



**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, July 26, 2012, at 9:08 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 8:50 p.m.

Present were Chair Françoise M. Carrier, Vice Chair Marye Wells-Harley, and Commissioners Casey Anderson, Norman Dreyfuss, and Amy Presley.

Items 1 through 4 are reported on the attached agenda.

The Board recessed at 1:32 p.m. for lunch and to take up Item 12 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 1:42 p.m. in the third floor conference room, on motion of Commissioner Presley, seconded by Commissioner Anderson, 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 §10-508(a)(3), State Government Article, Annotated Code of Maryland, to consider the acquisition of real property for a Commission purpose and matters directly related thereto.

Also present for all or part of the Closed Session were Deputy Director Mike Riley and Mitra Pedoem of the Parks Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board received a briefing and provided guidance to staff related to the potential move of the Montgomery Regional Office to Wheaton.

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

The Board reconvened in the auditorium at 2:55 p.m.

Items 5 through 11 are reported on the attached agenda. Item 7 was postponed.

MCPB, 7-26-12, APPROVED

There being no further business, the meeting was adjourned at 8:50 p.m. The Planning Board will be in recess during the month of August. The next regular meeting of the Planning Board will be held Thursday, September 6, 2012, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye  
Technical Writer

M. Clara Moise  
Technical Writer

**Montgomery County Planning Board Meeting**  
**Thursday, July 26, 2012**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600

**1. Consent Agenda**

**\*A. Adoption of Resolutions**

1. Fairland Animal Hospital-Preliminary Plan 120120120 – MCPB 12-88
2. Hoyt Property, Preliminary Plan 120120140 – MCPB 12-63
3. Hoyt Property, Site Plan 820120070 – MCPB 12-64
4. Smith Opinion and Order MCPB 10-180
5. Fenton Street Project Plan 920120020 – MCPB 12-29
6. Country Club Village Preliminary Plan 120110260 – MCPB 12-72

**BOARD ACTION**

**Motion: PRESLEY/WELLS-HARLEY**

**Vote:**

**Yea: 5-0 (Items 1-3, 5, and 6)**  
**3-0-2 (Item 4)**

**Nay:**

**Other: CARRIER, ANDERSON ABSTAINED ON ITEM 4, MCPB 10-180**

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

**B. Record Plats**

- 1. Subdivision Plat No. 220081030, Piedmont Acres;** RDT & RC zones, 8 lots, 1 parcel; located in the northern sector of the intersection of Ridge Road (MD 27) and Hawkes Road; Clarksburg Master Plan. *Staff Recommendation: Approval*
- 2. Subdivision Plat No. 220121100, Chevy Chase, Section 3;** R-60 zone, 1 lot; located on the north side of Taylor Street, 250 feet east of Connecticut Avenue (MD 185); Bethesda-Chevy Chase Master Plan. *Staff Recommendation: Approval*
- 3. Subdivision Plat No. 220121110, R. Holt Easley's Subdivision – Silver Spring;** CBD-0.5 zone; 1 lot; located on the south side of Thayer Avenue, 200 feet east of Fenton Street; Silver Spring CBD Sector Plan. *Staff Recommendation: Approval*

- 4. Subdivision Plat No. 220121340-220121350, Clarksburg Village;** R-200/TDR zone, 18 lots, 1 parcel; located on the east side of the intersection of Newcut Road and Juniper Blossom Place; Clarksburg Master Plan. *Staff Recommendation: Approval*
- 5. Subdivision Plat No. 220121410, H.M. Martin's Third Addition to Chevy Chase;** R-60 zone, 1 lot; located on the south side of Cummings Lane, approximately 300 feet west of Brennon Lane; Bethesda-Chevy Chase Master Plan. *Staff Recommendation: Approval*
- 6. Subdivision Plat No. 220121430, Glen Echo Heights, Section 1;** R-90 zone, 1 lot; located on the east side of Wiscasset Road, approximately 600 feet north of Virginia View Court; Bethesda-Chevy Chase Master Plan. *Staff Recommendation: Approval*
- 7. Subdivision Plat No. 220121440, Chevy Chase, Section 4;** R-60 zone, 1 lot; located on the west side of Ridgewood Avenue, 450 feet south of Thornapple Street; Bethesda-Chevy Chase Master Plan. *Staff Recommendation: Approval*
- 8. Subdivision Plat No. 220121620, Huntington Terrace;** R-60 zone, 1 lot; located in the northeast corner of the intersection of Southwick Street and Garfield Street; Bethesda-Chevy Chase Master Plan. *Staff Recommendation: Approval*
- 9. Subdivision Plat No. 220121630, Drummond Subdivision;** R-60 zone, 2 lots; located on the north side of Drummond Avenue, 450 feet west of Wisconsin Avenue (MD 355); Bethesda-Chevy Chase Master Plan. *Staff Recommendation: Approval*
- 10. Subdivision Plat No. 220121640, Glen Vista;** RE-2 zone, 2 lots; located on the east side of South Glen Road, approximately 900 feet north of Edison Road; Potomac Subregion Master Plan. *Staff Recommendation: Approval*
- 11. Subdivision Plat No. 220121700 – 220121720, Brookeshire;** RNC zone, 32 lots; located on the east and west sides of Winter Morning Way and Brimstone Academy Court, 300 feet south of Old Baltimore Road; Olney Master Plan. *Staff Recommendation: Approval*

## **BOARD ACTION**

**Motion:**                   **DREYFUSS/PRESLEY**

**Vote:**

**Yea:**                   **5-0**

**Nay:**

**Other:**

**Action:**                   **Approved the Record Plats as stated above.**

## **C. Other Consent Items**

**1. Site Plan Amendment No. 81995036F, Montrose Crossing;** Request for addition of 200 feet of gross floor area for Building "H" for up to 384,624 total commercial square feet and modification of the internal and external patron area calculations; addition of parking area lighting features; and modification of grading on approximately 33.38 gross acres, zoned RMX-3C; located on the northeast quadrant of the intersection of Rockville Pike and Randolph Road in the North Bethesda/Garret Park Master Plan area.

*Staff Recommendation: Approval of Site Plan Amendment and Adoption of Resolution*

**2. Extension Request: Project Plan No. 920120040 - Crystal Rock;** Mixed-use project located north of Father Hurley Boulevard between Century Boulevard and Crystal Rock Drive (Lerner Property), TMX-2 Zone, Germantown Employment Area Sector Plan

*Staff Recommendation: Approval to Extend the Date of the Hearing to No Later than November 8, 2012*

**3. Sketch Plan No. 320120040, White Flint Mall Redevelopment Review Extension Request;** Commercial/Residential zones; 45.33 acres; 5,466,093sf of mixed use development; located on Rockville Pike east of Security Lane; White Flint Sector Plan area.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:**                    **A. PRESLEY/WELLS-HARLEY**  
                                     **B. WELLS-HARLEY/DREYFUSS**  
                                     **C. PRESLEY/DREYFUSS**

**Vote:**  
**Yea:**                    **A. 5-0**  
                                     **B. 5-0**  
                                     **C. 5-0**

**Nay:**

**Other:**

**Action:**            **A. Agreed to remove the Montrose Crossing Site Plan Amendment, Item 1, above, from the Consent Agenda.**

**B. Approved the extension requests for the Crystal Rock Project Plan and the White Flint Mall Redevelopment Sketch Plan, Items 2 and 3, above, as submitted.**

**C. Approved the Montrose Crossing Site Plan Amendment and Adopted the Resolution, Item 1, above, as submitted.**

At Commissioner Presley's request, the Montrose Crossing Site Plan Amendment, Item 1, above, was removed from the Consent Agenda, and Planning Department staff responded to questions.

**D. Approval of Minutes**

Minutes of June 14, 2012

**BOARD ACTION**

**Motion:**                    **WELLS-HARLEY/PRESLEY**

**Vote:**  
**Yea:**                    **5-0**

**Nay:**

**Other:**

**Action:**       **Approved the minutes of June 14, 2012, as presented.**

**2.       Commercial Residential Zones Incentive Density Implementation Guidelines**

Guidelines required by the Zoning Ordinance to implement the incentive density requirements for optional method development in the CR and CRT zones.

*Staff Recommendation: Adoption*

**BOARD ACTION**

**Motion:**               **DREYFUSS/PRESLEY**

**Vote:**

**Yea:**               **5-0**

**Nay:**

**Other:**

**Action:**       **Adopted the revised Guidelines, as amended in discussion.**

Planning Department staff reviewed the proposed modifications to the previously adopted guidelines, noting that some of the modifications reflect revisions made to the CR Zones through zoning text amendments, including the addition of new public benefits categories, and some of the modifications represent revisions, restructuring, and illustrations for clarity and to incorporate changes based on the review of several sketch plans. The new public benefits categories are: Wayfinding, Live-Work Units, Architectural Elevations, Recycling Facility Plan, Habitat Preservation and Restoration, and Retained Buildings. Other changes include the benefits calculations and criteria. Staff also made two additional modifications, not included in the revised draft.

There was considerable discussion of the public benefits categories, including the criteria, the points assigned, and implementation, particularly in terms of the new public benefits categories, as well as the categories of Exceptional Design and Energy Conservation and Generation.

**3.       Sketch Plan No. 320120050, Camden Shady Grove**

Request for 503,072 square feet of density for approximately 470 units and up to 5,000 square feet for live/work units on approximately 332,048 gross square feet, zoned CR2 C1.5 R1.5 H150; located on the northwest quadrant of the intersection of Diamondback Drive and Key West Avenue in the Great

Seneca Science Corridor Master Plan area.

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

**BOARD ACTION**

**Motion: DREYFUSS/PRESLEY**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Approved the staff recommendation to approve, subject to conditions revised in discussion, and adopted the attached Board Resolution.**

Planning Department staff presented the proposal for the optional method development of 498,072 square feet of residential uses and 5,000 square feet of non-residential live/work units, for a total of approximately 475 residential units, as detailed in the staff report. Staff noted that the site is currently developed with surface parking and lawn. The proposal includes dedication of property for a planned Corridor Cities Transitway (CCT) station, with phasing designs for before and after construction of the station, as well as a concept plan for potential buildout of the remaining density. Staff reviewed the public benefits table and also discussed the implications of converting the office uses approved in the preliminary plan to residential uses, particularly in terms of traffic. Staff also reviewed the findings and conditions and made considerable revisions to condition 6, related to transportation issues, such as trip credits, internal roadways, adjacent intersection improvements, sidewalks, and streetscaping. Staff also proposed revisions to condition 7.

Mr. Tim Dugan, attorney representing the applicant, introduced members of the applicant team and concurred in the staff recommendation. Ms. Vic Bryant discussed the CCT transit plaza and Mr. Jay Johnson responded to questions from the Board about the proposed live/work units.

**4. Subdivision Staging Policy**

Revised Subdivision Staging Policy Report; Revised TPAR Report; Revised School Capacity Forecasting; New: Developer Contributions to Infrastructure; Revised Draft Council Resolution

*Staff Recommendation: Transmit to County Council*

**BOARD ACTION**

**Motion: DREYFUSS/WELLS-HARLEY**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action:       Approved the staff recommendation to transmit to the County Council.**

Planning Department staff presented the final revisions to the draft Subdivision Staging Policy, based on guidance provided during Board worksessions, and proposed revisions to the draft County Council Resolution.

Mr. Perry Berman, land planner, and Mr. Robert Winick, the Planning Department transportation consultant, offered comments and participated in the discussion.

There followed considerable discussion of various revised sections, with staff and others responding to Board questions and providing additional information as needed.

## **12.    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

### **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. FY 2012 Development Applications Submissions and Processing - **POSTPONED**

B. Quarterly Update: Clarksburg Town Center

### **BOARD ACTION**

**Motion:**

**Vote:**



**Yea:**

**Nay:**

**Other:**

**Action: A. This item was postponed.**

**B. Quarterly Update: Clarksburg Town Center:** Commissioner Presley recused herself due to possible conflict of interest at the start of the presentation. Planning Department staff briefly discussed the status of construction activities for the Clarksburg Town Center project.

Ms. Kate Kubit representing Third Try LLC (Elm Street Development) offered comments. There followed a brief Board discussion with questions to staff and Ms. Kubit.

**6. Preliminary Plan No. 120110420L: Great Falls Estates (Trone Property)**

A request to resubdivide three properties: Lot 24, Block C, Part of Lot 8, Block C and Part of Lot 8, Block C, in the Great Falls Estates Subdivision into two record lots; located at 11417 Skipwith Lane and 11501 Skipwith Lane; 4.82 acres; RE-2 zone; Potomac Subregion Master Plan

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

**BOARD ACTION**

**Motion: DREYFUSS/PRESLEY**

**Vote:**

**Yea: 4-0-1**

**Nay:**

**Other: CARRIER ABSTAINED**

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

At the start of the discussion of this item, Chair Carrier informed the applicant’s attorney, Mr. Stephen Orens, that given the fact that the County Arborist did not have time to send comments to the Planning Board until today, the Board has two options, one is to defer the item, and the other is to proceed with the Board’s review of the proposed application and make a decision based on the staff’s review of the application.

Mr. Orens noted that the applicant is waiting anxiously for the project to be completed as soon as possible as he is presently renting and has to vacate his current rental next month. Mr. Orens discussed the proposed application noting that in his view the Board should rely on the staff recommendation.

In keeping with the July 16 technical staff report, Planning Department staff discussed the proposed application to resubdivide three properties to create two recorded lots for two one-family

detached dwelling units on a 4.82-acre property located on Skipwith Lane in Potomac. Staff noted that due to late revisions to the Tree Variance, the County Arborist recommendation for this application was not received prior to the posting deadline for the staff report, and based on the Board's recommendation the conditions of approval may be modified and additional conditions may be recommended if appropriate, following receipt of the County Arborist's recommendations. Staff further added that the forest conservation plan requests a variance to disturb trees 30 inches caliber or greater. Approval of this plan will bring the property into conformance with the Forest Conservation Law. The Department of Permitting Services has submitted recommendations regarding the stormwater management concept in its October 28, 2012 letter, which have been incorporated as conditions of Preliminary Plan approval.

Ms. Casey Cirner, attorney, member of the applicant's team, offered comments.

There followed considerable Board discussion with questions to staff and the applicant's representatives.

Chair Carrier noted that since she was not present during most of the discussion she will abstain from voting.

**7. Preliminary Plan No. 120120080, Shady Grove Station (Montgomery County Service Park Redevelopment) --- POSTPONED until 09/10/2012**

Proposed development for 2, 210 dwelling units, 40,000 square feet of retail, and 133, 250 square feet of office; on approximately 90 acres in the TOMX-2/TDR zone; located on Crabbs Branch Way at the intersection with Shady Grove Road in the Shady Grove Sector Plan area.

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: This item was postponed.**

**8. Worksession No. 3: Burtonsville Crossroads Neighborhood Plan**

*Staff Recommendation: Approval to Transmit the Plan and Draft Design Guidelines to the County Council and County Executive*

**BOARD ACTION**

**Motion: DREYFUSS/WELLS-HARLEY**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Approved staff recommendation to transmit the Burtonsville Crossroads Neighborhood Plan and Draft Design Guidelines to the County Council and County Executive.**

Planning Department staff briefly discussed an overview of the proposed Burtonsville Crossroads Neighborhood Plan and discussed the modifications to the Public Hearing draft before transmitting the Planning Board Draft Plan to the County Council and the County Executive. Staff also discussed in detail the proposed design guidelines and requested Board’s approval for transmittal.

At the Board’s request, Mr. Bob Simpson of Montgomery County Department of Transportation offered comments.

Commissioner Dreyfuss stated that he believes the Burtonsville Crossroads Neighborhood Plan effectively deals with the commercial properties along Routes 29 and 198. However, he believes that the environmental restriction of an 8 percent imperviousness cap and the proposed sewer vs. septic restrictions are inconsistent with the newly enacted State Septic Regulations, which encourage sewer over septic to reduce nutrients in the Bay and improve water quality. Commissioner Dreyfuss also believes that the property north of the Pepco power lines between the old and new Route 29 (the “Northern Properties”) should be designated for public sewer and a reasonable density to allow its development as housing to support the revitalized commercial properties.

**11. Preliminary Plan No. 12002047A: Gladhill Tractor Mart**

Request for a 4,200 square foot addition to an existing 12,114 square foot farm machinery and sales building, located on the east side of Ridge Road (MD 27) opposite the intersection with Kemptown Road (MD 80), 6.48 acres, RDT Zone, Damascus Master Plan area.

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

**BOARD ACTION**

**Motion: WELLS-HARLEY/PRESLEY**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

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

Planning Department staff discussed the request for a 4,200-square foot addition to an existing 12,114 square-foot farm machinery sales and service building located on the east side of Ridge Road (MD 27) in Damascus. The request is to modify an existing application and staff feels that this request will have no adverse impact on the environment and on existing traffic. There will be no increase in the number of employees and no anticipated increase in the sales volume or customer volume as a result of this addition. Staff distributed and discussed a list of revised conditions.

Ms. Sue Carter, attorney representing the applicant, and Mr. Dick Witmer, Engineer, member of the applicant’s team, concurred with the staff recommendation.

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

**9.     Site Plan Amendment: 82004015I Park Potomac**

Amendments to the footprint, height, and unit mix for Buildings 3, 4, 5 and 6, and modifications to the parking tabulations, the median on Cadbury Avenue and the lighting and landscaping, located northwest of the intersection of Montrose Road and I-270, approximately 20.28 acres, I-3 Zone, Potomac Sub-region Master Plan

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

**BOARD ACTION**

**Motion:**               **ANDERSON/PRESLEY**

**Vote:**

**Yea:**               **5-0**

**Nay:**

**Other:**

**Action:**       **At the applicant’s request this item was deferred.**

In keeping with the July 13 technical staff report, Planning Department staff discussed the request to amend the footprint, height, and unit mix for Buildings 3, 4, 5, and 6, and modifications to the parking tabulations, the median on Cadbury Avenue, and the lighting and landscaping, to be constructed on a 20.28-acre property located northwest of the intersection of Montrose Road and I-270 in the Potomac Sub-region Master Plan. Staff noted that the application was to be approved by the Planning Board as a consent site plan amendment, but due to the volume of written community correspondence received, specifically requesting the ability to testify at the public hearing, the

application was changed to a limited site plan amendment. The amendment is mainly intended to finalize the site design details related to the construction of the multi-family units within Buildings 3, 4, 5, and 6.

Ms. Barbara Sears, attorney representing the applicant, discussed the proposed application, and concurred with the staff recommendation.

At the Board's request, Messrs. Brian Folgers from Folgers & Pratt, the applicant, and Adam Davis, member of the applicant's team, offered comments.

The following speakers offered testimony: Mr. Andrew Kavoluis, President of the Regency Estates Association; and Mr. Robert Moses, President of the Homeowners Association of the Brownstones at Park Potomac.

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

Chair Carrier noted that due to pending unresolved issues with the Department of Permitting Services and the Department of Transportation, and proposed revisions to a number of the conditions of approval, including corrections to the building heights in the data table, and the LEED (Leadership in Energy and Environmental Design) certified rating certification requirement, the Planning Board would feel more comfortable approving this application as a consent item in September, after confirmation that those issues have been resolved, and the resolution corrected accordingly.

#### **10. Site Plan Review No. 820120060, Bel Pre McDonald's**

C-1 Zone, 0.603 acres, Construction of a new drive-thru restaurant at approximately the same location of an existing drive-thru restaurant, 2207 Bel Pre Road, Silver Spring MD, 20906; located on the north side of Bel Pre Road approximately 600 feet west of the intersection with Layhill Road, 1994 Aspen Hill Master Plan

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

#### **BOARD ACTION**

**Motion:** WELLS-HARLEY/DREYFUSS

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

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

Planning Department staff discussed the request to replace an existing drive-through restaurant with a new drive-through restaurant at the same location, with a reconfigured lane to establish a new one-way drive aisle on Bel Pre Road within 600 feet west of the intersection with Layhill Road in Aspen Hill. Staff noted that drive-through restaurant uses are permitted in this zone by special

exception and a special exception approval exists on this property since 1979, which has been modified on three separate occasions. On January 12, 2012, the Planning Board recommended approval, with conditions, of the most recent request to modify the existing special exception for this restaurant use, including a waiver request providing all required off-street parking spaces on-site. The Office of Zoning and Administrative Hearings and the Board of Appeals also approved the application, including the waiver. The application does not conflict with any land use recommendations of the applicable master plan or alter the character of the area, and is unlikely to result in any unacceptable noise, traffic, or environmental impacts on surrounding properties.

Mr. Christopher Ruhlen, attorney representing the applicant, concurred with the staff recommendation.

## **5. Roundtable Discussion**

C. Parks Director's Report

### **BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:** **C. Parks Director's Report** – Chair Carrier noted that in the absence of a full report from the Parks Department Director, Ms. Bradford asked her to remind Board members of the following upcoming events, which all Board members are invited to attend: 1) the Park Police Awards Banquet on August 1; and 2) the National Park Police Equestrian Championship to take place the last week of September. Chair Carrier also added that Ms. Bradford wants Board members to know that Parks Department staff is dealing with the high level of damages caused by the recent storm as fast as possible, in the event they receive calls from citizens inquiring about the status of the parks clean-up.