

Agenda for Montgomery County Planning Board Meeting
Thursday, October 21, 2004, 9:30 A.M.

8787 Georgia Avenue
Silver Spring, MD 20910-3760

Board Action

Roll Call Approval of Minutes: April 29, 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
- B. New Citation Forms
- C. *Closed Session pursuant to Maryland Government Code Annotated Section 10-508 (a) (13) (to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter) (Subject: Approval of Closed Session minutes)*
- D. *Closed Session pursuant to Maryland Government Code Annotated Section 10-508 (a) (7) (consult with counsel to obtain legal advice) (Subject: Planning Board Rules of Procedures)*

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

1. Project Plan Review No. 9-04002A, 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; Silver Spring CBD Sector Plan

APPLICANT: JBG/Silver Spring Gateway

ENGINEER: Loiederman Soltesz Associates, Inc.

Staff Recommendation: Approval of request to extend the review period.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

2. Parks CIP Implementation Report

Staff Recommendation: Information Item.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

- 3. **Request by Bethesda-Chevy Chase Rotary Club to enter into partnership with M-NCPPC to renovate the playground at Norwood Local Park, Bethesda**

Staff Recommendation: Approval to enter into partnership with Bethesda-Chevy Chase Rotary Club.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

- 4. **Public Hearing Draft Blockhouse Point Conservation Park Master Plan: Worksession No. 3**

Staff Recommendation: Approval. (No public testimony will be taken at this time)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

5. **Mandatory Referral No. 04502-MCPS-1: Downcounty Consortium Elementary School #27**

(Connecticut Park Elementary School) renovations – Greenly Drive and Bushey Drive; Kensington-Wheaton Master Plan

Staff Recommendation: Approval with comments.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

6. **Preliminary Water Quality Plan – Eastside Property**

south of Shawnee Lane, between Gateway Center Drive and MD 355, Clarksburg, Clarksburg Master Plan and Hyattstown Special Study Area -

Staff Recommendation: Approval.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

7. Local Map Amendment No. G-824

Miller and Smith Land, Inc., contract purchaser, requests classification of 23.82 acres of land from the R-200 zone to the PD-11 zone for 290 townhouse units; Eastside Property – south side of Shawnee Lane between Gateway Center Drive and MD 355, Clarksburg; Clarksburg Master Plan and Hyattstown Special Study Area

Staff Recommendation: Approval.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

8. **Preliminary Plan No. 1-04064 Deer Park** (Resubdivision)

R-90 Zone; 4.0 acres; 12 lots requested; 12 single-family detached dwellings

Community water and community sewer

Located at the southwest quadrant intersection of Musgrove Road and Marlow Road

Applicant: Southwind Properties
Engineer: Greenhorne and O'Mara
Attorney: Miller, Miller and Canby

Planning Area: Fairland/White Oak

Staff Recommendation: Approval, subject to conditions.

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

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

9. Preliminary Plan No. 1-05025 Porter Property

RE-1 Zone; 2.14 acres; one (1) lot requested; one (1) single-family detached dwelling

Community water and private septic

Located on the southeast side of Riding Stable Road, approximately 240 feet northeast of Riding Ridge Court

Applicant: Sunil and Trina Porter

Engineer: Surveys, Inc.

Planning Area: Fairland

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 stream valley buffers and forest conservation.
- 3) Compliance with the conditions of approval of the MCDPS stormwater management approval dated May 6, 2004.
- 4) Compliance with conditions of MCDPS (Health Dept.) septic approval dated September 29, 2004.
- 5) Compliance with conditions of MCDPWT letter dated, October 8, 2004 unless otherwise amended.
- 6) Other necessary easements.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

10. **Preliminary Plan No. 1-89288A Jordan and Smith's Addition to Silver Spring (Crescent)**

CBD-2 zone; 0.4781 acres; 143 multi-family dwelling units, including 18 MPDUs

Community water and community sewer

Located on Wayne Avenue, approximately 300 feet east of Georgia Avenue

Applicant: 930 Wayne Avenue LP

Engineer: Gutschick, Little and Weber, PA

Attorney: Linowes and Blocher LLP

Planning Area: Silver Spring CBD

Staff Recommendation: Approval, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 143 multi-family dwelling units, including 18 MPDUs.
- 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) Record plat to reflect abandonment of the public utility easement along the Wayne Avenue frontage of the property.
- 4) Compliance with the conditions of approval of the MCDPS stormwater management approval dated July 16, 2004.
- 5) Access and improvements as required to be approved by MCDPWT prior to recordation of plats.
- 6) 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.
- 7) Other necessary easements.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

11. Site Plan Review No. 8-05004, The Crescent

CBD-2 zone; 0.4781 acres; 143 multi-family dwelling units, including 18 MPDUs; on Wayne Avenue, approximately 300 feet east of Georgia Avenue; Silver Spring CBD Sector Plan

APPLICANT: 930 Wayne Avenue, L.L.C.
ENGINEER: Gutschick, Little & Weber, P.A.

Staff Recommendation: Approval with conditions.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

12. Preliminary Plan No. 1-04032 Chevy Chase (Resubdivision)

R-60 Zone; 0.66 acre; three (3) lots requested, two (2) existing; three (3) single-family detached dwellings;

Community water and community sewer.

Located on the east side of Oakridge Avenue, at the terminus of Curtis Road

Applicant: Bloom Builders

Engineer: Macris Hendricks & Glascock

Planning Area: Bethesda-Chevy Chase

Staff Recommendation: Approval, subject to conditions.

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

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

13. Preliminary Plan No. 1-04074 Bauer Tract

I-1 Zone; 2.42 acres; one (1) lot existing; 10,314 square foot addition to a 57,649 square foot industrial building

Community water and community sewer.

Located on the northwest side of Oakmont Street, approximately 180 feet north of I-370 overpass

Applicant: 4811 Battery Lane, LLC

Engineer: Witmer Associates, LLC

Planning Area: Gaithersburg

Preliminary Plan No. 1-04074 Bauer Tract (continued)**Staff Recommendation:** Approval, subject to the following conditions:

- 1) Approval under this preliminary plan limited to a 67,963 square-foot warehouse, 10,314 square-foot addition proposed to the existing 57,649 square feet, with accessory office and carry-out food sales that are permitted accessory uses in the I-1 zone.
- 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) Compliance with conditions of MCDPWT letter dated, October 7, 2004 unless otherwise amended.
- 4) Applicant to construct a five foot wide off-site asphalt sidewalk on Oakmont Avenue between the existing sidewalk north of the site and the north end of the I-370 bridge; and a five foot wide concrete sidewalk between the south end of the I-370 bridge and Shady Grove Road.
- 5) Coordinate with the SHA regarding a temporary construction easement required to build a retaining wall along the southern property line (i.e., adjoining I-370 right-of-way). Safe and adequate vehicular and pedestrian access must be maintained when building the retaining wall. The retaining wall would be part of the reconstruction of I-370, which is expected to become a segment of the master-planned Intercounty Connector that is currently under review.
- 6) Coordinate with MCDPWT's CIP Facilities Planning Project No. 509337 for Deer Park Bridge, Phase I, over the railroad tracks between Oakmont Avenue and Railroad Street. Although the current design plan does not impact the property's Oakmont Avenue frontage, future modifications of the design plans may result in extending the Oakmont Avenue improvements further southward and impacting the site.
- 7) 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.
- 8) Other necessary easements.

BOARD ACTION**Motion:****Vote:****Yea:****Nay:****Other:****Action:**

14. Preliminary Plan No. 1-04096 The Towns of Dogwood

RT-8 Zone; 5.0 acres; 30 lots requested; 30 single-family attached dwellings requested (one [1] single-family detached dwelling unit to be removed)

Community water and community sewer.

Located on Dogwood Drive, approximately 375 feet northwest of Guilford Run Lane

Applicant: Albany Fernandes

Engineer: Witmer Associates, LLC

Planning Area: Fairland

Staff Recommendation: Approval, subject to the following conditions:

- 1) Approval under this preliminary plan limited to 30 single family attached dwelling units.
- 2) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
- 3) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff.
- 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) Record Plat to reflect all areas under Homeowners Association ownership and stormwater management areas.
- 8) 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 Documents incorporate by reference the Covenant.
- 9) Compliance with the conditions of approval of the MCDPS stormwater management approval dated July 8, 2004.
- 10) Satisfy the PATR component of the APF test by entering into a TMA with MCPB and DPWT to sponsor, develop, implement, operate and monitor a trip reduction program for 12 years.
- 11) Consistent with the 1997 Approved and Adopted Fairland Master Plan dedicate adequate right-of-way along Dogwood Drive to provide 35 feet of right-of-way from the roadway centerline.
- 12) Applicant to upgrade the eastern half of Dogwood Drive along the property frontage (from its intersection with Shady Knoll Drive to the southern corner of the property) as a 24-foot wide open-section roadway, with a 5-foot wide sidewalk, and a tree panel.
- 13) Applicant to extend the Condition #12 sidewalk/tree panel to the north from the property boundary to the entrance to Alpine Forest (at Shady Knoll Drive).
- 14) Applicant to construct sidewalk ramps/crosswalks provided as part of this Preliminary Plan to standards recommended by the Americans with Disability Act (ADA) Best Practices.

Preliminary Plan No. 1-04096 The Towns of Dogwood (continued)

- 15) Compliance with conditions of MCDPWT letter dated October 14, 2004, unless otherwise amended.
- 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) Other necessary easements.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

15. RECORD PLATS

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.

2-05074 Glen Falls
North side of Glen Road, opposite Gary Road
R-200/TDR Zone, 3 lots
Community water, community sewer
Planning Area: Potomac Subregion
F.S. Peoples Realty, Applicant

RECORD PLATS (continued)

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.

2-05072 Bradley Hills, Section No. 2
West side of Glenbrook Road, approximately 700' north of Bradley Blvd
R-90 Zone, 1 lot
Community water, community sewer
Planning Area: Bethesda-Chevy Chase
Howard Widra & Beth Redlich, Applicant

2-05073 Persimmon Tree
Northwest side of Country Club Drive, east of Saunders Court
RE-2 Zone, 1 lot
Community water, community sewer
Planning Area: Potomac
David S. Marriott, Applicant

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

16. Proposed Policies, Procedures and Fees for Camps

Staff Recommendation: Approval.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

17. Proposed Special Event and Tournament Policies, Procedures and Fees

Staff Recommendation: Public Form

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

18. FY06 Operating Budget and Public/Private Partnerships

Staff Recommendation: Public Forum.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: