



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 6, 2012, at 9:10 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 6:16 p.m.

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

Items 1 through 6 are reported on the attached agenda.

The Board recessed for lunch at 12:49 p.m. and to take up Item 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 1:00 p.m. in the third floor conference room, on motion of Commissioner Anderson, seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Presley present and voting in favor of the motion, and Commissioner Dreyfuss absent. The meeting was closed under authority of Annotated Code of Maryland, State Government Article, §10-508(a)(7), to consult with counsel to obtain legal advice.

Also present for all or part of the Closed Session were Associate General Counsels Carol Rubin and Sean Dixon of the Legal Department; Director Mary Bradford, Deputy Director Mike Riley of the Parks Department; Acting Director Rose Krasnow, Cathy Conlon, and Stephen Smith of the Planning Department; and Clara Moise of the Commissioners' Office.

In Closed Session, the Board received briefing from Parks and Planning Departments staff and legal counsel on the Circuit Court Order for the Batchellors Forest project.

The Closed Session was adjourned at 1:55 p.m.

The Board reconvened in the auditorium at 2:21 p.m.

Items 8 through 11 are reported on the attached agenda. Items 12 and 13 were postponed.

MCPB, 12-6-12, APPROVED

There being no further business, the meeting was adjourned at 6:16 p.m. The next regular meeting of the Planning Board will be held Thursday, December 13, 2012, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Technical Writer

Ellyn Dye
Technical Writer

**Montgomery County Planning Board Meeting
Thursday, December 6, 2012
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600**

1. Consent Agenda

***A. Adoption of Resolutions**

Corrected Resolution for National Labor College (Chevy Chase Bank-Hillandale) Preliminary Plan 12008009A – MCPB No. 12-08

BOARD ACTION

Motion: PRESLEY/ANDERSON

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

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

***B. Record Plats**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Record Plats submitted for approval.

***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**

Minutes of October 25, 2012

BOARD ACTION

Motion: **WELLS-HARLEY/PRESLEY**

Vote:

Yea: **4-0**

Nay:

Other: **DREYFUSS ABSENT**

Action: **Approved the Planning Board Meeting Minutes of October 25, 2012, as submitted.**

***2. Adoption of Burtonsville Crossroads Neighborhood Plan**

Staff Recommendation: Approval to Transmit to the Full Commission for Adoption

BOARD ACTION

Motion: **ANDERSON/WELLS-HARLEY**

Vote:

Yea: **4-0**

Nay:

Other: DREYFUSS ABSENT

Action: Following a brief Planning Department staff presentation, approved staff recommendation to transmit the Burtonsville Crossroads Neighborhood Plan Resolution to the MN-CPPC Commission for adoption.

***3. DANAC Stiles Property, Lot 6 Block D - Site Plan No. 82000018D**

Construction of a 72,000-square foot, four-story parking garage, including a variance for impacts to a specimen tree, on 3.74 gross acres in the CR1.0 C0.5 R1.0 H80 zone, located at 9707 Key West Avenue, Rockville, in the Great Seneca Science Corridor Master Plan area.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: PRESLEY/ANDERSON

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

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

Items 3 and 4 were discussed together. Please see Item 4 for summary of Planning Board's discussion.

***4. DANAC Stiles Property - Preliminary Plan 1996112A**

Amended Forest Conservation Plan, including a variance for impacts to a specimen tree, resubdivision, and establishment of easements over private roads for maintenance, liability, and public access on 30.74 gross acres in the CR2 C1.5 R1.5 H150 and CR1.0 C0.5 R1.0 H80 zones, located at 9707 Key West Avenue, Rockville, in the Great Seneca Science Corridor Master Plan area.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

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

Items 3 and 4 were discussed together.

Planning Department staff discussed the request to develop a 30.74-acre property located in the northwest quadrant of the intersection of Key West Avenue and Diamondback Drive in the Great Seneca Corridors Master Plan. Staff noted that the applicant will build 498,072 square feet of residential units and 5,000 square feet of non-residential live/work units, and a 58,935-square foot four-story parking structure which will replace an existing surface parking lot. The proposed garage will impact the critical root zone of a 52-inch specimen tree, resulting in a variance request in the final Forest Conservation Plan. The proposal also includes a request for a building setback waiver of five feet along the southern property line. The proposed project will also provide construction of two secondary roads with public access easements. The Corridor Cities Transitway (CCT) station will run underneath Key West Highway and will not cross Diamondback Drive. Staff noted that the other proposed public facilities are adequate to serve the proposed development. Staff also discussed the final Forest Conservation Plan and noted that public access easement and a Category I Easement located on the project site will be mitigated in an outside forest bank at a rate of two to one. Staff also discussed some revisions to the conditions of approval as discussed during the meeting.

Mr. Tim Dugan, attorney representing the applicant, offered comments and discussed the proposed revisions to the conditions of approval, and concurred with the staff recommendation. Mr. Edward Papazian, engineer, and member of the applicant's team, offered comments and clarification.

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

5. Preliminary Service Delivery Strategy for Countywide Park Trails Plan Amendment

The Department of Parks' Park Planning & Stewardship Division (PPSD) will provide the Planning Board with a status report on its work on the Countywide Park Trails Plan Amendment. PPSD seeks Board comments and guidance on a preliminary service delivery strategy.

Staff Recommendation: Approve Preliminary Service Delivery Strategy

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: By consensus approved the Preliminary Service Delivery Strategy for the Countywide Trails Plan Amendment.

Parks Department staff and members of the Trail Advisory Committee, i.e.: Ms. Ginny Barnes, representing the Legacy Open Space Committee & Conservation Montgomery; Messrs. Jack Cochrane, representing Montgomery Bike Advocates (MOBIKE), Joe Fritsch representing Mid-Atlantic Off-Road Enthusiasts (MORE), Ron MacNabb representing Trail Riders of Today (TROT) and Maryland Horse Council, George Tarrico representing Montgomery County Road Runners, and Austin Steo representing Trail Conservancy, offered a multi-media presentation on its work on the Countywide Park Trails Plan Amendment and discussed the remaining plan objectives, seeking guidance from the Planning Board on future work.

Staff noted that Ms. Jennifer Chambers representing the Potomac Appalachian Trail Club (PATC) and Hiking Along With Kids, LLC, and also a member of the Trails Working Group, had to leave the meeting due to work-related obligations.

There followed extensive Board discussion with questions to staff.

6. Roundtable Discussion

Parks Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Parks Director's Report – Parks Department Director Mary Bradford briefed the Board on the status of proposed repairs and cleaning for the Kemp Mill pond in response to concerns raised by community leaders and the community. Ms. Bradford also briefed the Board on the following: i) on-going training for Parks Department staff; ii) increase in cash contributions and

revenues for the Parks Foundation; iii) introduction of a new legislation spearheaded by the Commission's General Counsel regarding lead certification for parks projects.

7. Closed Session

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

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

***8. Limited Amendment, Preliminary Plan 11988285A, Hopkins Property, Lot 12 (in response to a violation)**

RC zone; 2.06 acres; one existing lot containing a single-family residential dwelling; request to relocate a portion of an existing conservation easement; located at 321 Haviland Mill Road, 700 feet north from the intersection of Brooke Road and New Hampshire Avenue in Brookeville; Sandy Spring Ashton Master Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: ANDERSON/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved the staff recommendation to approve, subject to conditions, and adopt the attached Board Resolution.

Planning Department staff presented a proposed limited amendment to an approved preliminary plan to address issues related to a violation of a conservation easement, as detailed in the staff report. Staff noted that the applicant realized that the house was constructed in the conservation easement after purchasing the property and has been pro-active in correcting the violation. Staff provided an overview of the proposed mitigation, including afforestation and relocation of a portion of the easement to another portion of the property.

Mr. Josh Maisel, the applicant’s engineer, introduced Mr. Stan Naudus, the applicant, and they concurred in the staff recommendation.

***9. Limited Preliminary Plan Amendment 11981058A: Granby Woods, Lots 35, 36 and 37, Block B**

Request for a partial release and amendment of a covenant for future right-of-way dedication and road construction; lots located on Azalea Drive approximately 600 feet southwest of its intersection with Griffith Farm Road; 5.65 acres; RE-1 zone. Upper Rock Creek Master Plan

Staff Recommendation: Approval

BOARD ACTION

Motion: ANDERSON/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Agreed to defer action.

Planning Department staff presented a request to modify a road covenant for future right-of-way dedication and road construction that was executed in association with a 53-lot subdivision approved in 1983. The covenant, which applies to lots 35, 36, and 37, and outlot D, relates to a future road to be constructed in outlot D that was not included in the preliminary plan of subdivision, but was added as part of the record plat review. Staff expressed the view that this was an inappropriately significant change to an approved subdivision during the plat process, and the road obligation would have been more appropriately attached to the applicant for the original subdivision. Staff also discussed other reasons the applicants’ request to be relieved of the road construction responsibility is justified. Referring to the draft document to release the applicants from the road construction requirement, contained in the staff report, staff proposed a revision to further clarify why the requirement was inappropriately added to the plat.

Mr. John Wayne, Ms. Debra Wayne, and Ms. Allyson Koncke, owners of the affected lots and joint applicants, spoke in support of the request.

Mr. Morgan Hendry and Mr. William Hendry, owners of Granby Farm, LLC, offered comments on the history of the covenants for the road. They also read into the record a statement by Ms. Jean Griffith, whose family owned the property at the time of the original subdivision.

There followed considerable discussion of the issue of the history of the road. The Board directed staff to conduct additional research and analysis on the issues raised in testimony.

10. Worksession No. 3: Chevy Chase Lake Sector Plan

Review of Proposed Planning Board Draft and Review of Draft Design Guidelines

Staff Recommendation: Review Draft Design Guidelines and provide guidance to staff

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing and provided guidance to staff.

In the third worksession on the Chevy Chase Lake Sector Plan, Planning Department staff presented for Board guidance an overview of the approach to the draft Design Guidelines, including structure, concepts, criteria for compatibility, and the conceptual design guidelines for the Town Center East and Newdale Mews. Staff also discussed the schedule for additional review of the draft Sector Plan and draft Design Guidelines and the anticipated timing for transmittal to the County Executive and the County Council.

Mr. Steve Robins, attorney representing the Chevy Chase Land Company, offered comments on design elements to provide visual connection from the Purple Line station to the proposed central public park in the Town Center East.

12. MOU - POSTPONED

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.

11. Public Hearing - Zoning Ordinance Rewrite

Public Hearing on General Development Regulations

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received testimony and discussed.

Planning Department staff presented an overview of the General Development Regulations, under Article 59-7, and proposed revisions.

Mr. Chuck Irish, an engineer with VIKA Incorporated; Mr. William Kominers, attorney with Lerch, Early & Brewer; and Mr. Jody Kline, attorney with Miller, Miller, and Canby, offered comments and participated in discussion with the Board.

13. Worksession on Zoning Ordinance Rewrite - POSTPONED

Worksession on General Development Regulations

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.