



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**APPROVED
MINUTES**

The Montgomery County Planning Board first met in Closed Session on Thursday, July 14, 2011, at 9:05 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 4:42 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 for lunch at 11:20 a.m. and to take up Items 7 and 8 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 12:00 p.m. in the third floor conference room, on motion of Commissioner Dreyfuss, seconded by Commissioner Presley, with Chair Carrier, Vice Chair Marye Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley present and voting in favor of the motion. The meeting was closed under authority of §10-508(a)(3), State Government Article, Annotated Code of Maryland, to consider the acquisition of real property for a Commission purpose and matters directly related thereto.

Also present for all or part of the Closed Session were: Executive Director Patti Barney; Secretary Treasurer Joe Zimmerman; Budget Manager Darin Conforti; General Counsel Adrian Gardner, Associate General Counsels Sean Dixon, Carol Rubin, and Christina Sorrento of the Legal Department; Director Mary Bradford, Deputy Directors Michael Riley and Gene Giddens, Bill Gries, Dominic Quattrocchi, Mitra Pedoeem, April O'Neal, and Mark Wallis of the Parks Department; Director Rollin Stanley, Khalid Afzal, and Glenn Kreger of the Planning Department; consultant Daniel Hertz; Director David Dise, and Robert Kline of the Montgomery County General Services; BF Saul & Associates representatives; and Clara Moise of the Commissioners' Office.

In Closed Session, the Board received briefing from Parks Department staff on the proposed acquisition of park land as addition to the Upper Paint Branch Stream Valley Park, and a proposed land exchange with Montgomery County regarding the former Gude Landfill site. The Board also received briefing from Director David Dise, Montgomery County Department of General Services, regarding a possible move of Montgomery County Parks and Planning Commission to Wheaton.

The Closed Session was adjourned at 1:10 p.m. and the Board reconvened in open session in the third floor conference room.

The Board reconvened in Closed Session in the Chairman's office at 1:45 p.m.

The Board convened in a second Closed Session at 1:45 p.m. in the Chairman's office. The meeting was closed under authority of §10-508(a)(7), State Government Article, Annotated Code of Maryland, to consult with counsel to obtain legal advice.

Also present for the Closed Session was Associate General Counsel Carol Rubin. Ms. Rubin will provide the Closed Session minutes to the Technical Writers' office.

The Board reconvened in the auditorium at 2:14 p.m.

Items 11, 10, and 9, taken in that order, are reported on the attached agenda.

There being no further business, the meeting was adjourned at 4:42 p.m. The next regular meeting of the Planning Board will be held Thursday, July 21, 2011, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Technical Writer

Ellyn Dye
Technical Writer

Montgomery County Planning Board Meeting
Thursday, July 14, 2010
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 adoption.

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 June 16, 2011

BOARD ACTION

Motion: **WELLS-HARLEY/PRESLEY**

Vote:

Yea: **4-0-1**

Nay:

Other: **ANDERSON ABSTAINED**

Action: **Approved Planning Board Meeting Minutes of June 16, 2011, as submitted.**

2. [Preliminary Plan 12003063A \(Limited Amendment\), Tregoning/Dameron](#)

RE-1 zone; 92.61 acres; 92 lots for 92 one-family detached dwelling units previously approved; request for a new Adequate Public Facilities (APF) approval for 26 of the previously approved lots that did not receive building permits before the original APF approval expired; located on Piedmont Road, 2,000 feet southwest of Hawkes Road; Clarksburg Master Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: PRESLEY/ANDERSON

Vote:

Yea: 5-0

Nay:

Other:

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

Planning Department staff offered a brief multimedia presentation of the request for a new Adequate Public Facilities (APF) approval for 26 of the previously approved 92 lots for 92 single-family detached dwelling units that did not receive buildings permits before the original APF approval expired. Staff noted that the 92.61-acre property is located on Piedmont Road in Clarksburg.

Mr. Mike Bingley, Engineer, representing the applicant, concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff.

3. [Preliminary Plan No. 120110130: Hunting Hill Estates \(Resubdivision\)](#)

Request to resubdivide 2 lots from a 1.22 acre lot located at 9504 Mary Knoll Drive, R-200 zone; Potomac Subregion Master Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

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

In keeping with the July 1 technical staff report, Planning Department staff offered a multimedia presentation of the request to resubdivide a 1.22-acre lot located on Mary Knoll Drive in Potomac. Staff noted that the applicant proposes to create two lots for two one-family detached dwelling units which will be served by public water and sewer systems. There is no forest on the

property and it has qualified for an exemption from the requirement to submit a forest conservation plan.

Mr. David Landsman, Engineer, representing the applicant, concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff and Mr. Landsman.

4. Gables Rothbury Square

A. Preliminary Plan 12004016A (Limited), Gables Rothbury Square: Amendment to increase the maximum permitted number of multi-family dwelling units from 203 to 205; Located on 11.76 acres; T-S-zone; Located on Rothbury Drive, approximately 1,000 feet west of Goshen Road, within the Gaithersburg Master Plan area.

Staff Recommendation: Approval with Conditions

B. Site Plan 82004005A, Gables Rothbury Square: Amendment to add two multi-family units and minor site amenities. Located on 11.76 acres of T-S-zoned land on Rothbury Drive, approximately 1,000 feet west of Goshen Road, within the Gaithersburg Master Plan area

Staff Recommendation: Approval with Conditions

BOARD ACTION

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

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

Nay:

Other:

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

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

In keeping with the June 29 technical staff report, Planning Department staff offered a multimedia presentation of the proposed amendment request to increase the maximum permitted number of multi-family dwelling units from 203 to 205 and to make minor changes to site amenities on an 11.76-acre property located on Rothbury Drive in the Gaithersburg Master Pan area. Staff noted that the two additional units will be the result of converting an existing model unit and a business center, and the minor amenities consist of adding four outdoor grills and a trash receptacle.

In reply to a question from the Board, staff noted that under the current growth policy, Policy Area Mobility Review (PAMR) mitigation would not be required because the two additional units would generate three or fewer new peak-hour trips, thus is being considered de minimus.

Ms. Yum Yu Cheng, attorney representing the applicant, concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff and Ms. Cheng.

5. Site Plan No. 82007002A (Limited Amendment): Poplar Run (formerly known as Indian Spring)

Revisions to SWM facilities and adjacent lots, building setbacks, recreation area, landscape, lighting and paving, 310.37 acres, located on the east side of Layhill Road approximately 1,300 feet south of the intersection with Middlevale Lane, R-90 and R-200 zone, Kensington-Wheaton Master Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: PRESLEY/ANDERSON

Vote:

Yea: 5-0

Nay:

Other:

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

In keeping with the July 14 technical staff report, Planning Department staff offered a multimedia presentation of the request to allow revisions to the stormwater management facilities per comments received from the Department of Permitting Services on the 310.37-acre property located on the east side of Layhill Road in the Wheaton Master Plan, and as a result to adjust nearby lots and park dedication line. The amendment also includes several changes to the approved amenities in the recreation area. In addition, the amendment updates part of the landscaping, lighting, and decorative paving features, which were approved by the Department of Transportation (DOT). Staff noted that the proposed modifications to the site plan do not alter the overall design character of the development in relation to the original approval and the site plan remain compatible with existing and proposed development adjacent to the site.

Mr. Steven Robins, attorney representing the applicant, offered brief comments and concurred with the staff recommendation.

Mr. Michael Lemon of Winchester Homes, the applicant, offered comments and answered questions from the Board.

There followed a brief Board discussion with questions to staff and Messrs. Robins and Lemon.

6. White Flint Sector Plan Staging Plan

Staff Recommendation: Advise the County Council that the First Phase of the White Flint Staging Plan Can Be Opened Upon Council's Approval of the White Flint Staging Regulations

BOARD ACTION

Motion: ANDERSON/DREYFUSS

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to advise the County Council that the first phase of the White Flint Staging Plan can be opened upon Council's approval of the White Flint Staging Regulations.

Planning Department staff discussed the recommendation for action regarding White Flint staging. Staff noted that prerequisites for opening the first phase have been met, therefore additional development can be approved once the County Council adopts the White Flint Staging Regulations. Staff also added that additional development in White Flint can proceed, including approval of preliminary plans and site plans. Staff discussed the prerequisites established in the Sector Plan and noted that when the County Council approved the Sector Plan, a list of actions was outlined to create a special taxing district, such as approval of the Sectional Map Amendment, amendment to the Growth Policy, the designation of a bicycle pedestrian priority area, and creation of public entities, and these have been completed. Staff also added that the County Council approved the transportation mechanism and the establishment of the White Flint Implementation Advisory Committee in September 2010.

There followed extensive Board discussion with questions to staff.

8. Closed Session

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(3) to consider the acquisition of real properties for a Commission purpose and matters directly related thereto

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

7. Closed Session

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(3) to consider the acquisition of real properties for a Commission purpose and matters directly related thereto

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

12. Closed Session – ADDITION

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.

*Associate General Counsel Carol Rubin held a Closed Session meeting with the Planning Board in the Chair's office. No Technical Writer was present. Ms. Rubin will provide the Technical Writers' office with the Closed Session Minutes.

11. Zoning Advisory Panel Appointments

BOARD ACTION

Motion: DREYFUSS/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the staff recommendation to appoint Ms. Leslie Marks as a member of the Zoning Advisory Panel.

10. Roundtable Discussion

A. Planning Director's Report

[B. Healthy and Sustainable Indicators](#) – Updated data since 2008 and discussion of other Indicator efforts

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing and provided guidance to staff.

A. Planning Director's Report— This item was postponed.

B. Healthy and Sustainable Indicators – Updated data since 2008 and discussion of other Indicator efforts—Planning Department staff reviewed the goals and indicators of the report, “Healthy and Sustainable Communities, A Framework for Action,” and provided updated data. Ms. Colleen Ryan Smith of Montgomery County Department of Health and Human Services discussed the goals and indicators being tracked by that Department. There followed some discussion of possible new

indicators and the level of effort that can be assigned to this project, given budget constraints. The Board provided guidance to staff.

9. Local Map Amendment No. G-907 for the Hoyt Property

Application to rezone the property from I-1 to RT-15 for 29 townhouses; 5.25 1.81* acres; located Little Falls Parkway, approximately 800 feet south of River Road in Potomac; Westbard Sector Plan
Staff Recommendation: Approval

***corrected during oral presentation**

BOARD ACTION

Motion: DREYFUSS/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the staff recommendation to approve the Local Map Amendment, subject to new binding elements, as stated in the attached Letter of Transmittal.

Planning Department staff presented a request to rezone 5.25 acres from the I-1 Zone to the RT-15 Zone, for development of 29 townhouses, as detailed in the staff report. The proposal includes access via Little Falls Parkway, using an access easement across adjacent parkland, and connection to the adjacent Capital Crescent Trail. The property is currently developed with a cinder block manufacturing operation that will be relocating. Staff recommends approval of the proposed rezoning and residential reuse of the property, subject to revised and expanded binding elements distributed by the applicant.

Mr. Robert Harris, attorney representing the applicant, concurred in the staff recommendation, noting that the proposed residential use will replace an industrial use that has had a negative impact on the environment and the community for years. He called the Board's attention to the distributed list of revised binding elements, saying it is the result of negotiations with community representatives. Mr. Aakash Thakkar of the applicant company discussed his company's work in terms of infill development and elaborated on the development proposal.

Mr. Robert Dyer of Bethesda; Mr. Norman Knopf, representing the Citizens Coordinating Committee on Friendship Heights; Mr. Ronald Tripp, representing the Coalition for The Capital Crescent Trail; and Mr. Jim Humphrey, representing the Montgomery County Civic Federation, offered comments.

At the request of the Chair, historic preservation staff responded to testimony, stating that the site itself is not eligible for historic recognition. A historic resource is located directly across Little Falls Parkway from the property, staff said, but the development is far enough away that it will not have an adverse impact.

9. Local Map Amendment No. G-907 for the Hoyt Property

There followed considerable discussion about the relative merits of rezoning the property to RT-10 rather than RT-15 and various aspects of the proposed development, with particular focus on parking and the proposed new binding elements. The Board noted that there are no binding elements related to minimum open space or maximum building coverage or imperviousness. The Board also noted that parking may be inadequate, and that will be addressed at site plan review.

Legal Counsel to the Board raised issues with two of the binding elements, which the Board noted.