

Agenda for Montgomery County Planning Board Meeting
Thursday, June 24, 2004, 9:30 A.M.

8787 Georgia Avenue
Silver Spring, MD 20910-3760

Board Action

Roll Call Approval of Minutes: February 12, 2004 Commissioners' Reports Directors' Reports Reconsideration Requests	
---	--

GENERAL MEETING (*Third Floor Conference Room, 8787 Georgia Avenue, Silver Spring*)

- A. Administrative Items
- B. *Closed Session pursuant to Maryland State Government Code Annotated Section (10-508) (a) (7) (consult with counsel to obtain legal advice) (Subject: Wilgus Settlement Agreement)*
- C. *Closed Session pursuant to Maryland State Government Code Annotated Section (10-508) (a) (7) (consult with counsel to obtain legal advice) (Subject: M-NCPPC v. J. L. Matthews, Inc.)*

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

1. **Authorization to acquire 3.27 acres, more or less, improved with two out-buildings, from Christopher, Bruce, and Stuart Cohen**

located between Capital View Avenue and Mount Pleasant Road, Silver Spring, Maryland, as a Legacy Open Space Heritage Resource

Staff Recommendation: Approval.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

-
2. **Report on current transportation congestion and future priorities**

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

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

3. **Forever Green**

Briefing on Park Land, Agricultural and Open Space Preservation in Montgomery County

Staff Recommendation: Discussion.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

4. **Board of Appeals Petition Nos. S-2527, S-2528, and S-2529:** (Deferred from Planning Board Meeting June 10, 2004)

Twin Ponds wholesale nursery, landscape contractor, and manufacture of mulch operation, located at 15315 Mt. Nebo Road, Poolesville): Remand to Planning Board by the Hearing Examiner for further consideration and comment

Staff Recommendation: Approval, transmit comments to Hearing Examiner for July 20, 2004, oral argument.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

5. Preliminary Plan No. 1-04045 – White Property

RDT Zone; 88.79 acres; three (3) lots requested; three (3) single-family detached dwelling units; one (1) existing

Private well and private septic

Located on Wildcat Road, approximately 2,400 feet south of Watkins Road

Policy Area: Damascus PA- 14

Applicant: Kay White

Engineer: Benning and Associates

Attorney: C. Garson and Associates

Staff Recommendation: Approval, subject to conditions:

- 1) 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
- 2) Record plat to reflect common ingress/egress and utility easements over all shared driveways
- 3) Compliance with the conditions of approval of the MCDPS stormwater management approval dated May 13, 2004
- 4) Compliance with conditions of MCDPWT letter dated, June 4, 2004, unless otherwise amended
- 5) Record plat to reflect a Category I easement over all areas of stream valley buffers and forest conservation
- 6) Dedication to M-NCPPC of the strip of land located along the Great Seneca Creek to include the stream valley buffer and at least 200 feet beyond the buffer. Dedicated land to be included as part of Great Seneca Stream Valley Park. Boundaries to be adequately marked and identified to distinguish between dedicated parkland and private property. Dedication to be made prior to record plat.
- 7) Record plat should note limitation on future development of Outlot A as included in density calculation for preliminary plan No. 1-04045
- 8) Compliance with conditions of MCDPS (Health Dept.) septic approval
- 9) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s) (or MDSHA prior to issuance of access permits)
- 10) 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
- 11) Other necessary easements

Preliminary Plan No. 1-04045 – White Property (continued)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

6. **Preliminary Plan No. 1-04077 – A Cat Clinic**

R-200 Zone; 1.0 acres; three (3) lots requested; three (3) one-family detached dwelling units

Community water and community sewer.

Located on Clopper Road (MD 117), approximately 200 feet southeast of Eternity Road.

Applicant: Dale A. Rubenstein

Engineer: Benning and Associates

Policy Area: Germantown West

Staff Recommendation: Approval, subject to the following conditions:

- 1) Record plat to reflect dedication of all road rights-of-way, by the applicant, as shown on the approved preliminary plan
- 2) Conditions of Special Exception No. S-2586 remains in full force and affect

Preliminary Plan No. 1-04077 – A Cat Clinic (continued)

- 3) Compliance with the conditions of approval of the MCDPS stormwater management approval June 9, 2004
- 4) Compliance with conditions of MCDPWT letter
- 5) Access and improvements as required to be approved by MDSHA prior to issuance of access permits
- 6) Record plat to reflect common ingress/egress and utility easements over all shared driveways
- 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) Other necessary easements

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

7. Record Plats

Staff Recommendation: The following record plats are recommended for APPROVAL, subject to the appropriate conditions of approval of the preliminary plans and site plans if applicable, and conditioned on conformance with all requirements of Chapter 50 of the Montgomery County Code.

2-04277 Gateway Commons
 to South side of MD Route 355 (Frederick Road) and East of MD Route 121
 2-04280 (Clarksburg Road)
 R-200-TDR-7 Zone, 13 lots, 7 parcels
 Community water, community sewer
 Planning Area: Clarksburg & Vicinity
 Gateway Commons, L.L.C., Applicant

Staff Recommendation: Pursuant to section 50-35A, the following minor subdivision plats are recommended for approval subject to any applicable conditions of previous preliminary plans approvals and conditioned on conformance with all requirements of Chapter 50 of the Montgomery County Code.

2-04276 London Woods
 East side of Westfield Drive, approximately 400 feet north of London Lane
 R-90, 1 lot
 Community water, community sewer
 Planning Area: Bethesda-Chevy Chase
 Westfield Drive Partners, Applicant

2-04281 Smithfield
 South side of Greentree Road, approximately 30 feet west of Seven Locks
 Road
 R-200 Zone, 2 lots
 Community water, community sewer
 Planning Area: Potomac Subregion
 Robert Feinberg, Applicant

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: