



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APPROVED
MINUTES

The Montgomery County Planning Board met in regular session on Thursday, February 7, 2013, at 9:10 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 5:55 p.m.

Present were Chair Françoise M. Carrier, Vice Chair Marye Wells-Harley, and Commissioners Casey Anderson, Norman Dreyfuss, and Amy Presley.

In compliance with §10-509(c)(2), State Government Article, Annotated Code of Maryland, the following is a report of the Board's Closed Session:

The Board convened at 9:15 a.m. in the third floor conference room to take up Item 5 in Closed Session, on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley present and voting in favor of the motion. The meeting was closed under authority of Annotated Code of Maryland, State Government Article, §10-508(a)(7), to consult with counsel to obtain legal advice.

Also present for all or part of the Closed Session were Associate General Counsels David Lieb and Carol Rubin of the Legal Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board consulted with Legal Counsel about a request for reconsideration of the action on Preliminary Plan 12006040A, 8300 Wisconsin Avenue, which will be taken up on the open session agenda.

The Board recessed the Closed Session at 9:29 a.m. to convene in open session in the auditorium to take up morning session agenda Item 6 and the Consent Agenda.

The Board reconvened in Closed Session in the third floor conference room at 9:51 a.m. to take up Item 12 in Closed Session under authority of Annotated Code of Maryland, State Government Article, §10-508(a)(3), to consider the acquisition of real property for a Commission purpose and matters directly related thereto.

Also present for Closed Session Item 12 were Deputy Director Piera Weiss of the Planning Department; Deputy Director Mike Riley of the Parks Department, via telephone; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board received an update on discussions related to land acquisition and other matters related to the possible relocation of the Montgomery Regional Headquarters to Wheaton.

The Closed Session was adjourned at 10:15 a.m.

The Board recessed to take a guided tour by Planning Department staff of the Long Branch Sector Plan area and to have lunch.

The Board reconvened in Closed Session in the third floor conference room at 1:35 p.m. to take up Item 11, on motion of Commissioner Dreyfuss, seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley present and voting in favor of the motion. The meeting was closed under authority of Annotated Code of Maryland, State Government Article, §10-508(a)(7), to consult with legal counsel to obtain advice.

In compliance with §10-509(c)(2), State Government Article, Annotated Code of Maryland, the following is a report of the Board's Closed Session:

Also present for all or part of the Closed Session were Associate General Counsels Carol Rubin of the Legal Department; Deputy Director Piera Weiss, Robert Kronenberg, and Kimberly Colopinto of the Planning Department; and Clara Moise of the Commissioners' office.

In Closed Session, the Board received briefing from Planning Department staff regarding the draft Housing Policy scheduled for discussion during the afternoon session and received advice from Legal Counsel.

The Board recessed the Closed Session at 2:00 p.m. and reconvened in the auditorium at 2:07 p.m.

Items 3, 2, 7, 8, 4B, 4D, and 9, taken in that order, are reported on the attached agenda.

Items 4A and 4C were postponed.

There being no further business, the meeting was adjourned at 5:55 p.m. The next regular meeting of the Planning Board will be held Thursday, February 14, 2013, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye
Technical Writer

M. Clara Moise
Technical Writer

Montgomery County Planning Board Meeting
Thursday, February 7, 2013
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

5. Closed Session

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

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Discussed in Closed Session. See official citation and open session report in narrative minutes.

6. Reconsideration Request of 8300 Wisconsin Avenue Preliminary Plan No. 12006040A

BOARD ACTION

Motion: PRESLEY/ANDERSON

Vote:

Yea: 5-0

Nay:

Other:

Action: Following a presentation by Legal Counsel to the Board, agreed to reconsider condition 4 of the approved preliminary plan, related to the calculation of the trip mitigation for Policy Area Mobility Review (PAMR).

1. Consent Agenda

***A. Adoption of Resolutions**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Resolutions submitted for adoption.

***B. Record Plats**

1. Subdivision Plat No. 220130070, West Chevy Chase

R-60 zone; 1 lot; located on the north side of Drummond Avenue, approximately 2,000 feet west of Wisconsin Avenue (MD 355). Bethesda/Chevy Chase Master Plan

Staff Recommendation: Approval

2. Subdivision Plat No. 220130600, Garrett Park

R-90 zone; 1 lot; located on the south side of Kenilworth Avenue, approximately 300 feet northwest of Argyle Avenue; North Bethesda Garrett Park Master Plan.

Staff Recommendation: Approval

3. Subdivision Plat No. 220130760, Chevy Chase, Section 2

R-60; 1 lot; located on the south side of Newlands Street, 175 feet east of Brookeville Road (MD 186). Bethesda/Chevy Chase Master Plan

Staff Recommendation: Approval

BOARD ACTION

Motion: WELLS-HARLEY/ANDERSON

Vote:

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Yea: 5-0

Nay:

Other:

Action: Approved the Record Plats, as stated above.

***C. Other Consent Items**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Other Consent Items submitted for approval.

***D. Approval of Minutes**

Minutes of December 13, 2012

Minutes of December 19, 2012 - **POSTPONED**

BOARD ACTION

Motion: ANDERSON/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the minutes of December 13, 2012, as presented.

12. Closed Session

Pursuant to Annotated Code of Maryland, State Government Article, §10-508(a)(3), to consider the acquisition of real property for a Commission purpose and matters directly related thereto.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Discussed in Closed Session. See official citation and open session report in narrative minutes.

