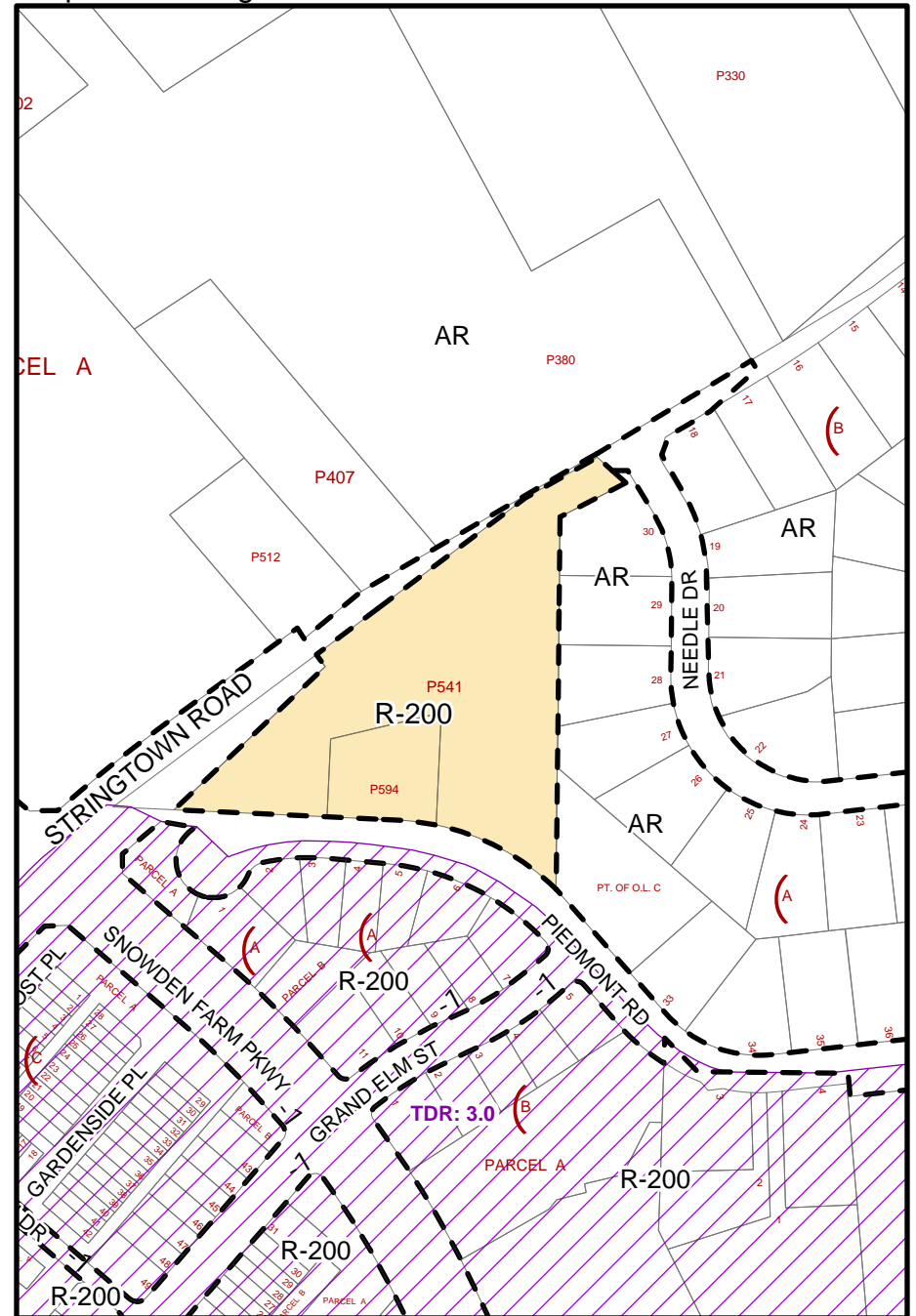
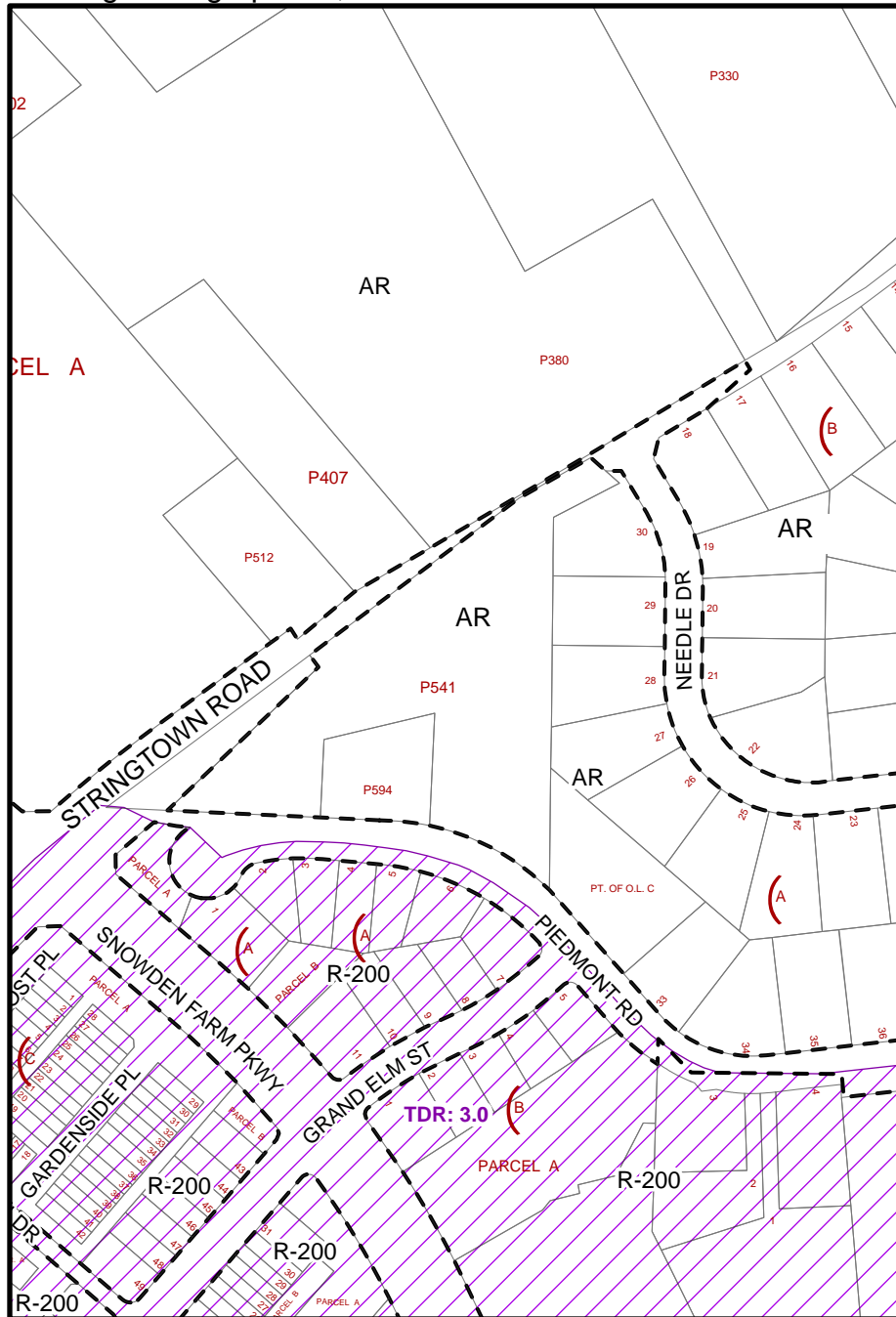


# Corrective Map Amendment H-151

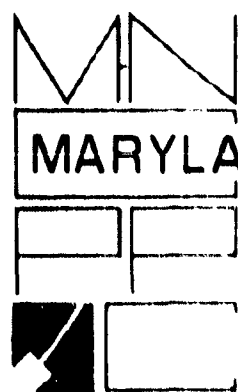
12701 Piedmont Road  
Existing Zoning April 16, 2024

Proposed Zoning



Map Grid: 233NW13 & 233NW12

Overlay TDR Proposed Change 1 inch equals 300 feet



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8787 Georgia Avenue • Silver Spring, Maryland 20907

APPROVED

(301) 565-7369

MINUTES

The Montgomery County Planning Board met in regular session on Thursday, June 17, 1982, at 9:40 a.m. in the Silver Spring Regional Office.

Present were Chairman Norman L. Christeller, Vice Chairman Mable M. Granke and Commissioners Robert E. Brennan, Judith B. Heimann and Betty Ann Krahnke.

Referring to County Council action reappointing Commissioner Granke to the Board, subject to confirmation by the County Executive, the Chairman, speaking on behalf of the Board, offered congratulations to the Vice Chairman.

COMMISSIONERS' ITEMS

Chairman Christeller briefed Board members on the Council's work-session yesterday on the Westbard Sector Plan.

Vice Chairman Granke expressed the opinion that some of the press coverage on the Bethesda Sector Plan is misleading and fosters public misunderstanding. The Vice Chairman stated the fact that it is a master plan amendment, subject to Council approval, should be made clear in articles.

Commissioner Heimann related the Board of Trustees of the Retirement Plan discussion yesterday on the Long Term Disability Program; and the issue of whether, in the absence of the Executive Director and/or the Secretary Treasurer, an official designee should have voting rights. The Commissioner advised the matter will be on the next Commission agenda.

Commissioner Heimann then advised she will serve on a new sub-committee responsible for formulating a new investment policy. Responding to a question from the Vice Chairman, Commissioner Heimann said she intends to request consideration of possibly assigning a percentage of the pension funds to an investment that would promote a specific social need as well as being financially sound and indicated any comments would be helpful.

The Deputy Director of Parks, on behalf of the Parks Department, congratulated the Vice Chairman on her reappointment. He then advised that plans for the July 16 Little Seneca Lake groundbreaking are progressing and it is anticipated the event will be well attended.

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The Board requested the Deputy Director of Parks to prepare a status report for next Thursday's meeting on the progress of statue repairs and its replacement in the Elm Street Park; and also requested a status report be prepared relating park activities, staffing, and other relevant issues to the budget situation for presentation in mid-summer.

ITEM 13.      TAKOMA PARK MASTER PLAN

ACTION:      Reviewed and discussed synopsis of Council public hearing testimony on sectional map amendment; concurred in staff's recommendation for R-10 zoning on Lizzio property on Flower Avenue; R-40 zoning for Matlin property on Philadelphia Avenue; and although recognizing the Takoma Park City Council's preference for C-1 zoning in the commercial area on Carroll Avenue, continued to support the plan's recommendation for a mixture of C-1/C-2 zoning, based on the belief that since the sectional map amendment is intended to implement the master plan, there is a question as to the legality of down-zoning an area contrary to an adopted master plan. Discussed request from owner of property in the 7100 Block of Carroll Avenue, as stated in a letter to Chief Administrative Officer Wilson, for R-60 zoning rather than confirmation of R-20 zoning, as recommended in the adopted master plan, and concurred in the R-60 zoning request of the owner, contingent upon a determination by Legal Counsel that such action would be legal.

ITEM 7.      PUBLIC HEARING ON PROJECT PLAN NO. 9-82001 -  
SILVER SPRING CENTRE (CRAWFORD SITE) - CBD-3  
ZONE - INTERSECTION OF COLESVILLE ROAD AND  
RAMSEY AVENUE

ACTION:      Motion of Granke  
Second by Christeller  
5-0 Directed Planning staff to prepare a resolution for final action, in conjunction with Legal Counsel and in accordance with the technical staff report; and, agreeing not to make it part of the resolution, identified for purposes of site plan review, site plan issues which, in addition to those identified in the staff report, will be reviewed carefully:  
(10) Underground utilities, as suggested by staff;  
(11) Pedestrian crossing treatment at Ramsey Avenue and Colesville Road;  
(12) Rooftop treatment on low roof for visual appearance;

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- (13) Modifications to the wall effect on Ramsey Avenue through use of retail space, supergraphics, or some other method to improve the appearance;
- (14) Possible traffic movements regarding access in relation to this site and the site across Ramsey Avenue.

Without objection, agreed to close the record.

Without objection, requested staff to have the resolution placed on the July 1 agenda.

A verbatim transcript of the proceedings has been prepared and a copy will be placed on file in the Records Management Office in Silver Spring, Maryland.

After the record was closed, Commissioner Krahnke offered an amendment to the main motion, accepted by the maker and seconder, additionally flagging items for purposes of site plan review.

Vice Chairman Granke endorsed the request of the Silver Spring Advisory Committee for a workshop on the Optional Method of Development process. Commissioner Heimann noted a similar presentation would be beneficial in the Bethesda area.

The Chairman expressed the view, in which the Board concurred, that a workshop would be premature until the guidelines for development in Silver Spring are completed.

The Board, thanking the applicant for his cooperation, stated the proposed development is interesting and exciting. The Silver Spring Advisory Committee, noted the Board, also has expressed its appreciation for the cooperative efforts of the applicant and Planning staff, acknowledging the quality of the project has been enhanced by these efforts.

ITEM 11.      BETHESDA CENTRAL BUSINESS DISTRICT SECTOR PLAN

ACTION:      Agreed the final plan should not identify Stages as "1" and "2"; the possibility of incorporating Moderately Priced Dwelling Units (MPDUs) in developing Garage 49 should be explored, for economic reasons, as an alternative to meeting the requirement for MPDUs in the TS-R (Transit Station-Residential) zone; and that an office-retail mixture, in conjunction with Garage 49, although not a recommendation of this plan, has not been precluded and can be explored; agreed with staff's suggestion that a statement be incorporated indicating the monitoring reports, on an annual basis, will be continued; the opening paragraph should stress the importance of the amendment and the need to proceed in an expeditious

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manner; recommended minor editorial modifications; and discussed whether the minority view of the Board should be transmitted to Council, noting the Vice Chairman's view that the Board acts as a body and therefore Board final action only should be transmitted; the consensus endorsed the Chairman's position that it is helpful for the Council to be aware of split votes.

The Board recessed for lunch at 12:30 p.m.

NON-AGENDA      PARKS DEPARTMENT - RECOMMENDATION CONCERNING FEES  
ITEM            AND 60 DAY ADVANCE RENTAL POLICY REGARDING RECREA-  
                         TION CENTERS

ACTION:            Without objection, directed staff to modify the weekend rental policy and to make available approximately half of the recreation centers, and in diverse locations, for reservation requests in advance of the present 60 day policy period. The new policy may exclude some of the most desirable center locations, which presently enjoy regular use within the framework of the existing policy. Reservations in advance of the 60 day period are to be limited to not more than two Fridays, two Saturdays and two Sundays a month and some space should be available each weekend for intermittent users. Remaining space will continue to operate in accordance with the existing 60 day reservation guideline.

Requested staff to formulate other ideas to encourage a more even distribution of recreation center usage and to return for discussion next Thursday.

During lunch, the Board discussed with Parks staff the rental policy and ascertained there have been no attempts to schedule centers for a season or a year. Past policy has been to accept reservations for weekends only 60 days in advance, but that reservation requests for regularly scheduled uses on Monday through Thursday evenings could be submitted on July 1st for the coming year. The Board discussed the issue of modifying the weekend night reservation policy in relation to school closings, present use, and the Parks Department concern that centers not be used for commercial profit-making purposes, but be available for general public use.

The Board reconvened in the auditorium at 2:10 p.m., with the five Commissioners present.

ITEM 23.            PRE-PRELIMINARY PLAN NO. 7-82023 - ROUTE 29  
                         PROPERTY - R-90 ZONE - INTERSECTION OF ROUTE 29  
                         AND GREENCASTLE ROAD

ACTION: Motion of Brennan  
Second by Granke  
5-0 Approved the cluster development option, in accordance with staff's recommendation, subject to submittal of a preliminary plan that conforms to the conditions noted on the agenda. Agreed a caveat regarding compatibility is appropriate, and stressed this aspect will be reviewed carefully in relation to existing single family detached communities, and especially with respect to its impact on the community across Greencastle Road.

Development Review staff oriented the Board to the area and related the property was rezoned to R-90, with a TDR-5 development option, as part of the comprehensive rezoning in the recently adopted Eastern Montgomery County Master Plan. The subject plan proposes 109 single family detached residential units, and 70<sup>4</sup> attached townhouse units, 102 of which would be Moderately Priced Dwelling Units (MPDUs). Staff identified existing amenities that will be incorporated into the cluster development and the possibility that existing ponds may be retained for use in conjunction with a storm water management system. Staff recommended approval subject to submittal of a preliminary plan which satisfies the conditions noted on the agenda.

Jerome Korpeck, Esquire, representing the applicant, agreed generally with the staff recommendation and pointed out that approximately 40 percent of the land will remain in open space. The proposed 10 acre park dedication along the north side of Robey Road will serve other developments as well as the subject site.

Continuing the applicant's presentation, Mr. Sackett, engineer for the applicant, pointed out that almost eight acres of lake area and wooded land is retained in the proposal, as well as the existing club house and swimming pool, which are surrounded by approximately 10 acres of open space. Mr. Sackett stated there are approximately 92 acres of open space.

Prior to accepting testimony, the Chairman clarified the purpose of today's hearing is to consider whether development should be allowed under a cluster option and noted the applicant, as a matter of right, can develop under the standard method. The adequacy of public facilities and other specific issues will be addressed at later stages within the subdivision process.

Mr. William C. Kelly, Jr., representing the Greencastle Woods Home Owners Association, said the major concern is the severe environmental impact of the proposed 800 units together with the impact of the Robey Road property, Item 24. The Association believes the proposed developments are too dense and the infrastructure in the area will not support these densities.

Intense development is occurring in this area, indicated the Board, because it has been under a development moratorium and there is pent-up demand. The Board stressed environmental concerns were a primary factor in consideration of the Eastern Montgomery County Master Plan, only recently completed and adopted.

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Ms. Marcella Petree and Ms. Kathy M. Allison, speaking on behalf of the Columbia Road Citizens Association, read a statement from the Association which requested consideration of the statement in the Eastern Montgomery County Master Plan that higher density TDR (Transfer of Development Rights) development in the Burtonsville area was justified because of the buffering and screening afforded by the Fairland Regional Park and the Greencastle Country Club. This proposal is immediately south of the TDR area. The Association prefers retention of the subject site in its present state. The open space afforded by the presence of the country club was used also in the 1968 Fairland-Beltsville Master Plan to justify the existing high rise development. The Association believes that if the cluster option is approved, Planned Development zoning restrictions should apply to ensure tight controls and maximization of open space and further recommends development be staged over a number of years to minimize problems.

Responding to Commissioner Krahnke's inquiry as to whether there is a need for horse trails, Ms. Petree stated the Trails Committee of the Trail Riders of Today (TROT) has maps and she is unsure of exact needs, other than that of trail crossings.

Mr. Leo Sabatini and Mrs. Kline, residents of Greencastle Road, requested consideration be given to siting single family detached residential dwellings across from their community. The Board suggested they discuss this with the applicant.

ITEM 24.      PRELIMINARY PLAN NO. 1-81202 - ROBEY ROAD  
PROPERTY - R-30 AND R-20 ZONES - BRIGGS CHANEY  
ROAD AND ROBEY ROAD - FAIRLAND/BELTSVILLE

ACTION:      Motion of Heimann  
                 Second by Krahnke  
                 5-0 Approved the preliminary plan, in accordance with the staff recommendation, subject to the conditions on the agenda, as amended; to Montgomery County Department of Transportation conditions (letter of March 8, 1982) becoming part of any Public Improvements Agreement between MC DOT and the applicant; and to Transportation Planning Division's conditions in the June 14, 1982 staff report, relating two stages of development to transportation improvements.

Amended Conditions:

- (1) Dedication along Briggs Chaney, Greencastle, Robey and Dogwood Roads
- (3) Developer to grade and provide established grass cover for three of the five play fields on Board of Education property in accordance with plans approved by Parks Department

Development Review staff's oral report related that the application is for 2,032 dwelling units, contrary to the agenda indication of 1,936 lots; oriented the Board to the area; and identified the 10 acre park site to the north, dedicated in conjunction with Preliminary Plan No. 7-82023, the prior

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item. Staff explained a land exchange between the applicant and the Board of Education has resulted in a 35 acre site for a school and that play fields on that site will be graded by the applicant. No discretionary options are being exercised, therefore, the plan will not be subject to Site Plan Review. Development Review staff recommended approval, subject to the conditions on the agenda, and to a decision regarding transportation issues.

In response to Vice Chairman Granke's request for an opinion on whether the Board has authority to require equestrian trails, Condition 5, Legal Counsel stated equestrian trails would be handled in the same manner as any dedication and the dedication must have a relationship to the need generated by the subject subdivision. If agreement can not be reached by the applicant and Trail Riders of Today (TROT), a final decision would be the responsibility of the Planning Board.

Development Review staff, responding to a Board query, explained the proposed plan located units well outside the floodplain and far in excess of the 25 foot building restriction line because the topography is so severe.

Transportation Planning Division's presentation, in accordance with the technical staff report, recommended that development occur in two stages in order to correspond with transportation improvements. The Board reviewed the Stage One conditions, noting transportation improvements would maintain the current level of congestion. Conditions enumerated in the March 8 Montgomery County Department of Transportation letter will become a part of any Public Improvements Agreement between MC DOT and the applicant. The Eastern Montgomery County Master Plan did not specifically locate a site for fringe parking, but did anticipate a location in the Fairland Road/Old Columbia Pike area.

Then, the Board reviewed Transportation Planning Division's conditions relative to Stage 2 development of 980 dwelling units.

Mr. John J. Clark, Director of the Office of Transportation Planning, Montgomery County Department of Transportation, commented on the approach, handling and transportation needs of the site. Mr. Clark said that, to his knowledge, this is the first time a residential development has proposed a public park-and-ride lot and a van pooling system for its residents. Mr. Clark commended this creative approach and opined this is the way large site developments should be handled in the future.

Vice Chairman Granke inquired regarding potential expansion of the County Ride-On system into this area. Noting there are no plans for expansion at this time, Mr. Clark pointed out that there is a WMATA bus line within a few feet of the site, and that it would be more cost effective to expand the WMATA system than the County's Ride-On system.

Responding to the Vice Chairman's inquiry regarding guaranteeing the continued operation of the vanpooling system, Legal Counsel opined that possibly this issue can be covered within the homes association documents and advised the applicant's attorney is willing to explore this potential.

Park Planning staff interjected a request that Condition 3 be modified to indicate grading of the play fields and an established grass cover are to be provided by the applicant, in accordance with discussions held with the applicant. Mr. Neumann clarified the applicant's obligation is limited to three of the five fields proposed.



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John Neumann, Esquire, representing the applicant, located the fringe parking area on a map and related an agreement is being negotiated with the Board of Education. The deeds for the land exchange are being prepared and should be exchanged when the Planning Board takes its action. Mr. Neumann identified another site, adjacent to proposed Dogwood Lane, intended for passive recreation use, which could be a future alternative parking lot in the event the Board of Education should need the site presently being proposed.

Transportation Planning staff advised that State Department of Transportation will permit signing for the lot to be placed along U.S. Route 29.

Addressing the subject of type of material suitable for a parking lot surface, Mr. Neumann stated the applicant's preference is to pave the portion of the lot used by busses, and requested flexibility with respect to materials for the remaining area. The Board agreed an "all-weather" surface is acceptable, amending Condition 7, Stage 1, of the Transportation Planning memorandum.

With respect to the carpool vans, Mr. Neumann stated the applicant will provide the first few vans to assure implementation of the system and advised that access to the lot will be from Route 29 to Briggs Chaney Road and that improvements to Briggs Chaney Road are being planned in cooperation with other developers.

With respect to concerns of adjoining property owners, Mr. Neumann related that setbacks and a pathway have been agreed upon through Mr. Harry W. Lerch, their attorney.

Mr. Martin Seldeen, the applicant, stated the intent is to develop one of the first large rental apartment complexes in Montgomery County in approximately 15 years, with a range of rental units. Mr. Seldeen noted that the Rental Guidelines for Moderately Priced Dwelling Units are at a level whereby apartment construction can be accomplished on an economically feasible basis. Responding to an inquiry as to how maintenance of common areas is handled in rental projects, Mr. Seldeen expressed the view that a provision could be added to the lease providing for membership in an association. Mr. Seldeen, responding to a comment of the Vice Chairman regarding availability to the spectrum of housing needs, stated there will be an open rental policy.

The Board then discussed bridle paths and bikeway paths. In order to accommodate bridle paths, Mr. Neumann offered to dedicate the floodplain area to the Parks Department. Park Planning staff indicated the Parks Department would be reluctant to accept such a dedication.

Mr. Mark Montgomery, engineer for the applicant, clarified the bike path route and stated the applicant agrees to provide a bike path in accordance with the Master Plan for Bikeways.

A discussion regarding the adequacy of area roads ensued, with Mr. William C. Kelly, Jr., representing the Greencastle Woods Home Owners Association, inquiring as to plans to improve Robey Road. Development Review staff indicated the applicant would be required to make some improvements adjacent to his property; however, the master plan does not propose Robey Road continue as a through street from Briggs Chaney Road to Greencastle Road, since there are three stream crossings and explained alternate proposed access routes. Transportation Planning staff explained that develop-

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ment eventually would block Robey Road and noted the goal is construction of an alternate primary street which would allow communities to be served by public transit.

Mr. Kelly requested and received clarification of the amount of proposed park land.

Ms. Marcella Petree, representing the Columbia Road Citizens Association, expressed a general concern that adequate public facilities be available to support the rapid development being proposed in the Fairland Region and particularly the Greencastle and Briggs Chaney Road areas. Ms. Petree stated there is a one-lane bridge on Briggs Chaney and several sharp curves; the intersection of Route 29 and Briggs Chaney is congested and additional development will exacerbate this situation; proposed buffering is non-existent to marginal and the Association feels there should be buffering. The Chairman stated the Board endorses the concept of buffering, but pointed out this development is occurring in a Euclidean zone which has no Site Plan provision.

With respect to equestrian trails, Ms. Petree requested the applicant confer with representatives of TROT, Trail Riders of Today, and opined a trail through the stream valley would no doubt be acceptable. Mr. Seldeen advised he is willing to work with TROT.

Ms. Janice L. Fox, a resident of Gateway Terrace in Greencastle Manor, expressed concern regarding increased traffic movements, particularly at the intersection of Route 29 and Greencastle Boulevard, the likely alternate route if traffic on Robey Road is redirected. Ms. Fox requested and received information regarding the development process; plans for improving roads in the vicinity; and potential routing of construction traffic. Ms. Fox advised that construction traffic from other development presently uses these roads and questions if this violates the weight restrictions. Ms. Fox questioned the rationale of expecting occupants of rental units to perpetuate the vanpool arrangements and maintain the common area.

With respect to possible roadway weight restriction violations, the Board requested Transportation Planning staff to pursue this issue with County DOT. With respect to maintenance arrangements, the Board expressed the view that, from a marketing standpoint, the fact that it is a rental development is an incentive itself for the applicant to be responsible. Responding to interest in the potential for a traffic management signal at the Route 29/Greencastle Road intersection, Transportation Planning staff advised that statistics do not justify it at this time.

Mr. Richard H. Bryant, an owner of property on Dogwood Drive immediately opposite a portion of the subject site, endorsed the proposal and requested assurance that curb and gutter sidewalk improvements on Dogwood Drive adjacent to the subject property either would be accomplished or a financial commitment made for improvements when programmed. Referring to the proposed location of the alternate parking lot, Mr. Bryant opined it is further away from Route 29 and would produce considerably more local traffic.

Addressing the cost and construction of Dogwood Drive, Development Review staff confirmed it is a master plan road, and opined the applicant would share in the cost of the road. However, Mr. Montgomery expressed the view that since the subdivision will not use Dogwood Drive, there will be no Public Improvements Agreement although the applicant will dedicate his portion of the road. Mr. Montgomery pointed out that the proposed alignment of the Inter-County Connector will interfere with Dogwood Drive.

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Harry W. Lerch, Esquire, representing the Greencastle Park Homeowners Association, related the agreements reached as a result of a meeting with the applicant and other interested parties regarding the common property line, preservation and relocation of a small access road, and scenic easement and building setback lines. Mr. Lerch expressed appreciation to the applicant for the extreme cooperation he received and advised that the homeowners association agreed to support the plan, subject to the agreements.

Mr. Michael Gable, a resident of Greencastle Manor, requested and received information on transportation concerns and clarification of the van-pooling concept.

ITEM 25.      PRELIMINARY PLAN NO. 1-80177 - CAPITOL VIEW  
PARK - R-60 ZONE - INTERSECTION OF LEE AND OAK  
STREETS, WEST OF CAPITOL VIEW AVENUE

ACTION:      Motion of Heimann  
                 Second by Krahnke  
                 4-1 (Brennan opposed)  
                 Approved the preliminary plan, in accordance  
                 with the staff recommendation, subject to the  
                 conditions on the agenda.

Development Review staff reminded the Board that this matter was before the Board June 3, at which time ownership questions arose. Since then, the applicant has furnished a copy of a sales contract which stipulates that at the time of settlement the owners of the corner lot will sign the necessary plats to permit the resubdivision to proceed. Staff advised a copy of the development plan has been initialed by the buyer and the seller. Referring to a letter from the Groover family, staff advised the responsibility to obtain storm drainage easements and roadway dedications is that of the applicant.

Harry W. Lerch, Esquire, representing the applicant, advised this is a two acre, proposed 8 lot subdivision in the R-60 Euclidean zone, and no waivers or discretionary options are requested. The proposal is in accordance with the master plan, meets the requirements of the Zoning Ordinance, and satisfies problems raised last year. Mr. Lerch reported there have been a large number of meetings with interested individuals and agencies, and the applicant has responded positively, although some requests can not be satisfied at this point in the process. With respect to Mrs. Groover's request for a relocation of the parking spaces now within Oak Street, Mr. Lerch advised this will depend on the final grade of the street which, in accordance with Section 50-36-E of the Subdivision Regulations, will be set when plats are recorded. Resolution of the storm drainage proposal and negotiations with the Gronewalds, advised Mr. Lerch, is contingent upon engineering studies. Mr. Lerch identified other developments of the applicant, noting their reputation and integrity are well established. The development is within an Historic District; therefore, the process will be more involved. Mr. Lerch pledged to attempt to preserve as many trees as possible, even within the right-of-way. Mr. Lerch pointed out delay results in a more expensive development and requested approval of the plan.

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Mr. Robert G. Gronewald, the adjacent property owner from whom an easement is desired in order to pipe the storm drainage, reviewed some of the information he had obtained and contended this easement situation does not appear to be a voluntary one from his standpoint. He said an agreement was signed, but under duress and based on an assumption that the matter would proceed to condemnation if an agreement were not reached.

At the request of the Board, Development Review staff presented more information on this proposed development, noting the low spot of the property is adjacent to the Gronewald property; and the existing storm drainage system on Capitol View Avenue does not function properly and the residents have pursued a resolution through the County for many years. Pointing out that originally the applicant proposed an on-site storm water management facility at the low spot, the position of the staffs of involved public agencies is that piping the storm water would improve drainage in the entire area. Without regard to the subject proposal, an easement would be required from the Gronewalds to resolve the existing drainage problem. The problem, suggested Development Review staff, is whether an easement can be fairly negotiated while the alternative for the Gronewalds appears to be acquisition or possibly institution of condemnation proceedings by the County relative to the existing drainage problem.

The Board discussed the easement dilemma and opined there is no requirement that the Gronewalds enter into an agreement with the applicant. An alternative would be an on-site storm water management holding pond at the low spot of the property.

Development Review staff advised that, when the issue arose a year ago, the applicant was advised by the Planning Board at that time to resolve the storm water management issue in a manner other than by adding a storm water pond on the property.

Commissioner Brennan pointed out that enforcement responsibility for storm water management facilities is that of Montgomery Soil Conservation District and County Department of Environmental Protection.

Richard London, Esquire, representing Mr. and Mrs. Gierse, owners of one of the eight lots on Lee Street and in the subject subdivision, stated that when the agreement to cooperate with the adjacent proposed development was executed, the understanding was the land needed for dedication of the road was outside the Gierse's property line and the proposed development would not cost them anything. Now, the Gierse's have discovered the dedication will come from their lot.

Mrs. Joe Mannies Gierse opined there was possibly a breakdown in communications and said they are making a good faith effort to resolve the issue.

The Chairman pointed out that any approval action would be subject to the conditions and development can not proceed unless the necessary dedications are made.

Ms. Diane Smith, speaking on behalf of the Capitol View Civic Association, requested and received clarification of the right-of-way issue with respect to Oak Street, with the discussion focusing on the older deeds and a 30 foot right-of-way and information that resubdivision activity in the past has increased the right-of-way to 35 feet, as would be the case in the future. Ms. Smith requested the applicants to consider continuing the road within the subdivision, thus placing the least amount of trauma on the

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existing residences. Ms. Smith stated the citizens association supports Mr. Gronewald's efforts to resolve the easement issue, but reiterated the Association is opposed to a storm water management holding pond.

In discussing the storm water management issue following its action, the Board agreed the applicant would have to come back if piping of the storm water can not become a reality.

Commissioner Brennan voted against the motion because he believed it is unreasonable to require the applicant to return for approval when, in his view, it is obvious the Board could not deny construction of a storm water management pond if negotiations for an easement to pipe storm water are not successful.

ITEM 20b.      CONSENT ITEM - MANDATORY REFERRAL -  
NAVAL SHIP RESEARCH CENTER - POTOMAC

ACTION:            Motion of Granke  
                      Second by Christeller  
                      5-0 Approved, for transmittal to the National  
                      Capital Planning Commission, staff comments with  
                      corrections made to the information provided re-  
                      garding the Rock Run Sewage Pumping Station, a  
                      site adjoining the eastern boundary; and agreed  
                      to transmit a letter from the Board expressing  
                      concerns as identified in the text below.

Community Planning-West staff advised that the subject of future employment potential and its related traffic impact was brought up at a meeting on Tuesday and staff was informed there are no plans to increase the number of employees on site. Commissioner Heimann requested this understanding be confirmed in the Board's transmittal letter to NCPC.

The Board suggested stronger concern be expressed regarding the water storage tank; and that the letter of transmittal be more emphatic on the need for more specifics regarding the pedestrian walkway system, landscaping and other information staff has identified as being too general.

Commissioner Krahnke requested that the transmittal letter explain the amount of effort that has gone into establishing setbacks and landscaping guidelines in the County. In the Commissioner's view, it would be appalling for a public agency not to comply with these guidelines.

The Chairman, with the Board's agreement, directed that the language regarding the Rock Run Sewage Pumping Station be corrected to indicate that the land negotiations needed to accommodate the sewage pumping station are now going on. Currently, the approved plans recommend a pumping station and influent and effluent pipes to pass through the Navy's property.

Community Planning-West staff pointed out that the ground level water storage tank, still will project approximately 40 feet above ground. Commissioner Krahnke requested that the transmittal letter stress that, to the extent possible, the bulk and height of the tank be minimized.

The Board expressed a desire to tour the facility and requested staff to explore this possibility.

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The Board recessed for dinner at 6:15 p.m., reconvening in the auditorium at 8:00 p.m., with Chairman Christeller, Vice Chairman Granke and Commissioners Brennan and Heimann present. Commissioner Krahnke joined the evening session at 8:10 p.m.

ITEM 31.            ZONING MAP AMENDMENT NO. G-343 -  
R-60 (RESIDENTIAL, ONE-FAMILY) ZONE  
TO RT-12.5 OR RT-10 (RESIDENTIAL, TOWN-  
HOUSE) ZONES -- ELKHART STREET AT LYTTONSVILLE  
ROAD -- SILVER SPRING

ACTION:            Motion of Granke  
                      Second by Heimann  
                      5-0 Agreed to transmit a recommendation of  
                      approval of the RT-10 zone for 1.2457 acres  
                      and denial of the RT-12.5 zone, in accordance  
                      with the technical staff report and for the  
                      reasons stated therein.

Following Development Review staff's presentation, in accordance with the technical staff report, the Board requested and received clarification on the manner in which potential abandonment of certain portions of rights-of-way relate to the zoning request and the procedure for abandonment within the subdivision process, effective through a March 1982 amendment to the Subdivision Regulations.

John Delaney, Esquire, representing the applicant, introduced Messrs. Maddox and Hardisty, and indicated there had been a meeting in the community to view the concept plan. A schematic plan has not yet been prepared since the configuration of streets (portions of Third and Fourth Avenues, Elkhart Street and the end of Lyttonsville Road) that may be abandoned is uncertain. Mr. Delaney, in requesting approval of the RT-12.5 zone, said the concept plan is likely to be the final plan regardless of which zone is approved; the higher density would only allow an additional two or three units; and the applicant is prepared to work closely with the adjoining community in preparing a definitive plan.

Mr. Maddox, responding to Board questions, said the concept plan proposes 23 units, based on an assumption Elkhart Street is completely abandoned. If it is determined Elkhart Street ultimately will be connected, the yield would be 22 units under RT-12.5 and 20 units under RT-10 zoning.

Responding to the Chairman's inquiry as to why the application was not filed with a schematic plan proposing 22 units in the RT-12.5 zone, Mr. Delaney indicated the decision to present a concept plan was influenced by the fact that the final configuration of streets is unknown and abandonment can not be assumed, although it is in the concept plan. Mr. Delaney indicated the applicant may request the Hearing Examiner to defer a final zoning recommendation until the abandonment is completed in order to focus on the development plan more fully.

Mr. Maddox, engineer for the applicant, opined the subject plan is less expensive from the developer's standpoint because less grading is required, noting this aspect also allows the least environmental disruption.

MCPB  
6/17/82 Mtg.

The Board ascertained that the only exit is to 16th Street; and Lot 1, which is outside the proposed subdivision, is a buildable lot, possibly even two and that there is no structure on it at the present time. Lot 1 is separated from the subject parcel by a footpath and proposed buildings would be 55 feet from the lot line of Lot 1, which is calculated on the assumption the subject property would take 30 feet of the abandoned right-of-way and there is a 25 foot setback.

Ms. Hillary Blatt, a resident of Grace Church Road, submitted a letter from the President of the North Woodside-Montgomery Hills Citizens Association. Ms. Blatt said the citizens association is working with the applicant, the person who notified them of today's hearing, but is not pleased with the proposal. The community's concerns relate to privacy, retention of significant trees within the wooded buffer area, and environmental impact.

The Board explained the subdivision process and its relationship in this case to the zoning request. The Chairman read into the record the letter of opposition from the North Woodside-Montgomery Hills Citizens Association.

Mr. Bert King, a resident of Hanover Street in Silver Spring, requested the community receive notice of hearings on this site, to which the Chairman responded notices are sent to citizens associations registered with the Planning Board. Prefacing his statement with the fact that he holds a Masters Degree in Urban Planning and is a mortgage banker by profession, Mr. King identified many site specific concerns.

The Board indicated that if the zoning is granted, site specific issues would be considered within the subdivision process. Mr. King agreed attached townhouse development is suitable for the site, pointing to concerns regarding siting of units, proximity to the railroad, and overall quality of development to assure a marketable plan.

Mr. Vernon W. Mayer, a resident of Elkhart Street and past president of the North Woodside-Montgomery Hills Citizens Association, opposed the development because of the density and his belief that there is no need for a transition zone. The existing R-60 zoning, stated Mr. Mayer, would yield seven single family detached dwellings, which is better than a potential 25 townhouse units. However, if it is going to be Residential Townhouse, Mr. Mayer expressed a preference for the RT-8 zone.

Vice Chairman Granke, in presenting the motion, expressed the view that this is a transitional location, and the residential townhouse zone, which has a site plan review provision, will allow environmental concerns to be addressed and controls imposed.

Commissioner Heimann, in seconding the motion, stated the number of houses to be accommodated will be an important consideration at the time of subdivision review, as well as the issue of attenuating noise from the railroad.

Chairman Christeller, in voting for the motion, opined that the RT-12.5 zone would be too dense. He expressed a view that the site will accommodate closer to 20 units and this factor will be looked at carefully during the subdivision process.

MCPB  
6/17/82 Mtg.

Commissioner Krahnke, in supporting the motion, agreed the density will be the main issue in view of the many site considerations, and opined the actual yield may be closer to that permitted in the RT-8 zone.

Commissioner Brennan left the meeting at 10:25 p.m., during discussion of the following item.

ITEM 32.      AMENDMENTS TO THE FISCAL YEAR 1982-91 WATER  
SUPPLY AND SEWERAGE SYSTEMS INCLUDING 62 CATEGORY  
CHANGE REQUESTS

ACTION:      Reviewed and discussed the 1982 Annual Update of the Comprehensive Water Supply and Sewerage Systems Plan; generally concurred with comments and recommendations in the technical staff report, except as noted in the next below.

Approved transmittal to Council of the staff report, concurring in staff's recommendation unless otherwise noted, and transmittal of a Board recommendation when it differed from that of staff.

The Board discussed with County Executive and Environmental Planning Division staffs the County Executive's recommendation regarding conditional actions. Staff believes the plan policy should be amended to specifically provide for conditional changes and grantings. Following a brief discussion, the Board concurred in this concept and in the language for Policy III.B.9, proposed by staff.

The Board then discussed the issue of category change requests in relation to areas designated as Transfer of Development Rights (TDR) receiving areas. Concern was expressed with respect to handling and timing of water and sewer requests when the base density is such that the developer has no incentive and does not wish to exercise the TDR option. Staff recommends that a decision in these cases should consider the base density and the extent of development in the area.

The Chairman said it is important that Policy III.B.8.f. not override the staging element in individual master plans. The Board agreed with this concern and requested staff to modify the policy accordingly.

Commissioner Krahnke requested that reference to the sewer category policy be incorporated into the Potomac Subregion master plan amendment.

With respect to specific sewer requests and responding to a Board query, staff indicated that 82-RKC-01 and -02, in the Rock Creek Planning Area, should be deferred because a mini-update to that plan should be ready for Board review in the next couple of months. The Board concurred in staff's recommendation to defer.

The Board then discussed the handling of requests in the Damascus area in view of the pending sectional map amendment and Zoning Text Amendment 82008, which will allow clustering in the RE-2C zone with community



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water only. The Board agreed it would be appropriate to review requests and recommend action contingent upon Council approval of the Damascus Master Plan Sectional Map Amendment and, where appropriate, on adoption of Zoning Text Amendment 82008.

With respect to two 1982 requests on which staff had recommended deferral, the Board's recommendation was for W-6/S-6 on 82-DAM-01, with automatic advancement to W-3 upon rezoning in accordance with the master plan, approval of Text Amendment 82008, and Planning Board approval of a preliminary plan using the cluster option. With respect to 82-DAM-02, the Board recommended W-6/S-6 with automatic advancement to W-3/S-3 upon rezoning in accordance with the master plan and Planning Board approval of a preliminary plan using the cluster option.

The Board recommended as follows on the 1981 deferred Damascus requests: 81-DAM-01, W-6/S-6; 81-DAM-02, W-6,S-1/6, with automatic advancement to W-5/S-3 upon rezoning in accordance with the master plan and Planning Board approval of a preliminary plan using the cluster option; 81-DAM-03, W-6/S-6 with automatic advancement to W-3 upon rezoning in accordance with the master plan, adoption of Text Amendment 82008, and Planning Board approval of a preliminary plan using the cluster option; 81-DAM-04, W-6/S-6 with automatic advancement to W-3 upon rezoning in accordance with the master plan, adoption of Text Amendment 82008, and Planning Board approval of a preliminary plan using the cluster option; 81-DAM-06, W-6/S-6; 81-DAM-07, W-6/S-6, with automatic advancement to W-3 upon rezoning in accordance with the master plan, adoption of Text Amendment 82008, and Planning Board approval of a preliminary plan using the cluster option; 81-DAM-08, W-1/6, S-6; 81-DAM-09, W-6/S-6 with automatic advancement to W-3/S-3 upon rezoning in accordance with the master plan and Planning Board approval of a preliminary plan using the cluster option; and 81-DAM-10, W-2/6, S-3/6 with automatic advancement to W-3/S-3 upon rezoning in accordance with the master plan.

In reviewing other requests, the Board considered the different views of Planning Board and County Executive staffs and, unless otherwise noted below, concurred in staff's recommendations.

With respect to 82-PAT-03 (Patuxent), the Board recommended W-3 for separate community water, and S-6, and expressed a desire that the applicant provide more detailed information on the community water proposal for the Council worksession.

With respect to 82-CLB-01 (Clarksburg), the Board concurred in staff's recommendation for W-5/S-5 and endorsed the Chairman's request that the scheduled update of the Clarksburg Master Plan, this year, address the I-270 area on a priority basis to deal with this issue. Commissioner Krahnke suggested it would be beneficial to look at whether continuing development on I-270 will work as well in the Clarksburg area as it has in other areas. The Board requested Planning staff to prepare an analysis of industrial opportunity in the Germantown area in order to respond to the Executive's comment that Germantown is not able "to absorb any industrial development."

The Board discussed 82-GTW-01 and -02 (Germantown West) relative to the requirements of the subdivision process and in consideration of synchronizing the various public requirements, and agreed the recommendation

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W-4/S-4 should reflect an automatic advancement to W-3/S-3 upon Planning Board approval of a preliminary plan and subject to the developer participating in traffic improvements.

With respect to 82-GTW-03 (Germantown West) and the County Executive's recommendation for a master plan amendment to allow this commercial property to be placed in Stage 2, staff advised that 82-GTW-03 and -04 are not included in the Germantown amendments presently going to public hearing and there is a question as to whether testimony could be accepted. The Board concurred in staff's recommendation for W-6/S-6 on 82-GTW-03, agreeing it is premature to make a master plan change, and endorsed staff's recommendation for W-5/S-5 on 82-GTW-04.

Following a status report on the zoning amendment from Jody Kline, Esquire, representing the owner, the Board concurred in staff's recommendation for W-4/S-4 on 82-GBG-03 and -07 (Gaithersburg), with automatic advancement to W-3/S-3 if the rezoning is approved.

Following discussion with staff on the TDR receiving area designation relative to water and sewer categories, the Board recommended conditional approval of 82-GBG-09 and -10 even though an amendment to the Potomac Master Plan is pending, because the properties are in Stage 1 and the master plan amendment is not an issue since it will only provide another development option. The Board recommended W-4/S-4, as to both, with automatic advancement to W-3/S-3 upon Planning Board approval of a preliminary plan and requirement that the developer participate in traffic improvements.

With respect to clarifying the relationship of master plans to establishing the water and sewer categories, County Executive staff recommended, and the Board agreed, that the Annual Report on Comprehensive Planning Policies would be the appropriate document in which to address the issue.

Following discussion of 82-DNT-05 (Darnestown-Travilah), the Board agreed to recommend W-1/S-6, with automatic advancement to S-3 if the developer agrees to submit to Site Plan Review as a condition of preliminary plan approval. The Board requested Environmental Planning staff to obtain an opinion from Legal Counsel as to whether a developer can legally bind himself to a site plan review and whether it would be enforceable.

Jody Kline, Esquire, representing the interests of a private school proposed for the Darnestown-Travilah area, addressed request 82-DNT-06. He said he understood staff's recommendation for deferral since a special exception application had been filed only recently, but requested the Board transmit a supplemental recommendation in order that his client could avoid a year's delay. County Executive staff explained a request in a deferral status can be reviewed by the Council at anytime once the condition that caused the deferral has been satisfied. County Executive staff opined the reason for the Executive's deferral was to receive more detail on a proposed amendment for a disposal system for the property, and it is anticipated this information will be submitted in time for the public hearing. Since the information will be in the record, it is possible the plan could be amended and the category request issue resolved. In view of this explanation, the Board agreed to continue its recommendation of deferral until such time as the special exception is reviewed and brought before the Board.

Staff advised request 82-POT-01 (Potomac) was withdrawn.

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The Board discussed 82-POT-04, which involves a portion of the Avenel Farm that would be needed for the Rock Run Treatment Plant. The Executive's recommendation to defer is based on the fact that the Potomac Master Plan amendment is pending.

Mr. Anthony M. Natelli, speaking for Potomac Investment Associates, 82-POT-04, advised that an S-3 category had been requested for 1,000 acres in 1981 and granted for 30 lots. The entire property was not categorized S-3 because there were insufficient studies in relation to the proposed Rock Run Advance Wastewater Treatment Plant. Mr. Natelli indicated a sewer category change is needed in order to allow development to proceed on the other property. This portion of the land would not be needed for the treatment plant and when development occurs on this section, it would probably be under a TDR or cluster option.

Following discussion of the potential use of TDRs and the uncertainty regarding the treatment plant, the Board recommended S-6, with automatic advancement to S-3 contingent upon Council approval of a base density on this property that would require sewer in the context of approval of the amendment to the Potomac Subregion master plan.

With respect to 82-CLO-03 and 83-CLO-05 (Cloverly), the Board approved staff's recommendation for W-2/S-6, with automatic advancement to S-3 upon Planning Board approval of a preliminary subdivision plan under either the Planned Development zone or cluster option and requirement that the developer participate in traffic improvements.

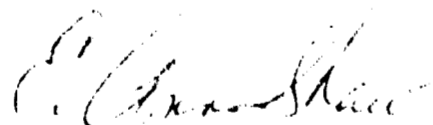
The Board noted staff's explanation that denial was recommended for 82-FWO-07 (Fairland-White Oak) based on the fact that the property is in Priority 2 in the Eastern Montgomery County Master Plan. The applicant now has shown that a connection can be made with an existing sewer on Old Columbia Pike and a major extension will not be required. Another point, noted staff, was that if a proposal for a Country Inn zone is approved, the development would not affect the residential traffic capacity threshold. The Board recommended approval of W-1/S-5, with automatic advancement to S-3 upon rezoning to the Country Inn zone and contingent upon the property obtaining sewer by gravity to Old Columbia Pike.

1981 deferred requests 81-GBG-03 and -04 (Gaithersburg) were discussed at the request of the applicant. Following a brief discussion, the Board agreed the deferral should be continued. Jody Kline, Esquire, representing the applicant, acknowledged that the "deferral" status does at least allow him to present an argument before Council.

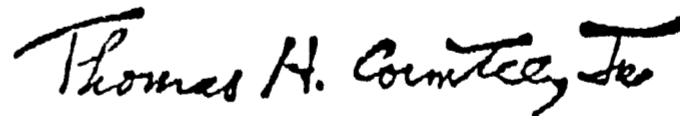
The Board also took other actions as noted on the attached agenda.

There being no further business, the meeting was adjourned at 10:55 p.m. The next regular meeting of the Board will be held on Thursday, June 24, 1982, at 9:30 a.m. in the Silver Spring Regional Office.

Respectfully submitted,



E. Ann Shaw  
Administrative Recording  
Specialist



Thomas H. Countee, Jr.  
Executive Director

Agenda for Regular Meeting  
MONTGOMERY COUNTY PLANNING BOARD  
Silver Spring, Maryland

THURSDAY, June 17, 1982, 9:30 A.M.

	BOARD ACTION
1. Roll Call	:CHRISTPELLER/GRANKE/BRENNAN/ :HEIMANN AND KRAHNKE PRESENT.
2. Approval of Minutes and Agenda for MCPB - April 1, 1982	:APPROVED AS AMENDED.
3. Correspondence	:NONE.
4. Reports from Planning Board Committees	:NOTED
5. Notices and Reminders	: : :

- JUNE 14 - 2:00 P.M., MCC Public Hearing on Proposed Increase in Solid Waste Disposal Fee, CHR, Rockville
- 15 - 4:00 P.M., MCC Public Hearing on the Establishment of Agricultural Districts, CHR, Rockville
- 15 - 4:15 P.M., MCC Public Hearing to Amend Fee Schedule for Local Map Amendment Applications, CHR, R'ville
- 16 - 1:30 P.M., MCC Worksession on Westbard Sector Plan, CHR, Rockville (*Boyds Worksession Scheduled for this Date Postponed*)
- 16 - 7:00 P.M., CTAC on APF Guidelines, 3rd Floor Conference Room, MRO
- 16 - 7:30 P.M., City of Gaithersburg Public Hearing on Annexation Case X-129, City Hall, G'burg
- 16 - 8:00 P.M., MCC Public Hearing on Proposed Montgomery County 10-Year Solid Waste Management Plan, CHR, Rockville
- 17 - 9:30 A.M., Regular MCPB Meeting, MRO Auditorium
- 17 - 10:00 A.M., MCPB Public Hearing on Removal of 32 Sites from Locational Atlas, MRO Auditorium
- 17 - 10:30 A.M., MCPB Public Hearing on Project Plan No. 9-82001 - Silver Spring Centre (Crawford Site, MRO Aud.
- 17 - 3:00 P.M., MCC Worksession on 1983 Tax Levy and Proposed Increase in Solid Waste Disposal Fee, CHR
- 23 - 3:00 P.M., MCC Worksession on Capitol View Sector Plan, CHR, Rockville
- 23 - 8:00 P.M., MCC Public Hearing on Annual Update of 10 Year WS/SS Plan, CHR, Rockville
- 24 - 9:30 A.M., Regular MCPB Meeting, MRO Auditorium
- 24 - 3:00 P.M., MCC Worksession on Takoma Park Sectional Map Amendment, CHR, Rockville
- 28 - 1:30 P.M., MCPB Worksession on Gaithersburg Master Plan/Airpark, MRO Auditorium
- 29 - 7:30 P.M., Metro Public Hearing on Wheaton Station and Other Facilities; Portions of Glenmont Route, CHR, Rockville

NOTICES AND REMINDERS (Continued)

- JUNE 30 - 7:00 P.M., CTAC on APF Guidelines, 3rd Floor Conference Room, MRO
- 30 - 7:30 P.M., MCC Public Hearing on Damascus Master Plan Sectional Map Amendment, ant TA 82008 to Allow Cluster Development in RE-2C Zone with Community Water Only; and TA 82009 to Include the RE-2C Zone as Appropriate for Receiving Areas, CHR, Rockville
- 30 - 7:30 P.M., CE Public Hearing on Non Local Park Acquisition, EOB Auditorium, Rockville
- JULY 1 - 9:30 A.M., Regular MCPB Meeting, MRO Auditorium
- 1 - 10:00 A.M., MCPB Public Meeting re Sligo Golf Course - Driving Range Addition, MRO Auditorium
- 1 - ~~3:00 P.M.~~, ~~MCC-Worksession-on-Boyd's-Master-Plan, CHR,~~ ~~Rockville~~
- 1 - 7:30 P.M., MCC Public Hearing on Potomac Subregion Master Plan (TDRs), CHR, Rockville
- 5 - Holiday , INDEPENDENCE DAY
- 7 - 3:00 P.M., MCC Worksession on 10-Year Solid Waste Management Plan, CHR, Rockville
- 7 - 7:00 P.M., CTAC on APF Guidelines, 3rd Floor Conference Room, MRO
- 7 - 7:30 P.M., MCC Public Hearing on Potomac Subregion Master Plan, CHR, Rockville
- 8 - 9:30 A.M., Regular MCPB Meeting, MRO Auditorium

BOARD ACTION

6. MCPB Public Hearing on Proposed  
Removal from Locational Atlas

Thirty-two Historic Resources

Staff Recommendation: CONFIRM H.P.C.  
Recommendation Not to Place on the  
Master Plan and Remove from Locational  
Atlas

Motion: KRAINKE/HELMANN

Vote:

Yea: 5-0

Nay:

Other:

Action: APPROVED STAFF RECOM-  
MENDATION.

A VERBATIM TRANSCRIPT OF THE  
PROCEEDINGS HAS BEEN PREPARED AND  
A COPY IS ON FILE IN THE RECORDS  
MANAGEMENT OFFICE IN SILVER SPRING,  
MARYLAND.

7. MCPB Public Hearing on Project Plan  
No. 9-82001 - Silver Spring Centre  
(Crawford Site)

CBD-3 Zone, Intersection of Colesville  
Road and Ramsey Avenue

Staff Recommendation: APPROVAL, Subject  
To Modifications:

- (1) Coordination of Streetscape Elements  
Along Colesville Road with Phase IV  
of the Silver Spring Urban Boulevard  
Program
- (2) Progression of a Construction and  
Maintenance Agreement for all Work  
in the Public Right-of-Way

(AT THE END OF TESTIMONY, THE PLANNING  
BOARD WILL SET A DATE ON WHICH IT WILL  
TAKE FINAL ACTION)

Motion:

Vote:

Yea:

Nay:

Other:

Action: SEE MINUTES.

BOARD ACTION

8. Preliminary Plan No. 1-82066 - Silver Spring Centre

STANLEY ZUPNICK, OWNER  
John J. Allen Assoc., Engineer

CBD-3 Zone; 1 Lot; 36,141 Square Feet  
Public Sewer and Water

Colesville Road and Ramsey Avenue

Planning Area 36 (Silver Spring and Vicinity)

Staff Recommendation: APPROVAL, Subject to:

- (1) Dedication of Streets in Accordance with Adopted Master Plan
- (2) Site Plan Approval by Montgomery County Planning Board
- (3) Provision for Necessary Slope and Drainage Easements

Motion: GRANKE/HEIMANN

Vote:

Yea: 5-0

Nay:

Other:

Action: APPROVED STAFF RECOMMENDATION.

9. Text Amendment No. 82008

INTRODUCED BY COUNCILMAN POTTER

Amend Division 59-C-1, "Residential Zones, One-Family," Section 59-C-1.5, Title "Cluster Development," Section 59-C-1.52, Title "Special Requirements," Section 59-C-1.522, Title "Public Water and Sewer," for the Purpose of Allowing Cluster Development in the RE-2C Zone with Community Water Service Only, Under Certain Conditions. This Text Amendment Also Updates and Clarifies the Requirements of this Section

Action Required for Hearing of 6/30/82

Staff Recommendation: APPROVAL

Motion: GRANKE/HEIMANN

Vote:

Yea: 5-0

Nay:

Other:

Action: FOLLOWING DEVELOPMENT REVIEW STAFF'S PRESENTATION, IN ACCORDANCE WITH TECHNICAL STAFF REPORT, AND NOTING THIS IS DESIGNED TO FACILITATE IMPLEMENTATION OF THE DAMASCUS MASTER PLAN; AGREED TO TRANSMIT TO COUNCIL ENDORSEMENT OF STAFF'S RECOMMENDATION OF APPROVAL.

BOARD ACTION

10. Text Amendment No. 82009

INTRODUCED BY COUNCILMAN POTTER

Amend Division 59-C-1, Title "Residential Zones, One-Family," Section 59-C-1.3, Title "Standard Development," Section 59-C-1.39, Title "Special Regulations - RE-2, RE-1, R-200, R-150, R-90 and R-60 Zones," for the Purpose of Including the RE-2C Zone as an Appropriate Zone to be Used as a Receiving Area for the Transfer of Development Rights in Accordance with the Zoning Ordinance and in Conformance with an Approved and Adopted General, Master, Sector or Functional Plan

Action Required for Hearing of 6/30/82

Staff Recommendation: APPROVAL

Motion: GRANKIE/HEIMANN

Vote:

Yea: 5-0

Nay:

Other:

Action: FOLLOWING DEVELOPMENT REVIEW STAFF'S PRESENTATION, IN ACCORDANCE WITH TECHNICAL STAFF REPORT, AND NOTING THIS IS DESIGNED TO FACILITATE IMPLEMENTATION OF THE DAMASCUS MASTER PLAN; AGREED TO TRANSMIT TO COUNCIL ENDORSEMENT OF STAFF'S RECOMMENDATION OF APPROVAL.

11. Bethesda CBD Sector Plan

Transmittal Letter to County Council

Staff Recommendation: APPROVAL

Motion:

Vote:

Yea:

Nay:

Other:

Action: SEE MINUTES.



BOARD ACTION

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12. Final Draft Capitol View Sector Plan

Review of Montgomery County Council  
Public Hearing Testimony

Staff Recommendation: DISCUSSION

Motion:

Vote:

Yea:

Nay:

Other:

Action: REVIEWED AND DISCUSSED,  
IN PREPARATION FOR COUNCIL WORK-  
SESSION OF JUNE 23, THE TESTIMONY  
ADVOCATING MODIFICATION TO HISTORIC  
DISTRICT BOUNDARY AND CONCERNS RE-  
GARDING TOPOGRAPHY OF BIKE PATH  
AND IMPROVEMENTS TO CAPITOL VIEW  
AVENUE IN RELATION TO STUDIES DONE  
DURING SECTOR PLAN PROCESS AND THE  
POSITION OF THE COMMUNITY.

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13. Takoma Park Master Plan

Review of Record of Montgomery  
County Council Public Hearing on  
Sectional Map Amendment

Staff Recommendation: DISCUSSION

Motion:

Vote:

Yea:

Nay:

Other:

Action: SEE MINUTES.

BOARD ACTION

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14. Legal Items

Motion:  
Vote:  
Yea:  
Nay:  
Other:  
Action: NONE.

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15. Legislation Items

Motion:  
Vote:  
Yea:  
Nay:  
Other:  
Action: NONE.

BOARD ACTION

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16. Community Relations Items

· Motion:  
·  
· Vote:  
· Yea:  
·  
· Nay:  
·  
· Other:  
·  
· Action: DISCUSSED PLANS FOR  
· THE DEDICATION OF COLESVILLE  
· MANOR PARK SCHEDULED FOR JUNE  
· 26, NOTING INVITATIONS WILL BE  
· SENT OUT BY COMMUNITY RELATIONS.

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17. Program Coordination Items

· Motion:  
·  
· Vote:  
· Yea:  
·  
· Nay:  
·  
· Other:  
·  
· Action: DISCUSSED AND REVIEWED  
· CALENDAR.

BOARD ACTION

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18. Administration Items

: Motion:  
: Vote:  
: Yea:  
: Nay:  
: Other:  
: Action: NONE.

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19. Sligo Creek Park and Rock Creek Park  
(Beach Drive Area)

Discontinuation of Policy to Reserve  
Individual Picnic Sites Effective  
Spring, 1983

Staff Recommendation: APPROVAL

: Motion:  
: Vote:  
: Yea:  
: Nay:  
: Other: BRENNAN TEMPORARILY  
: ABSENT  
: Action:  
: IN LINE WITH STAFF'S REPORT  
: AND RECOMMENDATION, WITHOUT OBJEC-  
: TION, APPROVED THE POLICY CHANGE TO  
: BE EFFECTIVE IN THE SPRING OF 1983;  
: INSTRUCTED STAFF TO PREPARE APPRO-  
: PRIATE NOTICES AND PRESS RELEASES  
: AND TO RELATE THIS POLICY CHANGE  
: TO BUDGET REDUCTIONS.

BOARD ACTION

20a. Consent Item

Bethesda-Chevy Chase Master Plan

Amendment re Chevy Chase Village Park

Staff Recommendation: ADOPT: Transmit  
to Full Commission

Motion: KRAHNKE/HEIMANN

Vote:

Yea: 5-0

Nay:

Other:

Action: APPROVED STAFF  
RECOMMENDATION.

20b. Consent Item

Mandatory Referral

Naval Ship Research Center (Potomac)

Master Plan Revision

Staff Recommendation: APPROVE Comments

Motion:

Vote:

Yea:

Nay:

Other:

Action: SEE MINUTES.

BOARD ACTION

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20c. Consent Item

Damascus Sectional Map Amendment  
No. G-352

Staff Recommendation: APPROVAL of  
Technical Staff Report

Motion: GRANKE/HEIMANN

Vote:

Yea: 5-0

Nay:

Other:

Action: APPROVED STAFF  
RECOMMENDATION.

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20d. Consent Item

Approval to File Oakmont Special Study  
Sectional Map Amendment

Staff Recommendation: APPROVAL

Motion: HEIMANN/KRAHNKE

Vote:

Yea: 5-0

Nay:

Other:

Action: APPROVED STAFF  
RECOMMENDATION.

BOARD ACTION

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21. Highway Reservations

Staff Recommendation: APPROVAL

SEE STAFF MEMORANDUM

Motion: GRANKE/HEIMANN

Vote:

Yea: 5-0

Nay:

Other:

Action: APPROVED STAFF'S  
RECOMMENDATION IN ACCORDANCE WITH  
THE RECOMMENDATIONS IN THE JUNE  
11, 1982 TECHNICAL STAFF REPORT.

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22. Site Plan Review No. 8-82025

Part of Parcel "C" Redland,  
R-T Zone, 500 Feet+ Intersection  
of Muncaster Mill Road and Redland  
Road, Upper Rock Creek Planning  
Area

Staff Recommendation: APPROVAL, Subject  
to Submission of Inspection Agreement  
and Developer Program

Motion: HEIMANN/KRAHNKE

Vote:

Yea: 5-0

Nay:

Other:

Action: FOLLOWING STAFF'S  
PRESENTATION, IN ACCORDANCE WITH  
THE TECHNICAL STAFF REPORT,  
APPROVED STAFF'S RECOMMENDATION.

