



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 24, 2008, at 9:03 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 9:25 p.m.

Present were Chairman Royce Hanson, Vice Chair John Robinson, and Commissioners Joe Alfandre and Amy Presley. Commissioner Jean Cryor joined the meeting shortly after it was called to order.

Items 1 through 10 are reported on the attached agenda.

The Board recessed at 12:20 p.m.

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 1:08 p.m. in the third floor conference room, on motion of Commissioner Cryor, seconded by Commissioner Robinson, with Commissioners Hanson, Alfandre, Cryor, Robinson, and Presley present and voting in favor of the motion. The meeting was closed under authority of §10-508(a)(13), State Government Article, Annotated Code of Maryland, to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.

Also present for the Closed Session were Associate General Counsels Debra Daniel and David Lieb of the Legal Department; Director Rollin Stanley and Glenn Kreger of the Planning Department; Michael Riley of the Parks Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board approved submitted Closed Session minutes.

The Closed Session was adjourned at 1:15 p.m. and the Board reconvened in open session in the third floor conference room.

The Board returned to the auditorium and reconvened the meeting at 1:25 p.m.

Item 1(ii), adoption of an opinion, Items 12 through 20 and Item 22 are reported on the attached agenda.

The Board recessed for dinner at 7:50 p.m. and reconvened in the auditorium at 8:10 p.m. with all five Commissioners present.

Item 21 is reported on the attached agenda.

There being no further business, the meeting was adjourned at 9:25 p.m. The next regular meeting of the Planning Board will be held Thursday, July 31, 2008, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye
Technical Writer

M. Clara Moise
Technical Writer

Montgomery County Planning Board Meeting
Thursday, July 24, 2008
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Adoption of Opinions/Resolutions

Group A: Three Commissioners Eligible to Vote [Commissioners Cryor, Hanson and Robinson]

- i) Piedmont Crossing, Site Plan No. 820060120, ADOPTION OF RESOLUTION No. 08-78
- ii) Greenway Village at Clarksburg Site Plan No. 82004022B, ADOPTION OF RESOLUTION No. 08-60**
- iii) Bowie Mill Estates Preliminary Plan 120080160, ADOPTION OF RESOLUTION No. 08-56
- iv) Hernandez Acres Pre-Preliminary Plan 720060590, ADOPTION OF RESOLUTION No. 08-49
- v) Chevy Chase Bank at Ashton Preliminary Plan 120070580, ADOPTION OF RESOLUTION No. 08-53
- vi) Chevy Chase Bank at Ashton Site Plan 820080130, ADOPTION OF RESOLUTION No. 08-51

** The Commissioners eligible to vote on this resolution either participated in the decision or have reviewed the record of the decision.

BOARD ACTION

Motion: (A.i, iii, iv, v, vi) **ROBINSON/HANSON**
(A.ii) **CRYOR/ROBINSON**

Vote:
Yea: (A.ii) **3-0-2**

Nay:

Other: (A.) **ALFANDRE, PRESLEY ABSTAINED**

Action: (A.i, iii, iv, v, vi) **Adopted the Resolutions listed above, except for A.ii, Greenway Village at Clarksburg Site Plan.**
(A.ii) **Adopted Resolution 86-60, Greenway Village at Clarksburg Site Plan No. 82004022B.**

2. Record Plats

Subdivision Plat No. 220080600, Bradley Farms

RE-2 zone; 2 lots; located on the west side of Harrington Drive, approximately 1300 feet north of River Road (MD 190); Potomac

Staff recommendation: Approval

Subdivision Plat No. 220081770, Crestview

R-60 zone; 1 lot; located in the southeast quadrant of the intersection of Bayard Boulevard and Berkley Street; Bethesda-Chevy Chase.

Staff recommendation: Approval

Subdivision Plat No. 220081980, Boyds Highlands

RE-2 zone; 1 lot; located on the north side of Barnesville Road (MD 117), approximately 1200 feet east of Slidell Road; Boyds

Staff recommendation: Approval

BOARD ACTION

Motion: **ROBINSON/ALFANDRE**

Vote:
Yea: **4-0**

Nay:

Other: **CRYOR ABSENT**

Action: **Approved plats as stated above.**

3. Consent Items

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **There were no consent items.**

4. Discussion: Maryland Transit Administration (MTA) Project Planning Update

Second in a series of updates. This session focuses on MTA and staff coordination on (1) MARC planning in the context of the White Flint Sector Plan and (2) the Corridor Cities Transitway (CCT) Environmental Assessment / Alternatives Analysis and updated land use forecasts.

(No public testimony will be taken at this time)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **Received briefing and discussed.**

Transportation Planning staff provided an overview of staff coordination of master plan development with Maryland Transit Authority (MTA), and Mr. Rick Kiegel of MTA briefed the Board on enhancements to the MARC system in Germantown, Kensington, and White Flint; the

Corridor Cities Transitway in the Gaithersburg West and Germantown master plan areas; and the Purple Line in the Takoma/Langley Crossroads Sector Plan.

Mr. Gary Erinrich, representing Montgomery County Department of Transportation, participated in the discussion.

5. Worksession: Housing Policy Element of the General Plan

(No public testimony will be taken at this time)

Staff recommendation: Approval of draft for Public Hearing

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Provided guidance to staff for revisions, subject to Board review prior to release for Public Hearing.

Research and Technology Division Chief Karl Moritz and staff presented an overview of the comprehensive study of housing issues, including expansion of the housing database, coordination with other government agencies, discussions with the building industry, and a series of seminars.

In discussion, the Board noted the need to identify specific goals and strategies/incentives to achieve them.

6. Extension Request for Project Plan Review No. 920070060, Bonifant Plaza

CBD-1 zone; .59157 acres; 72 multi-family dwelling units, including 9 MPDUs; located on Bonifant Street, approximately 135 feet east of Georgia Avenue; Silver Spring

Staff recommendation: Approval with Extension Request

BOARD ACTION

Motion: ROBINSON/ALFANDRE

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to grant a six-month extension of the review period.

7. Extension Request for Project Plan Review No. 920080010, 4500 East-West Highway

CBD-2 zone; 1.28 acres; 210,000 square feet of office and 13,300 square feet of retail; located in the southwest quadrant of the intersection with East-West Highway and Pearl Street; Bethesda CBD

Staff recommendation: Approval of Extension Request

BOARD ACTION

Motion: ROBINSON/CRYOR

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to grant a 90-day extension of the review period.

8. Preliminary Plan 120080180, Village of Chevy Chase (Resubdivision)

R-60 zone; 0.90 acres; 3 lots requested; 3 one-family detached residential dwelling units; located in the northeast quadrant of the intersection of Bradley Lane and Connecticut Avenue (MD 187); Bethesda/Chevy Chase.

Staff recommendation: Approval with conditions

BOARD ACTION

Motion: ALFANDRE/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the staff recommendation to approve, subject to conditions, including the setbacks stipulated by staff, and modified to remove the condition requiring reconfiguration of the sidewalk along Connecticut Avenue, as stated in the attached Board Resolution. The Board also supported the Village of Chevy Chase preference to have no sidewalk installation along Bradley Boulevard.

Development Review staff presented the proposal as detailed in the staff report.

Mr. Jeff Robertson, CAS Engineering, introduced Mr. Patrick Strauss, the applicant, and concurred in the staff recommendation. Mr. Robertson requested removal of the requirement to reconfigure the sidewalk along Connecticut Avenue.

Mr. William Brownlee and Ms. Andy Harney, representing the Village of Chevy Chase Section 3, and Mr. David Brown, attorney representing Peter and Diane Terpeluk, abutting property owners, offered comments on the proposal.

9. Chevy Chase Bank Hillendale

A. Preliminary Plan No. 120080090, Chevy Chase Bank Hillendale

OM and R-90 zones; 46.96 acres; 2 lots requested; 3,170 square foot bank with three drive aisles and an existing institutional use; located in the southwest quadrant of the intersection of Powder Mill Road and New Hampshire Avenue (MD 650); White Oak. *Staff recommendation: Approval with conditions*

B. Site Plan Review No. 820080060, Chevy Chase Bank Hillendale

O-M zone; 1.026 acres; 3.170 gross square feet for office; located at southwest quadrant of the intersection of Powder Mill Road and New Hampshire Avenue (MD 650); White Oak *Staff recommendation: Approval with conditions*

BOARD ACTION

Motion: A. ROBINSON/CRYOR
B. PRESLEY/ROBINSON

Vote:

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

Nay:

Other:

Action: **A. Approved the staff recommendation to approve the preliminary plan, subject to revised conditions, as stated in the attached Board Resolution.**

B. Approved the staff recommendation to approve the site plan, subject to conditions, as stated in the attached Board Resolution.

Development Review staff presented the preliminary plan and site plan to subdivide the National Labor College property and create two lots, as detailed in the respective staff reports. Staff distributed a revised list of conditions for the preliminary plan, containing revisions to conditions 1 and 2a. Staff also made a correction to the section on findings for the site plan to note that there is a Schematic Development Plan and the site plan conforms to it.

Mr. Todd Brown, attorney representing the applicant, introduced representatives of the College and Chevy Chase bank, the contract purchaser of the new lot.

Ms. Eileen Finnegan, representing the Hillandale Citizens Association, spoke in support of the proposal and discussed the future transit center in the area.

10. Rock Spring Park

A. Preliminary Plan No. 11998093A, Rock Spring Center

B. Limited Site Plan Amendment No. 81989049G, Rock Spring Park, I-3 Zone; 44.16 acres; amendment to add daycare and outdoor play facility; located on the northeast quadrant of the intersection with Rockledge Drive and Fernwood Road; Potomac
Staff recommendation: Approval of the Limited Amendment

BOARD ACTION

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

Vote:

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

Nay:

Other:

Action: **A. Approved the staff recommendation to approve the preliminary plan amendment, subject to conditions, as stated in the attached Board Resolution.**

B. Approved the staff recommendation to approve the limited site plan amendment, subject to conditions, as stated in the attached Board Resolution.

 Ms. Cynthia Bar, attorney representing the applicant, concurred in the staff recommendation.

11. Closed Session

 Pursuant to Annotated Code of Maryland, State Government Article, 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 - Closed Session Minutes

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

12. Pre-Preliminary Plan No. 720070300, Phyllis Jones Property

 RDT zone; 25.24 acres; 2 lots requested, including one child lot; 2 one-family detached residential dwelling units, one existing to remain; located on the south side of Whites Ferry Road, 500 feet west of Morrow Road; Agriculture and Rural Open Space.

Staff recommendation: Denial

BOARD ACTION

Motion: **ROBINSON/ALFANDRE**

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for denial, as stated in the attached copy of the Board Resolution.

Staff of the Development Review Division and Community-Based Planning Division presented highlights of the June 18 technical staff report.

Ms. Rebecca Walker, attorney, noted the property owner, Phyllis Jones, is present, but represented by her daughter, Ms. Octavia Jamison, and son-in-law, Mr. Frank Jamison, who testified seeking approval of the application. Mr. Josh Maiser of Benning and Associates, also testified.

Offering testimony were Ms. Margaret Chasson, representing the League of Women Voters; Mr. Chris Kendrick, representing the Sierra Club; . Dolores Milmoie, representing the Audubon Naturalist society; and Ms. Caroline Taylor, representing For a Rural Montgomery (FARM).

13. Preliminary Plan No. 120080200, Great Falls Estates – POSTPONED

RE-2 zone; 2 acres; 1 lot requested; 1 one-family detached dwelling unit, one existing to be replaced; located on Alloway Drive, 400 feet southeast of Stanmore Drive; Potomac.

Staff recommendation: Approval with conditions

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: THIS ITEM WAS POSTPONED.

14. Site Plan Review No. 820080180, North Bethesda Center Parcel “A”, ‘C” and Infrastructure

TS-M Zone; 15.63 acres; Parcel A-103,910 gross square feet of retail, restaurant and theatre; Parcel C-411,980 gross square feet of restaurant; and infrastructure bridge, roads and sewer outfall; located at the southwest quadrant of the intersection of Nebel Street and Old Georgetown Road; North Bethesda/Garrett Park

Staff recommendation: Denial

BOARD ACTION

Motion: ROBINSON/ALFANDRE

Vote:

Yea: 5-0

Nay:

Other:

Action: Remanded the application to staff with directions to develop conditions, indicating the sense of the Board is to approve the plan with conditions, contrary to the staff recommendation for denial. Requested that the item be placed on the September 11, 2008, Board Agenda.

Staff of the Development Review Division presented highlights of the March 24 technical staff report.

Mr. Steve Elmendorf, attorney for the applicant, introduced the developer, Mike Smith, and members of the applicant’s team. Mr. Elmendorf requested deferral rather than denial of the application.

Offering public testimony were Ms. Suzanne Hudson for Garrett Park Estates – White Flint Park Citizens Association; Mr. Edward Rich of Hitching Post Lane in North Bethesda; Mr. Wayne Goldstein, for the Montgomery County Civic Federation Planning and Land Use Committee; and Ms. Paula Bienenfeld of Tilden Lane in North Bethesda.

22. Zoning Text Amendment No. 08-14 - ADDED

Further discussion as requested by Chairman Hanson from Montgomery Planning Board session on July 17, 2008

Introduced by the County Council at the request of the Planning Board; to amend the Zoning Ordinance to establish a Transit Mixed-Use (TMX) Zone; and establish allowable land uses, development standards, use of buildable transferable development rights, and approval procedures for development of the TMX Zone

Staff recommendation: Transmit Comments to Montgomery County Council

(Action required for County Council public hearing of 7/29/08)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: By consensus, and with the five Commissioners present, agreed to transmit the Zoning Text Amendment with comments, as stated in the attached copy of the letter to the Montgomery County Council.

Staff of the Development Review Division reviewed its July 22 supplemental staff report, following the July 17 hearing on the Transit-Mixed Use (TMX) zone, and recommended modifications.

Others offering testimony included Mr. Martin Klauber, People's Counsel; Ms. Anne Martin, attorney with Linowes and Blocher representing Somerset Development Twinbrook; Ms. Patricia A. Harris, attorney with Holland and Knight, representing Fishers Place development; and Mr. Steve Robbins, attorney with Lerch, Early and Brewer.

There followed Board discussion with questions to staff.

15. Proposed Amendments: Montgomery County Comprehensive Water Supply and Sewerage Systems Plan - AD 2008-3 (Administrative Cases)

**WSCCR 08A-DAM-02
Fredric Zedler Property
24417 Woodfield Road
Damascus Master Plan Area**

**WSCCR 08G-DNT-03
Montgomery County Public Schools
Darnestown Elementary School
15030 Turkey Foot Road
Potomac Master Plan Area**

**WSCCR 08A-DAM-03
William and Anne Mullis Property
9200 Damascus Road
Damascus Master Plan Area**

Staff recommendation: Transmit recommendations to County Executive

BOARD ACTION

Motion: **ROBINSON/PRESLEY**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved staff recommendation for approval of the three cases listed above and transmittal of the recommendations to the County Executive for final action, as reflected in the attached transmittal.**

16. Site Plan Review No. 820080090, Burn Brae Property

R-90/TDR zones; 11.51 acres; 63 townhouses, including 10 MPDUs; located on Blackburn Lane, approximately 150 feet north of Blackburn Road; Fairland
Staff recommendation: Approval with conditions

BOARD ACTION

Motion: **ALFANDRE/ROBINSON**

Vote:

Yea: **5-0**

Nay:

Other:

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

Staff of the Development Review Division presented highlights of the July 14 technical staff report.
Mr. Kevin Foster, Gutschick Little & Weber, P.A., representing the applicant, responded to Board queries.

17. Pre-Preliminary Plan No. 720080030, Brown Property (Resubdivision)

R-60 zone; 1.45 acres; request for Planning Board advice on proposed layout of 5 lots for 5 one-family detached dwelling units; located on Drumm Avenue, 500 feet north of McComas Avenue; Kensington/Wheaton.

Staff recommendation: No objection to submittal of a preliminary plan

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: By consensus, accepted the staff recommendation: “No objection to submittal of a preliminary plan.”

Staff of the Development Review Division submitted comments of Mr. Wayne Goldstein, Montgomery Civic Federation, who was not able to remain for the hearing.

Mr. Al Blumberg of Site Solutions, introduced Ms. Sandra Brown Sussillo, the daughter of the property owner and, along with others, executor of the will, who testified about the history of the property.

The Board, in taking action, initially approved a unanimous formal motion. When staff called to the Chairman’s attention that the application was seeking guidance only and a formal action was not necessary, the Chairman struck the formal motion and replaced it with the consensus action.

18. Preliminary Plan No. 120070540, Cabin John Park (Resubdivision)

R-90 zone; 1.9 acres; 5 lots requested; 5 one-family detached residential dwelling units, 3 existing to be replaced; located at the intersection of MacArthur Boulevard and 79th Street; Bethesda/Chevy Chase.

Staff recommendation: Approval with conditions

BOARD ACTION

Motion: ALFANDRE/CRYOR

Vote:

Yea: 4-1

Nay: ROBINSON

Other:

Action: Generally agreed that a four-lot, one-family detached dwelling unit plan might be compatible but, at the request of the applicant, deferred the plan to allow the applicant to prepare and submit such a revised plan.

Staff of the Development Review Division presented highlights of the July 11 technical staff report.

Mr. Dean Packard, engineer with P.G. Associates, introduced Mr. Noah Cantor of Hemingway Homes and other representatives of the applicant and testified in support of the plan.

Also presenting testimony were Mr. Burton Gray for the Cabin John Citizens Association; Mr. Gary Barnhard and Ms. Judy Barnhard, adjacent property owners on MacArthur Boulevard; Mr. David Murphy of Woodrow Place, who also testified for Mr. Patrick Lee of Riverside Avenue, who had to leave the hearing before its completion; and Reverend Sandra Shaw of Silver Spring, who spoke on behalf of a relative who owns the older property on the subject site that is considered by some to be a neighborhood landmark.

19. Ridge Road at Snowden Farm Parkway Intersection Improvements

***A. Water Quality Plan**

Staff recommendation: Approval with conditions

B. Mandatory Referral No. MR #08805-DPS-1

The proposed improvements on Ridge Road (MD27) between Brink Road and the future Snowden Farm Parkway intersection are a condition of approval for Preliminary Plans 120020330 and 120010300. The related construction of Snowden Farm Parkway between Ridge Road and 320 feet north of Morning Star Drive will be the subject of a separate future Mandatory Referral review (No. 08802-DPS-1).

Staff recommendation: Approval with comments to Department of Permitting Services

BOARD ACTION

Motion: (A.) ROBINSON/CRYOR
(B.) PRESLEY/ROBINSON

Vote:
Yea: (A.) 5-0
(B.) 5-0

Nay:

Other:

Action: (A.) Approved staff recommendation for approval of the Preliminary Water Quality Plan with conditions as stated in the attached copy of the Board letter of transmittal.

(B.) Approved staff recommendation for approval of the Mandatory Referral with comments, as stated in the attached copy of the Board letter of transmittal.

Ms. Karen Carpenter, Apex Engineering, represented the applicant and agreed with the conditions.

20. Roundtable Discussion

(No public testimony will be taken at this time.)

- A. Commissioners' Report
- B. Approval of Minutes
- C. Director's Report
- D. County Council Activity
- E. ICC Status Report #15

BOARD ACTION

Motion: (B.) ROBINSON/HANSON

Vote:

Yea: (B.) 5-0

Nay:

Other:

Action: (A.) Postponed
(B.) Approved minutes of June 12, 2008, and June 19, 2008, as presented.
(C.) Postponed
(D.) Postponed
(E.) Received ICC (Mandatory Referral No. 06809-SHA-1) Status Report #15, based on the staff report prepared July 22.

21. Randolph Hills

Discussion concerning Randolph Hills Park Activity Building and future public use of site.

Staff recommendation: Approve recommendation to remove building and direct staff on use options for site.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Following a multi-media staff presentation based on the July 10 technical staff report, testimony, and extensive discussion, the Board unanimously approved staff recommendation to remove the existing community building, and directed staff on use options for the site.

The following speakers offered testimony: Michael Saunders of Hunters Lane, President of the Randolph Hills Civic Association; Mr. Richard Zierdt of Coachway Drive and member of the Randolph Hills Civic Association Environmental Committee; Ms. Karen Helfert of Ashley Drive; Mr. Frank Shore of Troy Road; Mr. Matthew Shore of Troy Road; Mr. Matthew Tifford of Ashley Drive; and Ms. Judy Koenick of Chevy Chase.