



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 16, 2012, at 9:15 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 9:45 p.m.

Present were Chair Françoise M. Carrier, Vice Chair Marye Wells-Harley, and Commissioners Casey Anderson and Amy Presley. Commissioner Norman Dreyfuss joined the meeting at 11:15 a.m., during discussion of Item 2.

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 9:20 a.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 and Presley present and voting in favor of the motion, and with Commissioner Dreyfuss absent. 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.

Also present for all or part of the Closed Session were Associate General Counsels Carol Rubin and Christina Sorrento of the Legal Department; Neil Braunstein, Cathy Conlon, and Robert Kronenberg of the Planning Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board consulted with Legal Counsel about the applicability of the resubdivision criteria to the Alta Vista preliminary plan on the morning agenda.

The Closed Session was adjourned at 9:56 a.m.

The Board reconvened in the auditorium at 9:59 a.m.

Item 1, the Consent Agenda, was deferred. Items 2 through 5 are reported on the attached agenda.

The Board recessed at 2:49 p.m. for lunch and reconvened in the auditorium at 3:35 p.m.

Items 6 through 10 are reported on the attached agenda.

MCPB, 7-16-12, APPROVED

There being no further business, the meeting was adjourned at 9:45 p.m. The next regular meeting of the Planning Board will be held Monday, July 19, 2012, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye
Technical Writer

M. Clara Moise
Technical Writer

Montgomery County Planning Board Meeting
Monday, July 16, 2012
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

11. 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.

1. Consent Agenda - DEFERRED UNTIL 7/19/12

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was deferred.

2. Preliminary Plan Review No. 120070750, Alta Vista

R-60 Zone with MPDU option, 9.71 acres, 34 lots for 28 one-family detached units and 6 one-family attached units, including 15% MPDUs, located in the southeast quadrant of the intersection with Old Georgetown Road and Alta Vista Road, Bethesda Chevy-Chase

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: ANDERSON/PRESLEY

Vote:

Yea: 4-0-1

Nay:

**Other: DREYFUSS ABSTAINED, AS HE WAS NOT PRESENT
FOR THE ENTIRE DISCUSSION**

Action: Approved the staff recommendation to approve, subject to revised conditions, as further revised in discussion, as stated in the attached Board Resolution.

Planning Department staff presented the proposal to resubdivide two parts of platted lots, currently the location of the American College of Cardiology, into 34 lots, for an optional method development of 28 single-family detached units and six-family attached units, including 15 percent moderately priced dwelling units (MPDUs), and four open space and conservation parcels, as detailed in the staff report. Staff noted that because this is the first optional method project in an area developed under the standard method, the resubdivision criteria cannot be applied in relation to a defined neighborhood that includes other optional method development. Therefore, a waiver of the resubdivision criteria is necessary. Because the resubdivision criteria pertain to compatibility, staff discussed generally how the layout of the subdivision maintains compatibility with the existing surrounding neighborhood and pointed out that compatibility will be further addressed at site plan review, which is required for projects with MPDUs under the optional method of development. Staff also discussed recommendations in the master plan, including a general restriction against townhouse development along Old Georgetown Road. Staff discussed how the three townhouses being proposed will incorporate architectural features to give the appearance of a single-family detached house. Noting some correspondence in opposition to the extension of Camberley Avenue through the property, staff discussed the relative merits of that extension and explained why cut-through traffic is not anticipated. Concluding, staff reviewed the environmental issues, including two conservation easements and a request for a variance to remove trees, subject to mitigation, and made several revisions to the proposed conditions of approval.

Mr. Todd Brown, attorney representing the applicant, and Mr. Harry Schwab, the contract purchaser, concurred in the staff recommendation, including the revised conditions, and

2. Preliminary Plan Review No. 120070750, Alta Vista

CONTINUED

requested a revision to condition 9 to allow the right-of-way of the extension of Camberley Avenue to be tapered down to 50 feet at the connection to the existing Camberley Avenue.

Mr. Alexander Amdur of Camberly Avenue; Mr. Stanley Langfeld of Camberly Avenue; and Mr. Allen Myers, representing Maplewood Citizens Association, offered comments.

There followed considerable discussion of the master plan recommendations; issues related to topography and tree loss that constrain the width of the multi-use path along the Old Georgetown Road frontage, which is part of the Bethesda Trolley Trail; architecture and integration of the MPDUs; and the extension of Camberley Avenue through the site. Staff and the applicant's representatives responded to questions and provided additional information as needed.

In discussion, the Board revised the conditions to encourage widening of the multi-use path along Old Georgetown Road to 10 feet wherever possible and agreed to recommend that County Department of Transportation (DOT) consider installation of traffic-calming measures to discourage cut-through traffic on Camberley Avenue.

3. Preliminary Plan Review No. 120120110, Ayrlawn

R-60 Zone, 0.77 acres, 5 lots for 5 one-family detached units, located in the northwest quadrant of the intersection with Johnson Avenue and Lindale Drive, Bethesda Chevy-Chase

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

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

Planning Department staff presented the proposal to resubdivide a platted parcel into five single-family residential lots, with the existing house to be retained, as detailed in the staff report.

Mr. Jody Kline, attorney representing the applicant, concurred in the staff recommendation.

4. Request for Extension of Preliminary Plan and Adequate Public Facilities Validity for Preliminary Plan Review No. 119990390, Friendship Commons (GEICO)

TS-M & R-60/TDR Zone, 26.5 acres, extension request for Preliminary Plan and APFO validity periods to 2020, located in the southwest quadrant of the intersection with Willard Avenue and Friendship Boulevard, Friendship Heights CBD

Staff Recommendation: Denial

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Contrary to the staff recommendation to deny, agreed to waive the requirements and grant an extension of the preliminary plan and the Adequate Public Facilities validity periods to 2020.

Planning Department staff presented the request for an extension of the Friendship Commons preliminary plan and Adequate Public Facilities validity periods, as detailed in the staff report. Staff recommends denial of the requested extensions. Staff reviewed the justification submitted by the applicant in relation to the criteria for granting extensions and discussed why staff does not find that there is sufficient justification for the extensions. Responding to questions from the Board, staff reviewed the provisions for the Board to grant a waiver of the criteria for extensions, noting that the applicant did not seek a waiver.

Mr. Robert Harris, attorney representing the applicant, introduced Mr. Terry Perkins of the applicant company. Mr. Harris elaborated on the justification for granting the extensions as stated in his letter of request, dated June 16, 2011.

Mr. Steve Silverman, Department of Economic Development, spoke in support of granting the requested extensions.

There followed some discussion of the criteria for extensions, the applicant's justification, and the ramifications of granting the extensions.

Ms. Diane Tanman, representing the Brookdale Citizens Association; Mr. Campbell Graeub of Chevy Chase; and Mr. Robert Cope, representing the Citizens Coordinating Committee on Friendship Heights, offered comments.

5. Mandatory Referral: Connecticut Avenue (MD185)/Jones Bridge Road/Kensington Parkway, SHA Contract No. MO5935870, MR#2012036

Staff Recommendation: Approval with Conditions and Comments

BOARD ACTION

Motion: ANDERSON/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the staff recommendation to approve the mandatory referral with conditions and transmit comments, approving the proposed improvements only on the west side of Jones Bridge Road, as stated in the attached Letter of Transmittal.

Planning Department staff presented an overview of the proposed State Highway Administration (SHA) improvements to the intersection of Connecticut Avenue/Jones Bridge Road/Kensington Parkway, including the proposed impact to a Category I conservation easement along the frontage of the Howard Hughes Medical Institute property on Jones Bridge Road and the required mitigation, as detailed in the staff report. Staff also reviewed the staff recommendations and comments, noting that the project will have a significant impact on the property owners on Jones Bridge Road east of Connecticut Avenue.

State Highway Administration staff made a detailed presentation of the project, including the scope of the project, the goals, schedule, and public outreach.

Ms. Suzanne Maloney, representing the Coquelin Run Citizens Association; Mr. Patrick O'Neil, attorney representing the Howard Hughes Medical Institute; Ms. Carrie Witkop of McGregor Drive; Ms. Amy Egan, representing the North Chevy Chase Elementary School PTA; Mr. Henry Levin, representing the Chevy Chase Park Homeowners Association; Mr. Greg Cichy of MacGregor Drive; and Ms. Fern Lapidus, representing the Village of North Chevy Chase Council, offered comments.

There followed considerable discussion of the project on the east side of Connecticut Avenue, particularly in terms of the need for and cost of the improvements, impact on the residential properties and the elementary school, pedestrian safety, and the traffic-calming devices recently installed by the County. There was also discussion of a waiver needed to provide a five-foot, rather than an eight-foot, bike path.

6. Board of Appeals No. SE 12-04, Buenos Amigos

Request for a special exception for a child daycare facility of up to 12 children and up to 2 non-resident staff, R-60 Zone, located at 10207 Douglas Ave, Silver Spring, Master Plan for the Communities of Kensington-Wheaton

Staff Recommendation: Approval with Conditions
(Action Required for Hearing by the Hearing Examiner on 9/13/12)

BOARD ACTION

Motion: **ANDERSON/WELLS-HARLEY**

Vote:

Yea: **5-0**

Nay:

Other:

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

In keeping with the July 5 technical staff report, Planning Department staff discussed a special exception request for a child daycare facility for up to 12 children and up to two non-resident staff members on Douglas Avenue in Silver Spring. Staff noted that there are no transportation and environmental concerns associated with this request and staff recommends approval with conditions, as stated in the staff report.

At the Board's request, Ms. Maria Sideris, the applicant, offered comments and clarifications. There followed a brief Board discussion with questions to staff and the applicant.

7. Continuation of Project Plan Review No. 920120020, Fenton Street

CBD-1/CBD-0.5, 2.05 acres, Continuation to correct the Master Plan designation from Silver Spring East to North and West Silver Spring. Mixed-use project totaling 263,538 square feet of development and including up to 259 multi-family dwelling units, 29,228 square feet for a church and 18,650 square feet of retail, located at the northeast quadrant of the intersection with Fenton Street and Bonifant Street, Silver Spring CBD and North and West Silver Spring Master Plan

Staff Recommendation: Approval with Conditions

BOARD ACTION

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

Vote:

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

Nay:

Other:

Action: **A. Approved staff request to reopen discussion to correct the Master Plan designation from Silver Spring East to North and West Silver Spring.**

B. Approved staff recommendation for approval of the project plan cited above, subject to conditions, and approved the project plan conformance with the East/West Silver Spring Master Plan.

In keeping with the July 6 technical staff report, Planning Department staff noted that at the May 31 hearing for the Fenton Street Project Plan the Board made all the necessary findings and approved the Plan subject to conditions. However, at that time staff stated that a small portion of the site zoned R-60 was located in the East Silver Spring Master Plan instead of the North and West Silver Spring one, therefore staff is requesting the Board’s approval to correct the Master Plan designation accordingly.

8. Germantown Park

A. Preliminary Plan No. 120110440: Germantown Park; A request to approve 104 lots for 104 townhouse units with 12.5 percent MPDU’s, located on the north side of Clopper Road (MD 117) between Mateny Road and Cinnamon Drive (18451 Mateny Road), 8.46 acres, RT-12.5 Zone, Germantown Master Plan

Staff Recommendation: Approval with Conditions and Adoption of Resolution

B. Site Plan No. 820120090: Germantown Park; A request to approve 104 lots for 104 townhouse units with 12.5 percent MPDU’s, located on the north side of Clopper Road (MD 117) between Mateny Road and Cinnamon Drive (18451 Mateny Road), 8.46 acres, RT-12.5 Zone, Germantown Master Plan

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

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

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

Nay:

Other:

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

B. Approved staff recommendation for approval, subject to revised conditions, and adopted the submitted Resolution.

In keeping with the July 6 technical staff report, Planning Department staff discussed the request to create 104 lots for 104 townhouse units with 12.5 percent Moderately Priced Dwelling Units (MPDUs) on a 8.46-acre property located on the north side of Clopper Road between Mateny Road and Cinnamon Drive in Germantown. Staff noted that the preliminary and site plans have been held until the capacity moratorium within the Northwest High School cluster was lifted by the County Council's action on July 1, 2012. Transportation Planning staff discussed the required Local Areas Transportation Review (LATR) payment and the proposed Critical Lane Volume (CLV) mitigation, which have been discussed with the Department of Transportation (DOT). Staff also discussed stormwater management and forest conservation requirements for the site.

Ms. Cyndy Bar, attorney representing the applicant, and Mr. Kevin Foster, the applicant, answered questions from the Board and concurred with the staff recommendation.

9. Preliminary Plan No. 120110430: Rolling Stone (Deferred from 3/8/12 Hearing)

A request to convert one outlot into one record lot, located on the north side of Bonifant Road approximately 1300 feet west of the intersection with Notley Road, 0.68 acres, R-200 Zone, Cloverly 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 Board Resolution.

In keeping with the June 29 technical staff report, Planning Department staff discussed the request to convert one outlot into one recorded lot located on a 0.58-acre property on the north side of Bonifant Road, approximately 1300 feet west of the intersection with Notley Road in the Cloverly Master Plan. Staff noted that this item was deferred from the March 8, 2012 Planning Board meeting at the applicant's request to allow sufficient time for local residents to meet with the staff of the Water Resources Section of the Department of Permitting Services and to amend the plans to address any changes that might result from those discussions. The preliminary plan and the forest conservation plan have been modified to relocate the proposed stormwater pipe that runs from Bonifant Road to the drainage easement away from the western property line to protect off-site evergreen screening.

At the Board's request, Mr. Rick Brush of the Department of Permitting Services (DPS) offered comments and clarifications regarding the proposed stormwater management plan.

Mr. Jody Kline, attorney representing the applicant, introduced Mr. James Glascock, the applicant, and Mr. Scott Roser of the applicant's team, discussed the proposed request, and concurred with the staff's recommendation.

The following speakers offered testimony: Mr. Michael Mafinsky of Bonifant Road, Mr. Chris Tolson of Bonifant Road, and Mr. Floyd Mitchell of Marine Drive.

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

10. Chevy Chase Lake Sector Plan Presentation of Staff Draft

Approval of document as a public hearing draft and set public hearing date for September 13, 2012
Staff Recommendation: Approve Document and Set Public Hearing Date

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by testimony.

Following a brief Planning Department staff presentation, the following speakers offered testimony: Ms. Patricia Baptiste of Crafton Street and representing Chevy Chase Village Homeowners Association; Ms. Stacy Spann representing the Housing Opportunities Commission (HOC); Ms. Patricia Burda representing the Town of Chevy Chase; Mr. Andy Harney of Bradley Lane; Ms. Tina Slater of Mansfield Road; Mr. Steve Robins, attorney, Lerch Early & Brewer; Ms. Lisa Fadden representing Chevy Chase Land Company; Ms. Ginanne Italiano representing the Greater Bethesda/Chevy Chase Chamber of Commerce; Mr. Phil McWilliams representing the Coquelin Run Citizens Association; Mr. Ralph Bennett representing Purple Line Now; Ms. Stacy Silber, attorney, Lerch Early & Brewer; Mr. Rob Bindeman representing Newdale News; Ms. Jacqueline Rose of West Greenvale Park; Mr. Charles Alston of Black Chestnut Lane; Mr. Robbie Brewer, attorney, Lerch Early & Brewer; Mr. George Baker of Jones Mill Road; Mr. Tim Pryor of Lynwood Place; Mr. Bill Sandmeyer representing the Chevy Chase Recreation Association; Mr. Ben Ross of Bethesda Avenue; and Mr. Ajay Bhatt representing Chevy Chase Lake/Friends at the Capital Crescent Trail (FCCT).

There followed considerable Board discussion regarding existing and proposed building height, square footage of proposed developments, need for schools, and traffic on Connecticut Avenue.

Chair Carrier instructed staff to address the issues raised by the speakers and come back to the Board in September with a revised staff draft and a proposed public hearing date sometime in October.