



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

**APPROVED  
MINUTES**

The Montgomery County Planning Board met on Thursday, May 30, 2013, at 9:15 a.m. in the 3<sup>rd</sup> floor conference room of the Montgomery Regional Office in Silver Spring, Maryland, to participate in a closed session meeting via teleconference with the Prince George's County Planning Board as the Full Commission (M-NCPPC).

Present for the Montgomery County Planning Board 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 in Closed Session at 9:15 a.m. in the 3<sup>rd</sup> floor conference room, on motion of Commissioner Geraldo of the Prince George's County Planning Board, 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 on the Montgomery County side. 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 the Closed Session on the Montgomery County side were the Commission Human Resources Director Bill Spencer; Associate General Counsel Carol Rubin, and Allie Santacreu of the Legal Department; Deputy Director Mike Riley, and Daniel Hertz of the Parks Department; and M. Clara Moise of the Commissioners' Office.

Minutes of the Closed Session meeting are reported in the M-NCPPC Minutes.

The Closed Session meeting was adjourned at 10:00 a.m.

The Planning Board reconvened in the auditorium at 10:15 a.m.

Items 1 through 4 are reported on the attached agenda.

The Board recessed for lunch at 12:55 p.m.

The Board reconvened in the auditorium at 2:28 p.m.

Items 6 through 12 are reported on the attached agenda.

MCPB, 5-30-13, APPROVED

Items 7 and 12 were removed from the agenda and rescheduled for the Planning Board meeting of Thursday, June 6.

There being no further business, the meeting was adjourned at 6:15 p.m. The next regular meeting of the Planning Board will be held Thursday, June 6, 2013, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise  
Sr. Technical Writer

**Montgomery County Planning Board Meeting**  
**Thursday, May 30, 2013**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600

**Teleconference Meeting of the Maryland-National Capital Park and Planning Commission (M-NCPPC) - MRO 3rd Floor Conference Room**

**13. Closed Session - ADDED/TIME CHANGED**

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

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Discussed in Closed Session. See State citation and open session report in narrative minutes of the M-NCPPC Minutes.**

**1. Consent Agenda**

**\*A. Adoption of Resolutions**

1. 8001 Newell Street Project Plan 920130020 - MCPB No. 13-74

**BOARD ACTION**

**Motion: ANDERSON/WELLS-HARLEY**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action:** Adopted the Resolution cited above, as submitted.

**\*B. Record Plats**

**Subdivision Plat No. 220122040, George Meany Center for Labor Studies**

R-90 zone, 1 lot; located at the terminus of Powder Mill Road, approximately 300 feet southwest of New Hampshire Avenue (MD650); White Oak Master Plan.

*Staff Recommendation: Approval*

**Subdivision Plat No. 220131150, Olney Church of Christ**

R-200 zone, 1 parcel; located on the west side of Georgia Avenue (MD97), approximately 800 feet south of Old Baltimore Road; Olney Master Plan.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:** ANDERSON/PRESLEY

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

**Action:** Approved staff recommendation for approval of the 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 April 29 and May 2, 2013

**BOARD ACTION**

**Motion:**                   **ANDERSON/WELLS-HARLEY**

**Vote:**

**Yea:**                   **5-0**

**Nay:**

**Other:**

**Action:**           **Approved Planning Board Meeting Minutes of April 29 and May 2, 2013, as submitted.**

- 2.     Roundtable Discussion - **TIME CHANGED****  
-       Planning Director's Report

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

**Planning Director's Report:** Acting Planning Department Director Rose Krasnow briefed the Board on a recent regional land use leadership conference sponsored by the Land Use Leadership Institute of Washington, which was attended by legal counsel David Lieb. Planning staff suggested that they take a look at the Rock Spring area, since it is home to many corporate headquarters but suffers from a high office vacancy rate, and because staff is starting to see some residential interest in this area. Ms. Krasnow also reported that Mary Dolan, Chief of the Functional Planning and Policy Division, recently attended a two-day conference offered by the National Association of County and City Health officials that was focused on how we can incorporate health into all our policies.

Ms. Krasnow also noted that tomorrow will be Deputy Director Piera Weiss last day after 27 years with the Commission, mentioning that our institutional memory will never be the same, and that Ms. Weiss will be greatly missed. She also invited Board members to participate in a Planning Department team building picnic next Tuesday, June 11 at 11:30 a.m. at Meadowbrook Park, at which a

number of staff members will be recognized for their contributions over and beyond their job descriptions.

**3. 900 Thayer Avenue - TIME CHANGED**

**\*A. Project Plan Review No. 92005003A, 900 Thayer (formerly The Adele),** CBD-1, Fenton Village Overlay Zone, 0.65 acres, Amendment to eliminate the office, reduce the approved retail square footage from 15,020 to 5,282 sf. And to increase the number of units from 96 to 124; located in the southwest quadrant of the intersection with Fenton Street and Thayer Avenue, Silver Spring CBD

*Staff Recommendation: Approval with Conditions*

**\*B. Preliminary Plan Amendment Review No. 12005077A, 900 Thayer (formerly The Adele),** CBD-1, Fenton Village Overlay Zone, 0.65 acres, Amendment to eliminate the office, reduce the approved retail square footage from 15,020 to 5,282 sf., and to increase the number of units from 96 to 124; located in the southwest quadrant of the intersection with Fenton Street and Thayer Avenue, Silver Spring CBD

*Staff Recommendation: Approval with Conditions*

**\*C. Site Plan Review No. 82006020A, 900 Thayer (formerly The Adele),** CBD-1, Fenton Village Overlay Zone, 0.65 acres, Amendment to eliminate the office, reduce the approved retail square footage from 15,020 to 5,282 sf., and to increase the number of units from 96 to 124; located in the southwest quadrant of the intersection with Fenton Street and Thayer Avenue, Silver Spring CBD

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion:**                    **A. ANDERSON/PRESLEY  
B. ANDERSON/PRESLEY  
C. ANDERSON/PRESLEY**

**Vote:**

**Yea:**                    **A.B. & C. 5-0**

**Nay:**

**Other:**

**Action:**            **A. Approved staff recommendation for approval, subject to revised 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 May 20 technical staff report, Planning Department staff discussed the request to amend the project, site, and preliminary plans for the 900 Thayer Avenue project

**3. 900 Thayer Avenue**

CONTINUED

(formerly the Adele) located in the Fenton Village area, in the southwest quadrant of the intersection with Fenton Street and Thayer Avenue in Silver Spring, Maryland. The proposed amendments will eliminate a proposed office space, reduce the approved retail square footage from 15,020 to 5,282 square feet, and increase the number of units from 96 to 124. Staff noted that the public use space and public amenity package raises concerns about conformance with the Central Business District (CBD-1) optional method requirements, portions of the Sector Plan, and compatibility with planned development in Fenton Village. Staff has added conditions to address these concerns.

Ms. Susan Reutershan, attorney representing the applicant, Mr. Jonathan Mayers, also present, introduced Messrs. Stuart Cain and Patrick La Vay, members of the applicant’s team, discussed the proposed request, including revisions to some conditions of approval, discussed during the meeting, and concurred with the staff recommendation.

Mr. Stuart Cain, architect for the applicant, discussed the proposed building architecture and amenities.

There followed a brief Board discussion with questions to staff and the applicant’s representative.

**\*4. Pre-Preliminary Plan No. 720130040: Potomac Highlands - TIME CHANGED**

23 Townhomes requested including 4 MPDUs, located on the east side of Seven Locks Road, 1600 feet north of Democracy Boulevard, 5.24 acres, R-90 zone  
Potomac Sub-region Master Plan

*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 transmittal letter.**

Planning Department staff discussed the request to build 23 townhouses, including four Moderately Price Dwelling Units (MPDUs), on a 5.24-acre property located on the east side of Seven Locks Road in Potomac, Maryland. Staff noted that the request is for Board approval of the overall concept for development, under the Alternative Procedure for Pre-Preliminary plan submission, Chapter 50, Section 50-33A of the Subdivision Regulations, with a focus on the issues related to the

project conformance with the provisions of the Zoning Ordinance, in particular that development with 100 percent townhouses is supported, that the project is consistent with the Potomac Sub-region Master Plan, that the proposed development plan conforms to the Subdivision Regulations, and that public facilities are adequate, particularly for transportation and schools.

Mr. Steve Robins, attorney representing the applicant, introduced Messrs. David Little, Kevin Foster, Isaac Marks, and Michael Lemon, members of the applicant's team, briefly discussed the proposed application, and concurred with the staff's recommendations.

Mr. Michael Lemon of Winchester Homes offered comments.

At the Board's request, Mr. Kevin Foster also offered comments and clarification regarding stormwater management for the proposed project.

The following speakers offered testimony: Mr. Peter Ujhazy of Muirfield Drive; Ms. Lynn Mayo of Muirfield Drive; and Mr. Steve Dye of Muirfield Drive.

There followed a brief Board discussion with questions to staff and the applicant's representative.

**5. Glenmont Sector Plan, Review of Proposed Planning Board Draft - ~~TIME CHANGED~~**

*Staff Recommendation: Approve Planning Board Draft and Transmit to County Executive and County Council*

**BOARD ACTION**

**Motion: WELLS-HARLEY/PRESLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: DREYFUSS ABSENT**

**Action: Approved staff recommendation for approval of the Glenmont Sector Plan Planning Board draft, and to transmit to the County Executive and County Council.**

Planning Department staff presented the latest draft of the Glenmont Sector Plan and discussed revisions from previous drafts. The current draft incorporates feedback from Planning Board worksessions of April 17, March 21, and March 14, as well as from a public hearing held on February 14. Some community members have expressed concern that the traffic analyses used in the Sector Plan draft are not sufficient, so the Functional Planning and Policy Division has secured the services of an expert traffic consultant to conduct further analysis. The consultant's report will be available before the County Council votes on the Sector Plan.



**\*6. Tapestry - REVISED/TIME CHANGED**

**\*A. Preliminary Plan No. 120050950 (Including a Water Quality Plan and Forest Conservation Plan): Tapestry**

Request for 67 single family units, located at the intersection of MD 355 and West Old Baltimore Road, 30.33 acres, R-200 Zone with the MPDU option, Clarksburg Master Plan & Hyattstown Special Study Area

*Staff Recommendation: Approval with Conditions*

**\*B. Site Plan No. 820050370: Tapestry**

Request for 67 single family units, located at the intersection of MD 355 and West Old Baltimore Road, 30.33 acres, R-200 Zone with the MPDU option, Clarksburg Master Plan & Hyattstown Special Study Area

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

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

**Vote:**  
      **Yea:**                **A. 5-0**  
                                  **B. 5-0**

**Nay:**

**Other:**

**Action:**        **A. Approved staff recommendation for approval, subject to revised 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.**

Planning Department staff offered a multi-media presentation of a proposal to build 67 single-family residential units on a 30.33-acre property located at the intersection of MD 355 and West Old Baltimore Road. The subject property is in the Brink Road transition area of the Clarksburg Master Plan and part of the Hyattstown Special Study area. The Pre-preliminary plan for this project was presented to the Planning Board on September 30, 2004, and a subsequent Preliminary Plan was discussed on July 26, 2007, resulting in the applicant requesting a deferral to address compatibility issues raised by neighboring Clarksburg residents. The current Preliminary Plan reduces the number of proposed residential units compared to the 2007 plan, and has been updated to reflect that five acres of the subject property have been sold to the adjacent Goddard School. The proposal would create 57 detached single-family residential units

**\*6. Tapestry**

CONTINUED

and 10 semi-detached duplex units, which would be established as Moderately Priced Dwelling Units (MPDUs). Inclusion of these MPDUs qualifies the proposal for an additional 20 percent density under the optional MPDU method of development. A pump station operated by the Washington Suburban Sanitary Commission (WSSC) will be installed to serve the new homes, and will also provide service to homes in the surrounding area, many of which rely on old, failing septic systems, and will be greatly improved by sewer access. In addition, the applicant will participate in improvements to the intersection of MD 355 and Old West Baltimore Road and dedicate 5.15 acres of the subject property as parkland.

The Board supported granting a waiver on the condition that conservation easement areas were marked with signs or fences to prevent encroachment by property owners.

Staff also noted that the Tapestry property is located within the Clarksburg Special Protection area and requires a Water Quality Plan in addition to a Forest Conservation Plan. Staff reviewed the plan and found that the proposal would create less impervious surface area than comparable developments in the neighborhood, and that the majority of the approximately 0.1 acre of encroachment onto stream buffers was the result of the WSSC pump station. This was deemed acceptable because the alternative to the pump station was construction of a gravity sewer system that would result in greater impact to protected areas. The Forest Conservation Plan proposed meets and exceeds the required level of forest retention.