BOARD ACTION

23. Pre-Preliminary Plan No. 7-82023 -  
Route 29 Property

ROUTE 29 PROPERTIES, INC., OWNER  
Clark, Finefrock and Sackett, Engineer

R-90 Zone; 813 Lots; 195+ Acres  
Public Sewer and Water

Southwest Intersection of Route 29 and  
Greencastle Road

Planning Area 34 (Fairland)

Staff Recommendation: APPROVAL of  
Cluster Method Development, Subject to:

- (1) 10 Acre Park Dedication Along North  
Side of Robey Road
- (2) All 100 Year Flood Plains with a  
25 Foot Building Restriction Line
- (3) Primary Roadways from Robey Road to  
Greencastle Road
- (4) Location and Type of Storm Water  
Management Facilities
- (5) Proposed Noise Abatement Treatment  
Along Route 29

Motion:

Vote:

Yea:

Nay:

Other:

Action: SEE MINUTES.



BOARD ACTION

24. Preliminary Plan No. 1-81202 - Robey Road Property

SELDEEN DEVELOPMENT (CONTRACT), OWNER  
Johnson, Mirmiran & Thompson, Engineer

R-30 and R-20 Zones; 1,936 Lots;  
156.22 Acres  
Public Sewer and Water

Briggs Chaney Road and Robey Road

Planning Area 35 (Fairland-Beltsville  
and Vicinity)

Staff Recommendation: APPROVAL, Subject  
to:

- (1) Dedication Along Briggs Chaney Road,  
Greencastle Road and Robey Road  
in Accordance with Master Plan
- (2) All Internal Streets Except "D"  
Street to be Dedicated and Con-  
structed to Primary Standards
- (3) Developer to Grade Play Fields on  
Board of Education Property in  
Accordance with Plans Approved by  
M-NCPPC Parks Department
- (4) Record Plats to Indicate 100 Year  
Flood Plains and Building Restriction  
Lines
- (5) Equestrian Trails to be Worked out  
with "TROT" Inc. and Shown on  
Record Plats

Motion:

Vote:

Yea:

Nay:

Other:

Action: SEE MINUTES

AGENDA CORRECTED TO SHOW APPLICA-  
TION IS FOR 2,032 DWELLING UNITS  
AND NOT 1,936 LOTS.

BOARD ACTION

25. Preliminary Plan No. 1-80177 -  
Capitol View Park

WILLIAM AVERY & PAUL FLAHERTY, OWNER  
Macris, Hendricks & Witmer, Engineer

R-60 Zone; 8 Lots; 2.+ Acres  
Public Sewer and Water

Northwest Intersection of Lee and  
Oak Streets, West of Capitol View Avenue

Planning Area 31 (Capitol View)

\*This Plan Held over from June 3, 1982  
Meeting

Staff Recommendation: APPROVAL, Subject  
to:

- (1) Establishment of Necessary Drainage  
Easements
- (2) Construction and/or Reconstruction  
of Necessary Storm Drainage Systems  
in Accordance with Md. Department  
of Transportation and Montgomery  
County Department of Environmental  
Protection Requirements
- (3) Necessary Dedication Along Lee and  
Oak Streets

: **Motion:** HEIMANN/KRAHNKE

: **Vote:**

: **Yea:** 4-1

: **Nay:** BRENNAN

: **Other:**

: **Action:** APPROVED STAFF'S RECOM-  
MENDATION. (SEE MINUTES.)

BOARD ACTION

26. Preliminary Plan No. 1-82062 -  
Potomac Horse Farm

MONTGOMERY COUNTY, OWNER  
Johnson, Mirmiran & Thompson, Engineer

R-200 Cluster Zone; 49 Lots; 49.2 Acres  
Public Sewer and Water

Quince Orchard Road and Dufief Mill Road  
Planning Area 25 (Travilah and Vicinity)

Staff Recommendation: APPROVAL, Subject  
to:

- (1) Dedication Along Dufief Mill Road  
and Quince Orchard Road in  
Accordance with Adopted Master Plan
- (2) Necessary Slope and Drainage Ease-  
ments

Motion: (1) GRANKE/HEIMANN  
(2) HEIMANN/GRANKE

Vote:  
Yea: 4-0 A<sup>c</sup> TO BOTH

Nay:

Other: BRENNAN TEMPORARILY  
ABSENT AS TO BOTH

Action: FOLLOWING STAFF'S ORAL  
REVIEW AND MR. FRED GREEN'S,  
DEPARTMENT OF HOUSING AND COMMUNITY  
DEVELOPMENT, ACCEPTANCE OF STAFF  
RECOMMENDATIONS;  
(1) AGREED TO GRANT  
WAIVER FOR 100 PERCENT CONSTRUCTION  
OF ATTACHED TOWNHOUSE UNITS ON THE  
BASIS OF COMPATIBILITY DEMONSTRATED  
AND AGREEMENT THAT ENVIRONMENTALLY  
IT IS A BETTER METHOD OF DEVELOPMENT.  
(2) APPROVED STAFF'S  
RECOMMENDATION WITH ADDITIONAL CON-  
DITION THAT SUBDIVISION NAME BE  
CHANGED.

27. Preliminary Plan No. 1-82035 -  
Nicholson Property

D. W. & L. A. KELLERT, OWNER  
Benning & Assoc., Engineer

R-200 Cluster Zone; 5 Lots; 4.00 Acres  
Public Sewer and Water

Bowie Mill Road and Route 108

Planning Area 23 (Olney & Vicinity)

Staff Recommendation: APPROVAL, Subject  
to:

- (1) Dedication of Hedgegrove Terrace
- (2) Necessary Slope and Drainage Ease-  
ments

Motion: HEIMANN/KRAHNKE

Vote:  
Yea: 5-0

Nay:

Other:

Action: APPROVED STAFF  
RECOMMENDATION.

BOARD ACTION

28. Pre-Preliminary Plan No. 7-82010 - Flower Hill North

PETTIT & GRIFFIN INC., OWNER  
James M. Fowler, Engineer

R-200 Cluster Zone; 46 Lots; 19.1 Acres  
Public Sewer and Water

Strawberry Knoll Road and Snouffers  
School Road

Planning Area 20 (Gaithersburg and  
Vicinity)

Staff Recommendation: APPROVAL of  
Cluster Method of Development, Subject  
to:

- (1) Location and Type of Storm Water  
Management Facilities
- (2) 100 Year Flood Plain and a 25 Foot  
Building Restriction Line

Motion: BRENNAN/KRAHNKE

Vote:

Yea: 5-0

Nay:

Other:

Action: APPROVED STAFF  
RECOMMENDATION.

29. Preliminary Plan No. 1-82052 - Norman Hull Property

ROBERT REIVER, OWNER  
Hanson & DenOuter LTD., Engineer

C-1 and R-200 Zones; 1 Lot; 0.73 Acres  
Public Sewer and Water

Layhill Road and Bel-Pre Road

Planning Area 27 (Aspen Hill & Vicinity)

Staff Recommendation: APPROVAL, Subject  
to:

- (1) Dedication Along Layhill Road and  
Bel-Pre Road in Accordance with  
Adopted Master Plan
- (2) Denial of Access to Layhill Road to  
be Noted on Record Plat
- (3) Necessary Slope and Drainage Ease-  
ments

Motion: GRANKE/KRAHNKE

Vote:

Yea: 5-0

Nay:

Other:

Action: FOLLOWING DEVELOPMENT  
REVIEW STAFF'S ORAL PRESENTATION,  
INCLUDING AMENDMENTS TO THE CONDI-  
TIONS; THE APPLICANT'S INFORMATION  
THAT THE COUNCIL APPROVED THE C-1  
ZONING REQUEST;  
APPROVED THE PRELIMINARY  
PLAN SUBJECT TO CONDITIONS AS  
NOTED BELOW ONLY:  
(1) THE AREA WITHIN THE RIGHT-OF-  
WAY OF FUTURE LAYHILL ROAD NOT  
INCLUDED.  
(2) NECESSARY SLOPE AND DRAINAGE  
EASEMENTS.

BOARD ACTION

\*30. Board of Appeals Petition no. 2946-A

The Applicant, Asbury Methodist Home, Inc., Requests a Special Exception to Permit the Addition of a 7 to 8 Story Residential Retirement Facility to the Property of an Existing Eleemosynary and Philanthropic Institution. The Subject Property is Zoned R-200 and is Located at 301 Russell Avenue, Gaithersburg

Motion: HEIMANN/BRENNAN

Vote:

Yea: 5-0

Nay:

Other:

Action: APPROVED STAFF RECOMMENDATION.

Action Required for Hearing of 6/24/82

Staff Recommendation: APPROVAL, Subject to:

- (1) The Applicant Shall Submit a Stormwater Management Plan to the Technical Staff for Review and Approval
- (2) Prior to a Further Use of the 1926 Asbury Home, the Board of Appeals shall have an Opportunity to Review the Reusage of the Buidling, Determining Whether its Change of Use Subsequently Changes the Access to the Proposed Building

\*Continued in the Evening if Necessary

**BOARD ACTION**

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31. Zoning Map Amendment No. G-343

JOHN T. HARDISTY, APPLICANT  
Linowes & Blocher, Attorneys

R-60 (Residential, One-Family) to  
RT-12.5 (Residential, Townhouse) or  
RT-10 (Residential, Townhouse) Zone;  
2.0006 Acres; Rock Creek Basin;  
North Silver Spring Sector Plan;  
Elkhart Street at Lyttonsville Road,  
Silver Spring

Action Required by 7/1/82 for Hearing  
7/7/82

Staff Recommendation: APPROVAL of  
RT-10 Zone for 1.2457 Acres; DENIAL  
of RT-12.5 Zone

**Motion:** GRANKE/HEIMANN

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

**Action:** AGREED TO TRANSMIT A  
RECOMMENDATION OF APPROVAL, IN AC-  
CORDANCE WITH TECHNICAL STAFF RE-  
PORT AND FOR THE REASONS STATED  
THEREIN, OF THE RT-10 ZONE FOR  
1.2457 ACRES AND DENIAL OF THE  
RT-12.5 ZONE. (SEE MINUTES.)

32. Amendments to the FYS 1982-1991  
Water Supply and Sewerage Systems  
Including 62 Category Change Requests

Staff Recommendation: APPROVAL of  
Staff Comments and Transmittal to  
County Council

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:** SEE MINUTES.

SUPPLEMENTAL AGENDA  
Regular Meeting  
MONTGOMERY COUNTY PLANNING BOARD  
Silver Spring, Maryland

THURSDAY, June 17, 1982, 9:30 A.M.

BOARD ACTION

1. The Following Record Plats are Recommended for APPROVAL, Subject to the Appropriate Conditions of Approval of the Preliminary Plans:

2-82156 - FALLSREACH  
2-82157 R-200 Zone; 11 Lots  
Resubdivision of Existing  
Lots  
C-I/Mitchell & Best Co.,  
Owner

Motion: HEIMANN/KRAHNKE

Vote:

Yea: 5-0

Nay:

Other:

Action: APPROVED STAFF  
RECOMMENDATION

6-17

THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

1737 Constitution Avenue, Suite 200, Washington, D.C. 20007

COMM. 13-1000

MEMO NO. 82-22  
EXHIBIT NO. 82-17

RESOLUTION

WHEREAS, The Maryland National Capital Park and Planning Commission, by virtue of Article 66D of the Annotated Code of Maryland, is authorized and empowered, from time to time, to make and adopt, amend, extend, and add to a General Plan for the Physical Development of the Maryland-Washington Regional District; and

WHEREAS, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission held a public hearing on April 22, 1982 on a preliminary draft amendment to the Bethesda-Chevy Chase Master Plan, being also a proposed amendment to the General Plan for the Physical Development of the Maryland-Washington Regional District and the Master Plan of Highways; and

WHEREAS, the Montgomery County Planning Board, after said public hearing and due deliberation and consideration, on April 22, 1982 approved a final draft amendment and recommended that it be approved by the Montgomery County Council; and

WHEREAS, the Montgomery County Council reviewed the material of record and discussed the Final Draft Master Plan Amendment with interested parties; and

WHEREAS, the Montgomery County Council, sitting as the District Council for that portion of the Maryland-Washington Regional District lying within Montgomery County, on June 8, 1982 approved the final draft amendment of said plan by Resolution 9-1843.

NOW, THEREFORE, BE IT RESOLVED, that the Montgomery County Planning Board and the Maryland-National Capital Park and Planning Commission does hereby adopt said amendment to the Bethesda-Chevy Chase Master Plan, together with the General Plan for the

Montgomery County Planning Board



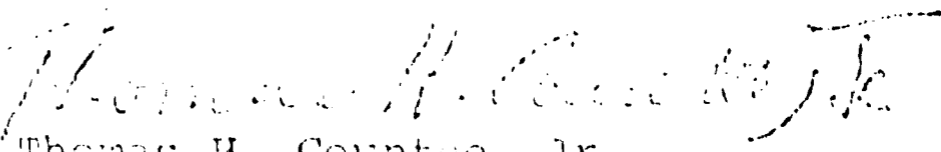
MCPB NO. 82-22  
MNCPPC NO. 82-17  
Page 2

Physical Development of the Maryland-Washington  
Regional District and the Master Plan of Highways  
as approved by the Montgomery County Council in  
the attached Resolution 9-1843.

BE IT FURTHER RESOLVED that this amendment  
be reflected on copies of the aforesaid plan and  
that copies of such amendment shall be certified  
by The Maryland-National Capital Park and Planning  
Commission and filed with the Clerk of the Circuit  
Court of each of Montgomery and Prince George's  
Counties, as required by law.

\* \* \* \* \*

This is to certify that the foregoing is a  
true and correct copy of a resolution adopted by  
the Montgomery County Planning Board of The Maryland-  
National Capital Park and Planning Commission on motion  
of Commissioner Krahnke, seconded by Commissioner  
Heimann; with Commissioners, Brennan, Christeller,  
Granke, Krahnke, and Heimann voting in favor of the  
motion at its regular meeting held on Thursday,  
June 17, 1982 in Silver Spring, Maryland.

  
Thomas H. Countee, Jr.  
Executive Director

\* \* \* \* \*

This is to certify that the foregoing is a  
true and correct copy of a resolution adopted by  
The Maryland-National Capital Park and Planning

NOTE NO. 82-22  
MNCIPU NO. 82-17  
Page 3

Certification on motion of Commissioner Heimann,  
seconded by Commissioner Christeller, with  
Commissioners Brennan, Christeller, Cumberland,  
Fukas, Granke, Heimann, Keller, and Shoch voting  
in favor of the motion, and with Commissioners  
Brown and Krahnke being absent, at its regular  
meeting held on Wednesday, July 14, 1982 in Silver  
Spring, Maryland.

*Thomas H. Countee, Jr.*  
Thomas H. Countee, Jr.  
Executive Director

\* \* \* \* \*

REVISION AND ADDITIONAL AMENDMENT  
to the  
BETHESDA-CHEVY CHASE MASTER PLAN

The 1970 Bethesda-Chevy Chase Master Plan is hereby amended with respect to the property located at 6509 Brookville Road in the Village of Chevy Chase. The property is triangular in shape and is located on the east side of Brookville Road between Quincy and Primrose Streets. It is identified on the tax map as Lot 1, Block A, Chevy Chase Section 6B7.

This amendment changes the Land Use and Transportation Plan map designation for the subject property from "Commercial" to "Village Park." The proposed zoning on the Zoning and Transportation Plan map is changed from "Local Commercial, C-1" to "Single-Family Residential, R-60."

The amendment adds the following statement following the third paragraph on page 24 of the master plan:

Chevy Chase Village Park - Chevy Chase Village intends to apply to the State of Maryland for Program Open Space funds to defray the cost of acquiring land for a small park on Brookville Road between Quincy and Primrose Streets. The acquisition of this park is in the public interest and endorsed by the County Planning Board and Council.

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760



MCPB  
82-23

R E S O L U T I O N

FOR CONTINUATION OF RESERVATION OF LAND FOR PUBLIC USE

WHEREAS, Henry A. Latimer and Helen B. Latimer, his wife, are the owners of certain lands comprising 6.514 acres, situated in Montgomery County, Maryland, Election District No. 13 located on Alderton Road between Atwood Road and Woodwell Road, said lands having been conveyed to Henry A. Latimer and Helen B. Latimer, his wife, by deed dated July 31, 1950 and recorded among the Land Records of Montgomery County, Maryland, in Liber 1411 at Folio 350; and

WHEREAS, on the 10th day of June, 1976, The Maryland-National Capital Park and Planning Commission by resolution duly adopted, placed the above-mentioned property in Reservation for Public Use, and on the 7th day of June, 1979, by resolution duly adopted, continued said property in reservation; and

WHEREAS, the circumstances, needs and conditions set forth in said resolution of reservation dated June 10, 1976 still continue and exist at the present time; and

WHEREAS, the aforementioned property is unable to be acquired by the State Highway Administration at this time and it is the desire and intent of the State Highway Administration, The Maryland-National Capital Park and Planning Commission and all persons having any legal or equitable right, title or interest in said property that said lands shall remain and continue in reservation for an additional period of three years; and

WHEREAS, Henry A. Latimer and Helen B. Latimer, his wife, are the sole and only owners of any legal or equitable right, title or interest in the said property and all of said parties have requested that the said property shall remain and continue in reservation for public use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Article 66D of The Annotated Code of Maryland, and the Regulations for the Subdivision of Land for The Maryland-Washington Regional District in Montgomery County, Maryland, adopted by the Montgomery County Council October 17, 1961, The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission hereby declares as follows:

1. That the above described property, comprising 6.514 acres, continue to be a Reservation of Land for Public Use, said land to be used for highway purposes for the proposed Outer Beltway.

2. That certified copies of this Resolution be transmitted to the Supervisor of Assessments and the Director of Finance of Montgomery County and to the Washington Suburban Sanitary Commission, advising said offices of the tax abatement provisions of Article 66D of The Annotated Code of Maryland, with respect to such Reservation of Land for Public Use, so that the land so reserved may be exempted from the levy of State and County taxes for a period of three years beginning July 1, 1982.

3. That a certified copy of this Resolution be transmitted to the property owners and to the State Highway Administration; and

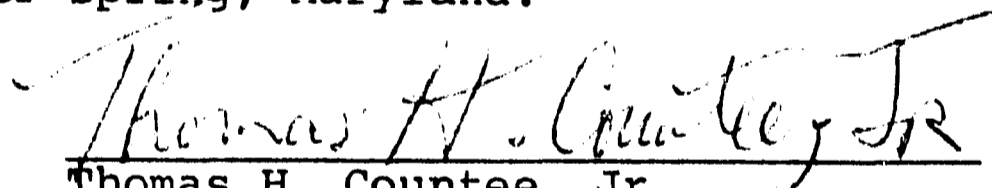
4. That the Reservation Plat covering the aforesaid property, duly certified by this Commission, and being duly recorded among the Land Records of Montgomery County, Maryland, Plat Book 77, Plat 7658 on the 21st day of January, 1965, shall be duly noted to apply to the aforementioned property herein resolved to be further reserved for public use;

5. That a copy of said Reservation Plat be attached to and accompany each copy of this Resolution which is transmitted to the various State and County officials hereinbefore enumerated;

6. That a notice of this Resolution be published in two newspapers of general circulation in the Maryland-Washington Regional District in Montgomery County as required by the above-mentioned Regulations for the Subdivision of Land.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner Granke, seconded by Commissioner Heimann, with Commissioners Granke, Heimann, Christeller, Brennan and Krahnke voting in favor of the motion at its regular meeting held on Thursday, June 17, 1982 in Silver Spring, Maryland.

  
Thomas H. Countee, Jr.  
Executive Director

THC:ELF:lb

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760



MCPB  
82-24

R E S O L U T I O N

FOR CONTINUATION OF RESERVATION OF LAND FOR PUBLIC USE

WHEREAS, Abigail R. Washington, et al are the owners of certain lands comprising 3.1323 acres, situated in Montgomery County, Maryland, Election District No. 8, located east of Georgia Avenue, north of Bradfords Rest Subdivision, said lands having been conveyed to Abigail R. Washington, et al by deed dated October 24, 1966 recorded among the Land Records of Montgomery County, Maryland, in Liber 3576 at Folio 389; and

WHEREAS, on the 21st day of June, 1973, The Maryland-National Capital Park and Planning Commission, by resolution duly adopted, placed the above-mentioned property in Reservation for Public Use, and on the 10th day of June, 1976, and on the 7th day of June, 1979, by resolution duly adopted, continued said property in reservation; and

WHEREAS, the circumstances, needs and conditions set forth in said resolution of reservation dated June 21, 1973 still continue and exist at the present time; and

WHEREAS, the aforementioned property is unable to be acquired by the State Highway Administration at this time and it is the desire and intent of the State Highway Administration, The Maryland-National Capital Park and Planning Commission and all persons having any legal or equitable right, title or interest in said property that said lands shall remain and continue in reservation for an additional period of three years; and

WHEREAS, Abigail R. Washington, et al are the sole and only owners of any legal or equitable right, title or interest in the said property and all of said parties have requested that the said property shall remain and continue in reservation for public use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Article 66D of The Annotated Code of Maryland, and the Regulations for the Subdivision of Land for The Maryland-Washington Regional District in Montgomery County, Maryland, adopted by the Montgomery County Council October 17, 1961, The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission hereby declares as follows:

1. That the above described property, comprising 3.1323 acres continue to be a Reservation of Land for Public Use, said land to be used for highway purposes for the proposed Outer Beltway; and

2. That certified copies of this Resolution be transmitted to the Supervisor of Assessments and the Director of Finance of Montgomery County and to the Washington Suburban Sanitary Commission, advising said offices of the tax abatement provisions of Article 66D of the Annotated Code of Maryland, with respect to such Reservation of Land for Public Use, so that the land so reserved may be exempted from the levy of State and County taxes for a period of three years beginning July 1, 1982; and

3. That a certified copy of this Resolution be transmitted to the property owners and to the State Highway Administration; and

4. That the Reservation Plat covering the aforesaid property, duly certified by this Commission, and being duly recorded among the Land Records of Montgomery County, Maryland, Plat Book 96, Plat 10638, on the 28th day of June 1973, shall be duly noted to apply to the aforementioned property herein resolved to be further reserved for public use; and

5. That a copy of said Reservation Plat be attached to and accompany each copy of this Resolution which is transmitted to the various State and County officials hereinbefore enumerated;

6. That a notice of this Resolution be published in two newspapers of general circulation in the Maryland-Washington Regional District in Montgomery County as required by the above-mentioned Regulations for the Subdivision of Land.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner Granke, seconded by Commissioner Heimann, with Commissioners Granke, Heimann, Christeller, Brennan and Krahnke voting in favor of the motion at its regular meeting held on Thursday, June 17, 1982 in Silver Spring, Maryland.

*Thomas H. Countee, Jr.*  
Thomas H. Countee, Jr.  
Executive Director

THC:ELF:1b

REVIEWED AS TO SUFFICIENCY  
OF LEGAL FORM.

Date June 26 1982  
          26           19

*James L. Brown*  
(98.)  
Attorney General, Georgia Council



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760



MCPB  
82-25

R E S O L U T I O N

FOR CONTINUATION OF RESERVATION OF LAND FOR PUBLIC USE

WHEREAS, N. Richard Kimmel, is the owner of certain lands comprising 10.64171 acres, situated in Montgomery County, Maryland, Election District No. 8 located on Georgia Avenue between Gold Mine Road and Brighton Dam Road, said lands having been conveyed to N. Richard Kimmel, by deed dated September 8, 1975 recorded among the Land Records of Montgomery County, Maryland, in Liber 4699 at Folio 887; and

WHEREAS, on the 10th day of June, 1976, The Maryland-National Capital Park and Planning Commission, by resolution duly adopted, placed the above-mentioned property in Reservation for Public Use, and on the 7th day of June, 1979 by resolution duly adopted continued said land in reservation; and

WHEREAS, the circumstances, needs and conditions set forth in said resolution of reservation dated June 10, 1976 still continue and exist at the present time; and

WHEREAS, the aforementioned property is unable to be acquired by the State Highway Administration at this time and it is the desire and intent of the State Highway Administration, The Maryland-National Capital Park and Planning Commission and all persons having any legal or equitable right, title or interest in said property that said lands shall remain and continue in reservation for an additional period of three years; and

WHEREAS, N. Richard Kimmel, is the sole and only owner of any legal or equitable right, title or interest in the said property and all of said parties have requested that the said property shall remain and continue in reservation for public use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Article 66D of The Annotated Code of Maryland, and the Regulations for the Subdivision of Land for The Maryland-Washington Regional District in Montgomery County, Maryland, adopted by the Montgomery County Council October 17, 1961, The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission hereby declares as follows:

1. That the above described property, comprising 10.64171 acres, continue to be a Reservation of Land for Public Use, said land to be used for highway purposes for the proposed Relocation of Georgia Avenue.

2. That certified copies of this Resolution be transmitted to the Supervisor of Assessments and the Director of Finance of Montgomery County and to the Washington Suburban Sanitary Commission, advising said offices of the tax abatement provisions of Article 66D of The Annotated Code of Maryland, with respect to such Reservation of Land for Public Use, so that the land so reserved may be exempted from the levy of State and County taxes for a period of three years beginning July 1, 1982.

3. That a certified copy of this Resolution be transmitted to the property owners and to the State Highway Administration.

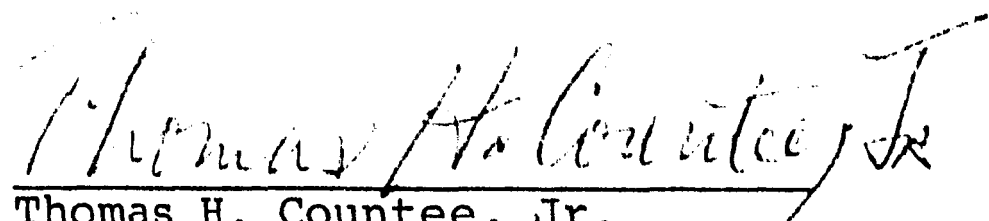
4. That the Reservation Plat covering the aforesaid property, duly certified by this Commission, and being duly recorded among the Land Records of Montgomery County, Maryland, Plat Book 100, Plat 11272 on the 29th day of June, 1976, shall be duly noted to apply to the aforementioned property herein resolved to be further reserved for public use;

5. That a copy of said Reservation Plat be attached to and accompany each copy of this Resolution which is transmitted to the various State and County officials hereinbefore enumerated.

6. That a notice of this Resolution be published in two newspapers of general circulation in the Maryland-Washington Regional District in Montgomery County as required by the above-mentioned Regulations for the Subdivision of Land.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner Granke, seconded by Commissioner Heimann, with Commissioners Granke, Heimann, Christeller, Brennan and Krahnke voting in favor of the motion at its regular meeting held on Thursday, June 17, 1982 in Silver Spring, Maryland.

  
Thomas H. Countee, Jr.  
Executive Director

THC:ELF:lb

REVIEWED AS TO SUBSTANCE  
OF LEGAL FORM.

*James S. [unclear]*  
DATE *Jan 10 1953*

*James S. [unclear]*  
(1953)

STATE OF CALIFORNIA  
SUPERIOR COURT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760



MCPB  
82-26

R E S O L U T I O N

FOR CONTINUATION OF RESERVATION OF LAND FOR PUBLIC USE

WHEREAS, Jack Kay and Harold Greenberg, are the owners of certain lands comprising 16.7095 acres, situated in Montgomery County, Maryland, Election District No. 5 located on Notley Road between Paula Lynn Drive and Old Stone Road, said lands having been conveyed to Jack Kay and Harold Greenberg, by deed dated February 19, 1965, recorded among the Land Records of Montgomery County, Maryland, in Liber 3333 at Folio 277; and

WHEREAS, on the 10th day of June, 1976, The Maryland-National Capital Park and Planning Commission, by resolution duly adopted, placed the above-mentioned property in Reservation for Public Use, and on the 7th day of June, 1979 by resolution duly adopted, continued said property in Reservation for Public Use; and

WHEREAS, the circumstances, needs and conditions set forth in said resolution of reservation dated June 10, 1976 still continue and exist at the present time; and

WHEREAS, the aforementioned property is unable to be acquired by the State Highway Administration at this time and it is the desire and intent of the State Highway Administration, The Maryland-National Capital Park and Planning Commission and all persons having any legal or equitable right, title or interest in said property that said lands shall remain and continue in reservation for an additional period of three years; and

WHEREAS, Jack Kay and Harold Greenberg, are the sole and only owners of any legal or equitable right, title or interest in the said property and all of said parties have requested that the said property shall remain and continue in Reservation for Public Use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Article 66D of The Annotated Code of Maryland, and the Regulations for the Subdivision of Land for The Maryland-Washington Regional District in Montgomery County, Maryland, adopted by the Montgomery County Council October 17, 1961, The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission hereby declares as follows:

1. That the above described property, comprising 16.7095 acres, continue to be a Reservation of Land for Public Use, said land to be used for highway purposes for the proposed Intercounty Connector (formerly the Outer Beltway).

2. That certified copies of this Resolution be transmitted to the Supervisor of Assessments and the Director of Finance of Montgomery County and to the Washington Suburban Sanitary Commission, advising said offices of the tax abatement provisions of Article 66D of The Annotated Code of Maryland, with respect to such Reservation of Land for Public Use, so that the land so reserved may be exempted from the levy of State and County taxes for a period of three years beginning July 1, 1982.

3. That a certified copy of this Resolution be transmitted to the property owners and to the State Highway Administration.

4. That the Reservation Plat covering the aforesaid property, duly certified by this Commission, and being duly recorded among the Land Records of Montgomery County, Maryland, Plat Book 100 Plat 11301 on the 6th day of August, 1976, shall be duly noted to apply to the aforementioned property herein resolved to be further reserved for public use.

5. That a copy of said Reservation Plat be attached to and accompany each copy of this Resolution which is transmitted to the various State and County officials hereinbefore enumerated.

6. That a notice of this Resolution be published in two newspapers of general circulation in the Maryland-Washington Regional District in Montgomery County as required by the above-mentioned Regulations for the Subdivision of Land.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner Granke, seconded by Commissioner Heimann, with Commissioners Granke, Heimann, Christeller, Brennan and Krahnke voting in favor of the motion at its regular meeting held on Thursday, June 17, 1982 in Silver Spring, Maryland.

*Thomas H. Countee, Jr.*  
Thomas H. Countee, Jr.  
Executive Director

THC:ELF:lb

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760



MCPB  
82-27

R E S O L U T I O N

FOR CONTINUATION OF RESERVATION OF LAND FOR PUBLIC USE

WHEREAS, Eula R. Betts, et al, are the owners of certain lands comprising 18.7639 acres, situated in Montgomery County, Maryland, Election District No. 5, located on Briggs Chaney Road between Columbia Pike and Fairland Road, said lands having been transferred from the estate of Ronald E. Betts to Eula R. Betts, et al, by administration certificate No. 15,276 and transfer slip dated March 17, 1971, and filed in the Office of The Register of Wills for Montgomery County, Maryland; and

WHEREAS, on the 10th day of June, 1976, The Maryland-National Capital Park and Planning Commission, by resolution duly adopted, placed the above-mentioned property in Reservation for Public Use, and on the 12th day of May, 1977, the 1st day of June, 1978, the 7th day of June, 1979, the 19th day of June, 1980, and the 18th day of June, 1981, by resolution duly adopted continued said land in reservation; and

WHEREAS, the circumstances, needs and conditions set forth in said resolution of reservation dated June 10, 1976 still continue and exist at the present time; and

WHEREAS, the aforementioned property is unable to be acquired by the State Highway Administration at this time and it is the desire and intent of the State Highway Administration, The Maryland-National Capital Park and Planning Commission and all persons having any legal or equitable right, title or interest in said property that said lands shall remain and continue in reservation for an additional period of one year; and

WHEREAS, Eula R. Betts, et al, is the sole and only owner of any legal or equitable right, title or interest in the said property and all of said parties have requested that the said property shall remain and continue in reservation for public use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Article 66D of The Annotated Code of Maryland, and the Regulations for the Subdivision of Land for the Maryland-Washington Regional District in Montgomery County, Maryland, adopted by the Montgomery County Council October 17, 1961, The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission hereby declares as follows:

1. That the above described property, comprising 18.7639 acres continue to be a Reservation of Land for Public Use, said land to be used for highway purposes for the proposed Intercounty Connector (formerly the Outer Beltway); and

2. That certified copies of this Resolution be transmitted to the Supervisor of Assessments and the Director of Finance of Montgomery County and to the Washington Suburban Sanitary Commission, advising said offices of the tax abatement provisions of Article 66D of The Annotated Code of Maryland, with respect to such Reservation of Land for Public Use, so that the land so reserved may be exempted from the levy of State and County taxes for a period of one year beginning July 1, 1982; and

3. That a certified copy of this Resolution be transmitted to the property owners and to the State Highway Administration; and

4. That the Reservation Plat covering the aforesaid property, duly certified by this Commission, and being duly recorded among the Land Records of Montgomery County, Maryland, Plat Book 100, Plat 11275 on the 29th day of June, 1976 shall be duly noted to apply to the aforementioned property herein resolved to be further reserved for public use; and

5. That a copy of said Reservation Plat be attached to and accompany each copy of this Resolution which is transmitted to the various State and County officials hereinbefore enumerated; and

6. That a notice of this Resolution be published in two newspapers of general circulation in the Maryland-Washington Regional District in Montgomery County as required by the above-mentioned Regulations for the Subdivision of Land.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner Granke, seconded by Commissioner Heimann, with Commissioners Granke, Heimann, Christeller, Brennan and Krahnke voting in favor of the motion at its regular meeting held on Thursday, June 17, 1982 in Silver Spring, Maryland.

*Thomas H. Countee, Jr.*  
\_\_\_\_\_  
Thomas H. Countee, Jr.  
Executive Director

THC:ELF:1b

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760



MCPB  
82-28

R E S O L U T I O N

FOR CONTINUATION OF RESERVATION OF LAND FOR PUBLIC USE

WHEREAS, G. L. Cornell Co. Savings and Profit Sharing Plan are the owners of certain lands comprising 3.8384 acres, situated in Montgomery County, Maryland, Election District No. 9, located on Industrial Drive, north of Gaither Road, said lands having been conveyed to G. L. Cornell Co. Savings and Profit Sharing Plan, by deed dated May 17, 1966, recorded among the Land Records of Montgomery County, Maryland, in Liber 3503 at Folio 532; and

WHEREAS, on the 21st day of June, 1973, The Maryland-National Capital Park and Planning Commission, by resolution duly adopted, placed the above-mentioned property in Reservation for Public Use, and on the 10th day of June, 1976, the 12th day of May, 1977, the 1st day of June, 1978, the 7th day of June, 1979, the 19th day of June, 1980, and the 18th day of June, 1981, by resolutions duly adopted, continued said property in reservation; and

WHEREAS, the circumstances, needs and conditions set forth in said resolution of reservation dated June 21, 1973, still continue and exist at the present time; and

WHEREAS, the aforementioned property is unable to be acquired by the State Highway Administration at this time and it is the desire and intent of the State Highway Administration, The Maryland-National Capital Park and Planning Commission and all persons having any legal or equitable right, title or interest in said property that said lands shall remain and continue in reservation for an additional period of one year; and

WHEREAS, G. L. Cornell Co. Savings and Profit Sharing Plan, are the sole and only owners of any legal or equitable right, title or interest in the said property and all of said parties have requested that the said property shall remain and continue in reservation for public use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Article 66D of The Annotated Code of Maryland, and the Regulations for the Subdivision of Land for The Maryland-Washington Regional District in Montgomery County, Maryland, adopted by the Montgomery County Council, October 17, 1961, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission hereby declares as follows:



1. That the above described property, comprising 3.8384 acres, continue to be a Reservation of Land for Public Use, said land to be used for highway purposes for the proposed Outer Beltway; and

2. That certified copies of this Resolution be transmitted to the Supervisor of Assessments and the Director of Finance of Montgomery County and to the Washington Suburban Sanitary Commission, advising said offices of the tax abatement provisions of Article 66D of The Annotated Code of Maryland, with respect to such Reservation of Land for Public Use, so that the land so reserved may be exempted from the levy of State and County taxes for a period of one year beginning July 1, 1982; and

3. That a certified copy of this Resolution be transmitted to the property owners and to the State Highway Administration; and

4. That the Reservation Plat covering the aforesaid property, duly certified by this Commission, and being duly recorded among the Land Records of Montgomery County, Maryland, Plat Book 96, Plat 10435 on the 28th day of June, 1973, shall be duly noted to apply to the aforementioned property herein resolved to be further reserved for public use; and

5. That a copy of said Reservation Plat be attached to and accompany each copy of this Resolution which is transmitted to the various State and County officials hereinbefore enumerated; and

6. That a notice of this Resolution be published in two newspapers of general circulation in the Maryland-Washington Regional District in Montgomery County as required by the above-mentioned Regulations for the Subdivision of Land.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner Granke, seconded by Commissioner Heimann, with Commissioners Granke, Heimann, Christeller, Brennan and Krahnke voting in favor of the motion at its regular meeting held on Thursday, June 17, 1982 in Silver Spring, Maryland.

*Thomas H. Countee, Jr.*  
Thomas H. Countee, Jr.  
Executive Director

THC:ELF:1b

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

MCPB

82-29

R E S O L U T I O N

FOR CONTINUATION OF RESERVATION OF LAND FOR PUBLIC USE

WHEREAS, Joe Marchegiani, is the owner of certain lands comprising 4.38 acres, situated in Montgomery County, Maryland, Election District No. 8 located on the west side of Sycamore Lane, north of Pinetree Road, said lands having been conveyed to Joe Marchegiani, by deed dated August 26, 1970, recorded among the Land Records of Montgomery County, Maryland, in Liber 3995 at Folio 407; and

WHEREAS, on the 21st day of June, 1973, The Maryland-National Capital Park and Planning Commission, by resolution duly adopted, placed the above-mentioned property in Reservation for Public Use; and on the 10th day of June, 1976, the 16th day of June, 1977, the 1st day of June, 1978, the 7th day of June, 1979, the 19th day of June, 1980, and on the 18th day of June, 1981, by resolution duly adopted, continued said property in reservation; and

WHEREAS, the circumstances, needs and conditions set forth in said resolution of reservation dated June 21, 1973 still continue and exist at the present time; and

WHEREAS, the aforementioned property is unable to be acquired by the State Highway Administration at this time and it is the desire and intent of the State Highway Administration, The Maryland-National Capital Park and Planning Commission and all persons having any legal or equitable right, title or interest in said property that said lands shall remain and continue in reservation for an additional period of one year; and

WHEREAS, Joe Marchegiani, is the sole and only owner of any legal or equitable right, title or interest in said property and all of said parties have requested that the said property shall remain and continue in reservation for public use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Article 66D of The Annotated Code of Maryland, and the Regulations for the Subdivision of Land for The Maryland-Washington Regional District in Montgomery County, Maryland, adopted by the Montgomery County Council October 17, 1961, The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission hereby declares as follows:

1. That the above described property, comprising 4.38 acres, continue to be a Reservation of Land for Public Use, said land to be used for highway purposes for the proposed Intercounty Connector (formerly the proposed Outer Beltway); and

2. That certified copies of this Resolution be transmitted to the Supervisor of Assessments and the Director of Finance of Montgomery County and to the Washington Suburban Sanitary Commission, advising said offices of the tax abatement provisions of Article 66D of The Annotated Code of Maryland, with respect to such Reservation of Land for Public Use, so that the land so reserved may be exempted from the levy of State and County taxes for a period of one year beginning July 1, 1982; and

3. That a certified copy of this Resolution be transmitted to the property owners and to the State Highway Administration; and

4. That the Reservation Plat covering the aforesaid property, duly certified by this Commission, and being duly recorded among the Land Records of Montgomery County, Maryland, Plat Book 96, Plat 10636, on the 28th day of June, 1973, shall be duly noted to apply to the aforementioned property herein resolved to be further reserved for public use; and

5. That a copy of said Reservation Plat be attached to and accompany each copy of this Resolution which is transmitted to the various State and County officials hereinbefore enumerated; and

6. That a notice of this Resolution be published in two newspapers of general circulation in the Maryland-Washington Regional District in Montgomery County as required by the above-mentioned Regulations for the Subdivision of Land.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner Granke, seconded by Commissioner Heimann, with Commissioners Granke, Heimann, Christeller, Brennan and Krahnke voting in favor of the motion at its regular meeting held on Thursday, June 17, 1982 in Silver Spring, Maryland.

*Thomas H. Countee, Jr.*

Thomas H. Countee, Jr.  
Executive Director

THC:ELF:lb

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760



MCPB  
82-30

R E S O L U T I O N

FOR CONTINUATION OF RESERVATION OF LAND FOR PUBLIC USE

WHEREAS, Wilgus Associates Limited Partnership is the owner of certain lands comprising 3.8023 acres, situated in Montgomery County, Maryland, Election District No. 4 located between Montrose Road and Executive Boulevard and west of Old Georgetown Road, said lands having been conveyed to Wilgus Associates Limited Partnership, by deed dated November 27, 1967, and recorded among the Land Records of Montgomery County, Maryland, in Liber 3691 at Folio 45; and

WHEREAS, on the 1st day of June, 1978, The Maryland-National Capital Park and Planning Commission, by resolution duly adopted, placed the above-mentioned property in Reservation for Public Use, and on the 18th of June, 1981 by resolution duly adopted continued said property in Reservation for Public Use; and

WHEREAS, the circumstances, needs and conditions set forth in said resolution of reservation dated June 1, 1978 still continue and exist at the present time; and

WHEREAS, the aforementioned property is unable to be acquired by the State Highway Administration at this time and it is the desire and intent of the State Highway Administration, The Maryland-National Capital Park and Planning Commission, and all persons having any legal or equitable right, title or interest in said property that said lands shall remain and continue in reservation for an additional period of one year; and

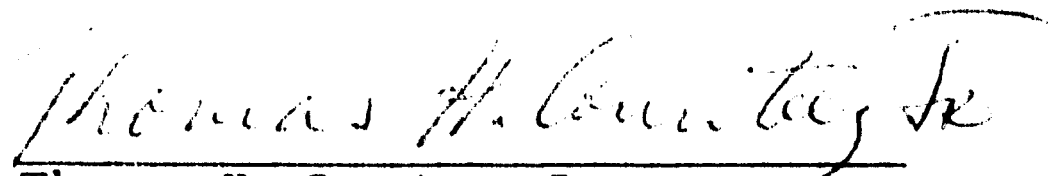
WHEREAS, Wilgus Associates Limited Partnership is the sole and only owner of any legal or equitable right, title or interest in the said property and all of said parties have requested that the said property shall remain and continue in Reservation for Public Use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Article 66D of The Annotated Code of Maryland, and the Regulations for the Subdivision of Land for The Maryland-Washington Regional District in Montgomery County, Maryland, adopted by the Montgomery County Council October 17, 1961, The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission hereby declares as follows:

1. That the above described property, comprising 3.8023 acres, continue to be a Reservation of Land for Public Use, said land to be used for highway purposes for the proposed Rockville Facility; and
2. That certified copies of this Resolution be transmitted to the Supervisor of Assessments and the Director of Finance of Montgomery County and to the Washington Suburban Sanitary Commission, advising said offices of the tax abatement provisions of Article 66D of The Annotated Code of Maryland, with respect to such Reservation of Land for Public Use, so that the land so reserved may be exempted from the levy of State and County taxes for a period of one year beginning July 1, 1982; and
3. That a certified copy of this Resolution be transmitted to the property owners and to the State Highway Administration; and
4. That the Reservation Plat covering the aforesaid property, duly certified by this Commission, and being duly recorded among the Land Records of Montgomery County, Maryland, in Plat Book 104, Plat 11948 on the 15th day of June, 1978, shall be duly noted to apply to the aforementioned property herein resolved to be further reserved for public use; and
5. That a copy of said Reservation Plat be attached to and accompany each copy of this Resolution which is transmitted to the various State and County officials hereinbefore enumerated; and
6. That a notice of this Resolution be published in two newspapers of general circulation in the Maryland-Washington Regional District in Montgomery County as required by the above-mentioned Regulations for the Subdivision of Land.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner Granke, seconded by Commissioner Heimann, with Commissioners Granke, Heimann, Christeller, Brennan and Krahnke voting in favor of the motion at its regular meeting held on Thursday, June 17, 1982 in Silver Spring, Maryland.

  
Thomas H. Countee, Jr.  
Executive Director

THC:ELF:lb

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

MCPB  
82-31

R E S O L U T I O N

FOR CONTINUATION OF RESERVATION OF LAND FOR PUBLIC USE

WHEREAS, George Revitz is the owner of certain lands comprising 26.3697 acres, situated in Montgomery County, Maryland, Election District No. 9 located at Interstate 270 and Middlebrook Road, said lands having been conveyed to George Revitz, by deed dated April 27, 1964, and recorded among the Land Records of Montgomery County, Maryland, in Liber 3215 at Folio 571; and

WHEREAS, on the 2nd day of June, 1981, The Maryland-National Capital Park and Planning Commission, by resolution duly adopted, placed the above-mentioned property in Reservation for Public Use; and

WHEREAS, the circumstances, needs and conditions set forth in said resolution of reservation dated June 2, 1981 still continue and exist at the present time; and

WHEREAS, the aforementioned property is unable to be acquired by the State Highway Administration at this time and it is the desire and intent of the State Highway Administration, The Maryland-National Capital Park and Planning Commission, and all persons having any legal or equitable right, title or interest in said property that said lands shall remain and continue in reservation for an additional period of one year; and

WHEREAS, George Revitz is the sole and only owner of any legal or equitable right, title or interest in the said property and all of said parties have requested that the said property shall remain and continue in Reservation for Public Use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Article 66D of The Annotated Code of Maryland, and the Regulations for the Subdivision of Land for The Maryland-Washington Regional District in Montgomery County, Maryland, adopted by the Montgomery County Council October 17, 1961, The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission hereby declares as follows:

MCPB

- 2 -

1. That the above described property, comprising 26.3697 acres, continue to be a Reservation of Land for Public Use, said land to be used for highway purposes for the proposed interchange at I-270 and Middlebrook Road; and

2. That certified copies of this Resolution be transmitted to the Supervisor of Assessments and the Director of Finance of Montgomery County and to the Washington Suburban Sanitary Commission, advising said offices of the tax abatement provisions of Article 66D of The Annotated Code of Maryland, with respect to such Reservation of Land for Public Use, so that the land so reserved may be exempted from the levy of State and County taxes for a period of one year beginning July 1, 1982; and

3. That a certified copy of this Resolution be transmitted to the property owners and to the State Highway Administration; and

4. That the Reservation Plat covering the aforesaid property, duly certified by this Commission, and being duly recorded among the Land Records of Montgomery County, Maryland, Plat Book 115, Plat 13580 on the 13th day of August, 1981, shall be duly noted to apply to the aforementioned property herein resolved to be further reserved for public use; and

5. That a copy of said Reservation Plat be attached to and accompany each copy of this Resolution which is transmitted to the various State and County officials hereinbefore enumerated; and

6. That a notice of this Resolution be published in two newspapers of general circulation in the Maryland-Washington Regional District in Montgomery County as required by the above-mentioned Regulations for the Subdivision of Land.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner Granke, seconded by Commissioner Heimann, with Commissioners Granke, Heimann, Christeller, Brennan and Krahnke voting in favor of the motion at its regular meeting held on Thursday, June 17, 1982 in Silver Spring, Maryland.

*Thomas H. Countee, Jr.*  
 \_\_\_\_\_  
 Thomas H. Countee, Jr.  
 Executive Director

THC:ELF:lb

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760



MCPB  
82-32

R E S O L U T I O N

FOR CONTINUATION OF RESERVATION OF LAND FOR PUBLIC USE

WHEREAS, Earl L. Williams, et al, are the owners of certain lands hereinafter referred to as Parcel "A" and comprising 1.1447 acres, situated in Montgomery County, Maryland, Election District No. 4, located in the southeast quadrant of the intersection of Seven Locks Road and Montrose Road, said lands having been conveyed to Earl L. Williams, et al, by deed dated June 26, 1974 recorded among the Land Records of Montgomery County, Maryland, in Liber 1086 at Folio 104; and

WHEREAS, on the 17th day of June, 1971, The Maryland-National Capital Park and Planning Commission, by resolution duly adopted, placed the above-mentioned Parcel "A" in Reservation for Public Use, and on the 26th day of June, 1975, the 10th day of June, 1976, the 12th day of May, 1977, the 1st day of June, 1978, the 7th day of June, 1979, the 19th day of June, 1980, and on the 18th day of June, 1981, by resolution duly adopted, continued said parcel "A" in Reservation for Public Use; and

WHEREAS, the circumstances, needs and conditions set forth in said resolution of reservation dated June 17, 1971, still continue and exist at the present time; and

WHEREAS, the aforementioned Parcel "A" is unable to be acquired by the State Highway Administration at this time and it is the desire and intent of the State Highway Administration, The Maryland-National Capital Park and Planning Commission and all persons having any legal or equitable right, title or interest in said Parcel "A" that said lands shall remain and continue in reservation for an additional period of one year; and

WHEREAS, Earl L. Williams, et al, are the sole and only owners of any legal or equitable right, title or interest in the said Parcel "A" and all of said parties have requested that the said Parcel "A" shall remain and continue in Reservation for Public Use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Article 66D of the Annotated Code of Maryland, the the Regulations for the Subdivision of Land for the Maryland-Washington Regional District in Montgomery County, Maryland, adopted by the Montgomery County Council October 17, 1961, The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission hereby declares as follows:

1. That the above described Parcel "A", comprising 1.1447 acres, continue to be a Reservation of Land for Public Use, said land to be used for highway purposes for the proposed Rockville Facility (Rockville Freeway); and



2. That certified copies of this Resolution be transmitted to the Supervisor of Assessments and the Director of Finance of Montgomery County and to the Washington Suburban Sanitary Commission, advising said offices of the tax abatement provisions of Article 66D of The Annotated Code of Maryland, with respect to such Reservation of Land for Public Use, so that the land so reserved may be exempted from the levy of State and County taxes for a period of one year beginning July 1, 1982; and

3. That a certified copy of this Resolution be transmitted to the property owners and to the State Highway Administration; and

4. That the Reservation Plat covering the aforesaid Parcel "A" duly certified by this Commission, and being duly recorded among the Land Records of Montgomery County, Maryland, Plat Book 92, Plat 9953, on the 8th day of July, 1971, shall be duly noted to apply to the aforementioned Parcel "A" herein resolved to be further reserved for public use; and

5. That a copy of said Reservation Plat be attached to and accompany each copy of this Resolution which is transmitted to the various State and County officials hereinbefore enumerated; and

6. That a notice of this Resolution be published in two newspapers of general circulation in the Maryland-Washington Regional District in Montgomery County as required by the above-mentioned Regulations for the Subdivision of Land.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner Granke, seconded by Commissioner Heimann, with Commissioners Granke, Heimann, Christeller, Brennan and Krahnke voting in favor of the motion at its regular meeting held on Thursday, June 17, 1982 in Silver Spring, Maryland.

*Thomas H. Countee, Jr.*

Thomas H. Countee, Jr.  
Executive Director

THC:ELF:lb

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760



MCPB

82-33

R E S O L U T I O N

FOR CONTINUATION OF RESERVATION OF LAND FOR PUBLIC USE

WHEREAS, Eugene B. Casey, is the owner of certain lands comprising 19.17146 acres, situated in Montgomery County, Maryland, Election District No. 9, located at the B & O Railroad north of Shady Grove Road, said lands having been conveyed to Eugene B. Casey, by deeds dated October 20, 1956, and recorded in Liber 2305 at Folio 593, July 31, 1957, and recorded in Liber 2368 at Folio 573, and January 13, 1956 and recorded in Liber 2159 at Folio 554 among the Land Records of Montgomery County, Maryland; and

WHEREAS, on the 27th day of June, 1974, The Maryland-National Capital Park and Planning Commission, by resolution duly adopted, placed the above-mentioned property in Reservation for Public Use, and on the 12th day of May, 1977, the 1st day of June, 1978, the 7th day of June, 1979, the 19th day of June, 1980, and the 18th day of June, 1981, by resolutions duly adopted, continued said property in reservation for public use; and

WHEREAS, the circumstances, needs and conditions set forth in said resolution of reservation dated June 27, 1974, still continue and exist at the present time; and

WHEREAS, the aforementioned property is unable to be acquired by the State Highway Administration at this time and it is the desire and intent of the State Highway Administration, The Maryland-National Capital Park and Planning Commission and all persons having any legal or equitable right, title or interest in said property that said lands shall remain and continue in reservation for an additional period of one year; and

WHEREAS, Eugene B. Casey, is the sole and only owner of any legal or equitable right, title or interest in the said property and all of said parties have requested that the said property shall remain and continue in reservation for public use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Article 66D of The Annotated Code of Maryland, and the Regulations for the Subdivision of Land for the Maryland-Washington Regional District in Montgomery County, Maryland, adopted by the Montgomery County Council October 17, 1961, The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission hereby declares as follows:

1. That the above described property, comprising 19.17146 acres, continue to be a Reservation of Land for Public Use, said land to be used for highway purposes for the proposed Outer Beltway.

2. That certified copies of this Resolution be transmitted to the Supervisor of Assessments and the Director of Finance of Montgomery County and to the Washington Suburban Sanitary Commission, advising said offices of the tax abatement provisions of Article 66D of The Annotated Code of Maryland, with respect to such Reservation of Land for Public Use, so that the land so reserved may be exempted from the levy of State and County taxes for a period of one year beginning July 1, 1982; and

3. That a certified copy of this Resolution be transmitted to the property owners and to the State Highway Administration; and

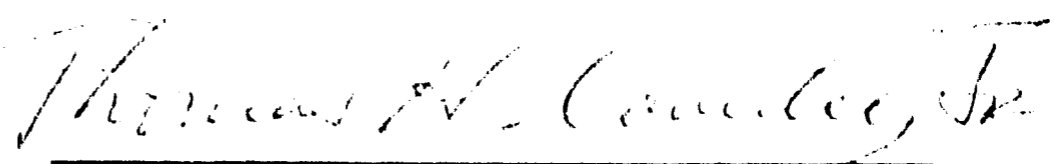
4. That the Reservation Plat covering the aforesaid property, duly certified by this Commission, and being duly recorded among the Land Records of Montgomery County, Maryland, Plat Book 97, Plat 10835, on the 17th day of July, 1974, shall be duly noted to apply to the aforementioned property herein resolved to be further reserved for public use; and

5. That a copy of said Reservation Plat be attached to and accompany each copy of this Resolution which is transmitted to the various State and County officials hereinbefore enumerated; and

6. That a notice of this Resolution be published in two newspapers of general circulation in the Maryland-Washington Regional District in Montgomery County as required by the above-mentioned Regulations for the Subdivision of Land.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner Granke, seconded by Commissioner Heimann, with Commissioners Granke, Heimann, Christeller, Brennan and Krahnke voting in favor of the motion at its regular meeting held on Thursday, June 17, 1982 in Silver Spring, Maryland.



Thomas H. Countee, Jr.  
Executive Director

THC:ELF:lb

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

MCPB  
82-34

R E S O L U T I O N

FOR CONTINUATION OF RESERVATION OF LAND FOR PUBLIC USE

WHEREAS, Eugene B. Casey, et al, are the owners of certain lands comprising 16.448306 acres, situated in Montgomery County, Maryland, Election District No. 9 located at Shady Grove Road and MD Route 355, said lands having been conveyed to Eugene B. Casey, et al, by deeds dated September 17, 1947 in Liber 1125 at Folio 61, November 22, 1956 in Liber 2306 at Folio 01, and December 11, 1950 in Liber 1469 at Folio 171 and recorded among the Land Records of Montgomery County, Maryland; and

WHEREAS, on the 27th day of June, 1974, The Maryland-National Capital Park and Planning Commission, by resolution duly adopted, placed the above-mentioned property in Reservation for Public Use, and on the 12th day of May, 1977, the 1st day of June, 1978, the 7th day of June, 1979, the 19th day of June, 1980, and the 18th day of June, 1981, by resolutions duly adopted, continued said property in reservation for public use; and

WHEREAS, the circumstances, needs and conditions set forth in said resolution of reservation dated June 27, 1974 still continue and exist at the present time; and

WHEREAS, the aforementioned property is unable to be acquired by the State Highway Administration; at this time and it is the desire and intent of the State Highway Administration, The Maryland-National Capital Park and Planning Commission and all persons having any legal or equitable right, title or interest in said property that said lands shall remain and continue in reservation for an additional period of one year; and

WHEREAS, Eugene B. Casey, et al, are the sole and only owners of any legal or equitable right, title or interest in the said property and all of said parties have requested that the said property shall remain and continue in reservation for public use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Article 66D of the Annotated Code of Maryland, and the Regulations for the Subdivision of Land for The Maryland-Washington Regional District in Montgomery County, Maryland, adopted by the Montgomery County Council October 17, 1961, The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission hereby declares as follows:

1. That the above described property, comprising 16.448306 acres, continue to be a Reservation of Land for Public Use, said land to be used for highway purposes for the proposed Outer Beltway; and

2. That certified copies of this Resolution be transmitted to the Supervisor of Assessments and the Director of Finance of Montgomery County and to the Washington Suburban Sanitary Commission, advising said offices of the tax abatement provisions of Article 66D of The Annotated Code of Maryland, with respect to such Reservation of Land for Public Use, so that the land so reserved may be exempted from the levy of State and County taxes for a period of one year beginning July 1, 1982; and

3. That a certified copy of this Resolution be transmitted to the property owners and to the State Highway Administration; and

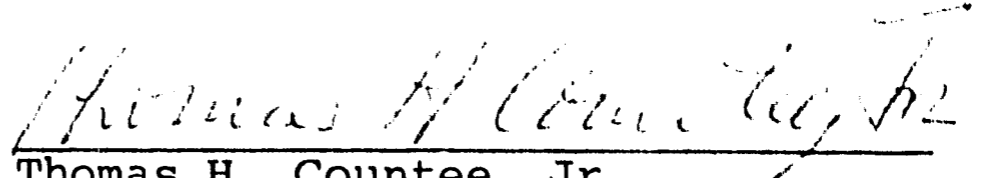
4. That the Reservation Plat covering the aforesaid property duly certified by this Commission, and being duly recorded among the Land Records of Montgomery County, Maryland, Plat Book 97, Plat 10837 on the 17th day of July, 1974, shall be duly noted to apply to the aforementioned property herein resolved to be further reserved for public use; and

5. That a copy of said Reservation Plat be attached to and accompany each copy of this Resolution which is transmitted to the various State and County officials hereinbefore enumerated; and

6. That a notice of this Resolution be published in two newspapers of general circulation in the Maryland-Washington Regional District in Montgomery County as required by the above-mentioned Regulations for the Subdivision of Land.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner Granke, seconded by Commissioner Heimann, with Commissioners Granke, Heimann, Christeller, Brennan and Krahnke voting in favor of the motion at its regular meeting held on Thursday, June 17, 1982 in Silver Spring, Maryland.



Thomas H. Countee, Jr.  
Executive Director

THC:ELF:lb

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760



MCPB  
82-35

R E S O L U T I O N

FOR CONTINUATION OF RESERVATION OF LAND FOR PUBLIC USE

WHEREAS, Theodore N. Lerner, et al, are the owners of certain lands comprising 32.61086 acres, situated in Montgomery County, Maryland, Election District No. 13 located between Layhill Road and Briggs Road, said lands having been conveyed to Theodore N. Lerner, et al, by deed dated February 1, 1979, and recorded among the Land Records of Montgomery County, Maryland, in Liber 5286 at Folio 385; and

WHEREAS, on the 19th day of June, 1980, The Maryland-National Capital Park and Planning Commission, by resolution duly adopted, placed the above-mentioned property in reservation for public use, and on the 18th day of June, 1981, by resolution duly adopted, continued said property in reservation; and

WHEREAS, the circumstances, needs and conditions set forth in said resolution of reservation dated June 19, 1980 still continue and exist at the present time; and

WHEREAS, the aforementioned property is unable to be acquired by the Washington Metropolitan Area Transit Authority at this time and it is the desire and intent of the Washington Metropolitan Area Transit Authority, The Maryland-National Capital Park and Planning Commission, and all persons having any legal or equitable right, title or interest in said property that said lands shall remain and continue in reservation for an additional period of one year; and

WHEREAS, Theodore N. Lerner, et al, are the sole and only owners of any legal or equitable right, title or interest in the said property and all of said parties have requested that the said property shall remain and continue in reservation for public use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Article 66D of The Annotated Code of Maryland, the the Regulations for the Subdivision of Land for The Maryland-Washington Regional District in Montgomery County, Maryland, adopted by the Montgomery County Council Cotober 17, 1961, The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission hereby declares as follows:

1. That the above described property, comprising 32.61086 acres, continue to be a reservation of land for public use, said land to be used for transportation purposes for the proposed Regional Metro system; and

2. That certified copies of this Resolution be transmitted to the Supervisor of Assessments and the Director of Finance of Montgomery County and to the Washington Suburban Sanitary Commission, advising said offices of the tax abatement provisions of Article 66D of The Annotated Code of Maryland, with respect to such reservation of land for public use, so that the land so reserved may be exempted from the levy of State and County taxes for a period of one year beginning July 1, 1982; and

3. That a certified copy of this Resolution be transmitted to the property owners and to the Washington Metropolitan Area Transit Authority; and

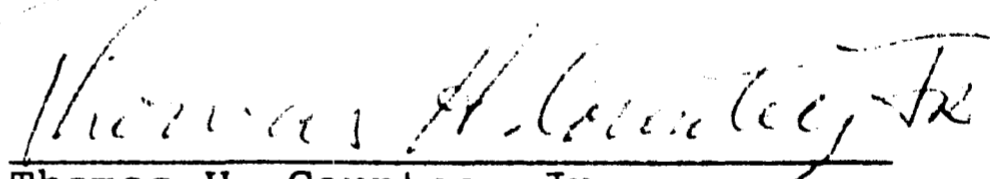
4. That the Reservation Plat covering the aforesaid property, duly certified by this Commission, and being duly recorded among the Land Records of Montgomery County, Maryland, in Plat Book 111, Plat 13044 on the 7th day of July, 1980, shall be duly noted to apply to the aforementioned property herein resolved to be further reserved for public use; and

5. That a copy of said Reservation Plat be attached to and accompany each copy of this Resolution which is transmitted to the various State and County officials hereinbefore enumerated; and

6. That a notice of this Resolution be published in two newspapers of general circulation in the Maryland-Washington Regional District in Montgomery County as required by the above-mentioned Regulations for the Subdivision of Land.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner Granke, seconded by Commissioner Heimann, with Commissioners Granke, Heimann, Christeller, Brennan and Krahnke voting in favor of the motion at its regular meeting held on Thursday, June 17, 1982 in Silver Spring, Maryland.

  
Thomas H. Countee, Jr.  
Executive Director

THC:ELF:lb

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760



MCPB  
82-36

R E S O L U T I O N

WHEREAS, The Gudelsky Company (a General Partnership), is the owner of certain lands comprising 62.7328 acres, situated in Montgomery County, Maryland, Election District No. 5, located west of Briggs Chaney Road between Fairland Road and Good Hope Road, said lands having been conveyed to the Gudelsky Company by deed dated August 6, 1963, and recorded in Liber 3123 at Folio 573 among the Land Records of Montgomery County, Maryland; and

WHEREAS, part of the said property lies in the path of the proposed Intercounty Connector (formerly the Outer Beltway) and the Upper Paint Branch Stream Valley Park as shown upon the adopted plan for Eastern Montgomery County, as amended, by The Maryland-National Capital Park and Planning Commission after public hearings as a part of the General Plan for the Maryland-Washington Regional District, pursuant to the provisions of Article 66D of the Annotated Code of Maryland; and

WHEREAS, said proposed Intercounty Connector and the Upper Paint Branch Stream Valley Park are deemed essential facilities to serve Montgomery County, and the said property is accordingly required for public use; and

WHEREAS, studies and field reconnaissance made by engineers of the Park and Planning Commission indicate the feasibility of locating these facilities as shown on plans prepared by the technical staff of this Commission and emphasize the need to preserve the required right-of-way against loss or encroachment;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Article 66D of the Annotated Code of Maryland, and the Regulations for the Subdivision of Land for the Maryland Washington Regional District in Montgomery County, adopted by the County Council for Montgomery County, Maryland, October 17, 1961, and by virtue of its authority to administer said regulations, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission hereby declares the above described land, comprising 62.7328 acres, to be a Reservation of Land for Public Use, said land to be used for highway purposes for the proposed Intercounty Connector and Upper Paint Branch Stream Valley Park; and



BE IT FURTHER RESOLVED, that certified copies of this Resolution be transmitted to the Supervisor of Assessments and the Director of Finance of Montgomery County and to the Washington Suburban Sanitary Commission, advising said offices of the tax abatement provisions of Article 66D of the Annotated Code of Maryland, with respect to such reservation of land for public use, so that the land so reserved may be exempted from the levy of State and County taxes for a period of three (3) years beginning July 1, 1982; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be transmitted to the property owner; and

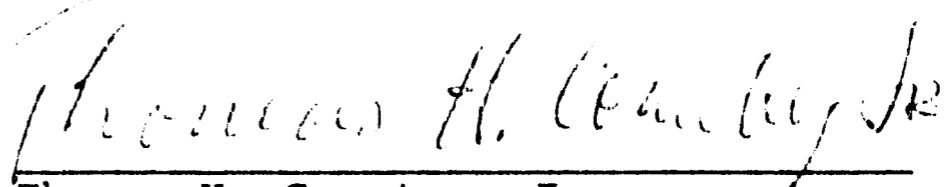
BE IT FURTHER RESOLVED, that an appropriate Reservation Plat covering the aforesaid property be prepared, certified by the Commissions authorized representatives, and duly recorded among the Land Records of Montgomery County, Maryland; and

BE IT FURTHER RESOLVED, that a copy of said Reservation Plat be attached to and accompany each copy of this Resolution which is transmitted to the various State and County officials hereinbefore enumerated; and

BE IT FURTHER RESOLVED, that a notice of this Resolution be published in two newspapers of general circulation in the Maryland-Washington Regional District in Montgomery County as required by the above-mentioned Regulations for the subdivision of land.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner Granke, seconded by Commissioner Heimann, with Commissioners Granke, Heimann, Christeller, Brennan and Krahnke voting in favor of the motion at its regular meeting held on Thursday, June 17, 1982 in Silver Spring, Maryland.

  
\_\_\_\_\_  
Thomas H. Countee, Jr.  
Executive Director

THC:ELF:lb

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760



MCPB  
82-37

R E S O L U T I O N

WHEREAS, E.L. Dieudonne, et al, are the owners of certain lands comprising 3.04353 acres, situated in Montgomery County, Maryland, Election District No. 5, located on Maryland Route 198 at New Hampshire Avenue (Maryland Route 650), said lands having been conveyed to E.L. Dieudonne, et al, by deed dated March 25, 1964, and recorded in Liber 3203 at Folio 55 among the Land Records of Montgomery County, Maryland, and

WHEREAS, part of the said property lies in the path of the proposed Relocation of Maryland Route 198 as shown upon the approved and adopted plan for Eastern Montgomery County, as amended, by The Maryland-National Capital Park and Planning Commission after public hearings as a part of the General Plan of the Maryland-Washington Regional District pursuant to the provisions of Article 66D of The Annotated Code of Maryland, and

WHEREAS, the said Relocation of Maryland Route 198 is deemed an essential facility in the highway system to serve Montgomery County, and the said property is accordingly required for public use; and

WHEREAS, studies and field reconnaissance made by engineers of the State Highway Administration and the Park and Planning Commission indicate the feasibility of locating the road as shown on plans prepared by the technical staff of this Commission and emphasize the need to preserve the required right-of-way against loss or encroachment.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Article 66D of The Annotated Code of Maryland, and the Regulations for the Subdivision of Land for the Maryland-Washington Regional District in Montgomery County, adopted by the County Council for Montgomery County, Maryland, October 17, 1961, and by virtue of its authority to administer said regulations, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission hereby declares the above-described land, comprising 3.04353 acres, to be a Reservation of Land for Public Use, said land to be used for highway purposes for the proposed Relocation of Maryland Route 198, and

BE IT FURTHER RESOLVED, that certified copies of this Resolution be transmitted to the Supervisor of Assessments and the Director of Finance of Montgomery County and to the Washington Suburban Sanitary Commission, advising said offices of the tax abatement provisions of Article 66D of The Annotated Code of Maryland, with respect to such reservation of land for public use, so that the land so reserved may be exempted from the levy of State and County taxes for a period of three years beginning July 1, 1982; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be transmitted to the property owners and to the State Highway Administration; and

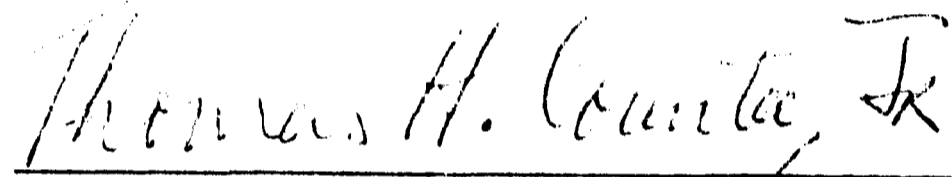
BE IT FURTHER RESOLVED, that an appropriate Reservation Plat covering the aforesaid property be prepared by the staff of this Commission, certified by its authorized representatives, and duly recorded among the Land Records of Montgomery County, Maryland, and

BE IT FURTHER RESOLVED, that a copy of said Reservation Plat be attached to and accompany each copy of this Resolution which is transmitted to the various State and County officials hereinbefore enumerated; and

BE IT FURTHER RESOLVED, that a notice of this Resolution be published in two newspapers of general circulation in the Maryland-Washington Regional District in Montgomery County as required by the above-mentioned Regulations for the Subdivision of Land.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner Granke, seconded by Commissioner Heimann, with Commissioners Granke, Heimann, Christeller, Brennan and Krahnke voting in favor of the motion at its regular meeting held on Thursday, June 17, 1982 in Silver Spring, Maryland.

  
\_\_\_\_\_  
Thomas H. Countee, Jr.  
Executive Director

THC:ELF:1b

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760



MCPB  
82-38

R E S O L U T I O N

WHEREAS, Land Development Associates, Inc. is the owner of certain lands comprising 12.5651 acres, situated in Montgomery County, Maryland, Election District No. 9, located at Interstate 270 and Middlebrook Road, said lands having been conveyed to Land Development Associates, Inc., by deed dated March 12, 1981, and recorded in Liber 5670 at Folio 169 among the Land Records of Montgomery County, Maryland, and

WHEREAS, part of the said property lies in the path of the proposed Interchange as shown upon the approved and adopted plan for Germantown and Vicinity, as amended, by The Maryland-National Capital Park and Planning Commission after public hearings as a part of the General Plan of the Maryland-Washington Regional District, pursuant to the provisions of Article 66D of The Annotated Code of Maryland; and

WHEREAS, the said Interchange is deemed an essential facility in the highway system to serve Montgomery County, and the said property is accordingly required for public use; and

WHEREAS, studies and field reconnaissance made by engineers of the State Highway Administration and the Park and Planning Commission indicate the feasibility of locating the road as shown on plans prepared by the technical staff of this Commission and emphasize the need to preserve the required right-of-way against loss or encroachment;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Article 66D of The Annotated Code of Maryland, and the Regulations for the Subdivision of Land for the Maryland-Washington Regional District in Montgomery County, adopted by the County Council for Montgomery County, Maryland, October 17, 1961, and by virtue of its authority to administer said regulations, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission hereby declares the above-described land, comprising 12.5651 acres, to be a Reservation of Land for Public Use, said land to be used for highway purposes for the proposed Interchange; and

BE IT FURTHER RESOLVED, that certified copies of this Resolution be transmitted to the Supervisor of Assessments and the Director of Finance of Montgomery County and to the Washington Suburban Sanitary Commission, advising said offices of the tax abatement provisions of Article 66D of The Annotated Code of Maryland, with respect to such reservation of land for public use, so that the land so reserved may be exempted from the levy of State and County taxes for a period of three years beginning July 1, 1982; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be transmitted to the property owners and to the State Highway Administration; and

BE IT FURTHER RESOLVED, that an appropriate Reservation Plat covering the aforesaid property be prepared by the staff of this Commission, certified by its authorized representatives, and duly recorded among the Land Records of Montgomery County, Maryland; and

BE IT FURTHER RESOLVED, that a copy of said Reservation Plat be attached to and accompany each copy of this Resolution which is transmitted to the various State and County officials hereinbefore enumerated; and

BE IT FURTHER RESOLVED, that a notice of this Resolution be published in two newspapers of general circulation in the Maryland-Washington Regional District in Montgomery County as required by the above-mentioned Regulations for the subdivision of land.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner Granke, seconded by Commissioner Heimann, with Commissioners Granke, Heimann, Christeller, Brennan and Krahnke voting in favor of the motion at its regular meeting held on Thursday, June 17, 1982 in Silver Spring, Maryland.

*Thomas H. Countee, Jr.*  
\_\_\_\_\_  
Thomas H. Countee, Jr.  
Executive Director

THC:ELF:lb

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
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MCPB  
82-39

R E S O L U T I O N

FOR CONTINUATION OF RESERVATION OF LAND FOR PUBLIC USE

WHEREAS, Hobby Horse Farms, Inc. is the owner of certain lands comprising 6.124 acres, situated in Montgomery County, Maryland, Election District No. 5, located east of Notley Road and south of Paula Lynn Drive, said lands having been conveyed to Hobby Horse Farms, Inc. by deed dated April 1, 1961 recorded among the Land Records of Montgomery County, Maryland, in Liber 2839 at Folio 83; and

WHEREAS, on the 15th day of June, 1972, The Maryland-National Capital Park and Planning Commission, by resolution duly adopted, placed the above-mentioned property in Reservation for Public Use, and on the 26th day of June, 1975, the 1st day of June, 1978 and the 7th day of June, 1979 by resolutions duly adopted, continued said property in Reservation for Public Use; and

WHEREAS, the circumstances, needs and conditions set forth in said resolution of reservation dated June 15, 1972 still continue and exist at the present time; and

WHEREAS, the aforementioned property is unable to be acquired by the State Highway Administration at this time and it is the desire and intent of the State Highway Administration, The Maryland-National Capital Park and Planning Commission and all persons having any legal or equitable right, title or interest in said property that said lands shall remain and continue in reservation for an additional period of one year; and

WHEREAS, Hobby Horse Farms, Inc., is the sole and only owner of any legal or equitable right, title or interest in said property and all of said parties have requested that the said property shall remain and continue in Reservation for Public Use.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Article 66D of the Annotated Code of Maryland, and the Regulations for the Subdivision of Land for The Maryland-Washington Regional District in Montgomery County, Maryland, adopted by the Montgomery County Council October 17, 1961, The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission hereby declares as follows:

1. That the above described property, comprising 6.124 acres, continue to be a Reservation of Land for Public Use, said land to be used for highway purposes for the proposed Intercounty Connector (formerly the Outer Beltway);

2. That certified copies of this Resolution be transmitted to the Supervisor of Assessments and the Director of Finance of Montgomery County and to the Washington Suburban Sanitary Commission, advising said offices of the tax abatement provisions of Article 66D of the Annotated Code of Maryland, with respect to such Reservation of Land for Public Use, so that the land so reserved may be exempted from the levy of State and County taxes for a period of one (1) year beginning July 1, 1982;

3. That a certified copy of this Resolution be transmitted to the property owners and to the State Highway Administration;

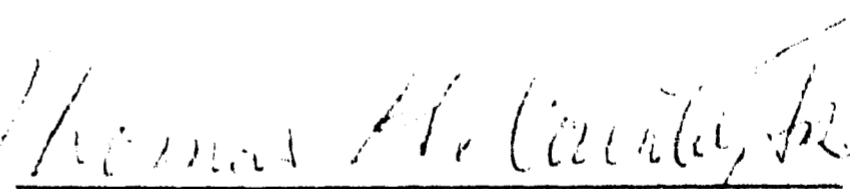
4. That the Reservation Plat covering the aforesaid property, duly certified by this Commission, and being duly recorded among the Land Records of Montgomery County, Maryland, Plat Book 94, Plat 10314 on the 29th day of June, 1972, shall be duly noted to apply to the aforementioned property herein resolved to be further reserved for public use;

5. That a copy of said Reservation Plat be attached to and accompany each copy of this Resolution which is transmitted to the various State and County officials hereinbefore enumerated; and

6. That a notice of this Resolution be published in two newspapers of general circulation in the Maryland-Washington Regional District in Montgomery County as required by the above-mentioned Regulations for the Subdivision of Land.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner Granke, seconded by Commissioner Heimann, with Commissioners Granke, Heimann, Christeller, Brennan and Krahnke voting in favor of the motion at its regular meeting held on Thursday, June 17, 1982 in Silver Spring, Maryland.

  
Thomas H. Countee, Jr.  
Executive Director

THC:ELF:lb

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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MCPB  
82-40

R E S O L U T I O N

WHEREAS, William B. Wheeler, et al, are the owners of certain lands comprising 19.7647 acres, situated in Montgomery County, Maryland, Election District No. 5, located between Old Columbia Pike and US Route 29 and Fairland Road and Briggs Chaney Road, said lands having been conveyed to William B. Wheeler, et al, by deed dated September 9, 1971, and recorded in Liber 4137 at Folio 190 among the Land Records of Montgomery County, Maryland, and

WHEREAS, part of the said property lies in the path of the proposed Intercounty Connector as shown upon the approved and adopted plan for Eastern Montgomery County, as amended, by The Maryland-National Capital Park and Planning Commission after public hearings as a part of the General Plan of the Maryland-Washington Regional District, pursuant to the provisions of Article 66D of the Annotated Code of Maryland; and

WHEREAS, the said Intercounty Connector is deemed an essential facility in the highway system to serve Montgomery County, and the said property is accordingly required for public use; and

WHEREAS, studies and field reconnaissance made by engineers of the Park and Planning Commission indicate the feasibility of locating the road as shown on plans prepared by the technical staff of this Commission and emphasize the need to preserve the required right-of-way against loss or encroachment;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Article 66D of The Annotated Code of Maryland, and the Regulations for the Subdivision of Land for the Maryland-Washington Regional District in Montgomery County, adopted by the County Council for Montgomery County, Maryland, October 17, 1961, and by virtue of its authority to administer said regulations, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission hereby declares the above-described land, comprising 19.7647 acres, to be a Reservation of Land for Public Use, said land to be used for highway purposes for the proposed Intercounty Connector; and

BE IT FURTHER RESOLVED, that certified copies of this Resolution be transmitted to the Supervisor of Assessments and the Director of Finance of Montgomery County and to the Washington Suburban Sanitary Commission, advising said offices of the tax abatement provisions of Article 66D of The Annotated Code of Maryland, with respect to such reservation of land for public use, so that the land so reserved may be exempted from the levy of State and County taxes for a period of one year beginning July 1, 1982; and



BE IT FURTHER RESOLVED, that a certified copy of this Resolution be transmitted to the property owners and to the State Highway Administration; and

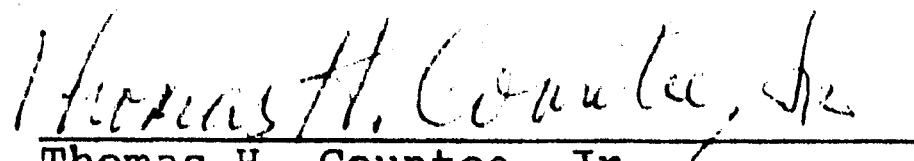
BE IT FURTHER RESOLVED, that an appropriate Reservation Plat covering the aforesaid property be prepared by the staff of this Commission, certified by its authorized representatives, and duly recorded among the Land Records of Montgomery County, Maryland; and

BE IT FURTHER RESOLVED, that a copy of said Reservation Plat be attached to and accompany each copy of this Resolution which is transmitted to the various State and County officials hereinbefore enumerated; and

BE IT FURTHER RESOLVED, that a notice of this Resolution be published in two newspapers of general circulation in the Maryland-Washington Regional District in Montgomery County as required by the above-mentioned Regulations for the subdivision of land.

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner Granke, seconded by Commissioner Heimann, with Commissioners Granke, Heimann, Christeller, Brennan and Krahnke voting in favor of the motion at its regular meeting held on Thursday, June 17, 1982 in Silver Spring, Maryland.

  
Thomas H. Countee, Jr.  
Executive Director

THC:ELF:lb



## Memorandum

**To:** Patrick Butler

**From:** Patricia A. Harris

**Date:** December 6, 2021

**Re:** 12701 Piedmont Road – Basis for Corrective Map Amendment

---

Thank you for taking the time last month to meet with Ross Ostrander of Pleasants Development and me to discuss the zoning history of the 12701 Piedmont Road property (the “Property”). As I mentioned during our meeting, we have spent a significant amount of time evaluating the zoning history of the Property and now understand the basis for the current AR zoning, which appears to have been derived erroneously and has left the Property owner with essentially no reasonable use of the Property. We have set forth below our understanding of the Property’s zoning history which we believe provides the basis for a Corrective Map Amendment, pursuant to Zoning Ordinance Section 7.2.2.

The relevant details are as follows (see attached corresponding exhibits):

- Prior to the June 1982 Damascus Master Plan<sup>1</sup>, the Property was split zoned: the northern portion of the Property Rural/RDT and the remaining southern portion R-200
  - 1973/1974 SMA F-925, Property split zoned Rural and R-200
  - 1981 SMA G-266, Property split zoned RDT and R-200

Note: This split zoning appears to be in error given that it not only split zoned a number of record lots, it also split zoned residential structures.

- The 1982 Damascus Master Plan, Agriculture and Open Space plan (page 81) designates the Property as “existing residences” and outside the “working farm” category.
- The 1982 Damascus Master Plan, Proposed Agriculture Reserve Area plan (page 83) designates the entire Property as outside the Agriculture Area. Stringtown Road formed the southern boundary of the Agriculture Area. This boundary extended in a northeastern direction along Stringtown Road to just east of the Fountain View residential subdivision.

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<sup>1</sup> The 1982 Damascus Plan was amended in 1985 for the limited purpose of making three revisions, none of which are relevant to the subject at hand.

- The 1982 Damascus Master Plan is clear that the Property was not to be included within the agricultural zone. The Master Plan (page 82) provides: “This Plan proposes 1,050 acres in and around Damascus (P.A. 11) be included in the County’s Agricultural Reserve Area. The areas are shown on page 83, the Proposed Agricultural Reserve Area map.”
- The 1982 SMA G-352 implementing the recommendations of the 1982 Master Plan incorrectly designated the zoning line along Piedmont Road instead of Stringtown Road, as recommended by the Master Plan, resulting in the Property being rezoned entirely RDT. This error likely emanated from the Zoning & Highway Plan (page 101) of the 1982 Damascus Master Plan that appears to have designated the Property as Agriculture Reserve, despite the direction provided on the Agricultural Reserve Area plan and the corresponding text on pages 82 and 83 clearly indicating that the Property was outside the Agricultural Reserve Area. The mapping error of SMA G-352 was perpetuated in the subsequent zoning action.
  - District Map Amendment G-956 identifies the Property as zoned AR (the RDT zone was changed comprehensively to the AR Zone)

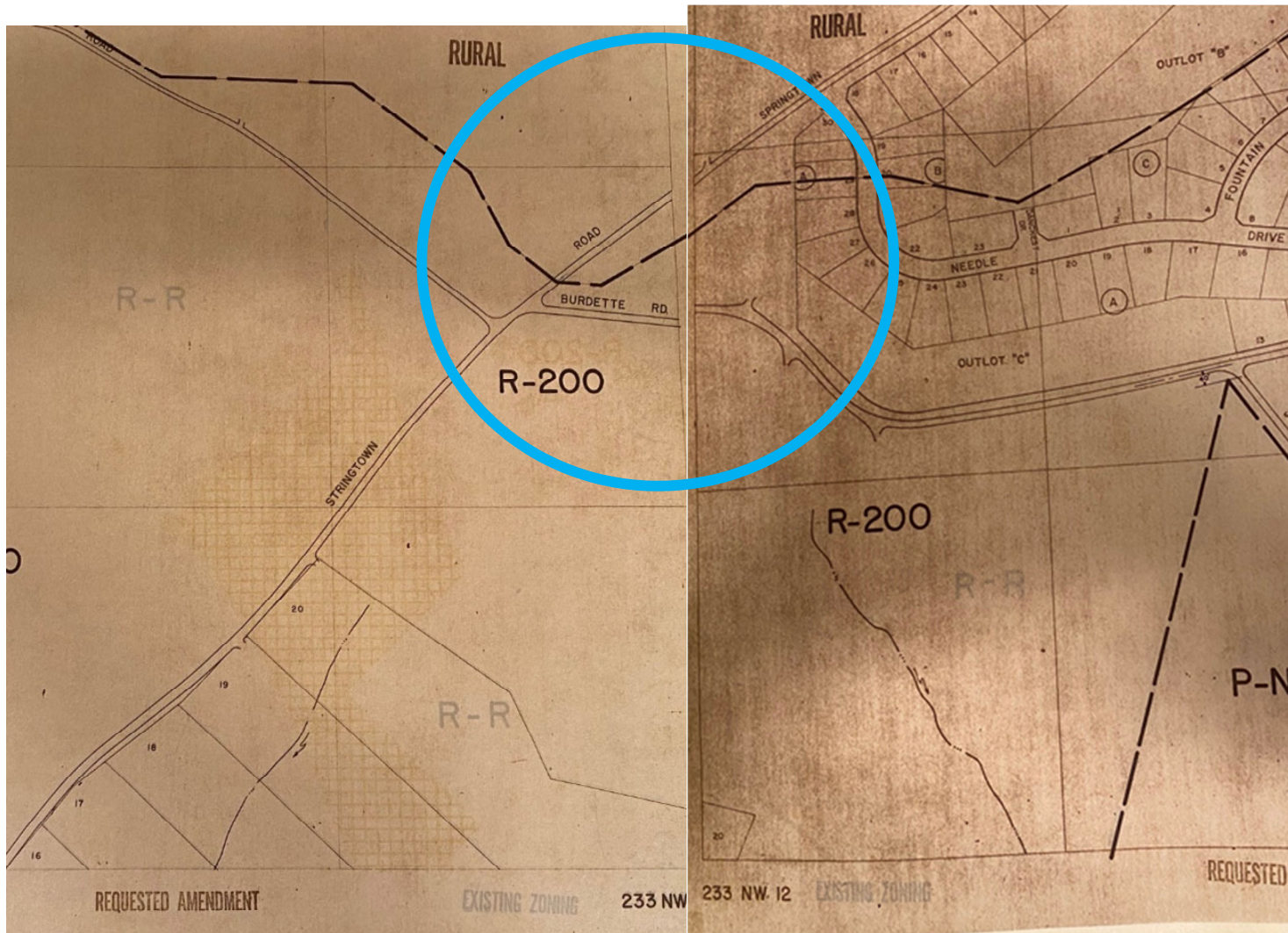
Based on the then-existing development patterns and the plans and text of the 1982 Damascus Master Plan, it is clear that the zoning line delineating the Agricultural Zone from the residential zone (i.e. R-200) should have been drawn along Stringtown Road, north of the Property, and that the Property should have been zoned R-200. The establishment of the zoning line along Stringtown Road would have provided a clear delineation between the rural and residentially developed areas.

While the zoning error occurred almost 40 years ago, the Zoning Ordinance does not provide a validity period within which a Correctional Map Amendment must be initiated. In fact, it is to be expected that a zoning error would not be identified until the time that a property owner starts to consider the future potential use of their property, which, as in this case, may be decades after the error occurs.

We appreciate your consideration of this request to initiate a Corrective Map Amendment and look forward to hearing from you.

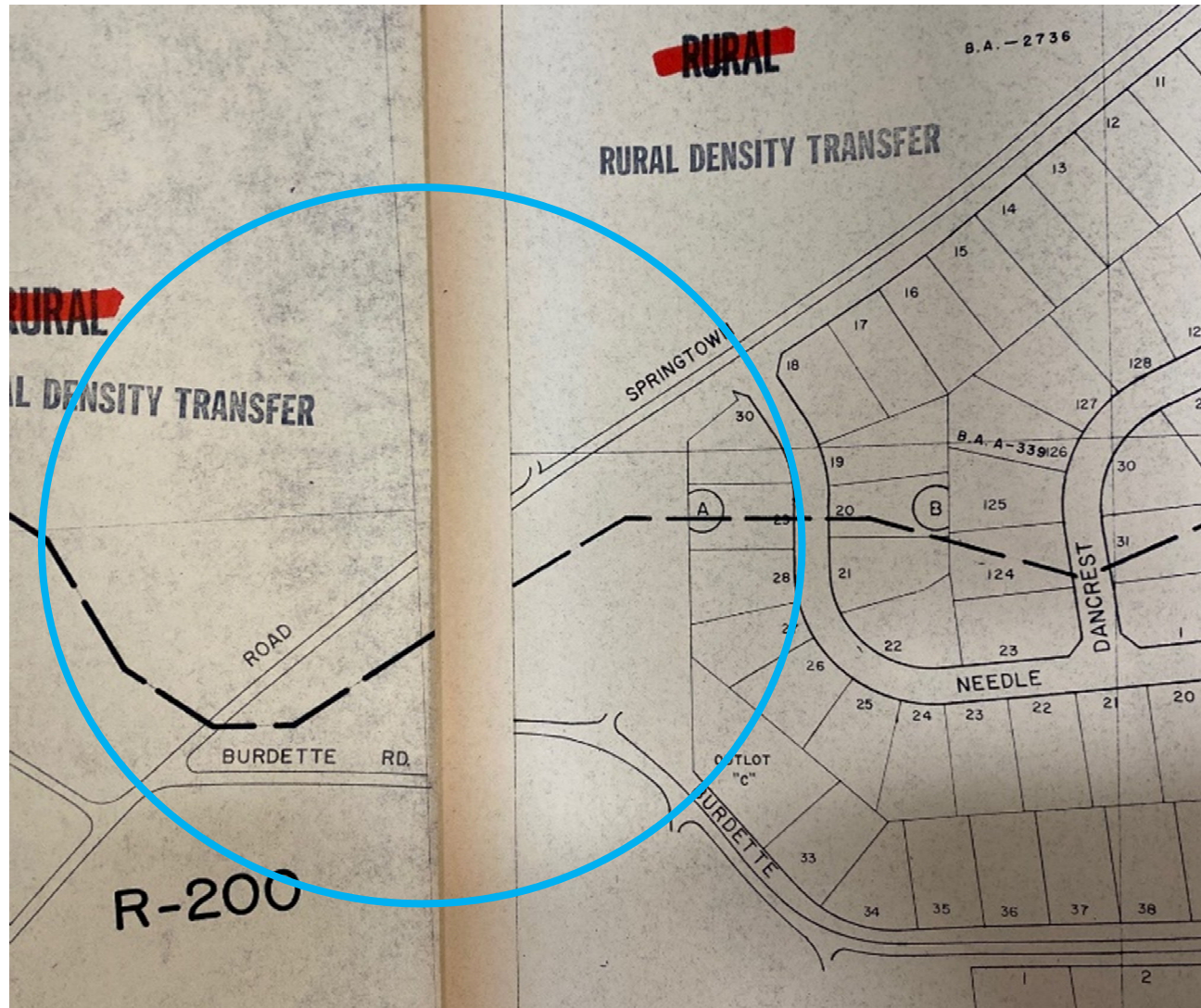
### 12701 Piedmont Road, Clarksburg Zoning Timeline

- **1973/1974 SMA F-925 (Rural – West)**
  - Requested Split Zoned R-200 and Rural



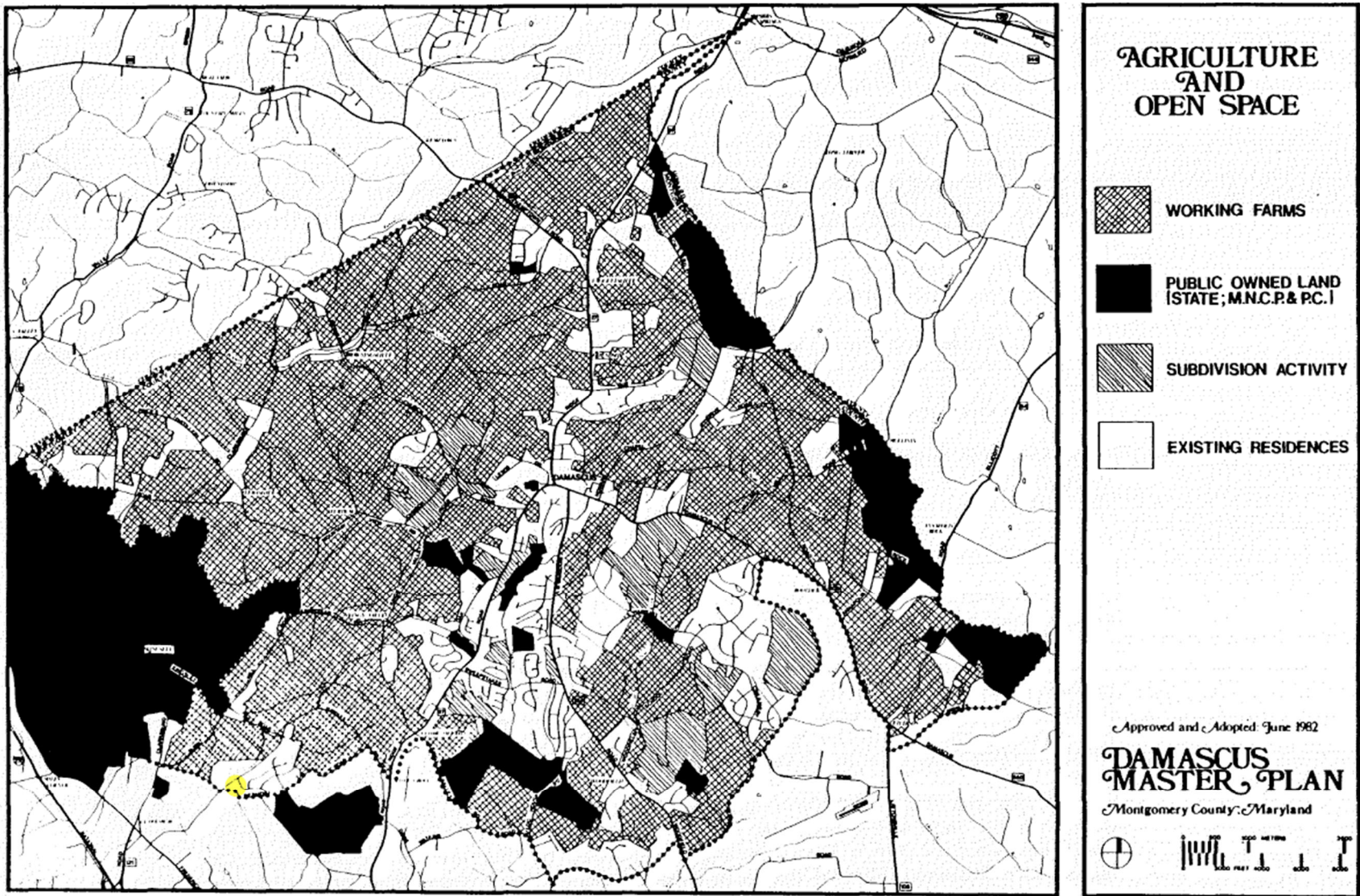
**12701 Piedmont Road, Clarksburg**  
Zoning Timeline

- **981 SMA G-266 - Preservation of Agriculture & Rural Open Space Functional Master Plan**
  - Property Split Zoned RDT and R-200



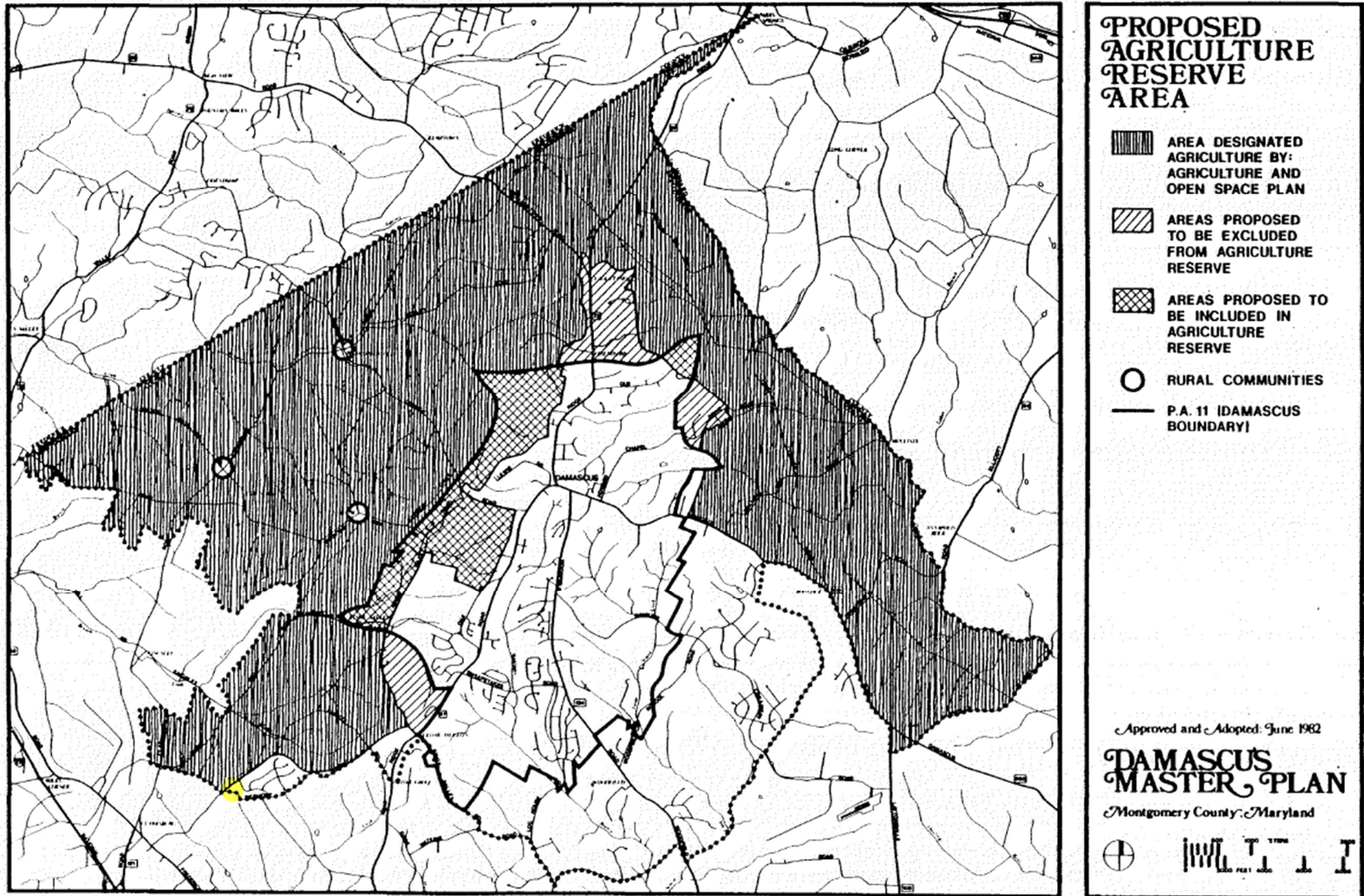
### 12701 Piedmont Road, Clarksburg Zoning Timeline

- 1982 Damascus MP



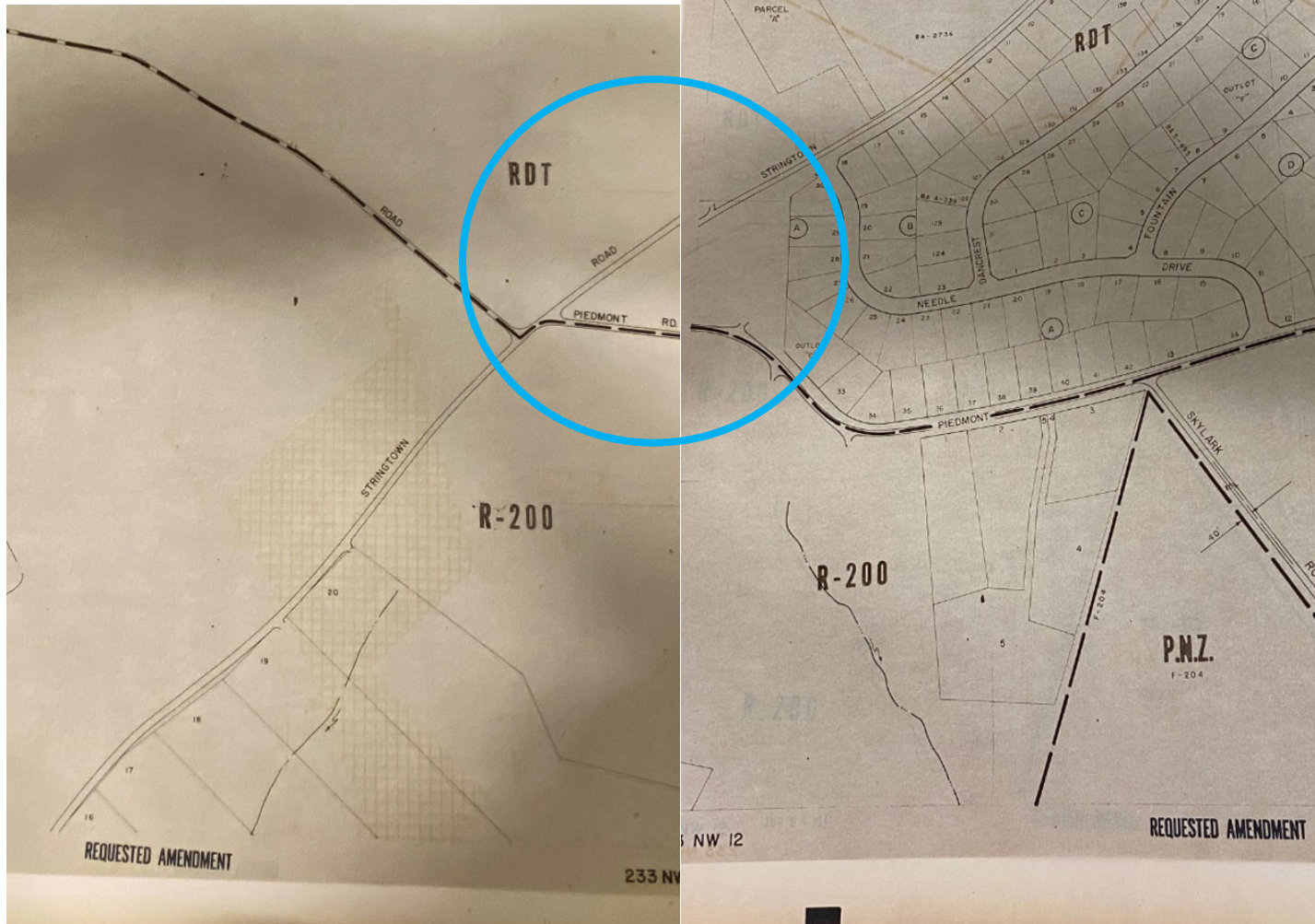
### 12701 Piedmont Road, Clarksburg Zoning Timeline

- 1982 Damascus MP



### 12701 Piedmont Road, Clarksburg Zoning Timeline

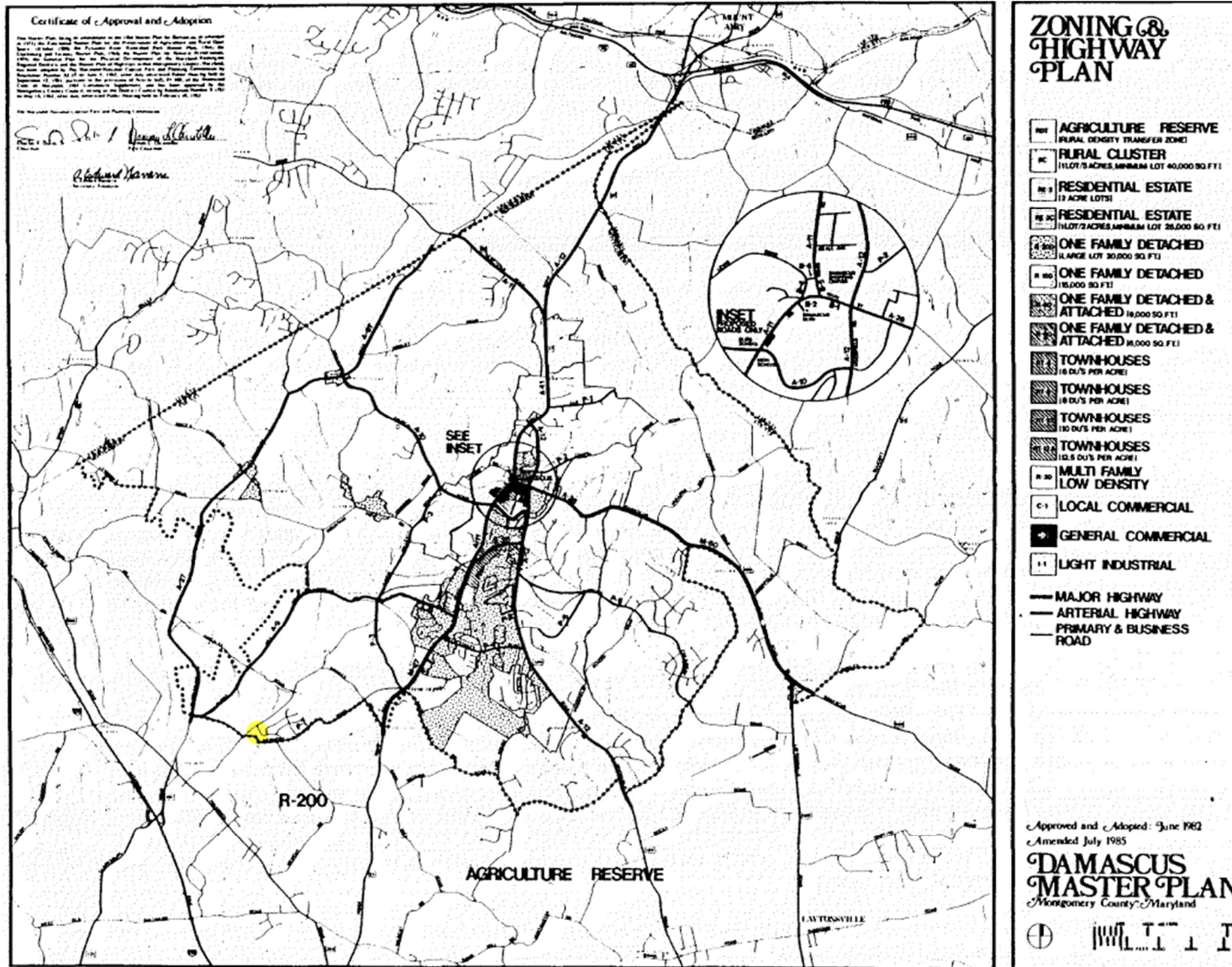
- 1982 SMA G-352 – Damascus Planning Area
  - Property Zoned RDT





12701 Piedmont Road, Clarksburg  
Zoning Timeline

- 1982 Damascus MP



# 12701 Piedmont Road, Clarksburg Zoning Timeline

- **Current Zoning Map**  
(Dark black line indicates where zoning line should have been established pursuant to the 1982 Damascus Master Plan.)

