



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 7, 2008, at 9:00 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 4:50 p.m.

Present were Chairman Royce Hanson, Vice Chair John Robinson, and Commissioners Allison Bryant and Jean Cryor.

Items 1 through 8 and Items 13 through 16 are reported on the attached agenda. Note that Item 16 follows Item 2 on the agenda.

Item 9, a Closed Session followed the regular morning session.

In compliance with Section 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 Vice Chair Robinson, seconded by Commissioner Bryant, with Chairman Hanson, Vice Chair Robinson, Commissioner Bryant, and Commissioner Cryor present and voting in favor of the motion. The meeting was closed under authority of § 10-508(a)(3), to consider the acquisition of real property for a Commission purpose and matters directly related thereto; § 10-508(a)(7), to consult with counsel to obtain legal advice; § 10-508(a)(13), 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)(14), to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal before the contract is awarded or bids are opened, if public discussion or disclosure would adversely impact the ability of the Commission to participate in the competitive bidding or proposal process.

Also present for all or a part of the Closed Session were Director of Planning Rollin Stanley, Director of Parks Mary Bradford, Deputy Director of Parks Michael F. Riley, Secretary-Treasurer Patti Barney, Associate General Counsels Debra Daniel, David B. Lieb, Derrick Rogers, and Carol Rubin of the Legal Department; the following Parks or Planning Department staff: Doug Alexander, Alvaro Astorga, Judy Daniel, Gene Giddens, Daniel Hertz, Parviz Izadjoo, Michael Ma, Henry Mobayeni, Carrye Palleschi, Mary Ellen Venzke, and Brian Woodward; Ann Daly of the Commissioners' Office; and consultant Don Zuchelli of ZHA, Inc.

In Closed Session, the Board considered a funding package for the proposed community center at Wisconsin Place in Friendship Heights; discussed negotiation strategy of agreements with the developer of SilverPlace; and consulted with counsel with respect to East Village Homes Corporation v. Montgomery County Planning Board. The Closed Session item on the Maryland Soccerplex Foundation Annual Report financial findings was postponed.

The Closed Session was adjourned at 3:15 p.m. and the Board reconvened in open session in the third floor conference room.

The Board returned to the Auditorium at 3:25 p.m.

Item 10 was postponed. Items 11 and 12 are reported on the attached agenda.

Following Item 12, the Board adjourned and hosted a reception to welcome the new Planning Director, Rollin Stanley.

There being no further business, the meeting was adjourned at 4:50 p.m. The next regular meeting of the Planning Board will be held Thursday, February 14, 2008, in the Montgomery Regional Office in Silver Spring, Maryland.

E. Ann Daly
Technical Writer

Ellyn Dye
Technical Writer

Montgomery County Planning Board
Thursday, February 7, 2008
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Consent Agenda

1. Adoption of Opinions/Resolutions

RESOLUTION: Rename a Park at the Silver Spring Transit Center in Honor of Commissioner Eugene R. Lynch III

Eugene R. Lynch III Urban Park; Currently 11,590 square feet at the northeast corner of Wayne Ave. and Colesville Road. Slated to be expanded and improved as part of the design of the SS Transit Center.

Group A: Four Commissioners Eligible to Vote [Commissioners Bryant, Cryor,

Hanson, and Robinson]

i) Site Plan No. 820070020, Poplar Run (formerly Indian Spring); ADOPTION OF RESOLUTION No. 08-26

i) Preliminary Plan No. 1-91039A, Westfarm Technology Park; ADOPTION OF RESOLUTION No.: 08-19

ii) Preliminary Plan No. 11997077A, Orchard Center; ADOPTION OF RESOLUTION No. 08-24

BOARD ACTION

Motion: (1) BRYANT/ ROBINSON AND CRYOR
(2) ROBINSON/CRYOR

Yea: (1) 4-0
(2) 4-0

Nay:

Other:

Action: (1) Adopted a Resolution to rename a park at the Silver Spring Transit Center in honor of Commissioner Eugene R. Lynch, III, as detailed above.
(2) Adopted Resolutions identified in Group A, above.

2. Record Plats

Subdivision Plat No. 220071410, Jackson’s Acres

R-90 zone, 2 lots; located on the south side of Smith Village Road, approximately 800 feet east of Cabinwood Drive; White Oak; *Staff Recommendation: Approval*

Subdivision Plat No. 220080490, Chevy Chase, Section 3

R-60 zone, 1 lot; located on the north side of Taylor Street, approximately 100 feet east of Delaware Street; Bethesda-Chevy Chase; *Staff Recommendation: Approval*

BOARD ACTION

Motion: ROBINSON/BRYANT

Vote:
Yea: 4-0

Nay:

Other:

Action: **Approved staff recommendation for approval, subject to the appropriate conditions of approval of the preliminary plan and site plan, if applicable, and conditioned on conformance with all requirements of Chapter 50 of the Montgomery County Code.**

16. Request for Reconsideration - ADDED

Reconsideration Request for Batchellors Forest, Preliminary Plan No. 120060850

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **No motion to reconsider presented by a Board member who originally voted in the majority; thus request denied.**

As noted in the detailed February 4 staff report from the Legal Office, the applicant, Ox-Bridge Development at Batchellors Forest, LLC, requests that the Board reconsider its July 26, 2007, decision approving 31 market-rate units and 6 MPDUs (moderately priced dwelling units), in order to reconsider the applicant’s original request for 32 market-rate units and 5 MPDUs .

3. Preliminary Plan No. 120070120, Bentley Ridge

RE-1, RC and Sandy Spring/Ashton Rural Village Overlay zones; 4.79 acres; 4 lots requested; 4 one-family detached dwelling units; located on the north side of Olney Sandy Spring Road (MD 108), 100 feet west of the intersection of Bentley Road; Sandy Spring/Ashton; *Staff Recommendation: Approval*

BOARD ACTION

Motion: **BRYANT/CRYOR**

Vote:

Yea: **4-0**

Nay:

Other:

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

Staff of the Development Review Division distributed a listing of revised conditions and presented highlights of the January 25 technical staff report. The property consists of a one-family residence on two unplatted parcels totaling 4.79 acres. Access is from Olney Sandy Spring Road (MD108). The proposal is to create four lots for one-family residences. Proposed Lot 1 will contain the existing one-family residence with access to Olney Sandy Spring Road. The three remaining lots will front and access to Bentley Road. The access for Lot 2 will be via a driveway. Lots 3 and 4 will share a driveway. Lots range in size from 40,243 square feet to 62,288 square feet. Further, the report notes that a controversial special exception for a child daycare on a portion of the property will not be pursued.

Mr. Gary Butson, representing the applicant, introduced Mr. Massud Towhiki, a consultant with Capitol Development Design, Inc., and commented on the vehicular access patterns, a pedestrian path, and forest conservation.

4. Preliminary Plan No. 120070370, Houlton’s Subdivision (Resubdivision)

R-60 Zone; 0.33 acres; 2 lots requested; 2 one-family detached dwelling units; located on the south side of Brainard Street, approximately 50 feet west of the intersection with Warfield Street; Kensington-Wheaton; *Staff Recommendation: Approval*

BOARD ACTION

Motion: **BRYANT/ROBINSON**

Vote:

Yea: **4-0**

Nay:

Other:

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

Staff of the Development Review Division presented highlights of the technical staff report. The proposal is to resubdivide a single lot into two lots for one-family residences. Each lot will front on and have access via a driveway to Brainard Street. Staff noted the defined neighborhood, required for purposes of administering Section 50-29(b)(2) of the Subdivision Regulations and applying the resubdivision criteria.

Mr. Steve Crowe, consultant, introduced Mr. Carl Becker, the applicant, and accepted the staff’s recommendation.

Ms. Joan Mitric of Kensington testified in support of preservation of fair-priced housing, formal noticing to surrounding homeowners on cases of this nature, and urged the County to create a process that would provide research tools useful to neighborhood advocates.

Commissioner Bryant, presenter of the motion, and Vice Chair Robinson, seconder, agreed to incorporate a last-minute amendment recommended by Legal Counsel; supporters of the motion concurred.

5. Pre-Preliminary Plan No. 720060590, Hernandez Acres

RDT zone; 14.31 acres; 1 lot; 1 one-family detached dwelling unit; located on Whites Ferry Road, 2,500 feet east of Partnership Road; Agriculture and Rural Open Space;
Staff Recommendation: Approval

BOARD ACTION

Motion: ROBINSON/BRYANT

Vote:

Yea: 4-0

Nay:

Other:

Action: Approved staff recommendation for approval to submit a Minor Subdivision Record Plat, pursuant to Chapter 50-35A(a)(8) of the Montgomery County Subdivision Regulations, subject to conditions as stated in the attached Board Resolution.

Development Review Division staff presented highlight of the January 25 technical staff report on this Pre-Preliminary Plan request to create one lot of approximately 14-acres in the Rural Density Transfer (RDT) Zone. Under the Minor Subdivision provisions, the application can proceed directly to Record Plat; proposed lots that exceed five acres must be approved by the Planning Board. The decision of the Board on this Pre-Preliminary Plan, therefore, is binding.

During deliberation, the Board requested and received additional information as to the use of a sand mound septic system.

Mr. Curt Schreffler of CAS Engineering, and Ms. Rebecca Walker, attorney, representing the applicant, concurred with the staff recommendation and, at the request of the Board, provided additional information on the history of the lot and the use of a sand mound septic system.

In presenting the motion, Vice Chair Robinson noted that he would move approval only because this is a grandfathered lot, among other things, and it does not further fragment the RDT zone.

Chairman Hanson, in supporting the motion, stated his position and asked that it be included in the Board Resolution.

6. Project Plan Review No. 920070070 Extension Request, Woodmont East – Phase II (Miller’s Addition to Bethesda)

CBD-2 zone; 2.48 acres; 36,300 gross square feet retail, 78,300 gross square feet of-
fice, 304,135 gross square feet residential, 121,090 gross square feet hotel including
32 MPDUs; located on Woodmont Avenue northeast of Bethesda Avenue; Bethes-
da/Chevy Chase; *Staff Recommendation: Approve request for an extension*

BOARD ACTION

Motion: BRYANT/CRYOR

Vote:

Yea: 4-0

Nay:

Other:

Action: Approved staff recommendation for approval of an extension for up to 90 days of the application review period.

7. Limited Project Plan Review No. 92007002A Monty

CBD-1/CBD-2 zones; 1.11540 acres; amendment to increase the number of dwelling
units from 133 to 200 multi-family units (maximum) within approved 210,188 square
feet; located on Fairmont & St. Elmo avenue, approximately 150 feet south of Nor-
folk Avenue; Woodmont Triangle/Bethesda CBD; *Staff Recommendation: Approval
with conditions*

BOARD ACTION

Motion: BRYANT/ROBINSON

Vote:

Yea: 4-0

Nay:

Other:

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

Development Review Division staff presented highlights of the January 25 technical staff report for this amendment to increase the number of multifamily dwelling units from 133 to 200.

Ms. Anne Martin, attorney for the applicant, and Mr. Bill Landfair, consulting engineer, reiterated the purpose, adding that the required number of moderately priced dwelling units (MPDUs), 15 percent, will be based on the final number of units.

8. Limited Site Plan Review No. 82003004B, CSAAC Headquarters

T-S zone, 10.76 acres; amendment: revise building footprints and minor setback change; located on East Village Avenue, approximately 300 feet east of Fulks Farm Road; Gaithersburg; *Staff Recommendation: Approval with conditions*

BOARD ACTION

Motion: ROBINSON/BRYANT

Vote:

Yea: 4-0

Nay:

Other:

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

Development Review Division staff presented highlights of the January 25 technical staff report for this amendment which makes minor adjustments to the footprint and front and side setbacks to reflect the current foundation of the building.

Mr. Matthew Hurson, representing the applicant, requested approval of the adjustment.

13. Planning Board Review and Comment on Montgomery County Proposed Capital Improvements Program FY09-14 – ADDED

Staff Recommendation: Transmit Comments to the County Council

BOARD ACTION

Motion: BRYANT/CRYOR

Vote:

Yea: 4-0

Nay:

Other:

Action: Approved staff recommendation for approval to transmit staff's comments to the County Council, supplemented by comments reflected in the attached copy of the letter of transmittal.

Planning Department staff reviewed its January 30 technical staff report and recommendations, which generally are based on master plans recommendations, in three general areas. Greater details and recommendations are in the technical report.

The first general area, "Connections," focuses on balancing the system of pedestrian, bikeway, transit, and road connections. The second area, "Community Building and Community Facilities," focuses on improvements to existing and planned communities, citing as examples the relocation of a portion or all of the Montgomery County Service Park, the relocation of the Public Service Training Academy to provide land for enhancing the Shady Grove Life Sciences Center, and provision of community facilities such as libraries and recreation centers. The third area, "Environmental Quality and Energy Conservation," emphasizes the environment and newly employed methods which conserve energy and meet Leadership in Energy and Environmental Design (LEED) standards for design and construction.

Extensive discussion followed the staff presentation, during which the Board offered guidance.

14. Supplemental Request – ADDED

Staff Recommendation: Transmit supplemental requests

BOARD ACTION

Motion: ROBINSON/CRYOR

Vote:

Yea: 4-0

Nay:

Other:

Action: Approved staff recommendation for approval to transmit supplemental FY08 Operating Budget Special Appropriation requests as discussed.

15. Briefing on Water Resources Plan – ADDED

Worksession: Staff will brief the Board on the requirements of the State Law and schedule for this plan.

(No Public Testimony)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing on the Water Resources Plan and discussed elements with Planning Department staff and representatives of certain County and State agencies.

9. Closed Session:

A. Community Center at Wisconsin Place - Pursuant to Annotated Code of Maryland, State Government Article, Section 10-508(a)(3) to consider funding package for the proposed Community Center at Wisconsin Place in Friendship Heights.

B. Maryland Soccerplex Foundation Annual Report Financial Findings - Pursuant to Annotated Code of Maryland, State Government Article, Section 10-508(a)(13) to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter. - **POST-PONED**

C. SilverPlace - In accordance with State Government Article, Section 10-508(a)(14), to discuss matters directly related to negotiation strategy of agreements with the developer for SilverPlace. - **ADDED**

D. Pursuant to Annotated Code of Maryland, State government Article, Section 10-508(a)(7) to consult with counsel to obtain legal advice. - East Village Homes Corporation v. Montgomery County Planning Board. - **ADDED**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Met in Closed Session; see State citation and open session report in narrative minutes.

10. Maryland Soccerplex Foundation Annual Report Findings/Comments - POST-PONED

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.

11. Economic Update

Research & Technology Center staff will present an updated snapshot of the County's economy, focusing on the job growth and development trends that are tracked by the Planning Department; *Staff recommendation: Discussion*

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received presentation.

Research and Technology Chief Karl Moritz presented an updated snapshot of the County economy, focusing on changes in job growth in various employment sectors, the work force, office leasing and vacancy rates, the housing market, and new construction.

Ms. Judy Koenick offered comments.

**12. Roundtable Discussion Including Briefings and Worksessions
(No public testimony will be taken at this time)**

A. Commissioners' Report

B. Director's Report

- C. Approval of Minutes
- D. FY08 Budget Report by Secretary-Treasurer; Six-Month Financial Report on Operating and Enterprise funds including Projections to 6/30/08
- E. Planning Board Comments on Bill 38-07 - Amendments to the Moderately Priced Dwelling Unit Law– **ADDED**

BOARD ACTION

Motion: **BRYANT/ROBINSON**

Vote:

Yea: **4-0**

Nay:

Other:

Action: **C. Approved minutes of January 10, 2008, as presented.**

A. Commissioners' Reports—None.

B. Director's Report—Director of Parks Mary Bradford presented highlights of her submitted written report.

C. Approval of Minutes—Approved, as reported above.

D. FY08 Budget Report: Six-Month Financial Report on Operating and Enterprise funds including Projections to 6/30/08—This report was postponed.

E. Planning Board Comments on Bill 38-07 - Amendments to the Moderately Priced Dwelling Unit (MPDU) Law – ADDED—Research staff provided an overview of the proposed amendments to the MPDU law, as stated in the staff report, and the Board discussed various issues, including eligibility and implementation. Mr. Scott Reilly, County Department of Housing and Community Affairs, participated in the discussion.