The Board suggested including split-rail fencing to demarcate the boundaries of forest conservation easements, and the applicant expressed willingness to include split-rail fences or noise fences around every conservation easement that bordered a residential lot. Staff found the proposal to conform to all applicable recommendations of the Clarksburg Master Plan and all requirements of the R-200 zone,

Mr. Larry Gordon, attorney representing the applicant, introduced Mr. Bob Spalding a member of the applicant's team, offered brief comments and concurred with the staff recommendation.

Ms. Karina Peterson of Greenbrook Drive offered testimony that the intersection of MD 355 and West Old Baltimore Road was unacceptably dangerous due to poor visibility, uncontrolled traffic, and flooding problems, and urged the Board to prioritize traffic improvements to the intersection ahead of all other development.

The Board discussed proposed traffic improvements at the intersection of MD 355 and West Old Baltimore Road and funding arrangements for the improvements and instructed staff to draft a letter to the State Highway Administration and the Department of Transportation urging them to expedite intersection improvements, and allow the clearing of trees to improve the lines of sight at this intersection.

**7. ~~Presentation of Annual Land Use Report~~ - **MOVED TO JUNE 6 AGENDA****

~~Staff Recommendation: Approve Planning Board Draft and Transmit to County Executive and County Council~~

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**        **This Item was moved to the June 6, 2013 Planning Board Agenda.**

**8.     Request to renew a Right-of-Way Reservation for Mid-County Highway on All Souls Cemetery - **TIME CHANGED****

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:**                **ANDERSON/WELLS-HARLEY**

**Vote:**

**Yea:**                **5-0**

**Nay:**

**Other:**

**Action:**        **Approved staff recommendation for approval of the request to renew a right-of-way for Mid-County Highway on All Souls Cemetery.**

Planning Department staff, along with Mr. Michael Mazzuc, representing the applicant, presented a request to renew a right-of-way Reservation for M-83, the Mid-County Highway. This reservation was included in the Preliminary Plan approved in 2000 for the Catholic Cemetery of Germantown and has been renewed several times in the interim. The reservation keeps open a portion of the right-of-way needed for the alignment of the highway recommended by the 1994 Clarksburg Master Plan. Staff explained that there were currently meetings planned for fall 2013 to decide the ultimate disposition of the highway.

There followed a brief Board discussion with questions to staff and Mr. Mazzuc.

**\*9. Site Plan No. 820120200: Olive Branch Community Church - TIME CHANGED**

Proposal to construct an 8,074 square foot church on 3.06 acres of land located on Olney-Sandy Spring Road approximately 2,400 feet east of Meeting House Road, RE-2 Zone, Sandy/Ashton Master Plan  
*Staff recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion: PRESLEY/WELLS-HARLEY**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

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

Planning Department staff discussed a proposal to build an 8,074-square foot church on a 3.06-acre property located on Olney-Sandy Spring Road in the Sandy Spring/Ashton area. Because the subject property is located in the Sandy Spring/Ashton Rural Village Overlay Zone, the development requires site plan approval from the Planning Board. The proposed structure would have a maximum seating capacity of 220, which is slightly less than called for in the preliminary plan. After exploring various possibilities of sharing parking lots with neighboring structures, the applicant chose to construct an onsite parking lot that would be accessed from Meeting House Road. The proposed Final Forest Conservation Plan would clear 0.90 acres of forest on site for the construction of the new church building, associated parking lot, and stormwater management facility, which would be mitigated by 0.19 acres of offsite forest planting. The applicant has submitted a variance request to remove 16 trees considered a high priority for retention, and to impact, but not remove five more trees. This variance request would be mitigated by planting ten native canopy trees measuring three inches in diameter on site.

Mr. Russell Reese, engineer representing the applicant, offered brief comments and concurred with the staff recommendation.

In response to a letter received from a community resident suggesting alternatives to the proposed parking lot, Chair Carrier noted that the applicant had tried to arrange shared parking with the adjacent Sherwood High School, but the school declined to participate.

There followed a brief Board discussion with questions to staff and the applicant's representative.

**10. Subdivision Regulation Amendment No.: 13-02 - TIME CHANGED**

Exempting property that includes an involuntarily demolished single-family dwelling from platting requirements

*Staff Recommendation: Transmit Comments to the County Council.*  
**(Action required for County Council public hearing of 6/11/13)**

**BOARD ACTION**

**Motion:**                    **ANDERSON/PRESLEY**

**Vote:**

**Yea:**                    **5-0**

**Nay:**

**Other:**

**Action:**            **Approved staff recommendation to transmit comments to the County Council on the proposed Subdivision Regulation Amendment 13-02, as stated in the attached transmittal letter.**

Planning Department staff discussed proposed Subdivision Regulation Amendment (SRA) 13-02. Staff noted that current regulations governing the issuance of building permits require that permits be only issued for land recorded in plats, except for certain special circumstances. The proposed amendment would add a new exception to allow building permits for the reconstruction of homes that were involuntarily destroyed.

Legal Counsel to the Board suggested a revision to eliminate redundant language.

**\*11. Garnkirk Farms - **TIME CHANGED****

**\*A. Preliminary Plan No. 120080240 (Including a Final Water Quality Plan and Final Forest Conservation Plan): Garnkirk Farms**

392 residential dwelling units (including 12.5% MPDUs) consisting of 18 one-family detached units, 190 townhouses and 184 multi-family units, located on Shawnee Lane approximately 3,000 feet west of Fredrick Road (MD 355), 37.18 acres, PD-11 Zone, Clarksburg Master Plan and Hyattstown Special Study Area.

*Staff Recommendation: Approval with Conditions*

**\*B. Site Plan No. 820120100: Garnkirk Farms**

392 residential dwelling units (including 12.5% MPDUs) consisting of 18 one-family detached units, 190 townhouses and 184 multi-family units, located on Shawnee Lane approximately 3,000 feet west of Fredrick Road (MD 355), 37.18 acres, PD-11 Zone, Clarksburg Master Plan and Hyattstown Special Study Area.

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion:**                   **A. ANDERSON/PRESLEY**  
                                  **B. ANDERSON/PRESLEY**

**Vote:**  
      **Yea:**               **A. 5-0**  
                              **B. 5-0**

**Nay:**  
**Other:**

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

Planning Department staff offered a multi-media presentation of the proposed Preliminary and Site Plans requests for a mixed residential development located on a 37.18-acre property on Shawnee Lane in the Clarksburg area. The subject property is in the Clarksburg Special Protection area of the Seneca Creek Watershed, and is currently occupied by undeveloped forest. The proposal would create 392 residential units, which would include 18 single-family detached units, 190 townhouse units, and 184 multi-family units, of which 12.5 percent would be Moderately Priced Dwelling Units (MPDUs). Staff finds the proposed plans to conform to all the recommendations of the Clarksburg Master Plan and the Zoning Ordinance, as well as to Development Plan G-832, which has already been approved. The Clarksburg Special

**\*11. Garnkirk Farms**

**CONTINUED**

Protection Area regulations require that impervious surface areas be kept to a minimum. The proposed development would have approximately 47 percent impervious surface area, compared to an average of 50 percent for neighboring developments. The applicant is required by the County to clear some areas for the future expansion of Observation Drive, which will result in encroachment on approximately 0.07 acres of environmental buffer area. The proposed Forest Conservation plan includes 0.26 acres of onsite reforestation and 7.42 acres of offsite reforestation, and a variance request to remove nine trees designated high priority for protection, and to impact, but not remove five more trees. Existing forest at 7.43 acres would be retained.

The Board asked for clarification of why protecting these trees would constitute an unwarranted hardship for the applicant and therefore qualify for an approval of the variance request, and staff explained that clearing the rights of way for road construction approved in the Clarksburg Master Plan requires impacting and/or removing the trees in question.

Ms. Rebecca Walker, attorney representing the applicant, introduced Mr. Shane Pollin, the applicant, briefly discussed the proposed application, and concurred with the staff recommendation.

Mr. Pollin offered comments and noted that the proposed plan was developed with input from the surrounding community and requested the Board's approval.

**12. Zoning Text Amendment No. 13-03 & Bill No. 13-13 - TIME CHANGED -- MOVED TO JUNE 6 AGENDA**

Define impervious area and permeable pavement; regulate the calculation used to implement impervious surface area restrictions; and allow the substitution of permeable pavement for standard pavement to minimize impervious surface.

*Staff Recommendation: Transmit Comments to County Council.*  
**(Action required for County Council public hearing of 6/18/13)**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: This Item was moved to the June 6, 2013 Planning Board Agenda.**