



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, July 17, 2008, at 9:00 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 9:10 p.m.

Present were Chairman Royce Hanson, Vice Chair John Robinson, Commissioner Jean Cryor, Commissioner Amy Presley, and Commissioner Joe Alfandre, who joined at 9:20 a.m. during presentation of Item 4.

Items 1 through 8 are reported on the attached agenda.

The Board recessed at 12:50 p.m. and reconvened in the auditorium at 1:55 p.m. with all five Commissioners present.

Items 9 through 13 are reported on the attached agenda.

Item 14 was postponed.

The Board recessed for dinner at 6:50 p.m. and reconvened in the auditorium at 8:00 p.m., with all five Commissioners present.

Item 15 is reported on the attached agenda.

Vice Chair Robinson left the meeting at 8:30 p.m.

There being no further business, the meeting was adjourned at 9:10 p.m. The Planning Board will meet Monday evening, July 21, 2008, and in its regular meeting on Thursday, July 24, 2008, in the Montgomery Regional Office in Silver Spring, Maryland.

E. Ann Daly
Technical Writer

M. Clara Moise
Technical Write

Montgomery County Planning Board Meeting
Thursday, July 17, 2008
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

CONSENT AGENDA

1. Adoption of Opinions/Resolutions

Group A: Three Commissioners Eligible to Vote [Commissioners Cryor, Hanson and Robinson]

- i) Preliminary Plan No. 120061020, Rosewood Manor Estates, ADOPTION OF RESOLUTION No. 08-61
- ii) Preliminary Plan No. 11988167A, Girl Scout Council of the Nation's Capital, ADOPTION OF RESOLUTION No. 08-65

BOARD ACTION

Motion: ROBINSON/CRYOR

Vote:

Yea: 3-0-1

Nay:

**Other: PRESLEY ABSTAINED
ALFANDRE ABSENT**

Action: Approved staff recommendation to adopt the Resolutions listed above.

2. Record Plats

Subdivision Plat No. 220081970, Chevy Chase, Section 3

R-60 zone; 1 lot; located on the east side of Florida Street, 150 feet north of Raymond Street; Bethesda-Chevy Chase *Staff Recommendation: Approval*

BOARD ACTION

Motion: ROBINSON/CRYOR

Vote:

Yea: 4-0

Nay:

Other: ALFANDRE ABSENT

Action: Approved staff recommendation for approval of record plats as listed above.

3. Consent Items

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

No consent items were presented for action.

4. Layhill Overlook - REVISED

A. Preliminary Plan No. 12007049A, Layhill Overlook

PD-2 zone; 16.02 acres; 38 lots previously approved for 37 residential dwelling units and 1 religious institution; request to modify the proposed lot and road configuration and add 1 lot for 1 additional one-family detached dwelling unit; located in the northeast quadrant of the intersection of Bel Pre Road and Homecrest Road; Aspen Hill

Staff recommendation: Approval

B. Site Plan Review No. 820080160, Layhill Overlook

PD-2 zone, 16.0 acres; 2 single-family detached dwelling unit; 6 townhouses; 12 duplexes and 10,800 gross square feet for religious institution, located at the northeast quadrant of the intersection of Bel Pre Road and Homecrest Road; Aspen Hill

Staff recommendation: Approval with conditions

BOARD ACTION

**Motion: (A.) ALFANDRE/ROBINSON
 (B.) ROBINSON/PRESLEY**

Vote:

Yea: (A.) 5-0
(B.) 5-0

Nay:

Other:

Action: (A.) **Approved the staff recommendation for approval of the Preliminary Plan subject to conditions as modified, as stated in the attached Board Resolution.**
(B.) **Approved the staff recommendation for approval of the Site Plan subject to conditions, as stated in the attached Board Resolution.**

Staff of the Development Review Division presented highlights of the joint Preliminary Plan and Site Plan July 2 technical staff report and distributed and reviewed revised Site Plan conditions.

Mr. Scott Wallace, attorney, testified in support of the application.

Offering testimony were Mr. Max Bronstein of Birchtree Lane, representing the Strathmore Bel Pre Civic Association; Ms. Linda Andrews Nishioka, speaking for the community across Homecrest Road; and Mr. Richard Kauffunger speaking on his own behalf and representing the Layhill Citizens Alliance.

The Board recessed this item for staff and the applicant to craft conditions, reconvened the hearing following Agenda Item 5 and took action, as reported above, at that time.

5. Chevy Chase Bank at Fox Chapel

A. Preliminary Plan No. 11988271A, Chevy Chase Bank at Fox Chapel

C-3 zone; 0.93 acres; 4 lots previously approved for 11, 901 square feet of retail and an automobile filling station with no more than 600 square feet of convenience retail; request to replace the filling station with a 3,172 square foot bank; located in the southeast quadrant of the intersection of MD 355 and Middlebrook Road; Germantown

Staff recommendation: Approval with conditions

B. Site Plan Review No. 820080170, Chevy Chase Bank at Fox Chapel

C-3 zone; 0.93 acres; 3,172 gross square feet for bank; located at 19825 Frederick Road, southeast of Middlebrook Road; Germantown

Staff recommendation: Approval with conditions

BOARD ACTION

Motion: (A.) **ROBINSON/ALFANDRE**
(B.) **ROBINSON/CRYOR**

Vote:

Yea: (A.) 5-0
(B.) 5-0

Nay:

Other:

Action: (A.) **Approved staff recommendation for approval of the Preliminary Plan amendment subject to conditions, as stated in the attached copy of the Board Resolution.**
(B.) **Approved staff recommendation for approval of the Site Plan subject to conditions, as stated in the attached copy of the Board Resolution.**

Staff of the Development Review Division presented highlights of the joint Preliminary Plan and Site Plan July 3 technical staff report for this proposal.

Mr. Stuart Bar, attorney, introduced the applicant, Mr. Joe Pearson with Chevy Chase Bank, and provided testimony.

There followed considerable discussion of certain issues with staff and the applicant providing information as needed.

6. Site Plan Amendment No. 81991014A*, Churchill Senior Living

TS zone; 5.48 acres; amendment; building footprint/ratio of 1 bedroom /2bedroom/market rate apartment, building heights, reduce parking; located on Father Hurley Boulevard, approximately 500 feet south of Waters Landing Drive; Germantown
Staff recommendation: Approval with conditions

*Corrected after hearing

BOARD ACTION

Motion: ALFANDRE/ROBINSON

Vote:

Yea: 5-0
Nay:

Other:

Action: **Approved staff recommendation for approval subject to conditions as amended, as reflected in the attached copy of the Board Resolution.**

Agreed by consensus to send a letter of support to the County government in support of the applicant’s petition to move a bus stop currently located about 250 feet away to the front door of this site.

Staff of the Development Review Division presented highlights of the June 11 technical staff report on this proposal to amend an approved, three-phase Site Plan approved for up to 300 units.

Mr. Scott Wallace, attorney representing the applicant, introduced Mr. Joseph F. Parreco, the applicant, Mr. Logan Schutz, architect, and Mr. Brian Donnelly, engineer, and testified in support of the application.

The Board recessed this item for staff to craft conditions discussed during the hearing. The Board reconvened the hearing following Agenda Item 8 and took action, as reported above, at that time.

7. Town Center at Germantown - REVISED

A. Preliminary Plan No. 11994004A, Town Center at Germantown

TS-M zone; 44.4 acres; 555 residential dwellings, 119,900 square feet of retail, 25,000 square feet of civic space, and 40,400 square feet of commercial use previously approved; request to modify the approved retail and commercial uses to 125,000 square feet and 10,000 square feet, respectively; located in the southwest quadrant of Crystal Rock Road and Century Boulevard; Germantown.

Staff recommendation: Approval with conditions

B. Limited Site Plan Amendment No. 81999021A, The Town Center at Germantown

TS zone, 0.57 acres; amendment to increase the square footage, footprint of building 11 (8,400 square feet to 9,850 square feet) and one floor (1-2) 19,700 square feet total; located at the southwest quadrant of the intersection with Crystal Rock Drive and Century Boulevard; Germantown

Staff recommendation: Approval of the Limited Amendment

BOARD ACTION

Motion: (A.) ROBINSON/CRYOR
(B.) ROBINSON/CRYOR

Vote:
Yea: (A.) 5-0
(B.) 5-0

Nay:

Other:

Action: (A.) Approved the staff recommendation for approval of the Preliminary Plan Amendment subject to conditions, as stated in the attached copy of the Board Resolution.

(B.) Approved the staff recommendation for approval of the Limited Amendment Site Plan as modified, as stated in the attached copy of the Board Resolution.

As noted in the July 2 (as revised July 10) joint Development Review Division technical staff report, staff presented highlights of the Preliminary Plan and Site Plan Amendment.

Ms. Barbara Sears, attorney for the applicant, introduced Mr. Bill Wringer, and Mr. Al Blumberg of Site Solutions, and endorsed staff's proposed changes.

8. Limited Site Plan Review Amendment No. 81994001A, Normandy Farms-Manor Care

RE-2 zone; 9.0 acres; amendment for the addition of 3,810 square feet of manor care facility including 2,310 square feet of nursing center, 1,200 square feet of living center and 300 square feet of dining room; addition of 7 parking spaces; located on Potomac Tennis Lane, north of Falls Road; Potomac

Staff recommendation: Approval of the Limited Amendment with Conditions

BOARD ACTION

Motion: ROBINSON/CRYOR

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Limited Site Plan Amendment subject to conditions, as stated in the attached copy of the Board Resolution.

Staff of the Development Review Division presented highlights of the July 7 technical staff report on this Limited Site Plan Amendment that proposes an expansion of the nursing home and other features.

Mr. Kenneth Wise, attorney representing the applicant, introduced the applicant's engineer, and offered to answer questions.

9. Brookside Gardens Facility Plan - REVISED

Facility Plan for Brookside Gardens; renovate main entrance to the visitor's center; located on the south side of Glenallan Avenue at the intersection of Heurich Road in Wheaton Regional Park, Kensington-Wheaton Master Plan.

Staff recommendation: Approve the facility plan and cost estimate.

BOARD ACTION

Motion: ROBINSON/CRYOR

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Facility Plan and cost estimate for the renovation of Brookside Gardens main entrance to the visitor's center.

In accordance with the July 10 technical staff report, Parks Department staff offered a detailed presentation of the Facility Plan for Brookside Gardens accompanied by a multi-media presentation.

Ms. Judy Koenick of Chevy Chase offered comments.

There followed a brief Board discussion and questions to staff.

10. Preliminary Plan No. 120050980, Fairmont

R-90 zone; 1.03 acres; 4 lots proposed; 4 one-family detached residential dwelling units, one existing to be replaced; located on the south side of Fairland Road, 600 feet east of Partridge Drive; White Oak.

Staff recommendation: Approval with conditions

BOARD ACTION

Motion: ALFANDRE/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

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

Development Review Division staff presented highlights of this Preliminary Plan as detailed in the July 2008 staff report.

Mr. David Crowe, engineer for the applicant, concurred with the staff recommendation.

There followed a brief Board discussion and questions to staff.

11. Zoning Text Amendment No. 08-14

Introduced by the District Council at the request of the Planning Board: to amend the Zoning Ordinance to establish a Transit Mixed-Use (TMX) Zone; and establish allowable land uses, development standards, use of buildable transferable development rights, and approval procedures for development of the TMX Zone

Staff recommendation: Transmit Comments to County Council
(Action required for County Council public hearing of 7/29/08)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: The Board recommended further discussion of the issues raised during the meeting before transmitting comments to the County Council.

Development Review Division staff offered a brief presentation of the Planning Board request to the County Council to amend the Zoning Ordinance to establish a Transit Mixed-Use (TMX) Zone.

The following speakers offered testimony: Mr. Bob Dalrymple attorney representing Somerset Development at Twinbrook – Parklawn Property, and Matan Development at Germantown Town Center; Ms. Anne Martin attorney representing Somerset Development at Twinbrook; Mr. Leonard Bogorad of Wisconsin Avenue; Mr. Raphael Zucker President of Somerset Development; Ms. Patricia Harris of Bethesda Metro Center; Mr. Perry Berman of Briarglen Drive; Mr. Bob Wulff of Wisconsin Avenue and representing B.F. Saul Co.; Mr. William Kominers attorney representing Naples Commercial, LLC; Mr. Steve Orens attorney representing Mr. Jack Fitzgerald; Mr. Jody Kline representing Lake Waverly Associates; Mr. Campbell Smith representing Trammell Crow Co.; Mr. Robert Brewer attorney, 3 Bethesda Metro; Mr. Steve Elmendorf attorney representing LCOR, Inc.; and Mr. Steve Robins attorney, 3 Bethesda Metro.

Chairman Hanson recommended that staff compile a list of the issues raised by the speakers and schedule another Planning Board meeting next week for further discussion before sending comments to the County Council.

12. Zoning Text Amendment No. 08-15

Introduced by County Council President at the request of the County Executive: to amend the Zoning Ordinance to establish a definition for an arts or entertainment use; expand the means to satisfy the public use space and public facility and amenity requirements of the

optional method of development in the CBD Zones under certain circumstances; amend the findings required for approval of a project plan; amend certain development standards for a project that includes an arts or entertainment use; and allow for the establishment of a different project plan and site plan validity period for an arts or entertainment use

Staff recommendation: Transmit Comments to County Council
(Action required for County Council public hearing of 7/29/08)

Subdivision Regulation Amendment No. 08-03

Introduced by County Council President at the request of the County Executive: to amend the Subdivision Regulations to provide an extension of the validity period for an adequate public facilities determination for certain properties; provide for approval of a site plan to validate phases of a preliminary plan and project plan for certain properties under certain circumstances; and provide for the recordation of a final record plat to validate all phases of a multi-phase preliminary plan for certain properties under certain circumstances

Staff recommendation: Transmit Comments to County Council
(Action required for County Council public hearing of 7/29/08)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: By consensus, the Planning Board agreed to transmit comments to the County Council as discussed during the meeting, and as stated in the attached transmittal letter.

Following a brief presentation by Development Review Division staff, the following speakers offered testimony: Ms. Diane Schwartz Jones of the County Executive Office; Ms. Jane Redicker, President of the Silver Spring Chamber of Commerce; Mr. William Kominers of Burning Tree Road; and Mr. Bruce Lee of Lee Development Group.

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

13. Roundtable Discussion
(No public testimony will be taken at this time.)

- A. Commissioners' Report
- B. Approval of Minutes
- C. Director's Report
- D. Enterprise Fund Briefing

- E. County Council Activity – **ADDED**
Charter Amendment
- F. ALARF Briefing - **ADDED**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

- Action:**
- A. Commissioners' Report:** None.
 - B. Approval of Minutes:** No Planning Board Minutes were submitted for approval.
 - C. Director's Report:** None.
 - D. Enterprise Fund Briefing:** Received briefing on the Enterprise Fund status from Parks Department staff during dinner break.
 - E. County Council Activity:** Received briefing from Mr. Glenn Orlin, Deputy Council Staff Director on the Council's proposed Charter amendments. The Board decided not to take a position on the matter.
 - F. ALARF Briefing:** Received briefing from Mary Bradford, Parks Department Director, on the ALARF discussions held by the County Council over the past two weeks.

14. Worksession: Housing Policy Element of the General Plan - POSTPONED

Staff recommendation: Approval of draft for Public Hearing

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

- Action:** This item was postponed.

15. Longdraft Road - DPWT Facility Planning Study Phase I

DPWT Facility Planning Study Phase I Recommendation - Longdraft Road, North Potomac

Staff recommendation: Transmit comments regarding preferred alternative to Montgomery County Department of Public Works and Transportation (DPWT)

BOARD ACTION

Motion: PRESLEY/CRYOR

Vote:

Yea: 4-0

Nay:

Other: ROBINSON ABSENT

Action: Approved the staff recommendation to transmit comments, modified to incorporate the Longdraft Road Coalition's alternative spot improvements proposal, as stated in the attached Letter of Transmittal.

Transportation Planning Division staff presented their findings of the Phase I Facility Planning Study for the Longdraft Road Improvements project, as detailed in the staff report.

Mr. Fred Felton, speaking on behalf of the Mayor and City Council of the City of Gaithersburg; Ms. Susan Wilson, representing the Longdraft Road Coalition; Ms. Wanda Herb Garrett of Longdraft Road; Mr. Bruce Goldensohn of Golden Post Lane; Ms. Joanne Vorburger of Hartley Place Court; Mr. Michael Cannon of Marmary Road; and Mr. Fred Williams of Melmark Court.

There followed some discussion of the alternative spot improvements proposal submitted by the Longdraft Road Coalition.