



**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, April 5, 2012, at 11:35 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 5:40 p.m.

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

Prior to the meeting, the Board participated with the members of the Prince George's County Planning Board in a Closed Session conference call of The Maryland-National Capital Park and Planning Commission (M-NCPPC), which was convened at 9:15 a.m. in the third floor conference room, and adjourned at 11:20 a.m. Actions taken during the meeting are reported in the M-NCPPC minutes of this date.

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 in Closed Session at 11:20 a.m. in the third floor conference room on motion of Commissioner Dreyfuss seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Presley voting in favor of the motion. The meeting was closed under authority of §10-508(a)(3), State Government Article, Annotated Code of Maryland, to consider the acquisition of real property for a Commission purpose and matters directly related thereto.

Also present for the Closed Session were Bill Gries, Mitra Pedoeem, and Carl Morgan of the Parks Department; and Clara Moise of the Commissioners' office.

In Closed Session, the Board received briefing from Parks Department staff and discussed a proposed parkland acquisition.

The Closed Session was adjourned at 11:30 a.m.

The Board reconvened in the auditorium at 11:35 a.m.

Items 1 through 4 are reported on the attached agenda. Item 2C was deferred until the afternoon session.

The Board recessed at 1:47 p.m. for lunch and to participate with the members of the Prince George's County Planning Board in a Closed Session conference call meeting of The Maryland-National Capital Park and Planning Commission (M-NCPPC), a follow-up to the morning Closed Session meeting, which was convened at 3:10 p.m. in the third floor conference room, and adjourned at 3:25 p.m. Actions taken during the meeting are reported in the M-NCPPC minutes of this date.

The Board reconvened in the auditorium at 3:30 p.m.

Items 5 and 6, and Item 2C, which was postponed from the morning session, are reported on the attached agenda. Items 7 through 9 were postponed.

There being no further business, the meeting was adjourned at 5:40 p.m. The next regular meeting of the Planning Board will be held Monday, April 9, 2012, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise  
Technical Writer

Ellyn Dye  
Technical Writer

**Montgomery County Planning Board Meeting**  
**Thursday, April 5, 2012**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600

**MEETING OF THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION - BY CONFERENCE CALL - THIRD FLOOR CONFERENCE ROOM**

**Closed Session**

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(9) to conduct collective bargaining negotiations or consider matters that relate to the negotiations

**M-NCPPC ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Action: See report of action in the Minutes of The Maryland-National Capital Park and Planning Commission.**

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**Closed Session**

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of Commission appointees, employees, or officials; or to discuss any other personnel matter that affects 1 or more specific employees

**M-NCPPC ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Action: See report of action in the Minutes of The Maryland-National Capital Park and Planning Commission.**

**PLANNING BOARD MEETING - MRO AUDITORIUM**

**1. Consent Agenda**

**\*A. Adoption of Resolutions**

1. Respondent Marquis McClure Opinion and Order - MCPB No. 12-382. Washington Adventist Hospital Site Plan 82008021C – MCPB No. 12-42
3. Milestone Shopping Center - Walmart Site Plan 81994029D – MCPB No. 12-11
4. Travilah Square Preliminary Plan 120110340 – MCPB No. 11-136
5. Anselmo Property Site Plan 820110140 – MCPB No. 12-17
6. Olney Assisted Living Forest Conservation Plan S-2819 – MCPB No. 11-117
7. North Bethesda Market II Preliminary Plan 120120060 – MCPB No. 12-30
8. North Bethesda Market II Site Plan 820120040 – MCPB No. 12-31
9. Strathmore at Bel Pre Preliminary Plan 11991075A – MCPB No. 12-09
10. Kemp Mill Urban Park Forest Conservation Plan PP2011001 – MCPB No. 11-80

**BOARD ACTION**

**Motion:** WELLS-HARLEY/DREYFUSS  
WELLS- HARLEY/PRESLEY

**Vote:**

**Yea:** 4-0  
3-0-1 (No. 1)

**Nay:**

**Other:** DREYFUSS ABSTAINED (No. 1)  
ANDERSON ABSENT

**Action:** Adopted Resolutions cited above.

**\*B. Record Plats**

**1. Subdivision Plat No. 220100290, Western Breeze;** RE-2 zone, 11 lots, 2 parcels; located on the north side of River Road (MD 190) at the intersection with Luvie Lane; Potomac Subregion Master Plan.

