

**Agenda for Montgomery County Planning Board Meeting**  
**Thursday, September 12, 2002, 9:30 A.M.**

8787 Georgia Avenue  
Silver Spring, MD 20910-3760

Board Action

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| Roll Call<br>Approval of Minutes:<br>April 25, 2002<br>May 2, 2002<br>Commissioners' Reports<br>Directors' Reports<br>Reconsideration Requests |  |
|  |  |

**1. Wheaton Regional Park**

Authorization to acquire 1.51 acres, more or less, improved, located at 1511 Glenallan Avenue from Charles F. and Joyce W. Koeneman,

**Staff Recommendation:** Approval.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

2. **Patuxent River Watershed Conservation Park**

Authorization to acquire 19.71 acres, more or less, unimproved, from the Evelyn E. Grauel Trust Estate and the George H. Grauel Trust Estate, located east of Kruhm Road, north of Spencerville Road (MD Rte. 198), Burtonsville.

**Staff Recommendation:** Approval.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

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3.

**Maryland SoccerPlex at South Germantown Recreational Park Worksession**

Montgomery Soccer Foundations' Request for Lease Amendment to Expand Uses

**Staff Recommendation:** Approval of request, with conditions, and transmit to County Council. No public testimony will be taken at this time.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

4. **Maryland SoccerPlex at South Germantown Recreational Park Worksession**

Montgomery Soccer Foundations' Request for Lease Amendment to amend Phases II and III

**Staff Recommendation:** Approval of request, with conditions, and transmit Lease Amendment to County Council. (Note: No public testimony will be taken at this time.)

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

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5. **Maryland SoccerPlex at South Germantown Recreational Park Worksession**

Montgomery Soccer Foundation's Request to construct amended Phase II

**Staff Recommendation:** Approval of request, with conditions, and transmit request and recommendation to County Council. (Note: No public testimony will be taken at this time.)

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

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**6. Maryland SoccerPlex at South Germantown Recreational Park Worksession**

Montgomery Soccer Foundations' request to increase number of tournaments by three, from six to nine.

**Staff Recommendation:** Approval. (Note: No public testimony will be taken at this time.)

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

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**7. Maryland SoccerPlex at South Germantown Recreational Park Worksession**

Special appropriation and PDF amendment to complete Phase I, authorized Phase II, and implement public improvements for amended Phase II

**Staff Recommendation:** Approve transmittal of request for special appropriation and PDF amendment to County Council. (Note: No public testimony will be taken at this time.)

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

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**8. Final Water Quality Plan for Special Protection Area and Site Plan Review No. 8-02036 - Greenway Village at Clarksburg**

PD-4 Zone; 327 one-family detached homes, 107 townhouses and 48 MPDU's included; West Intersection of Skylark Road and New Cut Road; PA - 13 - Clarksburg & Vicinity

APPLICANT: Clarksburg Skylark LLC;  
ENGINEER: Charles P. Johnson & Associates

**Staff Recommendation:** Approval with conditions.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

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**9. Board of Appeals Petition No. S-2515 (Special Exception)**

Sprint PCS/APC Realty and Lloyds, applicant, requests a special exception for a telecommunication facility; RDT zone; 21410 Beallsville Road, Dickerson

**Staff Recommendation:** Approval with conditions.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

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10. **Board of Appeals Petition No. S-538-C (Special Exception Modification)**

The Aspen Hill Club, applicant, requests modification to the existing Private Club; 15.97 acres; 14501 Homecrest Road, Silver Spring

**Staff Recommendation:** Denial

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

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11. **Site Plan Review No. 8-88056A – Leisure World Medical Center**

PRC Zone; 13,860 gross square feet Medical Office Addition, Storage and Surface Parking; Northeast side of North Leisure World Boulevard between Interlachen Drive and Pine Orchard Drive; PA – 27 - Aspen Hill & Vicinity

APPLICANT: Leisure World of Maryland

ENGINEER: Macris, Hendricks & Glascock

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

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

12. **Preliminary Plan Review No. 1-02086 – Layhill Village East  
(Deferred from the August 3, 2002 Planning Board hearing)**

R-200 Zone; 14.68 Acres; Thirty (30) Lots Proposed; Twenty-Three (23) Single Family Detached Dwelling Units and Six (6) Single Family Attached Dwelling Units and One (1) Existing Single Family Dwelling Unit

Community Water and Community Sewer

Located at the Northern Terminus of Punch Street, Approximately 200 Feet North of Queensguard Road

Policy Area: Aspen Hill

APPLICANT: Magruder Communities

ENGINEER: P.G. Associates

ATTORNEY: Miller, Miller and Canby

**Staff Recommendation:** Approval, Pursuant to the Special Ceiling Allocation for Affordable Housing of the FY 2003 Annual Growth Policy (AGP), Including Waiver for Reduced Width Tertiary Road and Waiver of Sidewalk on One Side of Street, Subject to the Following Conditions:

- 1) Approval under this preliminary plan is limited to no more than twenty-three (23) new single family detached units and six (6) new single family attached units and one (1) existing historic single family detached unit
- 2) Dedicate approximately one (1) foot of right-of-way for approximately eight (8) feet along Layhill Road (MD 182) across the northwest property frontage to provided a seventy-five (75) foot right-of-way from the centerline
- 3) Restrict access to Layhill Road to the existing driveway now serving the historic house. Remove the other existing driveway
- 4) Dedicate and construct Punch Street as follows:
  - a. 60 foot right-of-way as a closed section secondary residential street for approximately 140 feet
  - b. Allow reduced width turning radius at the 90 degree turn to avoid impacts to historic house
  - c. 50 foot right-of-way as a closed section reduced width tertiary residential street from beyond the 60 foot right-of-way width
- 5) 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 MCDPS issuance of sediment and erosion control permits
- 6) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Aspen Hill Master Plan and as outlined in Condition #4 above

**Preliminary Plan Review No. 1-02086 – Layhill Village East  
(Deferred from the August 3, 2002 Planning Board hearing)**

- 7) All road right-of ways shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Aspen Hill Master Plan, or as approved by the Planning Board and DPWT and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan, “To Be Constructed By \_\_\_\_\_” are excluded from this condition
- 8) Record plat to show delineation of a Category I conservation easement over the area of stream valley buffer and forest conservation areas
- 9) Record plat to reflect common ingress/egress easements over all shared driveways
- 10) Record Plat to reflect all areas under Homeowners Association ownership and Stormwater Management areas
- 11) Compliance with the conditions of MCDPS stormwater management approval dated May 28, 2002
- 12) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s)
- 13) No clearing, grading or recording of plats prior to site plan enforcement agreement approval
- 14) Final approval of the number and location of dwelling units, sidewalks, and open space will be determined at site plan
- 15) A landscape and lighting plan must be submitted as part of the site plan application for review and approval
- 16) Prior to applicant requesting recordation of the lots, Text Amendment 18-02 must become effective
- 17) 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
- 18) 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
- 19) Other necessary easements

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

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13. **Site Plan No. 8-02029 Layhill Village East**

R-200 Zone; 23 new single-family detached homes, 6 attached single-family MPDU's and 1 existing single-family home (designated historic); Extension of Punch Street, 200 feet north of Queensguard Road; PA – 27 – Aspen Hill & Vicinity

APPLICANT: Magruder Reed Communities, LLC

ENGINEER: P. G. Associates, Inc.

**Staff Recommendation:** Approval with conditions. (Deferred from PB 8-1-02.)

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

14. **Preliminary Plan No. 1-01078A and SRW 02012 (Section 50-26(f) – Minimum Centerline Radii) – Clarksburg Ridge, Including Preliminary Water Quality Plan**

R-200/RMX-2 Zone; One Hundred Fifty-Nine (159) Residential Units Requested (Single Family Detached and Attached Dwelling Units); 35.4 Acres  
Community Water and Community Sewer

Located on the Northwest Side Clarksburg Road (MD 121), Approximately 600 Feet Northeast of the Intersection With Frederick Road (MD 355)

Policy Area: Clarksburg

APPLICANT: Natelli Communities Limited Partnership  
ENGINEER: Rodgers and Associates

**Comments:** This previously approved preliminary plan is being brought back to the Planning Board to address the need for a waiver of the minimum road radii pursuant to Section 50-26(h) of the Subdivision Regulations. The need for this waiver was necessitated by design changes made as part of the Site Plan review and subsequent approval by the Board. The conditions below have been modified accordingly.

**Staff Recommendation:** Approval, Including Waivers Pursuant to Section 50-29(a)(2) Lot Frontage, *Section 50-26(h) Minimum Radii*, and 50-26(e)(3) Intersection Truncation and Subject to the Following Conditions:

**Preliminary Plan No. 1-01078A and SRW 02012 (Section 50-26(f) – Minimum Centerline Radii) – Clarksburg Ridge, Including Preliminary Water Quality Plan**

- 1) Compliance with the conditions of approval of the Preliminary Forest Conservation Plan. Applicant must satisfy all conditions of approval prior to recordation of plat(s) or MCDPS issuance of sediment and erosion control permits
- 2) All roads 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 standard of all applicable road codes
- 3) All road rights-of-ways shown on the approved preliminary plan shall be dedicated to the full width as prescribed by the Clarksburg Master Plan
- 4) Record plat to show Category I easements over areas of stream valley buffers and forest conservation areas
- 5) Compliance with conditions of MCDPS preliminary water quality plan approval memo dated, August 28, 2001
- 6) Access and improvement as required to be approved by MDSHA prior to issuance of access permits
- 7) 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

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**Preliminary Plan No. 1-01078A and SRW 02012 (Section 50-26(f) – Minimum Centerline Radii) – Clarksburg Ridge, Including Preliminary Water Quality Plan**

- 8) The Adequate Public Facility (APF) review for this preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
- 9) Necessary easements

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

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15. **Preliminary Plan No. 1-98082 - Fertile Meadows (Resubdivision)**

RE-2 Zone; 9.0 Acres; Two (2) Lots Proposed (One (1) Existing); Single family Detached Dwelling Units

Private Well Water and Private Sewer

Located on the Southeast Side of Brink Road and the Realignment of Goshen Road, approximately 100 feet east of Huntmaster Road

Policy Area: Rural (Goshen-Woodfield Vicinity)

Applicant: Mark Moholt

Engineer: Witmer and Associates

**Staff Recommendation:** Approval, Subject to Conditions:

**\*\*\*\*\* See Discussion and Conditions Enumerated In Staff Report \*\*\*\*\***

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

**16. Preliminary Plan Review No. 1-02017- Henderson Corner**

C-3 Zone; 1.27 Acres; One (1) Lot; 5,754 Square Foot Restaurant

Located on the North Side of Henderson Corner Road, South of the Intersection of Ridge Road (MD 27)

Community Water and Community Sewer

Policy Area: Germantown

Applicant: Henderson Corner @ 355 L.L.C.

Engineer: P.G. Associates

**Staff Recommendation:** Approval, Subject to the Following Conditions:

- 1) Approval under this preliminary plan is limited to a 5,754 square foot “high turnover, sit-down” restaurant
- 2) The applicant shall participate with the Clarksburg Village/Greenway Village at Clarksburg developments in constructing the following roadway improvements:
  - a. A second left turn lane from northbound MD 355 to westbound MD 27 at the MD 355/MD 27 intersection
  - b. An additional through travel lane on northbound and southbound MD 27, a second left turn land from southbound MD 27, and an additional through travel lane and a second left turn lane on westbound Brink Road at the intersection of MD 27 and Brink Road
- 3) 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 MCDPS issuance of sediment and erosion control permits
- 4) Compliance with the conditions of MCDPS stormwater management approval
- 5) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s) and/or MDSHA prior to issuance of access permits
- 6) Final approval of a landscape and lighting plan must be secured from technical staff prior to recordation of plat
- 7) 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
- 8) 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
- 9) Other necessary easements

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Preliminary Plan Review No. 1-02017- Henderson Corner - Continued

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

**17. Preliminary Plan Review No. 1-01058 – Johnson Property**

RE-2C/R-200 Zone; 24 Lots Requested (24 Single Family Detached Dwelling Units);  
81.67 Acres

Community Water and Private Septic

Located on the North Side of Darnestown Road (MD 28), Approximately 900 Feet West of  
Quince Orchard Road

Policy Area: Potomac

**APPLICANT:** Winchester Homes

**ENGINEER:** Loiederman & Associates

**ATTORNEY:** Miller, Miller & Canby

**Comments:** This previously approved application is being brought back to the Planning Board to clarify the status of the unrecorded portion of the site. Currently on that site exists an approved special exception use for a Retail Nursery. Condition #13 reflected below has been included to address the use on the proposed parcel which will now be platted as a recorded property.

**Staff Recommendation:** Approval, Including Waiver of Overlength Cul-de-Sac and Minimum Centerline Radii Pursuant to Section 50-26 of the Montgomery County Subdivision Regulations and, Subject to the Following Conditions:

- (1) Compliance with conditions of approval of Transportation Planning memorandum dated, November 20, 2001 as follows:
  - A. Development of this preliminary plan is limited to a total of 24 dwelling units
  - B. Upgrade existing McDonald Chapel Road within the property to the Montgomery County's secondary residential street standard and dedicate right-of-way as a public street
  - C. Connect Carrington Hill Drive to provide improved local traffic circulation
- (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 MCDPS issuance of sediment and erosion control permits. Conditions include:
  - A. All trash and invasive plants within the stream valley buffer must be removed. Equipment may be used to remove the trash, but trash within the critical root zones must be removed by hand. The critical root zones of the trees must be roped off to prevent equipment from passing over these sensitive areas. Once the trash and invasive plants are removed the area must be reforested
  - B. In areas where trash is either instream or on the banks of the stream, the trash must be removed and the stream restabilized with bioengineering stream restoration techniques

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**Preliminary Plan Review No. 1-01058 – Johnson Property - Continued**

- C. Areas impacted by condition #1 and #2 will require a sediment control permit from DPS
  - D. Nursery plantings currently located East of MacDonald Chapel Drive, and within the limits of disturbance, must be transplanted and saved for future use as landscaping material within the site
- (3) Record plat to show delineation of a Category I conservation easement over the stream buffer(s)
  - (4) All road rights-of-way shown on the approved preliminary plan shall be dedicated by the applicant, to the full width mandated by the Potomac Master Plan, unless otherwise designated on the preliminary plan
  - (5) All roads shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Potomac Master Plan, and to the design standards imposed by all applicable road codes and/or MCDPWT.
  - (6) Record plat to reflect common ingress/egress easements over shared driveways
  - (7) Compliance with conditions of MCDPS stormwater management approval dated July 16, 2001
  - (8) Compliance with conditions of approval within MCDPWT letter dated, November 26, 2001
  - (9) Access and improvements as required to be approved by MCDPWT prior to issuance of access permit
  - (10) This preliminary plan will remain valid for thirty-seven (37) 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 or a request for an extension must be filed
  - (11) The Adequate Public Facility (APF) Review for this preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
  - (12) Necessary Easements
  - (13) ***Limit the development of Parcel A to a retail/wholesale nursery as prescribed in Board of Appeals Case No. S-2070. Any modification to these uses will require Planning Board approval***

**BOARD ACTION****Motion:****Vote:****Yea:****Nay:****Other:****Action:**

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

**NOT AVAILABLE FOR TIME OF PRINTING**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

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19. **MCC Bill 25-02**

Council Bill 25-02 is a proposal to remove the sunset provision that would terminate the position and office of the People’s Counsel, as established in Chapter 2, Article XII of the County Code. The current law, as amended in 1999, contains an uncodified provision that terminates the office of the People’s Counsel on July 1, 2002. The subject legislation would delete the sunset provision, thus making the office and position of People’s Council permanent.

**Staff Recommendation:** Approval.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

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20. **Zoning Text Amendment No. 02-20**

Introduced by Councilmember Denis; amend the Zoning Ordinance to establish on-site parking, water run-off, and enforcement standards for home occupations in the R-60 and R-90 zones

**Staff Recommendation:** Approval with modifications.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

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21. **Zoning Text Amendment No. 02-21**

Introduced by Councilmember Denis, amend the Zoning Ordinance to clarify the circumstances for exemption of a private school from the special exception process if located on land owned or leased by a religious institution -

**Staff Recommendation :** Approval with modifications.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

22. **Zoning Map Amendment No. G-796**

Georgetown Preparatory Schools, Inc., applicant, requests rezoning from the R-90 Zone to the PD-28 Zone; 473 multi-family dwelling units; 15 acres; 10900 Rockville Pike, Rockville

**Staff Recommendation:** *Approval of the PD-28 Zone; Approval of Development Plan.*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**