



**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, April 22, 2010, at 9:00 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 4:45 p.m. The meeting was called to order by honorary Chair Elisa Rivas, age 15, in recognition of National Bring Your Child to Work Day, and the Board briefly recessed for photographs with the visiting children.

Present were Chairman Royce Hanson, Vice Chair Marye Wells-Harley, and Commissioners Joe Alfandre and Norman Dreyfuss. Commissioner Amy Presley joined the meeting at 9:05 a.m.

Items 1-4 and 9 are reported on the attached agenda.

The Board recessed at 1:35 p.m. for lunch. Closed Session Item 5 was postponed.

The Board reconvened in the auditorium at 2:40 p.m.

Items 6 through 8 and Items 10 and 11 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 4:45 p.m. There will be a Planning Board meeting on Monday, April 26 at 7:30 p.m. There will not be a meeting on Thursday, April 29 as Planning Board members will take a tour of the parks. The next regular meeting of the Planning Board will be held Thursday, May 6, 2010, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye  
Technical Writer

M. Clara Moise  
Technical Writer

**Montgomery County Planning Board Meeting**  
**Thursday, April 22, 2010, 9:00 A.M.**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600

**1. Consent Agenda**

**\*A. Adoption of Resolutions**

1. MDR Friends Aplenty, Pre-Preliminary Plan No. 720090100 I - Pre-Preliminary Plan No. 720090100 - ADOPTION OF MCPB RESOLUTION No. 10-42

2. Glenmont Metro Parking Structure (MR2009737) - ADOPTION OF MCPB RESOLUTION No. 10-43

**BOARD ACTION**

**Motion:** WELLS-HARLEY/DREYFUSS

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** PRESLEY ABSENT

**Action:** Adopted the Board Resolutions cited above.

**B. Records Plats**

**Subdivision Plat No. 220100250, Cobb's addition to Bradley Farms**

RE-2 zone, 1 lot; located on the north side of Bradley Boulevard, 500 feet west of Congressional Court; Potomac.

*Staff Recommendation: Approval*

**Subdivision Plat No. 220081750, Rock Creek Vista**

RE-2 zone, 2 lots; located in the northeast quadrant of the intersection of Muncaster Road and Hollingsworth Drive; Upper Rock Creek.

*Staff Recommendation: Approval*

**Subdivision Plat No. 220100260, Rolling Acres**

R-90/TDR zone, 10 lots, 2 parcels; located on the west side of Old Columbia Pike, 100 feet south of Carters Grove Drive; Fairland.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: ALFANDRE/WELLS-HARLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: PRESLEY ABSENT**

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

**\*C. Other Consent Items**

**Site Plan Amendment Review No. 82006031A, Montgomery Industrial Park** – Lot 39, I-1 zone; 1.69 acres; amendment; modify driveway, expand dumpster pad, add storm drains, remove retaining wall along property line, add access ramp and loading area, modify parking layout, modify landscaping, revise LOD, add door locations, monument sign and transformer pad, update architectural; located on Broadbirch Drive, approximately 425 feet east of Tech Road; Fairland

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion: DREYFUSS/WELLS-HARLEY**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

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

**\*D. Approval of Minutes**

Minutes of March 15, 2010 and March 18, 2010.

**BOARD ACTION**

**Motion:**                    **WELLS-HARLEY/ALFANDRE**

**Vote:**

**Yea:**                    **5-0**

**Nay:**

**Other:**

**Action:**            **Approved the minutes of March 15 and 18, 2010, as presented.**

**2.     Zoning Code Rewrite**

An update by Code Studio, the consultant on the rewrite project, to include further discussion on the Project Approach & Annotated Outline Report, review of the public open houses held recently to obtain feedback on key elements of the rewrite, and next steps in the project.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**            **Received briefing and discussed.**

Mr. Lee Einsweiler of Code Studio, the consultant, reported on feedback received on-line and at the public forums on the circulated Draft Approach and Outline report, and provided an overview of how the revisions to the Zoning Ordinance text will be tracked online. He noted that his presentation on the Zoning Ordinance rewrite to the County Council on Tuesday was very well received.

There followed considerable discussion of the process of addressing concerns about the significant changes to the Zoning Ordinance from the public, property owners, and the development community; the policy issues that must be addressed; the implementation of the revised Zoning Ordinance; and the interaction with and applicability to adopted master plans.

**3. Fairland Park Community**

**A. Preliminary Plan 12005020A**, Fairland Park Community, PD-2 zone; 130.45 acres; 245 lots requested for 214 one-family detached dwelling units and 31 townhouses, including a minimum 12.5% moderately priced dwelling units; located at the southeast quadrant of the intersection of Cedar Tree Drive and Islewood Terrace; Fairland.

*Staff Recommendation: Approval with Conditions*

**B. Site Plan Amendment Review No. 82005006A**, Fairland Park Community, PD-2 zone; 130.45 acres; 214 single family dwelling units, 31 MPDUs townhouses; located at the southeast quadrant of the intersection of Cedar Tree Drive and Islewood Terrace; Fairland

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

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

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

**Nay:**

**Other:**

**Action:**            **A. Approved the staff recommendation to approve the preliminary plan amendment, subject to conditions as revised in discussion, as stated in the attached Board Resolution.**

**B. Approved the staff recommendation to approve the site plan amendment, subject to conditions as revised in discussion, as stated in the attached Board Resolution.**

Development Review staff presented the preliminary plan and site plan for the subject property, including an overview of the history of actions taken related to zoning, previous development plans to create a golf course community, exchanges of public and private land, and the acquisition of environmentally sensitive areas under the Legacy Open Space program, as detailed in the staff report. Staff also discussed several requested waivers, including a waiver of the street frontage requirements for 20 lots and a waiver of the right-of-way width and the centerline curve radius for Saddle Creek Drive. With regard to the site plan, staff discussed various elements of the proposal, including lot layout, vehicular and pedestrian circulation, open space, and recreation facilities. Staff drew the Board's attention particularly to safety issues related to the proximity of units to the adjacent Gunpowder Golf Course. Staff also distributed and reviewed revised conditions for the preliminary plan, forest conservation plan, and site plan and, in the course of discussion, made several additional revisions to the conditions and the staff report.

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**3. Fairland Park Community**

CONTINUED

Ms. Barbara Sears, attorney, and Mr. Bernie Rafferty, of the applicant company, concurred in the staff recommendation, elaborated on the history and previous plans for the site, and highlighted various elements of the current proposal, including the dedication of a school site.

Mr. Patrick Zilliacus, representing the Avonshire Homeowners Association; Mr. Thomas Milligan, the operator of Gunpowder Golf Course; and Mr. Charles Simms, representing the Gunpowder Players Association, offered comments.

Mr. Craig Shuman and Ms. Mary Pat Wilson, representing Montgomery County Public Schools (MCPS), discussed issues with the school site, including the size of the site, stormwater management, and forest conservation for the subject plan and the relationship to the school site.

There followed considerable discussion of issues related to the screening of the errant ball fence abutting the golf course and the relationship of the forest conservation plan for the preliminary plan to forest conservation for the school site. In discussion, the Board made further revisions to the proposed conditions of approval.

**4. McKnew Conservation Park**

Authorization to acquire 161,870 square feet (3.72 acres), more or less, unimproved, from Steven T. and Martina T. Jones, located west of Birmingham Drive, south of MD 198 (Sandy Spring Road), Burtonsville, Maryland 20866

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:** WELLS-HARLEY/PRESLEY

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

**Action:** **Approved the staff recommendation to approve acquisition.**

Parks Department staff presented a proposal to acquire property for the McKnew Conservation Park, noting that the proposal was discussed in Closed Session by the Board last week and approved for placement on the open session agenda.

**9. Pre-Preliminary Plan 720080220, Edgewood Inn**

Country Inn zone; 8.3 acres; 1 lot requested for a country inn and a 1,450 square foot restaurant; applicant is requesting a binding decision regarding impervious surface limits on the property; located in the northeast quadrant of the intersection of Oak Hill Road and Spencerville Road (MD 198); Cloverly.

*Staff Recommendation: Do Not Grant Waiver Request*

**BOARD ACTION**

**Motion: DREYFUSS/PRESLEY**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Contrary to the staff recommendation, agreed to grant a 2.7 percent waiver of imperviousness, based on the staff calculation of existing imperviousness of 11.2 percent.**

Development Review staff presented the pre-preliminary plan to create one lot, noting that the applicant requests a binding decision by the Board to approve a waiver of the impervious surface limit of 8 percent under the Environmental Overlay Zone in the Upper Paint Branch Special Protection Area special protection area (SPA), to allow approximately 13.9 percent imperviousness for a project to convert a historic house to a Country Inn restaurant with ancillary retail uses, as detailed in the staff report. Staff noted that staff and the applicant disagree about the amount of existing imperviousness on the site: staff calculates 11.2 percent and the applicant calculates 13.7 percent. The impervious surface in contention is a gravel parking lot, which staff will not consider to be existing legally because it was constructed without a building permit. Based on those calculations, the waiver represents 2.7 percent or, based on the applicant's calculations, 0.9 percent. Staff recommends denial of the waiver.

Ms. Emily Vaias, attorney representing the applicant, discussed the differences between the subject plan and a previous plan that the Board did not support. She noted that the gravel parking area was in place when the applicant purchased the property, whether it was created with a valid permit or not, and it should be considered as part of the existing impervious surface. Ms. Lisa Barry, one of the property owners, provided additional information and distributed photographs of the property.

Environmental Planning staff provided additional information about the impervious surfaces, the impervious limits in the Zone and in the SPA, the amount of impervious surface that has been removed, the conflicting calculations, and the reasons why the gravel area is not considered to be existing legally.

Ms. Lorraine Pearsall, representing Montgomery Preservation, offered comments in support of the proposal.

There followed extensive discussion of the issues related to imperviousness, the importance of the historic resource, and the desire to create a viable adaptive reuse of the property. In weighing the various policies and priorities, the Board determined this is a special case and agreed to grant a waiver of 2.7 percent of impervious surface.

**5. Closed Session - POSTPONED**

Pursuant to Annotated Code of Maryland, State Government Article Section 10-508(a)(1) (to discuss the performance evaluation of an employees)

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: This item was postponed.**

**6. Bowie Mill Road, LLC (Elm Street Development)**

\* **A. Forest Conservation Plan:** Bowie Mill Road (Elm Street Development, applicant, requests a local map amendment for rezoning from the R-200 zone to PD-3 zone (Planned Development Zone); located at 18241 Bowie Mill Road, Olney

*Staff Recommendation: Approval with Conditions*

\***B. Local Map Amendment No: G-885:** Bowie Mill Road, LLC (Elm Street Development), applicant, requests a local map amendment for rezoning from the R-200 Zone to the PD-3 Zone (Planned Development Zone); located at 18241 Bowie Mill Road, Olney

*Staff Recommendation: Approval*

**(Action required for hearing by the Hearing Examiner on 05/03/10)**

**BOARD ACTION**

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

**Vote:**

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

**Nay:**

**Other:**

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



**B. Approved staff recommendation for approval of the Local Map Amendment as stated in the attached transmittal letter to the Hearing Examiner.**

Environmental Planning staff offered a multi-media presentation and discussed the proposed forest conservation plan for a local map amendment and noted that the applicant cannot meet the required forest conservation retention on site because of a public road access issue, and staff believes that from an environmental viewpoint this is the appropriate location for a road. Staff added that the applicant proposes to plant more trees than required and to set up a forest bank, which staff finds satisfactory.

Development Review staff presented the request to rezone a 32.74-acre property located on Bowie Mill Road in Olney from the R-200 Zone to the PD-3 Zone (Planned Development Zone). Staff discussed in details the proposed request.

Mr. Jody Kline, attorney for the applicant, introduced members of the applicant's team, discussed the proposed request, and concurred with the staff recommendation.

The following speakers offered testimony: Mr. Matt Zaborsky of Continental Drive and representing the Greater Olney Civic Association; and Ms. Barbara Falcigno of Darnell Drive and representing the Olney Coalition.

There followed extensive Board discussion with questions to staff.

**7. Proposed Amendments: Montgomery County Comprehensive Water Supply and Sewerage Systems Plan- AD 2010-2 (Administrative Cases)**

*Staff Recommendation: Transmit Recommendations to County Executive and County Council*

**BOARD ACTION**

**Motion:** PRESLEY/WELLS-HARLEY

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

**Action:** Approved staff recommendation to transmit Planning Board recommendations regarding the proposed amendments to the County's Comprehensive Water Supply and Sewerage Plan to the County Executive and the County Council, as stated in the attached transmittal letter.

Environmental Planning staff briefly discussed the administrative cases related to the proposed amendments to the County's Comprehensive Water Supply and Sewerage Systems Plan and answered questions from the Board.

**8. Preliminary Plan 120090400, Willerburn Acres (Resubdivision)**

R-90 zone; 3.99 acres; 5 lots requested for 5 one-family detached residential dwellings, 2 existing to remain; located in the north and east quadrants of the intersection of Seven Locks Road and Gainsborough Road; Potomac Subregion

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion: DREYFUSS/ALFANDRE**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

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

Development Review staff offered a multi-media presentation of the request to create five lots for five one-family detached residential dwellings, with two existing dwellings to remain on a 3.99-acre property located in the north and east quadrants of the intersection of Seven Locks Road and Gainsborough Road in Potomac. Staff noted that the proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and complies with the recommendations of the Potomac Subregion Master Plan.

Ms. Joanne Cheek, Engineer for the applicant, introduced Mr. Dennis Berman, the applicant, and Mr. Chip Stehle, member of the applicant's team and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff.

**10. Site Plan Amendment Review No. 81995030F, Hoyles Mill Village Section 2 (aka Woodcliffe Park) - Limited**

R-200 zone; 155.90 acres; amendment to add 18 additional parking spaces; located on Kimono Circle approximately 270 feet east of Polynesian Lane; Germantown

*Staff Recommendation: Denial of the Application*

**BOARD ACTION**

**Motion: DREYFUSS/PRESLEY**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Contrary to staff's recommendation, approved the Site Plan Amendment request to add 18 additional parking spaces as stated in the attached Board Resolution.**

Development Review staff presented highlights of the request to amend the site plan for Hoyles Mill Village project, a 155.90-acre site located on Kimono Circle approximately 270 feet east of Polynesian Lane in Germantown, to provide 18 additional parking spaces on site.

Mr. David Gardner of Jefferson Street and representing the Woodcliff Park Homeowners Association; and Officer Diane Tillery of the Montgomery County Police Department offered testimony.

There followed a brief Board discussion, with questions to staff and the speakers.

**11. Roundtable Discussion - POSTPONED**

Budget Update

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: This item was postponed.**