



**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, October 1, 2009, at 9:05 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 8:45 p.m.

Present were Chairman Royce Hanson and Commissioners Joe Alfandre, Amy Presley, and Marye Wells-Harley. Commissioner Jean Cryor was necessarily absent.

Items 1 through 5 are reported on the attached agenda.

The Board recessed at 9:55 a.m. and reconvened shortly thereafter for a bus tour of park facilities, Item 16 on the agenda.

The Board recessed for lunch at approximately 2:00 p.m. and reconvened in the auditorium at 3:00 p.m.

Items 6 through 8 and Item 11 are reported on the attached agenda.

Items 9 and 10 were postponed.

The Board recessed for dinner at 5:25 p.m. and reconvened in the auditorium at 7:05 p.m. to receive a presentation by Code Studio Consultants team and Planning Department staff on the Zoning Code Rewrite project, Item 12 on the Board Agenda.

There being no further business, the meeting was adjourned at 8:45 p.m. The next regular meeting of the Planning Board will be held Monday, October 5, 2009, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye  
Technical Writer

M. Clara Moise  
Technical Writer

**Montgomery County Planning Board Meeting**  
**Thursday, October 1, 2009, 9:00 A.M.**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760

**1. Adoption of Resolutions**

**1. Ourisman Ford at Montgomery Mall - Site Plan No. 820090140 - ADOPTION OF MCPB RESOLUTION No. 09-123**

**2. Montgomery Village Marketplace - Preliminary Plan No. 120090090 - ADOPTION OF MCPB RESOLUTION No. 09-125**

**3. Kensington Heights - Preliminary Plan No. 120080250 - ADOPTION OF MCPB RESOLUTION No. 09-122**

**BOARD ACTION**

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

**Vote:**  
**Yea:                    A. 4-0**  
**B. 3-0-1**

**Nay:**

**Other:                  A. CRYOR ABSENT**  
**B. ALFANDRE RECUSED; CRYOR ABSENT**

**Action:            A.     Removed Resolution MCPB 09-123, Ourisman Ford at Montgomery Mall, from the Consent Agenda, and adopted the remaining Resolutions as stated above.**  
**B.     Adopted Resolution MCPB 09-123, Ourisman Ford at Montgomery Mall.**

Commissioner Alfandre requested that the Resolution for the site plan for Ourisman Ford at Montgomery Mall be removed from the Consent Agenda. He read into the record a statement concerning possible conflict of interest, and recused himself from voting on the adoption of that Resolution.

**2. Record Plats**

**Subdivision Plat No. 220090680, Washingtonian Center**

MXPD zone; 2 parcels; located in the southeast quadrant of the intersection of Washingtonian Boulevard and Rio Boulevard; Shady Grove. *Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: PRESLEY/ALFANDRE**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: CRYOR ABSENT**

**Action: Approved the record plat cited above.**

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**3. Consent Items**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: There were no Consent Items submitted for approval.**

**4. Approval of Minutes**

Planning Board Minutes of 9-10-09

**BOARD ACTION**

**Motion: PRESLEY/WELLS-HARLEY**

MCPB, 9-10-09, NOT APPROVED

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: CRYOR ABSENT**

**Action: Approved the minutes of September 10, 2009, as presented.**

**5. Kensington & Vicinity Sector Plan**

Review of the Planning Board Draft

*Staff recommendation: Approval to transmit Planning Board Draft to County Executive and County Council*

**(No Public Testimony will be taken)**

**BOARD ACTION**

**Motion: ALFANDRE/PRESLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: CRYOR ABSENT**

**Action: Approved the Planning Board Draft for transmittal to the County Executive and County Council, subject to revisions provided during discussion.**

Community-Based Planning staff presented the revised Sector Plan draft for final review and approval for transmittal as the Planning Board Draft, highlighting revisions made following the Board's worksessions.

Mayor Peter Fosselman, representing the Town of Kensington, offered comments in support of the Plan.

In discussion, the Board offered several editorial changes for incorporation prior to transmittal.

**13. Planning Board Members Tour Park Facilities**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**        **The Planning Board participated in a tour of the park facilities.**

**6.     Limited Site Plan Review No. 82008018A, North Bethesda Center - TIME CHANGE**

Parcels A&C, TS-R zone; 4.26 acres; amendment to modify the building layout, convert retail to office, change the phasing and request a parking waiver; located at the southeast quadrant of the intersection of Marinelli Road and Rockville Pike; White Flint

*Staff recommendation: Approval with conditions*

**BOARD ACTION**

**Motion:**                **PRESLEY/WELLS-HARLEY**

**Vote:**

**Yea:**                **4-0**

**Nay:**

**Other:**                **CRYOR ABSENT**

**Action:**        **Approved staff recommendation for approval, subject to revised conditions discussed during the meeting, and as stated in the attached Board Resolution.**

In keeping with the October 1 detailed technical staff report, Development Review and Urban Divisions staff offered a multi-media presentation of the request to modify the building layout, convert retail space to office space, and request a parking waiver for the 4.26-acre property located at the southeast quadrant of the intersection of Marinelli Road and Rockville Pike in Twinbrook. Staff distributed a revised list of conditions and discussed the proposed amendment.

Mr. Steve Elmendorf, attorney representing the applicant, introduced members of the applicant's team and discussed the proposed amendment, specifically the Leadership in Energy and Environmental Design (LEED) Silver Rating Certification requirement for the proposed building.

Mr. Duncan Kirk, architect for the applicant, offered a multi-media presentation focusing on the proposed building architecture.

Ms. Judy Koenick of Chevy Chase offered testimony.

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

**7. Preliminary Plan 120080330, 6214 Verne Street (Resubdivision) - TIME CHANGE**

R-60 zone; 0.67 acres; 3 lots requested for 3 one-family detached residential dwelling units, one existing to be removed; located on Verne Street, 600 feet west of River Road (MD 190); Bethesda-Chevy Chase.

*Staff recommendation: Denial*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other: CRYOR ABSENT**

**Action: By consensus, with four Commissioners present, the Board approved the applicant's request for a deferral.**

In accordance with the September 18 detailed technical staff report, Development Review Division staff offered a multi-media presentation of the request to create three lots for three one-family detached residential dwelling units, with one existing dwelling to be demolished on a 0.67-acre property located on Verne Street, 600 feet west of River Road (MD 190) in Bethesda/Chevy Chase. Staff discussed the proposed request and recommended denial of the proposed request stating that the three proposed lots are not of the same character as the existing lots in the defined neighborhood with respect to lot frontage, and do not comply with Section 50-29(b)(2) of the Subdivision regulations. Staff also added that the proposed plan is not in substantial conformance with the Master Plan, and the proposed tree-save plan requires further revision.

Mr. Gus Bauman, attorney representing the applicant, introduced Mr. Steve Goodwin, the applicant, and Mr. Philip Perrine, engineer for the applicant team, discussed the proposed request, especially stormwater management and tree-save plan issues, and noted that he disagrees with the staff recommendation of denial.

Mr. Perrine offered comments and at the Board's request discussed the possibility of having two lots instead of three.

Messrs. Gary Grandchamp of Verne Street and Andrew Nelson of Verne Street offered testimony.

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

Chairman Hanson noted that he is inclined to agree with the staff recommendation but if the applicant wants to ask for a deferral in order to amend the plan and come back with a request for two lots, which will be more in character with the neighborhood, the Board will accommodate the request.

Mr. Bauman requested a deferral on behalf of the applicant and stated that the plan will be revised taking into account the Planning Board's comments and recommendations, and will be resubmitted to the Board for approval.

**8. Preliminary Plan 120090040, Harry Martin Tract (Resubdivision) - TIME CHANGE**

R-200 zone; 1.11 acres; 2 lots requested for 2 one-family detached residential dwelling units, one existing to remain; located on Alderton Road, 300 feet south of Alderton Lane; Aspen Hill.

*Staff recommendation: Approval with conditions*

**BOARD ACTION**

**Motion:** ALFANDRE/WELLS-HARLEY

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** CRYOR ABSENT

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

Development Review Division staff presented a request to create two lots for two one-family detached residential dwelling units on a 1.11-acre property located on Alderton Road, 300 feet south of Alderton Lane in Aspen Hill, as discussed in detail in the September 9 technical staff report.

Mr. Phil Wilk, land surveyor representing the applicant, and Mr. Stefan Szell, also present, offered comments and concurred with the staff recommendation.

At the Board's request, Mr. Zell offered comments regarding the required construction of a bike path by the applicant.

Staff noted that the Department of Permitting Services (DPS) will decide on the timing of the bike path construction for which the applicant is responsible. Staff added that DPS might be willing to give the applicant more time to do so but will most likely require that the applicant post a bond.

**9. Limited Site Plan Review No. 82008018A, Children's Manor Montessori School (formerly Traville Day Care) – POSTPONED**

TS-R zone; 4.26 acres; amendment to change the use to include both a day care facility and private educational institute; located at the southwest quadrant of the intersection Darnestown Road and Traville Gateway Drive; Potomac

*Staff Recommendation: Denial*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:** This item was postponed.

**10. Public Hearing: FY10 and FY11 User Fee Schedules - Enterprise Division and Park Permit Office - POSTPONED**

*Staff recommendation: Approval of proposed fee schedules for the Enterprise Fund facilities and Park Fund facilities permitted by the Park Permit Office.*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:** This item was postponed.

**11. Roundtable Discussion**

- Draft Semi-Annual Report

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:** Received a brief update from Planning and Parks Departments staff regarding the proposed schedule for the Semi-Annual Report discussion with the County Council.



**12. Code Studio**

This is an introduction and presentation by the consultant team hired to assist staff with the completion of the Zoning Code Rewrite project. Code Studio based out of Austin, Texas, has experience with zoning projects in places like Denver, Memphis, and Prince George's County. The project team, managed by Lee Einsweiler of Code Studio consists of Farr Associates, Nelson/Nygaard, Rhodeside & Harwell, and Robert J. Sitkowski. They bring expertise in law, code writing, community outreach, transportation planning and parking analysis, neighborhood conservation, and sustainable design that will maximize the potential of this rewrite process.

**(No public testimony)**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received a presentation by Code Studio Consultants team members and Planning Department staff on the Zoning Code Rewrite Project.**