features a picture of the Travilah Oak – artfully framed to eliminate any scene of the shopping center. This area has many stakeholders outside the 1 mile limit.

#### **Meeting the spirit of notification**

Nor does the notice meet the spirit of the laws' intention to inform stakeholders. Most local residents working downtown make a left turn at Glen road and do not pass either sign posted by the developer. Local residents to the west of Glen on Travilah road also might not see the sign; neither would local residents to the right. Moreover, the sign is only posted on one side of the sign so it can only be read upon entering the driveway from

Travilah road, where it is dangerous to stop. Even there, it is only posted on one driveway. The back of these signs, which would be easy to read inside the parking lot, are blank. Most broadly, those who do not use the center, and might have no interest in its expansion, have not been informed. Mainly those who frequently park in the center and do use it have been consulted. This is hardly the broad consultative process that a disruptive project of this sort should have and hardly a process designed to give equal weight to the views of supporters and detractors.

### **Inadequate quality of information**

Moreover, the quality public notice has not been sufficient to alert the public of what is going on. There is no way to tell from the material distributed by the developer that a 50% increase in height is planned, an extensive office complex, and a follow-up effort to extend the sewer line deep into a zone for country rural residences. Rather, the sign implies a minor increase of 300 or so square feet in the project size.

### **Why is there need for additional time?**

Additional time is required to investigate the following issues:

#### **1/ Understand better the public policy grounds for granting these requests.**

The public policy grounds for granting repeated requests for variances and expansions in violation of the overall rural zoning objective of the master plan (Potomac Subregion Master Plan, 2001 (PSMP, 2001)). This lot was originally zoned for retail, then amended to include office space. Now the proposed amendment is for a 30' height – a 50% increase in height – and expanded office space. In no review of this plan does your staff seem to have examined the justification for this creeping expansion of this grandfathered retail space. Rather, MCPD statements appear to consider the issue in isolation of the rural residential zone in the master plan in which this hitherto small island of C-1 is located.

#### **2/ Adequacy of protection for the Travilah Oak during development and thereafter**

The relevant nature associations and the Travilah Oak association should be consulted. See also the earlier comment on MCPD's own photographic treatment of the Travilah Oak.

#### **3/ Economic Cost/benefit of the proposed sewer extension**

This developer is proposing something of a scope that can only be managed with a public sewer system. The developer has publicly stated that intention. Extension of the public sewer system to that shopping center will be very costly. What is that cost and who is to bear it? What are the resulting extra benefits? No such reports are posted on the website and there appears to be no plan to develop them.

The PSMP, 2001 envisioned substantial commercial development in Potomac Center and along route 28. My house is only ten minutes from large shopping centers on DuFief Mill and 28, Travilah and 28, and Potomac Center. Parking is always available in these centers. There is no overcrowding. An office condominium center is constructed on Travilah north of the Intersection with DuFief. It advertises vacancies. What are the extra benefits that we local residents get to offset those costs? The benefits appear tiny. Some diversion of business from existing centers that residents of this neighborhood pass daily. What then is the public policy ground for giving this developer repeated variances and letting this developer move increasingly close to the objective of substantially expanded commercial development with a sewer hookup? Where is the promised interagency review? If it has occurred, where is its report for public review?

#### **4/ Consistency of sewer expansion with the Master plan**

Sewer expansion undermines the logic of the RE-2 rural zoning of the area south of the intersection of Travilah and DuFief Road. Once a sewer is built, it is economically logical to develop the intervening land more densely

and build more densely than is now permitted by the RE-2 zoning. This county, slashing funding for schools and public services, cannot afford sewers to nowhere. Thus this action by the MCPD undermines the existing rural zoning of this area in a way not sanctioned by the Planning Board Draft Master Plan October 2001. Such a major change requires a substantial public discussion and should not be snuck into the planning process by the appearance of making small additions to commercial construction permits on the ONLY commercial area within RE-2.

**5/ Absence of benefit to the neighborhood**

No documentation exists for the benefits to the neighborhood. The value of properties adjacent to the shopping center will fall. The existing properties along the proposed sewer route will also fall as a result of increased taxes. Existing shopping centers that now serve this area will lose some business. Against these different losses, there will be a large gain in the value of the developer's land. How do these costs and benefits compare? Who gets them? Who is computing the public interest in this decision?

--

Heywood Fleisig, Director of Research  
Center for the Economic Analysis of Law  
2300 M Street, NW  
Suite 800  
Washington, DC 20037

Phone: 202-646-1787; Fax: 202-966-1789  
[hfleisig@ceal.org](mailto:hfleisig@ceal.org), [www.ceal.org](http://www.ceal.org)

WEST MONTGOMERY COUNTY CITIZENS ASSOCIATION

P.O. Box 59335 • Potomac, Maryland 20854

FOUNDED 1947

**To: Dr. Royce Hanson, Chair, Montgomery County Planning Commission, MNCPPC**  
**Re: Site Plan Amendment - Shopping Center @ Travilah and Glen Rd.- Potomac, Md.**  
**GLENVILLOH CENTER / POTOMAC OAK CENTER (92001030A)**

Dear Chairman Hanson and Members of the Commission,

On behalf of our membership, I'm writing to support a request of Mr. Heywood Fleisig for an extension of the comment period on this application to increase the height of a proposed office building to 30'. While this may seem a minor amendment in other cases, it is not so at this location. The shopping center in question is already a nonconforming use, allowed only because of grandfathering, situated on a Rustic Road in the middle of the RE-2 Zone and well outside the sewer envelope. While nearby houses may be 30 feet, the insertion of any office building is out of character with the surrounding community and this particular structure would sit right on the corner of Rustic Glen Road.

We believe this request was not well noticed to surrounding neighbors; that the impacts of increased height are quite significant in this particular case and while it may not be part of your considerations at this time, we are very concerned about the implications to a pending sewer request by the applicant and the question of septic capacity for this project. Granting additional height only lends weight to a further variance in the form of sewer to a property more than a mile outside the sewer envelope. We are therefore opposed to this request.

Sincerely,

Carol Falk, President