



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

**APPROVED
MINUTES**

Following the swearing-in ceremony and a reception for new Commissioner Marye Wells-Harley, the Montgomery County Planning Board met in regular session on Thursday, July 30, 2009, at 9:05 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 6:10 p.m.

Present were Chairman Royce Hanson and Commissioners Joe Alfandre, Jean Cryor, and Marye Wells-Harley. Commissioner Amy Presley was necessarily absent.

Items 1 through 9 are reported on the attached agenda.

The Board recessed at 12:42 p.m. for lunch. Scheduled Closed Session item 18 was postponed.

The Board reconvened in the auditorium at 2:25 p.m.

Items 10 through 17 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 6:10 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 on Thursday, September 10, 2009, 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 30, 2009
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Adoption of Opinions/Resolutions

- 1. Montgomery College Parking Garage** - Forest Conservation Plan Amendment for Mandatory Referral No. MR2008108-M-1; ADOPTION OF MCPB RESOLUTION No. 09-66
- 2. The Monty - Site Plan No. 820090110** - ADOPTION OF MCPB RESOLUTION No. 09-77
- 3. Montrose Parks - Site Plan No. 82002021A** - ADOPTION OF MCPB RESOLUTION No. 09-80
- 4. Connelly School of the Holy Child** - Preliminary Plan No. 11997101A - ADOPTION OF MCPB RESOLUTION No. 09-85
- 5. Safeway Store #2848** - Site Plan No. 820090170 - ADOPTION OF MCPB RESOLUTION No. 09-87
- 6. Cross Creek Club** - Preliminary Plan Amendment and Forest Conservation Plan Amendment No. 11998048B - ADOPTION OF MCPB RESOLUTION No. 09-89
- 7. Henderson Corner** - Preliminary Plan No. 12006121A, ADOPTION OF MCPB RESOLUTION No. 09-86
- 8. Henderson Corner** - Site Plan No. 82007004B, ADOPTION OF MCPB RESOLUTION No. 09-88
- 9. Cabin John Park** - Preliminary Plan No. 120070540, ADOPTION OF MCPB RESOLUTION No. 09-68

BOARD ACTION

Motion: **A. CRYOR/ALFANDRE**
 B. CRYOR/HANSON
 C. ALFANDRE/CRYOR

Vote:
 Yea: **A. 3-0-1**
 B. 3-0-1
 C. 3-0-1

Nay:

Other: **A, B, C. WELLS-HARLEY ABSTAINED; PRESLEY ABSENT**

Action: **A. Adopted Board Resolution 09-80, Montrose Parks.**
 B. Agreed to reconsider the actions on Consent Items 1-3.
 C. Adopted the Board Resolutions listed above.

2. Record Plats

Subdivision Plan No. 220080140, Southlawn

I-2 Zone; 1 parcel; located on the south side of Southlawn Lane, 400 feet east of Incinerator Lane; Upper Rock Creek. *Staff Recommendation: Approval*

Subdivision Plat No. 220081180, Burton Woods

RE-2 zone; 6 lots, 3 parcels; located on Sycamore Hollow Lane, 150 feet north of Davis Mill Road; Agriculture and Rural Open Space. *Staff Recommendation: Approval*

Subdivision Plat No. 220081670, 220090230, Clarksburg Village

R-200/TDR-3 zone; 15 lots, 3 parcels; located at the intersection of Turtle Rock Terrace and Foreman Boulevard; Clarksburg. *Staff Recommendation: Approval*

Subdivision Plat No. 220081740, Horizon Hill

RE-2 zone; 3 lots; located in the southwest quadrant of the intersection of Glen Mill Road and Tulip Lane; Potomac. *Staff Recommendation: Approval*

Subdivision Plat No. 220090870, Goshen Estates

RE-2 zone; 1 lot; located on the north side of Warfield Road, approximately 1,100 feet west of Warfield Court; Agriculture and Rural Open Space. *Staff Recommendation: Approval*

Subdivision Plat No. 220091050, Garrett Park

R-90 zone; 1 lot; located on the east side of Kenilworth Avenue, 325 feet north of Waverly Avenue; North Bethesda/Garrett Park. *Staff Recommendation: Approval*

Subdivision Plat No. 220091100, Potomac Farm Estates

RE-2 zone; 1 lot; located in the northeast quadrant of the intersection of River Road (MD 190) and Norton Road; Potomac. *Staff Recommendation: Approval*

Subdivision Plat No. 220091140, Middlebrook Center

C-3 zone; 1 lot; located in the southeast quadrant of the intersection of Middlebrook Road and Frederick Road (MD 355); Germantown. *Staff Recommendation: Approval*

BOARD ACTION

Motion: A. ALFANDRE/CRYOR
 B. CRYOR/ ALFANDRE

Vote:

Yea: A. 4-0
 B. 4-0

Nay:

Other: PRESLEY ABSENT

Action: A. Approved the Record Plats listed above.
 B. Approved the Record Plats listed above.*

***See action to reconsider under Item 1.**

3. Consent Items

Site Plan Amendment Review No. 82005022E, Westech Village Corner – Pad Site 2 and Draft Resolution, I-1 (8.54 acres), RE-2 (0.35 acres), and U.S. 29/Cherry Hill Overlay zones; amendment; to construct a “Chick-fil-A” on a reduced footprint padsite, associated landscaping, dumpster and sidewalk; located on Tech Road, approximately 500 feet southeast of Prosperity Drive; Fairland

Staff Recommendation: Approval of the Consent Amendment and Draft Resolution.

Extension Request for Project Plan Review No. 920070030E, 4900 Fairmont, CBD-2 zone; 1.63 acres; Request for an extension of the project plan validity period for an additional 18 months, located on the southwestern corner of the intersection of Norfolk Avenue and Fairmont Avenue; Bethesda CBD

Staff Recommendation: Approval of the Extension Request.

Tong Subdivision, Lots 1-13, Parcel A-C - Site Plan No. 820050170 - ADOPTION OF MCPB CORRECTED OPINION

Staff Recommendation: Approval.

Batchellors Forest - Preliminary Plan No. 120060850 - ADOPTION OF MCPB AMENDED RESOLUTION No. 08-15

Staff Recommendation: Approval.

BOARD ACTION

Motion: **A. CRYOR/ALFANDRE**
 B. CRYOR/ALFANDRE

Vote:
 Yea: **A. 4-0**
 B. 4-0

Nay:

Other: **PRESLEY ABSENT**

Action: **A. Approved the Consent Items listed above.**
 B. Approved the Consent Items listed above.*

***See action to reconsider under Item 1.**

4. Approval of Minutes

Monday, June 22, 2009
Thursday, June 25, 2009

BOARD ACTION

Motion: ALFANDRE/CRYOR

Vote:

Yea: 3-0-1

Nay:

Other: WELLS-HARLEY ABSTAINED; PRESLEY ABSENT

Action: Approved the minutes of June 22 and June 25, 2009, as presented.

5. Worksession #1: Kensington and Vicinity Sector Plan

Land use, zoning, transportation and urban design recommendations

Staff recommendation: Discuss and provide direction to staff

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Discussed and provided guidance to staff.

Transportation Planning staff presented transportation recommendations for the Sector Plan and Community-Based Planning staff presented an overview of land use, density, and urban design recommendations, as detailed in the staff report, and the Board began discussion of specific properties.

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

Mayor Peter Fosselman, and Mr. Mackie Barch, Ms. Mary Donatelli, Mr. Sean McMullen, and Mr. John Thompson, Kensington Town Councilmembers, participated in the discussion.

Ms. Patricia Harris, attorney representing the owners of the Burka property in the Town Center, offered comments related to the future development of that property.

6. Limited Site Plan Amendment Review No. 82005009C and Draft Resolution, Woodcrest

Site Plan Amendment Review No. 82005009C, Woodcrest, R-200/RDT zones; 47.00 acres; amendment; to modify the setbacks for the A/C units and side yard setbacks from 4' to 0' at lots 11-19/Block B; located on Bennett Chase Drive north of Woodcrest Manor Way; Clarksburg
Staff recommendation: Approval of the Limited Amendment and Draft Resolution

BOARD ACTION

Motion: ALFANDRE/CRYOR

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Approved the staff recommendation to approve the limited site plan amendment and the Board Resolution, attached.

Development Review staff presented the proposed limited site plan amendment to modify side yard setbacks to accommodate moving the air conditioning units on a number of lots, and make several other minor lot changes, as detailed in the staff report.

7. Preliminary Plan No. 11995016A, Camberwell Property – Lot 12

RE-2 zone; 20 acres; 8 lots previously approved for 8 one-family detached residential dwellings; request to modify the previously approved forest conservation plan to remove conservation easement; located on Iron Gate Road, 1,000 feet southwest of Democracy Boulevard; Potomac.
Staff recommendation: Approval with conditions

BOARD ACTION

Motion: ALFANDRE/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

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

Development Review staff presented the proposed amendment to an approved preliminary plan and associated forest conservation plan to remove and relocate a Category I easement area on one lot and require onsite and offsite planting to compensate for the loss of easement area, as detailed in the staff report. Staff noted that there was a cited violation of the Category I easement, including removal of understory, grading, and installation of a pool house.

Mr. Curtis Polk, the applicant, and Mr. Curt Shreffler of CAS engineering, responded to questions from the Board and provided additional information about the encroachment into the easement.

Ms. Ginny Barnes, representing the West Montgomery County Citizens Association, offered comments on this and other forest conservation easement violations in the County.

8. Preliminary Plan No. 120090270, Academy Child Development Center (Resubdivision)

R-90 zone; 1.45 acres; 1 lot requested; addition to an existing child day care center; located on Darnestown Road (MD 28), 260 feet west of Travilah Road; Potomac.

Staff Recommendation: Approval with conditions

BOARD ACTION

Motion: ALFANDRE/CRYOR

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

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

Development Review staff presented the plan to resubdivide a recorded lot and combine it with an unplatted parcel to create one lot for an expanded day care facility and private educational institution, as detailed in the staff report. Staff noted two corrections to the staff report, including a revision to condition 7.

Ms. Emily Vaias, attorney, and Ms. Marilyn Fleetwood, the applicant, concurred in the staff recommendation and provided additional information about the proposed use.

9. Preliminary Plan No. 120090250, Manor Park – Lot 199 (Resubdivision)

R-200 zone; 1.06 acres; 2 lots requested; 2 one-family detached residential dwellings, one existing to be removed; located on the Georgia Avenue frontage road on the west side of Georgia Avenue (MD 97), 325 feet southwest of Montpelier Road; Olney.

Staff Recommendation: Approval with conditions

BOARD ACTION

Motion: **CRYOR/WELLS-HARLEY**

Vote:

Yea: **4-0**

Nay:

Other: **PRESLEY ABSENT**

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

Development Review staff presented the proposal to resubdivide one lot to create two lots for single-family dwellings, retaining the existing dwelling, as detailed in the staff report. Staff noted that concerns have been raised by adjacent property owners about the size and architectural style of the house and about removal of mature trees. Staff noted that a tree protection plan is required and efforts will be made to retain as many mature trees as possible.

Mr. James Clifford, attorney representing the applicant, introduced other members of the applicant team, provided information about the subdivision history of the property, and concurred in the staff recommendation. Mr. Clifford noted that the plans will have to be approved by the Manor Club Architecture Review Board.

18. Closed Session - Added

In accordance with §10-508(a)(13), State Government Article, Annotated Code of Maryland, 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: **This item was postponed.**

17. 2009-2011 Growth Policy - Added

*Staff Recommendation: Transmit Planning Board Draft to County Council.
(No public testimony will be taken)*

BOARD ACTION

Motion: CRYOR/HANSON

Vote:

Yea: 3-0-1

Nay: ALFANDRE

Other:

Action: Approved staff recommendation to transmit the draft 2009-2011 Growth Policy Report to the County Council.

Transportation Planning, Research & Technology Divisions staff, and the Planning Department Director briefed the Board on the main points of the 2009-2011 Growth Policy report, which were previously discussed at various Board meetings, and requested the Board's approval to transmit the draft report to the County Council.

There followed a brief Board discussion with questions to staff.

Commissioner Alfandre dissented, stating that he believes Policy Area Mobility Review (PAMR) contributes to more uncertainty and does not help in mitigating traffic congestion.

10. Economic Analysis of Proposed CR Zone - POSTPONED

Staff recommendation: Discuss and provide direction to staff

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.

11. Briefing on Park & Recreation Programming Study

As directed by the County Council, the Department of Parks and the Department of Recreation are engaged in a study of recreation programs with findings to be presented to the Council in October

Planning Board Action/Decision: Discussion only, no vote taken.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: The Board received presentation from the Montgomery County Recreation Department Director and the Parks Department Director on preliminary findings of the mandated County Council study on recreation programs to be presented to the Council in October 2009, followed by Board discussion and questions to staff.

Newly appointed Montgomery County Planning Board Commissioner Marye Wells-Harley offered her assistance, given her previous position at the Commission as Director of the Parks and Recreation Department in Prince George’s County.

12. Battery Lane Urban Park Renovation – Preliminary Forest Conservation Plan and Park Facility Plan

A. Preliminary Forest Conservation Plan: Preliminary Forest Conservation Plan for Renovation of the Battery Lane Urban Park, 4960 Battery Lane, Bethesda CBD

Staff recommendation: Approval

B. Facility Plan: Facility Plan for Renovation of the Battery Lane Urban Park, 4960 Battery Lane, Bethesda CBD

Staff recommendation:

- 1) Approve facility plan for Renovation of Battery Lane Urban Park including cost estimate
- 2) Determine the schedule for design and construction during review of the FY11-16 CIP

BOARD ACTION

Motion: A. CRYOR/ALFANDRE
B. CRYOR/WELLS-HARLEY

Vote:

Yea: A. 4-0
B. 4-0

Nay:

Other: PRESLEY ABSENT

Action: A. Approved staff recommendation to approve the proposed facility plan for renovation of Battery Lane Urban Park, including proposed cost estimate.

B. Approved staff recommendation to determine the schedule for the design and construction of the proposed renovation during review of the FY11-16 Capital Improvements Program (CIP).

In accordance with the July 23 technical staff report, Parks Department staff offered a detailed presentation of the proposed Battery Lane Urban Park renovation project, including the Preliminary Forest Conservation Plan and the proposed Park Facility Plan.

Ms. Elizabeth Koenig of Battery Lane offered testimony.

There followed a brief Board discussion with questions to staff.

13. Site Plan Review No. 820080190, Batchellors Forest

RNC zone; 94.04 acres; 31 one-family dwelling units, including 5 townhouses; located on Batchellors Forest Road, approximately 2,400 feet south of Dr. Bird Road; Olney

Staff recommendation: Approval with conditions.

BOARD ACTION

Motion: ALFANDRE/CRYOR

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

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

In keeping with the July 16 technical staff report, Development Review Division staff offered a detailed presentation accompanied by a multi-media presentation of a request to create 31 one-family dwelling units, including five townhouses on a 94.04-acre property located on Batchellors Forest Road, approximately 2,400 feet south of Dr. Bird Road in Olney. Staff discussed the proposed list of revised conditions distributed during the meeting.

Mr. Steve Kaufman, attorney representing the applicant, introduced members of the applicant's team, briefly discussed the proposed request, and concurred with the staff recommendation.

The following speakers offered testimony: Mr. Bobby Berg of Covered Wagon Way and representing the Greater Sandy Spring Green Space Corp.; and Ms. Leslie Cronin of Batchellors Forest Road.

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

14. Site Plan No. 820050330, Strathmore at Bel Pre (Reconsideration)

Proposed Lot 44, R-90 Zone; 0.561 acres; private institutional use; located on Layhill Road west of the intersection with Middlevale Lane; Aspen Hill

Staff recommendation: Approval of the original staff recommendation

BOARD ACTION

Motion: ALFANDRE/CRYOR

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

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

Development Review Division staff presented the request to create one lot for private institutional use on a 0.561-acre property located on Layhill Road west of the intersection with Middlevale Lane in Aspen Hill, as discussed in detail in the July 23 technical staff report.

Mr. Walter Petzel, attorney representing the applicant, briefly discussed the request and concurred with the staff recommendation.

At the Board's request, Mr. Peter Noursi, engineer for the applicant, offered comments.

The following speakers offered testimony: Messrs. Max Bronstein representing the Strathmore Bel Pre Civic Association; Mr. Richard Kaffunger of East Gate Drive representing the Layhill Citizens' Association; Delegate Henry B. Heller of Interlachen Drive; Ms. Pauline Johnson of Deckman Court; and Mr. Gene Meader of Hogbee Road representing Faith Arts.

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

15. Mandatory Referral No. 09723-MCPS-01

Whetstone Elementary School Addition 19201 Thomas Farm Drive, Gaithersburg, Maryland, Town Center Zone, Gaithersburg Vicinity Master Plan.

Staff recommendation: Approval to Transmit Comments to MCPS

BOARD ACTION

Motion: CRYOR/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Approved staff recommendation for approval to transmit comments to Montgomery County Public Schools (MCPS).

Community-Based Planning Division staff offered highlights of the Mandatory Referral request to replace the mobile classrooms for Whetstone Elementary School in Gaithersburg, as discussed in detail in the July 16 technical staff report.

Mr. Dennis Cross representing Montgomery County Public Schools offered comments and thanked staff for their cooperation.

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

16. COG Forecasting & 2008 Census Update Survey

COG Cooperative Forecasting process and initial findings from the 2008 Census Update Survey

Staff recommendation: Discussion

(No Public Testimony will be taken)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by Board discussion.

In accordance with the July 20 technical report, Research and Technology Division staff offered a multi-media presentation on the Council of Governments (COG) forecasting process and major findings of the 2008 Census Update Survey followed by Board discussion and questions to staff.