



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**APPROVED
MINUTES**

The Montgomery County Planning Board met in regular session on Thursday, January 26, 2012, at 9:15 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 6:50 p.m.

Present were Chair Françoise M. Carrier, Vice Chair Marye Wells-Harley, and Commissioners Casey Anderson, Norman Dreyfuss, and Amy Presley.

Items 1 through 3 are reported on the attached agenda.

The Board recessed at 1:45 p.m. for lunch and to take up Items 12, 13, and 4 in Closed Session.

In compliance with §10-509(c)(2), State Government Article, Annotated Code of Maryland, the following is a report of the Board's Closed Session:

The Board convened in Closed Session at 2:15 p.m. in the third floor conference room, on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley present and voting in favor of the motion. The meeting was closed under authority of Annotated Code of Maryland, State Government Article, §10-508(a)(3), to consider the acquisition of real property for a Commission purpose and matters directly related thereto; and §10-508(a)(1), to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of Commission appointees, employees, or officials; or to discuss any other personnel matter that affects one or more specific employees.

Also present for all or part of the Closed Session were Associate General Counsels Derrick Rogers and Carol Rubin of the Legal Department; Deputy Director Mike Riley, Bill Gries, Carl Morgan, April O'Neal, Mitra Pedoem, Dominic Quattrocchi, and Brenda Sandberg of the Parks Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board received a briefing about a proposed land acquisition for expansion of Ridge Road Recreational Park and agreed to place the item on the open session agenda; received a briefing about a proposal to consider a site for designation as an Urban Open Space in the Legacy Open Space Master Plan and agreed to review a formal designation proposal in open session; and discussed Planning Department personnel matters.

The Closed Session was adjourned at 3:35 p.m.

The Board reconvened in the auditorium at 3:50 p.m.

Items 5 through 11 are reported on the attached agenda.

Commissioner Anderson left the meeting at 5:20 p.m., after discussion of Item 8.

There being no further business, the meeting was adjourned at 6:50 p.m. The next regular meeting of the Planning Board will be held Thursday, February 2, 2012, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye
Technical Writer

M. Clara Moise
Technical Writer

Montgomery County Planning Board Meeting
Thursday, January 26, 2012
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

~~1. Johns Hopkins University Belward Campus Preliminary Plan 11996110A – MCPB No. 11-114-~~
PREVIOUSLY ADOPTED

2. Huntington Terrace Subdivision Waiver Request No. SRW 201203 – MCPB No. 11-116

3. St. Jude AME Church Preliminary Plan 120100080 – MCPB No. 11-100

4. T-Mobile at Gibson Property SPA Combined Preliminary and Final Water Quality Plan No. S-2816 – MCPB No. 12-04

5. Mallory Square Sketch Plan No. 320120010 – MCPB No. 11-108

6. Revisions to the Regulatory Application Fee Schedule – MCPB No. 12-05

BOARD ACTION

Motion: **1. WELLS-HARLEY/DREYFUSS**
 2. WELLS-HARLEY/DREYFUSS

Vote:

Yea: **1. 5-0 (#4, 6, ABOVE)**
 2. 4-0-1 (#2, 3, 5, ABOVE)

Nay:

Other: **2. PRESLEY ABSTAINED**

Action: **Adopted the Resolutions cited above.**

***B. Record Plats**

1. Subdivision Plat No. 220080190-220080240, Brookeshire, RNC zone, 42 lots, 9 parcels; located on the east side of Old Baltimore Road, approximately 600 feet north of Ampeg Lane; Olney Master Plan.

Staff Recommendation: Approval

2. Subdivision Plat No. 220110110, Muncaster Manor, RE-1 zone; 2 lots, 1 outlot; located on the south side of Granby Road, approximately 1,000 feet west of Muncaster Road; Upper Rock Creek Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: **1. PRESLEY/WELLS-HARLEY**
 2. DREYFUSS/WELLS-HARLEY
 3. PRESLEY/WELLS-HARLEY

Vote:

Yea: **1. 5-0**
 2. 5-0
 3. 5-0

Nay:

Other:

Action: **1. Agreed to remove the Brookeshire record plat from the Consent Agenda to hear testimony.**
 2. Approved the record plat for Muncaster Manor as stated above.
 3. Approved the record plat for Brookeshire as stated above and agreed to consider placing a Rural Open Space Easement on the property if Greater Sandy Spring Green Space, Inc., is successful in negotiating an easement with the property owner.

Mr. Bobby Berg, representing Greater Sandy Spring Green Space, Inc., offered testimony on the Brookeshire record plat, requesting the Board’s support of negotiations with the property owner to place a Rural Open Space Easement on the property.

There followed some discussion of the ramifications of a Rural Open Space Easement in terms of the Category I Conservation Easement on the property and the Board’s authority, and the process for negotiating and placing a Rural Open Space Easement on the property.

***C. Other Consent Items**

1. Extension Request, Project Plan No. 92007007B, Woodmont/7200, Extension of the 90 day review period for Woodmont/7200 for up to an additional 36 days, or no later than March 2, 2012, CBD-2 zone, 5.81 acres, Bethesda, CBD

Staff Recommendation: Approval of the Extension Request

2. Preliminary Plan Amendment No. 12007069A, Lot 31/Lot 31A, TS-M zone, 3.30 acres, Amendment to eliminate an internal lot line to create a single lot of record, located at the southwest and southeast quadrants of the intersection with Woodmont Avenue and Bethesda Avenue, Bethesda CBD

Staff Recommendation: Approval of the Amendment and Draft Resolution

BOARD ACTION

Motion: DREYFUSS/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the staff recommendation to approve the Other Consent Items as stated above.

***D. Approval of Minutes**

Minutes of December 5 and 8, 2011

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the minutes of December 5 and 8, 2011, as presented.

14. Legislative Update - Continuance

Staff Recommendation: Planning Board Support for MC 16-12

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: By consensus, concurred in the Legal Department staff recommendation to support pending Bill 16-12, subject to the outlined amendment.

In a continuation of the Roundtable Discussion item last week about the unintended consequences of pending Bill 16-12, Legal Counsel to the Board presented a negotiated amendment proposed jointly by the Commission, the Department of Natural Resources, the Maryland Environmental Trust, the Department of Agriculture, and the Montgomery Countryside Alliance. Counsel advised the Board to support the Bill with the amendment.

2. Zoning Code Rewrite

Code Studio, the consultant working with staff on the Zoning Code Rewrite, will provide an update on the code drafting phase of the project, presenting Module 4, General Development Regulations. Code Studio will report on its recent session with the Zoning Advisory Panel and other internal stakeholder groups.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing and discussed.

Mr. Lee Einsweiler of Code Studio provided an overview of the draft General Development Regulations, Module 4 of the Zoning Code Rewrite, which includes items that apply across all zoning categories, such as site access; parking, queuing, and loading; open space; recreation facilities; landscaping and lighting; signs; and outdoor storage and display.

There followed considerable discussion of various issues, including the parking requirements; bike spaces and credits for removing road trips; open space; and the need for coordination with the Parks Department in terms of park needs and providing facilities for all age groups, particularly when developers are exempted from constructing recreation areas.

3. Remand of Local Map Amendment No. G-892 for the Chelsea School

Application remanded to address density and master plan interpretation regarding the environmental setting, Revised application proposes to rezone the property from R-60 to RT-12.5 for 64 dwelling units including 63 townhouses and 1 existing structure; 5.25 acres; located at 630 Ellsworth Drive in Silver Spring; Silver Spring

*Staff Recommendation: Transmit Recommendation of Approval to Hearing Examiner
(Action Required for Hearing by the Hearing Examiner on 3/23/12)*

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the staff recommendation for approval and provided guidance to staff for drafting the comments to the Hearing Examiner, as stated in the attached Letter of Transmittal.

Planning Department staff presented the revised schematic development plan for a local map amendment application that was remanded by the County Council to the Hearing Examiner for additional review of three issues, as detailed in the staff report. The Hearing Examiner requested the Board's guidance on the issues, which relate to revision of the schematic development plan to 1) reduce density and massing to better comply with the master plan and enhance compatibility with the character of the transition from the Silver Spring Central Business District to the R-60 zoned properties north of Cedar Street, 2) reconsider the environmental setting for the historic Riggs-Thompson House as set forth in the master plan, and 3) resolve issues related to the alignment of the proposed private street. Staff reported that the proposed zone has been changed from the previously requested RT-15 Zone to RT-12.5; the number of units has been reduced from 76 townhouses to 63 townhouses and the historic house; the site layout has been revised to provide more green area and buffering, greater setbacks, and additional design elements to enhance compatibility; and the private street has been realigned to connect to Springvale Road rather than Pershing Drive, which avoids any potential adverse impact to the Riggs-Thompson House and eliminates the previous encroachment into the environmental setting. In terms of the size and configuration of the environmental setting, staff noted an inconsistency between the text in the body of the master plan and in the Appendix. Staff reviewed the language in each section and explained why the text in the body of the master plan governs. Staff proposed two modifications to the binding elements and, with those modifications, concluded that the revisions to the schematic development plan address the density and massing issues, as well as the issues related to the environmental setting and the private street alignment.

3. Remand of Local Map Amendment No. G-892 for the Chelsea School

Mr. Robert Harris, attorney representing the applicant, concurred in the staff recommendation and introduced other members of the applicant team. Mr. Harris and Mr. Aakash Thakkar, of the applicant company, elaborated on the revisions to the schematic development plan and how they address the issues stipulated in the remand from the County Council and the Hearing Examiner.

The following speakers offered testimony: Mr. David Brown, attorney representing the Seven Oaks/Evanswood Citizens Association (SOECA); Mr. Peter Perenyi of Woodside Parkway; Ms. Ellen Bogage, speaking for Elizabeth Natsios of Dale Drive; Ms. Joan Bissell of Greenbriar Drive; Ms. Kathleen Samiy of Bennington Drive; Mr. Michael Gurwitz of Springvale Road; Mr. Tom Armstrong of Greenbriar Drive; Ms. Anne Spielberg of Greenbriar Drive; Ms. Jean Cavanaugh of Worth Avenue; Ms. Vicki Warren of Pershing Drive; Mr. Robert McGauthy of Springvale Lane; Ms. Liz Brent of Mayfair Place; Ms. Lorraine Pearsall, representing Montgomery Preservation, Inc.; and Ms. Maria Schmit of Springvale Road.

Responding to questions from the Chair, Mr. Bob Youngentob, of the applicant company, discussed the proposed specialty pavers, signage, and other measures that will deter cut-through traffic. He also discussed why a cul-de-sac is not desirable due to the amount of paving required and the topography of the site.

There followed extensive discussion of various issues raised, including the resubdivision of the property; the inclusion of the historic property in the rezoning application and the density calculations for the project; layout and design elements that enhance compatibility, including the orientation of facades facing Springvale Road and the roof articulation required by the zone; the environmental setting; and the realignment of the private street to connect to Springvale Road, including the likelihood of cut-through traffic, and the possibility that the connection will have to be moved farther to the west to comply with County Department of Transportation (DOT) policies. Planning staff and the applicant's representatives responded to questions from the Board and provided additional information as needed.

12. Closed Session

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(3) to consider the acquisition of real property for a Commission purpose and matters directly related thereto

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Discussed in Closed Session. See State citation and open session report in narrative minutes.

13. Closed Session

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(3) to consider the acquisition of real property for a Commission purpose and matters directly related thereto

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Discussed in Closed Session. See State citation and open session report in narrative minutes.

4. Closed Session

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of Commission appointees, employees, or officials; or to discuss any other personnel matter that affects 1 or more specific employees

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Discussed in Closed Session. See State citation and open session report in narrative minutes.

5. Request to File a Sectional Map Amendment to Implement the Recommendations of the Approved and Adopted Wheaton CBD and Vicinity Sector Plan

Staff Recommendation: Approve Request to File

BOARD ACTION

Motion: DREYFUSS/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: WELLS-HARLEY TEMPORARILY ABSENT

Action: Approved staff recommendation to approve request to file the Sectional Map Amendment cited above.

In keeping with the January 19 technical staff report, Planning Department staff briefly discussed the corrective Sectional Map Amendment (SMA) request for the Wheaton Central Business District and Vicinity Sector Plan. Staff noted that the District Council will transmit a copy of the SMA application to the Planning Department and the Planning Board, which must submit written recommendations to the County Council to be forwarded to the Council's Planning, Housing, and Economic Development (PHED) Committee for review. Staff also added that the Wheaton Sector Plan recommends that the Westfield/Wheaton Mall parcel be split into three zoning classifications, which are discussed in the staff report.

***6. Mandatory Referral No. 2012011: Colesville Depot**

14435 Cape May Road, Silver Spring, RE-2C zone, Cloverly Master Plan. Montgomery County Department of General Services plans to upgrade and renovate the Colesville maintenance depot, including a new salt barn and renovations and addition to the administrative building.

***A. Forest Conservation Plan**

Staff Recommendation: Approval with Conditions

***B. Water Quality Plan: Upper Paint Branch Special Protection Area**

Staff Recommendation: Approval with Conditions

C. Mandatory Referral No. 2012011

Staff Recommendation: Approval to Transmit Comments to Department of General Services

BOARD ACTION

Motion: **A. ANDERSON/PRESLEY**
 B. ANDERSON/PRESLEY
 C. ANDERSON/PRESLEY

Vote:
 Yea: **A. 5-0**
 B. 5-0
 C. 5-0

Nay:

Other:

Action: **A. Approved staff recommendation for approval, subject to revised conditions, as stated in the attached Board Resolution.**
 B. Approved staff recommendation for approval, subject to conditions, as stated in the attached Board Resolution.
 C. Approved staff recommendation for approval to transmit comments to the Montgomery County Department of General Services, as stated in the attached transmittal letter.

Planning Department staff discussed a Mandatory Referral request to upgrade and renovate the Colesville maintenance depot on Colesville Road. Staff noted that there will be proposed renovations to the existing building and addition to the administrative building. Staff offered a multimedia presentation and noted that the Department of Permitting Services (DPS) and the Department of Environmental Protection (DEP) have both approved the proposed plan. Staff discussed the forest conservation plan and the water quality plan for the Upper Paint Branch Special Protection Area. Staff noted that the applicant will exceed the required onsite planting. Staff also noted that there is a 75-foot deed restriction that is granted to the adjoining properties to the east and west.

***6. [Mandatory Referral No. 2012011: Colesville Depot](#)**

Legal Department noted that staff needs to add Montgomery County Department of General Services (DGS) as the applicant and also add the dates of approval of the Forest Conservation Plan.

Mr. Donald Scheuerman, Section Chief for DGS, introduced members of his team and concurred with the staff recommendation.

Chair Carrier noted that the Board received a letter from Mr. Richard Winkler who has signed up to testify but could not attend. A copy of the letter was given to Mr. Scheuerman.

7. Worksession for Design Guidelines for the Takoma Langley Crossroads Sector Plan

Staff Recommendation: Preliminary Approval and Transmittal to Council

BOARD ACTION

Motion: PRESLEY/DREYFUSS

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of proposed design guidelines for the Takoma Langley Crossroads Sector Plan for transmittal to the County Council.

Planning Department staff offered a multimedia presentation of the proposed design guidelines for the Takoma Langley Crossroads Sector Plan. Staff noted that the guidelines will illustrate the general urban design concepts of the Takoma Langley Crossroads Sector Plan and address the community's specific design concerns, and will provide design guidance to developers and public agencies, and will provide a project review framework for planning staff. Staff answered questions from Board members including questions regarding on-street and garage parking facilities. Staff noted that it is good to have a set of general guidelines but staff is working to tailor these guidelines for all sector plans. Staff noted that there were many interactions with property owners who had a lot of input in the guidelines.

Board members expressed their appreciation for the work done by staff and the Takoma Park staff to improve the guidelines.

There followed a brief Board discussion, with questions to staff.

8. [Glenmont Transit Impact Area and Vicinity Sector Plan Proposed Scope of Work](#)

Staff Recommendation: Approval

BOARD ACTION

Motion: PRESLEY/ANDERSON

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Glenmont Transit Impact Area and Vicinity Sector Plan Proposed Scope of Work.

Planning Department staff offered a multimedia presentation of the scope of work for the Glenmont Transit Impact Area and Vicinity Sector Plan. Staff noted that the Glenmont Sector Plan covers approximately 568 acres of land located around the intersection of Georgia Avenue and Randolph Road, and the proposed scope of work identifies essential elements of neighborhood sustainability, i.e., diversity, connectivity, design, and environment to improve the Glenmont community. The Glenmont Sector Plan will consider the future of the area surrounding the Glenmont Metro Station, including a vision for the redevelopment of the existing Glenmont Shopping Center and the surrounding area.

Staff will hold a series of workshops and charettes to come up with preliminary recommendations to the community and will prepare the public hearing draft this summer. Two community visioning workshops are scheduled to take place at Saddlebrook on February 4 and February 22.

There followed extensive Board discussion with questions to staff.

Commissioner Dreyfuss noted that it is an opportunity for staff to create something great.

***9. [Sketch Plan 320120020, Hanover Shady Grove](#)**

301,435 square foot lot in the CR1.5 C1.5 R1.5 H100 Zone; proposed 1.5 FAR for residential development (approximately 380 units) in two buildings with structured parking; located on Research Boulevard, approximately 575 feet east of the intersection with Omega Drive within the Great Seneca Science Corridor Master Plan area.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: DREYFUSS/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: ANDERSON ABSENT

Action: Approved staff recommendation for approval, subject to conditions, as stated in the attached Board Resolution.

In keeping with the January 13 technical staff report, Planning Department staff discussed the proposed sketch plan to provide 452,152 square feet in two buildings, up to 380 multi-family units with 13.5 percent Moderately Priced Dwelling Units (MPDUs), the construction of one new parking garage and the use of another existing garage, and provision of public open space, residential amenities, and public benefits on two parcels of property totaling 6.92 acres located on Research Boulevard in the

Great Seneca Science Corridor Master Plan area. Staff noted that the proposed development will provide residential housing in an area dominated by offices and hotel uses. The applicant proposed to use the full density allowed under the optional method of development and intend to accommodate this density with structure parking, streetscape upgrades, transit connections, and provision of a public benefits package suited for this area. Because the buildings are not located on public roads and do not have good visibility, no retail is proposed. Staff added that the purpose of the sketch plan is to identify general uses, development intensity, and public benefits for the optional method of development in the CR and CRT zones, and details of the proposed development are determined during preliminary and site plan review.

Mr. Scott Wallace, attorney representing the applicant, Hanover Construction, Inc., briefly discussed the proposed sketch plan, answered questions from the Board, and concurred with the staff recommendation.

At the Board’s request, Mr. Adam Marvin of Hanover Construction, offered comments.

There followed extensive Board discussion, with questions to staff and the applicant’s representative.

***10. Site Plan No. 820110140, Including a Final Water Quality Plan – Anselmo Property**

RE-1 (Cluster) zone; 42.17 acres; 38 lots proposed for 33 one family attached units, 2 semi-detached units (2 MPDU’s), and 3 attached units (3 MPDU’s); located on the north side of Briggs Chaney Road, approximately 2000 feet west of New Hampshire Avenue; Cloverly Master Plan

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: ANDERSON ABSENT

Action: Approved staff recommendation for approval, subject to revised conditions, as stated in the attached Board Resolution.

Planning Department staff offered a multimedia presentation of the request to create 38 one-family attached units, including 12.5 percent Moderately Priced Dwelling Units (MPDUs) on a 42.17-acre property located on the north side of Briggs Chaney Road, approximately 2,000 feet west of New Hampshire Avenue in Cloverly. Staff also discussed the revised conditions of approval.

Environmental Planning staff discussed the site imperviousness, the existing environmental buffer, and noted that the plan proposes to remove 0.46 acres of low priority forest, and will retain 8.66 acres. The applicant proposes to reforest 5.86 acres as environmental guidelines require that an additional buffer be reforested to meet the Special Protection Area requirements. Staff also discussed the final water quality plan for the property.

Mr. Steve Orens, attorney representing the applicant, introduced Messrs. Don Rohrbaug and Jeff Lewis, members of the applicant team, briefly discussed the proposed request, and concurred with the staff recommendation.

Mr. Quentin Remein, representing the Cloverly Civic Association, offered testimony.

There followed a brief Board discussion with questions to staff and the applicant's representative.

11. Request to File a Zoning Text Amendment

Staff is seeking an amendment to Sections 59-D-3 and 59-D-3.5 of the Montgomery County Zoning Code to allow additional forms of surety to secure compliance with the bonded features of a certified site plan.

Staff Recommendation: Transmit to Council for Introduction

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: ANDERSON ABSENT

Action: Approved staff recommendation to transmit proposed amendment to County Council for introduction, as stated in the attached transmittal letter.

Planning Department staff discussed the request to file an amendment to Sections 59-D-3 and 59-D-3.5 of the Montgomery County Zoning Code regarding the posting of bonds to allow developers to provide additional forms of surety to insure the completion of site plan elements, and to clarify the language to state that the bond being required by the Planning Board only covers certain certified site plan elements. Staff noted that the Board may require the applicant to post a performance bond or other forms of surety approved by the Planning Board securing compliance with, and full implementation of, specified features of the certified plan. Staff added that this amendment should make it easier for developers to post the surety that is now required before a building permit can be issued, and will also facilitate the ability of projects to move forward in a timely manner.