



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 15, 2008, at 9:00 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 7:55 p.m.

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

Items 1 through 8 are reported on the attached agenda.

The Board recessed for lunch at 12:28 p.m. and reconvened in the auditorium at 1:30 p.m.

Items 9, 11-13, 10, 17, and 15, taken up in that order, are reported on the attached agenda.

The Board recessed for dinner at 6:35 p.m. and reconvened in the auditorium at 7:00 p.m. with all four Commissioners present.

Item 16 is reported on the attached agenda.

There being no further business, the meeting was adjourned at 7:55 p.m. The next regular meeting of the Planning Board will be held Thursday, May 22, 2008, in the Montgomery Regional Office in Silver Spring, Maryland.

E. Ann Daly
Technical Writer

M. Clara Moise
Technical Writer

Montgomery County Planning Board

Thursday, May 15, 2008

8787 Georgia Avenue

Silver Spring, MD 20910-3760

301-495-4600

1. Adoption of Opinions/Resolutions

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

i) Preliminary Plan No. 120060720, Sutton Property, ADOPTION OF RESOLUTION No. 08-28

BOARD ACTION

Motion: ROBINSON/BRYANT

Vote:

Yea: 4-0

Nay:

Other:

Action: Approved staff recommendation to adopt the Resolution identified above.

2. Record Plats

Subdivision Plat No. 220080060, Boyds Farm Estates

C-1 zone; 1lot; located on the south side of Barnesville Road (MD 117), approximately 1,200 feet west of Clarksburg Road (MD 121); Boyds

Staff recommendation: Approval

Subdivision Plat No. 220080260, Estates at Greenbriar Preserve

RNC zone; 2 lots, 1 parcel; located at the northern terminus of Wood Thrush Lane; Potomac

Staff recommendation: Approval

BOARD ACTION

Motion: ROBINSON/BRYANT

Vote:

Yea: 4-0

Nay:

Other:

Action: Approved staff recommendation to approve the record plats identified above.

3. Consent Items

APF Review for Building Permit: Wheaton Hills Building #4

BP No. 470270, Georgia Avenue (MD 97) and University Boulevard (MD 193)

Staff recommendation: Approval of Consent Item

BOARD ACTION

Motion: BRYANT/ROBINSON

Vote:

Yea: 4-0

Nay:

Other:

Action: Approved staff recommendation for approval of a building permit, based on a finding that public facilities are adequate for a building permit as described above, under both the 2007-2009 Growth Policy and the 2008 Local Area Transportation Review and Policy Area Mobility Review (LATR/PAMR) guidelines, Appendix E (adopted by the Planning Board on April 17, 2008) subject to:

(1) The applicant must limit the future building permit to 12,353 square-foot commercial/retail;

(2) Prior to the release of a building permit, the applicant must supply a copy of a Department of Permitting Services (DPS) permit for construction within the right-of-way to the building permit coordinator for the following to meet the (PAMR) requirements:

(a) Construct an ADA ramp for the east/west movement of Reddie Drive and Bucknell Drive on the southern side.

(b) Construct an ADA ramp for the east/west movement of Grandview Avenue and Kensington Boulevard on the north side.

The Adequate Public Facilities (APF) approval shall be valid for sixty (60) months from the date the Planning Board opinion is mailed.

Limited Site Plan Review No. 81992021A, The Town Center of Germantown -

4. POSTPONED

TS-M zone, 0.57 acres, amendment increase square footage , footprint of building 11 (8400 square feet to 9850 square feet) and one floor (1-2) 19,700 square feet total; located at the southwest quadrant of the intersection of Crystal Rock Drive and Century Boulevard; Germantown

Staff recommendation: Approval with conditions

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.

5. Ashton Meeting Place

A. Preliminary Plan No. 120080070, Ashton Meeting Place

R-60 and C-2 zones and the Sandy Spring/Ashton Rural Village Overlay zone ; 8.12 acres; 8 lots requested; 7 one-family detached residential dwellings, 31,690 gross square feet of retail, 9,800 gross square feet of restaurant and 32,510 gross square feet of office use; located on at the southeast quadrant of the intersection of Ashton Road (MD 108) and New Hampshire Avenue (MD 650); Sandy Spring/Ashton

Staff recommendation: Approval with conditions

B. Site Plan Review No. 820080040 Ashton Meeting Place

R-60/C-1/RC zones and the Sandy Spring/Ashton Rural Village Overlay Zone;; 8.12 acres; 7 single-family dwelling units, 31,690 gross square feet retail, 9,800 gross square feet restaurant and 32,510 gross square feet office; located at the southeast quadrant of the intersection of Ashton Road and New Hampshire Avenue; Sandy Spring/Ashton

Staff recommendation: Approval with conditions

BOARD ACTION

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

Vote:

Yea: (A.) 4-0

(B.) 4-0

Nay:

Other:

Action: A.) **Approved staff recommendation for approval of the Preliminary Plan subject to conditions as modified, as stated in the attached Board Resolution.**

B.) **Approved staff recommendation for approval of the Site Plan subject to conditions modified if necessary to agree with modifications to the Preliminary Plan approval, as stated in the attached Board Resolution.**

Staff of the Development Review Division presented highlights of the May 5 technical staff report for this proposed commercial village center with restaurants, office space, and retail, including a grocery store, and seven one-family detached homes in the southeast quadrant of Ashton Road (MD 108) and New Hampshire Avenue (MD 650). Staff noted the applicant has worked with the community and staff in developing this neighborhood-oriented plan. Staffs' presentations were based on the technical staff report.

5. Ashton Meeting Place

Mr. Phil Perrine, consulting planner to the applicant, introduced Mr. Fred Nichols of the Nichols Development Company, Jody Kline, attorney, and noted other representatives of the applicant also were present. Mr. Perrine accepted the staff's recommendation.

Offering testimony were Ms. Michelle Layton of Ednor View Terrace, representing the Sandy Spring Ashton Rural Preservation Consortium; Ms. Jennifer S. Fajman of Pond Road in Ashton; Ms. Sylvia Bell of Tucker Lane in Ashton; Ms. Elizabeth Garrettson of Bentley Road; Mr. Gary Letcher of Country View Court in Ashton; and Ms. Donna Selden of Gamewell Road in Silver Spring.

In rebuttal, Mr. Perrine responded to points in testimony.

In brief comments, the Board observed the proposal is a much improved plan over the first one and thanked the applicant and community for working together.

6. Limited Site Plan Amendment No. 82004022B, Greenway Village at Clarksburg Phases 3,4, & 5

PD-4 zone; 210.00 acres; amendment: revision to general notes; location sidewalk ramp, utility location; change postal mailbox location, Public Utility Easements (PUEs) and Stormwater Management (SWM); located at the intersection of Skylark Road and Ridge Road, Clarksburg

Staff recommendation: Approval with conditions

BOARD ACTION

Motion: **ROBINSON/BRYANT**

Vote:

Yea: **4-0**

Nay:

Other:

Action: **Approved staff recommendation for approval of the proposed amendment to update the site and landscape plans to reflect an interagency coordination group’s comments, subject to conditions, as stated in the attached Board Resolution.**

Ms. Barbara Sears, attorney for the applicant, supported the staff’s proposed conditions. As noted in the May 2 technical staff report, the applicant filed this amendment on November 19, 2007, requesting specific changes, delineated in the report, for Phases 3, 4 and 5 of this development.

7. Staff Draft: ICC Limited Functional Master Plan Amendment (Bikeways and Interchanges) - POSTPONED

(No public testimony will be taken at this time)

Staff recommendation: Approval by Planning Board to schedule public hearing for June 19, 2008

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **This item was postponed.**

8. Highway Mobility Report 2008

Presentation to Board and discussion; required biennially under Annual Growth Policy legislation. This report provides an update on the status of current traffic congestion in the County, focusing on both intersection and corridor levels of congestion. This report also includes an update on future traffic conditions in the County, including the year 2012 the Policy Area Mobility Review (PAMR) analysis and results. PAMR was recently adopted as part of the FY07-09 Growth Policy.

- Staff Report
- Executive Summary, Background and Table of Contents
- Current Congestion
- Future Congestion
- Appendices and Staff Acknowledgements

Staff recommendation: Transmit report to County Council and adopt FY 2009 PAMR mitigation requirements effective July 1, 2008

BOARD ACTION

Motion: ROBINSON/BRYANT

Vote:

Yea: 4-0

Nay:

Other:

Action: Approved staff recommendation, following extensive discussion, (1) to transmit to the County Council (1) the 2008 Highway Mobility Report (HMR), to provide background information for the consideration of recommended modifications to the State's Consolidated Transportation Program (CTP) priorities; and (2) to adopt the FY 2009 Policy Area Mobility Review (PAMR) mitigation requirements for regulatory purposes, effective July 1, 2008, as noted in the attached letter of transmittal to the County Council.

Staff of the Transportation Planning Division presented highlight of key graphics, focused on locations of existing and future congestion, noted updated Critical Lane Volume (CLV) data for a number of intersections, and, among other things, an expanded set of GPS-based arterial travel time and speed samples for a number of the County's major highways and arterials.

Offering testimony were Dr. Robert M. Winick of Motion Maps, project consultant; Mr. Adam Pagnucco, Chairman of the Forest Estates Community Association's Crossing Georgia Committee, focusing on the area of the intersection of Georgia Avenue and Forest Glen Road; and Ms. Adrienne Gude, a member of Councilmember Marc Elrich's office, but speaking on her own accord.

9. Public Hearing: Limited Amendment to the Sector Plan for the Wheaton Central Business District and Vicinity

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Heard testimony and received evidence submitted into the record. Further, agreed to hold the record open until May 22, 2008.

Following a brief presentation by Community-Based Planning staff, the Board received testimony on the Staff Draft Limited Amendment to the 1990 Sector Plan for the Wheaton Central Business District and Vicinity from the following speakers: Mr. Harold Weinberg, an affected property owner; Mr. Rob Klein, representing the County Executive; Mr. Dan Somma, representing the Wheaton Urban District Advisory Committee; Mr. Jody Kline, attorney, and Mr. John Cox, representing Avalon Bay Communities, affected property owners; Ms. Karen Cordry, representing the Wheaton Redevelopment Advisory Committee; Mr. Matthew Zaborsky, representing the Mid-County Citizens Advisory Board; and Mr. Wayne Goldstein, representing the Montgomery County Civic Federation.

Staff noted that a worksession is scheduled for May 29 and recommended that the record be held open through May 22, 2008.

Note: Item 10 follows Item 13.

11. AB 713: Abandonment of Unimproved Lybrook Drive

Lee Lloyd's Addition to Burning Tree Valley Subdivision in Bethesda
Staff recommendation: Transmit Comments Supporting Approval to Montgomery County Department of Public Works and Transportation

BOARD ACTION

Motion: BRYANT/CRYOR

Vote:

Yea: 4-0

Nay:

Other:

Action: Approved staff recommendation to transmit comments in support, as stated in the attached Letter of Transmittal.

Transportation Planning staff presented the request to abandon the unimproved dedicated right-of-way of Lybrook Drive, as detailed in the staff report.

Ms. Rebecca Walker, attorney representing the contract purchaser, spoke in support of the staff recommendation.

12. AB 714: Abandonment of Unimproved Alley off of Keokuk Street - REVISED

Crestview Subdivision in Bethesda Staff recommendation: Transmit Comments Recommending Denial to Montgomery County Department of Public Works and Transportation

BOARD ACTION

Motion: ROBINSON/CRYOR

Vote:

Yea: 3-1

Nay: BRYANT

Other:

Action: Contrary to the staff recommendation, agreed to transmit comments in support of the abandonment, as stated in the attached Letter of Transmittal.

Transportation Planning staff presented the request to abandon a portion of the dedicated right-of-way of an unimproved alley off Keokuk Street, as detailed in the staff report. Staff noted that the portion proposed for abandonment is the end section of an alley running along the rear of the lots for the length of the block, which was created to promote pedestrian connectivity along the block and to connect to other blocks in the subdivision. Staff recommends denial of the requested abandonment.

Mr. Howard Tarnoff, owner of lot 1B, co-applicant for the abandonment, spoke in support of the abandonment. He maintained that there has been no pedestrian use of the alley and there is no opposition to the proposal.

Responding to questions from the Board, staff and Legal Counsel verified that the area of the abandoned right-of-way will revert to abutting Lot 28 and resubdivision would be required to incorporate any portion of it into Lot 1B. There followed some discussion of the condition and use of the alley.

In opposing the motion, Commissioner Bryant said he could support the abandonment if there were more evidence that the other property owners abutting the alley had been consulted and had no opposition to the abandonment.

13. Zoning Text Amendment No. 08-05

Introduced by the District Council at the Request of the Planning Board: to amend the Zoning Ordinance to establish the Transit Oriented Mixed-Use 1.0 and Transit Oriented Mixed-Use 1.0/Transferable Development Rights Zones and amend the land uses, development standards, and approval procedures for development in the Transit Oriented Mixed-Use 2.0 and the Transit Oriented Mixed-Use 2.0/ Transferable Development Rights Zones. *Staff recommendation: Transmit Comments to County Council*

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Provided guidance to staff for the Letter of Transmittal, attached.

Development Review staff presented the Zoning Text Amendment to establish the TOMX-1 and TOMX-1/TDR Zones, to implement the recommendations in the Twinbrook Master Plan, and to amend the TOMX-2 and TOMX-2/TDR Zones, with recommended modifications, as detailed in the staff report.

Mr. Robert Dalrymple and Ms. Anne Martin, attorneys representing the owners of the Parklawn Building and adjacent properties in Twinbrook and the owners of the Matten property in the Germantown Town Center, raised concerns about the calculations for transferrable development rights (TDRs) in the TOMX-1/TDR Zone. Mr. Dalrymple noted that he will recommend to the County Council that the zoning on a portion of his client's Twinbrook property be changed from TOMX-1/TDR to TOMX-2. In addition, Mr. Dalrymple supported the staff's proposed modification to the grandfathering provisions to include future development under an approved site plan, but requested removal of the restriction that the development must be 60 percent complete at the time of the Sectional Map Amendment.

Mr. Steve Orens, attorney, and Mr. Phil Perrine, land planner, representing the Washington Area New Auto Deals Association, requested that the auto sales and services uses in other commercial zones be included in the TOMX zones.

There followed considerable discussion of the proposal to change the zoning on the property adjacent to the Parklawn Building from TOMX-1/TDR to TOMX-2/TDR and about the calculations for use of TDRs, including building lot termination (BLT) TDRs, in the TOMX-1/TDR

Zone. The Board supported the proposed zoning change and, because that property is the only one recommended for TOMX-1 in the Twinbrook Master Plan and the recommendations for TDR use will be further refined in the context of the Germantown Master Plan, the Board agreed it is unnecessary to adopt the TOMX-1 Zone at this time.

10. Roundtable Discussion with Local Housing Industry Representatives

Discussion with home builders and lenders on how residential development projects are financed. (No public testimony will be taken at this time)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Discussed.

Following introductions by Ms. Raquel Montenegro of the Maryland-National Capital Building Industry Association, the following speakers participated in a roundtable discussion with the Board about financing of residential development projects from the builder/developers' and lenders' perspectives: Mr. John Dilworth of The Columbia Bank; Mr. Thomas Farasy of Terra Verde Communities, Inc.; Mr. Patrick Greaney of Furey, Doolan & Abell and Montgomery Title Company; Ms. Cecilia Hodges of Provident Bank; Mr. Steve Nardella of Winchester Homes, Inc.; Mr. Lawrence Noda of NBValuation Group, Inc.; and Mr. Robert Spalding of Miller and Smith.

17. Housing Policy Element of the General Plan Legislative Issues – REVISED

Discussion of housing policy initiatives proposed by the County Executive in April 2008, siting and dispersal of moderately-priced dwelling units (MPDU), and pro forma analysis of bonus density under the County's MPDU program.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Discussed.

Research and Technology staff provided an overview of housing issues related to the moderately priced dwelling units (MPDUs) program for discussion, as detailed in the staff report, including an analysis of the County Executive’s Affordable Housing Task Force Report, an analysis of the use and economics of MPDU bonus density, and an analysis of the MPDU Site Plan Guidelines.

Mr. Norman Dreyfuss and Ms. Tedi Osias, representing the Housing Opportunities Commission, participated with the Board and staff in an extensive discussion of affordable housing issues.

14. Zoning Text Amendment No. 08-06

Introduced by the District Council at the Request of the Planning Board: to amend the Zoning Ordinance to: define an accessory residential unit; allow an accessory residential unit as a permitted use in the I-4 zone if the use is located in a Transit Station Development Area; and modify the special regulations of the I-4 zone to address development in a Transit Station Development Area.

Staff recommendation: Transmit Comments to County Council

BOARD ACTION

Motion: ROBINSON/CRYOR

Vote:

Yea: 4-0

Nay:

Other:

Action: Approved the staff recommendation to transmit comments to the County Council, as stated in the attached Letter of Transmittal, following a brief presentation by Development Review staff in keeping with the staff report.

**15. 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

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

**Action: A. Commissioners' Reports—None.
 B. Director's Report—None.
 C. Approval of Minutes—None.**

16. Waters House Barn Feasibility Study

Presentation and Public Hearing: Feasibility Study undertaken by a coalition of partners (led by the Montgomery County Historical Society as tenant) for the adaptive reuse of the Waters House Barn into a Heritage Visitors Center. The proposed Center will provide orientation to Montgomery County's historic and cultural resources through exhibitions and literature; educational programs; heritage-related festivals and crafts; and archives.

Staff recommendation: Approval with conditions

BOARD ACTION

Motion: BRYANT/CRYOR

Vote:

Yea: 4-0

Nay:

Other:

Action: Approved staff recommendation, subject to conditions.

In accordance with the May 2 technical staff report, Parks Department staff presented the Feasibility Study undertaken by a coalition of partners led by the Montgomery County Historical Society for the adaptive reuse of the Waters House Barn into a Heritage Visitors Center. Staff noted that the proposed Center will provide orientation in Montgomery County's historic and cultural resources through exhibitions and literature, educational programs, heritage-related festivals, crafts, and archives. Staff discussed in detail the proposed study.

The following speakers offered testimony: Mr. David Bagnoli representing the Coalition Partners, the applicant; Ms. Mary Kay Harper, former Director of the Montgomery County Historical Society; Ms. Fran Abrams, Interim Director of the Arts and Humanities Council of Montgomery County; Ms. Peggy Erickson, Director of the Heritage Tourism Alliance of Montgomery County; Ms. Debbie Rankin, Executive Director the Montgomery County Historical Society.

Parks Department Director Mary Bradford offered comments.

There followed a brief Board discussion, with questions to staff.

Chairman Hanson noted that the proposed financial plan should include the repainting of the barn roofs and a budget for maintenance. He also noted that the School Board should be approached about erecting a fence around the existing elementary school.

Vice Chair Robinson commented on the Commission's position regarding the financial situation of the project, and noted that given the actual budget crunch, the Commission will not be in a position to help.

Commissioner Cryor suggested that staff discuss with Milestone Developer any possible interest in funding this project. She also inquired about any eventual competition with Black Rock.