



**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 13, 2012, at 9:07 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 8:52 p.m.

Present were Chair Françoise M. Carrier, Vice Chair Marye Wells-Harley, and Commissioners Casey Anderson and Norman Dreyfuss. Commissioner Amy Presley joined the meeting at 9:10 p.m., during discussion of Item 2.

Items 1 through 4 are reported on the attached agenda. Due to time constraints, Item 5 was postponed to the afternoon session.

The Board recessed at 1:24 p.m. for lunch and to take up Items 7 and 12 in Closed Session. Item 6 was postponed to December 20.

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 1:40 p.m. in the third floor conference room, on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, 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 Commission purpose and matters directly related thereto; and §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 Sean Dixon and Carol Rubin of the Legal Department; Director Mary Bradford, Deputy Director Mike Riley, Bill Gries, April O'Neal, and Mitra Pedoeem of the Parks Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board discussed negotiations for acquisition of the Dustin/Sullivan property as an addition to Fairland Regional Park and consulted with counsel about legal issues related to the request for reconsideration of the Board's action on the Ashton Property on the afternoon agenda.

The Closed Session was adjourned at 2:40 p.m.

The Board reconvened in the auditorium at 3:01 pm.

Items 5 & 13 and Items 8 through 10 are reported on the attached agenda.

The Board recessed for dinner at 5:50 p.m. and reconvened in the auditorium at 7:14 p.m. to take up Items 11 and 14, Zoning Ordinance Rewrite.

There being no further business, the meeting was adjourned at 8:52 p.m. The next regular meeting of the Planning Board will be held Thursday, December 20, 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, December 13, 2012**  
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 Board Resolutions submitted for adoption.**

**\*B. Record Plats**

**1. Subdivision Plat No. 220121650, Shultz Tract**

R-200 zone; 2 lots; located on the north side of Fawsett Road, approximately 1,500 feet east of MacArthur Boulevard; Potomac Subregion Master Plan.

*Staff Recommendation: Approval*

**2. Subdivision Plat No. 220130170, Glen Meadows**

RE-1 zone; 2 lots; located in the northeast quadrant of the intersection of Glen Mill Road and Grey Fox Road; Potomac Subregion Master Plan.

*Staff Recommendation: Approval*

**3. Subdivision Plat No. 220130190, Whitehall Manor**

R-90 zone; 1 lot; located on the east side of Honeywell Lane, 150 feet south of Durbin Road; Bethesda-Chevy Chase Master Plan.

*Staff Recommendation: Approval*

**4. Subdivision Plat No. 220130200, English Village, Bradley Hills**

R-90 zone; 1 lot; located on the east side of Bradley Boulevard (MD 191), 550 feet south of Aberdeen Road; Bethesda-Chevy Chase Master Plan.

*Staff Recommendation: Approval*

**5. Subdivision Plat No. 220130390, B.F. Gilberts Addition to Takoma Park**

R-60 zone; 1 lot; located on the west side of Ritchie Avenue, approximately 800 feet south of Piney Branch Road (MD 320); Takoma Park Master Plan.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:                   ANDERSON/DREYFUSS**

**Vote:**

**Yea:                   4-0**

**Nay:**

**Other:               PRESLEY ABSENT**

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

**\*C. Other Consent Items**

**Extension of Project Plan Review No. 920120030, 7900 Wisconsin Avenue, CBD-1/CBD-R-2, 3.24 acres, Mixed-use project totaling 592,903 square feet of development including up to 575 multi-family dwelling units, 55,892 square feet of non-residential use, located at the intersection of Wisconsin Avenue and Woodmont Avenue, south of Cordell Avenue, Bethesda CBD**

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:                   DREYFUSS/WELLS-HARLEY**

**Vote:**

**Yea:                   4-0**

**Nay:**

**Other:               PRESLEY ABSENT**

**Action:            Approved the staff recommendation to grant the extension as stated in the staff report.**

**\*D. Approval of Minutes**

Minutes of November 1, 2012

**BOARD ACTION**

**Motion: WELLS-HARLEY/ANDERSON**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: PRESLEY ABSENT**

**Action: Approved the Minutes of November 1, 2012, as presented.**

**2. Staff Draft Long Branch Sector Plan**

*Staff Recommendation: Approve Staff Draft Long Branch Sector Plan as Public Hearing Draft and Set Public Hearing Date for January 24, 2013*

**BOARD ACTION**

**Motion: ANDERSON/PRESLEY**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Approved the Staff Draft as the Public Hearing Draft Long Branch Sector Plan, with revisions identified in discussion, and set the Public Hearing date for January 31, 2013.**

Planning Department provided an overview of the Staff Draft Long Branch Sector Plan, including the process and outreach, the current conditions, challenges and community concerns, and the plan vision, followed by recommendations related to specific topics, such as the purple line and mobility, stream valley buffers and imperviousness, and parks and trails, and specific land use and zoning recommendations.

Considerable discussion focused on a number of recommendations and issues, including the historic designation of the Flower Theater and the associated stores in the shopping center, potential relocation of the community center and pool to the west side of the stream valley for co-location with the library, a new police substation, provision of affordable housing, and the impact of the purple line, particularly on access to the community center and pool.

As a result of discussion, the Board agreed to defer action, pending review of revised language regarding affordable housing. The Board reviewed the language and took action on the Sector Plan during the afternoon session.

**\*3. Parklawn North**

**Site Plan 82011009A:** Amended Forest Conservation Plan including a variance request for specimen tree impact and various minor site modifications on 16.35 net acres in the TMX-2 zone; located on the north side of the terminus of Fishers Lane within the Twinbrook Sector Plan area.

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

**BOARD ACTION**

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

**Vote:**

**Yea:**                    **5-0**

**Nay:**

**Other:**

**Action:**            **Approved the staff recommendation to approve the site plan amendment and Forest Conservation Plan Amendment, with revisions, and adopt the attached revised Board Resolution.**

Planning Department staff presented a limited site plan amendment with revision to the Forest Conservation Plan, including a variance, to accommodate an off-site hiker-biker trail approved under the original site plan, as detailed in the staff report. Staff reviewed changes to the staff report and draft Resolution.

Ms. Anne Mead, attorney representing the applicant, introduced other members of the applicant team and concurred in the staff recommendation.

**4. Worksession on the Public Arts Trust Policies and Procedures and the Montgomery County Public Art Road Map**

Introduction to the Public Art Trust Steering Committee and the management of Montgomery County's public artworks, understanding the role of The Maryland National Capital Park and Planning Commission (private artworks, section 4.3) for optional method developments that propose public art as an amenity

**BOARD ACTION**

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

**Vote:**

**Yea:**                    **4-0**

**Nay:**

**Other:**                **ANDERSON TEMPORARILY ABSENT**

**Action:**            **Approved the staff recommendation to approve the draft Public Arts Trust Policies and Procedures, with revisions identified in discussion, and creation of the Public Art Road Map.**

Following introductory remarks by Planning Department staff, in keeping with the staff report, Ms. Suzan Jenkins and Ms. Michelle Cohen, of the Arts and Humanities Council of Montgomery County, presented the draft Public Arts Trust Policies and Procedures document, and discussed how it relates to the Planning Board and Planning Department role in approving amenities in public use space within optional method development projects.

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

**5.      Roundtable Discussion**

Planning Director's Report

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**            **Planning Director's Report** – Acting Planning Department Director Rose Krasnow briefed the Board on the following items:

- i)      The Public Arts Policy reviewed by the Planning Board this morning is featured on a new webpage with a slide show of images of public arts throughout the county. Staff will begin to create a public arts road map based on input received from the Board at today's meeting;

- ii) Staff has summarized the comments received at the Ten Mile Creek Study Area community meeting held in November to kick off the Master Plan Amendment process and posted them on a new webpage;
- iii) Board members are encouraged to attend the Planning Department Holiday party at McGinnty's located in the City Place mall, tomorrow, December 14; Ms. Krasnow briefly reported on the Commission's Holiday party held last Friday, December 7 at Newton White Mansion in Prince George's County.
- iv) An in-house staff Memorial Service will be held on Monday December 17 in the auditorium in memory of Bill Barron and James Sumler, two staff members who passed away recently;
- v) Staff received a news release this week stating that the Defense Department is releasing \$18.3 million, in the context of the Base Realignment and Closure (BRAC) project, to improve access to the Walter Reed National Military Medical Center in Bethesda. The fund will be managed by Maryland State Highway and will be used to construct Maryland Route 185 and the Jones Bridge Road/ Kensington Parkway Intersection Improvement project; and
- vi) The Farming Conference at Metro's Edge, co-funded by the Commission, will be held January 11 and 12, 2013, at the Universities at Shady Grove. Planning staff has been involved in planning this two-day conference which will bring together consumers, farmers, business people, and policy-makers.

**6. Closed Session - POSTPONED TO DECEMBER 20, 2012**

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: This item was postponed.**



**7. 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 State citation and open session report in narrative minutes.**

**12. 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 State citation and open session report in narrative minutes.**

**13. Ashton Property Reconsideration Request**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: No motion was made. Request for Reconsideration failed.**

Following a brief presentation by legal staff of a reconsideration request for the Ashton Property Preliminary Plan, the Planning Board made no motion to approve the reconsideration request.

**\*8. Preliminary Plan No. 120120090: Olney Assisted Living**

A request for approval of one lot for the construction of a 30,458 square foot, 64-bed domiciliary care facility (S-2819), on a 3.59-acre parcel, R-200 Zone, located on the west side of Georgia Avenue (MD97) approximately 640 feet south of its intersection with Old Baltimore Road in the Olney Master Plan area.

*Staff Recommendation: Approval with Conditions and Adoption 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 submitted Resolution, including revised conditions discussed at the meeting.**

In accordance with the November 30 technical staff report, Planning Department staff discussed the request to construct a 30,458-square foot, 64-bed domiciliary care facility on a 3.59-acre property located on the west side of Georgia Avenue (MD 97) at its intersection with Old Baltimore Road in the Olney Master Plan area. Staff noted that the property will be served by public water and sewer and the facility will operate twelve hours a day, seven days a week, and will have 70 staff members on site on a rotational basis. Staff discussed the building design and scale and noted that the building height is 13

feet 10 inches. The landscaping plan will include a bio-retention facility, with various forest conservation easements located along the property lines.

Ms. Erin Girard and Mr. Robert Dalrymple, attorneys representing the applicant, introduced Mr. Donald Feltman of Artis Senior Living Inc., offered comments, and concurred with the staff recommendation.

The following speakers offered testimony: Mr. Walter Teague of Homewood Parkway, Ms. Eda Teague of Homewood Parkway, and Mr. Ron Ladue representing the Church of Christ at Olney.

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

**\*9. Mallory Square - POSTPONED AT REQUEST OF APPLICANT**

**A. Preliminary Plan 120120180, Mallory Square;** Request to record two lots for up to 800,000 square feet of density with 796,500 square feet of residential uses and up to 3,500 square feet of non-residential uses on 12.81 gross acres in the CR1.5 C1.5 R1.5 H100 zone; located on Research Boulevard 400 feet west of Shady Grove Road within the Great Seneca Science Corridor Master Plan area.

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

**B. Site Plan 820120130, Mallory Square;** Request for 800,000 square feet of density with 682 units in two buildings and 3,500 square feet of non-residential uses, the removal of the neighborhood services public benefit and the addition of the public art public benefit, and a parking waiver request for 44 additional parking spaces, zoned CR1.5 C1.5 R1.5 H100; located on Research Boulevard, 400 feet west of Shady Grove Road, within the Great Seneca Science Corridor Master Plan area.

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

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:** This item was postponed at the applicant's request.

**10. Wheaton High School and Thomas Edison High School of Technology Modernization**

**\*A. Forest Conservation Plan No 2013011, Wheaton High School and Thomas Edison High School of Technology Modernization:** R-60 Zone, 28.23 acres. Replacement of the current facility with two separate buildings on the existing site, North of Randolph Rd at 12601 Dalewood Dr. Kensington-Wheaton Master Plan area

Kensington-Wheaton Master Plan area

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

**B. Mandatory Referral No. 2013011, Wheaton High School and Thomas Edison High School of Technology Modernization:** R-60 Zone, 28.23 acres. Replacement of the current facility with two separate buildings on the existing site, North of Randolph Rd at 12601 Dalewood Dr. Kensington-Wheaton Master Plan area

Kensington-Wheaton Master Plan area

*Staff Recommendation: Approval and Transmittal of Comments*

**BOARD ACTION**

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

**Vote:**  
**Yea:**                   **A. & B. 5-0**  
**Nay:**  
**Other:**

**Action:**           **A. Approved staff recommendation for approval of the Preliminary Forest Conservation Plan, subject to conditions, and adopted the Resolution.**  
                          **B. Approved staff recommendation to transmit comments to the Montgomery County Public Schools Superintendent, as stated in the attached transmittal letter.**

In keeping with the December 5 technical staff report, Parks and Planning Departments staff discussed the Mandatory Referral application and the Forest Conservation Plan (FCP) from the Montgomery County Public Schools (MCPS) to modernize the Wheaton High School and the Thomas Edison High School of Technology in the Kensington-Wheaton Master Plan area. Staff noted that the anticipated temporary and permanent impacts on the adjoining Glenmont Local Park, i.e. short-term closure of the park, temporary loss of the softball field, and the possible loss of acreage, are of great concerns to staff, and a list of conditions of approval are listed in the staff report to address these concerns. Staff discussed in detail the conditions of approval and recommendations. Staff also briefly discussed the FCP, and noted that all on-site forest will be retained, and the forest conservation planting requirements will be met off-site.

Mr. James Song Director of Facilities Management for MCPS offered comments and answered questions from the Board.

There followed extensive Board discussion with questions to staff and Mr. Song.

Chair Carrier noted that while the Planning Board fully supports MCPS' mission, the Board hopes that MCPS will understand that the Board cannot allow the County's park system to be diminished without appropriate compensation.

The Planning Board instructed staff to work with Mr. Song in finding an appropriate and timely resolution between the two agencies to allow this project to proceed.

**14. Worksession on Zoning Ordinance Rewrite**

Admin and Procedures

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Discussed and provided guidance to staff in a worksession on Administration and Procedures in the context of the draft Zoning Ordinance Rewrite.**

**11. Public Hearing - Zoning Ordinance Rewrite**

Public Hearing on Admin and Procedures

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Continued discussion and provided guidance to staff in a worksession on Administration and Procedures in the context of the draft Zoning Ordinance Rewrite.**

The following speakers offered testimony: Mr. Stephen Elmendorf of Myers Manor Court; Mr. Bill Kominers, attorney; and Mr. Steven Robbins, attorney.