



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 16, 2012, at 9:07 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 5:00 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 4 and Item 10 are reported on the attached agenda.

The Board recessed for lunch at 11:50 a.m. and to take up Items 6, 7, 8, and 14 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 12:30 p.m. in the third floor conference room, on motion of Commissioner Anderson, seconded by Commissioner Dreyfuss, 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)(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; §10-508(a)(3), to consider the acquisition of real property for a Commission purpose and matters directly related thereto; §10-508(a)(7), to consult with counsel to obtain legal advice; and §10-508(a)(8), to consult with staff, consultants, or other individuals about pending or potential litigation.

Also present for some of the Closed Session items were Associate General Counsels David Lieb, Jared McCarthy, Carol Rubin, and Christina Sorrento of the Legal Department; Director Mary Bradford and Deputy Director Mike Riley of the Parks Department; Director Rollin Stanley, Deputy Director Piera Weiss, and Candy Bunnag, Cathy Conlon, Mary Jo Kishter, Rose Krasnow, Leslie Seville, and Richard Weaver of the Planning Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board conducted the annual evaluation of the Director of Parks; received a briefing on discussions about possible relocation of MRO and Parkside Headquarters to Wheaton; received an update from Legal Counsel on pending litigation and provided guidance to staff; received a

briefing from Legal Counsel on the reconsideration request for preliminary plan 11992012A, Piney Glen Farms, Lot 20, on the afternoon agenda; and discussed and provided guidance to staff on the Board's policy in interpreting and implementing impervious surface limits.

The Closed Session was adjourned at 4:30 p.m.

The Board reconvened in the auditorium at 4:45 p.m.

Items 9 and 5, taken in that order, are reported on the attached agenda. Items 11 through 13 were postponed.

There being no further business, the meeting was adjourned at 5:00 p.m. The next regular meeting of the Planning Board will be held Thursday, February 23, 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 16, 2012
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions.**

1. Montgomery Chinese Christian Church Preliminary Plan No. 1199901A - MCPB No. 11-112
2. Martens Property Preliminary Plan 120110090 – MCPB No. 11-131
3. Martens Property Site Plan 820110130 – MCPB No. 11-123
4. Glenmont Fire Station/WMATA Triangle Amendment of Final Forest Conservation Plan MR1994002 – MCPB No. 11-139

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

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

Nay:

Other: PRESLEY ABSTAINED ON ITEMS 1 AND 4

Action: Adopted the Resolutions cited above.

***B. Record Plats**

Subdivision Plat No. 220120440, Alta Vista; R-60 Zone, 1 lot; located on the south side of Beech Avenue, approximately 300 feet southwest of Wiloak Drive; Bethesda-Chevy Chase Master Plan.
Staff Recommendation: Approval

BOARD ACTION

Motion: ANDERSON/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

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

***C. Other Consent Items**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **There were no Other Consent Items submitted for approval.**

***D. Approval of Minutes**

Minutes of January 19, 2012

BOARD ACTION

Motion: **WELLS-HARLEY/ANDERSON**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved Planning Board Meeting Minutes of January 19, 2012, as submitted.**

2. [Status Report from M-NCPPC / MCPS Joint Workgroup](#)

- Review of the MCPS Site Selection Process

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by Board discussion.

Members of the Maryland National Capital Park and Planning Commission and Montgomery County Public Schools (M-NCPPC/MCPS) joint working group briefed the Planning Board on the outcome of the various meetings held in the past months regarding the selection process for school sites by MCPS staff.

Planning Department Deputy Director Piera Weiss offered comments regarding properties identified for possible school sites in Master Plans.

Mr. John Robinson, representing Rock Creek Hills Citizens Association, offered testimony.

There followed a brief Board discussion with questions to the Working Group members.

*3. [BB&T Bank, Kensington/Wheaton](#)

A. Preliminary Plan 120110350 - BB&T Bank: Kensington/Wheaton; Request to assemble three (3) lots into two (2) lots for construction of a 4,080 square foot bank with a detached 4-lane drive-thru canopy and 23 parking spaces; C-T Zone, 0.90 gross acres located on the northern quadrant of the intersection of Valley View Avenue and University Boulevard in the 2011 Wheaton CBD and Vicinity Sector Plan area.

Staff Recommendation: Approval with Conditions

B. Site Plan 820110120 - BB&T Bank: Kensington/Wheaton; Request to assemble three (3) lots into two (2) lots for construction of a 4,080 square foot bank with a detached 4-lane drive-thru canopy and 23 parking spaces; C-T Zone; on 0.90 gross acres located on the northern quadrant of the intersection of Valley View Avenue and University Boulevard in the 2011 Wheaton CBD and Vicinity Sector Plan area.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion:

A. ANDERSON/PRESLEY

B. ANDERSON/PRESLEY

Vote:

Yea: **A. 5-0**
 B. 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 revised conditions, as stated in the attached Board Resolution.

In keeping with the February 3 technical staff report, Planning Department staff offered a multimedia presentation of the request to assemble three lots into two for construction of a 4,080-square foot bank with a detached 4-lane drive-thru canopy and 23 parking spaces, on a 0.90-acre property located on the northern quadrant of the intersection of Valley View Avenue and University Boulevard in the Wheaton Central Business District. Staff noted that the Planning Board reviewed the Development Plan Amendment (DPA) associated with this request on September 16, 2010 and recommended that the County Council approve the DPA with conditions and binding elements to address concerns regarding compatibility, provided that the binding elements did not conflict with subdivision and site plan regulations and requirements. Staff noted that the existing three lots are currently improved with single-family detached dwellings and two large gravel parking lots. The site is generally flat with no stormwater management facilities and contains no forest, streams, wetlands, or environmental buffers. The

3. [BB&T Bank, Kensington/Wheaton](#)

Department of Permitting Services approved a stormwater management concept plan for the site in December 2010, and the applicant is exempt from the requirement of submitting a forest conservation plan because the site is less than one acre in size and will clear less than 20,000 square feet of forest. Staff also discussed the revised conditions of approval.

Ms. Soo Lee-Cho, attorney representing the applicant, introduced Messrs. Tim Madden and Richard Prossev, members of the applicant's team, briefly discussed the proposed project, and concurred with the staff recommendation.

Mr. Richard Prossev from BB & T Bank offered comments.

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

***4. [Preliminary Plan No. 120110410 Olive Branch Community Church](#)**

8,000 square foot church with 250 seats, one lot with 19 parking spaces located on an adjacent lot, 416 Olney Sandy Spring Road, 3.06 acres, RE-2 Zone, Sandy Spring/Ashton Master Plan
Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: **PRESLEY/ANDERSON**

Vote:

Yea: **5-0**

Nay:

Other:

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

In keeping with the February 2 technical staff report, Planning Department staff discussed the proposed request to create one lot for an 8,000 square-foot 250-seats church, on a 3.06-acre property located on Olney Sandy Spring Road in Sandy Spring/Ashton. Staff noted that the minimum off-street parking requirement for this church is sixty three spaces, of which nineteen spaces will be located on the Sandy Spring Museum parking lot adjacent to the site, under the terms of an agreement to be finalized between the two parties during the review of the site plan. The proposed project also includes the dedication of Olney-Sandy Spring Road, and provides onsite pedestrian and vehicular improvements to support the proposed religious facility. Staff also discussed the preliminary forest conservation plan which proposes to clear 0.86 acres of forest on site for construction of the church building, associated parking lot, and required stormwater management facilities. There is a 0.16-acre forest planting requirement that will be met offsite. Staff also discussed the revised conditions of approval.

Mr. Russell Reese, Engineer representing the applicant, introduced Mr. Hank Boyd representing Olive Branch Community Church, and concurred with the staff recommendation.

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

***10. [Preliminary Plan Amendment No. 11995095A: Rapley Preserve at Avenel \(Lot 117, Block C\)](#)**

Modify the Category I Conservation Easement in response to a forest conservation violation on property located at 9313 Rapley Preserve Drive, 2.07 acres, RE-2C Zone

Potomac Master Plan

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: **ANDERSON/PRESLEY**

Vote:

Yea: **5-0**

Nay:

Other:

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

As discussed in detail in the February 3 technical staff report, Planning Department staff offered a multimedia presentation of the request to modify the Category I easement to a Category II in response to a forest conservation violation on a 2.07-acre property located on Rapley Preserve Drive in Potomac. Staff noted that the applicant has removed 546 square feet of Category I conservation easement on his property and installed a shed and a generator, which are in violation of the Category I easement. Staff also discussed the proposed revised conditions of approval and noted that the applicant is required to remove the shed and any existing foundation prior to record plat being recorded, and provide mitigation on site with the addition of 1,035 square feet of forested Category I conservation easement, to be done during the next planting season. Staff also discussed the generator installed on the site, which was originally placed approximately 12 feet from the side property line, instead of 15 feet. In 2006, the applicant moved the generator at the request of the Department of Permitting Services (DPS). Staff added that at staff's request, the applicant hired an expert to analyze the generator's noise levels and submitted a noise analysis which confirmed that the Montgomery County Noise Ordinance levels are not met. Staff is recommending the construction of a suitable enclosure, designed to attenuate the noise to acceptable levels, and the applicant has agreed to construct such an enclosure.

Ms. Cindy Bar, attorney representing the applicant, Mr. Marc Solomon, also present, offered brief comments, and concurred with the staff recommendation.

Ms. Mary O'Brien of Persimmon Tree Road offered testimony.

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

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 (Note: PB member Discussion/Evaluation)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

15. 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 (Note: Possible Relocation)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

14. Closed Session

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(8) to consult with staff, consultants, or other individuals about pending or potential litigation; Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(7) to consult with counsel to obtain legal advice (Note: William Rounds vs. Commission)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

7. Closed Session

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(7) to consult with counsel to obtain legal advice (Note: Reconsideration Request)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

8. Closed Session

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(7) (to consult with counsel to obtain legal advice) (Note: Impervious Surface Grandfathering Provisions)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

6. Closed Session - CONTINUED

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 (Note: Bradford Evaluation)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

5. Roundtable Discussion

A. Parks Director's Report

B. Transportation Policy Area Review Update - **POSTPONED**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing.

A. Parks Director's Report—Director of Parks Mary Bradford highlighted various parks-related activities and future events, as stated in the Director's Report distributed at the meeting. Among other items, Ms. Bradford noted that the tours and events at Josiah Henson Special Park in celebration of Black History Month were highlighted in the Washington Post Kids Post yesterday.

In discussion, Ms. Bradford responded to questions from the Board about the status of the Lake Frank trail connector to the Rock Creek Hiker Biker Trail, expected to be completed in May, and about Black Rock Mill.

B. Transportation Policy Area Review Update—This item was postponed.

9. [Reconsideration Request for Piney Glen Farms, Lot 20, Preliminary Plan 11992012A](#)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **There was no motion to reconsider.**

Legal Department staff presented the reconsideration request as submitted by the applicant.

11. Policy for Determining PAMR Credits for Developments in CBD and Metro Station Policy Areas - POSTPONED

Staff will present a simplified method for calculating Policy Area Mobility Review credits to be applied in CBD and Metro Station Policy Areas.

Staff Recommendation: Approval

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **This item was postponed.**

***12. Schematic Development Plan Amendment No: 11-3: YBM Construction, Inc. -
POSTPONED**

Request to amend an approved Schematic Development Plan to reconfigure the location of building and parking facility, add to the height of the previously approved building, correct the size of the property and accommodate current environmental regulations and requirements for a property consisting of approximately 2.06 acres of land in the O-M Zone, located at 19815 Blunt Road in Germantown, Maryland. Germantown Employment Area Sector Plan

Staff Recommendation: Approval

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.

13. Closed Session - POSTPONED

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: This item was postponed.