



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

APPROVED
MINUTES

The Montgomery County Planning Board met in regular session on Monday, July 12, 2012, at 9:20 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 9:27 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 12:15 p.m. and to take up Items 6, 12, and 13 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 12:45 p.m. in the third floor conference room, on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, 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 §10-508(a)(7), State Government Article, Annotated Code of Maryland, to consult with counsel to obtain legal advice, and §10-508(a)(13), State Government Article, Annotated Code of Maryland to comply with 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 were Associate General Counsels Carol Rubin and Christina Sorrento of the Legal Department; Rose Krasnow, Mark Pfefferle, Mark Symborski, and Cathy Conlon, of the Planning Department; and Clara Moise of the Commissioners' Office.

In Closed Session, the Board consulted with Legal Counsel regarding the Subdivision Regulation Amendment (SRA) approval procedure, streamlining the review process for easement removals, and approved Closed Session Minutes of May 2012.

The Closed Session was adjourned at 2:10 p.m.

The Board reconvened in the auditorium at 2:20 p.m.

MCPB, 7-12-12, APPROVED

Items 7 through 10 are reported on the attached agenda.

The Board recessed for dinner at 5:24 p.m. and reconvened in the auditorium at 7:11 p.m.

Item 11 is reported on the attached agenda.

There being no further business, the meeting was adjourned at 9:27 p.m. The next regular meeting of the Planning Board will be held Monday, July 16, 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, July 12, 2012
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

1. Phyllis Jones Property 720110010 – MCPB No. 12-28
2. Byrd Farm 720080060 – MCPB No. 12-29
3. 8300 Wisconsin Avenue Project Plan 92006006A – MCPB No. 12-81
4. 8300 Wisconsin Avenue Preliminary Plan 12006040A – MCPB No. 12-82
5. 8300 Wisconsin Avenue Site Plan 82006036B – MCPB No. 12-83

BOARD ACTION

Motion: **DREYFUSS/ANDERSON**

Vote:

Yea: **5-0**

Nay:

Other:

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

***B. Record Plats**

1. Subdivision Plat No. 220100720, Highland Park; CBD-2 zone; 1 lot; located in the northwest quadrant of the intersection of Montgomery Avenue (MD 410) and Pearl Street; Bethesda CBD Sector Plan.

Staff Recommendation: Approval

2. Subdivision Plat No. 220121240 – 220121310, Poplar Run; R-200 zone; 212 lots, 9 parcels; located at the intersection of Tivoli Lake Boulevard and Redspire Drive; Kensington-Wheaton Master Plan.

Staff Recommendation: Approval

3. Subdivision Plat No. 220121330, National Chatauqua of Glen Echo; R-60 zone; 1 lot; located in the northerly quadrant of the intersection of University Avenue and Princeton Avenue; Bethesda-Chevy Chase Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the Record Plats cited above, as submitted.

***C. Other Consent Items**

1. Extension Request for Project Plan Review No. 920120030, 7900 Wisconsin Avenue, CBD-1/CBD-R-2, 3.24 acres, Mixed-use project totaling 592,903 square feet of development including up to 575 multi-family dwelling units, 55,892 square feet of non-residential use, located at the intersection of Wisconsin Avenue and Woodmont Avenue, south of Cordell Avenue, Bethesda CBD

Staff Recommendation: Approval of the Extension Request

2. Extension Request for Kaufman Property, Forest Conservation Plan No. 119980960, Chris Pirtle, Respondent – Adoption of resolution to extend deadline for obtaining approval of revised forest conservation plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: PRESLEY/DREYFUSS

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the Consent Items cited above, as presented.

***D. Approval of Minutes**

Minutes of May 14, 2012; May 15, 2012; May 17, 2012; and May 24, 2012.

BOARD ACTION

Motion: WELLS-HARLEY/ANDERSON

Vote:

Yea: 5-0

Nay:

Other:

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

2. Wildwood Medical Center

A. Schematic Development Plan Amendment No. SDPA-12-1: Amendment to the schematic development plan to permit the development of a productivity housing apartment building and modification of existing binding elements on approximately 3.5 acres in the O-M zone; located at 10401 Old Georgetown Road, Bethesda in the North Bethesda /Garrett Park Master Plan area.

Staff Recommendation: Approval

B. Board of Appeals No. S-2830: Special exception for dwellings for up to 58 productivity housing units on approximately 3.5 acres in the O-M zone located at 10401 Old Georgetown Road, Bethesda in the North Bethesda /Garrett Park Master Plan area

Staff Recommendation: Approval with conditions

(Action Required for Hearing by the Hearing Examiner on 7/27/12)

BOARD ACTION

Motion: A. ANDERSON/DREYFUSS
B. ANDERSON/WELLS-HARLEY

Vote:

Yea: A. 5-0

B. 5-0

Nay:

Action: A. Approved staff recommendation for approval, subject to revised conditions, as stated in the attached transmittal letter to the County Council.

B. Approved staff recommendation for approval, subject to revised conditions, as stated in the attached transmittal letter to the Hearing Examiner.

In keeping with the June 29 technical staff report, Planning Department staff discussed a proposed schematic development plan amendment request which seeks to amend a previously approved schematic development plan in order to replace a three-story office building located on 3.5 acres on Old Georgetown Road, not yet built, with a five-story, or 50 feet maximum height, 58-unit residential apartment building, and to modify previously approved binding elements, specifically regarding land use, building height, setbacks, and floor area. Staff noted that this application was reviewed simultaneously with a special exception request, which will permit the construction of the 58-unit residential building. The applicant is proposing 225 parking spaces, 111 surface parking spaces and 114 parking spaces, underneath the residential building. The applicant's proposal to use shared parking with the bank, medical offices, and other services located on the site adequately satisfies the parking requirement for the existing and proposed uses on the site. Staff also noted that correspondence was received from many citizens regarding present and future parking problems, traffic congestion, and school impact, which have been discussed in the staff report.

Mr. Jody Kline, attorney for the applicant, briefly discussed the proposed request, stating that an agreement has been reached with Wildwood Manor Civic Association, initially opposed to the project, on several aspects of the proposed residential building, and concurred with the staff recommendation.

2. Wildwood Medical Center

CONTINUED

The following speakers offered testimony: Mr. Norman Knopf, attorney representing the Wildwood Manor Citizen Association; Ms. Wendy Calhoun of Ashburton Lane; Ms. Beverly Heller of Berkshire Drive; Ms. Patricia Broderick of Rossmore Drive; Ms. Melitta Carter of Avon Drive; Mr. Joseph Dias of Rudyard Drive; Ms. Becky Melzer of Rossmore Drive; Ms. Kathy Rose of Holmhurst Road; Mr. Michael Villa of Wildwood Estates Homeowners Association.

At the Board's request, Mr. Mike Plitt, member of the applicant's team, clarified the stormwater management requirements for the site, and the applicant's proposed stormwater management plan.

In response to Commissioner Anderson's request for additional information regarding the student generation calculation estimates, Planning Department staff clarified the school's selection process, and noted that the student generation rates are generally derived from the latest census updates while utilizing various rates based on projected and existing housing stock in the County. More specific information about schools is typically provided during the Adequacy of Public Facilities (APF) review, which is a required Preliminary Plan finding.

Mr. Tripp Aubinoe, the applicant, offered comments and answered questions from the Board.

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

3. Board of Appeals No. SE 12-03, Mariana Llie

Applicant requests a special exception for a child day care facility for up to 12 children, R-60 zone, .24 acres, located at 9414 Balfour Drive, Bethesda

Staff Recommendation: Approval with conditions

(Action Required for Hearing by the Hearing Examiner on 8/3/12)

BOARD ACTION

Motion: PRESLEY-WELS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval, subject to conditions, as stated in the attached transmittal to the Hearing Examiner.

Planning Department staff discussed the special exception request for a group day care for up to 12 children in the lower level of an existing one-family home. The applicant owns the home on Balfour Drive in Bethesda, and currently operates a registered day care for up to eight children and wants to expand to up to 12 children less than six years of age, and the expansion will not change the existing footprint and design of the building. One non-resident staff and two resident staff will provide care for the children. Staff noted that the application meets the zoning requirements for a group day care and is also consistent with the Bethesda/Chevy Chase Master Plan.

Ms. Marianna Llie, the applicant, answered questions from the Board.

***4. Olney Estates - POSTPONED**

A. Preliminary Plan Amendment No. 12005092A: Olney Estates; Adjustments to platted lot lines and lot sizes, located on the south side of Old Baltimore Road, approximately 1,000 feet south of the intersection with Sandy Spring Road (MD 108), approximately 107.35 acres, RNC Zone, Olney Master Plan

Staff Recommendation: Approval with Conditions

B. Limited Site Plan Amendment No. 82006019A: Olney Estates; Adjustments to platted lot lines and lot sizes, revisions to the single family unit types, modifications to the landscaping and the adjustments to the entrance signage, located on the south side of Old Baltimore Road, approximately 1,000 feet south of the intersection with Sandy Spring Road (MD 108), approximately 107.35 acres, RNC Zone, Olney Master Plan

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.

***5. Preliminary Plan No. 120100130 ISG Building**

One lot requested for a religious institution. R-60 zone, 51,788 square feet; located at the intersection of Blunt Road and Middlebrook Road; Germantown Planning Area.

Planning Board Action/Decision: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: ANDERSON/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to approve the preliminary plan and adopt the attached Board Resolution.

In keeping with the June 29 technical staff report, Planning Department staff discussed the request to create a single lot for a religious institution with a capacity of 283 persons by consolidating unplatted parcels, abandoned right-of-way, and other property conveyed to the applicant by Montgomery County that were made available due to the realignment and partial abandonment of Blunt Road. The property is located at the intersection of Blunt Road and Middlebrook Road in Germantown. The proposed Mosque is exempt from the Adequate Public Facilities (APF) review, and Local Area Transportation Review (LATR) and Policy Area Mobility Review (PAMR) are not required. A forest conservation plan with a tree variance is recommended for approval and has been submitted with this application.

Mr. Heshimat Eskander, engineer for the applicant, introduced Mr. Madgi Hassanein, Chairman of the proposed mosque, and Mr. Patrick Perry, member of the applicant's team, answered questions from the Board, and concurred with the staff recommendation.

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

6. Closed Session

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(13) to comply with specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

12. 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 official citation and open session report in narrative minutes.

13. 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 official citation and open session report in narrative minutes.

7. Mandatory Referral MR2012023 with Forest Conservation Plan, Donnybrook Stream Restoration

5.50 acres, R-60 Zone, located on Donnybrook Drive, approximately 300 feet west of the intersection with Grubb Road, Bethesda Chevy-Chase

Staff Recommendation: Approval of the Mandatory Referral and Forest Conservation Plan and Adoption of Resolution

BOARD ACTION

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

Vote:

Yea: A. 5-0

B. 5-0

Nay:

Other:

Action: A. Approved the staff recommendation to approve the forest conservation plan and adopt the attached Board Resolution.

B. Approved the staff recommendation to approve the mandatory referral.

Parks Department staff presented the mandatory referral review and forest conservation plan for the County Department of Environmental Protection (DEP) Donnybrook Stream restoration project,

which will provide in-stream measures for directing water flow, improve aquatic and forest habitat, and install low-impact development measures to reduce pollutants and runoff velocity prior to entering the Donnybrook Tributary. The project includes replacement of the pedestrian bridge at Spencer Road. Staff noted that the tributary is severely degraded from untreated stormwater runoff, which causes stream surges during storm events, and said that the Donnybrook Stream was identified as one of the highest-ranked streams proposed for restoration in the Rock Creek Watershed Feasibility Study, as part of the County's Watershed Restoration Initiative. Staff reported that the project includes removal of 114 trees, including 10 specimen trees, and impact to critical root zones of 27 specimen trees. Staff reported that the tree loss is unavoidable, and many of the trees are already in jeopardy due to the stream bank erosion. Reforestation of 1.76 acres, including 11 3-inch caliper trees will mitigate the tree loss.

Mr. Craig Carson, County Department of Environmental Protection (DEP), responded to questions from the Board about community outreach, easement requirements for work on private property, project costs, and the timing of the pedestrian bridge closure.

Ms. Judith Koenick of Silver Spring offered comments.

8. Worksession No. 2: Burtonsville Crossroads Neighborhood Plan (Rural Areas)

Staff Recommendation: Review the Public Testimony and staff response to finalize the Plan

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Discussed and provided guidance to staff.

In the second worksession on the Burtonsville Crossroads Neighborhood Plan, Planning Department staff reviewed the public testimony and the staff recommendations for the rural edge areas. Staff provided extensive information about the Patuxent River Primary Management Area and strategies for protecting the reservoir, including low-density zoning, impervious limits, conservation parks and easements, and establishment of an inter-jurisdictional watershed protection group. Staff noted that the State recently designated the Rocky Gorge reservoir as impaired, and said that pollution to that reservoir must be reduced by half. Because of the proximity of the reservoirs and the Patuxent River, and concerns about degradation, staff recommends not only prohibiting the extension of sewer service, but also imposing a maximum imperviousness of eight percent on adjacent properties. Staff noted that this is lower than the maximum of ten percent imperviousness that was previously established in the Patuxent River Watershed Functional Master Plan and the Environmental Guidelines.

Mr. Mike Nagy, attorney representing the owners of five contiguous properties in the rural area, spoke in opposition to the staff recommendation for the RC Zone with no sewer service, and presented an alternate proposal for development of 191 units under R-60 zoning with sewer service.

Mr. Donald Chamberlain, representing the Patuxent Watershed Protective Association and the Timber Hill Civic Association, spoke in opposition to the proposal and supported the staff recommendation for those properties, due to the proximity and potential negative impact on the reservoir.

There followed some discussion of the overall recommendations for the rural edge areas, the proposed development concept and other potential development in those areas, and the Board concurred in the staff recommendations to encourage development in the commercial area and discourage development in the rural edge areas, and provided guidance in terms of clarifying the master plan intent and recommendations.

Commissioner Dreyfuss raised concerns about the potential for future institutional development that might exceed the impervious limits and for which sewer service might be approved.

9. Proposed Zoning Text Amendment to Amend RC Zone

Amend the RC zone to establish impervious surface limits where specifically recommended in the area master or sector plan

Planning Board Action/Decision: Transmit to County Council for introduction

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-1

Nay: DREYFUSS

Other:

Action: Approved the staff recommendation to transmit the proposed Zoning Text Amendment, as revised in discussion, to the County Council for introduction.

Planning Department staff presented the proposed Zoning Text Amendment to amend the RC Zone to establish impervious surface limits where specifically recommended in the area master or sector plan, as detailed in the staff report. Staff noted that the proposed amendment will implement and strengthen the maximum imperviousness of eight percent, regardless of use, for the properties zoned RC, based on their location within the tributary headwaters of the Patuxent River Watershed, in the Burtonsville Crossroads Neighborhood Plan.

10. Zoning Text Amendment 12-09

Allow hotels in high density planned development zones; and generally amend the provision for commercial uses in PD zones.

*Planning Board Action/Decision: Approval to Transmit Comments to County Council
(Action Required for County Council Public Hearing of 7/17/12)*

BOARD ACTION

Motion: PRESLEY/DREYFUSS

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the staff recommendation to transmit comments to the County Council, as revised in discussion, as stated in the attached Letter of Transmittal.

Planning Department staff presented the Zoning Text Amendment to amend the provisions for commercial uses in the Planned Development (PD) zones and allow hotels in high-density PD zones of 44 or more units per acre, as detailed in the staff report. Staff proposes to add a requirement that hotels must be located in proximity to a central business district or transit station development area.

Mr. Jody Kline, attorney representing the owners of the Children’s Inn property on Woodmont Avenue in Bethesda, discussed the proposed conversion of an approved apartment building to an extended-stay hotel, which would be possible with this amendment to the PD zone.

Ms. Goldie Rivkin, representing the Battery Park Citizen’s Association, offered comments.

There followed considerable discussion of how hotel uses comply with the purpose clause of the PD zone, whether extended-stay hotels would be more consistent with the purpose clause, and changes that were made in the drafting of the Zoning Text Amendment. In discussion, the Board agreed to specify that the use is permitted in the “urban high” densities of the PD-60 zone and above, and if the property does not abut or confront property that is zoned and used for single-family residential use.

11. Subdivision Staging Policy Worksesssion #1: Schools and Local Area Transportation Review

BOARD ACTION

Motion: 1. ANDERSON/WELLS-HARLEY

Vote:

Yea: 1. 4-1

Nay: 1. DREYFUSS

Other:

**Action: 1. Approved the staff recommendations related to the schools queue.
2. By consensus, supported the remaining staff recommendations related to the schools test.
3. By consensus, supported the staff recommendations related to Local Area Transportation Review.**

In the first worksession on the Public Hearing Draft Subdivision Staging Policy, Planning Department staff provided a review of the recommendations and public testimony for the schools test and Local Area Transportation Review, as detailed in the staff report.

The Board discussed various aspects of the staff recommendations and provided guidance to staff. Staff responded to questions and provided additional information about implementation as needed. With regard to the schools test, there was considerable discussion of the school impact tax and the school facility payment. With regard to Local Area Transportation Review, there was considerable discussion of the methodology, particularly in terms of using critical lane volumes (CLV).

Mr. Glenn Orlin, County Council staff; Mr. Bruce Crispell, Montgomery County Public Schools staff; and Mr. Paul Silberman, transportation consultant for the Planning Department, participated in the discussion.