



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, January 19, 2012, at 9:05 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 8:37 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 6 are reported on the attached agenda.

The Board recessed at 2:28 p.m. for lunch and to take up Item 15 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 2:40 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, 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)(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 one or more specific employees.

There were no others present for the Closed Session.

In Closed Session, the Board discussed Planning Department personnel issues.

The Closed Session adjourned at 3:25 p.m.

The Board reconvened in the auditorium at 3:35 p.m.

Item 14 was postponed. Items 10C, 7, 8, 10B, 9, 10A, 11 and 12, taken up in that order, are reported on the attached agenda.

The Board recessed for dinner at 5:20 p.m. and reconvened in the auditorium at 8:00 p.m.

Item 13 is reported on the attached agenda.

There being no further business, the meeting was adjourned at 8:37 p.m. The next regular meeting of the Planning Board will be held Thursday, January 26, 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, January 19, 2012
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

*A. Adoption of Resolutions

- 1. Kensington Fire Station #25 Forest Conservation Plan MR2011205 – MCPB No. 11-45**
- 2. 8621 Georgia Avenue Site Plan No. 820110060 – MCPB No. 11-73**
- 3. 9800 Medical Center Preliminary Plan 120110080 – MCPB No. 11-92**
- 4. Seneca Crossing Local Park Forest Conservation Plan No. PP2012001- MCPB No. 11-95**
- 5. 10914 Georgia Avenue Preliminary Plan 120110320 – MCPB No. 11-101**
- 6. 10914 Georgia Avenue Site Plan 820110100 – MCPB No. 11-102**

BOARD ACTION

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

Vote:

Yea: A. 5-0 (# 1, 2, & 4)
 B. 4-0-1 (# 3, 5, & 6)

Nay:

Other: B. PRESLEY ABSTAINED

Action: Adopted Resolutions cited above.

*B. Record Plats

[Subdivision Plat No. 220101090, Aigner Property](#); RDT zone, 2 lots, 1 parcel, 1 outlet; located on the east side of Old Hundred Road (MD 109), approximately 3,800 feet north of Comus Road (MD 95); Agriculture and Rural Open Space Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved Record Plat cited above.

*C. Other Consent Items

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Consent Items submitted for approval.

*D. Approval of Minutes

Minutes of December 1, 2011

BOARD ACTION

Motion: ANDERSON/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved Minutes of December 1, 2011, as submitted.

2. [Department of Parks and Department of Planning Resource Conservation Plan – FY13](#)

Briefing on the energy and utility conservation cost savings by Richard Anderson, President of CQI Associates

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing from Parks Department staff and Mr. Richard Anderson, consultant, on the energy and utility conservation cost savings for buildings occupied by the Planning Department and the Parks Department staff, and by consensus approved transmittal of the Resource Conservation Plan to Montgomery County Government.

Following a briefing and a multimedia presentation by Parks Department staff and Mr. Richard Anderson, consultant from CQI Associates, and questions from Board members, Parks Department staff noted that a copy of the Resource Conservation Plan for both departments will be submitted to Montgomery County Government for inclusion in the annual combined agency Resource Conservation Plans document prepared by the Interagency Committee on Energy and Utilities Management. Staff noted that the Plan reflects accomplishments for both departments as of December 2011 and plans to conserve energy and water resources in FY13.

3. [Worksession: Countywide Transit Corridors Functional Master Plan](#)

Discussion of Bus Rapid Transit network corridor functions, repurposing travel lanes as bus lanes, and the impacts of various levels of treatment on a sampling of corridors

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:Received briefing followed by discussion.

Planning Department staff and consultants offered a multimedia presentation and discussed the functions of the proposed Bus Rapid Transit (BRT) corridors, repurposing travel lanes as bus lanes, and impact on existing development.

There followed extensive Board discussion with questions to staff and the consultants.

4. [City of Rockville Annexation Petition – ANX2011-00142](#)

Located at 9608 Veirs Drive, Rockville; Potomac Subregion Master Plan area. Reclassification from the County’s RE-1 Zone to the City’s R-400 Zone; 46,690 square feet

Staff Recommendation: Approval to Transmit Comments

BOARD ACTION

Motion: DREYFUSS/ANDERSON

Vote:

Yea: 5-0

Nay:

Other:

Action:Approved staff recommendation to transmit comments to the City of Rockville, as stated in the attached transmittal letter.

