



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

301-495-4616

**APPROVED
MINUTES**

The Montgomery County Planning Board met in regular session on Thursday, April 3, 2008, at 9:05 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 5:30 p.m.

Present were Chairman Royce Hanson, Vice Chair John Robinson, and Commissioner Allison Bryant. Commissioner Jean Cryor was necessarily absent.

Items 1 through 7 are reported on the attached agenda. Items 14 and 16, Closed Session items were discussed during lunch.

The Board recessed at 11:50 a.m. and reconvened in the third floor conference room to take up Items 14 and 16.

In compliance with Section 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 Bryant, seconded by Vice Chair Robinson, with Chairman Hanson, Vice Chair Robinson, and Commissioner Bryant present and voting in favor of the motion. The meeting was closed under authority of § 10-508(a)(3), to consider acquisition of real property for a public purpose, and under authority of § 10-508(a)(13), to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosure about a particular proceeding or matter.

Also present for all or part of the Closed Session were Director of Parks Mary Bradford, Bill Gries and Doug Powell of the Parks Department; and Clara Moise, Technical Writer, Commissioners' Office.

In Closed Session, the Board received a brief report from Parks Department staff regarding a proposed request to acquire land for the parks system. The Board also approved Closed Session Minutes of February 7, 14, 21, and 28, 2008.

The Closed Session was adjourned at 12:50 p.m. and the Board reconvened in open session in the third floor conference room.

The Board reconvened in the auditorium at 1:40 p.m.

Items 15 and 8 through 13 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 5:30 p.m. The next regular meeting of the Planning Board will be held Thursday, April 10, 2008, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Technical Writer

Ellyn Dye
Technical Writer

Montgomery County Planning Board Meeting
Thursday, April 3, 2008
9:00 a.m.
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

1. Adoption of Opinions/Resolutions

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: No Resolutions were submitted for adoption.

2. Record Plats

Subdivision Plat No. 220080570, Olney

MXTC zone; 1 parcel; located on the north side Hillcrest Avenue, approximately 150 feet east of Georgia Avenue; Olney *Staff recommendation: Approval*

Subdivision Plat No. 220080620, Bedfordshire

R-200 zone; 3 lots, 1parcel; located on the west side of Falls Road (MD 189), approximately 100 feet south of Glen Road; Potomac *Staff recommendation: Approval*

Subdivision Plat No. 220080720, Seneca Park Estates

RDT zone; 1 lot; located on the west side of Germantown Road (MD 118), approximately 2000 feet south of Black Rock Road; Agriculture and Rural Open Space *Staff recommendation: Approval*

Subdivision Plat No. 220080800, Henderson Corner

C-3 zone; 1 parcel; located in the southwest quadrant of the intersection of Henderson Corner Road and Ridge Road (MD 27); Germantown *Staff recommendation: Approval*

Subdivision Plat No. 220080960, Darnestown

C-1 and O-M zones; 1 parcel; located in the southwest quadrant of the intersection of Seneca Road (MD 112) and Darnestown Road (MD 28); Potomac *Staff recommendation: Approval*

Subdivision Plat No. 220081000, Chevy Chase, Section 2

R-60 zone; 1 lot; located on the north side of West Irving Street, approximately 250 feet west of Magnolia Parkway; Bethesda-Chevy Chase *Staff Recommendation: Approval*

BOARD ACTION

Motion: ROBINSON/BRYANT

Vote:

Yea: 3-0

Nay:

Other: CRYOR ABSENT

Action: Approved staff recommendation for approval, as stated above.

3. Consent Items

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: None submitted for approval.

4. Cashell Elementary School:

***A. Preliminary Forest Conservation Plan for Mandatory Referral No. 07504-MCPS-1: Cashell Elementary School**, 17101 Cashell Road, Rockville, R-200 Zone, Olney Master Plan.
Staff recommendation: Approval with conditions

B. Mandatory Referral No. 07504-MCPS-1: Cashell Elementary School
Modernization of school, 17101 Cashell Road, Rockville, R-200 Zone, Olney Master Plan
Staff recommendation: Transmit comments to Montgomery County Public Schools

BOARD ACTION

**Motion: (A) ROBINSON/BRYANT
 (B) ROBINSON/BRYANT**

Vote:

**Yea: (A) 3-0
 (B) 3-0**

Nay:

Other: CRYOR ABSENT

Action: (A) Approved staff recommendation for approval of the preliminary forest conservation plan, subject to conditions.

(B) Approved staff recommendation to transmit comments to Montgomery County Public Schools, as stated in the attached transmittal letter.

In keeping with the March 19 and April 13 technical staff reports, Community-Based Planning and Environmental Planning Divisions staff offered a brief presentation, accompanied by a multi-media presentation of the Mandatory Referral and Forest Conservation plan requests, followed by Board discussion and questions to staff.

5. Cabin Branch

A. Limited Site Plan Amendment No. 82005015A, Cabin Branch Infrastructure Plan

RMX-1/TDR/MXPD zones; 540 acres; Amendment to determine the classification and road design elements for West Old Baltimore Road; located at the southwest quadrant of the intersection of Clarksburg Road (MD 121) and Interstate 270; Clarksburg

Staff recommendation: Approval with conditions

B. Mandatory Referral (#08001-WSSC-1) Cabin Branch

Construction of an elevated water tower located within the Cabin Branch development near the intersection of MD-121 and MD-270

Staff recommendation: Approval with comments

C. Preliminary Plan No. 12003110B, Cabin Branch

RMX-1/TDR zone; 540 acres; 1,600 residential dwelling units, 1,538,000 square feet of commercial space, and 500 dwelling units of elderly housing previously approved; currently requesting 286 additional residential dwelling units and 882,000 additional square feet of commercial space; located in the southwest quadrant of the intersection of Clarksburg Road (MD 121) and Interstate 270; Clarksburg

Staff recommendation: Approval with conditions

BOARD ACTION

Motion: (A) BRYANT/ROBINSON
(B) BRYANT/ROBINSON
(C) ROBINSON/BRYANT

Vote:

Yea: (A) 3-0
(B) 3-0
(C) 3-0

Nay:

Other: CRYOR ABSENT

Action: (A) Approved limited site plan amendment, including modifications discussed during the meeting, as stated in the attached Board Resolution.

(B) Approved preliminary plan amendment, including modifications discussed during the meeting, as stated in the attached Board Resolution.

(C) Approved staff recommendation for approval of the mandatory referral, including revised conditions discussed during the meeting, as stated in the attached transmittal letter.

5. Cabin Branch

Development Review and Environmental Planning Divisions staff offered a detailed presentation of the requests for a limited site plan amendment, a preliminary plan amendment, and a mandatory referral for the Cabin Branch project, based on the technical staff reports of

March 21 and 24. Staff discussed the transportation issues associated with these requests and answered questions from the Board. Staff also discussed the environmental impact of the proposed project, and noted that the project is consistent with the Clarksburg Master Plan.

Mr. Bob Harris, attorney representing the applicant, introduced Messrs. Robert Jepson of Adventist Health Care and Michael Conley of Winchester Homes, Inc., members of the applicant's team, and discussed the proposed amendment requests.

Messrs. Ken Dickson and Timothy Hirrel of Washington Suburban Sanitary Commission (WSSC) offered comments at the Board's request.

The following speakers offered testimony: Mr. James Clifford, attorney representing Ms. Guelda Miller of West Baltimore Road; Mr. John Cook of West Old Baltimore Road representing the Clarksburg Civic Association; and Ms. Kathie Hulley of Diller Lane.

Mr. Gregory Leck, representing Montgomery County Department of Public Works and Transportation (DPWT) offered comments at the Board's request.

In rebuttal, Mr. Harris addressed issues raised by the speakers related to maintenance costs, units mix, and traffic.

At the Board's request, Mr. Alan Soukup representing the Department of Environmental Protection (DEP) offered comments regarding the water line access and sewer extension possibility.

There followed an extensive Board discussion, with questions to staff, the applicant's representatives, and WSSC, DPWT, and DEP representatives.

6. Extension Request: Project Plan No. 920070010, Studio Plaza

CBD-1 zone; 3.098 acres; 20,117 gross square feet retail, 146,245 gross square feet office, 255 multi-family dwelling units, including 39 MPDUs; located on Thayer Avenue, approximately 175 feet east of Georgia Avenue; Silver Spring. *Staff recommendation: approval of the extension request*

BOARD ACTION

Motion: BRYANT/ROBINSON

Vote:

Yea: 2-1-0

Nay: HANSON

Other: CRYOR ABSENT

Action: **Approved a one-year extension of the project plan, with the understanding that no further extension will be granted.**

In keeping with the March 21 technical staff report, Development Review Division staff presented a one-year extension request for the proposed Studio Plaza project plan. Staff noted that the applicant is requesting a one-year extension but staff recommends a six-month extension. Staff further discussed the proposed Purple Line, which will most likely have an impact on the project

Mr. Bob Dalrymple, attorney representing the applicant, discussed the proposed extension request.

At the Board's request, Mr. Bob Hillerson also offered comments.

The following speakers offered testimony: Mr. Gary Stith representing the Montgomery County Silver Spring Regional Center; and Ms. Jane Redicket of Georgia Avenue representing the Greater Silver Spring Chamber of Commerce.

Following a brief Board discussion, Chairman Hanson noted that he understands that the delay in the project execution is due to ongoing discussions between the applicant and the Parking District regarding issues related to parking Lot 3, and he does not believe that a year is necessary to solve this issue.

7. Zoning Text Amendment No. 08-03 and Subdivision Regulation Amendment No. 08 -01.

Introduced by Council President Knapp at the request of the County Executive: to amend the Zoning Ordinance and Subdivision Regulations to rename the Department of Public Works and Transportation in the County Code as the Department of Transportation and to update obsolete provisions and make stylistic and conforming language changes in these sections of the Code.

Staff recommendation: Transmit Comments to County Council

BOARD ACTION

Motion: BRYANT/ROBINSON

Vote:

Yea: 3-0

Nay:

Other: CRYOR ABSENT

Action: Approved staff recommendation for approval, as stated in the attached transmittal letter to the County Council.

Development Review Division staff briefly discussed the Zoning Text Amendment and Subdivision Regulations Amendment introduced by Council President Knapp at the request of the County Executive to amend the Zoning Ordinance and Subdivision Regulations to rename the Department of Public Works and Transportation in the County Code as the Department of Transportation and to update obsolete provisions and make stylistic and conforming language changes in these sections of the Code.

There followed a brief Board discussion and questions to staff.

8. Limited Site Plan Amendment No. 82000032A Discovery Communications, Inc. Headquarters

CBD-2 Zone; 3.44 acres; convert 4,500 square feet of Discovery Garden to playground to add play equipment, move trees, replace trees, and update data on Forest Conservation Plan, Silver Spring. *Staff recommendation: Approval with conditions*

BOARD ACTION

Motion: BRYANT/ROBINSON

Vote:

Yea: 3-0

Nay:

Other: CRYOR ABSENT

Action: Approved staff recommendation to approve with conditions, as stated in the attached Board Resolution.

Development Review staff presented the proposal to amend the approved site plan to convert office space into a daycare center and convert a portion of the public use space to an outdoor playground for the center, as detailed in the staff report. Staff noted that the applicant will provide a fee to compensate for the loss of public use space.

Mr. Steve Kaufman, attorney representing the applicant, introduced other members of the applicant team and noted that a number of employees who will use the daycare center are present to support the proposal.

Ms. Susan Andrea of Silver Spring; Ms. Mi-Chele Williams, Ms. Cathy Breza, and Ms. Juliet Farrell, Discovery employees and prospective patrons of the center; and Mr. Wayne Goldstein of Kensington offered comments.

9. Chevy Chase Bank at Ashton

A. Preliminary Plan No. 120070580, Chevy Chase Bank at Ashton; C-1 zone; 1.10 acres; 1 lot requested; 3,172 square foot bank with three drive-through aisles; located in the southeast quadrant of the intersection of Porter Road and Olney Sandy Spring Road (MD 108); Sandy Spring/Ashton, Rural Village Overlay Zone. *Staff recommendation: Approval with conditions*

B. Site Plan Review No. 820080130 Chevy Chase Bank at Ashton; C-1 zone; 1.10 acres; 3,172 square feet bank; located at the southeast quadrant of the intersection of Porter Road and Olney Sandy Spring Road (MD 108); Sandy Spring/Ashton, Rural Village Overlay Zone
Staff recommendation: Approval with conditions

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **This item was postponed.**

10. Limited Site Plan Amendment No. 82004022B Greenway Village

PD-4 zone; 210.00 acres; amendment to revise the general notes, location of ramps and sidewalks, utility locations, change postal mail box locations, changes to the PUEs and stormwater management facilities; located at the northwest quadrant of the intersection MD 27 and Stringtown Road; Clarksburg. *Staff recommendation: Approval with conditions*

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **This item was postponed.**

11. Preliminary Plan No. 120080130, Bennett Creek

R-200 zone; 2.6 acres; 2 lots requested; one one-family detached residential dwelling and a veterinary clinic; located on the west side of Frederick Road (MD 355), 200 feet south of Running Brook Drive; Clarksburg. *Staff recommendation: Approval with conditions*

BOARD ACTION

Motion: **BRYANT/ROBINSON**

Vote:

Yea: **3-0**

Nay:

Other: **CRYOR ABSENT**

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

Development Review staff presented the proposal to create two lots, with one lot for an existing house and one lot for an animal hospital and boarding facility, as detailed in the staff report. Staff noted that the proposed use is the subject of an approved special exception. Staff pointed out that the two lots will share a common access to MD 355. The residential lot to the rear, a pipestem configuration, does not have adequate frontage and, therefore, a waiver of the frontage requirement is requested.

Mr. Jody Kline, attorney representing the applicant, introduced the applicants and other members of the applicant team. Mr. Kline concurred in the staff recommendation, noting that the original proposal had to be significantly reduced in size for the special exception to be granted. He also pointed out that the property has a school on one side and a church on the other.

Ms. Kathie Hulley, representing the Clarksburg Civic Association, objected to the scale of the facility and the loss of the residential character along MD 355. She requested installation of a turn lane to address traffic and safety issues, particularly in proximity to the school.

Responding to the traffic issue, Transportation Planning staff reported that State Highway Administration opposes installation of a turn lane.

12. 2007 Annual Report - Revenue Authority

Presentation by the Montgomery County Revenue Authority on the operation of the Commission's four golf courses: Sligo, Needwood, Northwest, and Little Bennett

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **Received briefing.**

Following introductory remarks by Parks Department staff, Mr. Keith Miller, Executive Director of the Montgomery County Revenue Authority, provided the 2007 annual report on the operation of the four Commission golf courses in Montgomery County, as required in the lease agreement. Mr. Miller reported on various issues, including improvements to course conditions and environmental impact, maintenance, and operational efficiencies achieved; fees, usage, and revenues; community outreach; the status of the proposed plans for the golf courses, particularly Sligo golf course; marketing; and awards.

Ms. Laura Mol, representing Friends of Sligo Creek, and Mr. Donald Collins, owner of property adjacent to Sligo golf course, offered comments.

**13. Roundtable Discussion Including Briefings and Worksessions
(No public testimony will be taken at this time)**

- A. Commissioners' Report
- B. Director's Report
- C. Approval of Minutes
- D. Briefing: Forest Conservation Annual Report
- E. FY09 Budget Discussion

BOARD ACTION

Motion: C. BRYANT/ROBINSON

Vote:

Yea: C. 3-0

Nay:

Other: CRYOR ABSENT

Action: C. Approved minutes of February 28, and March 6, 2008, as presented.

A. Commissioners' Reports—None.

B. Director's Report—None.

C. Approval of Minutes—Approved minutes as reported above.

D. Briefing: Forest Conservation Annual Report—As detailed in the staff report, Countywide Environmental Planning staff briefed the Board on the Forest Conservation Annual Report; the status of the development of an electronic geo-referenced forest conservation database, including identification of conservation easements; the status of the comprehensive update of the GIS forest layer; the recent completion of the forest bank database; the findings of Phase I of a University of Maryland-sponsored easement study evaluating the relationship between the characteristics of newly planted forest easements and whether the easements continue to be maintained as forest; and the status of the Reddy Branch Stream Valley Park Restoration Project.

MCPB, 4-03-08, APPROVED

E. FY09 Budget Discussion—Discussed and provided guidance to Parks Department staff on the response to the requests by the County Executive and County Council staff for reductions in the submitted FY09 operating budget.