



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

301-495-4616

**APPROVED
MINUTES**

The Montgomery County Planning Board met in regular session on Thursday, January 22, 2009, at 9:00 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 John Robinson, and Commissioners Joe Alfandre, Jean Cryor, and Amy Presley.

At the start of the meeting, Board members and the Planning Department Director presented Awards, Certificates to Commission employees with five to twenty-five years of service with the Commission.

Items 1 through 7 are reported on the attached agenda.

The Board recessed for lunch at 12:05 p.m. and to take up Items 8 and 14, Closed Session Items.

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 11:55 a.m. in the third floor conference room, on motion of Commissioner Robinson, seconded by Commissioner Cryor, with Commissioners Hanson, Robinson, Alfandre, Cryor, and Presley present and voting in favor of the motion. 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, and §10-508(a)(3), State Government Article, Annotated Code of Maryland, to consider acquisition of real property for a public purpose.

Also present for all or part of the Closed Session were Associate General Counsels Debra Daniel, Carol Rubin, David Lieb, and Christina Sorrento of the Legal Department; Director Rollin Stanley, Rose Krasnow, Cathy Conlon, Richard Weaver, and Callum Murray of the Planning Department; Director Mary Bradford, Deputy Director Michael Riley, Bill Gries, April O'Neal,

John Hench, and Dominic Quattrocchi of the Parks Department; and Clara Moise of the Commissioners' Office.

In Closed Session, the Board received briefing and advice from legal staff regarding the resubdivision process, and considered proposed acquisition of park land.

The Closed Session was adjourned at 1:40 p.m. and the Board reconvened in open session in the third floor conference room.

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

Items 9 through 13 are reported on the attached agenda.

The Board recessed at 3:35 p.m. to take up an additional Closed Session item not on the agenda.

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 3:45 p.m. in the Chairman's office, on motion of Commissioner Presley, seconded by Commissioner Cryor, with Commissioners Hanson, Robinson, Alfandre, Cryor, and Presley present and voting in favor of the motion. The meeting was closed under authority of §10-508(a)(1), State Government Article, Annotated Code of Maryland, to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of Commission appointees, employees, or officials; or to discuss any other personnel matter that affects one or more specific employees.

Also present for all, or part of, the Closed Session were Planning Director Rollin Stanley, via teleconference, and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board discussed potential committee appointments.

The Closed Session was adjourned at 4:44 p.m. and the Board reconvened in open session in the Chairman's office.

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 29, 2009, 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 22, 2009
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

Presentation of Service Awards for Planning Department

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Planning Board Commissioners and Planning Department Director presented Service Awards, Certificates to Commission employees with five to twenty-five years of service with the Commission.

1. Adoption of Opinions/Resolutions

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: No Resolutions were submitted for adoption.

2. Record Plats

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: No Record Plats were submitted for adoption.

3. Consent Items

A. Site Plan Amendment No. 82006012A, Piedmont Crossing (Casey Property @ Mill Creek)

R-90 zone; 38.97 acres; amendment to remove condition no. 8, add 1 lot and change the phasing located on Amity Drive approximately 250 feet west of Bounding Bend Court; Shady Grove

Staff recommendation: Approval

B. Site Plan Amendment No. 82006002A, Montgomery Auto Sales Park

Lot 11, C-3 zone; 14.77 acres; amendment to modify existing building for addition, transferring existing density to new additions by demolishing existing structures; located on Automobile Boulevard approximately 1,200 feet south of Briggs Chaney Road; Fairland

Staff recommendation: Approval

BOARD ACTION

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

Vote:

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

Nay:

Other:

Action: **A. Approved staff recommendation for approval of Site Plan Amendment.
 B. Approved staff recommendation for approval of Site Plan Amendment.**

4. Approval of Minutes

- Minutes, MCPB Monday, December 8, 2008
- Minutes, MCPB Thursday, December 11, 2008

BOARD ACTION

Motion: **ALFANDRE/ROBINSON**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved Planning Board Minutes of December 8, and 11, 2008, as presented.**

5. Briefing: Office of Legislative Oversight Report 2009-6 Transportation Demand Management-Implementation, Funding, and Governance

Staff recommendation: Discussion Item Only

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **Received briefing from Transportation Planning Division staff followed by Board discussion and questions to staff and the County Council Office of Legislative Oversight staff.**

Ms. Jennifer Renkema and Mr. Aron Trombka, staff of the Office of Legislative Oversight (OLO) at the County Council, offered comments at the Board's request.

Chairman Hanson instructed staff to prepare a letter to the County Council for review by the Board, incorporating the Board's comments and suggestions, and to schedule another meeting for next Thursday.

6. Office of Legislative Oversight Report: The Organization and Coordination of Recreation Programs

Staff recommendation: Transmit formal comments and position to County Council

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing from Parks Department staff followed by Board discussion and questions to Parks Department staff and the County Council Office of Legislative Oversight staff.

Messrs. Craig Howard and Rich Romer, staff of the County Council Office of Legislative Oversight (OLO), offered comments at the Board's request.

There followed extensive Board discussion, and the Board instructed staff to schedule further discussion of this item at next Thursday Planning Board meeting, and to prepare a draft letter to the County Council with the Board's comments and position.

7. Wildwood Manor Shopping Center

A. Preliminary Plan No. 11989271A, Wildwood Manor Shopping Center

O-M zone; 3.5 acres; 36,423 square feet of office use previously approved; request for additional 33,450 square feet of office use; located in the southeast quadrant of the intersection of Old Georgetown Road and Rock Spring Drive; North Bethesda-Garrett Park.

Staff recommendation: Approval with conditions

B. Site Plan No. 820080240, Wildwood Manor Shopping Center

O-M zone, 3.50 acres; 69,893 square feet of commercial space including office and bank; located in the southeast quadrant of the intersection with Old Georgetown Road and Rock Spring Drive; North Bethesda/Garrett Park

Staff recommendation: Approve Site Plan with conditions

BOARD ACTION

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

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 accordance with the January 12 technical staff report, Development Review Division staff presented the request to create an additional 33,450 square feet of office use for a previously approved Preliminary Plan and Site Plan.

Mr. Jody Kline, attorney representing the applicant, introduced members of the applicant's team, briefly discussed the proposed request, and concurred with the staff recommendation.

Messrs. Charles Schaeffer of Chatsworth Lane and Donald Sylvain of Rossmore Drive, members of the Wildwood Manor Citizens Association offered testimony.

There followed discussion by Board members and questions to staff, the applicant's representative, and the speakers.

8. Closed Session

In accordance with State Government Article, Section 10-508(a)(7), State Government Article, Annotated Code of Maryland, to consult with counsel to obtain legal advice (Resubdivision)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

15. CLOSED SESSION - ADDED

Pursuant to Annotated Code of Maryland, State Government Article, Section 10-508 (a) (3) to consider acquisition of real property for a public purpose (Fairland Recreational Park)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

9. Partnership: Great and Small, Inc. 2007 Annual Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received report.

Following opening remarks by Parks Department staff, Ms. Sarah Phelps, Executive Director of Great and Small, Inc., presented the annual report for the therapeutic horseback riding program at the Rickman Horse Farm, highlighting the programs offered.

Ms. Ann Zabaldo of Washington, D.C., a program participant, and Dr. Patricia Westerman of Bethesda, a volunteer, spoke to the value and impact of the program on participants.

10. Preliminary Plan No. 120080380, Finlandia (Resubdivision)

RE-2 zone; 10.01 acres; 2 lots requested; 2 one-family detached dwelling units, one existing to remain; located on Hanson Road, 700 feet northwest of Hilton Road; Damascus.

Staff Recommendation: Approval with conditions

BOARD ACTION

Motion: PRESLEY/ROBINSON

Vote:

Yea: 5-0

Nay:

Other:

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

Development Review Division staff presented the proposed resubdivision of one lot to create two residential lots, as detailed in the staff report. Staff discussed environmental features of the property, a proposed Category I conservation easement, and requirements under the Forest Conservation Law.

Mr. Joshua Maisel of Benning and Associates, representing the applicant, concurred in the staff recommendation.

11. Preliminary Plan No. 120080290, Miracle Temple Assembly of God (Resubdivision)

R-200 zone; 2.23 acres; 1 lot requested; place of worship; located in the southeast quadrant of the intersection of Alderton Road and Woodwell Road; Aspen Hill.

Staff Recommendation: Approval with conditions

BOARD ACTION

Motion: **ROBINSON/ALFANDRE**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Agreed to continue this item, with concurrence by the applicant, pending submission of a waiver request and a landscape plan.**

Development Review staff presented the proposal to resubdivide an unplatted part of a lot to create one lot for a house of worship, as detailed in the staff report. Staff reviewed and responded to issues that have been raised in correspondence.

Mr. Mark Ferguson, the land planner, and Rev. Ebenezer Caternor, representing the applicant, concurred in the staff recommendation.

Mr. Subash Duggirala, owner of abutting property, Mr. Swann Karandikar of Punch Street, and Ms. Elise Shurie of Huckleberry Lane spoke in opposition to the proposal.

Vice Chair Robinson raised concern about the lot size, which is much larger than all but one other lot in the neighborhood. He suggested that addressing the issue through the waiver provisions would be appropriate.

There followed considerable discussion about the issue of lot size and other issues of compatibility with surrounding properties, including landscaped screening, possible privacy fencing, and the location of the dumpster.

12. Proposed Amendments: Montgomery County Comprehensive Water Supply and Sewerage Systems Plan- AD 2009-1 (Administrative Cases)

Staff recommendation: Transmit Recommendations to County Executive

BOARD ACTION

Motion: **ROBINSON/PRESLEY**

Vote:

Yea: **5-0**

Nay:

Other:

Action: Following a brief presentation by Environmental Planning staff of the three submitted requests, approved the staff recommendation, as stated in the attached Letter of Transmittal.

13. Roundtable Discussion

(No Public Testimony will be taken)

- A. Intercounty Connector Project Status Report #17 -**POSTPONED**
- B. Commissioners' Reports
- C. Director's Reports
- D. County Council Activity
- E. MPDU-TDR Calculations - **REMOVED**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

- A. Intercounty Connector Project Status Report #17**—Postponed.
- B. Commissioners' Reports**—None.
- C. Director's Reports**—None
- D. County Council Activity**—Chairman Hanson briefed the Board on recent County Council activity.
- E. MPDU-TDR Calculations**—Removed.