



**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, June 26, 2014, at 9:08 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 4:00 p.m.

Present were Chair Françoise M. Carrier, Vice Chair Marye Wells-Harley, and Commissioners Casey Anderson and Amy Presley. Commissioner Norman Dreyfuss joined the meeting during discussion of Item 3, and was temporarily absent during discussion of Items 4 and 5. Commissioner Dreyfuss rejoined the meeting during the Closed Session, Item 6 on the Planning Board Agenda.

Items 1, 2, 3, 4, and 5 are reported on the attached agenda.

The Board recessed for lunch at 11:59 a.m. and to take up Items 6 and 7 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 12:14 p.m. in the 3<sup>rd</sup> floor conference room, on motion of Vice Chair Wells-Harley, seconded by Commissioner Presley, with Chair Carrier, and Commissioners Anderson and Presley voting in favor of the motion. Commissioner Dreyfuss joined the Closed Session meeting at 12:15 p.m. 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)(13) to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.

Also present for all or part of the Closed Session were Associate General Counsel Carol Rubin of the Legal Department; Director Gwen Wright, Deputy Director Rose Krasnow of the Planning Department; Deputy Director Michael Riley, Mitra Pedoeem, and Judie Lai of the Parks Department; and M. Clara Moise of the Commissioners' Office.

In Closed Session the Board received briefing from Parks Department staff, Planning Department staff, and legal counsel to the Board regarding the proposed Montgomery County Park and Planning new headquarters building in Wheaton, and approved Closed Session Meeting Minutes of May 2014.

The Closed Session meeting was adjourned at 1:10 p.m.

The Planning Board reconvened in the auditorium at 1:28 p.m.

Items 13, 14, 10, 9, 11 and 12, discussed in that order, are reported on the attached agenda.

Item 8 was postponed.

There being no further business, the meeting was adjourned at 4:00 p.m. There will not be a Planning Board meeting on Thursday July 3, 2014. The next regular meeting of the Planning Board will be held on Thursday, July 10, 2014, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise  
Sr. Technical Writer/Editor

**Montgomery County Planning Board Meeting**  
**Thursday, June 26, 2014**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600

**1. Consent Agenda**

**\*A. Adoption of Resolutions**

1. 8787 Georgia Avenue Forest Conservation Plan MR2014047---- MCPB No. 14-47

**BOARD ACTION**

**Motion: PRESLEY/WELLS-HARLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: DREYFUSS ABSENT**

**Action: Adopted the Resolution cited above, as submitted.**

**\*B. Record Plats**

**Subdivision Plat No. 220140080, R. Holt Easley's Subdivision of Silver Spring**

CBD-1 zone/ Fenton Village Overlay, 3 lots; located on the north and south sides of Silver Spring Avenue, 300 feet east of Georgia Avenue (US 29); Silver Spring CBD Sector Plan.

*Staff Recommendation: Approval*

**Subdivision Plat No. 220140620 – 220140710, Trotters Glen**

RNC zone, 69 lots, 8 parcels; located on the east and west sides of Batchellors Forest Road, approximately 4,500 feet east of Georgia Avenue (MD 97); Olney Master Plan

*Staff Recommendation: Approval*

**Subdivision Plat No. 220141210, Rock Creek Estates**

R-90 zone, 1 lot; located on the south side of Susanna Lane, 200 feet east of Jones Mill Road; Bethesda-Chevy Chase Master Plan.

*Staff Recommendation: Approval*

**Subdivision Plat No. 220141380, West Chevy Chase Heights**

R-60 zone, 1 lot; located on the south side of Maple Avenue, 100 feet east of Maryland Avenue;  
Bethesda-Chevy Chase Master Plan.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: WELLS-HARLEY/PRESLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: DREYFUSS ABSENT**

**Action: Approved staff recommendation for approval of the Record Plats cited above, as submitted.**

**\*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**

Planning Board Meeting Minutes of June 5, 2014

**BOARD ACTION**

**Motion: ANDERSON/WELLS-HARLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: DREYFUSS ABSENT**

**Action: Approved Planning Board Meeting Minutes of June 5, 2014, as submitted.**

**2. Roundtable Discussion**

- Parks Director's Report

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received briefing, followed by Board discussion.**

**Parks Director's Report** – Acting Parks Department Director Gene Giddens provided an update on the following activities and events: The state-wide youth Conservation Job Corporation (CIC) Program currently has approximately 20 participants enrolled, who will work on environmental and conservation projects within the Montgomery County park system; 95 percent of Montgomery Parks' Summer Camps are full, with camp themes such as tennis, golf, ice skating, and skateboarding; the roof replacement project and the installation of electric vehicle charging stations has begun at Parkside Headquarters; recruitment efforts are underway to fill a number of vacant positions within the Parks Department; Park Police conducted their Annual Park Police Volunteer Appreciation Ceremony on Saturday, June 21, 2014; and, the long-awaited new train engine has arrived at Cabin John Regional Park.

**3. Bethesda Downtown Sector Plan --- Briefing**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received briefing, followed by Board discussion.**

Planning Department staff offered a multi-media presentation and provided an update of the Bethesda Downtown Sector Plan. Staff discussed the generational demographics, as well as overall ethnicities, and the ongoing effort to attract a generally diverse group into Bethesda. A number of community events have been scheduled to foster social development of the community, such as the Bethesda Central Farm Market, a Happy Hour Host Team, and Pop Up social areas such as park-like seating areas in the downtown area. Staff also discussed the results of a Visual Preference Survey offered to community members and residents used to gather demographic information, a Concept Framework Plan which identifies key elements of a vision for Downtown Bethesda, and the existing centers of activity compared to future planned activity areas. Staff stated that the information gathered was formalized into a District Map as part of a larger discussion of existing and future connector streets throughout the community, noting that development around Metro transit centers would be a first priority.

The Planning Board discussed existing re-zoning along the east side of Old Georgetown Road in regards to future development and also discussed a proposed expanded area of activity in the transition area.

Staff stated that the community has communicated the desire for more green and open space such as gathering spaces for events, playing fields, dog parks, playgrounds, trail connections, and seating areas. The proposed open space system would include Battery Lane Urban Park, the Caroline Freeland Park Facility, Norwood Local Park, Elm Street Urban Park, Chevy Chase Local Park, and Cheltenham Drive Urban Park. Staff discussed the benefits of creating an EcoDistrict which would promote economic opportunity, community well-being, and ecological health.

The Board discussed staff outreach efforts and community involvement with the project, the proposed EcoDistrict, and the results of a Planning staff retail study.

**4. Addressing and Street Guidelines and Procedures**

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: WELLS-HARLEY/PRESLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: DREYFUSS TEMPORARILY ABSENT**

**Action: Approved staff recommendation for approval of the Addressing and Street Guidelines and Procedures.**

Planning Department staff offered a multi-media presentation and discussed the Addressing and Street Naming Guidelines and Procedures. Staff explained the process by which street numbers are determined and assigned, and stated that full disclosure of numbering determination is available to the public. Staff also discussed updates to the Guidelines and Procedures, which include text changes, illustration additions and modifications, and category reorganization of the overall document.

The Planning Board discussed the proposed changes to the Guidelines and Procedures and concurred with the staff recommendation.

**\*5. 19230 Chandlee Mill Road: Preliminary Plan No. 120120040**

Request to subdivide a 4.14 acre parcel into two lots without frontage. Located at 19230 Chandlee Mill Road, zoned RE-2 in the Sandy Spring/Ashton Master Plan and Olney Policy Area

*Staff Recommendation: Approval with Conditions and Adoption of Resolution*

**BOARD ACTION**

**Motion: WELLS-HARLEY/PRESLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: DREYFUSS TEMPORARILY ABSENT**

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

Planning Department staff offered a multi-media presentation and discussed a 4.14-acre property located on Chandlee Road in the Sandy Spring/Ashton Master Plan and Olney Policy Area. The applicant is requesting approval to subdivide the property into two lots. The off-site driveway, paralleled with access to a future underground cistern, contains an L-shaped turn that is slightly wider than the continued width of the driveway to meet the turning radius for emergency vehicles. Although the subject property does not have direct frontage on a public street, the applicant has shown that the lots can be accessed by emergency vehicles. Staff discussed the Forest Conservation Plan for the subject property, stating that an alignment was created that would allow much of the forest to remain whole and also discussed the tree variance request, noting the impact of trees in the development area.

Mr. Jeff Lawrence, the applicant, offered comments and concurred with the staff recommendation.

The Planning Board briefly discussed the proposed preliminary plan with questions to staff and the applicant.

**6. 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 (Wheaton)

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

---

**7. CLOSED SESSION**

Pursuant to State Government Article, Annotated Code of Maryland §10-508(a)(13) to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter (Approval of Closed Session Minutes)

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**\*13. [Bainbridge Bethesda \(formerly The Monty\) - Limited Site Plan Amendment 82009011A](#) -- CBD-2 zone, Request for minor modifications to condition 10 (a) to address delays and implementing the required streetscape improvements, located on Fairmont Avenue approximately 150 feet south of the intersection with Norfolk Avenue, Bethesda CBD**



*Staff Recommendation: Approval with Conditions and Adoptions of Resolution*

**BOARD ACTION**

**Motion:                   ANDERSON/PRESLEY**

**Vote:**

**Yea:                   5-0**

**Nay:**

**Other:**

**Action:            Approved staff recommendation for approval, subject to revised conditions, and adopted the submitted attached Resolution.**

In keeping with the June 13 technical staff report, Planning Department staff briefly discussed a proposed modification to condition of approval no. 10 of the approved site plan for the Bainbridge Bethesda development, a 1.12-acre property located within the Woodmont Triangle in the Bethesda Central Business District Sector Plan area, to address delays in implementing the required streetscape improvements caused by weather conditions, and a County requested change in the type of streetlights to be installed. Staff also discussed minor corrections to the conditions of approval.

Mr. Steve Elmendorf and Ms. Heather Olhopolsky, attorneys representing the applicant, offered brief comments, answered questions from the Board, and concurred with the staff recommendation.

**14.    [Natural Surroundings, Inc.: Special Exception S-2715 and S-2716](#)**

Request for a Special Exception to continue the operation of a Landscape Contractor (S-2715) and a related Wholesale Nursery (S-2716) operation on 11 acres of property, located on the east side of the road, at 26500 Howard Chapel Drive, approximately 1,900 feet north of the intersection with Damascus Road (MD 108), RC Zone, Damascus Master Plan Area.

*Staff Recommendation: Approval with Conditions  
(Public Hearing Date: July 11, 2014)*

**BOARD ACTION**

**Motion:                   DREYFUSS/PRESLEY**

**Vote:**

**Yea:                   5-0**

**Nay:**

**Other:**

**Action:**       **Approved staff recommendation for approval, subject to conditions, including comments and recommendations, as stated in the attached transmittal letter to the Hearing Examiner.**

In accordance with the June 13 technical staff report, Planning Department staff offered a multi-media presentation and discussed the request for a special exception to operate a landscape contractor business and wholesale nursery on an 11-acre property located on the east side of Howard Chapel Drive, approximately 1900 feet north of its intersections with Damascus Road (MD 108) in the Damascus Master Plan area. Staff noted that with the recommended conditions of approval, the subject uses conform to all applicable requirements and regulations for approval of a landscape contractor business special exception request under the Montgomery County Zoning Ordinance and the development standards under the Rural Cluster Zone. The subject uses are consistent with the recommendations of the Damascus Master Plan and compatible with the characteristic of the surrounding area. The request is also in compliance with the Montgomery County Environmental Guidelines and the Patuxent River Primary Management Area guidelines. The plan proposes no imperviousness within the streamvalley buffer, and reduces overall imperviousness on the property from the current 16.88 percent to 9.71 percent.

Mr. James Parson, attorney representing the applicant, introduced Mr. Brian Donnelly, engineer for the applicant, and Mr. Jay Roche, the applicant, also present, offered comments, and concurred with the staff recommendation.

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

**8. [Guidelines for Environmental Management of Development in Montgomery County - Worksession and Action](#) ---**POSTPONED****

Revisions to incorporate changes as a result of the Approved and Adopted 10 Mile Creek Area Limited Amendment to the Clarksburg Master Plan and other updates required by local and state legislative changes.

*Staff Recommendation: Approve revisions to the guidelines (No testimony will be heard at the meeting)*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**       **This Item was postponed.**

**9. [Zoning Text Amendment No. 14-04](#)**

To allow small cell antennas under certain circumstances; and generally amend the provisions for antennas on existing structures.

*Staff Recommendation: Transmit Comments to the County Council.*  
**(Action required for County Council public hearing of July 8, 2014)**

**BOARD ACTION**

**Motion: WELLS-HARLEY/PRESLEY**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Approved staff recommendation to transmit comments to the County Council regarding the proposed Zoning Text Amendment request regarding small cell antenna towers co-location, as discussed during the meeting, and as stated in the attached transmittal letter.**

In keeping with the June 19 technical staff report, Planning Department staff discussed the proposed Zoning Text Amendment (ZTA), which would establish a new term “small cell antenna,” and would allow small cell antennas to be installed on existing structures under certain circumstances under the limited uses standards of Section 59.3.5.14 (C) 2 of the County Zoning Ordinance. A small cell antenna would have a maximum height of three (3) feet, and a maximum width of two (2) feet. Staff recommends approval with modifications to the ZTA to allow small cell antennas to be installed on any structure, at any height, in any zone when located at least 60 feet from a detached residential dwelling.

At the Board’s request, Parks Department staff offered comments.

The following speakers offered testimony: Ms. Marjorie Williams representing the Office of Communications Services in the County Executive Office; Ms. Mitsuko Herrera of the Department of Technology Services in the County Executive Office; and Mr. Lee Afflerback, consultant from Communications, Engineering & Analysis for the Public Sector (CTC), working with the County Executive technology staff.

There followed extensive Board discussion focusing on co-location of cell antenna towers in Montgomery County, and the Tower Committee’s discussions regarding possible options to avoid their proliferation in residential neighborhoods, with questions to staff and the speakers.

**10. [Zoning Text Amendment No. 14-05](#)**

To allow a health club use to exceed 14,500 sq. feet in gross floor area in a structure in the C-1 Zone under certain circumstances; and allow increased building height in the C-1 zone under certain circumstances.

*Staff Recommendation: Transmit Comments to the County Council.*  
**(Action required for County Council public hearing of July 8, 2014)**

**BOARD ACTION**

**Motion: DREYFUSS/WELLS-HARLEY**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Approved staff recommendation to transmit comments to the County Council regarding the proposed Zoning Text Amendment request regarding health club use and floor area, as discussed during the meeting, and as stated in the attached transmittal letter.**

Planning Department staff discussed the proposed Zoning Text Amendment (ZTA), which would allow a health club use to exceed 14,500 square feet in gross floor area in a structure in the C-1 Zone under certain circumstances, and allow increased building heights under certain circumstances. Specifically, the ZTA would allow a health club in a C-1 zone to exceed the current 14,500 square feet limitation, up to a maximum size of 45,000 square feet, if the use is located in a retail center that exceeds 100,000 square feet of gross floor area at the completion of its reconstruction or enlargement. The ZTA would also allow a maximum height of 45 feet for a retail center of this size. Staff recommends approval with modifications to reflect building height limitations consistent with those recommended as part of the Zoning Conversion project associated with District Map Amendment DMA G-956 instead of a blanket 45 feet height restriction for a C-1 zoned retail center of greater than 100,000 square feet.

The following speakers offered testimony: Ms. Barbara Sears, attorney representing Federal Realty Investment Trust; Mr. Nick Over of Federal Realty Investment Trust; and Mr. Harry Grossman of Willowbrook Drive.

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

**11. Zoning Text Amendment No. 14-06**

To exempt certain property from certain site plan requirements in Rural Village Overlay zones

*Staff Recommendation: Transmit Comments to County the Council.*  
**(Action required for County Council public hearing of July 8, 2014)**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

**This Item was discussed together with Item 12. Please see report of Board discussion and action under Item 12.**

**12. [Subdivision Regulation Amendment No. 14-01](#)**

To exempt certain small commercial additions and the reconstruction or replacement of certain existing buildings in Rural Village Overlay zones from certain platting requirements.

*Staff Recommendation: Transmit Comments to the County Council.*

**(Action required for County Council public hearing of July 8, 2014)**

**BOARD ACTION**

**Motion: DREYFUSS/ANDERSON**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Approved staff recommendation to transmit comments to the County Council, as discussed during the meeting, and as stated in the attached transmittal letter.**

In keeping with the June 19 technical staff report, Planning Department staff discussed the proposed Zoning Text Amendment (ZTA) proposing to exempt certain property from certain site plan requirements in Rural Village Overlay zones, and the proposed Subdivision Regulation Amendment (SRA) proposing to exempt certain small commercial additions and the reconstruction or replacement of certain existing buildings in Rural Village Overlay zones from certain platting requirements. Staff supports expanding the existing provisions of Chapter 50 of the Subdivision Regulations to exempt small commercial additions to structures located in the Rural Village Overlay zone from subdivision platting requirements. Staff recommends approval of the SRA with one plain language modification as introduced to clarify that the intent is for this provision to apply to the Rural Village Overlay Zone in Darnestown and Damascus, but not the Sandy Spring/Ashton Rural Village Overlay Zone, and also recommends approval of the ZTA, as introduced.

Mr. William Kominers, attorney, offered testimony.

MCPB, 6-26-14, APPROVED

There followed a brief Board discussion with questions to staff and Mr. Kominers.