



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, February 2, 2012, at 9:10 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, 8, and 5, are reported on the attached agenda. Item 1A was deferred until the afternoon session. Item 7 was postponed.

The Board recessed for lunch at 12:30 p.m. and to take up Item 6 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 Montgomery County Planning Board convened in Closed Session at 1:05 p.m. in the third floor conference room on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chairman 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 §10-508(a)(1), State Government Article, Annotated Code of Maryland, 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 the Closed Session was Planning Department Director Rollin Stanley.

In Closed Session, the Board discussed Mr. Stanley's annual review.

The Closed Session was adjourned at 2:15 p.m.

The Board reconvened in the auditorium at 2:22 p.m.

Items 2 through 4, 1A (postponed from the morning session), and 9 are reported on the attached agenda.

MCPB, 2-2-12, APPROVED

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 9, 2012, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Technical Writer

Ellyn Dye
Technical Writer

Montgomery County Planning Board Meeting
Thursday, February 2, 2012
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

1. Johns Hopkins University Medical Center, Preliminary Plan 11986115C – MCPB No. 11-114
2. Fenwick Station, Project Plan 920110010 – MCPB No. 11-105
3. Fenwick Station, Preliminary Plan 120110400 –MCPB No. 11-106
4. Shady Grove Adventist Hospital Aquilino Cancer Center, Site Plan Amendment and Final Water Quality Plan No. 81999024H – MCPB No. 11-113
5. First Baptist Church of Wheaton, Preliminary Plan 120100250 – MCPB No. 11-76
6. First Baptist Church of Wheaton, Site Plan 820100080 – MCPB No. 11-77

BOARD ACTION

Motion: **ANDERSON/DREYFUSS**

Vote:

Yea: **5-0 (ITEMS 2, 3, 5, AND 6)**
4-0-1 (ITEMS 1 AND 4)

Nay:

Other: **PRESLEY ABSTAINED ON ITEMS 1 AND 4**

Action: **Adopted the Resolutions as cited above, with revisions distributed by staff.**

Adoption of the Resolutions was postponed from the Consent Agenda and taken up in the afternoon session, prior to Item 9.

***B. Record Plats**

Subdivision Plat No. 220110390, Sunshine Acres; RC zone, 2 lots; located on the south side of New Hampshire Avenue, approximately 500 feet northwest of Sapling Ridge Lane; Olney Master Plan.
Staff Recommendation: Approval

BOARD ACTION

Motion: **PRESLEY/ANDERSON**

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Record Plat cited above.

***C. Other Consent Items**

8021 Georgia Avenue - Use of Amenity Contribution for Site Plan No. 820060380 – MCPB No. 11-120

Staff Recommendation: Approval

BOARD ACTION

Motion: ANDERSON/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval.

***D. Approval of Minutes**

Minutes of December 15, 2011

BOARD ACTION

Motion: WELLS-HARLEY/DREYFUSS

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved Planning Board Meeting Minutes of December 15, 2011, as submitted.

***8. Preliminary Plan Review No. 120100270, 7206 Meadow Lane**

R-60 zone, 1.33 acres, Re-subdivision of property requesting 2 lots for 2 one-family detached units; located on Meadow Lane in the northwest quadrant of the intersection with Oak Lane; Bethesda/Chevy Chase

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: By consensus, deferred action at the applicant's request, and instructed staff to work with the applicant on the final forest conservation plan.

In keeping with the January 20 technical staff report, Planning Department staff discussed the request to create two lots, for two one-family detached units, on a 1.33-acre property located in the northwest quadrant of the intersection of Meadow Lane and Oak Lane in Bethesda/Chevy Chase. Staff noted that an area of the property exhibits some characteristics of wetland but the Maryland Department of Environmental Protection (DEP) has ruled that it is not a wetland. Staff also discussed the forest conservation plan for the proposed request and noted that the forest conservation requirements will be met on site, with substantial impact to about seventeen trees and minor impact to a few other trees. Staff recommends that a Category I conservation easement be placed on the property's areas of forest retention and steep slopes while the applicant is requesting that either no conservation easement be placed on the property or that it be limited to a Category II easement. Staff noted that the applicant's proposed forest conservation variance request contains inherent conflicts regarding the forest clearing declared by the applicant, and appropriate protection of specimen trees.

At the Board's request, staff also discussed the existing outlot and the possibility of making it part of the proposed lot, noting that this forested outlot was requested by the Town of Chevy Chase from the previous owner to prevent further resubdivision of the proposed lot, as creation of the outlot limits the width of the proposed lot to 100 feet.

Mr. Robert Brewer, attorney for the applicant, introduced Messrs. Thomas Brault, Jeffrey Robertson, and Michael Thompson, members of the applicant's team, briefly discussed the proposed request, adding that the proposed project cannot move forward without approval of the forest conservation variance.

Mr. Albert Lang representing the Town Council of Chevy Chase offered testimony.

At the Board's request, Legal and Planning staff discussed Category I versus Category II easement for the property, and the allowances permitted under the Category I easement.

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

5. [Worksession: Countywide Transit Corridors Functional Master Plan](#)

Continue discussion of methodology

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing from Planning Department staff and continued discussion started at the Planning Board meeting of January 19, 2012.

Planning Department staff noted that this is a follow-up discussion to the Planning Board meeting of January 19. Staff noted that this meeting is to confirm the guidance received from the Board to date regarding the proposed Bus Rapid Transit (BRT) network, and to get further guidance on additional issues that are still in question. Staff has prepared a checklist form to assist the Board, and will develop recommendations based on revised ridership forecasts, and comments received from the public. Staff will discuss the consultant's review of the Rapid Transit Task Force report on a preliminary design for an interim BRT network at the February 23 Planning Board meeting, with additional worksessions to be scheduled, and a September 12, 2012, delivery date of the Planning Board draft report to the County Council.

At the Board's request, Mr. Michael Floyd, consultant, offered comments.

Mr. Jonathan Genn, representing the Rapid Transit Task Force, offered testimony.

There followed extensive Board discussion.

7. [Local Map Amendment No. G-862 and G-863, Glenmont Metro Center, Supplemental Traffic Analysis - POSTPONED](#)

Remanded by the County Council to the Hearing Examiner on January 15, 2008, proposed rezoning of approximately 30.9 acres from RT 12.5, R-30 and O-M Zones to TS-R Zone at the intersection of Georgia Avenue and Glenallan Avenue, Silver Spring Glenmont Transit Impact Area and Vicinity Sector Plan - Review the applicant's supplemental traffic analysis evaluating the traffic impacts of Stages 1 and 2 on the surrounding area

Staff Recommendation: Transmit Comments

(Action Required for Hearing by the Hearing Examiner on 2/10/12)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **This item was postponed.**

6. 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 official citation and open session report in narrative minutes.**

2. Northern Parks Briefing

Northern Parks Division briefing on operations, staff, park users, facilities, challenges and opportunities

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing and discussed.

Parks Department staff offered a multi-media presentation on the Northern Parks Division, including the many different types and sizes of parks in the Division, the variety of activities and facilities, public/private partnerships, operations, maintenance tasks, staff, park users, challenges, and opportunities.

There followed some discussion of the shift in focus for maintenance tasks in response to the economic downturn, and the impact on staffing and equipment.

3. Ridge Road Recreational Park

Authorization to acquire 1.32 acres, more or less, improved, from Norman L. and Donna L. Tunnell, located at 21500 Ridge Road, Germantown, Maryland 20876

Staff Recommendation: Approval

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the staff recommendation to acquire the Tunnell property.

Parks Department staff presented a proposal to purchase the Tunnell property, as cited above, for the Ridge Road Recreational Park, for the negotiated purchase price of \$530,000. Staff noted that the acquisition and approximately \$75,000 for razing the improvements and removing debris will be funded from the capital budget, upon approval of the supplemental appropriation request that is pending before the County Council.

4. Roundtable Discussion

A. Parks Director's Report

B. Summary of County Executive's Recommendations for Parks FY13-18 CIP

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefings.

A. Parks Director's Report – Director of Parks Mary Bradford presented the Parks Director’s report, highlighting recent and upcoming events in and related to the parks, park projects, staff activities and partnerships, volunteer services, and park police updates.

B. Summary of County Executive’s Recommendations for Parks FY13-18 CIP – Parks Department staff presented a summary of the County Executive’s Recommendations for the Parks FY13-18 Capital Improvements Program (CIP), a comparison with the Board’s recommended CIP, and staff’s recommended revisions. Staff requested support for proposing to have planning and design work for the Little Bennett Regional Park Day Use Area begin in FY15, rather than moving it to FY17, and to retain \$50,000 for design of Woodside Urban Park. There followed some discussion of funding for other projects. The Board generally supported the staff approach, but noted the need to identify alternative funding reductions to offset the staff’s recommended revisions, to be prepared if offsets are necessary.

9. Board of Appeals No. S-2791: Nina & Val Aks

Applicant requests a special exception to operate a medical/dental clinic, R-200 zone; located at 11406 Old Georgetown Road, Rockville, North Bethesda/Garrett Park Master Plan

Staff Recommendation: Denial

(Action Required for Hearing by the Hearing Examiner on 2/17/12)

BOARD ACTION

Motion: ANDERSON/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the staff recommendation to deny the special exception petition and provided guidance to staff in terms of comments, as stated in the attached Letter of Transmittal.

Chair Carrier stated for the record that she lives in this neighborhood. Moreover, she said her experience as a Zoning Hearing Examiner leads her to believe she can assess this proposal in a fair and unbiased manner, as she is well aware of the applicable laws and regulations.

Planning Department staff presented the request for a special exception for a medical/dental clinic, as detailed in the staff report. The proposal includes demolishing the existing single family detached dwelling and constructing a two-story clinic, with a cellar, for up to four medical practitioners, a laboratory, and six staff, with a parking facility with 18 parking spaces. The applicants request an 18-foot waiver of the required 30-foot parking facility setback along the southern property line, which will provide a 12-foot setback adjoining the adjacent Manar Medical Clinic. Staff recommends that the special exception be denied for a number of reasons, including the failure to meet specific access and frontage requirements in the Zoning Ordinance; and inconsistency with specific master plan recommendations to protect the integrity of residential neighborhoods, avoid over-concentration of nonresidential land uses and special exception uses, and provide compatible architecture and design for special exception uses. Staff defined the surrounding neighborhood and discussed the other adjacent nonresidential uses along Old Georgetown Road, including commercial and office uses, special exception uses, and religious and other institutional uses.

Mr. Steve Orens, attorney, introduced the applicants and other members of the applicant team. Following comments by Dr. Nina Aks, the applicant, Mr. Orens spoke in support of approving the special exception, countering the arguments for denial made by staff. Mr. Orens stated the applicant will improve a portion of Sedgewick Lane to primary standards to meet the access requirements of the Zoning Ordinance and will refrain from leasing the second floor. In

9. Board of Appeals No. S-2791: Nina & Val Aks

addition, Mr. Orens argued that the proposed design and scale of the building is compatible with the abutting residential neighborhood, and he argued that there is no over-concentration of nonresidential uses in the neighborhood.

The following people offered testimony in opposition to the special exception: Mr. Norman Knopf, attorney representing the Luxmanor Citizens Association and the group, Luxmanor Is for Homes Not Clinics; Ms. Della Stolsworth of Hollow Tree Lane; Mr. Hal Quayle of Sedgewick Lane; Mr. Jim Caskey of Sedgewick Lane; Mr. Rakesh (Rocky) Chopra of Sedgewick Lane; Mr. Rob Vogel of Luxmanor Road; Mr. Dan Dwyer of Luxmanor Road; Ms. Bonnie Malkin of Luxmanor Road; Ms. Joyce Dubow of Sedgewick Lane; and Ms. Ellen Gold of Stephalee Lane.

In rebuttal, Mr. Orens elaborated on his previous arguments in support of the special exception, maintaining that the proposal complies with the standards and requirements in the Zoning Ordinance and the recommendations of the master plan.

At the Board's request, Transportation Planning staff described Sedgewick Lane and discussed the proposed upgrade of a portion of the road to primary standards, responding to questions as needed.

There followed considerable discussion of the various issues raised, including the number of nonresidential uses along Old Georgetown Road, the specific language in the master plan, the size and scale of the proposed development and the impact on the adjoining neighborhood, the intensity of the use, the adequacy of the proposed parking and the requested waiver of the setback requirement, ingress and egress for the site and whether the proposed improvements satisfy the requirements of the Zoning Ordinance, and the non-inherent characteristics of the proposal. The Board also discussed specific

MCPB, 2-2-12, APPROVED

findings in the staff report and provided guidance to staff in terms of comments in the letter of transmittal to the Board of Appeals.

Legal Counsel to the Board participated in the discussion.