

Agenda for Montgomery County Planning Board Meeting
Thursday, July 24, 2003, 9:30 A.M.
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Board Action

Roll Call Approval of Minutes: May 8, 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. Meeting with Park Foundation
- C. *Proposed Closed Session pursuant to Maryland State Government Code Annotated Section 10-508(a) (7) (consult with counsel to obtain legal advice)* (Subject: Aquatic Center Lease – South Germantown Recreational Park)
- D. *Proposed Closed Session pursuant to Maryland State Government Code Annotated Section 10-508(a) (7) (consult with counsel to obtain legal advice)* (Subject: Litigation)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

1. Housing Montgomery: Status Report

Staff Recommendation: Discussion.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

2. Designation of the Solomon Owens House (Locational Atlas Site #17/8)

to the Montgomery County Master Plan of Historic Preservation – Poolesville

Staff Recommendation: Designate on Master Plan.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

3. Water and Sewer Administrative Delegation Cases Group AD 2003-2

Staff Recommendation: Submit comments to DEP for public hearing July 30, 2003.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

4. Preliminary Plan No. 1-03082 – Orchard Avenue Office

C-2/Commercial Revitalization Overlay Zone (CROZ); 5,251 Square Feet; One Lot Requested (4,000 Square Feet of Commercial Office)
Community Sewer and Community water

Located on the North Side of Orchard Avenue, Approximately 140 Feet Northwest of Sligo Mill Road

Policy Area: Silver Spring – Takoma Park

Applicant: Daniel S. Robison
Engineer: IPDS, LLC
Attorney: Shure, Pereze & O’Connor

Staff Recommendation: Approval Subject to the Following Conditions:

- (1) Approval under this preliminary plan is limited to a maximum of 4,000 square feet commercial office building
- (2) Access and improvements, as required to be approved by the City of Takoma Park prior to issuance of building permit
- (3) No clearing, grading or recording of lot prior to final site plan signature set approval
- (4) Final landscape, lighting and parking facilities plan to be approved at site plan
- (5) Conditions of stormwater management approval by the City of Takoma Park

Preliminary Plan No. 1-03082 – Orchard Avenue Office *(continued)*

- (6) Compliance with the conditions of approval of the preliminary forest conservation plan. The applicant must meet all conditions prior to recording of lot or MCDPS issuance of sediment and erosion control permit, as appropriate
- (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 property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed
- (8) The Adequate Public Facilities (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:

5. **Site Plan Review No. 8-03032, Orchard Avenue Office**

C-2/CROZ Zones; 0.12 Acres; 4,000 gross square feet commercial office; On Orchard Avenue, 140 feet northwest of Sligo Mill Road; Takoma Park, PA-37

APPLICANT: Daniel S. Robinson

ENGINEER: I.P.D.S., LLC

Staff Recommendation: *Approval with conditions.*

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

6. **Final Water Quality Plan - Highlands at Clarksburg**

RMX-2/R-200 Zone; 67.0 acres; 204 dwelling units, (122 one-family detached dwelling units, 64 townhouses, 8 duplex units and 10 multi-family dwelling units, including 29 MPDUs); Southeast of the intersection of Stringtown Road and Frederick Road (MD 355); Clarksburg & Vicinity, PA-13

Staff Recommendation: Approval with conditions.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

7. **Request To Revise The Previous Conditions of Approval for Preliminary Plan No. 1-98009 – Highlands of Clarksburg**

RMX-2 and R-200 (MPDU Option); Two-Hundred and Four Dwelling Units (204) Requested, (Forty-One Additional Units) (122 One Family Detached Dwelling Units, 64 Townhouses, 8 Duplex Units and 10 Multi-Family Units), (One-Hundred and Sixty-Three Dwelling Units Previously Approved), 31,460 Square Feet of Retail Space Requested (18,590 Square Feet of Office Space and 12,870 Square Feet of Retail Space Previously Approved); 67.0 Acres
Community Sewer and Community Water

Southeast Quadrant of Stringtown Road and Frederick Road (MD 355) and at the North of the Extension of Timber Creek Lane

Policy Area: Clarksburg

Applicant: Centex Homes
Engineer: Macris, Hendricks and Glascock
Attorney: Linowes and Blocher

Staff Recommendation: Grant Revision to Approval, Pursuant to the FY 2003 Annual Growth Policy Ceiling Allocation for Affordable Housing for Forty-One (41) Additional Units and the FY 1999 Annual Growth Policy Alternative Review Procedures For Expedited Development (“Pay-and-Go”) for the Retail Component, and the Alternative Review Procedures for Limited Residential Development (DAP) for Seventy Five (75) Dwelling Units and the FY 2002 Annual Growth Policy Alternative Review Procedures for Limited Residential Development (DAP) for Eight-Eight (88) Dwelling Units, and Including Waivers Under Section 50-29(a)(2) and Section 50-26(e)(3) of the Subdivision Regulations, Subject to the Following:

- (1) Approval under this preliminary plan is limited to 204 residential dwelling units and 31,460 square feet of retail space. The applicant must pay to the Montgomery County Department of Finance the balance of the expedited development approval excise tax and the development approval payment prior to receipt of any building permits, as provided by county law
- (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
- (3) Timber Creek Lane is not to be connected to the existing Clarkbrook Estates Subdivision until the MCDP&T has accepted the road for maintenance and thirty-seven (37) of the single family dwelling units fronting Timber Creek Lane have constructed. The existing road is to be barricaded and appropriately signed at its terminus to preclude access to the subject property
- (4) Applicant to dedicate that portion of Street “C” from Frederick Road (MD 355) to Street “BB”, prior to the expiration of the preliminary plan, only if the property identified as Lot 4 and Lot 5 of Brickley’s Subdivision has not received preliminary plan approval and dedicated an alternative access to Frederick Road. In the event that access is provided from Street “C” to Frederick Road (MD 355) it will be constructed as a directional right-in and right-out only configuration

Request To Revise The Previous Conditions of Approval for Preliminary Plan No. 1-98009 – Highlands of Clarksburg (continued)

- (5) All road rights-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.
- (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 Clarksburg Master Plan, unless otherwise designated on the preliminary plan
- (7) Record plat to show delineation of a Category I conservation easement over the area of stream valley buffer and forest conservation areas
- (8) Record plat to provide for the full width dedication of MD 355 as shown on the approved preliminary plan
- (9) Compliance with the conditions of MCDPS stormwater management approval dated September 14, 2001
- (10) Access and improvements as required to be approved by MDSHA prior to issuance of access permits
- (11) No clearing, grading or recording of plats prior to site plan enforcement agreement approval
- (12) Final approval of the number and location of dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan
- (13) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff
- (14) Record plat to reference all common ingress/egress easements
- (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) Necessary easements

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

8. Site Plan Review No. 8-02022A, Highlands at Clarksburg

RMX-2/R-200 Zones; 63.7 Acres; 122 one-family detached dwelling units, 64 townhouses, 8 duplexes, 10 multi-family dwelling units, including 29 MPDUs; On Stringtown Road, northeast of Frederick Road, (MD 355); Clarksburg & Vicinity, PA-13

APPLICANT: Centex Homes

ENGINEER: Macris, Hendricks & Glascock, P.A.

Staff Recommendation: Approval with conditions.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

9. Final Water Quality Plan - Gateway Commons

R200/TDR 7 Zones; 33.18 acres; 28 one-family detached, 90 townhouses, 174 multi-family, 44 MPDUs, including 172 TDRs; southeast and southwest quadrants of the intersection of Observation Drive and Stringtown Road; Clarksburg & Vicinity, PA-13

Staff Recommendation: Approval with conditions.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

10. Site Plan Review No. 8-03023, Gateway Commons

R200/TDR (7) Zone; 45.26 Acres; 28 One-family detached, 90 Townhouses, 174 Multi-family, 44 MPDUs, including 172 TDRs; North quadrant, intersection of Gateway Center Drive and Relocated Clarksburg Road; Clarksburg & Vicinity, PA – 13

APPLICANT: U.S. Home Corporation
ENGINEER: Dewberry & Davis

Staff Recommendation: Approval with conditions.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

**11. Preliminary Plan No 1-02088 – Allanwood
(Resubdivision)**

R-200 Zone; 2.36 Acres; Three (3) Lots Requested (Three (3) One Family Dwelling Units)
Community Sewer and Community Water

Located on the South Side of Norbeck Road, Approximately 140 Feet Northeast of Drury
Road

Policy Area: Aspen Hill

Applicant: James Dayhoff
Engineer: West Consulting Group

Staff Recommendation: Approval, Under the DeMinimis Provision of the FY 2003
Annual Growth Policy, and Pursuant to 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:

12. Preliminary Plan No. 1-03091 – Colesville Estates

R-90 Zone; 1.39 acres; one (1) lot requested (One (1) one-family detached dwelling unit)
Community Sewer and Community Water

Located on the West Side of Smith Village Road, Approximately 2,500 Feet Northeast of
Cabinwood Drive

Policy Area: Fairland – White Oak

Applicant: James G.L. Smith
Engineer: Landmark Engineering, Inc

Staff Recommendation: Approval, Under the DeMinimis Provisions of the FY 2003
Annual Growth Policy, Subject to the Following Conditions:

- (1) Record plat to reflect an easement for future dedication for extension of Smith Village Road
- (2) The applicant will be required to provide MCDPW&T with a recorded covenant whereby said owner agrees to pay a prorata share for the future construction of Smith Village Road through a cul de sac, whether built as a Montgomery County project or by private developer under permit, prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat. The cul de sac should be located as to take as near equal property as possible from the applicant and adjacent Parcel 312. The cost of construction should be divided equally by the owners of this site, Parcel 312 and Parcel 338, according to the total number of lots approved within those three parcels. In no case should this applicant pay less than a one third share of the road extension and cul de sac
- (3) Conditions of MCDPS stormwater management approval
- (4) Compliance with the conditions of approval of the preliminary forest conservation plan. Applicant must meet all conditions prior to recording of plats or MCDPS issuance of sediment and erosion control permit, as appropriate
- (5) Access and other improvements as outlined in MCDPW&T approval letter dated 7-11-03, or as otherwise amended
- (6) 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
- (7) Necessary easements

Preliminary Plan No. 1-03091 – Colesville Estates *(continued)*

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

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13. 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:

14. **Pedestrian Bridge over Veirs Mill Road for Rock Creek Hiker-Biker Trail**

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

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

15. **Olney Master Plan – Presentation and review of Staff draft**

Staff Recommendation: Approve Staff draft as Public Hearing draft and set Public Hearing date of September 18, 2003. (**Note:** No public testimony will be taken at this time.)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

16. Annual Report of the Ballfield WorkGroup

Recommendations for CIP priority projects and restructuring of WorkGroup

Staff Recommendation: Approval.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

**Agenda for Montgomery County Planning Board Meeting
Monday, July 21, 2003, 7:30 P.M.**

8787 Georgia Avenue
Silver Spring, MD 20910-3760

1. Mandatory Referral No. 03202-NCPC-1

Building 33, and Parking Garage National Institutes of Health, Northeast corner of the NIH campus, 250 feet from the intersection of MD 355 and Cedar Lane, R-90 Zone. Bethesda-Chevy

Staff Recommendation: Approval to transmit comments to NCPC. (*Note: Public testimony will be limited to 1 hour*)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:
