



**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**APPROVED  
MINUTES**

December 5 and 8, 2011

The Montgomery County Planning Board met in Closed Session on Monday, December 5, 2011, at 1:20 p.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 2:30 p.m.

Present were Chair Françoise M. Carrier, Vice Chair Marye Wells-Harley, and Commissioner Casey Anderson. Commissioner Amy Presley participated in the meeting via telephone, and Commissioner Norman Dreyfuss was necessarily absent.

Item 1 is reported on the attached agenda.

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 1:20 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 and Presley voting in favor of the motion, and with Commissioner Dreyfuss absent. The meeting was closed under authority of §10-508(a)(1), State Government Article, Annotated Code of Maryland, to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of Commission appointees, employees, or officials; or to discuss any other personnel matter that affects 1 or more specific employees.

Also present for all or part of the Closed Session were General Counsel Adrian Gardner; Director Rollin Stanley, Acting Deputy Director Piera Weiss, and Traci Anderson of the Planning Department; Parks Director Mary Bradford; and Joyce Garcia and Clara Moise of the Commissioners' Office.

In Closed Session, the Board received presentation, discussed, and approved the Legal Department proposed FY2013 operating budget.

The Closed Session was adjourned at 2:30 p.m.

On Thursday, December 8, 2011, The Montgomery County Planning Board met in regular session at 9:15 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 12:30 p.m.

MCPB, DECEMBER 5 AND 8, 2011, APPROVED

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

Items 1 through 6 and Item 8 are reported on the attached agenda.

Item 7 was postponed.

There being no further business, the meeting was adjourned at 12:30 p.m. The next regular meeting of the Planning Board will be held Thursday, December 15, 2011, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise  
Technical Writer

**Montgomery County Planning Board Meeting**  
**Thursday, December 8, 2011**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600

**1. Consent Agenda**

**\*A. Adoption of Resolutions**

1. Montgomery College Germantown Campus Preliminary Plan 120110380 – **MCPB 11-98**
2. Montgomery College Germantown Campus Holy Cross Hospital Site Plan 820110110 – **MCPB 11-99**
3. Montgomery College Germantown Campus Forest Conservation Plan MR20009720 – **MCPB 11-97**
4. Edgemoor (5300 Moorland Lane) Plan No. 220111080 – **MCPB 11-119 - POSTPONED**

**BOARD ACTION**

**Motion:**                    **ANDERSON/PRESLEY**

**Vote:**

**Yea:**                    **3-0**

**Nay:**

**Other:**                **DREYFUSS, WELLS-HARLEY ABSENT**

**Action:**            **Adopted Resolutions cited above.**

**\*B. Record Plats**

**1. Subdivision Plat No. 220111070, Travilah Fire Station;** LSC Zone; 1 parcel; located on the northwest corner of Shady Grove Road and Darnestown Road; Great Seneca Science Corridor Master Plan.

*Staff Recommendation: Approval*

**2. Subdivision Plat No. 220111400, Darnestown at Travilah;** RT-8 Zone; 39 lots, 2 parcels; located on the north side of Darnestown Road; 400 feet west of Travilah Road; Great Seneca Science Corridor Master Plan.

*Staff Recommendation: Approval*

**3. Subdivision Plat No. 220120310, West Chevy Chase Heights;** R-60 Zone; 1 lot; located on the south side of Maple Avenue; 150 feet west of Kentucky Avenue. Bethesda-Chevy Chase

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: PRESLEY/ANDERSON**

**Vote:**

**Yea: 3-0**

**Nay:**

**Other: DREYFUSS, WELLS-HARLEY ABSENT**

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

**\*C. Other Consent Items**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**\*D. Approval of Minutes**

Minutes of November 10, 2011

**BOARD ACTION**

**Motion: ANDERSON/PRESLEY**

**Vote:**

**Yea: 3-0**

**Nay:**

**Other: DREYFUSS, WELLS-HARLEY ABSENT**

**Action: Approved Planning Board Minutes of November 10, 2011, as submitted.**

**2. Board of Appeals No. S-2820: Fairland Animal Hospital, Inc.**

Applicant requests a special exception to permit the operation of a veterinary hospital, R-90 zone; located at 13425 Old Columbia Pike, Silver Spring/Fairland Master Plan

*Staff Recommendation: Approval with Conditions*

**(Action Required for Hearing by the Hearing Examiner on 12/16/11)**

**BOARD ACTION**

**Motion: PRESLEY/ANDERSON**

**Vote:**

**Yea: 3-0**

**Nay:**

**Other: DREYFUSS, WELLS-HARLEY ABSENT**

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

In keeping with the November 30 technical staff report, Planning Department staff offered a multimedia presentation of the proposed request for a special exception to permit the operation of a veterinary hospital on Old Columbia Pike in the Fairland Master Plan area. Staff discussed the requirements of the Zoning Ordinance relative to the lot size for a veterinary hospital. Staff noted that the applicant is proposing to build a state-of-the art animal hospital, which will be located at the rear of the site, with 21 parking spaces. There will be no boarding of animals on the site, except in the case of an emergency.

Mr. Jody Kline, attorney representing the applicants, Dr. Jeff Whall and Mrs. Maggie Whall, answered questions from the Board, briefly discussed the proposed request, and concurred with the staff recommendation.

At the Board's request, Dr. Jeff Whall offered comments and answered questions from Board members.

There followed extensive Board discussion with questions to staff, Mr. Kline, and the applicant.

**3. Memorandum of Understanding with the Montgomery County Department of Permitting Services**

Request approval of modifications to an existing MOU regarding inspection responsibilities and coordination between agencies and transmittal to the DPS for their approval

*Staff Recommendation: Approval of Modifications to MOU*

**BOARD ACTION**

**Motion: PRESLEY/ANDERSON**

**Vote:**

**Yea: 3-0**

**Nay:**

**Other: DREYFUSS/WELLS-HARLEY ABSENT**

**Action: Approved staff recommendation for approval of modifications to the Memorandum of Understanding regarding inspection responsibilities and coordination between agencies, to be transmitted to the Department of Permitting Services (DPS) for approval.**

Planning Department staff discussed the proposed modifications to the August 2006 Memorandum of Understanding between M-NCPPC and the Department of Permitting Services (DPS) regarding inspection responsibilities and coordination between agencies to be transmitted to DPS for approval. Staff updated the Board on the status of site plan enforcement, the efforts made by both agencies toward enforcement compliance, and the modifications and clarifications needed, and noted that for better monitoring the Commission added more inspectors.

At the Board's request, Messrs. Ehsan Motazed and James Gregory Nichols, representing DPS, offered comments.

Commissioner Presley noted that she appreciates the cooperation between the two agencies and hopes that this will continue and will improve the enforcement role of the two agencies.

There followed a brief Board discussion with questions to staff.

**4. Subdivision Regulation Amendment–11-02**

To amend the Subdivision Regulations to authorize the approval and recordation of a plat for certain properties classified in a one-family residential zone under the minor subdivision procedure under certain circumstances

*Staff Recommendation: Transmit Comments to the County Council*

**(Action Required for County Council Public Hearing of 1/17/12)**

**BOARD ACTION**

**Motion:**                   **ANDERSON/PRESLEY**

**Vote:**

**Yea:**                   **3-0**

**Nay:**

**Other:**               **DREYFUSS, WELLS-HARLEY ABSENT**

**Action:**       **Approved staff recommendation to transmit comments to the County Council, as stated in the attached transmittal letter.**

Planning Department staff discussed the request from an applicant to amend the Subdivision Regulations to authorize the approval and recordation of a plat for certain properties classified in a one-family residential zone under the minor subdivision procedures and under certain circumstances. Staff noted that this request addresses many existing issues and will be better dealt with under the pending revisions to the Subdivision Regulations, which staff hopes to release in draft form by March 2012.

Mr. Steve Orens, attorney, offered comments.

There followed a brief Board discussion, with questions to staff and Mr. Orens.

**5. Preliminary Plan Review No. 120120050, Greenway Property**

R-90 zone, 0.97 acres, Adjust lot lines between lots 3 and 19 [no new lots proposed]; located southeast of the intersection of Bent Branch Road and Mohican Road; Bethesda Chevy-Chase

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion:**                   **ANDERSON/PRESLEY**

**Vote:**

**Yea:**                   **3-0**

**Nay:**

**Other:**               **DREYFUSS, WELLS-HARLEY ABSENT**

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

In keeping with the November 18 technical staff report, Planning Department staff discussed the proposed request to adjust the lot lines between lots 3 and 19, with no new lots proposed, on a property

located southeast of the intersection of Bent Branch Road and Mohican Road in the Bethesda and Chevy Chase Master Plan area.

Mr. Charles Grimsley, engineer, introduced the applicant, Ms. Abigail Adams Greenway, and briefly discussed the proposed request and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff and Mr. Grimsley.

**6. Preliminary Plan No. 120100170: Lincoln Park**

Record one lot approximately 10.07 acres in size, 15,000 square foot material storage building and a 27,160 square foot warehouse, located in the northwest quadrant of the intersection of Westmore Avenue and Ashley Avenue, I-1 Zone, Upper Rock Creek Master Plan.

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion: ANDERSON/PRESLEY**

**Vote:**

**Yea: 3-0**

**Nay:**

**Other: DREYFUSS, WELLS-HARLEY ABSENT**

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

Planning Department staff discussed the proposed request to record one lot approximately 10.07 acres in size, for a 15,000 square-foot material storage building and a 27,160 square-foot warehouse, located in the northwest quadrant of the intersection of Westmore Avenue and Ashley Avenue in the Upper Rock Creek Master Plan. Staff noted that the majority of the uses to the north and east of the property are industrial in nature and the site is mainly a gravel and dirt parking lot. Staff added that there is a neighborhood plan that mentions annexation of this property, and when the Master Plan was written it was not clear that the property owner wanted to be annexed and that the property would need water and sewer connection. After reviewing this request staff felt that it was not necessary to request an upgrade to the existing water and sewer lines. Staff also noted that the proposed industrial use is in conformance with the Master Plan and the applicant is required to mitigate three of the thirteen new peak-hour trips generated by the proposed uses within the weekday peak periods. Staff also discussed revised conditions 4 and 8.

Mr. Dean Packard, engineer representing the applicant, introduced Mr. Perry Chow, the applicant, and Mr. Eric Shim, member of the applicant's team, discussed the proposed request, answered questions from Board members, and concurred with the staff recommendation.

At the Board's request, Mr. Chow offered comments.

In reply to a Board member's question, Mr. Packard noted that it has always been the applicant's desire to be annexed by the City of Rockville.



Ms. Rebecca Torma representing the City of Rockville offered testimony, and discussed the requirement for the applicant to build a sidewalk on Ashley Avenue while respecting the Forest Conservation easement.

**6. Preliminary Plan No. 120100170: Lincoln Park**

Legal staff noted that there is an easement owned by Montgomery County and the annexation Resolution will have to mention the conditions under which Montgomery County will transfer the easement to the City of Rockville.

Commissioner Anderson noted that the City of Rockville should have asked the applicant to install a sidewalk before presentation of the plan to the Planning Board.

**7. Fee Structures - POSTPONED**

Discussion of new fee structure being proposed for plans that are being reviewed concurrently, such as project and preliminary plans

*Staff Recommendation: Approval of New Fees*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: This item was postponed.**

**8. Roundtable Discussion**

A. Planning Director's Report

B. Parks Director's Report

C. Proposed Amendment to the Local Area Transportation Review and Policy Area  
Mobility Review Guidelines

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

- A. Planning Director's Report** – None.
- B. Parks Director's Report** – Received briefing by Parks Department Director Mary Bradford, highlighting important ongoing activities and planned events for the upcoming holiday season as stated in the Director's Report distributed at the meeting. Ms. Bradford discussed ongoing energy conservation efforts in the various parks buildings and the deer management program currently underway.
- C. Proposed Amendment To The Local Area Transportation Review And Policy Area Mobility Review Guidelines** – Planning Department staff discussed the proposed Goddard School project in conjunction with the Local Area Transportation Review (LATR). Staff noted that the LATR guidelines as written require the first applicant on a designated road to provide necessary road improvements and get reimbursed by other investors/developers as other developments take place. Staff is proposing amendments to the LATR Guidelines to address this issue.

There followed extensive Board discussion regarding proposed road improvement requirements and the best way to address the Road Club and issues associated with staff's proposed amendments to the LATR Guidelines.