



**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, October 11, 2012, at 9:12 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 9:25 p.m.

Present were Chair Françoise M. Carrier, Vice Chair Marye Wells-Harley, and Commissioners Casey Anderson and Amy Presley. Commissioner Norman Dreyfuss was necessarily absent.

Items 1 through 7 are reported on the attached agenda. Item 7B was discussed first.

The Board recessed at 11:55 a.m. for lunch and to attend a Planning Department presentation on Public Use Space.

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

Items 7 through 10 are reported on the attached agenda.

The Board recessed for dinner at 6:23 p.m. and reconvened in the auditorium at 7:21 p.m. to take up Item 11, a worksession on the Zoning Ordinance Rewrite. Commissioner Anderson left the meeting after the afternoon session and was not present for the evening session.

There being no further business, the meeting was adjourned at 9:25 p.m. The next regular meeting of the Planning Board will be held Thursday, October 18, 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, October 11, 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 adoption.**

**\*B. Record Plats**

**1. Subdivision Plat No. 220121350, Clarksburg Village (Revision);** R-200/TDR zone, 8 lots; located on the east side of the intersection of Newcut Road and Juniper Blossom Place; Clarksburg Master Plan.

*Staff Recommendation: Approval*

**2. Subdivision Plan No. 220122030, Chevy Chase, Section 4;** R-60 zone; 2 lots, 1 outlot; located on the west side of Meadow Lane, 200 feet north of Thornapple Street; Bethesda-Chevy Chase Master Plan.

*Staff Recommendation: Approval*

**3. Subdivision Plat No. 220130060, Olney Mill;** R-200 zone; 2 lots; located at the terminus of Clover Hill Court, approximately 150' south of Clover Hill Lane; Olney Master Plan.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:                   ANDERSON/WELLS-HARLEY**

**Vote:**

**Yea:                   4-0**

**Nay:**

**Other:               DREFYUSS ABSENT**

**Action:           Approved staff recommendation for approval of 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 September 13, 2012

**BOARD ACTION**

**Motion:                   WELLS-HARLEY/PRESLEY**

**Vote:**

**Yea:                   4-0**

**Nay:**

**Other:               DREYFUSS ABSENT**

**Action:           Approved the Planning Board Meeting Minutes of September 13, 2012, as submitted.**

**7. Roundtable Discussion**

B. Parks Director's Report

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:** **B. Parks Director's Report** - Parks Department Director Mary Bradford highlighted various parks-related activities and future events, as stated in the Director's Report distributed at the meeting.

**2. Subdivision Review Waiver SRW 201101: Big Woods Road**

A request for a waiver under Section 50-38 to allow an unplatted parcel created after June 1, 1958 to proceed under the minor subdivision process, 20915 Big Woods Road, 2.5 acres, R-200 Zone Agricultural and Rural Open Space Master Plan

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion:** **PRESLEY/ANDERSON**

**Vote:**

**Yea:** **4-0**

**Nay:**

**Other:** **DREYFUSS ABSENT**

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

Planning Department staff discussed the request for a waiver under Section 50-38 of the Subdivision Regulations, to allow a 2.5-acre unplatted parcel created after June 1, 1958, on Big Woods Road in the Agricultural and Rural Open Space (AROS) Master Plan area, to proceed under the minor subdivision process for the construction of a single-family dwelling. The property is exempt from platting but the owner can get a record plat if he/she so desires. Staff discussed the forest conservation

requirement and noted that there are unusual circumstances for the property and the waiver request is not inconsistent with the General Plan or the AROS Master Plan.

Mr. David Mowatt, land surveyor, representing the applicant, Mr. Andrew Grove, also present, offered comments and concurred with the staff recommendation.

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

**3. Limited Amendment, Preliminary Plan 12002073A (In Response to a Violation), Yetley Property, Lot 46 Block 1**

R-200 zone; 0.51 acres; one existing lot containing a single-family residential dwelling; request to remove a portion of an existing category I forest conservation easement; located at 12802 Timber View Court, 1600 feet east from the intersection of Kemp Mill Road and Randolph Road in Silver Spring; White Oak Master Plan.

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion:                   ANDERSON/WELLS-HARLEY**

**Vote:**

**Yea:                   4-0**

**Nay:**

**Other:                 DREYFUSS ABSENT**

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

In keeping with the September 28 technical staff report, Planning Department staff discussed the request to remove a portion of an existing Category I forest conservation easement on a 0.52-property located on Timber View Court, east of the intersection of Kemp Mill Road and Randolph Road in the Silver Spring /White Oak Master Plan area. Staff noted that the applicant is proposing to plant supplemental landscaping in the remaining Category I area that is being retained, and will do some offsite plantings as well at a two-to-one ratio. Staff recommends approval of the request to remove 2,700 square feet from the recorded Category I easement, subject to conditions discussed in the staff report.

Mr. Patrick Perry, engineer representing the applicant, Mr. Peter Regis, also present, offered comments and concurred with the staff recommendation.

Legal staff clarified that if the Category I is converted to a Category II, the applicants would have to do a greater amount of plantings.

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

**4. Zoning Text Amendment 12-13**

Amend the RC zone to establish impervious surface limits where specifically recommended in the area master or sector plan.

*Staff Recommendation: Transmit Comments to County Council*  
**(Action Required for County Council Public Hearing of 10/23/12)**

**BOARD ACTION**

**Motion: ANDERSON/WELLS-HARLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: DREYFUSS**

**Action: Approved staff recommendation to transmit comments to the County Council, as stated in the attached transmittal letter.**

In keeping with the October 4 technical staff report, Planning Department staff discussed a proposed Zoning Text Amendment (ZTA) request to amend the Residential/Commercial (RC) zone to establish impervious surface limits where specifically recommended in an area master plan or sector plan, and to provide grandfathering provisions. Specifically, the total impervious surface area of any proposed preliminary plan must not exceed eight percent of the land area of the plan if such a limit is recommended for the property in the approved and adopted master or sector plan. Currently, the RC zone is limited only by a lot coverage requirement for building of ten percent and does not limit paving. The proposed ZTA will also provide a grandfather provision for a project, which has had a preliminary plan approved before the effective date of approval of this ZTA.

There followed a brief Board discussion with questions to staff.

**5. Zoning Text Amendment 12-14**

Amend the Zoning Ordinance to define bikeshare facility; allow a building permit for a bikeshare facility under certain circumstances without a requirement for conformance to an approved site plan; and generally amend the provision concerning permits exempt from conforming to an approved site plan.

*Staff Recommendation: Transmit Comments to County Council*  
**(Action Required for County Council Public Hearing of 10/23/12)**

**BOARD ACTION**

**Motion: PRESLEY/WELLS-HARLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: DREYFUSS ABSENT**

**Action: Approved staff recommendation to transmit comments to the County Council, as stated in the attached transmittal letter.**

In keeping with the October 4 technical staff report, Planning Department staff discussed the Zoning Text Amendment (ZTA) request to define a bikeshare facility and to allow a building permit for a bikeshare facility under certain circumstances without a requirement for conformance to an approved site plan, and generally amend the provision concerning permits exempt from conformance to an approved site plan. Staff noted that bikeshare systems are programs in which bicycles are made available for shared use by people who do not own them. The central concept of these systems is to provide free or affordable access to bicycles for short-distance trips in an urban area as an alternative to motorized public transportation or private vehicles, thereby reducing traffic congestion, noise, and air pollution. This ZTA will eliminate the requirement that a site plan be completed at least five years before the building permit application, an existing requirement that could hinder the establishment of a bikeshare system.

There followed a brief Board discussion with questions to staff.

**6. Department of Parks FY14 Budget Planning Discussion**

**BOARD ACTION**

**Motion: PRESLEY/WELLS-HARLEY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: DREYFUSS ABSENT**

**Action: Approved staff recommendation to prepare the FY14 Park Fund Budget at the Base plus Essential Needs Budget level, as discussed during the meeting.**

Parks Department staff discussed in detail the proposed FY14 budget for the Parks Department and answered questions from the Board.

Executive Director Patti Barney offered comments.

At the Board's request, the Commission's Budget Manager, Mr. Darin Conforti offered comments and clarification.

**7. Roundtable Discussion - CONTINUED**

A. Discussion of Public Ownership versus Private Ownership for new Urban Parks

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received presentation and discussed.**

Parks Department staff offered a presentation on the master plan process and the types, sizes, and roles of parks and public open spaces that are identified in master plans, the hierarchy of spaces, and which types are designated for public ownership and for private ownership. Focusing on the new category of urban parks, staff provided examples of different types of urban parks/public use spaces around the country, highlighting and contrasting design and programming approaches that have been successful at creating interest and use of the space and those that have been less successful. Staff discussed various funding mechanisms for development, programming, and maintenance of urban open spaces, including naming rights, business improvement and/or special taxing districts, non-profit conservancies, endowments, and public/private partnerships. In many cases, staff noted, an urban park is owned by the public sector and managed/operated by the private sector. Staff reported that many urban open spaces have programs and amenities that create a profit; that partnerships with private entities are often needed for funding and management; and that urban spaces need to be programmed, unlike traditional neighborhood parks, and management of this type of space is a specialized skill. Based on staff research, staff recommends a different approach to creating and operating new urban park spaces than is used for other traditional types of parks.

There followed some discussion of various types of ownership and management mechanisms, legal issues, types of programming, how urban parks and open spaces differ from other traditional types of parks, and the general approach and language in sector and master plans related to identifying locations and ownership/management parameters for urban parks and open spaces.

**8. Hillendale Park Activity Building**

Discuss closure and demolition of the Hillendale Park Activity Building and former adult education building.

*Staff Recommendation: Approval*



**BOARD ACTION**

**Motion:                   ANDERSON/WELLS-HARLEY**

**Vote:**

**Yea:                   5-0**

**Nay:**

**Other:**

**Action:            **Approved the staff recommendation for closure and demolition of the Hillandale Park Activity Building and former adult education building.****

Parks Department staff presented a proposal for the phased closure and demolition of the Hillandale Park Activity Building in Hillandale Local Park by February 1, 2014, as detailed in the staff report. Staff provided information about the history and current condition of the facility, including a fire, a failed septic system, and installation of a temporary septic system subject to a memorandum of understanding with the Health Department allowing limited use of the building until February 1, 2014. Staff noted that demolishing the building was the recommended management strategy in the 2007 Functional Plan for Recreation and Ancillary Buildings, which placed the parks recreation buildings in one of the following categories: continue/improve, evaluate/market, transfer or demolition, and assess historical priority. Staff also discussed the results of a cultural resources evaluation, other nearby facilities that are new or recently renovated, and options for repurposing the site if the building is demolished.

Ms. Eileen Finnegan, representing the Hillandale Citizens Association, offered comments.

There followed some discussion of options for reusing the space and improvements to the park, including the need for improved restroom facilities.

**9.       Mandatory Referral No. MR2013004 Forest Glen Passageway Alternatives**

Grade separated pedestrian crossing of Georgia Avenue at Forest Glen Road for Metro users, Forest Glen Sector Plan

*Staff Recommendation: Approve Transmittal of Comments*

**BOARD ACTION**

**Motion:                   ANDERSON/WELLS-HARLEY**

**Vote:**

**Yea:                   4-0**

**Nay:**

**Other:                DREYFUSS ABSENT**

**Action:       Approved the staff recommendation, with modifications, supporting at-grade improvements for pedestrian safety prior to and in addition to a grade-separated crossing, and with a preference for Tunnel Alternative 2, as stated in the attached Letter of Transmittal.**

Planning Department staff presented the mandatory referral review of a proposed 300-foot long grade-separated pedestrian tunnel connection between the Forest Glen Metrorail Station and the east side of Georgia Avenue, as detailed in the staff report. County Department of Transportation conducted a feasibility study of two tunnels and one bridge alternative, from an initial group of six alternatives, to select the final alternative, identified as Tunnel Alternative 1, which would connect Metro Station to the southeast corner of Georgia Avenue. Staff recommends at-grade improvements to the intersection and does not necessarily support any grade-separated crossing. Of the three alternatives studied, staff would prefer Tunnel Alternative 2, which would run under Georgia Avenue from the northeast corner of the intersection.

Mr. Ted Martin, representing the Forest Estates Community Association; Mr. Sheldon Fishman of Dameron Drive; Ms. Shawn Jarosz of Woodman Avenue; Ms. Susan Morris of Darcy Forest Drive; Ms. Alison Gillespie of Brisbane Court; Mr. Christopher Gearin of Brisbane Street; and Ms. Dawn Kretz, of Myrtle Road, offered comments.

Mr. Bruce Johnston, Mr. Greg Hwang, and Mr. Bruce Magnum, representing County Department of Transportation, participated in the discussion, providing additional information and responding to questions from the Board as needed.

In discussion, the Board spoke in support of at-grade improvements for pedestrian safety in advance of, and in addition to, any grade-separated crossing. The Board also supported the staff preference for Tunnel Alternative 2.

**10.    Abandonment Request No. AB-735: Edgevale Road between Watson Road and Harvey Road, Silver Spring**

Request abandonment of approximately 45 feet of unimproved Edgevale Road within the Woodside Park Subdivision in Silver Spring; North and West Silver Spring /Takoma Park Master Plan

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion:               PRESLEY/WELLS-HARLEY**

**Vote:**

**Yea:               4-0**

**Nay:**

**Other:           DREYFUSS ABSENT**

**Action:**       **Approved the staff recommendation to approve the abandonment, subject to one condition, modified in discussion to grant the easement to the County and to include bicycle access, as stated in the attached Letter of Transmittal.**

Planning Department staff presented a request for the abandonment of approximately 45 feet of unbuilt right-of-way of Edgevale Road, as detailed in the staff report. Staff noted that the proposal would divide the property in the abandoned right-of-way between two adjacent lots. A preliminary plan of subdivision was submitted for one of the lots, and it was determined that this section of right-of-way should be improved in conjunction with the subdivision. The community joined the applicant in opposing the paving of that section of right-of-way, primarily because of the loss of trees. The community preferred to retain the trees and an existing pedestrian pathway through the right-of-way, without additional paving. To address those concerns, the abandonment was proposed, with a perpetual pedestrian easement across the former right-of-way.

Legal Counsel to the Board noted that the proposal could create an unfortunate “orphan easement” situation, which could raise issues of future maintenance and enforcement, as well as assuring perpetual pedestrian and bicycle access, even if the future owners decide at some future time that pedestrian access is undesirable. There was some discussion concerning how to create an easement while addressing those issues. Counsel recommended that the easement be granted to the County.

Ms. Mary Jane Checchi, the applicant, and Mr. Stephen Crum, the applicant’s engineer, offered comments and responded to questions from the Board.

## **11.    Worksession on Zoning Ordinance Rewrite**

Agricultural and Rural Zones

### **BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**       **Discussed the Agricultural and Rural Zones and offered guidance to staff.**