

**Agenda for Montgomery County Planning Board Meeting
Thursday, August 1, 2002, 9:30 a.m.**

8787 Georgia Avenue
Silver Spring, MD 20910-3760

Board Action

Roll Call
Approval of Minutes: April 11, 2002
April 18, 2002
Commissioners' Reports
Directors' Reports
Reconsideration Requests

GENERAL MEETING (*Third Floor Conference Room*)

- A. Administrative Items
- B. *Proposed Closed Session pursuant to Maryland State Government Code Section 10-508 (17)(approval of sealed closed session minutes).*

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

1. **Mandatory Referral 02304 – Germantown Library**, Town Sector Zone; Along Century Boulevard between Pinnacle Drive and Town Center Boulevard; Germantown

Staff Recommendation: Approval with Comments to DPWT (Facilities and Services)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

2. Site Plan Review No. 8-94021C- The Institute For Genomic Research

LSC Zone; Existing 80,000 Gross Square Feet Office, R&D, Proposed Parking and Storm Water Management Revisions, Northeast quadrant, intersection of Medical Center Drive and Medical Center Way; PA-20

Gaithersburg & Vicinity

Staff Recommendation: Approval with conditions.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

3. Site Plan Review No. 8-99041D - Tyner Property

R&D Zone; 240,304 Gross Square Feet R&D and Office, On Shady Grove Road, 1,350 feet South of Key West Avenue; PA-20

Gaithersburg & Vicinity -

Staff Recommendation: Approval with conditions.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

4. **Preliminary and Final Water Quality Plan Rocky Hill Middle School;** intersection of MD 355 and Newcut Road Extended; Clarksburg.

Staff Recommendation: Approval.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

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5. **Mandatory Referral No. 02303-MCPS-1- Rocky Hill Middle School; R-200/TDR Zones; intersection of MD 355 and Newcut Road Extended; Clarksburg**

Staff Recommendation: Approval with comments to Montgomery County Public Schools.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

6. **Zoning Map Amendment No. G-799** – CTG Oil Inc., applicant, requests rezoning from the C-5/T-S Zones to the C-3 Zone; between MD 118 and Walter Johnson Road, approximately 500 feet west of Middlebrook Road, Germantown

Staff Recommendation: Approval of the C-3 Zone, Approval of Schematic Development Plan.

(Action required for hearing of 08-14-02)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

7. **Combined hearing for Site Plan Review No. 8-02039 And Final Water Quality Plan - Martens Property;** R-200/TDR Zone; 75 single-family detached units (including 26 TDR's); On West Old Baltimore Road, 2000 feet West of Frederick Road; PA-13 - Clarksburg & Vicinity -

Staff Recommendation: Approval with conditions.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

- 8. **Site Plan Review No. 8-92010A - Magruder Park** (Amendment of previously approved plan)

RT-6 Zone; 3 single-family detached units, 121 Townhouses, including 31 MPDU's; On Ridge Road (MD Rte. 27) at Valley Park Drive; PA-11

Damascus & Vicinity

Staff Recommendation: Approval with conditions.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

9. Preliminary Plan Review No. 1-02086 – Layhill Village East

R-200 Zone; 14.68 Acres; Twenty-Nine (29) Lots Proposed; Twenty-Three (23) Single Family Detached Dwelling Units and Six (6) Single Family Attached Dwelling Units

Community Water and Community Sewer

Located at the Northern Terminus of Punch Street, Approximately 200 Feet North of Queensguard Road

Policy Area: Aspen Hill

APPLICANT: Magruder Communities

ENGINEER: P.G. Associates

ATTORNEY: Miller, Miller and Canby

Staff Recommendation: Approval, Pursuant to the Special Ceiling Allocation for Affordable Housing of the FY 2003 Annual Growth Policy (AGP), Including Waiver for Reduced Width Tertiary Road and Waiver of Sidewalk on One Side of Street, Subject to the Following Conditions:

- 1) Approval under this preliminary plan is limited to no more than twenty-three (23) new single family detached units and six (6) new single family attached units and one (1) existing historic single family detached unit
- 2) Dedicate approximately one (1) foot of right-of-way for approximately eight (8) feet along Layhill Road (MD 182) across the northwest property frontage to provided a seventy-five (75) foot right-of-way from the centerline
- 3) Restrict access to Layhill Road to the existing driveway now serving the historic house. Remove the other existing driveway
- 4) Dedicate and construct Punch Street as follows:
 - a. 60 foot right-of-way as a closed section secondary residential street for approximately 140 feet
 - b. allow reduced width turning radius at the 90 degree turn to avoid impacts to historic house
 - c. 50 foot right-of-way as a closed section reduced width tertiary residential street from beyond the 60 foot right-of-way width
- 5) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits
- 6) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Aspen Hill Master Plan and as outlined in Condition #4 above
- 7) All road right-of ways shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Aspen Hill Master Plan, or as approved by the Planning Board and DPWT and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By _____" are excluded from this condition

