



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, May 3, 2012, at 9:12 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 8:00 p.m.

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

Items 1 through 4, and Items 6 and 8 are reported on the attached agenda. Item 8A was cancelled.

There was a power outage during discussion of Item 3 – Proposed Zoning Text Amendment for Accessory Apartments, which lasted about twenty minutes.

The Board recessed for lunch at 2:08 p.m. and to take up Item 9 in Closed Session.

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 a Closed Session in the third floor conference room at 2:15 p.m., on motion of Commissioner Presley, seconded by Commissioner Anderson, 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)(3), to consider the acquisition of real property for a Commission purpose and matters directly related thereto.

Also present for all, or part of the Closed Session were: Director Mary Bradford, Deputy Director Michael Riley, and Daniel Hertz of the Parks Department; Deputy Director Piera Weiss of the Planning Department; Associate General Counsel Carol Rubin; and Clara Moise of the Commissioners' office.

In Closed Session, the Board discussed the Montgomery County Parks and Planning Departments proposed move to Wheaton.

The Closed Session was adjourned at 3:10 p.m.

The Board reconvened in the auditorium at 3:42 p.m.

MCPB, 5-3-12, APPROVED

Item 5 and 7 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 8:00 p.m. The next regular meeting of the Planning Board will be held Thursday, May 10, 2012, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Technical Writer

Montgomery County Planning Board Meeting
Thursday, May 3, 2012
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

1. 6450 New Hampshire Avenue Preliminary Plan 120090210 – MCPB No. 12-19
2. Respondent Earnest Sahady Order – MCPB No. 12-51

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY (# 1 & 2)

Vote:

Yea: 5-0 (#1)
3-0-2 (#2)

Nay:

Other: CARRIER & ANDERSON ABSTAINED (#2)

Action: Adopted the Resolutions cited above.

***B. Record Plats**

Subdivision Plat No. 220050290 and 220090260-220090280, Clarksburg Village; R-200/TDR zone, 8 parcels; located along Snowden Farm Parkway and Foreman Boulevard, approximately 1,200 feet west of Little Seneca Parkway; Clarksburg Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: PRESLEY/ANDERSON

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Record Plat cited above.

***C. Other Consent Items**

1. Extension Request for Project Plan Review No. 920120020, Fenton Street, CBD-1/CBD-0.5, 2.05 acres, Mixed-use project totaling 263,538 square feet of development and including up to 259 multi-family dwelling units, 29,228 square feet for a church and 18,650 square feet of retail , located at the northeast quadrant of the intersection with Fenton Street and Bonifant Street, Silver Spring CBD
Staff Recommendation: Approval with Conditions

2. Subdivision Plat No. 220091090, Dufresne Overlook - Rescission of Approval ; RDT zone; three child lots; previously approved pursuant to an Order by the Montgomery County Circuit Court.
Staff Recommendation: Rescission of Approval

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: 1. Approved staff recommendation for approval of the extension request for Fenton Street Project Plan 920120020, subject to conditions.
2. Approved staff recommendation for rescission of approval of subdivision plat No. 220091090 for Dufresne Overlook.

***D. Approval of Minutes**

Minutes of April 5, 2012

BOARD ACTION

Motion: ANDERSON/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved Planning Board Meeting Minutes of April 5, 2012, as submitted.

2. Preliminary Plan No. 120110150: Stoney Creek Road

Four lots, located at 12010 Stoney Creek Road, 17.29 acres, RE-2 zone, Potomac Master Plan

Staff Recommendation: Approval with Conditions and Approval of Resolution

BOARD ACTION

Motion: PRESLEY/ANDERSON

Vote:

Yea: 5-0

Nay:

Other:

Action: Following a brief Planning Department staff presentation, approved staff recommendation for approval, subject to conditions, and also adopted the submitted Resolution.

3. Proposed Zoning Text Amendment

Establish definitions for attached and detached accessory apartment; establish standards for attached and detached accessory apartments as permitted uses and special exception uses; and revise the standards and requirements for a registered living unit

Staff Recommendation: Transmit to County Council for Introduction

BOARD ACTION

**Motion: 1) ANDERSON/DREYFUSS
2) PRESLEY/WELLS-HARLEY**

Vote:

**Yea: 1) 2-3
2) 5-0**

Nay: 1) CARRIER, WELLS-HARLEY, PRESLEY

Other:

Action: 1) **Approved staff recommendation to transmit comments to County Council for introduction. Motion failed for lack of a quorum.**
2) **Instructed staff to schedule a public meeting and reschedule this item on the Board’s agenda for June.**

In keeping with the April 26 technical staff report, Planning Department staff discussed the proposed Zoning Text Amendment (ZTA) establishing standards for attached and detached accessory apartments as permitted by special exception requests, and proposal to revise the standards and requirements for a registered living unit. Staff noted that an accessory apartment can only be granted through approval of a special exception request by the Board of Appeals. The approval process is designed to address concerns related to maintaining neighborhood quality through exterior appearance, providing adequate parking, and protecting against the overconcentration of accessory units in any one area. The application process can be expensive and/or time consuming, and according to the Board of Appeals’ records, an average of ten accessory apartments are approved annually in Montgomery County, almost ninety percent of all submitted applications are approved, the few that are not approved are turned down because of issues unrelated to the accessory apartment application.

