

**Agenda for Montgomery County Planning Board Meeting
Thursday, July 18, 2002, 9:30 a.m.**

8787 Georgia Avenue
Silver Spring, MD 20910-3760

Board Action

Roll Call Approval of Minutes: March 14, 2002 Commissioners' Reports Directors' Reports Reconsideration Requests	
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GENERAL MEETING (*Third Floor Conference Room*)

- A. Administrative Items
- B. *Proposed Closed Session pursuant to Maryland State Government Code Annotated Section 10-508(3) (consider acquisition of real property for a public purpose).*

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

1. Berryville Road Neighborhood Conservation Parks

Authorization to acquire 3.827 acres, more or less, unimproved, located at 14000-14008 Berryville Road, Germantown, MD from Berryville Park, LLC.

Staff Recommendation: Approval

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

2. Piney Grove Serpentine Barrens Conservation Park

Authorization to acquire 258.08 acres more or less, unimproved, from Miller and Smith at Quercus, LLC, located on Piney Meetingshouse Road, south of Boswell Land, Potomac as a Legacy Open Space – Environmentally Sensitive Natural Resources

Staff Recommendation: Approval with conditions

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

3. Revisions to Local Area Transportation Review Guidelines Worksession

Review Final Draft and Receive Public Comments

Staff Recommendation: Adopt revised guidelines.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

4. Board of Appeals Petition No. S-2506 (Special Exception)

East Coast landscape, applicant, requests a special exception for a landscape contractor; RE-1/RC zones; 10.14 acres; 2000 Spencerville Road, Silver Spring

Staff Recommendation: Approval with conditions

(Action required for hearing of 08-07-02) (DEFERRED FROM 5/9/02)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

5. Proposed Water and Sewer Category Changes Administrative Delegation

Group # 2002-05

Staff Recommendation: Transmit comments to MCDEP

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

6. Design Review: MD 193 (University Boulevard) International Corridor Streetscape Project

Staff Recommendation: Transmit comments to State Highway Administration.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

7. Mandatory Referral No. 02104-HHS-1 CASA of Maryland Expansion

R-30 Zone; intersection of University Boulevard and Piney Branch Road; East Silver Spring

Staff Recommendation: Approval with comments.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

8. Purpose and Outreach Report

Shady Grove Sector Plan

Staff Recommendation: Approval

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

9. Zoning Text Amendment No. 02-15

Introduced by Council member; amend the Zoning Ordinance to allow a golf course in the RDT zone approved before (ZTA effective date) to provide limited lodging facilities by special exception, under certain circumstances.

Staff Recommendation: Approval with conditions

(Action required for hearing of 07/23/02)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

10. **Zoning Text Amendment No. 02-19**

Introduced by Council member Silverman; amend the Zoning Ordinance to exempt special exception petitions filed before May 6, 2002 from certain standards, unless the applicant opts to apply certain standards

Staff Recommendation: Approval.

(Action required for hearing of 07/30/02)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

11. Mandatory Referral No. 02901-DPW&T-1

Replacement/ Rehabilitation of Georgetown Branch Trail Trestle Bridge over Rock Creek,
near Jones Bridge Road

Staff Recommendation: Transmit comments to DPWT.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

12. Mandatory Referral No. 00701-F&S-1

RE-2C Zone, construction of Damascus Community Center, 25520 Oak Drive, Damascus

Staff Recommendation: Approval with comments.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

13. The Cedars – Farquhar Property

Evaluation for Legacy Open Space Program, between Olney-Sandy Spring Road and Brooke Road; approximately 3,000 feet west of Olney-Sandy Spring Road and Brooke Road; Sandy Spring/Ashton

Staff Recommendation: Approve adding the Farquhar Property as a Class II site in the Heritage Resources Category of the Legacy Open Space Functional Master Plan.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

14. **Evaluation for Legacy Open Space Program, Canada Dry Building property at 1201 East-West Highway; approximately 500 feet west of Georgia Avenue; Silver Spring CBD –**

Staff Recommendation: Approve the Canada Dry Building on East-West Highway in Silver Spring as a Class II site in the Heritage Resources Category of the Legacy Open Space Functional Master Plan.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

15. I-270/US 15 Draft Environmental Impact Statement

Staff Recommendation: Briefing on Draft Environmental Impact Statement findings. (Note: public testimony will be taken at this time.)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

16. Preliminary Plan Review No.1-02102 – Norbrook Village

RE-2 Zone; 2.16 Acres; One (1) Lot Proposed (Single Family Detached Dwelling Units)

Private Well and Community Sewer

Located On the South Side of Ampeg Lane, Approximately 400 Feet Southeast of Baltimore Road

Policy Area: Olney

APPLICANT: Osunde F. Akamune & Felicia U. Bassey-Akamune

ENGINEER: Nassaux-Hemsley, Inc.

Staff Report: Approval, including a Waiver of the Subdivision Regulations Pursuant to 50-38 for Requiring a Record Plat on the Unrecorded Remainder of Subdivided Parcel and Subject to the Following Conditions:

- (1) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Olney Master Plan unless otherwise designated on the preliminary plan
- (2) Compliance with the conditions of approval of the preliminary forest conservation plan. The applicant must meet all conditions prior to recording of plat or MCDPS issuance of sediment and erosion control permit, as appropriate
- (3) Record plat to provide for dedication of 60 feet of right-of-way for Ampeg Lane
- (4) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s)
- (5) 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
- (6) 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
- (7) Other necessary easements

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

17. Pre-Preliminary Plan Review No. 7-02058 and Request For Waiver Pursuant To Section 50-38 Of The Montgomery County Subdivision Regulations - MDR Properties

RDT and Rural Cluster Zones; 2,134 Acres; Ten (10) Lots Proposed (Eight Existing Single Family Dwelling Units)

Private Well and Private Septic

Located on the Southeast Quadrant of the Intersection of Bucklodge Road, South of Clopper Road (MD 117), West Side of White Ground Road and Northwest of Schaffer Road

Policy Area: Rural

APPLICANT: Michael Ruben

ENGINEER: PHRA

ATTORNEY: Wheeler and Korpeck

Staff Recommendation: No Objection to the Submission of a Minor Subdivision Application for Five (5) Lots, Dependent Upon the Application Complying with all the Provisions of Section 50-35 of the Subdivision Regulations and Grant Waiver Pursuant to Section 50-38 Allowing for Five (5) Additional Lots to be Recorded by Plat Without the Submission of a Preliminary Plan Application

- (1) Submit complete record plat application within ninety (90) days of Planning Board action on Pre-Preliminary Plan application and Waiver Request.
- (2) Record plat to be recorded within ninety (90) days of submission of record plat application
- (3) Applicant to continue discussions with Trust For Public Land, Montgomery County Department of Economic Development and Maryland Department of Natural Resources for placement of the property located outside of approved lots into conservation easements. Easement language should include provisions for public use trail access to the property covered by the easements
- (4) Applicant to identify and coordinate trail locations within the easement areas with M-NCPPC staff and provide master planned natural surface trail connections between Bucklodge Stream Valley Park, Little Seneca Stream Valley Park, Hoyles Mill Conservation Park and Rickman Farm Horse Park, as well as providing connectivity and appropriate nature trail loops between portions of Hoyles Mill Conservation Park
- (5) Applicant to permit park maintenance and management access to Bucklodge Branch Stream Valley Park, as necessary
- (6) Applicant to record in the land records with newly deeded parcels a covenant that discloses the density allotment afforded each individual parcel
- (7) Record plat to reflect note that identifies recorded covenant regarding density allocation to unrecorded remainder of subdivided parcel. Note shall include appropriate liber and folio

17. Pre-Preliminary Plan Review No. 7-02058...continued

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

18. Preliminary Plan Review No. 1-02115 – Hammond

R-200 Zone; 33,541 Square Feet; One (1) Lot Proposed (Single Family Detached Dwelling Unit)

Community Water and Community Sewer

Located on the Northern Side of Twin Valley Lane Approximately 100 Feet Southeast of Cranberry Lane

Policy Area: Aspen Hill

APPLICANT: Adem and Katie Acar

ENGINEER: A.E.S Associates

Staff Recommendation: Approval, Pursuant to the DeMinimus Provision of the FY 2002 Annual Growth Policy and Subject to the Following Conditions:

- (1) Compliance with the conditions of MCDPS stormwater management approval
- (2) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s)
- (3) Prior to recordation of plat provide detailed tree preservation plan for technical staff review and approval
- (4) 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
- (5) 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
- (6) Other necessary easements

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

19. **Preliminary Plan Review No. 1-02048 – Gateway Commons Including Preliminary Special Protection Area Water Quality Plan**

R-200 TDR Zone; 45.25 Acres; Two Hundred and Ninety Two (292) Units (26 Single Family Detached Dwelling Units, 176 Single Family Attached Units and 90 Multifamily Units)

Community Water and Community Sewer

Located on the Southern Quadrant of the intersection of Hammermill Road and Frederick Road (MD 355)

Policy Area: Clarksburg

APPLICANT: US-Homes

ENGINEER: Gutschick Little & Weber

ATTORNEY: Linowes and Blocher

Staff Recommendation: Approval, Including Waivers of Open-Section Roadways and Pursuant to Section 59-C-1.395 Waiver for the Minimum Percent of Single Family Detached Dwelling Units, Subject to the Following Conditions:

