

Agenda for Montgomery County Planning Board Meeting
Thursday, September 23, 2004, 9:30 A.M.

8787 Georgia Avenue
Silver Spring, MD 20910-3760

Board Action

Roll Call Approval of Minutes: March 25, 2004 April 1, 2004 Commissioners' Reports Directors' Reports Reconsideration Requests	
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GENERAL MEETING (*Third Floor Conference Room, 8787 Georgia Avenue, Silver Spring*)

A. Administrative Items

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

1. **AB662**

Abandonment of a portion of unimproved Moorland Lane in Bethesda

Staff Recommendation: Approval with conditions.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

2. **Town of Laytonsville Annexation – Rolling Ridge Property**

located at 7125 Brink Road on the west side of the Town of Laytonsville in the Functional Master Plan for Preservation of Agriculture and Rural Open Space; 27.63 acres in size; reclassification from the County’s RDT (Rural Density Transfer) Zone to the Town’s R-3 (2 acre) Zone

Staff Recommendation: Approval to transmit comments to the Town of Laytonsville as part of the public hearing record.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

3. Project Plan Review No. 9-04002, Silver Spring Gateway

CBD-2 zone; 2.97 acres; 52,832 gross square feet retail, 477 multi-family dwelling units inclusive of 60 MPDUs; east quadrant of the intersection of East West Highway and Blair Mill Road; CBD Sector Plan

APPLICANT: JBG/Silver Spring Gateway
ENGINEER: Loiederman Soltesz Associates, Inc.

Staff Recommendation: Approval with conditions.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

4. Preliminary Plan No. 1-04039A Silver Spring Gateway

CBD-2 Zone; 2.97 acres; one (1) lot requested; 52,832 square feet of commercial retail and 477 multi-family dwelling units with 60 MPDUs

Community water and community sewer

Located on East West Highway (MD 410) at Blair Mill Road (Abandoned), West of Georgia Avenue (MD 97)

Planning Area: Silver Spring CBD

Applicant: JBG/Silver Spring Gateway II, L.L.C.

Engineer: Loiederman Soltesz Associates, Inc.

Attorney: Linowes and Blocher LLP

Staff Recommendation: Approval, including an abandonment of a portion of Blair Mill Road and subject to the following conditions:

- 1) Approval under this preliminary plan is limited 471 multi-family dwelling units and 52,832 square feet of retail including 60 MPDUs.
- 2) Enter into a Transportation Management Agreement with the Planning Board and the Montgomery County Department of Public Works and Transportation (MCDPWT) to participate in the Silver Spring Transportation Management Organization.
- 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) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Silver Spring Master Plan unless otherwise designated on the preliminary plan.
- 5) Dedication and additional 15 feet on East West Highway (MD 410) to accommodate 90 feet right of way.
- 6) Compliance with the conditions of approval of the MCDPS stormwater management approval.
- 7) Access and improvements as required to be approved by MCDPWT prior to recordation of plat.
- 8) No clearing, grading or recording of plats prior to site plan signature set approval.
- 9) Final approval of the number and location of buildings, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
- 10) Final number and location of MPDUs as per condition No. 9 to be determined at site plan.
- 11) Record plat to reference final abandonment resolution for Blair Mill Road and assignment of ownership of all right-of-way abandoned.
- 12) Record plat to reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to Commission staff prior to release of final building permit that Applicant's recorded HOA/COA Documents incorporate by reference the Covenant.

Preliminary Plan No. 1-04039A Silver Spring Gateway (continued)

- 13) 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.
- 14) 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.
- 15) Other necessary easements.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

5. Site Plan Review No. 8-05001, Silver Spring Gateway

CBD-2 zone; 2.97 acres; 52,832 gross square feet retail, 477 multi-family dwelling units inclusive of 60 MPDUs; east quadrant of the intersection of East West Highway and Blair Mill Road; CBD Sector Plan

APPLICANT: JBG/Silver Spring Gateway
ENGINEER: Loiederman Soltesz Associates, Inc.

Staff Recommendation: Approval with conditions.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

6. **Preliminary Plan No. 1-98092A Rock Spring Center (Amendment to Previous Conditions of Approval)**

MXPD Zone; 53.40 acres; 17 lots (previously approved); 1250 multi-family dwelling units (previously approved); a 200 room hotel (requested amendment); 537,900 square feet of general office (requested reduction in square footage); 340,000 square feet of general retail (previously approved); 30,000 square foot community center (previously approved)

Community water and community sewer

Located at the southwest quadrant of the intersection of I-270 and Old Georgetown Road (MD 187)

Planning Area: North Bethesda-Garrett Park

Applicant: Penrose Development Company, LLC

Engineer: Loiederman Soltesz Associates

Attorney: Linowes and Blocher

Staff Recommendation: Approval of amendment, subject to the following conditions:

- 1) Amend condition No.1 of Planning Board opinion dated, October 25, 1999 for Rock Spring Center to read as follows:

Permit the replacement of 97,300 square feet (from the previously approved total of 637,200 square feet) of general office space with a 200-room hotel and the following:

- 537,900 square feet of general office
- 340,000 square feet of general retail, including a 30,000 square foot community center
- 1250 multi-family dwelling units

The applicant shall comply with the conditions, as applicable, outlined in the revised Transportation Planning Design memorandum dated, May 27, 1999 and the Maryland Department of Transportation (MDSHA) memorandum dated, May 11, 1999.

- 2) Prior to site plan approval; update the traffic mitigation agreement (TMA) with the Planning Board and DPWT to reflect the reduced office space and new hotel. The TMA participates in the North Bethesda Transportation Management Organization (TMO) to assist the North Bethesda Transportation Management District (TMD) in achieving and maintaining it's the 39% non-driver traffic mitigation goal.
- 3) Undergo further APF review, including an updated traffic study, for the remaining originally proposed and unapproved land uses for office, retail and institutional uses. The originally proposed build-out was a total of 1,335,000 square feet of non-residential uses.

Preliminary Plan No. 1-98092A Rock Spring Center (Amendment to Previous Conditions of Approval) (continued)

- 4) All remaining previous conditions of the October 25, 1999 Planning Board opinion for Rock Spring Center remain in full force and effect.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

7. Preliminary Plan No. 1-04079 Won Buddhism

RE-1 Zone; 1.79 acres; one (1) lot requested; religious institution

Community water and community sewer

Located on the north side of Muncaster Mill Road (MD 115), approximately 1100 feet northwest of Norbeck Road (MD 28)

Applicant: Won Buddhism of U.S.A., Inc.

Engineer: Maddox Engineers and Surveyors, Inc.

Attorney: Chen, Walsh, Tecler & McCabe

Planning Area: Olney and Vicinity

Staff Recommendation: Approval, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to a place of worship (with a maximum of 148 seats) and associated on-site uses including a cleric residence, and no weekday educational institution, daycare or school.
- 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.

Preliminary Plan No. 1-04079 Won Buddhism (continued)

- 3) Record plat to reflect dedication 40 feet from centerline of Muncaster Mill Road (MD 115).
- 4) Applicant to construct a 5-foot sidewalk along Muncaster Mill Road offset 2 feet from the property with a tree panel along entire property frontage.
- 5) Compliance with the conditions of approval of the MCDPS stormwater management approval dated July 15, 2004.
- 6) Compliance with conditions of MCDPWT letter dated, August 16, 2004 unless otherwise amended.
- 7) Access and improvements as required to be approved by MDSHA prior to issuance of access permits.
- 8) 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.
- 9) Other necessary easements.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

8. Preliminary Plan No. 1-04061 Radwick Lane

R-200 Zone; 2.76 acres; three (3) lots requested; three (3) single family detached dwelling units

Community water and community sewer

Located on the east side of Radwick Lane, approximately 550 feet south of Norbeck Road
Planning Area: Aspen Hill and Vicinity

Applicant: K2 Development, Inc.
Engineer: Greenhorne and O'Mara

Preliminary Plan No. 1-04061 Radwick Lane (continued)

Staff Recommendation: Approval, subject to the following conditions:

- 1) Compliance with the conditions of approval for the preliminary forest conservation plan, including required enhancement measures within the forested stream buffer. 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 stream valley buffers and forest conservation.
- 3) Record plat to reflect common ingress/egress and utility easements over the shared driveway.
- 4) Compliance with the conditions of approval of the MCDPS stormwater management approval dated June 14, 2004.
- 5) Compliance with conditions of MCDPWT letter dated, August 20, 2004 unless otherwise amended.
- 6) Prior to recordation of plat, Applicant/owner shall provide a recorded covenant to MCDPWT agreeing to pay a pro-rata share for the future construction or reconstruction of future improvements on Radwick Lane, whether built as a Montgomery County project or by a private developer under permit. The record plat must reflect deed reference for this document.
- 7) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s).
- 8) 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.
- 9) Other necessary easements.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

9. **Preliminary Plan No. 1-04072 – Twin Valley Lane**

R-200 Zone; 1.50 acres; three (3) single-family detached dwelling units

Community water and community sewer

Planning Area: Aspen Hill

Applicant: John Atkinson

Engineer: Macris, Hendricks and Glascock

Staff Recommendation: Approval, subject to the following:

- 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) All road rights-of-way shown on the approved preliminary plan to be dedicated, by the applicant, to the full width mandated by the Master Plan unless otherwise designated on the preliminary plan.
- 3) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
- 4) Compliance with the conditions of approval of the MCDPS stormwater management approval.
- 5) Prior to issuance of building permits, applicant to submit an engineered sediment and erosion control plan to MCDPS for review and approval.
- 6) Compliance with conditions of MCDPWT letter dated, August 25, 2004 unless otherwise amended.
- 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:

10. Preliminary Plan No. 1-04051 R.T. Schaeffer Property

RC Zone; 55.74 acres; nine (9) lots requested and two (2) outlots; nine (9) single family detached dwelling

Community water and private septic

Located at the southwest intersection of Piedmont Road and Hawkes Road, on the west side of Ridge Road (MD 27)

Applicant: Elm Street Development
Engineer: Benning & Associates, Inc.
Attorney: Miller, Miller & Canby

Planning Area: Clarksburg and Vicinity

Staff Recommendation: Approval, subject to the following conditions:

- 1) Conditions of Special Exception No. S-2479 and as revised remain in full force and affect.
- 2) Total development under this preliminary is limited to 11 single-family dwelling units.
- 3) The applicant shall participate in the roadway improvement package to be constructed by the Clarksburg Village and Greenway Village developments to satisfy the policy area transportation review requirements as outlined in the Transportation Planning memorandum dated, September 13, 2004.
- 4) 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.
- 5) Record plat to reflect a Category I easement over all areas of stream valley buffers and forest conservation.
- 6) Record plat to reflect common ingress/egress and utility easements over all shared driveways.
- 7) Compliance with the conditions of approval of the MCDPS stormwater management approval dated February 6, 2004.
- 8) Compliance with conditions of MCDPS (Health Dept.) septic approval dated July 29, 2004.
- 9) Applicant to establish a 15' wide Public Use Trail Easement from the traffic circle to Ovid Hazen Wells Park for community access to the park and its trails and recreation facilities. Exact alignment to be coordinated with M-NCPPC staff prior to recordation of plat(s).
- 10) Applicant to conduct within the easements, a 4' wide natural surface trail to extend from the circle to the parkland. Easement to be adequate and identified with appropriate signage.
- 11) Compliance with conditions of MCDPWT letter dated, August 9, 2004 unless otherwise amended.
- 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

Preliminary Plan No. 1-04051 R.T. Schaeffer Property (continued)

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:

11. Project Plan Review No. 9-04003, Portico

CBD-R2 zone; 0.6525 acres; 158 multi-family dwelling units, including 24 MPDUs; on Fiddler Lane, approximately 100 feet south west of Ramsey Lane; Silver Spring

APPLICANT: 1203 Fiddler Lane, L.L.C.

ENGINEER: Landmark Engineering, Inc.

Staff Recommendation: Approval with conditions.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

12. Preliminary Plan No. 1-04040 Portico

CBDR-2 Zone; 0.6525 acre; one (1) lot requested; 158 multifamily dwelling units with 24 mpdus

Community water and community sewer

Located on the west side of Fidler Lane, approximately 100 feet southwest of Ramsey Avenue

Planning Area: Silver Spring CBD

Applicant: 1203 Fidler Lane, LLC
Engineer: Landmark Engineer, Inc.
Attorney: Linowes and Blocher, LLP

Staff Recommendation: Approval, subject to the following conditions:

- 1) The proposed development shall be limited to 170,000 square feet of gross square feet for a total of 158 condominium apartments units, including 24 Moderately Priced Dwelling Units.
- 2) All road rights-of-way shown on the approved preliminary plan shall be dedicated, by the applicant, to the full width mandated by the Silver Spring CBD Sector Plan unless otherwise designated on the preliminary plan.
- 3) The applicant shall dedicate 30 feet from the centerline to provide for a total of 60 feet right-of-way for Fidler Lane as recommended in the Silver Spring CBD Sector Plan.
- 4) Provide 20 feet of pavement to serve the garage with turnaround on Fidler Lane.
- 5) Provide 17 feet of sidewalk (existing) on the south side and 15 feet of sidewalk on the north side of Fidler Lane.
- 6) Provide standard Silver Spring CBD streetscape along the property frontage on Fidler Lane, and extend the streetscape off site on Fidler Lane and Ramsey Avenue across the property frontage of Lot 5 (Cubano's Restaurant).
- 7) Record plat to reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to Commission staff prior to release of final building permit that Applicant's recorded HOA/COA Documents incorporate by reference the Covenant.
- 8) Prior to Site Plan approval, coordinate with the M-NCPPC staff and the Montgomery Department of Public Works and Transportation (MCDPWT) staff regarding the final design and extent of the non-standard elements as part of the proposed streetscape improvements.
- 9) Prior to Site Plan approval, the applicant shall request a waiver for all non-standard elements and non-standard streetscape improvements as well as a maintenance and liability agreement with the MCDPWT.
- 10) Prior to Site Plan approval, enter into a maintenance agreement with the Silver Spring Urban District for maintenance of the streetscape improvements.
- 11) Compliance with the conditions of approval of the MCDPS stormwater management approval.

Preliminary Plan No. 1-04040 Portico (continued)

- 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 location of buildings, dwelling units, on-site parking, site circulation, and sidewalks will be determined at site plan
- 15) Final number and location of MPDUs as per condition #10 above to be finalized at the time of site plan.
- 16) 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.
- 17) 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.
- 18) Other necessary easements.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

13. Record Plats**Staff Recommendation:**

Pursuant to section 50-38, the following resolutions are recommended for approval subject to conformance with all requirements of Chapter 50 of the Montgomery County Code.

Resolution # MCPB 04-14, United Therapeutics
Southeast quadrant of intersection of Cameron Street and Spring Street
CBD-1 Zone, 2 Lots
Community Water, Community Sewer
Planning Area: Silver Spring
United Therapeutics, Applicant

Staff Recommendation: The following record plat is 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.

2-05051 Quince Orchard Manor
Northwest side of Old Quince Orchard Road, off of Cheyenne Road
R-200 Zone, 2 Lots
Community Water, Community Sewer
Planning Area: Gaithersburg & Vicinity
Dr. John E. Kelly, 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.

2-05042 Gum Springs
West of Claude Lane, approximately 1000' south of Briggs Chaney Road
R-200 Zone, 2 Lots
Community Water, Community Sewer
Planning Area: Cloverly-Norwood
Ricky & Laynette Scaffidi, Applicant

2-05043 Chevy Chase Terrace
South side of Nottingham Drive, approximately 200 feet east of Wisconsin Avenue
R-60 Zone, 1 Lot
Community Water, Community Sewer
Planning Area: Bethesda-Chevy Chase
IAN W. Burns et al, Applicant

Record Plats (continued)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: