



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, December 1, 2011, at 9:08 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 10:06 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 5 are reported on the attached agenda.

The Board recessed for lunch at 12:30 p.m. and to take up Item 6 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 12:50 p.m. in the third floor conference room, on motion of Vice Chair Wells-Harley, seconded by Commissioner Presley, 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 Annotated Code of Maryland, State Government Article, §10-508(a)(3) to consider the acquisition of real property for a public purpose and matters directly related thereto and pursuant to State Government Article Annotated Code of Maryland 10-508(a)(14) to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal before the contract is awarded or bids are opened, if public discussion or disclosure would adversely impact the ability of the Commission to participate in the competitive bidding or proposal process.

Also present for all or part of the Closed Session were Director Mary Bradford, Deputy Directors Mike Riley and Gene Giddens, and Bill Gries of the Parks Department; Associate General Counsels Carol Rubin, Derrick Rogers, and Sean Dixon of the Legal Department; Piera Weiss and John Carter of the Planning Department; and Joyce Garcia and Clara Moise of the Commissioners' office.

In Closed Session the Board received briefing from Parks Department and Planning Department staff on the progress of the Joint Montgomery County Public Schools (MCPS)/ Montgomery County Park and Planning Commission Working Group on MCPS' school site selection process.

The Closed Session was adjourned at 2:00 p.m.

The Board reconvened in the auditorium at 2:10 p.m.

Items 7 through 10 are reported on the attached agenda.

The Board recessed for dinner at 4:46 p.m. Commissioner Presley left the meeting for the day following the afternoon 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 a second Closed Session at 7:16 p.m. in the third floor conference room, on motion of Commissioner Anderson, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Dreyfuss present and voting in favor of the motion, and with Commissioner Presley absent. The meeting was closed under authority of Annotated Code of Maryland, State Government Article, §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 1 or more specific employees.

Also present for all or part of the Closed Session were Executive Director Patti Barney; Secretary-Treasurer Joe Zimmerman; Chief Information Officer Ken Murray; Human Resources Director Bill Spencer; Budget Manager Darin Conforti and Anju Bennett, Hujia Hasimu, and Wanda Wesley-Major of the Department of Human Resources and Management; Director Rollin Stanley, Traci Anderson, and Piera Weiss of the Planning Department; Director Mary Bradford, Deputy Directors Gene Giddens and Mike Riley, Mary Ellen Venzke, and Karen Warnick of the Parks Department; Ellyn Dye and Joyce Garcia of the Commissioners' Office; and Merle Steiner, consultant.

In Closed Session, the Board discussed and provided guidance to staff on personnel cost assumptions for the FY2013 operating budget.

The Closed Session was adjourned at 9:30 p.m.

The Board reconvened in open session in the auditorium at 9:44 p.m.

Item 12 is reported on the attached agenda.

M. Clara Moise
Technical Writer

Ellyn Dye
Technical Writer

Montgomery County Planning Board Meeting
Thursday, December 1, 2011
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **There were no Resolutions submitted for adoption.**

***B. Record Plats**

1. Subdivision Plat No. 220111060, Griffith's addition to Woodside Park; R-60 and C-O zones; 1 lot; located in the northeast quadrant of Spring Street and Cameron Street; North and West Silver Spring.

Staff Recommendation: Approval

2. Subdivision Plat No. 220111310, Columbia Forest, Section 2; R-60 zone, 1 lot; located on the east side of Kentbury Drive, 200 feet south of Rosedale Avenue; Bethesda- Chevy Chase.

Staff Recommendation: Approval

3. Subdivision Plat No. 220111320 - 220111380, Clarksburg Village; R-200/TDR zone; 75 lots, 13 parcels; located on Winding Woods Way, 600 feet east of Newcut Road; Clarksburg.

Staff Recommendation: Approval

4. Reservation Plat No. 220120010, Georgia Avenue/Norbeck Road; 2.73 acre reservation parcel; located on the north side of Norbeck Road (MD 28), approximately 700 feet west of Georgia Avenue (MD 97); Olney.

Staff Recommendation: Approval

5. Subdivision Plat No. 220120170, Edgemoor; R-90 zone, 1 lot; located on the west side of Glenbrook Road, 250 feet north of Edgemoor Lane; Bethesda- Chevy Chase.

Staff Recommendation: Approval

BOARD ACTION

Motion: **ANDERSON/WELLS-HARLEY**

Vote:

Yea: **5-0**

Nay:

Other:

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

***C. Other Consent Items**

Extension Request for Project Plan Review No. 920120010, Bethesda Center; CBD-2 zone, 2.14 acres, 466,470 square feet of non-residential development, including 193,999 square feet of hotel use, 256,672 square feet of office use and 15,799 square feet of retail use; located on Wisconsin Avenue at the southwest intersection with Norfolk Avenue and Wisconsin Avenue; Bethesda CBD

Staff Recommendation: Approval of the Extension Request

BOARD ACTION

Motion: **ANDERSON/PRESLEY**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved staff recommendation for approval of the extension request cited above.**

***D. Approval of Minutes**

Minutes of November 3, 2011

BOARD ACTION

Motion: **WELLS-HARLEY/ANDERSON**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved Planning Board Meeting Minutes of November 3, 2011, as submitted.**

2. Individual Park Naming and Dedication Policy

On July 28 staff submitted to the Planning Board Amended Park Naming and Dedication Policy Guidelines. The Board requested that the document be clarified and that it be reviewed by M-NCPPC counsel. What follows is a revised recommended "Individual Naming Rights and Dedications Policy."
Staff Recommendation: Approval

BOARD ACTION

Motion: **WELLS-HARLEY/PRESLEY**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Following a brief Parks Department staff presentation and Board discussion, approved staff recommendation for approval of the Amended Individual Park Naming Rights and Dedication Policy.**

Roundtable Discussion - POSTPONED

- Parks Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **This item was postponed.**

4. Westbrook Elementary School

***A. Forest Conservation Plan for Mandatory Referral MR 2012006**, Westbrook Elementary School, R-60 zone, 9.70 acres, Expansion of the existing school building, construction of two new asphalt play areas, one new mulched area, expansion of the parking lot, and reconstruction of sidewalks and one mulched area; located north of Allan Terrace and east of Westridge Drive; Bethesda Chevy-Chase

Staff Recommendation: Approval with Conditions

B. Mandatory Referral MR 2012006; R-60 zone, 9.70 acres, Expansion of the existing school building, construction of two new asphalt play areas, one new mulched area, expansion of the parking lot, and reconstruction of sidewalks and one mulched area; located north of Allan Terrace and east of Westridge Drive; Bethesda Chevy-Chase

Staff Recommendation: Approval to Transmit Comments

BOARD ACTION

Motion: **A. DREYFUSS/PRESLEY**
 B. ANDERSON/DREYFUSS

Vote:

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

Nay:

Other:

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

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

Planning Department staff offered a multimedia presentation of the Mandatory Referral request for Westbrook Elementary School. Staff noted that the request is for proposed improvements to the existing school and will include a proposed three-story addition to the existing building, additional onsite and offsite parking spaces, improved circulation, renovation and new construction of sidewalks and play areas, and additional classroom space to eliminate the need for temporary modular classrooms. Staff discussed issues concerning preserving the neighborhood character, environmental stewardship, and traffic circulation. Staff noted that Allan Terrace is proposed to be widened in front of the school to

maintain on-street parking while resolving traffic congestion, which occurs during school pickups and drop-offs. Staff also discussed the proposed forest conservation plan and noted that the site has numerous environmental constraints, and fourteen trees are proposed for removal, of which two might be retained, and another eleven will suffer some disturbance but are excellent candidates for retention, and will be monitored after construction.

Staff added that mitigation should be at a rate that approximates the form and function of the trees removed, and a variance request is required for four of those trees. Staff has added

4. Westbrook Elementary School

conditions providing measures to better protect the trees fronting on Allen Terrace, and noted that approval of the variance is part of the Planning Board’s approval of the Forest Conservation Plan.

Mr. Joe De Rosa, representing Montgomery County Public Schools (MCPS), introduced Messrs. William Kirwan, Architect, Matthew Willems, Engineer, and Michael Norton, Landscape Architect for MCPS, answered questions from Board members, and offered comments.

At the Board’s request, Mr. Michael Norton offered comments regarding the existing streamvalley buffer.

The following speakers offered testimony: Ms. Cathy Stocker of Allan Terrace; Ms. Valerie Baruch of Baltimore Avenue; Ms. Claire Slabaugh representing Westbrook Parents/Teachers Association; and Lynn Smelkinson of Allandale Road.

There followed extensive Board discussion with questions to staff and MCPS’ representatives.

5. Martens Property

A. Preliminary Plan 120110090: Martens Property; 455 dwelling units (including 12.5% MPDUs) and 14,426 SF of commercial uses, near the intersection of Wisteria Drive and Waters Road, 26.48 acres, RMX-2 Zone, Germantown Employment Area Sector Plan

Staff Recommendation: Approval with Conditions

B. Site Plan 820110130: Martens Property; 455 dwelling units (including 12.5% MPDUs) and 14,426 SF of commercial uses, near the intersection of Wisteria Drive and Waters Road, 26.48 acres, RMX-2 Zone, Germantown Employment Area Sector Plan

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: **A. PRESLEY/WELLS-HARLEY**
 B. PRESLEY/ANDERSON

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

Nay:

Other:

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

B. Approved staff recommendation for approval of the Site Plan, subject to revised conditions, as stated in the attached Board Resolution.

Planning Department staff discussed the proposed preliminary plan and site plan for Martens property located on 26.48 acres near the intersection of Wisteria Drive and Waters Road in Germantown. Staff noted that the proposed request is for a mixed-used development with four multi-family buildings with a combined total of 289 dwelling units, and 166 townhouses, including 12.5 percent Moderately Priced Dwelling Units (MPDUs), and retail uses primarily consolidated on the ground floor of Building 1. Staff discussed the site location and noted that there is no forest on site except for a buffer close to the CSX train tracts, which will not be disturbed. Staff also noted that Phase I of the project was approved for residential use and Phase II for commercial use. Staff noted that access will be through Waters Road which connect to Father Hurley Boulevard and the applicant will enter into a reciprocal access easement with the owner of the adjacent property to the north upon their redevelopment when the Planning Board deems it necessary to have reciprocal access through both properties. At staff's request, the applicant has eliminated three townhouses and has revised the footprint of the family building to provide more usable space and more recreational amenities that would meet the needs of various age groups. Staff discussed the site location, compatibility with the neighborhood, the site layout and proximity to the railroad tracks, relocation of the existing pond, the installation of a proposed noise fence/wall along the

5. Martens Property

tracks to buffer the residents from the trains' noise, and a proposed parking structure compatible with the proposed development and the neighborhood. Staff noted that the project will not be restricted by the pending Northwest school cluster moratorium. Staff also noted that the proposed Forest Conservation Plan, including three waivers, was approved as part of the project plan on June 23, 2011. The applicant provided various options for the design of the alignment of Waters Road connection to MD118 in order to address the project plan condition of approval and the adjacent neighbors' concerns.

Mr. Robert Brewer, attorney representing the applicant, introduced members of the applicant's team, briefly discussed the proposed project, and concurred with the staff recommendation.

Mr. Russ Gestl of Buchanan Partners, the applicant, offered comments and noted that the project was revised with staff's help and input to improve the community amenities and open space.

The following speakers offered testimony: Mr. Jody Kline, attorney representing Messrs. Morton Taubman, Mark Wilder, and Steve Crum, adjacent neighbors; and Mr. Kevin David representing Montgomery County Cluster Parents/Teachers Association (MCCPTA) Seneca Valley Cluster.

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

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 public purpose and matters directly related thereto and pursuant to State Government Article Annotated Code of Maryland 10-508(a)(14) to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal before the contract is awarded or bids are opened, if public discussion or disclosure would adversely impact the ability of the Commission to participate in the competitive bidding or proposal process

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

7. Site Plans for the Cabin Branch Neighborhood

A. Limited Site Plan Amendment No. 82005015B: Cabin Branch Neighborhood Infrastructure Site Plan; Between Clarksburg Road, Old Baltimore Road and I-270, 1886 dwelling units, MXPDP and RMX-1/TDR Zones, Clarksburg Master Plan

Staff Memo; Revised Final Forest Conservation Plan Sheets

Staff Recommendation: Approval with Conditions

B. Limited Site Plan Amendment No. 82006029A: Winchester Phase 1 of the Cabin Branch Neighborhood (includes a Water Quality Plan) Adjacent to the intersection of Clarksburg Road (MD 121) & Broadway Avenue, MXPDP and RMX-1/TDR Zones, Clarksburg Master Plan

Staff Recommendation: Approval with Conditions

C. Site Plan No. 8-20110080: Winchester Phase 2 of the Cabin Branch Neighborhood (includes a Water Quality Plan) Adjacent to the intersection of Little Seneca Parkway and Broadway Avenue, MXPDP and RMX-1/TDR Zones, Clarksburg Master Plan

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: **A. DREYFUSS/ANDERSON**
 B. DREYFUSS/ANDERSON
 C. DREYFUSS/ANDERSON

Vote:

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

Nay:

Other:

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

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

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

In keeping with the technical staff reports of November 18, 2011, Planning Department staff offered a multimedia presentation of the proposed limited site plan amendments for Cabin Branch Neighborhood and Winchester Phase I and II projects. Staff discussed in detail the proposed site plans amendments, and noted that Winchester Homes, Inc. has applied to construct 341 new homes, which is the first phase of a proposed residential development within the 535-acre tract that forms the heart of the Cabin Branch Neighborhood. Staff also discussed the proposal to restore the existing historic Bryne Warfield farmhouse, construct an additional 439 new homes, dedicate an elementary school site, and construct a new local park, known as Winchester II. Staff

7. Site Plans for the Cabin Branch Neighborhood

also discussed proposed revisions to the conditions of approval, including conditions of approval of the water quality plan. The fully built Winchester plans will consist of 3,886 residential units with 2,420,000 square feet of commercial space, and 500 senior housing units. Staff noted that the new development will include an elementary school and a local stream buffer park, in addition to a variety of attractive public open spaces distributed throughout the neighborhood proposed enclaves.

Mr. Robert Brewer, attorney representing the applicant, Winchester Homes, Inc. introduced Ms. Sylke Knuppel of Winchester Homes, and Mr. Gary Unterberg, Engineer for the applicant, briefly discussed the proposed project, and concurred with the staff recommendation.

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

8. Subdivision Plat No. 220110700, Battery Park Section 2

C-2 zone; request to plat a 2,572sf part of lot into one ownership lot including a request for a waiver of Section 50-35A(a)(4) of the Subdivision Regulations pursuant to Section 50-38; located on Old Georgetown Road (MD 187) east of Cordell Avenue; Bethesda CBD Sector Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: DREYFUSS/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the staff recommendation to grant a waiver of the Subdivision Regulations to allow the proposed lot to be platted without undergoing full subdivision review.

Planning Department staff presented the subdivision plat and request for a waiver of the Subdivision Regulations to allow a part of a lot to be platted as a lot without full subdivision review, as detailed in the staff report. Staff explained that the plat was reviewed with the understanding that it could be recorded under the minor subdivision provisions. Following extensive review, due to required dedications of right-of-way, it was determined that the plat did not qualify for recordation as a minor subdivision and, therefore full subdivision review is required unless a waiver of the applicable provision is granted. In staff's view, the plat has undergone extensive review and, due to the practical difficulty created by delays in processing at the staff level, staff supports granting the waiver and allowing recordation without requiring additional redundant review.

Mr. Robert Harris, attorney, and Mr. Carlos Garzon, the applicant, offered comments in support of the staff recommendation.

9. Preliminary Plan 120110250 – 509&513 Harding Drive

Resubdivision of one recorded lot and one unrecorded parcel for a lot line adjustment between two properties zoned R-60; no new development is proposed, only the exchange of property totaling approximately 3,103 square feet; located on the north side of Harding Drive, approximately 240 feet west of the intersection with Brunett Avenue in the Four Corners Master Plan area

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: PRESLEY/ANDERSON

Vote:

Yea: 5-0

Nay:

Other:

Action: **Approved the staff recommendation to approve the resubdivision, with a waiver of four of the resubdivision criteria, subject to conditions, as stated in the attached Board Resolution.**

Planning Department staff presented the preliminary plan proposing to resubdivide one recorded lot and one unrecorded parcel for a lot line adjustment and exchange of property between two improved residential lots, as detailed in the staff report. Staff noted that a waiver of four of the Resubdivision Criteria is requested because one of the lots being created will have the largest frontage, size, width, and buildable area of lots in the defined applicable neighborhood and, therefore, it will not comply with those criteria. In this unusual situation, staff said, compliance with all the resubdivision criteria would require creation of three lots, rather than two, and one of the existing houses would have to be torn down. In staff’s view, that would be detrimental to the character of the established neighborhood in addition to being contrary to the intentions of the two property owners. Therefore, staff supports the resubdivision as proposed, with a waiver of the four cited resubdivision criteria.

10. Final Water Quality Plans: Laytonia Animal Shelter and Laytonia Recreational Park

A. Final Water Quality Plan Amendment No. MR2010711: Laytonia Animal Shelter; 50.14 acre tract with an animal hospital, parking and stormwater management facilities, northwest quadrant of Muncaster Mill and Airpark Roads, RE-1 Zone, Upper Rock Creek Master Plan and the Upper Rock Creek Special Protection Area (SPA)

Staff Recommendation: Approval with Conditions

B. Final Water Quality Plan No. MR2010711: Laytonia Recreational Park; 50.14 acre tract with recreation fields and parking, northwest quadrant of Muncaster Mill and Airpark Roads, RE-1 Zone, Upper Rock Creek Master Plan and the Upper Rock Creek Special Protection Area (SPA)

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: **A. ANDERSON/PRESLEY**
 B. ANDERSON/WELLS-HARLEY

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

Nay:

Other:

Action: **A. Approved the staff recommendation to approve the amendment to the final water quality plan for the Laytonia Animal Shelter, as stated in the attached Board Resolution.**
 B. Approved the staff recommendation to approve the final water quality plan for the Laytonia Recreational Park, as stated in the attached Board Resolution.

Planning Department staff presented the final water quality plan for Laytonia Recreational Park and the proposed amendment to the final water quality plan for the Laytonia Animal Shelter, as detailed in the two respective staff reports. Staff noted that the two uses were the subject of a joint mandatory referral review and preliminary water quality plan. Due to timing considerations, the final water quality plan for the Animal Shelter portion of the property moved forward separately to approval. The proposed amendment to that approved water quality plan relates to additional acreage and impervious surface due to offsite State Highway Administration improvements to Airpark Road. The final water quality plan for the park portion of the site includes the acreage and impervious surface for those improvements and for 50 future parking spaces, which will not be constructed unless and until they are needed.

Chair Carrier recalled the original discussion of the mandatory referral and the Board's concern that there was not enough parking being provided for the park. At that time, the Board recommended this approach of identifying an area for 50 additional parking spaces, to be constructed if and when they are needed.

11. Closed Session

Pursuant to State Government Article Annotated Code of Maryland 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 1 or more specific employees

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

12. Presentation and Approval of Fiscal Year 2013 Operating Budgets

- Parks
- Planning
- Commissioners Office
- CAS Departments

BOARD ACTION

Motion: **ANDERSON/DREYFUSS**

Vote:

Yea: **4-0**

Nay:

Other: **PRESLEY ABSENT**

Action: **Approved the FY2013 operating budgets for the Parks Department, Planning Department, Commissioners' Office, Department of Human Resources and Management, Central Administrative Services support services, Merit System Board, Finance Department, and Internal Services Fund, as presented and subject to possible revisions due to actuarial updates for pensions and other post-employment benefits (OPEB) for retirees and, for the Parks Department only, risk management reductions based on further analysis. Further, postponed action on the operating budgets for the Legal Department and the Office of Internal Audit, pending receipt of additional information and consultation with the Prince George's Planning Board.**

Executive Director Patti Barney, Secretary-Treasurer Joe Zimmerman, and staff of the Commissioners' Office, Parks Department, and Planning Department presented an overview of the proposed FY13 operating budgets, including some changes in the budget locations where certain pension and benefits items are reported, and a resulting shift in funds, as shown in the respective staff reports. Ms. Barney noted that updated actuarial information may be forthcoming, which could cause revisions to budgets related to pensions and other post-employment benefits (OPEB). In addition, she said, there may be a reduction in the Parks Department risk management budget, to be determined through additional analysis.

In discussion, the Board emphasized a disinclination to fund new positions at this time, due to economic constraints. Based on a request for additional information about the Legal Department budget and an interest in consulting with the Prince George's Planning Board related to a new position request for the Office of Internal Audit, the Board deferred action on those two budgets.