*Staff Recommendation: Approval*

**2. Subdivision Plat No. 220120430, Cashell Woods;** R-200 zone, 1 lot; located in the northeast quadrant of the intersection of Emory Lane and Cashell Road; Olney Master Plan.

*Staff Recommendation: Approval*

**3. Subdivision Plat No. 220120860, Shady Grove Life Sciences Center;** LSC zone, 1 parcel; located in the northeast quadrant of the intersection of Medical Center Drive and Broschart Road; Great Seneca Science Corridor Master Plan.

*Staff Recommendation: Approval*

**4. Subdivision Plat No. 220121080, Brookmont;** R-60 zone, 1 lot; located in the southwest quadrant of the intersection of 63rd Street and Broad Street; Bethesda-Chevy Chase Master Plan.

*Staff Recommendation: Approval*

**5. Subdivision Plat No. 220121120, Huntington Terrace;** R-60 zone, 1 lot; located on the north side of Hoover Street approximately 80 feet west of Grant Street; Bethesda-Chevy Chase Master Plan.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: PRESLEY/WELLS-HARLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: ANDERSON ABSENT**

**Action: Approved Record Plats cited 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 February 23 and March 1, 2012

**BOARD ACTION**

**Motion:**                   **WELLS-HARLEY/DREYFUSS**

**Vote:**

**Yea:**                   **4-0**

**Nay:**

**Other:**               **ANDERSON ABSENT**

**Action:**    **Approved Planning Board Meeting Minutes of February 23 and March 1, 2012, as submitted.**

**2. Roundtable Discussion**

A. Parks Director's Report - **POSTPONED**

B. **Report of the County Council's action on the FY13-18 Capital Improvements Program for the Department of Parks**

C. Forest Conservation Annual Report - **MOVED TO LAST ITEM ON AGENDA**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**    **A. Parks Director's Report - This item was postponed.**

**B. Report of the County Council's action on the FY13-18 Capital Improvements Program for the Department of Parks** – Received briefing from Parks Department staff followed by Board discussion and questions. Parks staff noted that the County Council reviewed and tentatively approved the FY13-18 Parks Department Capital Improvements Program (CIP). Prior to the Council's action, the Planning, Housing, and Economic Development (PHED) Committee of the Council discussed the County Executive's recommendations on February 13, March 5, and March 12, 2012. Staff added that overall, the difference between the Board's proposed CIP and the County Council's recommended CIP is \$12 million, or a 6.7 percent decrease. Staff distributed a list of all Parks CIP projects and a list of projects with proposed decrease funding to cover the 6.7 percent decrease.

**C. Forest Conservation Annual Report** – Planning Department staff presented an overview of the annual Forest Conservation Report, which will be submitted to the State. Staff provided an overview of the amount of forest cleared and retained in the County over the past 18 years; the number of forest conservation easements and the amount of land covered by the easements; analysis of forest cover and canopy; tree planting projects and programs; educational programs with schools; and other activities related to forest conservation in the County.

**3. Special Exception No. 12-01: Little Footprints Child Day Care Facility**

Request for a special exception for up to 30 children for a child day care facility, 13905 Darnestown Road, R-200 Zone, Potomac Subregion Master Plan.

*Staff Recommendation: Approval with Conditions*  
**(Action Required for Hearing by the Hearing Examiner on 4/19/12)**

**BOARD ACTION**

**Motion:** DREYFUSS/PRESLEY

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** ANDERSON ABSENT

**Action:** **Approved staff recommendation for approval, subject to conditions, as stated in the attached transmittal letter to the Hearing Examiner.**

In keeping with March 22 technical staff report, Planning Department staff offered a multi-media presentation and discussed the request for a special exception for up to 30 children for a child daycare facility on a 0.781-acre property located on Darnestown Road in the Potomac Subregion Master Plan. Staff noted that the applicant request permission to expand the existing by-right in-home daycare from twelve children to thirty children and the request does satisfy the specific special exception general conditions and standards for approval of a child daycare. Staff further added that the application does not conflict with any land use recommendations of the 2002 Potomac Subregion Master Plan or alter the residential character of the area and will not result in unacceptable noise, traffic, or environmental impacts on surrounding properties.

Ms. Nelly Solano, the applicant, offered brief comments and concurred in the staff recommendation.

**4. Subdivision Staging Policy: 2012 Draft Transportation Policy Area Review**

*Staff Recommendation: Set Public Hearing Date*

**BOARD ACTION**

**Motion: DREYFUSS/WELLS-HARLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: ANDERSON ABSENT**

**Action: Approved staff recommendation to set hearing date for the 2012 Draft Transportation Policy Area Review (TPAR) for April 19, 2012, and to request that Montgomery County Department of Transportation (MCDOT) begin work on initial costs allocations.**

**10. Closed Session**

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(3) to consider the acquisition of real property for a Commission purpose and matters directly related thereto (TOPIC: South Germantown Recreational Park)

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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



**MEETING OF THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION - BY CONFERENCE CALL - THIRD FLOOR CONFERENCE ROOM**

**Closed Session**

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(9) to conduct collective bargaining negotiations or consider matters that relate to the negotiations

**M-NCPPC ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:** See report of action in the Minutes of The Maryland-National Capital Park and Planning Commission.

**5. Zoning Text Amendment 12-05**

Apply the grandfathering provisions of CR zones to CRT and CRN zones; and revise the grandfathering provision for projects with a previously approved special exception.

*Staff Recommendation: Transmit Comments to County Council*  
**(Action Required for County Council Public Hearing of 4/10/12)**

**BOARD ACTION**

**Motion:** PRESLEY/WELLS-HARLEY

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** ANDERSON ABSENT

**Action:** Approved the staff recommendation to approve with modifications, with additional modifications resulting from discussion, as stated in the attached Letter of Transmittal.

Planning Department staff presented the Zoning Text Amendment to apply the grandfathering provisions of the CR Zones to the CRT and CRN Zones and revise the grandfathering provision for

projects with a previously approved special exception, as detailed in the staff report. Staff proposes two revisions, to retain notification to the Board of Appeals if a special exception is abandoned, and to state that the Planning Board “may,” rather than “must,” consider the terms and conditions of an approved special exception if the special exception holder chooses to operate under the CR, CRN, or CRT provisions.

Chair Carrier raised an issue about the reference to projects under special exception continuing as a lawful use and a “lawful structure,” and there followed considerable discussion of that reference, which resulted in an additional modification to the Zoning Text Amendment.

Mr. William Kominers, attorney; Ms. Judy Higgins and Ms. Eleanor Duckett of Kensington View; and Ms. Lydia Sullivan of Kensington participated in the discussion.

**6. Zoning Text Amendment 12-06**

Amend the definition of transit proximity for CR, CRN, and CRT zones. - Transmit Comments to County Council. *Staff Recommendation: Transmit Comments to County Council*  
**(Action Required for County Council Public Hearing of 4/10/12)**

**BOARD ACTION**

- Motion:**
  - 1. DREYFUSS
  - 2. PRESLEY/WELLS-HARLEY
  - 3. CARRIER
  - 4. PRESLEY/WELLS-HARLEY
  - 5. PRESLEY/DREYFUSS

- Vote:**
  - Yea:**
    - 2. 2-2
    - 4. 2-2
  - Nay:**
    - 2. CARRIER, DREYFUSS
    - 4. CARRIER, DREYFUSS

**Other: ANDERSON ABSENT**

**Action: 1. To approve the Zoning Text Amendment, adding an exemption to the parking requirements for properties in municipalities with parking programs and creating a level 3 transit facility category for MARC stations, with public benefits points to be equal to 50 percent of the public benefits points for transit facility level 2.**

