



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, February 3, 2011, at 9:07 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 7:15 p.m.

Present were Chair Françoise M. Carrier, Vice Chair Marye Wells-Harley, and Commissioners Joe Alfandre and Amy Presley. Commissioner Norman Dreyfuss was necessarily absent from the first part of the meeting, and joined the meeting at 4:50 p.m., during discussion of Item 5.

Items 1, 2, 9, 10, and 3 are reported on the attached agenda.

The Board recessed at 1:10 p.m. for lunch and to take up Items 15 and 16 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 convened in Closed Session at 1:25 p.m. in the third floor conference room, on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Alfandre and Presley present and voting in favor of the motion, and Commissioner Dreyfuss absent. The meeting was closed under authority of §10-508(a)(13), State Government Article, Annotated Code of Maryland, to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter; and §10-508(a)(7), to consult with counsel to obtain legal advice.

Also present for all or part of the Closed Session were Associate General Counsel Carol Rubin of the Legal Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board approved submitted Closed Session minutes and consulted with Legal Counsel on the implications of the Organizational Reform Commission's recommendations related to incorporating the M-NCPPC Park Police into the County Police Department and transferring park user services, programming, permitting, and facilities to the Department of Recreation.

The Closed Session was adjourned at 2:20 p.m.

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

Items 11, 12, 4-8, and 13, and 14 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 7:15 p.m. The next regular meeting of the Planning Board will be held Thursday, February 10, 2011, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye
Technical Writer

M. Clara Moise
Technical Writer

Montgomery County Planning Board Meeting
Thursday, February 3, 2011
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

8809 Chalon Drive Variance Request Plan No. SC2010014 – ADOPTION OF MCPB No. 10-134

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Adopted the Resolution cited above.

***B. Record Plats**

1. Subdivision Plat No. 220081010, Westfarm Technology Park (Revision); I-1 and I-3 zones; 1 parcel; located on the west side of Plum Orchard Drive, 500 feet south of Broadbirch Drive; Fairland.

Staff Recommendation: Approval

2. Subdivision Plat No. 220110300, B.F. Gilberts Subdivision of Takoma Park; C-1 zone, 1 lot; located in the southwest quadrant of the intersection of Piney Branch Road (MD 320) and Flower Avenue (MD 787); Takoma Park.

Staff Recommendation: Approval

3. Subdivision Plat No. 220110320, Orchard Estates; RE-1 zone, 1 lot; located on the west side of Peach Orchard, 875 feet south of Thompson Road; Cloverly.

Staff Recommendation: Approval

BOARD ACTION

Motion: **WELLS-HARLEY/PRESLEY**

Vote:

Yea: **4-0**

Nay:

Other: **DREYFUSS ABSENT**

Action: **Approved the Record Plats as stated 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 December 13, 2010 - **POSTPONED**

Minutes of December 16, 2010 - **POSTPONED**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **This item was postponed.**

2. ICC Environmental Stewardship/Compensatory Mitigation Projects

Approval of three (3) ICC ES/CM stream restoration projects in the Rock Creek watershed. Project RC-2 is in the Mill Creek tributary of Rock Creek, NB-1 is in the Cherry Wood Manor tributary of the North Branch of Rock Creek and NB-3 is in the Manor Run tributary of the North Branch of Rock Creek.

Staff Recommendation: Approval

BOARD ACTION

Motion: ALFANDRE/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved the staff recommendation to approve the projects.

Parks Department staff presented three stream restoration projects to be completed by State Highway Administration (SHA) as part of the Intercounty Connector Environmental Stewardship and Compensatory Mitigation program, as detailed in the staff report.

There followed some discussion of the scope of work, interagency coordination, and agency responsibilities.

9. Montgomery County Priorities for State Consolidated Transportation Program

Provide guidance for joint County Council and Executive transportation project priorities letter to the State Delegation.

Staff Recommendation: Transmit Comments to County Council

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved transmittal of comments to the County Council, as modified in discussion, as stated in the attached Letter of Transmittal.

Transportation Planning staff presented the new priority list for the State Consolidated Transportation Program, as detailed in the staff report. Staff compared the list to the 2008 priority list, noting that most changes are the result of updates to area Master Plans, other projects moving forward, or funding by the County. Staff also recommends State designation of the White Flint Sector Plan area as a transit-oriented development area.

There followed some discussion of the new priorities and the priority given to various specific projects. Discussion also focused on the importance of Bus Rapid Transit for the County, and the Board agreed to place that on the Overall County Priority List.

Mr. Glenn Orlin provided comments and participated in the discussion.

10. [Corrective Map Amendments](#)

As part of the mapping conversion project, a number of errors on the existing paper zoning maps have been discovered and need to be corrected. Staff will be bringing an entire group of corrections to the Board.

Staff Recommendation: Transmit to County Council

BOARD ACTION

Motion: **ALFANDRE/PRESLEY**

Vote:

Yea: **4-0**

Nay:

Other: **DREYFUSS ABSENT**

Action: **Approved the staff recommendation to transmit the Corrective Map Amendments to the County Council for action.**

Planning Department staff presented the proposed Corrective Zoning Map Amendments, as detailed in the staff report, citing a distributed set of revised maps. The errors were identified during a comprehensive review of the zoning maps, which is part of a project to upgrade the maps to the Geographic Information Systems (GIS).

Ms. Judy Higgins, representing Kensington View, offered comments.

3. **CR Zones Zoning Text Amendment Worksession**

Continued discussion of modifications to the CR zones to add CR “Neighborhood” and CR “Town” zoning categories.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Discussed and provided guidance to staff.

Continuing the discussion of Zoning Text Amendments for the CR Zones, Planning Department staff presented proposed revisions to the sections on Methods of Development and Approval Procedures and Land Uses.

There followed considerable discussion of the thresholds for standard method of development and optional method of development, the findings and requirements for sketch plans, and the requirements and thresholds for site plan review.

Ms. Judy Higgins, representing Kensington View, and Ms. Meredith Wellington, former Planning Board member, offered comments.

15. Closed Session

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(13) to comply with specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

16. Closed Session

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(7) to consult with counsel to obtain legal advice.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

11. Limited Preliminary Plan Amendment 11987271B, Milestone Business Park (APF Extension Request)

I-3 zone; 44.7 acres; 3 lots previously approved for 792,200 square feet of office, 70,000 square feet of industrial, 25,000 square feet of restaurant, and 15,050 square feet of retail uses; request for a new Adequate Public Facilities approval for 428,000 square feet of expired office use; located on Milestone Center Drive, 750 feet south of Observation Drive; Germantown Master Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: ALFANDRE/PRESLEY

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 January 14 technical staff report, Planning Department staff discussed the request for approval of a new Adequate Public Facilities (APF) review for a previously approved Preliminary Plan, which consists of 1,378,778 square feet of office use, 22,050 square feet of retail use, and 25,000 square feet of restaurant use. Staff noted that the Site Plan was approved by the Board for a

slightly different combination of uses that are also permitted in the zone and do not generate any more peak-hour vehicle trips than the uses approved in the Preliminary Plan. Staff also added that the APF is limited to peak-hour vehicle trips associated with 428,000 square feet of office use. Staff distributed a list of revised conditions at the meeting.

Mr. Patrick O'Neil, attorney for the applicant, introduced Messrs. Campbell Smith and Craig Helberg, members of the applicant's team, and concurred with the staff recommendation.

12. Preliminary Plan 119852450, Decoverly Hall (APF Extension Request)

O-M zone; 44.27 acres; 7 lots previously approved for 832,000 square feet of office use; request to reinstate and grant a second extension of the validity period for the adequate public facilities (APF) approval to permit construction of the remaining 105,000 square feet of expired office use; located in the northeast quadrant of the intersection of Key West Avenue and Diamondback Drive; Great Seneca Science Corridor Master Plan.

Staff Recommendation: Do Not Grant Extension

BOARD ACTION

Motion: ALFANDRE/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Contrary to staff recommendation approved the request to reinstate and grant a second extension of the validity period for the Adequate Public Facilities to January 27, 2017, as stated in the attached transmittal letter.

Planning Department staff discussed the request for reinstatement and extension of the validity period for the Adequate Public Facilities (APF) for an already approved Preliminary Plan to permit construction of the remaining 105, 000 square feet of office use, as discussed in detail in the January 14 technical staff report. Staff noted that the Preliminary Plan for which the APF extension is requested, was approved in October 1986 and the APF was extended in April 2002 with an expiration date of July 2007. The applicant's second APF extension request in February 2007 was not granted based on the fact that Section 50-20 (c)(8) of the Subdivision Regulations does not provide for an extension of APF beyond six years. On November 5, 2010, the applicant requested a waiver of Section 50-20 (c)(7)(D) of the Subdivision Regulations to permit the reinstatement and extension of the now expired APF. Staff does not support granting an extension but recognizes that the request is predicated on the need to accommodate the expansion of an existing tenant on the site and the Board may find this reason to be compelling.

Mr. Scott Wallace, attorney representing the applicant, introduced Mr. Bob Harris and Steve Moxam, members of the applicant's team and discussed the proposed extension request.

Mr. Steve Silverman, Director of Economic Development for Montgomery County offered comments.

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

4. Worksession #3 and Action on Amendment to the Master Plan for Historic Preservation: Upper Patuxent Area Resources - POSTPONED

Staff Recommendation: Recommend to County Council the designation of two historic districts and 13 individual sites to the Master Plan for Historic Preservation. Add two and remove 16 resources from the Locational Atlas and Index of Historic Sites.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.

5. East County Science Center (ECSC) Master Plan Scope of Work

Staff Recommendation: Approve the ECSC Scope of Work

BOARD ACTION

Motion: ALFANDRE/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation for approval of the East County Science Center (ECSC) scope of work.