- (1) Limit approval under this preliminary plan to a maximum of 325 residential dwelling units
- (2) Satisfy the APF test by paying the Development Approval Payment (DAP) under the Alternative Review Procedure for Limited Residential Development provision of the FY 02 Annual Growth Policy for the proposed residential development. The APF test includes:
 - a. Policy Area Review: Site-generated traffic has to be mitigated within the Clarksburg Policy Area, which is in a moratorium. There is no capacity available for residential development as of June 30, 2002 (-8,717 units) in the Clarksburg Policy Area. The applicant is satisfying policy area review by paying the DAP under the *FY 02 Annual Growth Policy* staging ceiling capacity.
 - b. Local Area Transportation Review: A traffic study (to analyze the traffic impact at nearby intersections) is required since the proposed land use generates more than 50 total peak-hour trips during the weekday morning peak period (7:00 a.m. to 9:00 a.m.) and the evening peak period (4:00 p.m. to 6:00 p.m.).
- (3) As a condition of site access, construct the outside lanes of Stringtown Road (A-260) through the property as a two-lane arterial road including a five-foot sidewalk, an eight-foot bike path, street trees, and grading for a future four-lane divided roadway.
 - a. As a condition of site access, construct the outside lanes of Observation Drive (A-19) from Stringtown Road to MD 355 by-pass as a two-lane arterial road with a future transit way in the median including a five-foot sidewalk, an eight-foot bike path, street trees, and grading for a future four-lane divided roadway.
 - b. For the first 200 building permits as a condition of site access, construct the outside lanes of MD 355 by-pass through the property as a two-lane arterial road including a five foot sidewalk, an eight foot bike path, street trees, and grading for a future four-lane divided roadway.
 - c. Prior to issuance of the 201st building permit, but not later than eighteen (18) months after approval of the Preliminary Plan, obtain two (2) appraisals of the fair market value of the right-of-way for the By-Pass ("ROW") and make a cash offer to the

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- owners of this ROW of up to 110 percent of the highest appraised value via certified letter.
- d. If the offer is not accepted by the owner(s), or no response is received, the County shall act to acquire the ROW. The applicant shall be responsible to reimburse the County a maximum price, and to construct a half-section of the roadway in accordance with County standards at their sole cost and expense.
 - e. In the event neither the applicant nor the County acquires the ROW within three years of preliminary plan approval of Gateway Commons, the applicant shall be free to proceed with full build-out of Gateway Commons and be issued all remaining building permits without obtaining the ROW or constructing the By-Pass.
- (4) As a condition of site access, construct Woodport Road from Public Road "B" to MD 355 (as a right-in/right-out at MD 355) as a tertiary residential street.
 - (5) At site plan insure compatibility with the Historic District by maintaining the three (3) story building height limit along Stringtown Road and Observation Drive. Maintain 25-foot building setbacks along Stringtown Road to achieve an appropriate "gateway" transition from I-270 into Clarksburg's Town Center. Coordinate with Montgomery County DPS to relocate the proposed SWM pond located in the northeastern quadrant of the intersection with MD 355 and Observation Drive to better implement street oriented development as per Master Plan recommendations
 - (6) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s)
 - (7) Record plat to include note "No Driveway Access to MD 355"
 - (8) Compliance with conditions of MCDPS approval of the Preliminary Special Protection Area Water Quality Plan
 - (9) No clearing, grading or recording of plats prior to site plan enforcement agreement approval
 - (10) Final approval of the number and location of dwelling units, parking, site circulation, sidewalks, and bikepaths will be determined at site plan
 - (11) Record plat to identify all homeowners association parcels and stormwater management parcels and any common ingress/egress easements
 - (12) Provide a minimum number of forty-four (44) MPDU's and one hundred and fourteen (114) TDR's dependent upon condition number 9 above
 - (13) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff
 - (14) Prior to recording of plat provide an affidavit to verify the availability of a TDR for each existing and proposed dwelling unit shown on the approved preliminary plan. Include a note referencing recorded covenant regarding the TDR's on record plat
 - (15) 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
 - (16) 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
 - (17) Other necessary easements

19. Preliminary Plan Review No. 1-02048 continued.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

20. **Preliminary Plan Review No. 1-02065 – Fox Hill/Marriott Senior Living**

R-200 Zone; 16.82 Acres; One (1) Lot Proposed (Senior Living Facility)

Community Water and Community Sewer

Located on the Northwest Quadrant of Burdette Road and River Road (MD 190)

Policy Area: Bethesda/Chevy Chase

APPLICANT: Marriott Senior Living Services

ENGINEER: Rodgers & Associates

ATTORNEY: Shulman, Rogers, Gandal, Porody & Ecker, P.A.

Staff Recommendation: Approval, Subject to the Following Conditions:

- (1) Limit approval under this preliminary plan to a maximum of two hundred and forty (240) independent living units, twenty (20) assisted living units, twenty (20) special care units and forty-three (43) skilled nursing beds and all other applicable conditions of approval pursuant to Board of Appeals Case No.S-2504
- (2) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or issuance of sediment and erosion control permits
- (3) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Bethesda/Chevy Chase Master Plan unless otherwise designated on the preliminary plan
- (4) Compliance with conditions of MCDPS stormwater management approval dated, January 10, 2002
- (5) Record plat to include note "Access Denied Along River Road"
- (6) Record plat to show delineation of a Category I conservation easement over the area of forest conservation areas
- (7) Access and improvements as required to be approved by MDSHA prior to issuance of access permit
- (8) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation and sidewalks will be determined at site plan. 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

20. Preliminary Plan Review No. 1-02065 – Fox Hill/Marriott Senior Living

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

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21. 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:

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