

**Agenda for Montgomery County Planning Board Meeting
Thursday, February 7, 1:00 p.m.**

8787 Georgia Avenue
Silver Spring, MD 20910-3760

Board Action

Roll Call Approval of Minutes: Commissioners' Reports Directors' Reports Reconsideration Requests	
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GENERAL MEETING (*Third Floor Conference Room*)

Program Coordination, Legal, Legislation, and Administrative Items

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

1. **Proposed Water and Sewer Category Change Requests**

Administrative Delegation Group 2002-01

Staff Recommendation: Transmit comments to County Executive.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

2. **Comments on the FY 03-08 Montgomery County Capital Improvements Program (CIP)**

Staff Recommendation: Approval to transmit comments to County Council and County Executive.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

3. **Mandatory Referral No. 01003-SHA-1**

Review of State Highway Administration intersection improvement projects at Veirs Mill Road (MD 586) and Randolph Road, Aspen Hill and at Veirs Mill Road (MD 586) and Connecticut Avenue (MD 185), Wheaton

Staff Recommendation: Approval with comments.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

4. **Briefing on the Plans for the Aquatic Center and Tennis Center at South Germantown Recreational Park**

18000 Central Park Circle, Boyds

Staff Recommendation: Discussion.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

5. Board of Appeals Petition No. S-2477 (Special Exception for a Telecommunication Facility)

AT&T Wireless Services, applicant, requests a special exception for a telecommunication facility including a 134-foot monopole, 12 antennas, and a 12'x28' shelter; 175 acres, RDT Zone, Hawkins Creamery Road at Laytonsville Road (MD 108), Laytonsville

(Action Required for Hearing of 2/15/02)

Staff Recommendation: Approval with conditions. (See staff report)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

6. Request For Waiver Pursuant to Section 50-38 of Subdivision Regulations for Subdivision Waiver No. 02005 – Montrose

R-200 Zone; 11.5 Acres; One (1) Lot Requested (Previously Existing House of Worship)

Located On the North Side of Montrose Road On the Northwest Quadrant or East Jefferson and Montrose Road

Policy Area: North Bethesda

APPLICANT: Trustee of the Congregation and Talmud, B'NAI Israel of Washington D.C.

ENGINEER: Paul Chod, on behalf of B'NAI Israel Congregation

Staff Recommendation: Approval of Waiver Pursuant to Section 50-38 of the Montgomery County Subdivision Regulations, Subject to the Following Conditions:

- (1) Approval under this Subdivision Waiver is limited to an education facility, which includes a nursery school, limited to only ten children arriving as early as 8:00 a.m. within the weekday morning peak period (7:00 to 9:00) and the Hebrew school will continue to be limited to a maximum of 175 children, the highest number of children currently enrolled in a weekday evening program starting at the beginning of the weekday evening period (4:00 to 6:00)
- (2) Applicant to submit a complete record plat application within sixty (60) days of Planning Board action of waiver request. Applicant to record final plat in the land records of Montgomery County within ninety (90) days of submission of plat application

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

7. Site Plan Review No. 8-02021 - Montrose Parks

R-60/TDR-15 Zone; 1.28 acres; 16 units (one-family attached units, including 10 TDR's); south side of Montrose Road, approximately 200 feet west of East Jefferson Street, North Bethesda

APPLICANT: STANDARD CONSTRUCTION;
ENGINEER: GREENHORNE & O'MARA, INC.

Staff Recommendations: Approval with conditions. (See staff report)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

8. Preliminary Plan Review No. 1-02061 – Allen Chapel AME Church

R-200 Zone; 3.22 Acres; One (1) Lot Requested (18,000 Square Feet House of Worship);
Community Water and Community Sewer

Located on the North Side of Fairland Road, Approximately 300 Feet West of the Intersection
of Old Columbia Pike

Policy Area: Fairland/White Oak

Applicant: Allen Chapel
Engineer: KCI Technologies
Attorney: O'Mally, Niles & Gilmore, P.A.

Staff Recommendations: Approval, Subject to the following Conditions:

- (1) Limit the preliminary plan to a house of worship with the following:
 - a. A 325-seat sanctuary.
 - b. No weekday educational institute or child day care facility on the site as specified in the attached traffic statement by Baron D. Young dated January 8, 2002.
- (2) Provide five-foot sidewalks on Fairland Road along the frontage and extended eastward to Old Columbia Pike
- (3) Coordinate with the Montgomery County Department of Public Works and Transportation (DPWT) regarding their Capital Improvement Program Project No. 509953, Old Columbia Pike, Phase II, to construct concrete sidewalks including the west side of Old Columbia Pike between East Randolph Road and Nalls Lane (south of Briggs Chaney Road)
- (6) Dedication of 80 feet of right-of-way on Fairland Road as shown on plan
- (7) A final landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff
- (8) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed
- (9) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
- (10) Other necessary easements

8. Preliminary Plan Review No. 1-02061 – Allen Chapel AME Church - Continued

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

9. Casey Property at Washington Grove

Evaluation for Legacy Open Space Program, at the intersection of Ridge Road and Brown Street, on Ridge Road, Gaithersburg

Staff Recommendation: Approve part of the Casey Property at Washington Grove as a Class II site in the Heritage Resource Category of the Legacy Open Space Functional Master Plan.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

10. **Request To Revise Previous Conditions of Approval For Preliminary Plan Review No. 1-00024A – Part Of The Thomas Property**

R&D Zone; 9.81 Acres; One (1) Lot Previously Approved for 47,000 Square Feet of R&D Office)

Community Water and Community Sewer

Southwest Quadrant of the Intersection of Key West Avenue and Great Seneca Highway

Policy Area: Gaithersburg

APPLICANT: Upshire Capital Partners, LLC

ENGINEER: Joyce Engineering Corp

Staff Recommendation: Approval to Revise Conditions, Pursuant to the FY2000 Annual Growth Policy Alternative Review Procedures For Expedited Development Approval (“Pay and Go”), Subject to the following conditions:

- (1) Amend prior approval to reflect an additional 52,000 square feet of R&D Office. Previous approval dated March 22, 2000 approved 47,000 square feet of R&D Office. The applicant shall pay to the Montgomery County Department of Finance the balance of the expedited development approval excise tax for the remaining office square footage prior to receipt of building permit
- (2) Prior to recording of plat for Lot 2, applicant, M-NCPPC staff and MCDPW&T staff to finalize an easement area for the future Decoverly Transit Station to provide safe and efficient circulation for buses, vehicular parking and associated transit related uses. Record plat to reflect the delineation of the easement area and related agreements outlining use
- (3) All road rights-of-way and transit alignment shown on the approved preliminary plan shall be dedicated by the applicant unless otherwise designated on the preliminary plan
- (4) All roads shown on the approved preliminary plan shall be constructed by the applicant to the full width mandated by the Shady Grove Study Area Master Plan and to the design standards imposed by all applicable road codes pursuant to MCDPW&T approval
- (5) Conditions of MCDPS stormwater management approval dated 10/29/99
- (6) Record Plat to reflect delineation of a conservation easement over the areas of flood plain and stream valley buffer
- (7) Other necessary easements
- (8) In accordance with the provisions of the expedited development approval excise tax (EDAET) of the FY 2000 AGP, this amended preliminary plan will remain valid until March 07, 2002 (25 months from the date of mailing of the Planning Board opinion). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded. In order for the approval to remain valid, all building permits must be issued within four years of the approval of the preliminary plan

10. **Request To Revise Previous Conditions of Approval For Preliminary Plan Review
No. 1-00024A – Part Of The Thomas Property - Continued**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

11. **Preliminary Plan Review No. 1-02033 and Preliminary Water Quality Plan - Greenway Village at Clarksburg**

PD-4 Zone; 374.08 Acres; One Thousand Three Hundred Thirty (1330) Units (600 Single Family Detached, 386 Single-Family Attached, 344 Multi-Family Units and 89,000 Square Feet of Retail)

Located on the North and South Sides of Skylark Road, the East and West Sides of Newcut Road, and on the West Side of Ridge Road (MD 27)

Community Water and Community Sewer

Policy Area: Clarksburg

APPLICANT: Clarksburg Skylark, L.L.C.

ENGINEER: Charles P. Johnson and Associates

ATTORNEY: Wheeler, Wheeler and Korpeck

Staff Recommendation: Approval of Preliminary Plan, Pursuant to the FY 2002 Annual Growth Policy for Ceiling Flexibility for Developer Participation Projects, and Including a Preliminary Water Quality Plan, Subject to the Following Conditions:

- 1) Compliance with the conditions of approval of the January 31, 2002, Transportation Planning memorandum which includes the following conditions:
 - I. Total development under this preliminary plan application is limited to the following uses and density:
 - 1,330 dwelling units
 - 89,000 square feet of retail space
 - 2,000 square feet of community space
 - II. To satisfy Policy Area Transportation Review (PATR)
 - a. The applicant shall participate in widening MD 27; (1) to six through travel lanes from Observation Drive in Germantown through the Brink Road intersection, (2) to four through travel lanes through the A-305 intersection; and (3) continue two northbound travel lanes through the Skylark Road intersection, including dedication of 120' right-of-way, 60' from the centerline, along the site frontage.

This improvement along MD 27 is consistent with the master plan recommendation. If, after master dedication along the west side of MD 27, sufficient right-of-way is not available for the proposed widening, the applicant has to either acquire additional right-of-way on the east side of MD 27 or dedicate additional right-of-way and widen MD 27 on their development side.

11. Preliminary Plan Review No. 1-02033 and Preliminary Water Quality Plan - Greenway Village at Clarksburg – Continued

- b. The applicant shall dedicate on-site portions and participate in construction Relocated Newcut Road (A-302) as a two lane divided arterial or business district roadway between MD 27 and the A-305 intersection and as a four lane divided arterial roadway between A-305 and MD 355.
- c. The applicant shall participate in constructing A-305 as a four lane divided arterial roadway between MD 27 and Stringtown Road.
- d. The applicant shall dedicate and participate in constructing Foreman Boulevard as a two lane arterial roadway from its current terminus at Timber Creek Lane to A-305.

III. To satisfy Local Area Transportation Review (LATR)

- a. The applicant shall participate in construction a second left-turn lane from northbound MD 355 to westbound MD 27.
- b. The applicant shall participate in constructing additional turn/approach on MD 27 and Brink Road at the intersection of MD 27/Brink Road.
- c. The applicant shall participate in providing a separate left-turn lane from southbound MD 355 to eastbound Brink Road as a separate left-turn lane from westbound Brink Road to southbound MD 355.
- d. The applicant shall widen existing Skylark Road by four to six feet, for a total roadway width of 24 feet, from Piedmont Road to the Greenway and construct Relocate Skylark Road from the Greenway to MD 27, including a five-foot sidewalk on the south side.

IV. The applicant shall agree that the roadway improvement listed as conditions of approval are under construction in accordance with the phasing of road improvements for Clarksburg/DiMaio development as described in David D. Flanagan's letter dated March 14, 2002 and confirmed in Transportation Planning's letter date March 29, 2001. The locations of the above roadway improvements (except for condition 3d_ are shown in the attached Exhibit 1.

V. The applicant shall construct a roundabout on A-302 at Street "P3-Q".

VI. The applicant shall construct A-302 as a business district street between A-305 and the roundabout in accordance with DPWT Standard No. MC-219.02, and as a two lane arterial street between the roundabout and MD 27 in accordance with DPWT Standard No. MC-213.04."

- 2) Prior to Planning Board review of a Site Plan applicant shall submit an "Infrastructure Plan" for Planning Board review. The plan shall include the following:
 - a) Location and types of stormwater management facilities for quality and quantity controls that comply with the conditions of MCDPS' preliminary water quality plan
 - b) Delineate bike and pedestrian access pathways including all at grade and below grade crossings along all road rights of way and at stream crossings
 - c) All roadway networks including both private and public connections, streetscape, lighting, sidewalks and paving materials

11. **Preliminary Plan Review No. 1-02033 and Preliminary Water Quality Plan - Greenway Village at Clarksburg – Continued**
- d) Delineation of “Greenway” and other open space areas including all environmental buffers
 - e) School sites and Park dedication sites
 - f) Recreation guideline concept plan
 - g) Proposed schedule for clearing and grading of site
 - 3) No clearing, grading, unless designated on the “Infrastructure Plan,” and no recording of plats prior to site plan enforcement agreement approval
 - 4) Compliance with the conditions of the Revised Preliminary Water Quality Plan approval letter, dated, January 30, 2002, from the Montgomery County Department of Permitting Service
 - 5) Compliance with the conditions of the Preliminary Forest Conservation Plan. Conditions must be satisfied prior to recordation of plat(s) or MCDPS issuance of sediment and erosion control permits
 - 6) Access and improvement as outlined in MCDPWT letter dated January 31, 2002
 - 7) Access and improvements as outlined in MDSHA letter dated, November 6, 2001
 - 8) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Clarksburg Master Plan unless otherwise designated on the preliminary plan
 - 9) All road right-of-ways shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Clarksburg Master Plan, and to the design standards imposed by all applicable road codes or as approved by MCDPWT
 - 10) Abandonment of unused portion of Skylark Road to be approved, by appropriate agency, subsequent to construction and release of relocated Skylark Road to Montgomery County
 - 11) Record plat to show delineation of a Category I conservation easement over the area of stream valley buffer and forest conservation
 - 12) Record plat to provide for dedication of local road network as outlined in conditions #1, #6, and #7 above and depicted on the approved preliminary plan
 - 13) Record plat to reflect common ingress/egress easements over all shared access locations
 - 14) Record plat to reflect note limiting uses of dedicated school site to school construction or park use only
 - 15) Prior to record plat, dedication to M-NCPPC, the following areas as outlined in January 31, 2002 Park Planning and Resource Analysis Unit memo:
 - Area identified as “Park 6” as shown on plan, to be an area with a minimum 600 feet width with adequate area outside of stream buffer to accommodate the needed Greenway trails
 - Land north of relocated Skylark Road and Street P3-A adjacent to Ovid Hazen Wells. Not to include stormwater ponds of swimming pool facility areas
 - Areas identified “Park 1” and “Park 9” and “Park 12” as shown on plan
 - 16) The park area north of Skylark Road will be graded, surfaced with topsoil, fine graded to a maximum of +/- 6” over 100’, and seeded as appropriate for ball field cover. Grading plans will be submitted to park staff for review and approval

11. Preliminary Plan Review No. 1-02033 and Preliminary Water Quality Plan - Greenway Village at Clarksburg – Continued

- 17) Dedication of the proposed Middle School site west of Ridge Rd. (MD 27) to Montgomery County Public Schools
- 18) The school site will be graded, surfaced with topsoil, fine graded to a maximum of +/- 6" over 100', and seeded as appropriate in accordance with Montgomery County Public School standards
- 19) Phasing of dedication of the school site and park sites shall be incorporated as part of the phasing schedule included with Site Plan approval
- 20) Applicant to construct eight (8) foot wide master plan paved, mixed-use trail within the Clarksburg Greenway as approved by the Site Plan
- 21) Final approval of the number and location of buildings, including location of multi-family dwelling units and design of commercial center to be determined at Site Plan
- 22) Final alignment, design and landscaping of trails, greenway trails and entrance features to be determined at Site Plan
- 23) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff
- 24) Final number of MPDU's to be determined at the time of site plan dependent on Condition # 20 above
- 25) Waiver of over length cul-de-sac and appropriate sidewalk waivers to be reviewed and approved at Site Plan
- 26) This preliminary plan will remain valid until February 7, 2014 and shall be phased for recordation of lots as follows:

- Phase One: 350 lots by February 7, 2005
- Phase Two: 700 lots by February 7, 2008
- Phase Three: 1050 lots by February 7, 2011
- Phase Four: All remaining lots by February 7, 2014

Prior to the expiration period, the final record plat for all remaining lots within each phase must be recorded, or a request for an extension must be filed

- 27) Other necessary easements

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

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12. The Following **Record Plats** are Recommended for APPROVAL, Subject to the Appropriate Conditions of Approval of the Preliminary and/or Site Plans:

NOT AVAILABLE AT TIME OF PRINTING

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: