

Agenda for Montgomery County Planning Board Meeting
Thursday, July 10, 2003, 9:30 A.M.
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Board Action

Roll Call Approval of Minutes: April 24, 2003 Commissioners' Reports Directors' Reports Reconsideration Requests	
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GENERAL MEETING (*Third Floor Conference Room, 8787 Georgia Avenue, Silver Spring*)

- A. Administrative Items
- B. *Proposed Closed Session pursuant to Maryland State Government Code Annotated Section 10-508(a) (7) (Subject: Fairland Golf Course)*

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

1. **Forest Conservation Plan for Board of Appeals Petition No. S-2351-A (Special Exception Modification)**

Mid-Atlantic Petroleum Properties, LLC, applicant requests a modification to existing automobile filling station and convenience store, I-1 Zone - 12301 Middlebrook Road, Germantown

Staff Recommendation: Approval.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

2. **Board of Appeals Petition No. S-2351-A (Special Exception Modification)**

Mid-Atlantic Petroleum Properties, LLC, applicant requests a modification to existing automobile filling station and convenience store, I-1 Zone, 12301 Middlebrook Road, Germantown

Staff Recommendation: Denial.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

3. Zoning Text Amendment No. 03-15

Introduced by Councilmember Silverman; amend the Zoning Ordinance to clarify that a benefit performance may take place on property regulated by special exception, without modification of the special exception, and to exempt certain property from certain land use restrictions that apply to a benefit performance

Staff Recommendation: Approval with modifications.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

4. Mandatory Referral No. 03104-M-1

for Montgomery College - Takoma Park Campus Student Services Center; R-60 zone; 100,000 square feet; East side of Fenton Street at New York Avenue in Takoma Park and East Silver Spring

Staff Recommendation: Approval to transmit comments.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

5. Site Plan Review No. 8-03035, Potomac Crest, Lots 1-21, Parcel A-D, Block H

R-90 Zone; 9.1 Acres 21 One-family detached dwelling units; On Seven Locks Road, approximately 150 feet South of Declaration Lane; Potomac - Cabin John & Vicinity, PA-29

APPLICANT: The Magruder Companies

ENGINEER: Dewberry

Staff Recommendation: Approval with conditions

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

6. Preliminary Plan Review No. 1-03067 – Mary Boland Subdivision

R-60/TDR-12 Zone; Forty-Five (45) Lots Requested (One Family Attached Dwelling Units); 6.27 acres;

Community Sewer and Community Water

Located on the West side of Frederick Road (MD 355), North of Middlebrook Road, Across from Apperson Place

Policy Area: Germantown East

Applicant: U.S. Homes
Engineer: Dewberry and Davis
Attorney: Linowes and Blocher. LLP

Staff Recommendation: Approval Subject to the Following Condition:

- (1) Approval under this preliminary plan is limited to a maximum of forty-five (45) one family attached units and to provide for the necessary roadway improvements as follows:
 - a. The applicant shall construct Cider Barrel Lane as a public primary residential street within their property from the property to the north connecting to a 26 ft wide public tertiary residential street that widens to 36 feet from MD 355 to the first internal intersection.
 - b. The applicant shall provide access and improvements along MD 355 as required by the Maryland State Highway Administration, including widening of MD 355 per the master plan.
- (2) Compliance with the conditions of approval of the preliminary forest conservation plan. The applicant must meet all conditions of the preliminary forest conservation plan prior to approval of site plan.
- (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 Germantown Master Plan unless otherwise designated on the preliminary plan
- (4) All road right-of ways shown on the approved preliminary plan shall be constructed, by the applicant, to the full width mandated by the Germantown Master Plan Master Plan, 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
- (5) Record plat to reflect a Category I easement over all areas of stream valley buffers and forest conservation
- (6) Record Plat to reflect all areas of homeowners open space, stormwater management areas and forest conservation
- (7) Compliance with the conditions of approval of the MCDPS stormwater management approval
- (8) Compliance with conditions of MCDPWT letter dated, June 27, 2003, unless otherwise amended

Preliminary Plan Review No. 1-03067 – Mary Boland Subdivision (continued)

- (9) Final approval of the number and location of dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan
- (10) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff
- (11) Final number of TDRs as per condition #10 above to be determined at the time of site plan
- (12) 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
- (13) 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
- (14) Other necessary easements

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

7. Preliminary Plan Review No. 1-03081 – Bannockburn (Resubdivision)

R-200 Zone; Two (2) Lots Requested (One Family Detached Dwelling Units); 1.2 acres
Community Sewer and Community Water

Located on the East side of Ayr Lane, South of Selkirk Drive, adjoining the unimproved
Braeburn Parkway

Policy Area: Bethesda – Chevy Chase

Applicant: Hemingway Homes
Engineer: P.G. Associates

Staff Recommendations: Approval, Pursuant to the Section 50-29(b)(2) of the
Montgomery County Subdivision Regulations Subject to Conditions:

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

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

8. **Preliminary Plan Review No. 1-03069 – Seneca Springs**

RE-2C Zone; Three (3) Lots (One Family Detached Dwelling Units) 15.9 acres

Community Water and Private Septic

Located on the South Side of Damascus Road (MD 108), North of Hawkins Creamery Road

Policy Area: Damascus

Engineer: Roy Stanley

Engineer: Benning and Associates

Attorney: Clifford, Debelius, Crawford, Bonifant & Fitzpatrick, Chtd.

Staff Recommendation – Approval, Including Waiver of Frontage, With the Following Conditions:

- (1) 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
- (2) Record plat to reflect all common ingress/ingress and utility easements
- (3) Dedicate the open space north of the three lots and land to the east of the lots that lies between existing parkland. Include in the dedication the land within the currently drawn pipestem lot areas created to give frontage on Heather Field Court.
- (4) Final areas of dedication to be reviewed by the technical staff prior to recording of plat. Dedication plat to be recorded with all the three (3) lots
- (5) Access and improvements, as required, to be approved by MDSHA prior to issuance of building permit
- (6) Conditions of MCDPS stormwater management approval
- (7) 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 the property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed
- (8) Other necessary easements

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

- 9. **Preliminary Plan Review No. 1-03070 – Watkins Property**
 Rural Cluster (RC) Zone; Five (5) Lots (One Family Detached Dwelling Units); 27.6 acres
 Private Septic and Private Well

Located on the Southwest side of Kings Valley Road, north of Ridge Road (MD 27)

Policy Area: Rural (Bennett Watershed)

Applicant: Kings Valley LLC

Engineer: Benning and Associates

Attorney: Clifford, Debelius, Crawford, Bonifant & Fitzpatrick, Chtd.

Staff Recommendation: Approval Subject to the Following Conditions:

- (1) Compliance with the conditions of approval of the preliminary forest conservation plan. The applicant must meet all conditions prior to recording of plats or MCDPS issuance of sediment and erosion control permit, as appropriate
- (2) All roads shown on the approved preliminary plan shall be dedicated by the applicant, to the full width mandated in the Master Plan unless otherwise designated on the preliminary plan
- (3) Conditions of MCDPS stormwater management approval
- (4) Record plat to reflect all common ingress/egress and utility easements
- (5) Record plat to reference all common open space, stormwater management areas and forest conservation easements
- (6) Access and improvements as approved by MCDPW&T letter dated June 27, 2003, or as otherwise amended
- (7) Conditions of MCDPS (Health Department) approval
- (8) 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
- (9) 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
- (10) Other necessary easements

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

10. 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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11. **Worksession on Jones Bridge Road Busway, from Jones Mill Road to the Bethesda Metrorail Station**

Staff Recommendation: Provide comments to the County Council. (No public testimony will be taken at this time).

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

12. 2003-2005 Annual Growth Policy – Policy Element - Public Comment.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: