



**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, December 16, 2010, at 9:06 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 4:45 p.m.

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

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 9:06 a.m. in the third floor conference room, on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Alfandre, Dreyfuss, 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 all or part of the Closed Session were Secretary-Treasurer Joe Zimmerman; Deputy Directors Gene Giddens and Mike Riley of the Parks Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board discussed privileged financial information related to the annual report from The Maryland Soccer Foundation and Soccerplex in South Germantown Recreational Park, Item 7 on the agenda.

The Closed Session was adjourned at 9:25 a.m.

The Board convened in the auditorium at 9:30 a.m.

Items 1, 7, 8, and 3, taken in that order, are reported on the attached agenda.

The Board recessed at 11:40 a.m. for lunch and to take up Items 4 and 5 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 the second Closed Session at 12:02 p.m. in the third floor conference room, on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Alfandre, Dreyfuss, and Presley present and voting in favor of the motion. The meeting was closed under authority of §10-508(a)(14), State Government Article, Annotated Code of Maryland, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal before the contract is awarded or bids are opened, if public discussion or disclosure would adversely impact the ability of the Commission to participate in the competitive bidding or proposal process; and §10-508(a)(7), State Government Article, Annotated Code of Maryland, to consult with counsel to obtain legal advice.

Also present for all or part of the Closed Session were Associate General Counsels Sean Dixon and Carol Rubin of the Legal Department; Director Mary Bradford, Deputy Directors Gene Giddens and Mike Riley, Bill Gries, Michael Ma, and Mitra Pedoeem of the Parks Department; Cathy Conlon, Shahriar Etemadi, Dan Hardy, Damon Orobona, Robert Kronenberg, and Rose Krasnow of the Planning Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board received briefings and provided guidance to staff on a request for an access easement through Little Falls Stream Valley Park and on a policy question of whether provisional adequate public facilities review and approval should be available to future projects in which a significant public benefit is derived.

The Closed Session was adjourned at 1:07 p.m.

The Board convened in the auditorium at 1:25 p.m.

Item 2 and Items 9 through 13 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 4:45 p.m. The Planning Board will be in recess during Christmas and the New Year. The next regular meeting of the Planning Board will be held on Thursday, January 6, 2011, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye  
Technical Writer

M. Clara Moise  
Technical Writer

**Montgomery County Planning Board Meeting**  
**Thursday, December 16, 2010**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600

**6. Closed Session**

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(13) to comply with specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**1. Consent Agenda**

**\*A. Adoption of Resolutions**

1. Olney Safeway Site Plan 820100130 – ADOPTION OF MCPB RESOLUTION No. 10-165
2. McKenney Hills Downcounty Consortium School #29 Forest Conservation Plan MR2010720 – ADOPTION OF MCPB RESOLUTION No. 10-150
3. Islamic Center of Maryland reconsideration of Preliminary Plan 12002041B – ADOPTION OF MCPB RESOLUTION No. 10-133

**BOARD ACTION**

**Motion:** PRESLEY/WELLS-HARLEY

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

**Action:** Adopted the Board Resolutions as cited above.

**\*B. Record Plats**

1. Subdivision Plat No. 220100420, Derwood Bible Church; R-90/TDR zone; 1 parcel; located in the northeast quadrant of the intersection of Yellowstone Way and Chieftian Avenue; Shady Grove.
2. Subdivision Plat No. 220100930, Potomac Highlands; RE-1 zone; 1 lot, 1 outlot; located on the east side of Foxden Drive, approximately 1,300 feet north of Overlea Drive; Potomac Subregion.
3. Subdivision Plat No. 220110140, Hallowell; RE-2/TDR zone; 1 lot, 1 parcel; located on the north side of Olney-Sandy Spring Road (MD 108), approximately 1,000 feet east of Prince Philip Drive; Olney.

**BOARD ACTION**

**Motion:** WELLS-HARLEY/DREYFUSS

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

**Action:** Approved the Record Plats as stated above.

**\*C. Other Consent Items**

1. Extension Request for Sketch Plan Review No. 320110010, Mid-Pike Plaza, CR 3.0 zone; 24.38 acres; mixed-use development including over 1.5 million square feet of commercial uses and 1.9 million square feet residential space; located on (MD) 355 Rockville Pike, at the north intersection of Old Georgetown Road; White Flint

2. Extension Request for Sketch Plan Review No. 320110020, North Bethesda Gateway, CR zone; 11.04 acres; mixed-use development including up to 1,236,648 square feet of commercial uses and up to 1,073,288 square feet of residential space; located on (MD) 355 Rockville Pike, approximately 250 feet south of Nicholson Lane; White Flint

3. Extension Request for Sketch Plan Review No. 320110030, North Bethesda Market II, CR zone; 4.41 acres; mixed-use development including up to 368,000 square feet of commercial uses and up to 372,528 square feet of residential space; located on (MD) 355 Rockville Pike, approximately 200 feet south of Nicholson Lane; White Flint

**4. Department of Parks Budget Transfer:** FY11 Operating Budget Transfer from Facilities Management to Public Affairs and Community Partnerships

**5. Department of Parks Budget Transfer:** CIP Transfer from Lake Needwood Dredging Project to South Germantown SoccerPlex Project

**BOARD ACTION**

**Motion:** DREYFUSS/PRESLEY

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

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

**\*D. Approval of Minutes**

Minutes of November 15, 2010, and November 18, 2010

**BOARD ACTION**

**Motion:** ALFANDRE/WELLS-HARLEY

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

**Action:** Approved the minutes of November 15, and November 18, 2010, as presented.

7. [Annual Report from The Maryland Soccer Foundation Regarding the Soccerplex](#)

Annual Report from The Maryland Soccer Foundation regarding the Soccerplex in South Germantown Recreational Park

**BOARD ACTION**

**Motion:** PRESLEY/WELLS-HARLEY

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

**Action:** Accepted the annual report as presented.

Ms. Trish Heffelfinger presented the 2010 Annual Report for the Maryland Soccer Foundation, Inc., SoccerPlex, including an overview of the past year and highlights of the first 10 years of operation.

There followed some discussion, in which Ms. Heffelfinger provided additional information and responded to questions from the Board.

8. **Sligo Mill Neighborhood Conservation Park**

Authorization to acquire 0.5 acres, more or less, improved, at 6502 Sligo Mill Road, Takoma Park, Maryland, from Rebuild America, Inc., a Florida corporation, as a Legacy Open Space, Urban Open Space Area.

**BOARD ACTION**

**Motion:** WELLS-HARLEY/ALFANDRE

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

**Action:** Approved the staff recommendation to acquire the property cited above for Sligo Mill Neighborhood Conservation Park, as a Legacy Open Space property and using Legacy Open Space funds, for a cost of \$170,700 plus \$22,300 for demolition of existing improvements, for a total purchase price of \$193,000.

In making the presentation, Parks Department staff reported that the City of Takoma Park has pledged to pay up to \$25,000 toward the demolition and will manage and maintain the property under a Memorandum of Understanding with the Commission.

**3. Board of Appeals No. S-2781: Gilmore-Brunett, LLC, Inc.**

Applicant requests a special exception for a child day care facility for up to 120 children & 25 staff; R-60 zone; located at 220 W. University Blvd

*Staff Recommendation: Denial*

**(Action Required for Hearing by the Hearing Examiner on 01/07/11)**

**BOARD ACTION**

**Motion: PRESLEY/ALFANDRE**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Approved the staff recommendation to deny, as stated in the attached Letter of Transmittal.**

Development Review staff presented the request for a special exception for a child daycare center for up to 120 children and 25 employees in a proposed new 6,430-square foot facility, as detailed in the staff report. Staff recommends denial of the request, due to the size and scale of the proposed use and facility, the master plan recommendation discouraging special exceptions, and the applicant's request for the Board to recommend a waiver to allow 316 square feet of lot area per child rather than the 500 square feet required in the Zoning Ordinance.

Ms. Anne Martin Mead, attorney representing the applicant, presented arguments in support of the proposal, elaborating on the information in her letter dated December 13, 2010.

Ms. Michele Abraham, Ms. Karen Klingman, Mr. Ed Garner, Ms. Jeanne Berman, Mr. Martin Zdravec, and Ms. Sharon Cohany, all of Gilmore Drive; Mr. James Zepp, representing the Northwood Four Corners Civic Association; Mr. Laurence Dictor of Lanark Way; Mr. Martin Maher of Lorain Avenue; Mr. Eric Gabler of Markham Street; Ms. Karen Michels of Rogart Road; Mr. Glen Richardson, representing South Four Corners Citizens Association; and Ms. Harriet Quinn, representing the Woodmore-Pinecrest Citizens Association, offered comments in opposition to the proposal.

There followed considerable discussion of the proposal, including the square footage per child requirement and the recommendations in the master plan.

**4. Closed Session**

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.**

**5. Closed Session**

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(14) to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal before the contract is awarded or bids are opened, if public discussion or disclosure would adversely impact the ability of the Commission to participate in the competitive bidding or proposal process

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**2. Zoning Code Rewrite - Code Studio Update**

Code Studio, the consultant working with staff on the Zoning Code Rewrite, will provide an overall update on the code drafting phase of the project. Items such as process, timing, and key issues that are related to the first module (Agricultural and Residential zones) will be discussed. Code Studio will



report back on highlights of the 3-day visit, including sessions with the Zoning Advisory Panel and other internal stakeholder groups.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:       Received Update on the Zoning Code Rewrite drafting phase.**

Planning Department staff, and a consultant from Code Studio Consulting Group, offered update on the Zoning Code rewrite draft and discussed the proposed changes and modifications recommended by the Planning Board at previous Board meetings. Staff discussed in detail the revisions made to the report and answered questions from Board members.

Planning Department Director Rollin Stanley and Development Review Division Chief Rose Krasnow offered comments and clarified the new interpretation of the zoning ordinance for agricultural uses, the addition of new standards, and the proposal to move hospitals from the residential zone as Special Exception requests to another zone, whether commercial or another designated zone.

**9.       ICC Environmental Stewardship/Compensatory Mitigation Project Part 2**

Approval of ES/CM project PB-130, a proposed SPA BMP located on DOT ROW within the Good Hope Estates Community in the Upper Paint Branch watershed

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:               PRESLEY/ALFANDRE**

**Vote:**

**Yea:               5-0**

**Nay:**

**Other:**

**Action:       Approved staff recommendation for approval.**

In keeping with the December 9 technical staff report, Parks Department staff offered a multi-media presentation of the Mandatory Referral related to the construction of an Upper Paint Branch

Special Protection Area (SPA) Best Management Practices project, as part of the Intercounty Connector (ICC) Environmental Stewardship and Compensatory Mitigation Program. Staff noted that the site is located within the Good Hope Estates community, and the project was identified during the planning studies and has been included in the ICC Record of Decision in order to address a range of watershed issues within the Upper Paint Branch SPA. At the Board's request, Mr. Bob Simpson of the Montgomery County Department of Transportation (MCDOT), offered comments.

The following speakers offered testimony: Mr. Andrew Jahns of Cradock Street and representing Good Hope Estates Community; Ms. Elizabeth Molloy of Heartfields Drive and representing Sherbrooke Homeowners Association; and Ms. Dolores Milmoie of Jones Mill Road and representing Audubon Naturalist Society, on behalf of Ms. Diane Cameron, Chair of the Environmental Committee.

There followed extensive Board discussion with questions to staff and the speakers.

## **10. ICC Environmental Stewardship/Compensatory Mitigation Project Part 1**

Approval of three water quality ES/CM projects (PB-46A, PB-48 and PB-43) on private property, parkland, and/or DOT Row and one SPA BMP ES/CM project (PB-133) on DOT ROW. All four projects are in the upper Paint Branch watershed

*Staff Recommendation: Approval*

### **BOARD ACTION**

**Motion:** PRESLEY/WELLS-HARLEY

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

**Action:** Approved staff recommendation for approval.

In keeping with the December 9 technical staff report, Parks Department staff offered a multi-media presentation of the Mandatory Referral related to the construction of three stormwater management projects, and one special protection area best management practices project in the Upper Paint Branch Special Protection Area (SPA) as part of the Intercounty Connector (ICC) Environmental Stewardship and Compensatory Mitigation Program. Staff noted that State Highway Administration (SHA) staff has been working with Parks Department staff as part of the ICC Environmental Stewardship and Compensatory Mitigation Program to complete a number of stream restoration, wetland creation, and stormwater management projects throughout Montgomery County. Staff added that many of these projects focus on the Upper Paint Branch SPA due to the proximity of the ICC to the watershed and unique self-sustaining brown trout population.

There followed a brief Board discussion with questions to staff.

**11. [Preliminary Plan 12009040A, Willerburn Acres \(Limited Amendment\)](#)**

R-90 zone; 3.99 acres; 5 lots previously approved for 5 one-family detached dwellings; request to modify the approved tree save plan which requires a variance from the Forest Conservation Law; located on Seven Locks Road at its intersection with Gainsborough Road; Potomac Subregion Master Plan

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion: DREYFUSS/PRESLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: CARRIER ABSENT**

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

Development Review staff offered highlights of the request to modify the previously approved tree-save plan, which requires a variance from the Forest Conservation Law, for five previously approved lots for five one-family detached dwellings on a 3.99-acre property located on Seven Locks Road in the Potomac Subregion Master Plan. Staff noted that the applicant is proposing to remove four trees, which are in deteriorating condition and should be removed as soon as possible. Staff added that there is no mitigation required, but the applicant will provide replacement planting for these removed trees.

Mr. Dennis Berman, the applicant, offered brief comments and concurred with the staff recommendation.

**12. [Site Plan Amendment Review No. 82005028C, Reserve at Fair Hill](#)**

RNC zone; 334 acres; amendment to change conditions of approval related to impervious surface and timing with the release of building permits, located on the west side of MD 108 at the intersection with Wickham Road; Olney

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion: DREYFUSS/ALFANDRE**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: CARRIER ABSENT**

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

In keeping with the December 6 technical staff report, Development Review staff discussed the proposed amendment to the conditions of approval related to impervious surface and the timing of building permits release for a previously approved site plan on a 334-acre property located on the west side of MD 108 at the intersection with Wickham Road in Olney. Staff noted that the property is located in the Upper Rock Creek Special Protection area, which has an 8% impervious cap, and the applicant is requesting a more restrictive 7.03% impervious surface limitation for the entire project. In order to ensure compliance with this limitation, the forest conservation and environmental conditions of approval call for the withholding of 13 building permits to allow for the monitoring of construction, and to confirm the on-lot impervious surface area calculations.

Mr. Scott Wallace, attorney representing the applicant, introduced Mr. Patrick Williams of Pulte Homes, the applicant, briefly discussed the proposed amendment request, and concurred with the staff recommendation.

**13. Third District Police Station, White Oak**

\*A. Forest Conservation Plan: Third District Police Station; Northeastern Quadrant of the intersection of New Hampshire Avenue (MD Route 650) and Columbia Pike (MD Route 29), R-90/TDR Zone, White Oak Master Plan

*Staff Recommendation: Approval with Conditions*

B. Mandatory Referral No. 2009742-DGS-1, Third District Police Station; Northeastern Quadrant of the intersection of New Hampshire Avenue (MD Route 650) and Columbia Pike (MD Route 29), R-90/TDR Zone, White Oak Master Plan

*Staff Recommendation: Approval to Transmit Comments*

**BOARD ACTION**

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

**Vote:**

**Yea: A. 4-0  
B. 4-0**

**Nay:**

**Other: CARRIER ABSENT**

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

**B. Approved staff recommendation to transmit comments to the Montgomery County Department of General Services.**

In keeping with the December 9 technical staff report, Urban Design and Environmental Planning staff offered a brief presentation of the Mandatory Referral request to transmit comments to

the Montgomery County Department of General Services (MCDGS) regarding the construction of the Third District Police Station at the Northwestern quadrant of Route 29 and New Hampshire Avenue, in White Oak. Staff noted that a list of revised conditions of approval for the Forest Conservation Plan has been distributed to Board members. Staff discussed the proposed project design and site plan and noted that the Mandatory Referral request was previously presented to the Board in May 2010 and at the time the Board recommended that DGS review the plan, taking into consideration the Board's recommendations and the community concerns, and come back to the Planning Board with a better plan.

Environmental Planning staff discussed the preliminary Forest Conservation Plan and noted that at phase II, the applicant is required to submit a revised forest conservation plan before construction can begin. Staff noted that the applicant will provide additional buffer for the existing neighborhood and no off-site planting is required.

Mr. Ernest Lunsford Jr., Building Design Chief, and Mr. Donald Scheuerman Jr., Section Chief at the Department of General Services, offered brief comments and concurred with the staff recommendation.

The following speakers offered testimony: Ms. Maria Germany on behalf of Mr. Barry Wides of Ithica Drive and President of the North White Oak Citizens Association; Mr. Peter Karpoff of Quaint Acres Association; and Ms. Elizabeth Molloy of Heartfields Drive and representing the Sherbrook Homeowners Association.