

# **Montgomery County Planning Board**

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**DATE MAILED:**

July 8, 2025

MCPB No. 25 - 074

Preliminary Plan No. 120250050

2811 14th Street NE Gospel Hall, Inc. Church

Date of Hearing: June 5, 2025

## **RESOLUTION**

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on October 30, 2024, Waler Bowie (“Applicant”) filed an application for approval of a preliminary plan of subdivision of property that would create one (1) lot for one (1) dwelling unit on 2.0 acres; one (1) lot of 7.9 acres for a 10,549 square foot religious assembly building and an existing telecommunications tower; and one (1) parcel of 4.86 acres for parkland dedication, all (approximately 15 acres) in the RE-2 zone, located approximately 900 feet southwest of Old Orchard Road at 211 Ednor Road (“Subject Property”), in the Cloverly Policy Area and 1997 *Cloverly Master Plan* (“Master Plan”) area; and

WHEREAS, Applicant’s preliminary plan application was designated Preliminary Plan No. 120250050, 2811 14th Street NE Gospel Hall, Inc. Church (“Preliminary Plan” or “Application”); and

WHEREAS, the Application was submitted for concurrent review and approval with Forest Conservation Plan No. F20250170; and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated May 23, 2025, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on June 5, 2025, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Commissioner Linden, with a vote of 5-0; Chair Harris, Vice Chair Pedoeem, Commissioners Bartley, Hedrick and Linden voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120250050 to create one (1) lot for one (1) dwelling unit on 2.0 acres; one (1) lot of 7.9 acres for a 10,549 square foot religious assembly building and an existing telecommunications tower;

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Approved as to

Legal Sufficiency: /s/ Emily Vaias

M-NCPPC Legal Department

and, one (1) parcel of 4.86 acres for parkland dedication on the Subject Property (approximately 15 acres), subject to the following conditions:<sup>1</sup>

#### General Approval

1. This Preliminary Plan is limited to one (1) lot for one (1) dwelling unit on 2.0 acres; one (1) lot of 7.9 acres for a 10,549 square foot religious assembly building and an existing telecommunications tower; and one (1) parcel of 4.86 acres for parkland dedication, all on the Subject Property.

#### Adequate Public Facilities

2. The Adequate Public Facilities (“APF”) review for the Preliminary Plan will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

#### Plan Validity Period

3. The Preliminary Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and before the expiration date of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records or a request for an extension filed.

#### Outside Agencies

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated January 28, 2025, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
5. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Water Resources Section in its stormwater management concept letter dated January 14, 2025, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
7. The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated April 18, 2025, and updated as noted on May 20, 2025, and incorporates them as conditions of approval. The Applicant

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<sup>1</sup> For the purpose of these conditions, the term “Applicant” shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

#### Frontage Improvements

8. Along the Subject Property frontage of Ednor Road, the Applicant must provide the following dedications, public utility easements (“PUE”), public improvements easements (“PIE”), and public access easements (“PAE”), and show them on the record plat:
  - a) All land necessary to accommodate forty feet (40 ft) of right-of-way dedication from the existing pavement centerline to the Property line.
  - b) An eight-foot-wide (8 ft) PIE/PAE for future sidepath to be constructed by others.
  - c) An eighteen-foot-wide (18 ft) public utility easement (“PUE”).
9. Prior to record plat approval and as shown on the certified preliminary plan, the Applicant must satisfy all the requirements from MCDOT to ensure that the final grading along the Property’s frontage on Ednor Road is sufficient for a ten-foot-wide (10 ft) sidepath to be constructed in the future by others.
10. Prior to issuance of the use and occupancy permit for the religious assembly building (excluding core and shell occupancy) and as shown on the certified preliminary plan, the Applicant must complete the final grading for the ten-foot-wide (10 ft) sidepath along the Property’s frontage on Ednor Road.
11. The Applicant must pay the cost to construct a ten-foot-wide (10 ft) sidepath, per the Bicycle Master Plan, along the Ednor Road site frontage. Prior to certified preliminary plan approval, the Applicant must obtain an approved engineer cost estimate that includes a contingency for the sidepath and all related improvements (as determined by MCDOT), based on the latest version of the LATR Cost Estimation Tool. This estimate must receive approval from MCDOT and Planning Staff. Before the issuance of the right-of-way permit, the Applicant must make the fee-in-lieu of construction payment to MCDPS. The payment will be inflated based on the Federal Highway Administration’s National Highway Construction Cost Index from the mailing date of the Planning Board Resolution to the date of payment.
12. Prior to record plat approval and as shown on the certified preliminary plan, the Applicant must satisfy all the requirements from MCDOT to ensure the final grading and pavement along the Property’s frontage on Ednor Road is sufficient for a six-foot-wide (6 ft) shoulder.
13. Prior to issuance of the use and occupancy permit for the religious assembly building (excluding core and shell occupancy) and as shown on the certified preliminary plan, the Applicant must complete final grading and pavement for a six-foot-wide (6 ft) shoulder along the Property’s frontage on Ednor Road.
14. Prior to issuance of the use and occupancy permit for the religious assembly building (excluding core and shell occupancy), the Applicant must install a mid-block, high-visibility crosswalk that will connect the future sidepath to the existing sidewalk opposite the Property’s frontage on Ednor Road. The Applicant must receive approval from MCDOT, Planning, and Parks Staff for the location of the high-visibility crosswalk.

#### Surety

15. Before issuance of any building permit or sediment control permit, whichever comes first, the Applicant must enter into a Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond or other form of surety, with the following provisions.
  - a) A cost estimate of the materials and facilities, which, upon Planning Staff approval, will establish the surety amount.
  - b) The cost estimate must include only elements associated with the Landscape and Lighting Plan.
  - c) Completion of all improvements covered by the surety will be followed by inspection and potential reduction of the surety.
  - d) The bond or surety for each item shall be clearly described within the Surety & Maintenance Agreement, including all relevant conditions.
16. Before issuance of the use and occupancy permit for the religious assembly building (excluding shell and core occupancy), the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the fire access improvements have been constructed and installed per the recommendations from the Fire Department Access and Water Supply Section, and as shown in the approved MCDPS fire access plan.

#### Record Plats

17. Except for demolition of the existing barn and any other existing structures, grading for access routes and driveway areas, and the clearing of underbrush and existing trees which are shown to be removed, there must be no clearing or grading of the site before recordation of plat(s).
18. The record plat must show necessary easements and minimum building restriction lines (BRL).
19. The record plat must reflect common ingress/egress easements over all shared driveways and the locations for utility easements.
20. The record plat must reflect a common use and access covenant for the benefit of the public over sidewalks, and paths not included in a public right-of-way or private street parcel, including the sidepath along the Property frontage. The covenant must be in a form approved by the M-NCPPC Office of the General Counsel and recorded among the Montgomery County Land Records.

#### Parkland Dedication

21. The Applicant must dedicate to the Maryland-National Capital Park & Planning Commission ("M-NCPPC") the 4.86-acre portion of the Subject Property identified as "Parcel A" on the approved Preliminary Plan for use as parkland.
22. The land must be dedicated through notation on the plat and by conveyance at the time of record plat in a form of no consideration deed approved by the M-NCPPC's Office of General Counsel. The deed of conveyance must be executed by the Applicant and delivered to Montgomery Parks before the recordation of the plat. Montgomery Parks will hold the deed of conveyance in escrow until all other relevant conditions of approval and any conditions of the Park Construction Permit have been completed, at which time Montgomery Parks will formally accept the conveyance and record the deed. At the time of formal acceptance of the dedication, the land to be dedicated must be free of trash and unnatural debris. The Applicant must not grant any new easements over the parkland without permission from Parks Staff and must extinguish any unneeded easements prior to dedication.
23. Any activity or work on existing parkland or the land to be dedicated for parkland requires an approved Park Construction Permit and is subject to the full Park Construction Permit process as directed by Montgomery Parks staff, including, but not limited to, the construction of the sewer connection within the future parkland. To minimize impacts to the existing natural resources, Parks will require alternative construction methods and mitigation, including replanting, habitat enhancement, and stream restoration and stabilization as part of the Permit for the sewer connection.

#### Landscape and Lighting Plans

24. Before issuance of a building permit for the religious assembly building, a landscape, and lighting plan must be submitted to and approved by Staff that includes the following elements at a minimum: street trees, parking lot lighting and perimeter trees, and shade and ornamental tree plantings for proposed Lot No. 1 and Lot No. 2.

#### Certified Preliminary Plan

25. The certified Preliminary Plan must contain the following notes:
  - a) *Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*
  - b) *The Applicant must schedule an on-site preconstruction meeting with M-NCPPC inspection staff before any demolition, clearing, or grading occurs on-site. The Applicant, along with their representatives, must attend the pre-construction meeting with the M-NCPPC inspector. A copy of the approved Certified Preliminary Plan is required to be on-site at all times.*

- c) *Any work on parkland conveyance property or existing parkland property requires an approved Park Construction Permit.*
- d) *The Applicant must complete replanting, habitat enhancement, and stream restoration and stabilization as required by an approved Parks Construction Permit for the sewer connection.*

26. Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes:

- a) Show resolutions and approval letters on the certified set.
- b) Include approved Fire Department Access Plan.
- c) Update the label of the parcel for conveyance to M-NCPPC as "Parcel A" or other label name as advised by staff.

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and/or as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

- 1. *The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

- a. *The block design is appropriate for the development or use contemplated.*

The Application does not propose any new blocks. The proposed subdivision is within an existing community with an established block design which is appropriate for the development.

- b. *The lot design is appropriate for the development or use contemplated.*

The Application meets all applicable sections of the Subdivision Ordinance for lot design, including the requirements under Section 50-4.3.C.1.b for flag lots. The approved lots are appropriate in size, shape, width, and orientation, taking into account the recommendations of the Master Plan, the existing lot pattern of surrounding properties, and the development and uses contemplated. Lot 1 is irregularly shaped and will contain the existing house, and Lot 2 is a flag lot which will include the new religious assembly building and existing telecommunications tower. Lots in the vicinity are typical of those following the existing curvilinear street pattern in a low-density area: a mix of regular- and irregular-shaped lots, and flag lots. The position of the land in relation to surrounding properties, Ednor Road, the existing house to remain, the existing telecommunications tower to remain, environmental features, and conveyance of land for parkland dedication allows no other feasible way to reasonably subdivide the Subject Property in a practical manner

consistent with the Subject Property's zoning. As shown on the approved plan, the Application meets all appropriate building restriction lines (BRL) and separation distances, and the BRLs will be shown on the recorded plat.

*c. The Preliminary Plan provides for required public sites and adequate open areas.*

The Subject Property was reviewed for compliance with Section 50-4.3.D (Public Sites and Adequate Public Facilities) of the Subdivision Code. The Applicant will convey one (1) 4.86-acre parcel for parkland dedication, which satisfies the Master Plan recommendation of additional parkland. There are no other master planned public sites or recreation areas associated with the Subject Property.

*d. The Lot(s) and Use comply with the basic requirements of Chapter 59.*

The lots were reviewed for compliance with the dimensional requirements for the RE-2 zone. The lots satisfy all the dimensional requirements for area, frontage, and width. A summary of this review is provided below in the Data Table.

Data Table for RE-2 Zone

<b>Development Standard (59-5.3.5)</b>	<b>Permitted/ Required</b>	<b>Approved Lot No. 1 (Single-Family Detached Dwelling)</b>	<b>Approved Lot No. 2 – Flag Lot (Religious Assembly and Telecommunications Tower)</b>
Lot Area (min.)	2 acres	2 acres	7.9 acres
Lot Coverage (max.)	25%	4.2%	3.8%
Lot Width at Front Building Line (min.)	150 FT	150 FT	150 FT
Lot Width at Front Lot Line (min.)	25 FT	301 FT	69 FT
Setbacks (min.)			
Front	50 FT	50 FT	50 FT
Side	17 FT, 35 FT total	17 FT, 35 FT total	17 FT, 35 FT total
Rear	35 FT	35 FT	35 FT
Building Restriction Line (BRL), Flag Lot <sup>2</sup>	80 FT of building envelope separation	50 FT rear yard BRL with 80 FT of building envelope separation, as shown on plan	62.5 FT rear yard BRL and 30 FT side yard BRL with 80 FT of building envelope separation as shown on plan
Building Height (max.)	50 FT	50 FT	50 FT
Vehicle Parking (min.) <sup>3</sup>			
Single-family detached	2 spaces	5 spaces	n/a
Religious assembly, 500 seats (1 space per 4 fixed seats)	125 spaces	n/a	156 spaces
Bicycle Parking			
Religious assembly (1 space per the greater of 2,000 SF of GFA or 200 fixed seats, 15% long-term)	5 short-term 1 long-term	n/a	5 short-term 1 long-term
Site Plan Required?	--	No	No

- e. Flag lots. The Board must not approve flag lots, except where unusual topography, environmental conditions, or the position of the tract in relation to surrounding properties and rights-of-way permit no other feasible way to subdivide and the Board determines that appropriate separation between building envelopes can be achieved.*

<sup>2</sup> Building restriction lines (BRLs) must satisfy Sec. 50-4.3.C.1.b (Flag Lots).

<sup>3</sup> Vehicle and bicycle parking requirements may be adjusted, as determined by DPS at building permit.



Given the position of the land in relation to surrounding properties and the right-of-way of Ednor Road, there is no other feasible way to subdivide the Property. In particular, the Property is in the RE-2 zone and includes the existing house which will remain, the existing telecommunications tower which will remain, environmental features, and 4.86 acres of land for parkland dedication. Accordingly, a flag lot with appropriate separation between building envelopes can be achieved.

*In approving a flag lot, the following provisions apply:*

- i. *In residential zones, the Board must require building restriction lines as needed to provide separation of at least 80 feet between the building envelope of the proposed flag lot and:*
  - a) *The building envelopes of all lots that are adjacent to the rear lot line of the proposed flag lot; and*
  - b) *The building envelopes of all lots that are between the proposed flag lot and the road on which it fronts;*

Lot No. 2 is the flag lot, and it will include a BRL of 62.5 feet along the rear/southern Property line in order to assure an 80-foot separation of building envelopes from the lot adjacent to its rear lot line.

Lot No. 2 will also include a 30-foot BRL along the north-facing Property line abutting Lot No. 1, and Lot No. 1 will include a 50-foot rear BRL on its southern lot line to create 80 feet of separation between building envelopes. Other BRLs will be included as necessary to meet the flag lot requirements and shown on the certified plan and plat. The provided building restriction lines are appropriate for the proposed lots and the existing and proposes uses because there is adequate land area to develop the Subject Property in a manner consistent the development standards of the zone and other applicable regulations.

- ii. *The Board may require additional building restriction lines to ensure appropriate separation between building envelopes and to provide appropriate location of the building envelope within the lot; and*

No additional building restriction line is deemed necessary.

- iii. *All building restriction lines must be shown on the plat.*

The building restriction lines will be shown on the approved plat.

2. *The Preliminary Plan substantially conforms to the Master Plan.*

The Preliminary Plan substantially conforms to the Master Plan. The Application is located within the 1997 *Cloverly Master Plan* (“Master Plan”). The Subject Property is identified as part of a planned park/open space on the Master Plan Land Use Plan map and is located along a corridor identified as proposed public parkland as part of a proposed Major Greenway connecting existing parkland and trails along the Northwest Branch. This greenway is also identified as the proposed Northwest Branch bikeway, PB-12, in the Master Plan’s Bikeway Plan. As conditioned, the 4.86- acre parcel is sufficient in size and location to meet the goals of the Master Plan to accommodate a public greenway and connected parkland. The Application is consistent with the applicable recommendations of the Master Plan relative to the retention of a single detached residential home and construction of a place of worship which preserves the rural, low- density character of those master plan areas which are beyond the “Commercial Center” and the “Suburban Communities” in the Cloverly area.

a) *Environment*

The Subject Property is located within the Sandy Spring South sub-watershed and drains to the Northwest Branch stream. The Master Plan’s objective for the Northwest Branch mainstem is to assure that new development in the sub-watershed does not create significant negative impacts on the mainstem.

The current impervious surface within the Sandy Spring South sub-watershed as shown on the M-NCPPC GIS database, MCATLAS, is 9.52 percent. With the addition of the impervious surfaces specified for this Application, the projected overall impervious surfaces for the Sandy Spring South sub-watershed would be approximately 10.58 percent. As such, the Application meets the Master Plan recommendation by ensuring that site imperviousness remains at an appropriate level within the sub-watershed so as to meet the 10 to 15 percent maximum range and shown on the Applicant’s Impervious Surface Plan.

b) *Transportation*

The Application meets the Master Plan recommendations by creating the conditions for safe and adequate pedestrian and bicyclist access in the near and long-term future. As conditioned, the Applicant is responsible for grading the Site’s frontage for a 10-foot-wide sidepath to be installed in the future by others. Additionally, as part of this Application, a high-visibility crosswalk will be installed east of the Site’s frontage along the end of the Subject Property line. This ensures a safe and adequate pedestrian and bicyclist crossing to the existing sidewalk on the opposite side of Ednor Road.

3. *Public facilities will be adequate to support and service the area of the subdivision.*

As conditioned, transportation facilities are adequate to support and serve the area of the subdivision. The Subject Property has frontage on Ednor Road, a County-owned and maintained street. Ednor Road is classified as an Area Connector with a master planned right-of-way of 80 feet, per the *Master Plan of Highways and Transitways*. The Applicant will

dedicate all necessary land to accommodate 40 feet of right-of-way from the centerline of the pavement to the Subject Property's line. Pursuant to the 2018 *Bicycle Master Plan* and the design parameters under the 2024 *Complete Streets Guide*, the Applicant will provide an eight-foot-wide (8 ft) public improvement easement ("PIE")/public access easement ("PAE"), and an 18-foot-wide public utility easement ("PUE"). As conditioned, the Applicant will provide a six-foot-wide (6 ft) paved shoulder. Additionally, the Applicant will grade the Site's frontage to accommodate a ten (10)-foot-wide sidepath that will be built in the future and not as part of this Application and make a fee-in-lieu of construction of the sidepath payment to MCDPS before the issuance of the right-of-way permit. The future ten-foot-wide (10 ft) sidepath will be buffered by a 19-foot-wide street buffer with swale and trees. The street buffer with swale and trees will be constructed following MCDOT's design parameters under MC-2004.33. The frontage improvements will fulfill the requirements of both the 2018 *Bicycle Master Plan* and the 2024 *Complete Streets Design Guide*.

As conditioned, the Applicant is responsible for installing a mid-block high-visibility crosswalk, on the east side of the Site's frontage along Ednor Road. The exact location of the high-visibility crosswalk will be determined at the right-of-way permit stage, pursuant to direction from MCDOT and Staff. The high-visibility crosswalk is intended to connect the future ten-foot-wide (10 ft) sidepath and a future M-NCPPC trail to existing sidewalk facilities on the opposite side of Ednor Road.

#### Local Area Transportation Review (LATR)

The Application is located in the Cloverly Transportation Policy Area, classified as a Yellow Policy Area under the 2021-2024 *Growth and Infrastructure Policy* ("the GIP"). The Application is estimated to generate five (5) net new peak hour person trips in the morning and 13 net new peak hour person trips in the evening. As demonstrated in the Applicant's transportation exemption statement ("TES"), dated July 2, 2024, the Application will generate fewer than 50 net new peak-hour person trips. Therefore, a Transportation Impact Study ("TIS") is not required to satisfy Local Area Transportation Review ("LATR") requirements, and transportation facilities are deemed adequate for the Site.

#### Other Public Facilities and Services

Other utilities, public facilities and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the GIP currently in effect.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.*

The Application satisfies all applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines as further discussed in the findings for Forest Conservation Plan F20250170, which are included in a separately approved resolution and are incorporated herein.

5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

MCDPS approved the Stormwater Management Concept Plan on January 14, 2025. The plan will meet stormwater management requirements using drywells, landscape infiltration, and micro-bioretenment facilities.

6. *Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 4.3.M*

The Applicant has no actual notice or constructive notice of a burial site, and the Subject Property is not included in the Montgomery County Cemetery Inventory.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is

**July 8, 2025**

(which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal consistent with the Maryland Rules for the judicial review of administrative agency decisions.

\* \* \* \* \*

**CERTIFICATION**

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 Hedrick, seconded by Commissioner Linden, with a vote of 4-0; Chair Harris, and Commissioners Bartley, Hedrick, and Linden, voting in favor of the motion, and Vice Chair Pedoeem being necessarily absent at its regular meeting held on Thursday, June 26, 2025, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair  
Montgomery County Planning Board

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