The following speakers offered testimony: Ms. HESSIE HARRIS of Bluet Lane; Mr. RALPH BENNETT of Southwood Avenue; Ms. MEREDITH WELLINGTON of West Lenox Street; Ms. MARILYN PIETY representing the Sligo-Branvies Community Association; and Ms. JUDY HIGGINS of Midvale Road.

There followed considerable Board discussion with questions to staff and the speakers.

Chair Carrier noted that the Planning Board is not ready to transmit this proposed ZTA to the County Council at this time given the issues raised by the speakers, and instructed staff to schedule a public meeting to give more homeowners the opportunity to voice their opinions and concerns.

4. Preliminary Forest Conservation Plan including a Request for a Tree Variance to remove existing specimen trees for Local Map Amendment No. G-909, Glen Aldon

For PD-100 Zone (with an alternative category for PD-88 Zone), 5.67264 acres, located at 4857, 4858, 4890 and 4900 Battery Lane, east of the intersection with Woodmont Avenue; Bethesda CBD (Central Business District)

Staff Recommendation: Approval of the Preliminary Forest Conservation Plan

BOARD ACTION

Motion: PRESLEY/ANDERSON

Vote:

Yea: 5-0

Nay:

Other:

Action: **Approved staff recommendation to approve the Preliminary Forest Conservation Plan as submitted.**

Planning Department staff noted that this item is before the Board because staff inadvertently did not notice the preliminary forest conservation plan (FCP) for Glen Aldon local map amendment, including a request for a tree variance to remove four existing specimen trees, after reviewing the plan, and after the April 19, 2012 Planning Board public hearing. Staff is requesting approval of the preliminary FCP as noted above.

6. Staff Draft: Burtonsville Crossroads Neighborhood Plan - NEW TIME

Staff Recommendation: Approve the Staff Draft as a Public Hearing Draft, and set the Public Hearing for June 7, 2012

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to approve the Staff Draft as a Public Hearing Draft and to set the Public Hearing for June 7, 2012.

Planning Department staff offered a multi-media presentation of the draft Burtonsville Crossroads Neighborhood Plan. Staff noted that the Plan establishes a vision to transform the existing crossroads into a complete community. The Plan provides recommendations for land use, transportation, environment, and design that will enable US Route 29/MD 198 commercial crossroads area to thrive. Burtonsville includes 191 acres of commercial and rural land located within the 1997 Fairland Master Plan area. The recommendations, taken together, form a cohesive way forward and create a civic vision, defined by four themes: i) Economy - to bolster the local economy along MD 198 and Business Route 29; ii) Connectivity - to connect the community with streets, bikeways, and pedestrian routes; iii) Design - to create a design identity that reinforces community; iv) Environment - to preserve tributary headwaters and maintain rural character. Staff discussed land use, zoning, transportation, and environmental issues, as well as three proposed options/scenarios considered during the various community meetings. Staff reviewed the Plan proposed delivery schedule with the Planning Board public hearing on June 7, worksessions in June and July, transmission of the final draft to the County Council and County Executive in late July, and County Council hearing and worksessions to be scheduled in the fall. Staff also noted that staff has prepared a draft design guidelines report which will accompany the Plan and will be submitted to the Board for approval in July.

At the Board's request, Parks Department staff offered comments regarding environmental issues in the Burtonsville area.

There followed extensive Board discussion with questions to staff.

8. Roundtable Discussion - NEW TIME

- A. Planning Director's Report - **CANCELLED**
- B. Discussion of PAMR Calculations in CBDs

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

A. Planning Director's Report – This item was cancelled.

B. Discussion of PAMR Calculations in Central Business Districts – In keeping with the April 26 staff report, Planning Department staff noted that at the request of the Planning Board, staff has reviewed the concept behind the current “Central Business District (CBD) trip credit” policy that has been applied when calculating an applicant’s trip mitigation requirement under the Policy Area Mobility Review (PAMR) test for projects in the Bethesda and Silver Spring CBDs. Staff discussed the current methodology as applied to developments in the Bethesda and Silver Spring CBDs, and recommended that an alternative to the current methodology for calculating the CBD trip credit not be considered at this time since the Planning Board and the County Council will be reviewing and adopting the new Transportation Policy Area Review (TPAR) policy as a replacement for PAMR later this year.

Mr. Bob Dalrymple, attorney, offered testimony.

There followed a brief Board discussion with questions to staff.

9. Closed Session - ADDITION

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: Wheaton briefing)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

5. 8300 Wisconsin - NEW TIME

A. Project Plan Amendment Review No. 92006006A, 8300 Wisconsin, CBD-1, 1.61 acres, Amendment to change from dwelling units per acre to a FAR of 3, including a total of up to 360 multi-family dwelling units and up to 55,000 square feet of retail area, located at the northwest quadrant of the intersection with Battery Lane and Wisconsin Avenue, Bethesda CBD/Woodmont Triangle
Staff Recommendation: Approval with Conditions

B. Preliminary Plan Amendment Review No. 12006040A, 8300 Wisconsin, CBD-1, 1.61 acres, Amendment to change from dwelling units per acre to a FAR of 3, including a total of 360 multi-family dwelling units and up to 55,000 square feet of retail area, located at the northwest quadrant of the intersection with Battery Lane and Wisconsin Avenue, Bethesda CBD/Woodmont Triangle
Staff Recommendation: Approval with Conditions

C. Site Plan Amendment Review No. 82006036B, 8300 Wisconsin, CBD-1, 1.61 acres, Amendment to change from dwelling units per acre to a FAR of 3, including a total of 360 multi-family dwelling units and up to 55,000 square feet of retail area, located at the northwest quadrant of the intersection with Battery Lane and Wisconsin Avenue, Bethesda CBD/Woodmont Triangle
Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: **A. DREYFUSS/PRESLEY**
 B. DREYFUSS/WELLS-HARLEY
 C. DREYFUSS/WELLS-HARLEY

Vote:
 Yea: **5-0 (A, B, &C)**

Nay:
 Other:

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

In keeping with the April 23 technical staff report, Planning Department staff offered a multi-media presentation of the request to amend the project, preliminary, and site plans for

5. 8300 Wisconsin

CONTINUED

8300 Wisconsin Avenue, a 1.6-acre property located on the north side of Battery Lane between Wisconsin and Woodmont Avenues in the Bethesda Central Business District. The applicant proposes to reconfigure the previously approved buildings and associated public use space into a new site design that features one “U” shaped, multi-family residential building with up to 360 dwelling units, and a maximum of 55,000 square feet for non-residential space intended for a grocery store. The consolidated building will form a breezeway over the main access to the public plaza. The public space will be activated by the grocery store and the site design, which will include water features, works of art, streetscape, and access to and from the adjacent open space. The amount of parking will be increased to better serve the proposed units and uses, with the balance of parking spaces to be addressed by payment into the Parking Lot District (PLD) tax. Staff also noted that the final forest conservation for the site was approved in August 2007 and a requirement of 0.24 acres of planting was satisfied by a \$9,409 in-lieu payment. The site has a new stormwater management concept approved by the Department of Permitting Services in February 2012, and the applicant will take appropriate measures to comply with noise migration requirements in accordance with the conditions of approval specified in the site plan.

Mr. Doug Firstenberg of Stonebridge Associates, the applicant, introduced Mr. Robert Dalrymple, attorney for the applicant, Ms. Mary Wells, Ms. Meredith Byer, and Mr. Eric Liebmann, members of the applicant’s team, briefly discussed the project, and concurred with the staff recommendation.

Mr. Robert Dalrymple, attorney for the applicant, discussed the applicant’s proposed modifications to condition 4 of the preliminary plan, and deletion of condition 6A of the site plan, and concurred with the staff recommendation.

At the Board’s request, staff discussed the original arts incubator space, which the amendment proposes to eliminate and replace by water features and rotating art works.

There followed extensive Board discussion, with questions to staff, the applicant, and his team.

7. Subdivision Staging Policy: 2012 Draft Transportation Policy Area Review Worksession #1

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by Board discussion.

In keeping with the detailed April 26 technical staff report, Planning Department staff, and Dr. Robert Winick, consultant, briefed the Board on the various issues raised at the public hearing held on April 19 for the 2012 Draft Transportation Policy Area Review (TPAR). Staff noted that the issues and staff responses are generally sequenced in the report in the order of the six sections of the draft TPAR report and staff recommendations are also included in bold face. Staff also added that there were no comments received on Sections I and II of the report. Staff discussed in detail the issues raised on Part III of the report related to: i) identifying transit inadequacies and solutions; ii) identifying roadway inadequacies and solutions; iii) allocating costs for needed improvements; and iv) programming public commitments.

At the Board's request, Ms. Anne Root of Montgomery County Department of Transportation (MCDOT) offered comments.

There followed extensive Board discussion with questions to staff.

10. Closed Session - ~~ADDITION~~ POSTPONED

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

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.