



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, June 21, 2012, at 9:10 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 8:53 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 5 are reported on the attached agenda.

The Board recessed for lunch at 1:00 p.m. and reconvened in the auditorium at 3:12 p.m.

Items 6 through 9 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 8:53 p.m. The next regular meeting of the Planning Board will be held Thursday, June 28, 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, June 21, 2012
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

Falkland North Site Plan 820120050 – MCPB No. 12-12

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Adopted the Resolution cited above.

***B. Record Plats**

1. Subdivision Plat No. 220121210, Musgrove's Addition to Neelsville; R-200 zone, 1 lot; located on the west side of Frederick Road (MD 355), approximately 350 feet northwest of Greenridge Drive; Clarksburg Master Plan.

Staff Recommendation: Approval

2. Subdivision Plat No. 220080460-220080470, Evans Parkway Neighborhood Park; R-60 zone, 1 parcel; located in the northeast quadrant of the intersection of Georgia Avenue (MD 97) and Evans Parkway; Kensington - Wheaton Master Plan.

Staff Recommendation: Approval

3. Subdivision Plat No. 220120370, Clarksburg Village; PD-4 zone, 7 parcels; located in the eastern quadrant of the intersection of Little Seneca Parkway and Snowden Farm Parkway; Clarksburg Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

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 May 10, 2012

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the Planning Board Meeting Minutes cited above, as submitted.

2. Mandatory Referral No. 2012020-MCPS-1, Crossway Community Montessori Public Charter School

3015 Upton Drive, Kensington MD, R-60 Zone, Master Plan for the Communities of Kensington-Wheaton

Staff Recommendation: Approve and Transmit Comments

BOARD ACTION

Motion: **ANDERSON/PRESLEY**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved staff recommendation for approval and to transmit comments to Montgomery County Public Schools.**

In keeping with the June 14 technical staff report, Planning Department staff offered a multi-media presentation of the mandatory referral request from Montgomery County Public Schools (MCPS) and Crossway Community Inc. to create the Crossway Community Montessori Public Charter School on Upton Drive in Kensington, on the site of the former Pleasant View Elementary School. Staff noted that the proposed school will be co-located with other on-site programs also managed by Crossway Community Inc. Staff noted that there were concerns raised by the community regarding the lack of a comprehensive parking analysis and traffic impacts for the uses on the site and the status of the previously approved site plan.

Ms. Emily Vaias, attorney for the applicant, introduced Ms. Kathleen Guinan, Mr. Dave Bognoli, members of the applicant's team, and Mr. James Sung of MCPS, briefly discussed the proposed request, and concurred with the staff recommendation.

The following speakers offered testimony: Ms. Judy Higgins representing the Kensington View Civic Association; Ms. Karen McNally of Hugo Place; Ms. Florence Kamm of North Park Avenue; Ms. Nicole Williams of Alabaster Drive; Ms. Jeredine Yohn of Upton Drive; Ms. Nargiza Polvanova of Upton Drive; Ms. Lauren Cooper of Chesterwood Drive; and Mr. Donald Hassell of Alabaster Drive.

At the Board's request, legal counsel to the Board discussed and confirmed the validity of the previously approved site plan for this site.

At the Board's request, Mr. Sung and Ms. Vaias clarified why the school is not proposing to have bus service for the school at this time.

There followed extensive Board discussion, with questions to staff and the applicant's attorney.

The Planning Board asked the applicant to prepare a study of all the uses on the property and the parking requirements, including allowances for the adjacent Pleasant View Local Park, and any impacts on the surrounding community. The Board also requested that the school consider the use of buses to minimize traffic impact on the community at such time as the school enrolls elementary school age children.

***3. Preliminary Plan No. 120090240: The Plantations**

Request to subdivide parcel 728 (24320 Woodfield Road), into two (2) lots; located on the west side of Woodfield Road (MD124), approximately 200 feet south of the intersection of Log House Road; 1.65 acres; R-200 Zone; Damascus Master Plan Area.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval, subject to conditions, as stated on the submitted and adopted resolution.

Planning Department staff discussed the request to subdivide a 1.65-acre property located on the west side of Woodfield Road, approximately 200 feet south of the intersection of Log House Road in Damascus. Staff noted that the applicant is requesting to subdivide the parcel into two lots, a 43,614-square foot lot for an existing dwelling, and a 24,712-square foot lot for a new dwelling unit. The applicant is dedicating land for the construction of a bike path, and there will be relocation of an existing sidewalk along Woodfield Road. There is no existing forest located on this property and the stormwater management concept was approved by Montgomery County Department of Permitting Services in 2009.

Mr. Josh Maisel, engineer representing the applicant, Mr. Kenneth Smith, also present, concurred with the staff recommendation.

4. Countywide Transit Corridors Functional Master Plan

Status update and review preliminary draft Bicycle/Pedestrian Priority Areas

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received update and reviewed preliminary draft Bicycle/Pedestrian Priority Areas.

In keeping with the June 14 technical staff report, Planning Department staff discussed recent updates to the County Transit Corridors (CTC) functional Master Plan and the potential designation of Bicycle/Pedestrian Priority Areas (BPPAs) in the functional plan. Staff noted that following the Board's direction on what the Bus Rapid Transit (BRT) network should look like, staff has been working on completing the corridor definition and station typology, refining roadway cross-sections to include/accommodate BRT, pedestrian access at station areas, constrained rights-of-way assessments, additional mapping of development areas of the county, research on lane-conversion assessment and refining the methodology used to determine what BRT treatment should be provided, and reviewed the draft and final Rapid Transit Task Force reports, as well as the report from their consultant, the Traffic Group. Modeling will incorporate additional corridors recommended by the task force in their report that was released on May 22, 2012, and presented to the Planning Board on June 7, 2012. Additional travel forecasting will also be done to consider the effects of lane repurposing on BRT ridership and on traffic congestion.

Staff also discussed the report current processing schedule, i.e., i) June to early September 2012 - additional traffic forecasting on three additional corridors, and review the impacts on congestion and transit ridership; ii) late September-early October 2012 – publish staff draft of recommended corridors; iii) November 2012 – advertise the public hearing draft; iv) December 2012 – hold Planning Board public hearing; iv) January-February 2013 – hold Planning Board worksessions; and vi) late March-early April 2013 – transmit Planning Board draft to the County Council.

There followed extensive Board discussion, with questions to staff.

5. Roundtable Discussion

- A. Discuss Maryland Sustainable Growth and Agricultural Preservation Act of 2012 – Process for Compliance
- B. Maryland State Land Use Report
- C. Update on School Queue

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefings and discussed.

- A. Discuss Maryland Sustainable Growth and Agricultural Preservation Act**

of 2012 - Process for Compliance: Planning Department staff briefed the Board on the new Maryland Act addressing sustainable growth and agricultural preservation. Staff noted that the purpose of this Act is to help restore the Chesapeake Bay, continue progress previously made, safeguard public health and investment, support economic development; protect agriculture, and track and report septic system developments. The Act will limit septic systems on large-lot residential development in most jurisdictions, reduce major source of nitrogen pollution, and renew the State’s commitment to promote growth in areas that have the infrastructure in place for it, and will establish four tiers of growth and local jurisdictions are encouraged to map and adopt these tiers.

There followed a brief Board discussion with questions to staff and legal counsel to the Board.

B. Maryland State Land Use Report: Planning Department staff discussed The Montgomery County Land Use Change report prepared in compliance with requirements of the land use Article. This report is due every July and staff is requesting the Planning Board’s review.

There followed a brief Board discussion with questions to staff.

Chair Carrier instructed staff to forward the report to the County Council and the County Executive.

C. Update On School Queue: Planning Department staff briefed the Board on an updated school queue for Montgomery County. Staff noted that there are three school projects that might be required to make a school facility payment, all at the high school level, i.e. Shady Grove Station, Danac Stiles, and Mallory Square.

There followed a brief Board discussion with questions to staff.

***6. Limited Site Plan Amendment No. 82003014B: Euro Motorcars**

Lot One (approximately 3.59 acres), located at 19750 Germantown Road, including an expansion to the showroom of 5,000 square feet in Building 3, a new two-story parking deck, new signage, and a modification to the lighting and landscaping plans, TMX-2 Zone
Germantown Employment Area Sector Plan

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the staff recommendation to approve, subject to revised conditions, and adopt the attached Board Resolution.

Planning Department staff presented the limited site plan amendment, which proposes expansion of the showroom in Building 3 by 5,000 square feet, a two-story addition to the existing parking garage, relocation of entrance signage, and modifications to the lighting and landscape plans, as

detailed in the staff report. Staff noted that the Adequate Public Facilities (APF) validity period for the plan expired and, therefore, there was a new, updated APF review. Staff also reported that although the property is zoned TMX-2, the original plans were approved when the property was zoned TS and, under the grandfathering provisions, the proposed development will be completed under the standards of the TS zone. Concluding, staff reviewed a number of revisions to the conditions of approval and several revisions to the staff report.

Mr. Patrick O'Neil, attorney representing the applicant, concurred in the staff report in general, but requested that one of the conditions be deleted. Staff concurred in that request.

There followed some discussion about the amount of development, and Mr. Jon Penney of the applicant company responded to questions from the Board.

7. Special Exception S-2839: Plamondon Enterprises, Inc.

Request for a special exception to operate a drive-in restaurant at 15662 Old Columbia Pike, Burtonsville; C-2 Zone; 1997 Fairland Master Plan

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: PRESLEY/DREYFUSS

Vote:

Yea: 5-0

Nay:

Other:

Action: **Approved the staff recommendation to approve with conditions, as stated in the attached Letter of Transmittal.**

Planning Department staff presented the petition for a special exception to allow a drive-in restaurant on a free-standing pad site in the Burtonsville Towne Square shopping center, as detailed in the staff report. Staff defined the applicable neighborhood and discussed the zoning and other special exceptions in the neighborhood, as well as the required needs analysis and the inherent and non-inherent impacts of the proposed use. Staff also reviewed the statement of operations, access, circulation, and parking.

Mr. Joseph Lynott, attorney representing the applicant, concurred in the staff report and introduced other members of the applicant team.

There followed some discussion of access to the shopping center and conflicting turning movements, and staff provided information about how the pending Burtonsville Crossing Neighborhood Plan proposes to address that issue.

8. Briefing on the Upper Paint Branch Special Protection Area, the Legacy Open Space Functional Master Plan, and M-NCPPC's Park Acquisition Programs

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing and discussed.

Parks Department staff briefed the Board on the Upper Paint Branch Special Protection Area (SPA), the Legacy Open Space Functional Master Plan, and Commission park acquisition programs. Staff provided information about the importance of the Upper Paint Branch watershed, including the history of the State designations of the Upper Paint Branch as Use Class III Waters and as a Special Trout Management Area, the importance of the brown trout population in assessing water quality, the process of conducting biological monitoring, and the acquisition of parkland in the Upper Paint Branch watershed to remove existing imperviousness and protect against future development. Planning Department staff discussed the different SPAs in the County and the protections provided in the area master plans.

During discussion, staff responded to questions from the Board and provided additional information as needed.

Due to time constraints, the Board agreed to continue the presentation and discussion at a later date.

9. Proposed Zoning Text Amendment Revising the Requirements for Permitting Accessory Apartments

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: ANDERSON/DREYFUSS

Vote:

Yea: 4-1

Nay: PRESLEY

Other:

Action: Approved the staff recommendation to transmit the proposed Zoning Text Amendment to the County Council for introduction, revised to include a cap of 2,000 units County-wide, subject to revision if the need arises, as stated in the attached Letter of Transmittal.

Planning Department staff provided an overview of the proposed Zoning Text Amendment to revise the requirements for permitting accessory apartments and to allow them by-right, subject to quantifiable standards and requirements, as detailed in the staff report. Staff provided an overview of public outreach since the May 3 discussion by the Board and the changes made to address concerns raised about the impact of accessory apartments in the smaller-lot residential zones. The key difference between the original staff recommendation and the current staff recommendation, staff said, is the new recommendation to remove the ability to create detached accessory apartments in small-lot zones.

The following speakers offered comments on the proposed Zoning Text Amendment: Mr. Arnold Gordon, representing Norbeck Meadows Civic Association; Mr. Matt Zaborsky of Rockville; Ms. Barbara Falcigno, representing the Greater Olney Civic Association; Ms. Virginia Sheard, representing the Montgomery County Civic Federation; Ms. Barbara Sanders of Silver Spring; Mr. Gregory Sanders of Ellicott City; Ms. Goldie Rivkin, representing the Battery Park Community Association; Ms. Naomi Spinrad, representing the Chevy Chase West Neighborhood Association; Mr. James Zepp of Silver Spring; Ms. Elaine Apter, representing the League of Women Voters of Montgomery County; Mr. Woody Brosnan of Silver Spring; Mr. Richard Hoye of Bethesda; Ms. HESSIE HARRIS of Silver Spring; Ms. Judy Higgins, representing the Kensington View Civic Association; Ms. Jean Cavanaugh of Silver Spring; Ms. Marilyn Piety, representing the Sligo-Branview Community Association; Ms. Leslie Marks, representing the Commission on Aging; Ms. Rosalind Grigsby, representing the City of Takoma Park; Ms. Harriet Quinn, representing the Woodmore-Pinecrest Citizens Association; Ms. Kathleen Samiy of Silver Spring; and Ms. Mary Rubino of Bethesda.

9. Proposed Zoning Text Amendment Revising the Requirements for Permitting Accessory Apartments

CONTINUED

There followed considerable discussion of various issues, including whether revisions are needed and what they will accomplish, provision of affordable housing, problems with enforcement, and the potential number of accessory apartments. In discussion, creating a cap on the number of accessory apartments County-wide was identified as a method of preventing proliferation.

Commissioner Presley spoke in opposition to revising the standards and requirements via Zoning Text Amendment. She expressed the view that the current special exception requirements are not onerous and they provide the necessary public review on a case-by-case basis. If changes are needed, she suggested that they be addressed in the context of the pending comprehensive project to revise the Zoning Ordinance.