

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

8787 Georgia Avenue
Silver Spring, MD 20910-3760

Board Action

Roll Call
Approval of Minutes: March 18, 2004
Commissioners' Reports
Directors' Reports
Reconsideration Requests

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

- A. Administrative Item
- B. Review draft of potential partnerships in preparation for public comment.
- C. *Closed Session pursuant to Maryland State Government Code Annotated Section (10-508) (a) (7) (proposal for a business to locate, expand or remain in the state) (Subject: Fairland Golf Course Project)*
- D. *Closed Session pursuant to Maryland State Government Code Annotated Section (10-508) (a) (7) (consider acquisition of real property for a public purpose)*
- E. *Closed Session pursuant to Maryland State Government Code Annotated Section (10-508) (a) (7) (consider acquisition of real property for a public purpose)*
- F. *Closed Session pursuant to Maryland State Government Code Annotated Section (10-508) (a) (7) (consult with counsel to obtain legal advice) (Subject: MPDUs)*

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

3. Forest Conservation Plan for Mandatory Referral No. 04810-DPWT-1

Valley Park Drive, Damascus, CIP No. 509944

Staff Recommendation: Approval with conditions.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

4. Mandatory Referral No. 04810-DPWT-1

Valley Park Drive, Damascus, CIP No. 509944

Staff Recommendation: Approval with comments.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

5. Filing Fees for Regulatory Applications in Special Protection Areas and Areas with Impervious Caps

Staff Recommendation: Approval.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

6. Zoning Text Amendment No. 04-11

Introduced by Councilmembers Floreen, Silverman, Subin, Knapp and Leventhal; amend the Zoning Ordinance to eliminate the building coverage requirement and reduce the green area requirement in all multiple-family residential zones for any development containing MPDUs on site

Staff Recommendation: Approval with modifications.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

7. Zoning Text Amendment No. 04-12

Introduced by Councilmembers Floreen, Silverman, Subin, Knapp and Leventhal; amend the Zoning Ordinance to allow a reduction in the public use space requirement for a standard method project in a CBD zone that includes MPDUs on site; allow the public use space requirement for a CBD zone optional method project that includes MPDUs on-site to be reduced or located off-site in the same CBD; allow a residential density bonus over the base density where MPDUs are provided in accordance with Chapter 25A; and clarify that the number of residential units and residential FAR may be increased for a project in a CBD or Transit Station zone that includes MPDUs on site

Staff Recommendation: Approval with modifications.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

8. Zoning Text Amendment No. 04-13

Introduced by Councilmembers Floreen, Silverman, Subin, Knapp and Leventhal; amend the Zoning Ordinance to allow an exception to the master plan, sector plan, and urban renewal plan conformity requirements regarding density or building height for any project in a CBD, RMX, or Development Plan zone that includes MPDUs on site

Staff Recommendation: Approval with modifications.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

9. Zoning Text Amendment No. 04-14

Introduced by Councilmembers Floreen, Silverman, Subin, Knapp and Leventhal; amend the Zoning Ordinance to allow under certain circumstances up to 100 percent of the total number of dwelling units in a single-family residential zone to be a certain dwelling unit type to achieve MPDUs on site

Staff Recommendation: Approval with modifications.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

10. Subdivision Regulation Amendment No. 04-1

Introduced by Councilmembers Floreen, Silverman, Subin, Knapp and Leventhal; amend the Subdivision Regulations to allow a reduction in the right-of-way width of a tertiary road to achieve MPDUs on site; and allow an exception to the master plan conformity requirement for a preliminary subdivision plan that includes MPDUs on site

Staff Recommendation: Approval with modifications.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

11. Council Bills 24-04 and 25-04

Moderately Priced Dwelling Units Amendments

Staff Recommendation: Approval with modifications.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

12. Local Map Amendment No. 821:

Tri-Capital Partners LLC, applicant, requests reclassification from the R-60 zone to the RT-8 zone for 16 townhouses; located at 3961 Greencastle Road, Burtonsville

Staff Recommendation: Approval.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

13. Board of Appeals No. S-2610

PetsMart, Inc., applicant, requests a special exception to operate an animal boarding place; CBD-1 zone; 4605 Bradley Boulevard, Bethesda

Staff Recommendation: Approval.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

14. Board of Appeals No. S-2611

PetsMart, Inc., applicant, requests a special exception to operate a veterinary hospital; CBD-1 zone; 4605 Bradley Boulevard, Bethesda

Staff Recommendation: Approval.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

15. Board of Appeals No. S-2612

PetsMart, Inc., applicant, requests a special exception to operate a pet shop; CBD-1 zone; 4605 Bradley Boulevard, Bethesda

Staff Recommendation: Approval.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

16. Zoning Text Amendment No. 04-15

Introduced by Councilmember Perez; amend the Zoning Ordinance to allow a waiver of certain Planned Development (PD) zone standards to facilitate the preservation, reuse, or redevelopment of a historic district

Staff Recommendation: Approval with modifications.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

17. Zoning Text Amendment No. 04-16

Introduced by Councilmember Silverman; amend the Zoning Ordinance to provide a process for an applicant for reclassification of property located in a Metro Station Policy Area to satisfy the applicant's burden of proof on certain traffic impact issues

Staff Recommendation: Approval with modifications.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

18. Zoning Text Amendment No. 04-17

Introduced by the District Council at the request of the Planning Board; amend the Zoning Ordinance to clarify the intent and purpose of the RNC Zone including the rural open space requirements

Staff Recommendation: Approval with modifications.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

19. Zoning Text Amendment No. 04-18

Introduced by the District Council at the request of the Planning Board; amend the Zoning Ordinance to create an Environmental Overlay Zone for the Upper Rock Creek Special Protection Area

Staff Recommendation: Approval with modifications.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

20. **Special Protection Area (SPA) Preliminary and Final Water Quality Plan for Banneker Middle School**

Improved access to schools project

Staff Recommendation: Approval with conditions.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

21. **Mandatory Referral No. 04602-MCPS-1: Banneker Middle School**

Improved access to schools project – R-200 Zone, 19.96 acres, southwest quadrant of the intersection of Perrywood Drive and Old Columbia Pike, Fairland

Staff Recommendation: Approval to transmit comments to Montgomery County Public Schools.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

22. Preliminary Plan No. 1-04095 Black Rock Estates

R-200 Zone; 1.74 acres; one (1) lot requested; one single-family detached dwelling unit

Private well and septic

Located on the west side of Germantown Road (MD 118), approximately 660 feet south of Black Rock Road.

Applicant: Joav Steinbach

Engineer: Dewberry and Davis

Master Plan Area: Agricultural and Rural Open Space Functional Master Plan

Staff Recommendation: Approval subject to the following 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 a Category I easement over all areas of forest conservation.
- 3) Compliance with the conditions of approval of the MCDPS stormwater management approval dated June 9, 2004.
- 4) Compliance with conditions of MCDPS (Health Dept.) septic approval dated July 1, 2004.
- 5) Compliance with conditions of MCDPWT letter dated, August 16, 2004 unless otherwise amended.
- 6) Access and improvements 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.
- 8) Other necessary easements.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

23. Preliminary Plan No. 1-04019 Woodcrest

R-200 and RDT Zone; 47 acres; eighty-six (86) lots requested including ten (10) moderately priced dwelling units; fifty-nine (59) single-family detached dwelling units; twenty-seven (27) townhouses

Community Water and Community Sewer

Located on the east side of Frederick Road (MD 355), approximately 2,200 feet north of Clarksburg Road (MD 121).

Applicant: Miller and Smith at Woodcrest, L.L.C.

Engineer: Gutschick, Little & Weber, P.A.

Attorney: Shulman Rogers Gandal Pordy & Ecker, P.A. – Larry A. Gordon, Esq.

Master Plan Area: Clarksburg

Staff Recommendation: Approval, subject to conditions:

***** See Discussion in Staff Report *****

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

Record Plats (continued)

- 2-05032 Fellowship Meadows
East side of Fellowship Way, approximately 200 feet south of Fellowship Lane
R-200 Zone, 2 lots
Community water, community sewer
Planning Area: Darnestown
Bruce Pitts, Applicant
- 2-05033 Clarksburg Town Center
East side of Clarksburg Road, between Frederick Road and Piedmont Road
RMX Zone, 5 lots
Community water, community sewer
Planning Area: Clarksburg & Vicinity
Terrabrook Clarksburg, L.L.C., Applicant
- 2-05034 Hillmead Bradley Hills
South of Greentree Road, approximately 200 feet' west of Ewing Drive
R-60 Zone, 2 lots
Community water, community sewer
Planning Area: Bethesda-Chevy Chase
Kathryn Balaban, Applicant
- 2-05035 Chevy Chase, Section 1A
North of Grove Street, between Grove Street and Center Street
R-60 Zone, 2 lots
Community water, community sewer
Planning Area: Bethesda-Chevy Chase
Middleburg Associates, L.L.C., Applicant
- 2-05036 Hermitage
West of Ewood Lane, end of Mumford Drive
R-90 Zone, 6 lots
Community water, community sewer
Planning Area: Kensington-Wheaton
Hok Yip, Applicant
- 2-05039 A Cat Clinic
South quadrant of Clopper Road and Richter Farm Road
R-200 Zone, 1 lot
Community water, community sewer
Planning Area: Germantown
Dale R. Cats, L.L.C. Applicant

Record Plats (continued)

- 2-05040 Greencastle Towns
to West side of Greencastle Road, approximately 1500 feet south of Robey
 Road
- 2-05041 RT-8 Zone, 27 lots, 1 parcel
 Community water, community sewer
 Planning Area: Fairland
 D. R. Horton, Applicant
- 2-05045 Clarksburg Village
 Southeast corner of Stringtown Road and Piedmont Road
 R-200/TDR Zone, 1 parcel
 Community water, community sewer
 Planning Area: Clarksburg & Vicinity
 Elm Street Development, Applicant
- 2-05047 Clarksburg Village
 East side of Stringtown Road, across from Piedmont Road
 R-200/TDR-3 Zone, 2 lots
 Community water, community sewer
 Planning Area: Clarksburg & Vicinity
 Elm Street Development, Applicant
- 2-05048 Clarksburg Town Center
 East side of Clarksburg Road, North of Frederick Road
 RMX Zone, 1 lot, 2 parcels
 Community water, community sewer
 Planning Area: Clarksburg & Vicinity
 Terrabrook Clarksburg, 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 plan approvals and conditioned on conformance with all requirements of Chapter 50 of the Montgomery County Code.

- 2-05017 Glen Echo Heights
 Northwest side of Walhonding Road, approximately 500 feet north of the
 intersection of Mohican Road and Walhonding Road
 R-90 Zone, 1 lot
 Community water, community sewer
 Planning Area: Bethesda-Chevy Chase
 Joanne Borsh, Applicant

Record Plats (continued)

- 2-05030 Montgomery Industrial Park
Northeast corner of Tech Road and Prosperity Drive
I-1 & RE-2 Zone, 2 Lots
Community Water, Community Sewer
Planning Area: Fairland
Andrew Galbraith, Applicant

- 2-05031 Bowie Mill Estates
South of Bowie Mill Road, across from Fraley Farm Road
RC Zone, 2 Lots
Private Well, Private Septic
Planning Area: Upper Rock Creek
William Skaltsas, Applicant

- 2-05037 Clarksburg Ridge
West side of Clarksburg Road, approximately 400 feet north of Spire Street
RMX-2 Zone, 1 Lot, 1 Parcel
Community Water, Private Sewer
Planning Area: Clarksburg and Vicinity
Rodgers Consulting, Inc., Applicant

- 2-05046 Chevy Chase, Section 3
East side of Florida Street, approximately 800' east of Connecticut Avenue
R-60 Zone, 1 Lot
Community Water, Community Sewer
Planning Area: Bethesda-Chevy Chase
Susan Schneider Architect, Applicant

Staff Recommendation:

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: