



**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, November 8, 2012, at 9:16 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 9:23 p.m.

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

Items 1, 10, 3, 4, and 9, taken in that order, are reported on the attached agenda.

The Board recessed at 12:38 p.m. for lunch and reconvened in the auditorium at 2:12 p.m.

Items 5 through 7 and Item 2 are reported on the attached agenda.

Commissioner Presley left the meeting at 3:05 p.m. during discussion of Item 5.

The Board recessed for dinner at 6:30 p.m. and reconvened in the auditorium at 7:50 p.m. to take up Item 8, Countywide Transit Corridors Functional Master Plan.

There being no further business, the meeting was adjourned at 9:23 p.m. The next regular meeting of the Planning Board will be held Thursday, November 15, 2012, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye  
Technical Writer

M. Clara Moise  
Technical Writer

**Montgomery County Planning Board Meeting**  
**Thursday, November 8, 2012**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600

**1. Consent Agenda**

**\*A. Adoption of Resolutions**

1. 8701 Burning Tree Road Corrected Resolution Preliminary Plan 120110200 – MCPB 12-80
2. Travilah Grove Preliminary and WQP Plan 120120290 – MCPB 12-114

**BOARD ACTION**

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

**Vote:**

**Yea:**                   **A. 5-0**  
                                  **B. 3-0**

**Nay:**

**Other:**               **B. PRESLEY/DREYFUSS TEMPORARILY ABSENT**

**Action:**           **A. Adopted the Resolutions cited above.**  
                          **B. Withdrew the adoption of MCPB 12-80, the Corrected Resolution for Preliminary Plan 120110200, 8701 Burning Tree Road, and adopted a submitted Corrected Resolution with additional revisions.**

Prior to taking up Item 6 on the afternoon agenda, Legal Counsel to the Board distributed a revised draft of MCPB 12-80, the corrected resolution for Preliminary Plan 120110200, for 8701 Burning Tree Road, which was adopted under the Consent Agenda. Legal Counsel requested that the Board withdraw the adoption of the previous draft of the Resolution and adopt, instead, the new draft, which contains additional revisions.

**\*B. Record Plats**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**                   **There were no Record Plats submitted for approval.**

**C. Other Consent Items**

**1. Planning Board Resolution of Adoption of the Approved Upper Patuxent Area Historic Resources Amendment to the Master Plan for Historic Preservation**

*Staff Recommendation: Adopt Resolution for Transmittal to the Full Commission*

**2. Extension request: Project Plan No. 920120040 – Crystal Rock**

Mixed use project located north of Father Hurley Boulevard between Century Boulevard and Crystal Rock Drive (Lerner Property), TMX-2 Zone, Germantown Employment Area Sector Plan.

*Staff Recommendation: Approval to extend the date of the hearing to no later than January 25, 2013 (75-day review period)*

**BOARD ACTION**

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

**Vote:**

**Yea:**                   **4-0**

**Nay:**

**Other:**                   **DREYFUSS TEMPORARILY ABSENT**

**Action:**                   **Approved the Other Consent Items as stated above.**

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**\*D. Approval of Minutes**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**               **There were no minutes submitted for approval.**

### **10. Budget**

FY14 Budget Planning Discussion for the Planning Department, Commissioner's Office, and CAS Departments

#### **BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**       **By consensus, supported the two budgets in concept, subject to further refinement of the overall operating budget.**

Commissioners' Office staff presented the proposed FY14 operating budget for the Commissioners' Office. Acting Planning Director Rose Krasnow, in response to questions from the Board at the previous budget discussion, provided additional information on proposals for several new work program items and a reduction in the Development Review Special Revenue Fund, which were included in the Department's preliminary budget proposal.

There followed some discussion of the proposed new work program projects for the Planning Department budget.

Budget Director Darin Conforti participated in the discussion, providing additional information about the budget and funding implications of the proposals.

### **3. Staff Draft Glenmont Sector Plan**

*Staff Recommendation: Approve Staff Draft as Public Hearing Draft and set Public Hearing Date for December 20, 2012*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Discussed and provided guidance to staff.**

Prior to presenting the Staff Draft of the Glenmont Sector Plan, Planning Department staff noted a proposed change in the schedule, to postpone the Public Hearing to allow staff time to address recently discovered discrepancies in the transportation modeling portion of the draft Sector Plan in relation to the Plan recommendations. Staff noted that some additional modeling needs to be done to assess the impact on several intersections.

Ms. Sarah Woodworth, a consultant to the Department, presented an overview of the Glenmont Redevelopment Economic Study, which analyzed the feasibility of redeveloping the Glenmont Shopping Center as envisioned in the Sector Plan, and Planning staff presented an overview of the Glenmont Housing Analysis. Staff noted that the two studies assisted staff in developing recommendations for the Sector Plan.

Continuing, staff presented the draft Sector Plan vision and recommendations for individual properties.

There followed considerable discussion of the findings of the two studies and various recommendations in the draft Plan.

Due to time constraints, the Board agreed to continue the review of the Staff Draft Glenmont Sector Plan at a later date.

**4. Limited Site Plan Amendment No. ~~8200500C~~ 82005003C: Westfield Montgomery Mall - REVISED**

Request to reconfigure 65,000 square feet of retail and parking including a new movie theater on the third floor, located in the northeast quadrant of the intersection of Democracy Boulevard and Westlake Drive, 60.02 acres, C-2 Zone, Potomac Subregion Master Plan

*Staff Recommendation: Approval with Conditions and adoption of Resolution*

**BOARD ACTION**

**Motion: DREYFUSS/PRESLEY**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action:       Approved the staff recommendation to approve, subject to revised conditions, and adopt the Resolution, attached.**

Planning Department staff presented the proposed limited site plan amendment to reconfigure 65,000 square feet of retail and parking, including a new movie theater on the third floor, for the expansion and renovation of the Westfield Montgomery Mall, as detailed in the staff report. Staff also discussed additional revisions to the site plan data tables and conditions of approval.

Ms. Elsie Reid, attorney representing the applicant, concurred in the staff recommendation. Mr. Clive MacKenzie of Westfield elaborated on the anticipated upgrade to the Mall, and Mr. Jim Agliata, the architect, provided a multimedia presentation of the proposed improvements.

Mr. Peter Downes, representing the Montgomery Mall Citizens Advisory Panel, offered comments.

**9.       Zoning Text Amendment 12-16 - (Continued from 10/25/12)**

Allow the construction of a one-family dwelling located on any size lot recorded before 1928; allow the reconstruction of any one-family dwelling located on any size lot recorded before 1928; and generally revise the grandfathering provisions for undersized lots.

*Staff Recommendation: Transmit Comments to County Council*  
**(Action Required for County Council Public Hearing of 11/13/12)**

**BOARD ACTION**

**Motion:               DREYFUSS/PRESLEY**

**Vote:**

**Yea:               5-0**

**Nay:**

**Other:**

**Action:       Approved the staff recommendation to approve, subject to additional language and revisions identified in discussion, as stated in the attached Letter of Transmittal.**

In a continuation of the Board review on October 25, Planning Department staff presented an overview of the Zoning Text Amendment (ZTA) to allow construction and reconstruction of a one-family dwelling unit located on any size lot recorded before 1928 and to revise the grandfathering provisions for undersized lots, as detailed in the staff report. Staff noted that the issue was raised as a result of an interpretation by the Board of Appeals prohibiting construction of a house on a lot recorded prior to 1928 that does not comply with the minimum lot area required in the 1928 Zoning Ordinance.

Staff reported that County Department of Permitting Services had previously released permits for such lots under the grandfathering provisions. Staff also reported that opposition to the ZTA has focused on the potential for demolishing houses that were built across lot lines and constructing houses on the individual lots.

Ms. Debbie Beers, Mayor, and Mr. Norman Knopf, attorney, representing the Town of Glen Echo; attorney Soo Lee-Cho; and Lydia Sullivan of Kensington offered comments.

In discussion, Mr. Knopf offered some alternative language to the ZTA, which the Board accepted.

## **5. Worksession on Zoning Ordinance Rewrite**

Continued discussion of the C/R and Employment Zones

### **BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Continued discussion of the Commercial/Residential and Employment Zones and provided guidance to staff in a worksession in the context of the draft Zoning Ordinance Rewrite.**

## **6. Barrie School**

**\*A. Preliminary Forest Conservation Plan CBA-1261-D: Barrie School**, zoned R-200 and R-90, located at 13500 Layhill Road, Silver Spring in the Kensington-Wheaton Master Plan area.

*Staff Recommendation: Approval with Conditions and adoption of Resolution*

### **B. Board of Appeals Case No. CBA-1261-D Barrie School Modification**

Request for a modification of the existing special exception for a private educational institution to make physical improvement to the campus, zoned R-200 and R-90, located at 13500 Layhill Road, Silver Spring in the Kensington-Wheaton Master Plan area.

*Staff Recommendation: Approval with Conditions*

**(Action Required for Hearing by the Hearing Examiner on December 3, 2012)**

### **BOARD ACTION**

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

**Vote:**  
    **Yea:**                **4-0 (A & B)**

**Nay:**

**Other:**             **PRESLEY ABSENT**

**Action:**            **A. Approved staff recommendation for approval of the Preliminary Forest Conservation Plan, subject to revised conditions, as stated in the attached adopted Board Resolution.**

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

In keeping with the October 26 technical staff report, Planning Department staff discussed the request to modify an approved existing special exception for a private educational institution to improve facilities onsite. No change is proposed to the maximum enrollment, staffing, and operations of the school. The applicant proposes to construct a new building, which will replace the existing business offices with a media center, a kitchen, and conference rooms, on the upper campus, and make improvements to the soccer field and practice field area. Two other buildings will be built to replace existing ones. The applicant also proposes new landscaping to create groves of shade trees around the proposed new buildings, with new plantings.

Ms. Sue Carter, attorney representing the applicant, introduced Messrs. Charles Abelmann and Chester Barterls, members of the applicant’s team, briefly discussed the proposed request, and concurred with the staff recommendation.

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

**\*7.     Goddard School – Olney**

**\*A. Preliminary Plan No. 120120150 Goddard School – Olney**

Request to create two lots for a 9,000 square foot child daycare center on 1.15 acres, located approximately 500 feet west of Georgia Avenue between Morningwood Drive and North High Street, Mixed-Use Town Center Zone, Olney Planning Area

*Staff recommendation: Approval with Conditions*

**\*B. Site Plan No. 820120110 Goddard School – Olney**

9,000 square foot child daycare center, located approximately 500 feet west of Georgia Avenue between Morningwood Drive and North High Street, Mixed-Use Town Center Zone, Olney Planning Area

*Staff recommendation: Approval with conditions*



**BOARD ACTION**

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

**Vote:**  
    **Yea:**                **4-0 (A & B)**

**Nay:**

**Other:**              **PRESLEY ABSENT**

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

In keeping with the October 29 technical staff report, Planning Department staff discussed the request to create two lots for a 9,000-square foot child daycare center on a 1.15-acre property located approximately 500 feet west of Georgia Avenue between Morningwood Drive and North High Street in the Olney Master Plan area. Staff noted that two lots will be created because the property is split by a 20-foot wide recorded right-of-way, running north to south, which will remain. The building footprint has been revised to address the street façade goals recommended in the Olney Master Plan. The project will have outdoor play areas, with short-term parking in front of the building, and a long-term and staff parking lot located on the east side of the property. The Olney Town Center Advisory Committee (OTCAC) is in support of the proposed project.

Mr. Brian Donnelly, engineer representing the applicant, introduced Messrs. Jim Worley of the Goddard School, and Bruce Mahlandt of the applicant’s team, briefly discussed the proposed request, and concurred with the staff recommendation.

Mr. Jim Worley of the Goddard School offered comments and answered questions from the Board.

Mr. James Smith representing OTCAC offered testimony.

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

**2. Roundtable Discussion**

Parks Director's Report

**BOARD ACTION**

**Motion:**

**Vote:**  
    **Yea:**

**Nay:**

**Other:**

**Action:** **Parks Director's Report** - Parks Department Director Mary Bradford highlighted various parks-related activities and future events, as stated in the Director's Report distributed at the meeting.

**8. Countywide Transit Corridors Functional Master Plan**

Presentation of Preliminary Recommendations

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:** **Received presentation from Planning Department staff on the Countywide Transit Corridors (CTC) Functional Master Plan followed by discussion.**

Planning Department staff noted that the CTC Master Plan addresses how Bus Rapid Transit (BRT) should be integrated into a countywide transit network and where additional rights-of-way may be needed. A significant innovation of this Master Plan is the introduction of performance measures to evaluate optimal operation of the roadway beyond the volume/capacity ratio that has historically been used to measure only driver experience. Staff added that comments received from the Board at this presentation, and comments received at various public meetings, will be part of the staff draft Master Plan to be presented to the Planning Board in January.

At the Board's request, Mr. Michael Flood, consultant working on the CTC Master Plan, offered comments.

Ms. Paula Bienenfeld of Tilden Lane offered testimony.