



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, January 7, 2010, at 9:05 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 4:45 p.m.

Present were Chairman Royce Hanson, Vice Chair Marye Wells-Harley, and Commissioners Joe Alfandre and Amy Presley.

Items 1 through 7 are reported on the attached agenda.

The Board recessed for lunch at 12:05 p.m.

The Board reconvened in the auditorium at 1:21 p.m.

Items 8-12 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 4:45 p.m. The next regular meeting of the Planning Board will be held Thursday, January 14, 2010, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Technical Writer

Ellyn Dye
Technical Writer

Montgomery County Planning Board Meeting
Thursday, January 7, 2010, 9:00 A.M.
8787 Georgia Avenue
Silver Spring, MD 20910-3760

1. Consent Agenda

***A. Adoption of Resolutions**

1. Fairland Elementary School Addition, Forest Conservation Plan No. MR2009707 - ADOPTION OF MCPB RESOLUTION No. 09-153

2. Tischer Property Parcel 617, Preliminary Plan 120080420 – ADOPTION OF MCPB RESOLUTION No. 09-151

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other:

Action: Adopted Resolutions cited above.

***B. Records Plats**

Subdivision Plat No. 220090710 – 220090780, Poplar Run

R-200 and R-90 zones; 136 lots, 9 parcels; located on Indian Spring Access Road, approximately 3,000 feet east of Layhill Road (MD 182); Kensington - Wheaton.

Staff Recommendation: Approval

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 4-0

Nay:

Other:

Action: **Approved staff recommendation for approval of the record plat cited above.**

***C. Other Consent Items**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **There were no Consent Items submitted for approval.**

D. Approval of Minutes

1. Minutes of November 12, 2009 meeting
2. Minutes of November 16, 2009 meeting
3. Minutes of November 19, 2009 meeting

BOARD ACTION

Motion: **WELLS-HARLEY/PRESLEY**

Vote:

Yea: **4-0**

Nay:

Other:

Action: **Approved Minutes of November 12, 16, and 19, 2009, as presented.**

2. FY11 Operating Budget Transmission to County Executive

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Board discussion.

Following a brief presentation by the Commission’s Acting Executive Director regarding transmission of the FY11 Budget to the County Executive and the County Council, Chairman Hanson noted that Board members should provide their comments to budget staff as soon as possible on the draft budget letter from the Chairman to the County Executive included in the Board’s packet.

3. Long Branch Sector Plan

Discussion of the Scope of Work for Long Branch Sector Plan

Staff Recommendation: Approve Scope of Work

BOARD ACTION

Motion: ALFANDRE/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other:

Action: Approved staff recommendation to approve the scope of work for the Long Branch Sector Plan.

Community-Based Planning, Transportation Planning, and Environmental Planning Divisions staff offered a multi-media presentation of the proposed draft for Long Branch Sector Plan. Staff also noted that Ms. Llona Blanchard representing the City of Takoma Park and Mr. Eddy Luna representing “CASA de Maryland” are available to answer any questions from the Board.

The following speakers offered testimony: Mr. Casey Anderson of First Avenue and representing the Washington Area Bicyclist Association; Mr. Tony Hausner of Brewster Avenue and representing the Indian Spring Citizens Association; Ms. Rose Crenka of Flower Avenue;

Ms. Marilyn Piety of Mintwood Street and representing the Sligo-Branview Community Association Land Use and Zoning Committee; and Mr. Bob Dalrymple of Wisconsin Avenue.

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

Commissioner Alfandre, the Planning Board’s representative for this Sector Plan, offered comments.

4. Zoning Text Amendment No. 09-11

Zoning Text Amendment No. 09-11: To amend the Zoning Ordinance to allow the sale of farm produce by Certified Agricultural Producers in residential zones, under certain circumstances.

Staff Recommendation: Transmit Comments to the County Council
(Action required for County Council public hearing of 1/12/10)

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other:

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

Development Review Division staff offered a brief presentation of the Zoning Text Amendment request to amend the Zoning Ordinance to allow the sale of farm produce by Certified Agricultural Producers in residential zones, known as “farmers market,” under certain circumstances. Staff noted that the intent of this amendment request is to minimize the impact of an agricultural vending establishment on residential neighborhoods.

There followed a brief Board discussion with questions to staff.

At the Board’s request, Legal Counsel to the Board offered comments.

Chairman Hanson noted that the Board understands the reasons behind this amendment request but instructed staff to inform the County Council that the Planning Board would recommend reviewing this request in the context of the Zoning Ordinance rewrite.

5. Zoning Text Amendment No. 09-12

Zoning Text Amendment No. 09-12 to amend the Zoning Ordinance to exempt pre-existing lots or parcels in the Rural Service zone from the minimum frontage requirements.

Staff Recommendation: Transmit Comments to the County Council

(Action required for County Council public hearing of 1/12/10)

BOARD ACTION

Motion: ALFANDRE/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other:

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

Development Review Division staff offered a brief presentation of the Zoning Text Amendment (ZTA) request to amend the Zoning Ordinance to allow parcels in the Rural Service (RS) zone with less than the 300-foot road frontage requirement to develop with the frontage that existed when the RS zone was applied. The sponsor of this ZTA believes this grandfathering provision was mistakenly omitted when the RS zone was first established.

There followed a brief Board discussion with questions to staff.

6. Preliminary Plan 120080270, Hermitage

R-60 zone; 2.46 acres; 7 lots requested for 7 one-family detached residential dwellings; located on the west side of Connecticut Avenue (MD 185), at the current terminus of Brandywine Street; Kensington-Wheaton.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 4-0

Nay:

Other:

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

In keeping with the December 14 technical staff report, Development Review Division staff presented the request to create seven lots for seven one-family detached residential dwelling

units on a 2.46-acre property located on the west side of Connecticut Avenue (MD 185), at the current terminus of Brandywine Street in Kensington/Wheaton. Staff discussed the environmental impact of the proposed project, and noted that the proposed lots meet all the requirements established in the Subdivision Regulations and the Zoning Ordinance, and also comply with the recommendations of the Kensington/Wheaton Master Plan. Staff also distributed and discussed a list of revised conditions.

At the Board's request, Environmental Planning Division staff offered comments regarding the proposed removal of three trees on the property.

Messrs. Eric Tidd and Curt Schreffler, Engineers for the applicant, and Mr. Sterling Mehring of Long and Foster, briefly discussed the proposed project and concurred with the staff recommendation.

The following speakers offered testimony: Mr. Sanford Gottlieb of Brandywine Street; and Mr. David Fay of Halsey Street.

There followed a brief Board discussion and the Board recommended that Wexford Drive be made the primary access road for construction traffic.

7. Site Plan Amendment Review No. 82008021A, Washington Adventist Hospital

I-1, I-3 zones; 48.86 acres; amendment; change building footprint, but not location or square foot, modify service areas, add a generator farm, modify loading docks and building entrances, campus circulation and canopy system, modify landscape plan and FCR to coordinate with revision site plan, located on Plum Orchard Drive, approximately 400 feet south of Broadbirch Drive; Fairland

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other:

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

In accordance with the December 28 technical staff report, Development Review Division staff offered a multi-media presentation of the site plan amendment request for Washington Adventist Hospital. Staff discussed the list of proposed modifications and noted that these modifications are as a result of programming and operational issues during the preparation of the pending State Certificate of Need Application. Staff added that the overall campus floor area ratios has been decreased by 9,854 gross square feet, however this does not affect the project's compliance with the development standards and conditions of approval of the original site plan.

Mr. Robert Brewer, attorney representing the applicant, introduced Messrs. Phil Perrine, Land Planner; Geoffrey Morgan, Vice President of Operations for Washington Adventist Hospital; and Ms. Trini Rodriguez, Landscape Architect, all members of the applicant's team.

Messrs. Brewer and Morgan briefly discussed the proposed amendment request and concurred with the staff recommendation.

There followed extensive Board discussion with questions to staff.

8. Farmland Elementary School Modernization

A. Forest Conservation Plan: Farmland Elementary School Modernization - Intersection of Farmland Drive and Old Gate Road. R-90 Zone, North Bethesda Master Plan.

Staff Recommendation: Approval with Conditions

B. Mandatory Referral No.09709-MCPS-1: Farmland Elementary School Modernization - Intersection of Farmland Drive and Old Gate Road. R-90 Zone, North Bethesda Master Plan.

Staff Recommendation: Approval to Transmit Comments to Montgomery County Public Schools

BOARD ACTION

Motion: **A. PRESLEY/ALFANDRE**
 B. PRESLEY/ALFANDRE

Vote:

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

Nay:

Other:

Action: **A. Approved the staff recommendation to approve the forest conservation plan, subject to conditions.**

B. Approved the staff recommendation to approve the mandatory referral, subject to conditions, as stated in the attached Letter of Transmittal.

Environmental Planning staff and Community-Based Planning staff presented, respectively, the forest conservation plan and mandatory referral review for the proposed modernization of Farmland Elementary School, as detailed in the staff reports. The project includes demolition of the original 1963 building, retention of a 2006 addition, and construction of a new 33,554 square foot building. Because most of the outdoor fitness and play facilities will be on parkland, staff reported that the forest conservation plan applies to the school and park properties, and a park construction permit is required.

Mr. Craig Shuman, representing Montgomery County Public Schools (MCPS), concurred in the staff recommendation.

Responding to questions from the Board, Legal Counsel to the Board discussed the implications and applicability of the recently enacted State Senate Bill 666 related to local forest conservation laws.

9. Montgomery Knolls Elementary School Addition

A. Forest Conservation Plan: Montgomery Knolls Elementary School Addition – 807 Daleview Drive near Linton Street, R-60 Zone, East Silver Spring Master Plan.

Staff Recommendation: Approval with Conditions

B. Mandatory Referral No. 09743-MCPS-1: Montgomery Knolls Elementary School Addition – 807 Daleview Drive near Linton Street, R-60 Zone, East Silver Spring Master Plan.

Staff Recommendation: Approval to Transmit Comments to Montgomery County Public Schools

BOARD ACTION

Motion: A. PRESLEY/ALFANDRE

B. PRESLEY/ALFANDRE

Vote:

Yea: A. 4-0

B. 4-0

Nay:

Other:

Action: A. Approved the staff recommendation to approve the forest conservation plan, subject to conditions.

B. Approved the staff recommendation to approve the mandatory referral, subject to conditions, as stated in the attached Letter of Transmittal.

Environmental Planning staff and Community-Based Planning staff presented, respectively, the forest conservation plan and mandatory referral review for the proposed addition to the Montgomery Knolls Elementary School, as detailed in the staff reports. The project includes a two-story addition, expansion of the bus loop and parking area, and reconfiguration of the play areas.

Mr. Craig Shuman, representing Montgomery County Public Schools (MCPS), concurred in the staff recommendation.

10. Roundtable Discussion

A. Forest Conservation Easement Stewardship Outreach Program

B. Parks FY10 CIP Current Revenue Reductions - The County Executive is recommending approximately \$4.7 mil in current revenue cuts across several CIP projects. The Department of Parks has asked to lower the total amount of reductions to \$2.5 mil. Staff would like to brief the Planning Board on these cuts and their impacts to the CIP. Any FY10 reductions will be done as part of the Executive's Recommended CIP that is released on January 15.

C. Update on Park Issues

D. Planning Board Training Program

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefings.

A. Forest Conservation Easement Stewardship Outreach Program—Environmental Planning staff briefed the Board on the findings of the recently completed inventory of forest conservation easements in the County, outstanding issues, and the outreach/education and enforcement strategy. Staff also demonstrated the new interactive website, which is proposed to be launched soon. The Board expressed strong support and recommended a full marketing launch of the program.

B. Parks FY10 CIP Current Revenue Reductions—Parks Department staff presented the County Executive’s recommended reductions in current revenue funding in the Parks Capital Improvements Program (CIP), and offered alternatives to some of the specific reductions.

C. Update on Park Issues—Director of Parks Mary Bradford updated the Board on Parks issues, including a report on the Sligo Golf Course Task Force and the operating costs of the snowstorms this winter.

D. Planning Board Training Program —Planning Director’s Office staff presented an overview and distributed materials about the Maryland Department of Planning online planning education course, which by law must be completed by all members of local planning commissions/boards and boards of appeals before July 1, 2010, and by new members within six months of appointment.

11. Partnership South Germantown Recreational Park - RFP 28-114 to Jack Schore Tennis Complex at South Germantown Recreational Park

Proposal to provide recreational complex next to aquatic center
Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 4-0

Nay:

Other:

Action: **Approved the staff recommendation, subject to further review of conditions pertaining to the lease.**

Parks Department staff presented a recommendation to select Jack Schore Tennis, LLC, to partner with the Commission to develop, manage, and maintain a new indoor/outdoor tennis facility at South Germantown Recreational Park, subject to conditions, as detailed in the staff report. Staff noted that the proposal was one of two submitted in response to a request for proposals (RFP) issued in 2008.

Mr. Jack Schore, Mr. Kevin Dowdell, and Ms. Anne Pallie elaborated on the business plan and the envisioned facilities and program.

There followed some discussion of various aspects of the proposal, with Parks Department staff and the applicants providing additional information and responding to questions from the Board as necessary.

12. Montgomery Parks Foundation

Staff recommendations for Board action regarding:

1. Proposed MOU between Montgomery Parks and Montgomery Parks Foundation
2. Preparation of naming opportunities menu
3. Staffing and funding for proposed Foundation for FY 10 and 11
4. Establishment of search committee for Foundation Board of Trustees.

BOARD ACTION

Motion: **1. PRESLEY/WELLS-HARLEY**
 3. WELLS-HARLEY/PRESLEY

Vote:

Yea: **1. 4-0**
 2. 4-0

Nay:

Other:

Action: **1. Approved the staff recommendation to approve the draft Memorandum of Understanding (MOU), subject to revisions identified in discussion.**

3. Approved the Parks Department Director's recommendation for funding support of the Foundation for the remainder of FY10.

In response to directives from the Board at the December 17, 2009, meeting, and in preparation for the Parks Foundation Board of Trustees meeting this evening, Parks Department and Legal Department staff presented a draft Memorandum of Understanding (MOU) between the Parks Department and the Parks Foundation, staffing and funding scenarios, and a revised work plan for the Parks Foundation, as contained in the staff report.

Discussion centered on the funding scenarios and the draft Memorandum of Understanding, and the Board provided guidance to staff for revisions.