FAILED FOR LACK OF A SECOND

**2. To approve the Zoning Text Amendment, adding an exemption to the parking requirements for properties in municipalities with parking programs and creating a level 3 transit facility category for MARC stations, with public benefits points for adjacent and confronting properties of 5 for the CRT Zone and 10 for the CR Zone, and further reduced 50 percent for each distance category.**

FAILED FOR LACK OF A MAJORITY

**3. To approve the Zoning Text Amendment, adding an exemption to the parking requirements for properties in municipalities with parking programs, and with no public benefits points for MARC station proximity.**

FAILED FOR LACK OF A SECOND

**4. To approve the Zoning Text Amendment, adding an exemption to the parking requirements for properties in municipalities with parking programs and creating a level 3 transit facility category for MARC stations, with public benefits points for adjacent and confronting properties of 5 for the CRT Zone and 10 for the CR Zone, and further reduced 50 percent for each distance category.**

FAILED FOR LACK OF A MAJORITY

**5. Approved the Zoning Text Amendment, adding an exemption to the parking requirements for properties in municipalities with parking programs, and indicating that there is no agreement in terms of public benefits points for MARC station proximity, as stated in the attached Letter of Transmittal.**

**6. Zoning Text Amendment 12-06**

CONTINUED

Planning Department staff presented the Zoning Text Amendment to change the definition of transit proximity for the CR, CRN, and CRT zones to exclude MARC stations, as detailed in the staff report. Staff noted that this change will affect development of properties in those zones near MARC stations by removing transit proximity from the list of applicable public benefits from which to derive points toward incentive density for optional method projects. It will also affect the required amount of parking, generally by increasing the minimum number of spaces and removing maximum limits. Staff reviewed the MARC ridership figures and the potential impact on properties adjacent to MARC stations, noting that for the near future, this proposed change will primarily affect properties in the Town of Kensington. Staff supports excluding MARC station proximity from providing public benefits points for incentive density. However, staff finds that the impact on parking requirements is contradictory to the Town of Kensington's parking policies. Staff reviewed alternative language to address this distinction by dissociating the public benefit qualification from the parking requirements. Staff also offered two additional options, to support the ZTA with an exemption for properties in municipalities with parking programs; and to create a level 3 transit facility category for MARC stations, with reduced public benefits points and smaller reductions in parking.

Ms. Raquel Montenegro of Ballard Spahr, representing several property owners in Kensington; Ms. Lydia Sullivan of Kensington; Mr. William Kominers, attorney representing the Kensington Antique Village; and Mr. Barry Peoples of Kensington offered comments.

There followed considerable discussion of the various options provided by staff, with primary focus on the third option and the associated changes in public benefits points for the CR and CRT Zones for different distances from a MARC station.

While the Board agreed to separate the public benefits points from the parking requirements, and to exempt properties in municipalities with parking programs, the Board did not agree, despite several motions being offered, on whether MARC station proximity should provide public benefits points and, if so, how many. Chair Carrier expressed the view that no points should be provided, given the limited nature of MARC service at this time. Commissioner Dreyfuss supported providing public benefits points at 50 percent of the amounts for level 2 transit facilities, in recognition of State funding of MARC service and potential future increases in service. Vice Chair Wells-Harley and Commissioner Presley were inclined to provide public benefits points for proximity to MARC stations, at a more reduced level.

**7. Proposed Amendment to LATR Guidelines for Determining PAMR Credits for Developments in CBD - POSTPONED**

Staff will present a simplified method for calculating Policy Area Mobility Review credits to be applied in CBD ~~and Metro Station Policy Areas.~~

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: This item was postponed.**

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**8. Staff Draft: Burtonsville Crossroads Neighborhood Plan - POSTPONED**

*Staff Recommendation: Approve the Staff Draft as a Public Hearing Draft, and set the Public Hearing for May 10, 2012*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: This item was postponed.**

MCPB, 4-5-12, APPROVED

**9. Budget Discussion - POSTPONED**

Discussion regarding Council questions of FY 13 proposed budget

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: This item was postponed.**