Planning Department staff briefly discussed the proposed annexation of a property located on Veirs Drive in Rockville. Staff noted that the proposed annexation will require the reclassification of the property from the County’s RE-1 Zone to the City’s R-400 Zone. The proposed R-400 zoning classification is not substantially different from the RE-1 Zone and will not adversely affect the overall implementation of the approved and adopted Potomac Subregion Master Plan. The staff report will be transmitted to the City of Rockville as input for the public hearing record.

5. Board of Appeals No. S-2815: Dr. Veena J. Alfred & Alfred House Eldercare. Inc.

*A. [Preliminary Forest Conservation Plan No. S-2815: Dr. Veena J. Alfred & Alfred House Eldercare](#)

Staff Recommendation: Approval with Conditions

B. [Special Exception No. S-2815 Dr. Veena J. Alfred & Alfred House Eldercare: Request for a special exception for a 34-bed domiciliary Care Home, RE-1 Zone; located at 6020 Needwood Road in Derwood, MD, Upper Rock Creek Plan](#)

Staff Recommendation: Approval with Conditions

(Action Required for Hearing by the Hearing Examiner on 01/27/12)

BOARD ACTION

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

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 for approval, subject to conditions, as stated in the attached transmittal letter to the Hearing Examiner.

In keeping with the January 5 and 6 technical staff reports, Planning Department staff discussed the special exception request to permit construction of a new two-story dormitory building that will provide services for a 34-bed domiciliary care home for elderly persons. The building will contain bedrooms, bathroom, a kitchen facility, a dining room, common areas, and administrative areas for personnel. Staff also discussed the forest conservation plan which will include 0.97 acres of forest clearing to be mitigated at an approved, offsite forest bank, and a request to remove nine trees and impact seven trees, subject to the variance provision.

Mr. David Freishtat, attorney representing the applicant, introduced Dr. Veena Alfred, the applicant, answered questions from Board members, and concurred with the staff recommendation.

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

*6. [Pre-Preliminary Plan Review No. 720110110, Bradley Hills Grove](#)

R-200 zone, 2.36 acres, Request Planning Board advice regarding a proposal to resubdivide 1 existing lot into 2 lots; located at 6817 Hillmead Road approximately 800 feet east of Burdette Road; Bethesda-Chevy Chase Master Plan

Staff Recommendation: No Objection to Submittal of a Preliminary Plan of Subdivision

BOARD ACTION

Motion: DREYFUSS/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Following Planning Department staff presentation and Board discussion, approved staff recommendation of non-objection to the submittal of a preliminary plan of subdivision.

In keeping with the January 6 technical staff report, Planning Department staff noted that this is a pre-preliminary subdivision plan to obtain the Planning Board advice on a proposal to subdivide an existing lot into two lots on a 2.36-acre property located on Hillmead Road, approximately 800 feet east of Burdette Road in the Bethesda. Staff noted that after review of the request, staff has no objection to the submittal of a preliminary plan.

Ms. Susan Reutershan, attorney representing the applicant, introduced Dr. James Ramey, the applicant, briefly discussed the proposed request, and concurred with the staff recommendation.

Dr. James Ramey, the applicant, offered comments.

Mr. Curt Schreffler, engineer for the applicant, discussed the proposed request.

The following speakers offered testimony: Mr. Stan Abrams, attorney representing Mr. Alan Hammershlag of Hillmead Road; and Ms. Louise Postman of Hillmead Road.

In rebuttal, Mr. Schreffler addressed the concerns expressed by Mr. Abrams on behalf of Mr. Hammershlag regarding the lot size, shape, and proposed setback.

At the Board’s request, Ms. Susan Bambi representing the Department of Permitting Services (DPS), offered comments regarding the proposed setback, and offered documentation regarding a previously approved similar case.

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

15. 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 official citation and open session report in narrative minutes.

14. [Proposed Amendment to the Local Area Transportation Review and Policy Area Mobility Review Guidelines](#) - POSTPONED

Proposal to change language on page 19 to modify the requirements that must be met in order for a project to receive a building permit

Staff Recommendation: Approval

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.

10. Roundtable Discussion

C. Legislative Update

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:By consensus, supported proposing an amendment to Bill MC 16-21.

Legal Department and Planning Department staff briefed the Board on pending Bill MC 16-12, which would render unenforceable any covenants or restrictions on agricultural uses of agricultural property. The bill, which is to relieve a property owner from a homeowners association covenant that prohibits fencing needed to enclose farm animals, would also render unenforceable other covenants and restrictions, such as forest conservation easements and easements under the Maryland Agricultural Land Preservation Foundation (MALPF) program. Staff is working with the Department of Natural Resources and MALPF staff to draft an amendment to the proposed legislation to exempt certain types of easements that are created for State and local programs.

*7. [Preliminary Plan 12008009A – George Meany Center \(National Labor College\)](#)

Amendment to the approved Preliminary Plan to amend the existing Category 1 Forest Conservation Easement on the property to allow the Washington Suburban Sanitary Commission (WSSC) to construct a new pressure reducing valve system on the National Labor College property, R-90 and O-M Zones, 46.9 acres located on the northwest side of New Hampshire Avenue and I-495 in the White Oak Master Plan area.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: DREYFUSS/ANDERSON

Vote:

Yea: 5-0

Nay:

Other:

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

Planning Department staff presented the proposed amendment to an approved preliminary plan to amend a Category I Forest Conservation Easement to allow installation of a pressure reducing valve vault by the Washington Suburban Sanitary Commission (WSSC), as detailed in the staff report. Staff added new condition 3, stating that all other conditions of the originally approved preliminary plan and forest conservation plan remain in effect.

Mr. John Mitchell of WSSC and Mr. Jim Gentile of the National Labor College offered comments.

*8. [Preliminary Plan Amendment 11991075A – Strathmore at Bel Pre](#)

Amendment to the approved Preliminary Plan to amend the existing Category 1 Forest Conservation Easement on the property to allow the demolition of the existing one-level dormitory building, construction of a new two-story facility, realignment of the parking areas, replacement of the on-site SWM facilities, and adjustment of FEMA 100-Year Floodplain to reflect latest FEMA Maps. R-90 Zone, 4.64 acres located at the southwest corner of Layhill Road and Fargrove Lane in the Kensington-Wheaton Master Plan area

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

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

Planning Department staff presented the proposed amendment to an approved preliminary plan to amend a Category I Forest Conservation Easement to allow demolition and relocation of a dormitory building, realignment of parking areas, replacement of stormwater management facilities, and other adjustments, as detailed in the staff report. Staff corrected the report to reflect that 0.09 acres will be removed from the easement area and the applicant will mitigate 0.11 acres through an offsite forest bank. Mitigation through planting will be at a 2:1 ratio, while mitigation through protection of existing forest will be at a 4:1 ratio. Concluding, staff made one correction to condition 4 and added a new condition stating that all other

conditions of the originally approved preliminary plan and forest conservation plan remain in effect.

Mr. Patrick La Vay, representing the applicant, concurred in the staff recommendation and responded to questions from the Board.

*9. [Final Forest Conservation Plan Amendment for Mandatory Referral MR 2001806, Montrose Parkway West](#)

R-90 Zone, 10.5 acres. Amendment to Final Forest Conservation Plan for Montrose Parkway West for construction of trail connection between Tildenwood Lane and Montrose Parkway; located near intersection of Tildenwood Lane and Montrose Parkway; North Bethesda Garrett Park Sector Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: ANDERSON/DREYFUSS

Vote:

Yea: 5-0

Nay:

Other:

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

Planning Department staff presented the proposed amendment to add a 10-foot paved hiker-biker trail connection, from Swim Club Way to Tildenwood Drive, to the previously approved Forest Conservation Plan for Montrose Parkway West, as detailed in the staff report. The proposed trail crosses a 10.5-acre parcel covered by mature hardwood forest and increases forest disturbance by 0.71 acre. Staff discussed the proposed mitigation at the County Department of Transportation (DOT) forest bank. Staff also discussed other possible alignments that were analyzed, but rejected, because it was determined that they would have greater negative impact on the forest than the selected alignment.

10. Roundtable Discussion - CONTINUED

A. Planning Director's Report

B. Clarksburg Town Center, Quarterly Update - Elm Street Development

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:Received briefings.

A. Planning Director's Report—**Planning Director Rollin Stanley and staff presented the new Help page on the Department’s website, which provides easy access to information about planning topics, staff contacts for different functions, organizational charts, and other items, and includes an online form to submit questions to the new Department Answer Team.**

B. Clarksburg Town Center, Quarterly Update - Elm Street Development—**Mr. David Flanagan of Elm Street Development discussed the current situation and an action plan for the Clarksburg Town Center development, now that his company has purchased the property, which is currently planned for over 190,000 square feet of retail development and over 300 housing units. Mr. Flanagan said that the current approved site plan is not economically feasible and he will be working with the community and staff to improve the plan and make it feasible.**

There followed some discussion of issues related to the current site plan. Planning Department staff participated in the discussion, responding to questions from the Board and providing information as needed.

11. [Zoning Text Amendment 11-08](#)

Define a commercial kitchen; and add accessory commercial kitchen as a permitted land use in certain residential zones under certain circumstances.

Staff Recommendation: Transmit Comments to County Council
(Action Required for County Council Public Hearing of 1/24/12)

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the staff recommendation to approve, with modifications proposed by staff, as stated in the attached Letter of Transmittal.

Planning Department staff presented the proposed Zoning Text Amendment to define a commercial kitchen and add an accessory commercial kitchen as a permitted use, subject to certain conditions, in the R-60 and R-90 Zones for service category uses that are permitted by right, such as places of worship, publicly supported ambulance or rescue squads, fire stations and other publicly owned or operated uses. Excluded service categories include home occupations, day care facilities, and adult foster care homes, and any special exception uses. Staff proposed adding opportunity housing and respite care to the excluded service categories.

There followed some discussion about addressing issues such as hours of operation, parking, and truck traffic.

*12. [Limited Site Plan Amendment: 81994029D Milestone Shopping Center](#)

Located at 20910 Frederick Road, 15.32 acres within the Germantown Employment Area Sector Plan in the RMX-3 zone, requesting 1) the expansion of the existing Walmart building by 15,863 square feet; 2) adjustments to the associated parking facilities and the site tabulations; 3) modifications to the SWM facilities; and 4) revisions to the Landscape and Lighting plans.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: DREYFUSS/ANDERSON

Vote:

Yea: 5-0

Nay:

Other:

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

Planning Department staff presented the limited site plan amendment for the Milestone Shopping Center, as noted above and as further detailed in the staff report. Staff also distributed several editorial revisions to the conditions of approval.

Mr. Thomas Kleine, attorney representing the applicant, introduced other members of the applicant team and concurred in the staff recommendation.

*13. [Falklands North](#)

A. Site Plan Review No. 820120050, Falklands North, CBD-R1 zone, 9.77 acres; multi-building mixed-use development with a total of 1,276,329 square feet, including 70,000 square feet of retail and 1,250 multi-family and townhouse dwelling units (including 12.5% MPDUs and 4.72% Workforce Housing Units); located in the northeast quadrant of the intersection of 16th Street and East-West Highway; Silver Spring CBD
Staff Recommendation: Approval with Conditions

B. Action on Locational Atlas Resource #36/12-B: Falkland Apartments North Parcel; **Board action pursuant to the Planning Board Resolution dated December 29, 2009, requiring the removal of the North Parcel from the Locational Atlas upon approval of a site plan application or applications for the redevelopment of the entirety of the north parcel of the Falkland Apartments, located in the northeast quadrant of the intersection of East/West Highway (MD 410) and 16th Street, Silver Spring.**
Staff Recommendation: Remove the North Parcel of the Falkland Apartments (Locational Atlas resource #36/12-B) from the Locational Atlas and Index of Historic Sites

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 site plan, subject to revised conditions, as stated in the attached Board Resolution.

 B. Approved the staff recommendation to remove the North Parcel of the Falkland Apartments (Locational Atlas resource #36/12-B) from the *Locational Atlas and Index of Historic Sites*, in accordance with the requirements of Board Resolution MCPB No. 08-151.

Planning Director Rollin Stanley provided an overview of the multi-year process that led to the current proposal for redevelopment of the subject property, and the issues addressed, including efforts to balance historic preservation with development close to a Metro station.

Planning Department staff then offered a multimedia presentation of the proposal to redevelop the site, currently improved with garden apartments, with a multi-building, mixed-use development, which includes 70,000 square feet of retail and 1,250 multi-family and townhouse dwelling units, including 157 moderately priced dwelling units (MPDUs) and 59 workforce

13. [Falklands North](#)

housing units, as detailed in the staff report. Staff also noted the plan includes 65,000 square feet of public use space and 70,000 square feet of offsite amenity space, which includes restoration and beautification of the stream area on the adjacent South Parcel. Concluding, staff distributed corrections to the staff report, including a new condition 15.k., and Legal Department staff proposed a modification to condition 13.

Mr. Don Hague of the applicant company and Mr. Robert Sponseller, the architect, provided additional information on the development, particularly the amenity spaces, which include public gardens, fountains, and terraces with seating.

Historic Preservation staff noted that in order to fulfill the requirements of Board Resolution MCPB No. 08-151, the Board must act to remove the North Parcel of the Falkland Apartments (Locational Atlas resource #36/12-B) from the *Locational Atlas and Index of Historic Sites* upon approval of a site plan for the property.

There followed some discussion, with Mr. Hague responding to Board queries about the anticipated timing of the project and the relocation plan for current residents.