



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 29, 2009, at 9:05 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 6:25 p.m.

Present were Chairman Royce Hanson, Vice Chair John Robinson, and Commissioners Joe Alfandre, Jean Cryor, and Amy Presley.

Items 1 through 4, 11, 5 through 7, 9 and 10, taken up in that order, are reported on the attached agenda.

The Board recessed at 12:20 p.m. for lunch and to take up Item 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 reconvened in Closed Session at 1:25 p.m. in the third floor conference room, on motion of Vice Chair Robinson, seconded by Commissioner Alfandre, with Commissioners Hanson, Alfandre, Cryor, Robinson, 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.

Also present for all or part of the Closed Session were Patricia Cohilan Barney, Secretary Treasurer; Associate General Counsels Carol Rubin, Derrick Rogers, and Donna Calcote of the Legal Department; Director Mary Bradford, Deputy Director Michael Riley, Gene Giddens, Christine Brett, and John Hench of the Parks Department; and Clara Moise of the Commissioners' Office.

In Closed session the Board received briefing from Legal Counsel and Parks Department staff on Montgomery County Revenue Authority's (MCRA) intention to close Sligo Creek Golf Course effective October 1, 2009, and to discuss the relevant provisions of the October 26, 2006, lease by and between the Commission and MCRA.

The Closed Session was adjourned at 2:30 p.m. and the Board reconvened in open session in the third floor conference room.

There being no further business, the meeting was adjourned at 2:30 p.m. The next regular meeting of the Planning Board will be held Thursday, February 5, 2009, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye
Technical Writer

M. Clara Moise
Technical Writer

Montgomery County Planning Board Meeting
Monday, January 29, 2009
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Adoption of Opinions/Resolutions

Group A: Five Commissioners Eligible to Vote [Commissioners Alfandre, Cryor, Presley, Hanson and Robinson]

- i) Wildwood Manor Shopping Center Preliminary Plan 11989271A, ADOPTION OF RESOLUTION No. 09-11
- ii) Wildwood Manor Shopping Center Site Plan No. 820080240, ADOPTION OF RESOLUTION No. 09-12
- iii) Washington Adventist Hospital Site Plan No. 820080210, ADOPTION OF RESOLUTION No. 08-159
- iv) Gateway 270 West Building 4, Lot 11 Site Plan No. 82000017D, ADOPTION OF RESOLUTION No. 09-05
- v) South Glen Road – Verma Property Preliminary Plan 120060660, ADOPTION OF RESOLUTION No. 09-13

BOARD ACTION

Motion: **PRESLEY/ROBINSON**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Adopted the Resolutions cited above.**

2. Record Plats

Subdivision Plat No. 220081250, Spring Meadows

RC zone; 1 lot; located on the west side of Spring Meadows Drive, approximately 1,500 feet south of Natchez Drive; Potomac.

Staff Recommendation: Approval

Subdivision Plat No. 220090140, Russell Property

RDT zone; 1 lot; located on the south side of Whites Ferry Road (MD 107), approximately 1,200 feet west of Sugarland Road; Agriculture and Rural Open Space.

Staff Recommendation: Approval

Subdivision Plat No. 220090560, Muncaster Manor

RE-1 zone; 3 lots; located on the south side of Rolling Drive, approximately 1,300 feet west of Muncaster Road; Upper Rock Creek.

Staff Recommendation: Approval

BOARD ACTION

Motion: **ROBINSON/PRESLEY**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved the Record Plats cited above.**

3. Consent Items

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **There were no Consent Items.**

4. Approval of Minutes

BOARD ACTION

Motion: **ROBINSON/ALFANDRE**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved the minutes of December 18, 2008, as presented.**

11. [Briefing: Office of Legislative Oversight Report 2009-6 Transportation Demand Management-Implementation, Funding, and Governance – Continued from January 22, 2009 -](#)

(No public testimony will be taken)

Staff recommendation: Transmit Comments to County Council

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: By unanimous consent, approved the staff recommendation, as stated in the attached Letter of Transmittal.

In a continuation of the discussion of the Office of Legislative Oversight Report last week, Transportation Planning staff presented a draft memorandum to transmit the Board's comments to the Council Committees on Planning, Housing, and Economic Development (PHED) and Transportation, Infrastructure, Energy, and Environment (T&E), in anticipation of the joint Committee discussion on Monday.

In discussion, the Board clarified several issues and fine-tuned the draft language.

12. Office of Legislative Oversight Report: The Organization and Coordination of Recreation Programs - Continued from January 22, 2009

(No public testimony will be taken)

Staff recommendation: Transmit formal comments and position to County Council

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: By unanimous consent, approved the staff recommendation, as stated in the attached Letter of Transmittal.

In a continuation of the discussion of the Office of Legislative Oversight Report last week, Director of Parks Mary Bradford presented a draft memorandum to transmit the Board's comments to the County Council.

In discussion, the Board clarified several issues and fine-tuned the draft language.

5. Discussion: Gaithersburg West Master Plan -POSTPONED

(No public testimony will be taken at this time)

Presentation of draft plan, approval of Public Hearing Draft and set public hearing date

Staff recommendation: Approve Public Hearing Draft and set public hearing date

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **This item was postponed.**

6. [Zoning Text Amendment No. 08-18](#)

Introduced by the District Council at the request of the County Executive: to amend the Zoning Ordinance to delete or revise the date restrictions for Christmas tree sales.

Staff recommendation: Transmit Comments to County Council

BOARD ACTION

Motion: **ALFANDRE/ROBINSON**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved the staff recommendation, as stated in the attached Letter of Transmittal.**

Development Review staff presented the Zoning Text Amendment to delete the date restrictions for Christmas tree sales, as detailed in the staff report.

7. [Board of Appeals No. S-2736](#)

DAVCO Restaurants, Inc., applicant, requests a special exception for an eating & drinking establishment, including a drive-in (Drive-in Restaurant); C-1 Zone; located at intersection of Vital Way & Randolph Road (MD Route 183), Silver Spring

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: **ROBINSON/CRYOR**

Vote:

Yea: **4-1**

Nay: **ALFANDRE**

Other:

Action: **Approved the staff recommendation to approve with conditions, as stated in the attached Letter of Transmittal.**

Development Review staff presented the request for a special exception for a Wendy's drive-in restaurant, as detailed in the staff report. Staff corrected condition 4 to reflect that the restaurant will be open until 11 p.m.

Mr. Tom Hughes of the applicant company; Mr. David Webber, the engineer; Mr. Kevin Foster, the planner; and Mr. Todd Brown, the applicant's attorney, concurred in the staff recommendation and responded to questions from the Board.

There followed considerable discussion about the compatibility of the proposed use with the surrounding neighborhood.

9. Roundtable Discussion

(No public testimony will be taken)

- A. [Intercounty Connector Project Status Report #17](#)
- B. Commissioners' Reports
- C. Director's Reports
- D. County Council Activity
- E. Governor's Initiatives

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **A. By unanimous consent, directed staff to draft a letter to the Governor and Maryland Department of the Environment concerning incorporating County stormwater management and sediment and erosion control measures into Intercounty Connector design and construction to protect water quality, particularly in Special Protection Areas, as stated in the attached Letter of Transmittal.**

A. **Intercounty Connector (ICC) Project Status Report #17**—Planning Department and Parks Department staff presented a report on how effectively the Board’s recommendations on environmental and water resource protection measures have been incorporated into the design and construction of the ICC in the Upper Rock Creek Special Protection Area (SPA) and drainage area, and recommendations to be incorporated into design and construction in the Upper Paint Branch SPA, as detailed in the staff report. Mr. Mark Etheridge, representing Department of Permitting Services (DPS); Mr. Keith Van Ness, representing Department of Environmental Protection (DEP); and Mr. Robert Shreeve, representing State Highway Administration (SHA), participated in the discussion with the Board.

B. Commissioners' Reports—None.

C. Director's Reports—Parks Director Mary Bradford and Deputy Director Mike Riley briefed the Board on the County Smart Growth initiative to relocate the Shady Grove County Service Park, including the Parks Department Shady Grove Central Maintenance Facility. Staff will attend a session on this issue this afternoon with the County Council Committees on Public Safety (PS) and on Transportation, Infrastructure, Energy, and Environment County Council Committee on Transportation, Infrastructure, Energy, and Environment (T&E).

D. County Council Activity—Chairman Hanson updated the Board on Council discussions related to the use of the Advance Land Acquisition Revolving Fund (ALARF) for use for building lot termination and noted that the Council will take up the Capital Improvements Program item on SilverPlace next week.

E. Governor's Initiatives - ADDED—Discussed the Governor’s Initiatives related to planning.

10. Program Briefing: Resource Conservation Plan

Energy and utilities, solid waste, and recycling

Staff Recommendation: Briefing

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing.

Parks Department staff and energy consultant Richard Anderson of CQI presented the annual report on the resource conservation and green parks management programs, including utility consumption reductions and cost fluctuations; reductions in refuse collection and increases in recycling; water conservation; recommendations to increase vehicle fleet efficiencies; and the status of projects initiated in 2008 and short-term and long-term initiatives and goals.

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 (Lease Amendment to Revenue Authority Lease)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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