



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, June 7, 2012, at 9:05 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 8:58 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 9:25 a.m., during discussion of Item 2.

Items 1, 2, 11, and 3 through 5, taken up in that order, are reported on the attached agenda.

The Board recessed at 12:48 p.m. for lunch and reconvened in the auditorium at 1:41 p.m. Vice Chair Wells-Harley left the meeting for the day following the morning session, due to illness.

Items 6 through 9 are reported on the attached agenda.

The Board recessed for dinner at 7:28 p.m. and reconvened in the auditorium at 8:00 p.m. to hear testimony and receive evidence submitted into the record on Item 10, Public Hearing: Burtonsville Crossroads Neighborhood Plan. A verbatim transcript of this item is on file in the Records Management Office in Silver Spring, Maryland.

There being no further business, the meeting was adjourned at 8:58 p.m. The next regular meeting of the Planning Board will be held Thursday, June 14, 2012, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye
Technical Writer

Montgomery County Planning Board Meeting
Thursday, June 7, 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 Resolutions submitted for approval.**

***B. Record Plats**

Subdivision Plat No. 220121390, Bradley Farms

RE-2 zone, 1 lot; located in the southeast quadrant of the intersection of River Road (MD 190) and Durham Drive; Potomac Subregion Master Plan.

BOARD ACTION

Motion: **ANDERSON/WELLS-HARLEY**

Vote:

Yea: **4-0**

Nay:

Other: **PRESLEY ABSENT**

Action: **Approved the Record Plats cited above.**

***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 April 22, 2012

Minutes of April 26, 2012

BOARD ACTION

Motion: **WELLS-HARLEY/ANDERSON**

Vote:

Yea: **4-0**

Nay:

Other: **PRESLEY ABSENT**

Action: **Approved the minutes of April 22 and 26, 2012, as presented.**

2. Roundtable Discussion

Parks' Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing.

Director of Parks Mary Bradford presented the Parks Director's Report, highlighting upcoming events and activities in the parks, in keeping with her distributed written report.

11. Legal Department Year End Budget Adjustment

BOARD ACTION

Motion: DREYFUSS/ANDERSON

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the staff recommendation.

General Counsel Adrian Gardner presented a request to reallocate FY2012 salary lapse savings to be applied to outside counsel contracts, as stated in his memorandum.

3. Preliminary Plan No. 120100280: Bradley Farms Lot 34 Block 9

One (1) lot requested for a religious institution; located at 9111 River Road, RE-2 zone; 3.1 acres, 2002 Potomac Subregion Master Plan.

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: **Approved the staff recommendation to approve, subject to conditions, revised in discussion to stipulate a maximum capacity of 100 occupants, and to adopt the Board Resolution, attached.**

Planning Department staff presented the proposal to create one lot for construction of a 9,023-square foot church, with a capacity for 100 occupants, and associated parking, as detailed in the staff report. Staff noted that the applicant states there will be no weekday child daycare or weekday educational uses or activities.

Mr. Andrew Husbands and Mr. Ovidiu Minai, representing the applicant, concurred in the staff recommendation and responded to questions from the Board about activities on the site, as referenced in correspondence from an abutting property owner. They noted that they received permits for a temporary structure and have been holding services. A large festival in May drew approximately 100 participants.

There followed some additional discussion about aspects of the use, with staff and the applicant representatives responding to questions and providing additional information as needed.

4. Briefing: Glenmont Sector Plan

Discussion of Preliminary Recommendations

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **Received briefing and discussed.**

Planning Department staff presented an overview of the preliminary recommendations for the Glenmont Sector Plan amendment, soliciting the Board’s guidance on the overall approach to the Plan and specific recommendations.

There followed some discussion of anticipated density, incentives for redevelopment and achieving higher density around the Metro Station, traffic, pedestrian circulation and safety, potential commercial redevelopment and expansion, and historic preservation.

Due to time constraints, the briefing and discussion was initially recessed and continued following discussion of Item 5, and recessed again, to be continued on June 14.

5. Board of Appeals No. SE 12-02, Leah Goitein

Request for a special exception for a child day care facility for up to 12 children, R-60 zone, .22 acres, located at 6104 Stardust Lane, Bethesda

Staff Recommendation: Approval with Conditions

(Action Required for Hearing by the Hearing Examiner on 6/28/12)

BOARD ACTION

Motion: ANDERSON/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the staff recommendation to approve, subject to revised conditions, as stated in the attached Letter of Transmittal.

Planning Department staff presented the special exception for a group day care home for a maximum of 12 children, as detailed in the staff report. Staff noted that the owner resides in the single-family detached residence and has operated a day care facility with a maximum of eight children for two years. Staff made one revision to the recommended conditions of approval.

Responding to questions from the Board, Ms. Leah Goitein, the applicant, verified that she will not be providing before- or after-school care.

In discussion, Chair Carrier offered several recommendations for the proposed conditions and the letter of transmittal.

6. Rapid Transit Task Force - Final Report

The Task Force Chair or his designee will present a summary of the Task Force findings and recommendations.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing and discussed.

Following introductory comments by Planning Department staff, Mr. Mark Winston, Chairman of the County Executive's Rapid Transit Task Force, presented an overview of the Task Force's Final Report, which recommends creation of a County-wide rapid transit system.

There followed some discussion of various aspects of the Task Force recommendations and issues related to ridership, funding, staging, and implementation.

7. Zoning Text Amendment 12-07

Revise the special exception standards for the approval of an automobile filling station

Staff Recommendation: Transmit Comments to County Council

(Action Required for County Council Public Hearing of 6/19/12)

BOARD ACTION

**Motion: (1) DREYFUSS
(2) PRESLEY/DREYFUSS**

Vote:
Yea: (2) 2-2
Nay: (2) CARRIER, ANDERSON
Other: WELLS-HARLEY ABSENT

Action: (1) To approve the staff recommendation to disapprove the Zoning Text Amendment, without transmitting the proposed recommendations and revisions.

FAILED FOR LACK OF A SECOND

(2) To approve the staff recommendation to disapprove the Zoning Text Amendment, with the additional recommendation that the Board investigate putting into the Planning Department work program a project to review and analyze the various types of gas stations and recommend appropriate changes to the Zoning Ordinance.

FAILED FOR LACK OF A MAJORITY

Planning Department staff presented the Zoning Text Amendment (ZTA) to amend the special exception standards for approval of an automobile filling station to require stations of a certain size to be located at least 1,000 feet from various public or private uses and to impose specific lighting requirements. Staff recommends denial of the ZTA because the existing process provides adequate standards and requirements to address potential impact. Staff also provided a number of proposed recommendations and revisions for the ZTA for consideration in the event the County Council is inclined to approve it.

Councilmember Marc Elrich; Ms. Pat Harris, attorney, and Mr. Jeff Ishida and Mr. David Sullivan of Sullivan Environmental, representing COSTCO; Ms. Doloris Milmoie, representing the Audubon Naturalist Society; Mr. Perry Berman, representing Freestate Petroleum; Ms. Karen Cordry, representing the Kensington Heights Civic Association; Mr. Danila Sheveik of Kensington; Mr. Larry Silverman of Takoma Park; Mr. Charles Rich of Silver Spring; Ms. Ellen Boggage, representing

supporters of the COSTCO gas station; and Ms. Judy Higgins, representing the Kensington View Civic Association, offered comments.

There followed extensive discussion of the adverse impacts of gas stations, inherent and non-inherent impacts, federal regulations related to the environmental impact of gas stations, and whether the existing special exception standards impose adequate burden of proof on a proposed gas station to demonstrate there will be no adverse impact on adjacent properties and uses. There was also extensive discussion about the desirability of legislating different standards based on size, how to define the size of gas stations that would fall under the different standards, and how to enforce standards based on size.

7. Zoning Text Amendment 12-07

CONTINUED

Commissioner Dreyfuss and Commissioner Presley supported the staff recommendation to disapprove the ZTA, but did not support the staff recommendations and proposed revisions to the ZTA in the event of approval, because they believe the special exception process is intended to address the impact of specific uses and, in their view, the existing special exception standards and requirements provide sufficient opportunity to address the anticipated impacts of this type of use.

Chair Carrier and Commissioner Anderson indicated that they support revising the special exception standards, particularly as the general size and scope of this type of use changes, and because a proposed use cannot be denied because of inherent adverse impacts. They agreed that there should be a buffer zone maintained from certain other uses, and Chair Carrier recommended a buffer of 300 feet. Commissioner Anderson also proposed a buffer of one-quarter to one-half mile from Metro stations, for purposes of smart growth.

8. Hoyt Property

A. Preliminary Plan Review No. 120120140, Hoyt Property, RT-15 zones, 1.81 acres, 30 lots for 30 townhouse units, including 15% MPDUs, located on Little Falls Parkway, approximately 917 feet west of the intersection with River Road, Westbard Sector Plan

Staff Recommendation: Approval with Conditions

B. Site Plan Review No. 820120070, Hoyt Property, RT-15 zones, 1.81 acres, 30 townhouse units, including 15% MPDUs, located on Little Falls Parkway, approximately 917 feet west of the intersection with River Road, Westbard Sector Plan

Staff Recommendation: Approval with Conditions

BOARD ACTION

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

Vote:
 Yea: **A. 4-0**
 B. 4-0

Nay:

Other: WELLS-HARLEY ABSENT

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

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

Planning Department staff presented the preliminary plan and site plan for a project to redevelop an industrial site with 30 townhouses, including five moderately priced dwelling units (MPDUs), under the optional method of development, as detailed in the staff report. Staff verified that the proposal complies with the binding and nonbinding elements associated with the rezoning of the property from I-1 to RT-15. Primary access will be provided by a private road via a park easement to Little Falls Parkway. An alternate access from Butler Road will be used for residents and commercial vehicles, with a mechanism to restrict the access to that intended use. In addition, a public connection will be provided from Little Falls Parkway to the adjacent Capital Crescent Trail. Staff also noted that the plans include requests for waivers to allow a reduction in the setbacks and to the row design standards for the maximum number of townhouse units in a row. Staff also reviewed environmental issues, such as noise attenuation and forest conservation requirements, including a request for a tree variance to allow removal of trees and required improvements to the stream and other mitigation to compensate for significant stream buffer encroachment. Concluding, staff made several corrections to the staff report and revisions to the conditions of approval for both the preliminary plan and site plan.

Mr. Robert Harris, attorney representing the applicant, concurred in the staff recommendation, but requested a revision to the condition related to the access control mechanism for Butler Road. Mr. Aakask Thakkar discussed the design of the project and the architectural design, which is intended to harmonize with the surrounding parkland.

Mr. Robert Cope, representing the Citizens Coordinating Committee for Friendship Heights, offered comments.

9. Limited Site Plan Amendment Review No. 81985064B, 2 Wisconsin Circle

CBD-2 Zone, 1.37 acres, Amendment to convert 12,802 square feet of previously approved retail use to commercial office use, located at the northwest quadrant of the intersection with Wisconsin Avenue and Western Avenue, Friendship Heights CBD

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: ANDERSON/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: WELLS-HARLEY ABSENT

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

Planning Department staff presented the limited site plan amendment to convert 12,802 square feet of approved retail space to commercial uses, which can include office or retail, to provide flexibility in leasing second-floor space in the commercial center, as detailed in the staff report. Staff offered revisions to condition 1.

Ms. Heather Plhopolsky, attorney representing the applicant, concurred in the staff recommendation.

Ms. Patricia Baptiste, representing Chevy Chase Village, offered comments about encouraging neighborhood retail uses.

Ms. Lisa Fadden of the applicant company responded to questions from the Board about leasing and retail uses.

10. Public Hearing: Burtonsville Crossroads Neighborhood Plan

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received testimony submitted into the record.

A VERBATIM TRANSCRIPT OF THIS ITEM IS ON FILE IN THE RECORDS MANAGEMENT OFFICE IN SILVER SPRING, MARYLAND.