Planning Department staff offered a multi-media presentation of the draft scope of work for the East County Science Center Master Plan. Staff discussed the still on-going relocation to White Oak of the Food and Drug Administration (FDA); the proposed new Washington Adventist Hospital site; the two million plus square feet of retail space in existing shopping centers in Hillandale, White Oak, and Cherry Hill; the existing National Labor College site; the existing elementary and middle schools; the 185-acre Percontee site available for future development; and new development potential. Staff noted that work is being done to promote interagency coordination with Montgomery and Prince George's County agencies. Staff also discussed the Council of Governments (COG) transportation issues and proposed transportation and land use connections for the area and added that an economic consultant will be hired with grant money allocated by COG. Staff also discussed the`

The following speakers offered testimony: Ms. Deanna Murphy, Director of White Oak Services at the Food and Drug Administration (FDA); Mr. Marc Bloom, Director of Logistics and Transportation at White Oak FDA campus; Mr. Andrew Denpster, Senior Program Manager for Transportation and General Services at White Oak FDA campus; Mr. Jere Stocks, President of the Washington Adventist Hospital; Mr. Mike Levin of Royal Road; Mr. Shane Pollin of Elton Road and representing the Duffie Companies; Mr. Jonathan Genn of Percontee, Inc. located on Tech Road; Mr. John Dyer of Farmgate Lane and former FDA Deputy Commissioner; Ms. Betsy Bretz of Kinloch Road and representing Labquest; Ms. Kim Bobola of McKnew Road; Ms. Eileen Finnegan of Sweetbriar Parkway; Mr. Todd Brown, attorney from Linowes and Blocker and representing the National Labor College; and Mr. Robert Scher of East Science Center.

There followed extensive Board discussion with questions from Board members regarding transportation issues, affordable housing, and possible ways to move the Master Plan schedule as quickly as possible.

In reply to the Board, staff noted that the draft Master Plan is scheduled to be ready in November-December 2011, and the Master Plan program approved by the County Council in October 2010 calls for the Planning Board draft ECSC Master Plan to be delivered to the Executive and the Council in two years.

6. Forest Conservation Annual Report - POSTPONED

Staff Recommendation: Transmit Forest Conservation Data to the Maryland Department of Natural Resources

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.

7. Preliminary Plan 120100180, Hidden Hill - POSTPONED

RE-2 zone; 9.55 acres; 4 lots requested for 4 one-family detached dwellings, one existing to remain; located on Query Mill Road east of Esworthy Road; Potomac Subregion Master Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.

8. Roundtable Discussion

- A. Monthly White Flint Implementation Update
- B. Subdivision Staging Policy Update - Appendix A
- C. Planning Director's Report - **POSTPONED**
- D. Parks Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefings as noted below.

A. Monthly White Flint Implementation Update – Planning Department Director Rollin Stanley and Planning staff updated the Board on staging and transportation issues in White Flint, and reported on a recent meeting with the Department of Permitting Services (DPS) regarding the division of responsibilities. Staff will schedule a Planning Board meeting with DPS in the coming months. Staff

also discussed the 2010 growth policy staging amendments, and updated the Board on the Comprehensive Local Area Transportation Review (CLATR).

B. Subdivision Staging Policy Update – Planning Department staff updated the Board on the Subdivision Staging Policy and noted that the Planning, Housing, and Economic Development (PHED) Committee is scheduled to receive a briefing from Planning staff on February 7. Staff noted that two topics will be discussed: i) A briefing by the Executive Branch on the Transportation Policy Area Review (TPAR) proposed replacement for Policy Area Mobility Review (PAMR); and ii) Studies for the Planning Department and/or Executive Branch to conduct during FY12 in preparation for the 2012-2016 Subdivision Staging Policy. There followed Board brief discussion and questions to staff.

C. Planning Director’s Report - POSTPONED

D. Parks Director’s Report – Parks Department Director Mary Bradford distributed and briefly discussed a report on Parks activities in the last six months.

13. FY 12 User Fee Schedules

Montgomery Parks: Discuss fees for Department of Parks facilities and programs

Staff Recommendation: Approval

BOARD ACTION

Motion: DREYFUSS/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the proposed FY12 User Fee Schedules.

Parks Department staff offered a detailed presentation of the proposed FY12 user fee schedules for the Department of Parks’ facilities and programs, and also updated the Board on the current FY11 fees. Staff noted that the Enterprise Division assumed management of the Olney Skate Park and the South Germantown Recreational Park Driving Range, which will be open to the public on Friday, April 1, 2011.

There followed a brief Board discussion with questions to staff.

14. Provisional Adequate Public Facilities Review – Changes to Planning Board’s LATR and PAMR Guidelines - POSTPONED

Proposed Amendment to LATR and PAMR Guidelines to allow the use of the Provisional APF process in the Subdivision Staging Policy for individual applications where a development district is not proposed.

Staff Recommendation: Approval to Amend Guidelines

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.