10. Long Branch Sector Plan: Planning Board Tour

The Board will tour the sector plan area and receive a briefing by staff. This informational session is intended for Board-staff interaction, although the public is welcome to attend.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Toured the Long Branch Sector Plan Area and received briefing by staff.

11. Closed Session

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(7) to consult with counsel to obtain legal advice

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Discussed in Closed Session. See official citation and open session report in narrative minutes.

3. ICC Environmental Stewardship/Compensatory Mitigation Projects -

Approve the construction of Paint Branch and Northwest Branch watershed stream restoration projects PB-12 and NW-4 as part of the ICC Environmental Stewardship and Compensatory Mitigation Program.

Staff Recommendation: Approval

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the construction of Paint Branch and Northwest Branch watershed stream restoration projects, as detailed in the staff report and presented by staff.

***2. Preliminary Plan Amendment No. 11994094B: Ketcham's Subdivision Srouer Falls**

Remove a portion of the Category I Conservation Easement along the rear of property, located on Woodford Road east of Falls Road (Md-189), 0.46 Acres, R-200 Zone, Potomac Master Plan

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: DREYFUSS/ANDERSON

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the staff recommendation to approve, subject to conditions, and adopted the Board Resolution, attached.

Planning Department staff presented the proposal to amend an approved preliminary plan to remove a portion of a Category I Conservation Easement along the rear of the property, as detailed in the staff report. Staff noted that the proposal is not the result of a notice of violation; the applicants purchased the property and realized there was an issue. Staff also reviewed the required mitigation.

Mr. Dusty Rood, representing the applicant, concurred in the staff recommendation.

***7. Preliminary Plan Review No. 120120100, Glen Echo Heights**

R-90, 0.58 acres, 2 lots for 2 one-family detached homes, located on Dahlonge Road, approximately 300 feet west of Wiscasset Road, Bethesda Chevy-Chase

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

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

In keeping with the January 25 technical staff report, Planning Department staff discussed the proposed request to create two lots for two one-family detached dwellings on a 0.58-acre property located on Dahlonge Road in the Bethesda/Chevy Chase area. Staff noted the previous Board approval in 1990 and discussed proposed modifications to the approval conditions. Staff also discussed an

October 22, 2012 letter from Montgomery County Department of Transportation regarding a proposed sidewalk to be constructed by the applicant as part of this request.

Mr. Eric Tidd, Engineer representing the applicant, offered brief comments and concurred with the staff recommendation.

***8. Preliminary Plan Review No. 120110060, Takoma Park Overlook**

R-60, 0.85 acres, 4 lots for 4 one-family detached homes, located on Geneva Avenue, approximately 500 feet northeast of Richie Avenue, Takoma Park

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: DREYFUSS/ANDERSON

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval, subject to revised conditions, and adopted revised Board Resolution attached.

In accordance with the January 25 technical staff report, Planning Department staff discussed the request to create four lots for four one-family detached dwellings on a 0.85-acre property located on Geneva Avenue in Takoma Park. Staff noted that Geneva Avenue is a residential street with low traffic, and the proposed lots are of the same character as the existing lots in the neighborhood. Staff further added that the property does not contain any forest and there are no reforestation requirements but there is an afforestation requirement of 0.14 acres which can be satisfied offsite either by purchase of the equivalent credits from a private forest conservation bank or a payment of fee-in-lieu.

Mr. Bill Mytsak, Engineer representing the applicant, briefly discussed the proposed request and concurred with the staff recommendation.

4. Roundtable Discussion

- A. Round 8.2 Small Area Forecast allocation of jobs, households, and population - **POSTPONED**
- B. Housing Policy
- C. Planning Director's Report - **POSTPONED**
- D. Legislative Update: i) Senate Bill 443; and ii) Senate Bill 263

BOARD ACTION

**Motion: D. i) WELLS-HARLEY/ANDERSON
D. ii) DREYFUSS/WELLS-HARLEY**

Vote:
**Yea: D. i) 4-1
D. ii) 5-0**

Nay: D. i) PRESLEY

Other:

Action: B. By Consensus the Board voted to forward comments and recommendations on the Housing Policy to the County Council.

D. i) Approved to support Senate Bill 443 as proposed.

D. ii) Approved not to support Senate Bill 263 as proposed, and instructed legal staff to work with the appropriate staff to revise the Bill, as per the Planning Board’s comments and recommendations.

B. Housing Policy – Planning Department staff briefed the Board on the draft Housing Policy, which is updated every ten years.

Mr. Rick Nelson and Ms. Stephanie Killiam representing Montgomery County Department of Housing and Community Affairs (DHCA) offered comments and answered questions from the Board.

D. Legislative Update – Legal staff briefed the Board on two proposed Senate Bills: i) Bill 443 regarding Local Governments, Comprehensive Planning and Zoning Cycles, which will not affect the Commission’s work; and ii) Bill 263 regarding Award of Attorney’s Fees and expenses in certain civil actions requiring a court to consider certain factors in determining whether to make a certain award to a prevailing plaintiff.

There followed a brief Board discussion with questions to staff.

9. Zoning Code Revision – Worksession on Article 59-1

General Zoning Code Provisions and other remaining issues

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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Action: Received briefing from Planning Department staff on general zoning code provisions and other remaining issues, and provided guidance to staff in a worksession in the context of the draft Zoning Ordinance Rewrite.