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- 9. **Preliminary Plan Review No. 1-02086 – Layhill Village East - continued**
 - 8) Record plat to show delineation of a Category I conservation easement over the area of stream valley buffer and forest conservation areas
 - 9) Record plat to reflect common ingress/egress easements over all shared driveways
 - 10) Record Plat to reflect all areas under Homeowners Association ownership and Stormwater Management areas
 - 11) Compliance with the conditions of MCDPS stormwater management approval dated May 28, 2002
 - 12) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s)
 - 13) No clearing, grading or recording of plats prior to site plan enforcement agreement approval
 - 14) Final approval of the number and location of dwelling units, sidewalks, and open space will be determined at site plan
 - 15) A landscape and lighting plan must be submitted as part of the site plan application for review and approval
 - 16) Prior to applicant requesting recordation of the lots, Text Amendment 18-02 must become effective
 - 17) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed
 - 18) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
 - 19) Other necessary easements

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

10. **Site Plan Review No. 8-02029 - Layhill Village East**

R-200 Zone; 1 existing single-family (Historic) Home; (22 single-family detached units, 6 Single-family attached units); Extension of Punch Street approximately, 200 feet North of Queensguard Road; PA-27

Aspen Hill & Vicinity

Staff Recommendation: Approval with conditions.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

11. Preliminary Plan Review No. 1-02109 - Plyers Mill Estates;

RT-15 Zone: 1.87 Acres; Thirty (30) Lots (Thirty (30) Single Family Attached Dwelling Units)

Community Water and Community Sewer

Located in the Southwest Quadrant of the intersection of Georgia Avenue (MD 97) and Plyers Mill Road

Policy Area: Kensington – Wheaton

APPLICANT: Winchester Home

ENGINEER: Maddox, Inc.

ATTORNEY: Holland and Knight, L.L.P.

Staff Recommendation:

See Staff Report for Combined Preliminary Plan and Site Plan Discussion and Conditions

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

12. **Site Plan Review No. 8-02037 - Plyers Mill Estates**

RT-15 Zone; 1 Lot (30 single-family attached dwelling units); Southwest quadrant, intersection of Georgia Avenue and Plyers Mill Road; PA-31

Kensington & Wheaton

Staff Recommendation: Approval with conditions.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

13. Preliminary Plan Review No. 1-02106 – Chestnut Hills, Johnson’s Addition

R-60 Zone; 34,412 Square Feet; Two (2) Lots Proposed (Two (2) Single Family Detached Dwelling Units)

Community Water and Community Sewer

Located on the North Side of Wheaton Lane, Opposite the Intersection With Jewett Street

Policy Area: Kensington – Wheaton

APPLICANT: McKee Construction Company

ENGINEER: Dewberry and Davis, L.L.C.

Staff Recommendation: Approval, Subject to the Following Conditions:

- 1) Applicant to submit a Grading/Tree Protection Plan for technical staff review and approval prior to recordation of plat
- 2) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Kensington-Wheaton Master Plan unless otherwise designated on the preliminary plan
- 3) Record plat to provide for dedication of sixty (60) feet of right-of-way for Wheaton Lane
- 4) Record plat to reflect common ingress/egress and utility easements over all shared driveways
- 5) Compliance with the conditions of MCDPS stormwater management approval dated April 22, 2002
- 6) Access and improvements as required to be approved by MCDPWT prior to recordation of plat
- 7) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed
- 8) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
- 9) Other necessary easements

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

14. Preliminary Plan Review No.1-02032 – Jones Property

RDT Zone; 273.37 Acres; Ten (10) Lots Proposed (Nine (9) New and One (1) Existing Single Family Detached Dwelling Units)

Private Wells and Private Septic

Located on the North Side of Brink Road, Approximately 1000 Feet West of Laytonsville Road (MD 108)

Policy Area: Rural (Laytonsville)

APPLICANT: Elm Street Development

ENGINEER: Charles P. Johnson and Associates

Staff Recommendation: Approval of Nine (9) Lots Only At This Time, Subject to the Following Conditions:

- 1) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits
- 2) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Agricultural and Open Space Master Plan unless otherwise designated on the preliminary plan
- 3) Record plat to show delineation of a Category I conservation easement over the area of stream valley buffer and forest conservation areas
- 4) Record plat to provide for dedication of 80 foot right-of-way for Brink Road
- 5) Record plat to reflect common ingress/egress and utility easements over all shared driveways
- 6) Compliance with the conditions of MCDPS stormwater management approval
- 7) Compliance with conditions of MCDPS (Health Dept.) septic approval
- 8) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s)
- 9) Provide an affidavit to verify the availability of a TDR for each proposed dwelling unit shown on the approved preliminary plan. Include a note referencing recorded TDR easement on record plat
- 10) Record plat to identify use and ownership of open space parcel
- 11) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed
- 12) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
- 13) Other necessary easements

14. Preliminary Plan Review No.1-02032 – Jones Property

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

15. Preliminary Plan Review No. 1-02110 – Selborne House at St. Mark’s

R-200 Zone; 4.30 Acres; One (1) Lot (Elderly Housing and Related Facility)

Community Water and Community Sewer

Located on the West Side of Old Columbia Pike, Approximately 700 Feet North of Randolph Road

Policy Area: Fairland – White Oak

APPLICANT: St. Mark’s L.L.C.
ENGINEER: Site Solutions, Inc.
ATTORNEY: Holland and Knight

Staff Recommendation: Approval, Subject to the Following Conditions:

- 1) Approval under this preliminary plan is limited to a maximum of Eighty (80) independent living apartments for residents 62 years or older as granted in Special Exception Case No. S-2487 and specified in its attached *Amended Traffic Statement* dated March 16, 2002
- 2) Approval of this preliminary plan is bound by all other applicable conditions of Board of Appeals action on Case No. S-2487
- 3) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Fairland – White Oak Master Plan as follows:
 - a. An additional six (6) feet of right-of-way for 100 feet from the centerline of Columbia Pike (MD 29)
 - b. Additional right-of-way varying from one (1) to eighteen (18) feet for forty (40) feet from the centerline of Old Columbia Pike
- 4) Record plat to include note “Vehicular Access denied to Columbia Pike - MD 29”
- 5) Place in reservation for future dedication approximately seventy-eight (78) feet of right-of-way that is beyond the minimum one hundred (100) feet required in the Fairland Master Plan and as shown on the Maryland State Highway Administration’s (SHA) design plans of the interchange of Columbia Pike and Randolph Road (see Transportation Planning Division memo dated July 25, 2002)
- 6) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits
- 7) Compliance with the conditions of MCDPS stormwater management approval
- 8) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed
- 9) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
- 10) Other necessary easements

15. Preliminary Plan Review No. 1-02110 – Selborne House at St. Mark’s - continued

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

16. **Preliminary Plan Review No.1-02074 – Inverness Forest**

R-90 Zone; 4.91 Acres; Three (3) Lots Proposed; (Single Family Detached Dwelling Units)

Community Water and Community Sewer

Located Between the West Side of Seven Locks Road and East of Lakenheath Way

Policy Area: Potomac

APPLICANT: Design Homes, L.L.C.

ENGINEER: Greenhorne and O'Mara

ATTORNEY: Linowes and Blocher

Staff Recommendation: Approval, Subject to the Following Conditions:

- 1) Compliance with the conditions of approval for the preliminary forest conservation plan. Detailed Grading/Tree Protection Plan for proposed driveway to be included with the forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits
- 2) Record plat to show delineation of a Category I conservation easement over the area of stream valley buffer and forest conservation areas
- 3) Record plat to reflect common ingress/egress and utility easements over all shared driveways
- 4) Verification of the conveyance of the residue of Parcel 2 to adjoining landowners prior to recording of plat(s)
- 5) Submit Homeowners Association documents that outlines maintenance of common driveway and stormwater management facilities to MNCPPC technical staff for review and approval
- 6) Compliance with the conditions of MCDPS final stormwater management approval for three (3) lot proposal
- 7) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s)
- 8) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed
- 9) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
- 10) Other necessary easements

16. Preliminary Plan Review No.1-02074 – Inverness Forest

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

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17. The Following **Record Plats** are Recommended for APPROVAL, Subject to the Appropriate Conditions of Approval of the Preliminary and/or Site Plans:

NOT AVAILABLE AT TIME OF PRINTING

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

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18. **Maryland SoccerPlex at South Germantown Recreational Park Public Hearing**

Request for Lease Amendment to Expand Uses and Request to Move Forward with an Amended Phase II of Construction.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

19. **Upper Rock Creek Master Plan** – Presentation and review of Staff Draft

Staff Recommendation: Approve Staff Draft as Public Hearing Draft and set Public Hearing date of October 3, 2002.

(Note: No public testimony will be taken at this time.)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

20. **Board of Appeals Petition No. S-686-C (Special Exception Modification)** The Landon School, applicant, requests modifications to the existing private educational institution; R-90 and R-90/TDR Zones; 6101 Wilson Lane, Bethesda

Staff Recommendation: Approval with conditions.

(Action required for hearing of 09-11-02)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: