



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, July 10, 2014, at 9:13 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 5:20 p.m.

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

Item 1 is reported on the attached agenda.

The Board briefly recessed to go into Closed Session, Item 14 of the Planning Board Agenda.

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 went into Closed Session at 9:20 a.m. in the 3rd floor conference room, on motion of Commissioner Anderson, seconded by Commissioner Presley, 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)(7) to consult with counsel to obtain legal advice.

Also present at the Closed Session meeting were Associate General Counsels Carol Rubin and Nicholas Dumais of the Legal Department; Director Gwen Wright, Glenn Kreger, Nancy Sturgeon, and Andrea Gilles of the Planning Department; and M. Clara Moise of the Commissioners' Office.

In Closed Session the Board received advice from Legal Counsel to the Planning Board regarding an issue related to the upcoming discussion of Item 3 – Aspen Hill Minor Master Plan Amendment.

The Closed Session meeting was adjourned at 9:35 a.m. and the Board reconvened in the auditorium.

Items 3, 4, and 10 are reported on the attached agenda.

Commissioner Anderson left the meeting during discussion of Item 3.

The Board recessed for lunch at 12:38 p.m. and to take up Items 5 and 6 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 Closed Session at 12:50 p.m. in the 3rd floor conference room, on motion of Commissioner Dreyfuss, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Presley voting in favor of the motion, and Commissioner Anderson absent. 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; and §10-508(a)(13) to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.

Also present for all or part of the Closed Session meeting were Associate General Counsels Carol Rubin and Megan Chung of the Legal Department; Planning Department Director Gwen Wright; Deputy Director Michael Riley, Mitra Pedoeem, Judith Lai, Bill Gries, and Josh Kaye of the Parks Department; and M. Clara Moise of the Commissioners' Office.

In Closed Session the Board received briefing from Parks Department staff, Planning Department staff, and legal counsel to the Board regarding the proposed Montgomery County Park and Planning new headquarters building in Wheaton, and received briefing from Parks Department staff on proposed acquisition of parkland.

The Closed Session meeting was adjourned at 1:30 p.m.

The Planning Board reconvened in the auditorium at 1:50 p.m.

Items 7, 8, 11, 12, 13, and 2, discussed in that order, are reported on the attached agenda.

Item 9 was postponed.

The Board went into Closed Session at 4:05 p.m. in the Chair's office.

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 4:25 p.m. in the Chair's office, 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, and Commissioner Anderson absent. The meeting was closed under authority of Annotated Code of Maryland, State Government Article §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 one or more specific employees.

Also present for the Closed Session meeting was Planning Department Director Gwen Wright.

There was no Technical Writer present at the Closed Session meeting.

In Closed Session the Board discussed Personnel Matters.

The Closed Session meeting was adjourned at 5:20 p.m.

There being no further business, the meeting was adjourned at 5:20 p.m. The next regular meeting of the Planning Board will be held on Thursday, July 17, 2014, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Sr. Technical Writer/Editor

Montgomery County Planning Board Meeting
Thursday, July 10, 2014
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

Consent Agenda

***A. Adoption of Resolutions**

Corrected Resolution for the Home Depot Site Plan 820140030 – MCPB 14-06

BOARD ACTION

Motion: **WELLS-HARLEY/ANDERSON**

Vote:

Yea: **5-0**

Nay:

Other:

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

***B. Record Plats**

Subdivision Plat No. 220140250, Brooke Grove Foundation

RE-2 zone, 2 lots; located on the north side of Olney-Sandy Spring Road (MD 108), 400 feet east of Dominion Drive; Sandy Spring-Ashton Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220140390, George P. Sacks Subdivision (Revision)

CBD-R2 zone, 1 lot; located in the northwest quadrant of the intersection of Woodmont Avenue and Wisconsin Avenue (MD 355); Bethesda CBD Sector Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220140770 – 220140780, Chelsea Heights

RT-12.5 zone, 64 lots, 4 parcels; located in the southeast quadrant of the intersection of Springvale Road and Ellsworth Drive; North and West Silver Spring Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220140850, Decoverly Hall

CR zone, 2 parcels; located on the east side of Omega Drive, at the intersection of Corporate Drive; Great Seneca Science Corridor Master Plan.

Staff Recommendation: Approval
Subdivision Plat No. 220141140, Chevy Chase, Section 2

R-60 zone, 1 lot; located on the south side of Oxford Street, 600 feet east of Connecticut Avenue (MD 185); Bethesda-Chevy Chase Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220141160, Poplar Run

R-200 and R-90 zones; Tivoli Lake Boulevard Dedication; located at the northern terminus of Tivoli Lake Boulevard, 500 feet north of Osterport Drive; Kensington-Wheaton 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, as submitted.

***C. Other Consent Items**

7100 Wisconsin Avenue, Site Plan Amendment 82013023A-- 0.58 acres, CBD-R2 Zone; minor modifications to on-site public use space, off-site public amenity space, architecture, paving pattern, green roof, shift of footprint, and modifications to ADA ramps as a result of the detailed design process; located at 7100 Wisconsin Avenue at the intersection with Woodmont Avenue); within the Bethesda CBD Sector Plan.

Staff Recommendation: Approval and Adoption of Resolution

BOARD ACTION

Motion: ANDERSON/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Consent Item cited above, and adopted the submitted Resolution.

***D. Approval of Minutes**

Planning Board Meeting Minutes of June 12, 2014

BOARD ACTION

Motion: ANDERSON/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved Planning Board Meeting Minutes of June 12, 2014, as submitted.

2. CLOSED SESSION

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(7) to consult with counsel to obtain legal advice.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

3. Aspen Hill Minor Master Plan Amendment --- Presentation of Staff Draft Plan

Staff Recommendation: Approve Staff Draft as Public Hearing Draft and Set Public Hearing for September 11, 2014 ---- (Public Testimony will be taken at the Public Hearing)

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: ANDERSON ABSENT

Action: Approved staff recommendation for approval of the Staff Draft as the Public Hearing Draft and set the Public Hearing for September 11, 2014.

Planning Department staff offered a multi-media presentation and discussed the staff draft report for the Aspen Hill Minor Master Plan Amendment. Staff noted that the proposed draft is a comprehensive minor amendment of the approved and adopted 1994 Aspen Hill Master Plan. The Planning Board approved the scope of work for this Master Plan Amendment on January 13, 2014. Staff noted that three community meetings were held between December 2013 and May 2014 at the Aspen Hill Public Library, which were attended by approximately 50 to 70 participants, and the Planning Board was briefed on the project status, key issues, and preliminary recommendations on April 24 and June 5, 2014. Staff also noted that the remaining process includes a Planning Board Public Hearing scheduled for September 11, 2014; Planning Board worksessions scheduled in September and October 2014; Transmittal of the Master Plan draft to the County Executive and the County Council in November 2014; the County Council Public Hearing scheduled for January 2015; County Council worksessions during February and March 2015; and finally, the Commission adoption of the Sectional Map Amendment in April-May 2015.

There followed extensive Board discussion with questions to staff and to Legal Counsel to the Board.

4. Zoning Text Amendment No. 14-07

To revise the development standards for an accessory commercial kitchen

*Staff Recommendation: Transmit Comments to County Council
(Action required for County Council public hearing of 7/15/14)*

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: ANDERSON ABSENT

Action: Approved staff recommendation to transmit comments to the County Council, as stated in the attached transmittal letter.

Planning Department staff discussed the proposed Zoning Text Amendment, which would revise the development standards for an accessory commercial kitchen and would allow it to occupy less than five (5) percent of the floor area on the tract in common ownership on which the commercial kitchen is located. Currently, an accessory commercial kitchen is limited to occupying less than five percent of the floor area of the building in which it is located. A commercial kitchen is defined in the Zoning Ordinance to coincide with the regulations for a facility that satisfies the requirements of Chapter 15.

There followed a brief Board discussion with questions to staff.

10. Sectional Map Amendment for the Ten Mile Creek Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area

Staff Recommendation: Approval of the Sectional Map Amendment

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: ANDERSON ABSENT

Action: Approved staff recommendation for approval of the Sectional Map Amendment, as submitted, and the request to rezone the Hammer Hill property, as discussed during the meeting.

Planning Department staff offered a brief presentation and noted that the Sectional Map Amendment (SMA) follows the approval and adoption of the Ten Mile Creek Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area, and will implement, through the SMA process, the plan's recommendations. The SMA was filed on June 6, 2014. The Zoning Ordinance requires the Planning Board to provide a written recommendation to the District Council on the SMA, which will be part of the public record. The District Council is scheduled to hold a public hearing on the SMA on July 22, 2014.

Mr. Jody Kline, attorney representing Mr. Victor Peeke, owner of the Hammer Hill property, offered testimony requesting the Commercial/Residential Town (CRT) zoning on Parcel 366 of the property, and answered questions from the Board,

Legal Counsel to the Board offered clarification regarding the zoning requirement under the Zoning Ordinance regarding the Hammer Hill property located on Frederick Road in Clarksburg.

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

5. 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 (Wheaton)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

6.

CLOSED SESSION

Pursuant to State Government Article Annotated code of Maryland, Section 10-508 (a) (3) to consider the acquisition of real property for a Commission purpose and matters relating thereto (Ovid Hazen Wells Recreational Park)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

***7. Ancient Oak West: Preliminary Plan 120070480**

Request to create two lots from an existing undeveloped 3 acre recorded lot, located at the south-east corner of the intersection of Darnestown Road and Chestnut Oak Drive, 3 acres, R-200 Zone, Potomac Sub-region Master Plan --- **(Deferred from the September 19, 2013 hearing)**

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion DREYFUSS/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: ANDERSON ABSENT

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

In keeping with the June 27 technical staff report, Planning Department staff offered a multi-media presentation and discussed the preliminary plan request to create two lots from an existing undeveloped 3-acre recorded lot, located at the southeast corner of the intersection of Darnestown Road and Chestnut Oak Drive in the Potomac Sub-region Master Plan area. Staff noted that the Master Plan recommends diversity of lot sizes and the retention of R-200 zoning. The proposed preliminary plan was deferred by the Planning Board on September 19, 2013, when it was reviewed as a three-lot plan. Staff found the proposed application to be of a similar character as the existing lots in the surrounding neighborhood. Staff briefly discussed the proposed Forest Conservation Plan (FCP), which includes 0.81 acres of on-site Category I Easement, 0.67 acres of forest retention, and 0.14 acres of required forest planting.

Mr. Dean Packard, engineer representing the applicant, Mr. Yulcon Huang, also present, offered brief comments, and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff.

8. A. Platt Ridge Drive Extended: Mandatory Referral No. MR2014012, CIP Project No. 501200 --- Construction of a new road between Jones Bridge Road at the existing intersection of Platt Ridge Drive to the existing terminus of Montrose Driveway just west of Spring Valley Road.

Staff Recommendation: Approval with Comments to Montgomery County Department of Transportation (MCDOT)

B. Disposition of Parkland

Staff Recommendation: Approval with Conditions

NOTE: Actions on this project were deferred at the Planning Board meeting of April 3, 2014

BOARD ACTION

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

Vote:

Yea: **A. 4-0**
 B. 4-0

Nay:

Other: **ANDERSON ABSENT**

Action: **A. Approved staff recommendation for approval of the proposed Mandatory Referral cited above, and to transmit comments to the Montgomery County Department of Transportation (MCDOT)**

B. Approved staff recommendation for approval, subject to conditions, of the proposed disposition of parkland in connection with the proposed Platt Ridge Extended project.

In accordance with the July 3 technical staff report, Planning Department staff offered a multi-media presentation and discussed a proposed project that would construct an extension of the existing two-lane Platt Ridge Drive from its current terminal at Jones Bridge Road to the current terminus of Montrose Driveway just west of Spring Valley Road, a distance of approximately 483 feet. This project, which is not in the Master Plan, is proposed to be constructed through North Chevy Chase Local Park and is located within the Bethesda-Chevy Chase Master Plan area. Staff noted that the applicant, Montgomery County Department of Transportation (MCDOT) has made many efforts to minimize forest clearing by reducing the size and type of stormwater management facility proposed, with a large open bio-retention facility to the north of the road. Parks Department staff discussed the proposed disposition of approximately two acres of parkland at North Chevy Chase Local Park in connection with the Platt Ridge Drive Extended project, assuming the Planning Board determines there is a public need for that project. Staff's recommendation that the Planning Board approve the disposition of parkland is based on MCDOT's commitment to mitigate impacts to North Chevy Chase Local Park through the acquisition of replacement parkland.

8. A. Platt Ridge Drive Extended: Mandatory Referral No. MR2014012, CIP Project No. 501200 & B. Disposition of Parkland

CONTINUED

Mr. Edgar Gonzalez, Deputy Director for Transportation Policy at MCDOT offered comments and answered questions from the Board.

The following speakers offered testimony: Ms. Freda Mitchem of Woodlawn Road and outgoing president of the Chevy Chase Valley Citizens Association; Ms. Jennifer Dufour of Parsons Road and incoming president of the Chevy Chase Citizens Association; and Mr. Mark Zaidan of Spring Valley Road.

Mr. Bruce Johnston of MCDOT also offered comments.

There followed extensive Board discussion focusing mainly on the proposed mitigation and replacement of parkland, and non-invasive plant species removal in all the remaining forested area in the North Chevy Chase Local Park, with questions to staff and Mr. Gonzalez.

9. ~~Small's Nursery LLC: Local Map Amendment G-960~~

Request to reclassify 2.73 acres at 15910 Georgia Avenue from the RE-1 and R-200 Zones to the RT-10 Zone, 30 units proposed, Olney Master Plan

Staff Recommendation: Approval with condition

(ITEM REMOVED)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This Item was removed from the Planning Board Agenda.

11. Development Plan Amendment DPA 14-02

The Lauren, TS-R zone, 30,819 square feet, Request amendment to increase height limit of rooftop structure and revise binding elements to reflect increased structure height and updated building materials and architectural design images, located at 4901 Hampden Lane; Bethesda CBD Sector Plan

Staff Recommendation: Approval to Transmit comments to the Hearing Examiner

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: ANDERSON ABSENT

Action: Approved staff recommendation for approval and to transmit comments to the Hearing Examiner, as stated in the attached transmittal letter.

In keeping with the June 27 technical staff report, Planning Department staff discussed the proposed Development Plan Amendment (DPA) for a 30,819-square foot property located on Hampden Lane in the Bethesda Central Business District Sector Plan. The proposed DPA request is to allow an increase in height limit of the rooftop structure, and to revise the binding elements to reflect increased structure height and updated building materials, and architectural design images. Staff noted that with

the height increase there will be minimal impact on the view. Staff recommends approval of the DPA as it conforms to the Bethesda Sector Plan, and also recommends an expedited hearing process that foregoes a Hearing Examiner's proceeding. However, if the Board decides that any of the above issues warrant more attention, the Board can recommend an evidentiary hearing before the Hearing Examiner.

Mr. Jody Kline, attorney representing the applicant, offered brief comments, and concurred with the staff recommendation.

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

12. Woodside Park: Preliminary Plan No. 120070230

R-60 zone, 1.48 acres, Resubdivision of property to include 5 lots for 5 one-family detached homes and two outlots, located on Watson Road, approximately 300 feet north of the intersection with Dale Drive; North and West Silver Spring Master Plan

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: ANDERSON ABSENT

Action: Approved staff recommendation for approval, subject to conditions, and adopted the submitted Resolution.

In accordance with the June 27 technical staff report, Planning Department staff offered a multi-media presentation and discussed a request for approval to re-subdivide a 1.48-acre property to include five lots for five one-family detached homes and two outlots located on Watson Road, approximately 300 feet north of the intersection with Dale Drive in the North and West Silver Spring Master Plan area. Staff also noted that a number of letters from the neighbors have been received in support of this project. Staff also recommends approval of the requested waiver of the Subdivision Regulations for relief from re-subdivision criteria.

Ms. Mary Jane Checchi of Spangler Avenue, the applicant, introduced Mr. Robert Brewer, attorney for the applicant, and Ms. Lauren Ireland, member of the applicant's team. Ms. Checchi offered comments and concurred with the staff recommendation.

13. Mandatory Referral MR2014044 – Wood Acres Elementary School, 5800 Cromwell Drive, Bethesda MD

Staff Recommendation: Approval to transmit comments to the Montgomery County Public Schools (MCPS)

BOARD ACTION

Motion: DREYFUSS/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: ANDERSON ABSENT

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

Planning Department staff offered a multi-media presentation and discussed the proposed request by Montgomery County Public Schools (MCPS) for a two-story addition to the existing Wood Acres Elementary School located on 4.78 acres on Cromwell Road in Bethesda, in the Bethesda-Chevy Chase Master Plan area. The proposed addition will provide for an additional eight classrooms, support space for students, and exterior improvements, including new pavement, retaining walls, hardscape, stairs, and sidewalks. In order to accommodate the addition and reconfiguration of the playground and other improvements, it will be necessary for the school to further expand onto land owned by the Montgomery County Parks Department. These impacts include nine feet of shifted soft playground surface along with new stairs for fire access and grading improvements, all of which will be located within parkland. MCPS and Parks staff have ongoing discussions regarding this proposed expansion. This is part of MCPS' Capital Improvement Program requested by the Montgomery County Board of Education. The school facility and playground facilities will be available for public use under the Montgomery County Community Use of Public Facilities Program.

Mr. Rakesh Bagai of Montgomery County Public Schools offered brief comments.

2. Roundtable Discussion

- Planning Department Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by Board discussion.

Planning Department’s Director’s Report – Planning Department Director Gwen Wright offered a lengthy update on the on-going worksessions for the White Oak Master Plan with the County Council Committee on Planning, Housing, and Economic Development (PHED), followed by comments from Chair Carrier and Commissioner Dreyfuss. Ms. Wright also briefed the Board on the following: an upcoming happy hour for the Bethesda Downtown Plan sponsored by JBG Associates and Street Sense scheduled for next Wednesday, July 16, the third sponsored-event for this Master Plan; ongoing outreach strategy meetings for the Lyttonsville Master Plan; the Zoning Rewrite – District Map meeting with the County Council; and the upcoming Montgomery County Civic Federation potluck dinner, which she plans to attend. Ms. Wright also added that she will be on vacation on Thursday, July 24, and will not be able to attend the Chair’s goodbye party but will try to join via “skype” if possible.

15. 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 one or more specific employees.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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