



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, September 6, 2012, at 9:40 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 8:50 p.m.

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

Before the start of the meeting the Planning Board Commissioners and staff attended a Welcome Back reception.

Items 1 through 5 are reported on the attached agenda. Item 1A was taken up after Item 4, and Item 8 was taken up after Item 5.

The Board recessed for lunch at 12:56 p.m. and to take up Items 6 and 9 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 1:15 p.m. in the third floor conference room, on motion of Commissioner Anderson, 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 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, and State Government Article Annotated Code of Maryland §10-508(a)(7) to consult with counsel to obtain legal advice.

Also present for all or part of the Closed Session were Director Mary Bradford, Deputy Director Mike Riley, Bill Gries, April O'Neal, Dominic Quattrocchi, and Brenda Sandberg of the Parks Department; Associate General Counsels Sean Dixon and David Lieb of the Legal Department; Valdis Lazdins and Elizabeth McCoy of the Planning Department; and Clara Moise of the Commissioners' Office.

In Closed Session, the Board received briefing regarding the proposed acquisition of parkland from Montgomery College Foundation, Inc., located on Georgia Avenue in Wheaton and also discussed legal parameters for designation of a master plan public hearing draft and the Planning Department's past practice.

MCPB, 9-6-12, APPROVED

The Closed Session was adjourned at 3:05 p.m.

The Board reconvened in the auditorium at 3:12 p.m.

Items 6 through 8 are reported on the attached agenda.

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 Thursday, September 13, 2012, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Technical Writer

Montgomery County Planning Board Meeting
Thursday, September 6, 2012
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. **Consent Agenda**

***A. Adoption of Resolutions**

1. 4900 Fairmont Avenue, Project Plan 92007003A – MCPB No. 12-70
2. 4900 Fairmont Avenue, Site Plan 8210120120 – MCPB No. 12-71
3. Gladhill Tractor Mart Preliminary Plan 12002047A – Corrected Resolution MCPB No. 12-100
4. Fairland Animal Hospital Preliminary Plan 120120120 – Corrected Resolution MCPB 12-88

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS TEMPORARILY ABSENT

Action: Adopted the Resolutions cited above, as submitted.

***B. Record Plats**

Subdivision Plat No. 220120020, Washington- Rockville Industrial Park; RMX-3C zone, 3 parcels; located in the northeast quadrant of the intersection of Rockville Pike (MD 355) and Randolph Road, North Bethesda/Garrett Park Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: PRESLEY/ANDERSON

Vote:

Yea: 5-0

Nay:

Other:

Action: **Approved staff recommendation for approval of the Record Plat cited above.**

***C. Other Consent Items**

Site Plan Amendment 82004015I Park Potomac; Located on the northwest quadrant, intersection of Montrose Road and I-270, Parcels L & CC-LL / Block H. This amendment will correct the Staff Report of the Limited Site Plan Amendment (dated July 13, 2012) and the conditions of approval for the final Resolution.

Staff Recommendation: Approval of Revised Staff Report and Conditions of Approval and Adoption of Resolution

BOARD ACTION

Motion: **WELLS-HARLEY/DREYFUSS**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved staff recommendation for approval of the revised staff report and the conditions of approval, and adopted the resolution cited above, as submitted.**

***D. Approval of Minutes**

Minutes of June 7, June 21, June 28, July 12 and July 16, 2012

BOARD ACTION

Motion: **PRESLEY/WELLS-HARLEY**

Vote:

Yea: **5-0**

Nay:

Other:

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

***2. Preliminary Plan No. 120120080, Shady Grove Station (Montgomery County Service Park Redevelopment) (DEFERRED from 07/26/12)**

Proposed development for 2, 210 dwelling units, 40,000 square feet of retail, and 133, 250 square feet of office; on approximately 90 acres in the TOMX-2/TDR zone; located on Crabbs Branch Way at the intersection with Shady Grove Road in the Shady Grove Sector Plan area.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

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

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

Nay:
Other:

Action: **A. Approved staff recommendation for approval, subject to revised conditions, as stated in the attached revised Resolution.**
 B. Adopted the attached revised Resolution.

In keeping with the July 13 technical staff report, Planning Department staff discussed the proposed request to subdivide the Montgomery County Service Park located on Crabbs Branch Way at the intersection with Shady Grove Road in the Shady Grove Sector Plan area to construct up to 2,210 dwelling units, including 15 percent Moderately Priced Dwelling Units (MPDUs), 10 percent workforce housing, 41,828 square feet of retail, 131,422 square feet of office space, a public library, an elementary school site, and a local park, with dedications for streets. The proposed preliminary plan will establish the required street network and public facilities framework as required by the Sector Plan. The proposed lots will be served by public water and sewer, and the majority of the townhouses proposed will be served by a network of private streets. Montgomery County, the owner of the property, has entered into a development agreement with EYA of Bethesda, which is responsible for completing the preliminary plan and will redevelop the west portion of the property. Development of the east portion of the property will be done in subsequent phases. Staff also noted that transportation agreements between the County, the Montgomery County Department of Transportation, and EYA regarding the County's obligations to achieve set transportation goals have been signed.

At the Board's request, Parks Department staff discussed the proposed co-location of the school and the existing Jeremiah local park.

Ms. Barbara Sears, attorney representing the applicant, introduced Messrs. Robert Yungentaub, A. J. Jackson, and McLean Quinn, members of the applicant's team, discussed the proposed revised conditions recommended by staff, and concurred with the staff recommendation.

Messrs. Yungentaub and Jackson offered detailed presentations and answered questions from the Board.

3. Sectional Map Amendment for the Takoma Langley Sector Plan

Staff Recommendation: Approve Request to File Sectional Map Amendment

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to approve the request to file the Sectional Map Amendment for the Takoma-Langley Sector Plan.

4. Zoning Text Amendment 12-10

Amend the provisions for determining the established building line; and amend the applicability of the established building line requirement.

Staff Recommendation: Transmit Comments to County Council
(Action Required for County Council Public Hearing on 9/11/12)

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

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 (ZTA) allowing developers to amend the provisions for determining the established building line and to amend the applicability of the established building requirement. Staff noted that the current established building line provision lists buildings that are excluded from the established building line setback calculation. This ZTA attempts to clarify that when a new building is to be constructed on a site where a previous

building existed and was not subject to the required setback calculation, the new building is not exempt from the applicable sections of the established building line setback provision.

There followed a brief Board discussion with questions to staff.

5. Zoning Text Amendment 12-11

Revise the requirements for permitting accessory apartments in order to allow them by right under certain circumstances and under certain quantifiable standards and conditions.

Staff Recommendation: Transmit Comments to County Council
(Action Required for County Council Public Hearing on 9/11/12)

BOARD ACTION

Motion: **ANDERSON/WELLS-HARLEY**

Vote:

Yea: **4-0-1**

Nay: **PRESLEY**

Other:

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 (ZTA) revising the requirements for permitting accessory apartments in the County. Staff noted that currently an accessory apartment can only be granted through approval of a special exception by the Board of Appeals. The approval process is designed to address concerns such as maintaining neighborhood character through exterior appearance, providing adequate parking, and protecting against overconcentration of accessory units in any one area. Following two public meetings organized by Planning Department staff, as instructed by the Planning Board, staff recommends that the proposed ZTA permits accessory apartments by right in certain zones based on the size of the unit and/or whether the unit is attached to or detached from the principal one-family detached house. The ZTA will establish certain quantifiable standards and requirements drafted from existing objective standards by which a special exception use is granted for an accessory apartment. The maximum number of occupants will be restricted for both small and large accessory units, and a spacing requirement has been added to the use standards to limit the number of accessory units, regardless of size, that can be built within a neighborhood. Staff believes that the proposed ZTA addresses community impact concerns, while in many cases reducing the process, time, and expense required to build one particular type of affordable dwelling unit in the County.

Ms. Patricia Burda representing the Town of Chevy Chase offered testimony.

Commissioner Presley voted against the motion stating that in her view there is a continued need for public input on a case by case basis. Commissioner Presley also noted that she sees no need to

change the existing process considering its inexpensive application fee, and the historical fact that most special exception applications are reviewed within a reasonable timeframe and are usually approved.

6. 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

NOTE: Montgomery College Foundation, Inc. Property

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

9. Closed Session - ADDITION

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. Worksession on Chevy Chase Lake Sector Plan

*Staff Recommendation: Approve Public Hearing Draft and Set Public Hearing Date
(No Public Comment)*

BOARD ACTION

Motion: WELLS-HARLEY/DREYFUSS

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to approve the Public Hearing Draft for the Chevy Chase Lake Sector Plan, and set Public Hearing date for October 18, 2012.

Planning Department staff discussed supplemental information requested by the Planning Board at the July 16 worksession on Chevy Chase Lake Sector Plan, and requested the Board approval of an October 18, 2012 public hearing date. Staff also discussed the outcome of the various public meetings, including the issues raised, and staff comments and recommendations. One of the main concerns raised by the community is that development that has not yet been approved should wait until after the Purple Line has been constructed.

At the Board's request, Mr. Mike Madden, Manager for the Purple Line at the Department of Transportation, Transit Administration Division, offered comments and clarifications.

8. Roundtable Discussion

FY 2012 Development Applications Submissions and Processing

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by discussion.

Planning Department staff discussed FY 2012 development applications submission and processing by the Development Applications and Regulatory Coordination (DARC) Division of the Planning Department. Staff noted that processes and tracks all development applications submitted to the Planning Department and has provided the Planning Board with information related to the number of development applications accepted this fiscal year, which is consistent with previous years, as well as the number of building permits accepted, which has increased by 38 percent, the number of record plats accepted which has also increased by 35 percent. The average number of staff hours to review plans remains consistent with previous years, except for Mandatory Referrals where hours per application review has decreased by 45 percent. Staff noted that this discussion is in preparation for a proposed Planning Board item to be discussed in October requesting a change in application fees.

Acting Planning Department Director Rose Krasnow offered comments.