



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, May 13, 2010, at 9:02 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 5:40 p.m.

Present were Chairman Royce Hanson, Vice Chair Marye Wells-Harley, and Commissioners Joe Alfandre, Norman Dreyfuss, and Amy Presley.

Items 1-3, 7, and 9-11 are reported on the attached agenda.

The Board recessed at 12:05 p.m. for lunch and to take up Item 13 in Closed Session. Closed Session Item 4 was postponed.

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 12:20 p.m. in the third floor conference room, on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chairman Hanson, Vice Chair Wells-Harley, and Commissioners Alfandre, Dreyfuss, and Presley present and voting in favor of the motion. The meeting was closed under authority of §10-508(a)(7), State Government Article, Annotated Code of Maryland, to consult with counsel to obtain legal advice.

Also present for the Closed Session were General Counsel Adrian Gardner and Associate General Counsel Carol Rubin of the Legal Department; Director Rollin Stanley and Alison Davis of the Planning Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board received a briefing and discussed conceptual revisions to the administrative Practices and Rules of Procedure of The Maryland-National Capital Park and Planning Commission (the Commission), in anticipation of discussions of those subjects by the Commission.

The Closed Session was adjourned at 1:30 p.m.

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

Item 5, a Closed Session meeting of The Maryland-National Capital Park and Planning Commission, was removed from the agenda.

Items 6, 8, 12, and 14 through 16 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 5:40 p.m. The next regular meeting of the Planning Board will be held Thursday, May 20, 2010, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye
Technical Writer

M. Clara Moise
Technical Writer

Montgomery County Planning Board Meeting
Thursday, May 13, 2010, 9:00 A.M.
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

1. Wheaton Safeway, Preliminary Plan No. 120100120 - ADOPTION OF MCPB RESOLUTION No. 10-45
2. Rhea Property Preliminary Plan No. 120090220 - ADOPTION OF MCPB RESOLUTION No. 10-44
3. Wheaton Safeway, Project Plan No. 920100020 - ADOPTION OF MCPB RESOLUTION No. 10-55

BOARD ACTION

Motion: **PRESLEY/WELLS-HARLEY**

Vote:

Yea: **5-0**

Nay:

Other:

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

***B. Records Plats**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **There were no Record Plats submitted for approval.**

***C. Preliminary Plan 11977121A, Bennett's Addition to Piney Glen Farms, Lot 36/A
Limited Amendment - (REVISED STAFF MEMO)**

RE-2 zone; 2.54 acres; 1 lot; request to remove a condition that effectively prohibits the existing guest house on the property; located on the east side of Piney Meetinghouse Road, 500 feet north of Piney Glen Lane; Potomac.

Staff Recommendation: Approval

BOARD ACTION

Motion: **WELLS-HARLEY/PRESLEY**

Vote:

Yea: **5-0**

Nay:

Other:

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

D. Approval of Minutes

Minutes of April 8, 2010 and April 12, 2010.

BOARD ACTION

Motion: **WELLS-HARLEY/PRESLEY**

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the minutes of April 8 and 12, 2010, as presented.

2. Revised CR Incentive Density Guidelines - POSTPONED

Guidelines for the provision of public benefits for incentive density in the CR Zones as required by the Zoning Ordinance. To be approved by the Planning Board and used by staff, applicants, and citizens during the public review of optional method projects.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.

3. Twinbrook Design Guidelines

Staff Recommendation: Review Testimony and Approve Guidelines for Final Publication.

BOARD ACTION

Motion: DREYFUSS/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: **Approved the draft guidelines for final publication, subject to final revision to incorporate the Board's guidance.**

Community-Based Planning staff and Management Services staff presented an overview of the final draft Twinbrook Design Guidelines, incorporating the Board's guidance from the previous worksession, and presented a demonstration of the interactive online document.

There followed considerable discussion about the interaction among the sector plan, the applicable regulations, the design guidelines, and development review. In discussion, the Board offered guidance to staff for editorial revisions and clarifications.

Ms. Anne Martin, attorney representing Somerset Development and the JBG Companies, offered comments.

7. Chevy Chase Center

A. Development Plan Amendment No: DPA-10-1: Chevy Chase Land Company, applicant, requests Development Plan Amendment for modifications to the public use spaces, TS-M Zone, located at NE Quadrant of the intersections of Wisconsin Ave, Wisconsin Circle and Western Avenue, Chevy Chase

Staff Recommendation: Approval

B. Project Plan Review Amendment No. 91999002A, Chevy Chase Center, CBD-1.0 & T-SM zones; 8.22 acres; Amendment to add additional landscaping, site furniture and signage plus outdoor dining areas and reconfiguration of the taxi stand that is no longer in use; located at the northeast quadrant of the intersection with Wisconsin Avenue/Wisconsin Circle and Western Avenue; Friendship Heights

Staff Recommendation: Approval

BOARD ACTION

Motion: **A. DREYFUSS/ALFANDRE**
 B. DREYFUSS/WELLS-HARLEY

Vote:
 Yea: **A. 5-0**
 B. 5-0
Nay:
Other:

Action: **A. Approved the staff recommendation to approve the Development Plan Amendment, with a recommendation that a hearing is not necessary, as stated in the attached Letter of Transmittal to the Hearing Examiner.**

B. Approved the staff recommendation to approve the project plan amendment, subject to conditions, as stated in the attached Board Resolution.

Development Review staff presented the Development Plan Amendment and project plan amendment, as detailed in the respective staff reports. The amendments propose to revise the streetscaping and landscaping, convert a portion of public space to restaurant seating; convert the

unused taxi stand area to surface parking, and relocate the taxi stand to its original location on Wisconsin Circle. Staff noted that the Development Plan Amendment is required because the proposal will change the binding elements of the Development Plan.

Mr. Robert Dalrymple, attorney representing the applicant, concurred in the staff recommendation and elaborated on the reasons for relocating the taxi stand.

Mr. Norman Knopf, attorney representing the Citizens Coordinating Committee on Friendship Heights, raised concerns about the loss of public open space.

Ms. Trini Rodriguez, the landscape architect provided additional information about the proposed changes to the open space, landscaping, and streetscaping. Mr. Dalrymple agreed to provide additional public seating.

There followed considerable discussion of the relative merits of converting a portion of the public open space to restaurant seating and whether the Board should recommend that the Hearing Examiner conduct a hearing on the Development Plan Amendment.

9. Preliminary Plan 120100200, Rales Property - NEW TIME

RE-2 zone; 49.9 acres; 1 lot requested for 1 one-family detached dwelling, no house construction proposed at this time; located on Glen Road, 700 feet northwest of Greenbriar Road; Potomac.
Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: PRESLEY/ALFANDRE

Vote:

Yea: 5-0

Nay:

Other:

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

Development Review staff presented the request to record an unplatted parcel, currently in agricultural use and developed with a barn and maintenance building, to create one residential lot, as detailed in the staff report.

Ms. Barbara Sears, attorney representing the applicant, concurred in the staff recommendation.

10. Preliminary Plan 11997056A, Kentsdale Estates - NEW TIME

RE-2 zone; 4.09 acres; 1 existing one-family detached residential lot; request to amend the approved Forest Conservation Plan to modify the existing conservation easement boundaries; located on the east side of Willowbrook Drive at its intersection with Paytley Bridge Road; Potomac.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: PRESLEY/ALFANDRE

Vote:

Yea: 5-0

Nay:

Other:

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

Development Review staff presented the proposal to amend the approved forest conservation plan to modify the conservation easement boundaries, as detailed in the staff report.

Mr. Norman Knopf, attorney representing the applicant, concurred in the staff recommendation.

11. Policy Area Mobility Review

Present the year 2016 Policy Area Mobility Review (PAMR) analysis and results, including the FY 2011 PAMR trip mitigation requirements as required annually under Annual Growth Policy legislation.

Staff Recommendation: Adopt FY 2011 PAMR Mitigation Requirements Effective July 1, 2010.

BOARD ACTION

Motion: DREYFUSS/ALFANDRE

Vote:

Yea: 5-0

Nay:

Other:

Action: Adopted the FY 2011 PAMR Mitigation Requirements, effective July 1, 2010.

Transportation Planning staff presented the 2016 Policy Area Mobility Review (PAMR) findings and the FY 2011 PAMR trip mitigation requirements, as detailed in the staff report.

In discussion, staff responded to questions from the Board and provided additional information as needed.

4. Closed Session - POSTPONED

Pursuant to Maryland State Government Code Annotated Section (10-508)(a)(7), to consult with counsel to obtain legal advice.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.

13. Closed Session

~~(Full Commission By Conference Call)~~* Pursuant to Maryland State Government Code Annotated Section (10-508)(a)(7), to consult with counsel to obtain legal advice.

*Corrected after publication of the agenda.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

6. Site Plan Review No. 820100050, ezStorage-Burtonsville Industrial Park – (REVISED STAFF MEMO)

I-3 zone; 3.04 acres; 147,142 gross square feet self-storage facility; located on Sandy Spring Road (MD 198) approximately 400 feet west of Star Pointe Drive; Fairland

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

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

Development Review staff offered a multi-media presentation of the request to build a 147,142 square feet self-storage facility on a 3.04-acre property located on Sandy Spring Road (MD 198) in Fairland. Staff discussed highlights of the proposed site design, landscape plan, including grading, forest conservation and tree save plan, and stormwater management. Staff distributed and discussed a list of revised conditions.

At the Board's request, Transportation Planning staff offered comments regarding an existing self-storage facility located on Dino Drive in proximity to the proposed new facility.

Mr. Bob Dalrymple, attorney representing the applicant, introduced members of the applicant's team, briefly discussed the proposed site plan, and concurred with the staff recommendation.

Mr. Mark Hessel of Sandy Spring Road and representing an adjacent property owner offered testimony.

There followed a brief Board discussion with questions to staff.

8. Mandatory Referral No. 10301-DGS-1, Clarksburg Fire Station

Site selection mandatory referral review for the acquisition of 4.04 acres of land along the west side of MD Route 355 (Frederick Road) and north of MD Route 121 (Clarksburg Road), Clarksburg for location of a fire station, 1994 Clarksburg Master Plan.

Staff Recommendation: Approval and Transmit Comments to the Montgomery County Department of General Services

BOARD ACTION

Motion: **PRESLEY/ALFANDRE**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved staff recommendation for approval to transmit comments to the Montgomery County Department of General Services, as stated in the attached transmittal letter.**

Community-Based Planning staff offered a multi-media presentation of the Mandatory Referral request from the Montgomery County Department of General Services (MCDGS) regarding the proposal to acquire two parcels located within the boundaries of the 1994 Clarksburg Master Plan. Staff noted that the total site area is approximately 4.04 acres of unimproved land. The purpose of the acquisition is to obtain land for building a fire station that will serve the Clarksburg Town Center and surrounding areas. Staff noted that the Master Plan recommends that a fire station be located on the site, which will also support other essential services including a police satellite facility and an Upcounty Regional Services Center office. Staff added that MCDGS will meet with the Clarksburg Civic Association and staff from the Historic Preservation Committee during the early stages of facility planning and at regular intervals during design development.

At the Board's request Ms. Catherine Matthews, Director of the Germantown Upcounty Regional Services Center, and Messrs. Donald Scheuerman and Jeffrey Knutsen of MCDGS offered comments.

There followed a brief Board discussion and questions to staff and the speakers.

12. Zoning Text Amendment 10-04

Zoning Text Amendment to allow automobile filling stations located in a regional shopping center as a permitted use in the C-2 zone.

Staff Recommendation: Transmit Comments to County Council
(Action Required for County Council Public Hearing of 5/20/10)

BOARD ACTION

Motion: DREYFUSS/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for denial and to transmit comments to the County Council, as stated in the attached transmittal letter.

Development Review staff presented highlights of the proposed zoning text amendment to allow automobile filling stations to be located in regional shopping centers as a permitted use in the C-2 zone. Staff noted that there is no basis for permitting an automobile filling station by right in C-2 zoned regional shopping centers, because the Special Exception process already serves to ensure that filling station operations will not be detrimental to surrounding properties and the general public.

The following speakers offered testimony: Mr. James Agliata representing Westfield Shopping Center LLC.; Ms. Donna Savage of McComas Street and representing the Kensington Heights Citizens Association; Mr. John Seabreeze of Faulkner Place and representing the Kennmont Swim and Tennis Club; Mr. Larry Silverman of Birch Avenue; Mr. Devin Doolan, attorney for Westfield Shopping Center; Ms. Elsie Reid, attorney for Westfield Shopping Center; Mr. Jeff Ishida representing Costco; Ms. Julie Ryan-Silva of Homestead Drive; Mr. Mark Meszaros of Peregoy Drive, abutting property owner; and Mr. Danial Shevieko of Melvin Grove Court and Chair of the Kensington Heights Citizens Association Working Group.

There followed extensive Board discussion with questions to staff and the speakers.

14. Zoning Advisory Panel Appointments

BOARD ACTION

Motion: PRESLEY/ALFANDRE

Vote:

Yea: 4-0

Nay:

Other: HANSON (RECUSED)

Action: Approved staff recommendation to appoint three new members to the Zoning Advisory Panel following the resignation of three active members.

Chairman Royce Hanson recused himself, as he is one of the proposed appointees.

15. Roundtable Discussion
- Budget Update

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Planning Department Director briefed the Board on a grant application submitted by Planning staff to finance studies which were not included in the FY11 budget due to budget cuts. The Director noted that unfortunately the grant was not approved and staff will make every effort to find other sources of funding.

**5. MEETING OF THE MARYLAND-NATIONAL CAPITAL PARK AND
PLANNING COMMISSION - *THIRD FLOOR CONFERENCE ROOM*- Closed Session -
REMOVED**

(Full Commission via Conference Call) Pursuant to Annotated Code of Maryland, State Government Article Section 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.)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was removed from the agenda.

**16. MEETING OF THE MARYLAND-NATIONAL CAPITAL PARK AND
PLANNING COMMISSION - *THIRD FLOOR CONFERENCE ROOM***

Resolution to Effect Merit Board Budget Amendment

Staff Recommendation: Approval

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

**Action: Reported in the meeting Minutes of The Maryland-National Capital Park
and Planning Commission.**