



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, March 13, 2008, at 9:30 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 4:40 p.m.

Present were Chairman Royce Hanson, Vice Chair John Robinson, and Commissioner Allison Bryant. Commissioner Jean Cryor was necessarily absent.

Items 1 through 8 are reported on the attached agenda. Item 5 was postponed and Item 9 was taken up prior to Item 6.

The Board recessed at 2:05 p.m. and reconvened in the auditorium at 3:00 p.m. with the three Commissioners present.

Item 10 is reported on the attached agenda.

There being no further business, the meeting was adjourned at 4:40 p.m. The next regular meeting of the Planning Board will be held Thursday, March 20, 2008, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye
Technical Writer

M. Clara Moise
Technical Writer

Montgomery County Planning Board Meeting
Thursday, March 13, 2008
9:00 A.M.
8787 Georgia Avenue
Silver Spring, MD 20910-3760

1. Adoption of Opinions/Resolutions

Group A: Four Commissioners Eligible to Vote [Commissioners Bryant, Cryor, Hanson, and Robinson]

- i) Preliminary Plan No. 12004049A, North Bethesda Town Center, ADOPTION OF RESOLUTION No. 08-28
- ii) Project Plan Amendment No. 92007002A, The Monty, ADOPTION OF RESOLUTION No. 08-33
- iii) Preliminary Plan No. 120070120, Bentley Ridge, ADOPTION OF RESOLUTION No. 08-30
- iv) Preliminary Plan No. 120070370, Houlton's Subdivision, ADOPTION OF RESOLUTION No. 08-27

BOARD ACTION

Motion: ROBINSON/BRYANT

Vote:

Yea: 3-0

Nay:

Other: CRYOR ABSENT

Action: Adopted Resolutions cited above.

2. Record Plats

Subdivision Plat No. 220080550, Merry-Go-Round Farm

RE-2C zone, 2 lots; located on the east side of Luvie Court, approximately 1,000 feet south of Luvie Lane; Potomac. *Staff Recommendation: Approval*

Subdivision Plat No. 220081100, Rollingwood

R-60 zone, 1 lot; located on the north side of Leland Street, approximately 225 feet west of Powmander Lane; Bethesda-Chevy Chase. *Staff Recommendation: Approval*

Subdivision Plat No. 220081120, Bonifant Heights

R-200 zone, 3 lots; located on the west side of New Hampshire Avenue (MD 650), approximately 600 feet north of Cape May Road; Cloverly. *Staff recommendation: Approval*

Subdivision Plat No. 220081160, Huntington Terrace

R-60 zone, 1 lot; located on the south side of Lincoln Street, approximately 60 feet west of Grant Street; Bethesda-Chevy Chase. *Staff recommendation: Approval*

Subdivision Plat No. 220081170, Bradley Hills, Section 2

R-60 zone, 1 lot; located on the north side of Fairglen Lane, approximately 125 feet east of Glenbrook Road; Bethesda-Chevy Chase. *Staff recommendation: Approval*

BOARD ACTION

Motion: ROBINSON/BRYANT

Vote:

Yea: 3-0

Nay:

Other: CRYOR ABSENT

Action: Approved Record Plats cited above.

3. Consent Items

Site Plan Amendment No. 81974005C, Lockheed Martin-Conference Center

C-P zone; 26.51 acres; amendment to install gate, build turn around area, new additional surface lot; on 6801 Rockledge Drive, approximately 1300 feet north of Westlake Terrace; North Bethesda – Garrett Park. *Staff recommendation: Approval with conditions*

BOARD ACTION

Motion: ROBINSON/BRYANT

Vote:

Yea: 3-0

Nay:

Other: CRYOR ABSENT

Action: Approved staff recommendation to approve with conditions, as stated in the attached Board Resolution.

4. Proposed Funding for Community Center at Wisconsin Place

A two-level, 20,500-square-foot community center as part of the Wisconsin Place mixed-use development; located in the northwestern quadrant of the intersection of Wisconsin Avenue and Western Avenue; Friendship Heights. *Staff Recommendation: Approval of funding package for transmittal to County Executive and County Council*

BOARD ACTION

Motion: BRYANT/ROBINSON

Vote:

Yea: 3-0

Nay:

Other: CRYOR ABSENT

Action: Approved transmittal of the proposed amendment to the FY09 Parks operating budget to the County Executive and County Council.

Parks staff presented the proposal for an amendment to the FY09 operating budget to cover costs of fit-out items and first-year maintenance for the community center, which is a public amenity required as part of the Wisconsin Place development project, as detailed in the staff report. Staff also discussed the status of negotiations with the County Department of Recreation and the developer.

Chairman Hanson noted that this proposal comes at a time when there is significant pressure to reduce budget requests, and he suggested that community involvement will be helpful in securing the needed funding.

Commissioner Bryant concurred, noting that the center became part of the development project as a result of community requests of the County Council. He also offered guidance on presenting an overview of the history of the project and the breakdown of costs for greater clarity in the letter of transmittal.

Ms. Cleonice Tavani, representing the Friendship Heights Village Civic Association, and Mr. Robert Cope, representing the Citizens Coordinating Committee, offered comments in support.

5. Preliminary Plan No. 120070540, Cabin John Park - POSTPONED

R-90 zone; 1.9 acres; 5 lots requested; 5 one-family detached residential dwelling units; located in the northwest quadrant of the intersection of MacArthur Boulevard and 79th Street; Bethesda/Chevy Chase. *Staff Recommendation: Approval with conditions*

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **This item was postponed.**

9. Briefing: Green Infrastructure Plan

Update on the progress and purpose of the Green Infrastructure Plan.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **Received briefing and discussed.**

Environmental Planning staff presented an overview of the focus, scope, and benefits of the Green Infrastructure Functional Master Plan, the input from the focus groups, and several alternative criteria for baseline mapping.

There followed some discussion of how the Plan will inform development review and other master plans, how priorities will be set, implementation opportunities, and ways of enhancing environmental education in concert with the school system.

6. Mandatory Referral - Northwood High School

A. Preliminary Forest Conservation Plan for Mandatory Referral No. 08601-MCPS-1: Northwood High School 919 University Boulevard West, Silver Spring, R-60 Zone, Kemp Mill/Four Corners Master Plan. *Staff recommendation: Approval with conditions*

B. Mandatory Referral MR#08601-MCPS-1: Access improvements to Northwood High School; 919 University Boulevard West, Silver Spring. *Staff recommendation: Transmit comments for Montgomery County Public Schools*

BOARD ACTION

Motion: **A. ROBINSON/BRYANT**
 B. BRYANT/ROBINSON

Vote:
 Yea: **A. 3-0**
 B. 3-0

Nay:

Other: **CRYOR ABSENT**

Action: **A. Approved the staff recommendation to approve the preliminary forest conservation plan.**

B. Approved the staff recommendation to approve the mandatory referral and transmittal of comments, as stated in the attached Letter of Transmittal.

Transportation Planning staff presented the mandatory referral for access and on-site circulation improvements to Northwood High School, as detailed in the staff report.

Mr. Dennis Cross, representing Montgomery County Public Schools (MCPS), raised concerns about the recommendation to reconstruct the sidewalk along University Boulevard to include an eight-foot landscape panel with trees separating the sidewalk from the curb. He noted that a water line and a gas line would have to be relocated, which would be cost-prohibitive and would prevent completion of the project over the summer.

There was considerable discussion of the desirability of reconstructing the sidewalk and the associated difficulties. The Board recognized the concerns raised, but supported the reconstruction unless it is not feasible from an engineering standpoint or would otherwise jeopardize the project.

7. Special Exception Request - Board of Appeals No. S-2684, Zelkova LLC

A. Preliminary Forest Conservation Plan, Special Exception Request- Board of Appeals No. S-2684, Zelkova LLC. 18930 Wasche Road, Dickerson, RDT Zone.
Staff recommendation: Approval with conditions

B. Special Exception request by Zelkova, LLC, applicant, to permit the operation of a landscape contractor business; located at 18930 Wasche Road, Dickerson. Staff Recommendation: Approval with conditions

BOARD ACTION

Motion: **A. BRYANT/ROBINSON**
 B. ROBINSON/BRYANT

Vote:
 Yea: **A. 3-0**
 B. 3-0

Nay:

Other: **CRYOR ABSENT**

Action: A. Approved the staff recommendation to recommend approval of the preliminary forest conservation plan.

B. Contrary to the staff recommendation of approval, the Board agreed to recommend denial of the special exception petition, as stated in the attached Letter of Transmittal.

In opening comments, the Chief of Development Review Division, Rose Krasnow, noted that Development Review staff recommends approval of the special exception petition, while Community-Based Planning staff, in a separate staff report, recommends denial. Ms. Krasnow presented an overview of the issues, including the truck traffic and impact on rustic roads; compatibility; and the lack of potable water, sewer/septic facilities, and sanitary facilities on the site.

Development Review staff presented the request for a special exception to allow a landscape contractor business, including 35 employees, 24 employee parking spaces, and 13 trucks and 4 trailers on site, as detailed in the staff report. Staff noted that a previous proposal was recommended for denial, and the proposal has been revised to reduce the size and address various issues.

Mr. Todd Brown, attorney, introduced Mr. John Shorb, the applicant. Mr. Brown maintained that landscape contracting is considered to be an agricultural use and is appropriate for the subject property. He noted that the workers will be on-site only for a short period in the morning and evening, and he maintained that on-site sanitary facilities are not required under Federal, State, or County law. Mr. Brown also discussed compatibility and the issue of traffic on the rustic road. He noted that the applicant has considerably reduced the proposed use to address concerns that have been raised. Mr. Shorb elaborated on the proposed operations.

7. Special Exception Request - Board of Appeals No. S-2684, Zelkova LLC

The following speakers offered comments on the proposal: Mr. Edward Kirkpatrick of Wasche Road; Ms. Sarah Yates Kabia and Ms. Jennifer Yates Duran of Silver Spring, representing their father, an adjacent property owner; Mr. Wesley Martin Yates, adjacent property owner; Mr. Warren Shamlian, Jr., and Ms. Shirley Shamlian, abutting property owners; Ms. Anne Rocha and Mr. Gil Rocha, confronting property owners; Ms. Tracey Morgan of Beallsville; Ms. Martha Yates, adjacent property owner; Ms. Dolores Milmoie, representing the Audubon Naturalist Society; Mr. Eric Cronquist of Beallsville; Ms. Jane Hunter, representing the Sugarloaf Citizens Association; Mr. Robert Jamison of Poolesville, owner of confronting property; Mr. Bill Jamison of Dickerson; and Mr. Tom Brown of Wasche Road.

In rebuttal, Mr. Brown maintained that the County Council has determined that the proposed use is an agricultural use and, therefore, it is an appropriate use in the zone. In terms of compatibility, he noted the existing screening of the property, the proposed additional berm and screening, and the distance from surrounding residences. With regard to truck traffic on the rustic roads, Mr. Brown stated that the Rustic Roads Master Plan anticipates the use of large equipment, associated with agricultural activities, on the rustic roads. Concluding, Mr. Brown maintained that the issues raised can be addressed by the proposed conditions of approval or additional conditions.

The Board discussed the issues raised in testimony, including compatibility, the type and intensity of traffic on Wasche Road, and the public health issues related to the lack of on-site sanitary facilities and the unenforceability of the requirement for 35 workers to use unidentified off-site facilities.

8 Limited Site Plan Amendment No. 82003003B, Fairfield at Germantown

RMX-2/R-200 Zones, 38.50 acres; construction of stormwater retention facility, revise landscape and lighting, substitute playground equipment, and revise location of sidewalks. *Staff recommendation: Approval with condition*

BOARD ACTION

Motion: ROBINSON/BRYANT

Vote:

Yea: 3-0

Nay:

Other: CRYOR ABSENT

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

10. Roundtable Discussion Including Briefings and Worksessions

(No public testimony will be taken at this time)

- A. Commissioners' Report
- B. Director's Report
- C. Approval of Minutes
- D. Semi-Annual Report
- E. Master Plan Reassessment - **ADDED**
- F. Overview - Transportation Update for March 27, 2008 - **ADDED**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **A. Commissioners' Report:** None
B. Director's Report: Parks Department Director, Mary Bradford, offered comments regarding the upcoming County Council's Legacy Open Space discussion scheduled for next week. She noted that staff has prepared a memorandum, which includes comments made by the Board at the last worksession, and proposes to send it to the Council for next week's meeting after the Planning Board has reviewed it.

C. Approval of Minutes: Approved Minutes of February 14, 2008 as presented.

D. Semi-Annual Report: Planning Director, Rollin Stanley, presented the major elements of the Semi-Annual Report, which will go to the County Council on April 8, followed by Board's questions and brief discussion.

E. Master Plan Reassessment: Research and Technology Division staff discussed their final report on the Master Plan Process Reassessment, which will be sent to the Planning, Housing, and Economic Development (PHED) Committee on Monday, following the Board's review and approval. Staff noted that the report is the result of a six-month effort by the Planning Department to examine opportunities to improve the process by which it develops master plans and improve their content to enhance readability and conceptual clarity. There followed extensive Board discussion and questions to staff.

F. Overview Transportation Update for March 27, 2008: Received briefing from Transportation Planning Division staff regarding latest updates on the Purple Line, the Corridor Cities Transitway, and the MARC Capital Investment system, accompanied by a multi-media presentation and followed by Board discussion and questions to staff.