



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 12, 2009, at 9:08 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 and Jean Cryor. Commissioner Amy Presley joined the meeting shortly after it was called to order.

Items 1 through 5 are reported on the attached agenda.

The Board recessed at 1:00 p.m. for lunch and to take up Items 12 and 13 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 1:00 p.m. in the third floor conference room, on motion of Commissioner Cryor, seconded by Commissioner Robinson, 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)(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 the Closed Session were Associate General Counsels Derrick Rogers and Carol Rubin of the Legal Department; Director Rollin Stanley of the Planning Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board approved Closed Session minutes and received a briefing and provided guidance to staff on pending State legislation related to the sign ordinance.

The Closed Session was adjourned at 1:50 p.m. and the Board reconvened in open session in the third floor conference room.

The Board reconvened in the auditorium at 2:05 p.m. with all five Commissioners present.

Items 7-9, 6, 14, and 10, taken up in that order, are reported on the attached agenda.

Commissioner Presley left the meeting at 5:30 p.m.

The Board recessed for dinner at 6:25 p.m. and reconvened in the auditorium at 7:30 p.m. for the Growing Smarter Montgomery Speaker Series, a presentation on emerging green construction practices by Mr. Carl Elefante, AIA, a local architect who has specialized in historic preservation and sustainable design for decades.

There being no further business, the meeting was adjourned at 9:05 p.m. The next regular meeting of the Planning Board will be held Thursday, February 19, 2009, 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 12, 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 Hills, Preliminary Plan 120090030, ADOPTION OF RESOLUTION 08-161

BOARD ACTION

Motion: CRYOR/ALFANDRE

MCPB, 2-12-09, APPROVED

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Adopted the Resolution cited above.

2. Record Plats

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: No Record Plats were submitted for approval.

3. Consent Items

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Consent Items.

4. Approval of Minutes

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no minutes submitted for approval.

**5. Worksession #1: Public Hearing Draft White Flint Sector Plan - Mobility and Transportation Network
(No public testimony will be taken at this time)**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing and discussed.

Transportation Planning staff presented a transportation analysis of the White Flint Sector Plan, based on the January 2009 Transportation Appendix, including the transportation network, the transportation/land use balance, promotion of efficient travel behavior, policy changes, and staging and implementation.

The following members of the White Flint Steering Committee offered comments and participated in the discussion: Ms. Natalie Goldberg, Mr. Barnaby Zall, Mr. Michael Smith, Mr. Arnold Kohn, Mr. Evan Goldman, Mr. Robert Stoddard, Mr. Perry Berman, Mr. Ken Hurdle, Ms. Suzanne Hudson, and Mr. David Freishtat. Other members of the Steering Committee present were Mr. Edward Rich, Mr. Andrew Shulman, Ms. Peggy Schwarz, and Mr. Rod Lawrence.

12. Closed Session

In accordance with State Government Article, Section10-508(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. (Approval of Closed Session Minutes)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

13. Closed Session

In accordance with State Government Article, Section10-508(a)(13), State Government Article, Annotated Code of Maryland, to consult with counsel to obtain legal advice (Sign Ordinance)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

7. Discussion: Gaithersburg West Master Plan

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
(No public testimony will be taken at this time)*

BOARD ACTION

Motion: ALFANDRE/CRYOR

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the Public Hearing Draft and set the public hearing date as March 26, 2009.

Community-Based Planning staff presented the Draft Gaithersburg West Master Plan, which covers the Life Sciences Center and several small areas and enclaves.

Discussion ensued on various aspects of the plan, including the density at the three Corridor Cities Transitway stations proposed for the Life Sciences Center, phasing of development and transit, and implementation of the plan vision.

8. Preliminary Plan No. 120070150, Norwood Road

R-200 zone; 2.12 acres; 3 lots requested; 3 one-family detached dwelling units, one existing to remain; located on Norwood Road, 465 feet northeast of Sandy Spring Road (MD 108); Sandy Spring/Ashton.

Staff recommendation: Denial

BOARD ACTION

Motion: ROBINSON/CRYOR

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation of denial, as stated in the attached Board Resolution.

In keeping with the January 30 technical staff report, Development Review Division staff presented the request to create three lots for three one-family detached dwelling units, with one existing dwelling to remain on a 2.12-acre property located on Norwood Road, 465 feet northeast of Sandy Spring Road (MD 108) in Sandy Spring/Ashton. Staff recommended denial of the re-

quest because the proposed lots do not meet the subdivision guidelines and one of the lots is too small to accommodate a dwelling unit.

Mr. Stephen Crum, engineer, representing the applicant, noted that there are many examples of identical development situations in Montgomery County and the applicant's request should not be denied.

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

Chairman Hanson stated that this project conflicts with general development standards.

9. Board of Appeals No. S-2743

Henderson Corner & 355, LLC, applicant, requests a special exception for Automobile Filling Station & Accessory Convenience Store; C-3 Zone; located at 21040 Henderson Corner Road, Germantown, Silver Spring

Staff Recommendation: Approval

(Action required for hearing by the Hearing Examiner on 02/27/09)

BOARD ACTION

Motion: ROBINSON/CRYOR

Vote:

Yea: 4-1

Nay: ALFANDRE

Other:

Action: Approved staff recommendation for approval, subject to proposed conditions discussed during the meeting, and as stated in the attached transmittal letter to the Hearing Examiner.

In accordance with the February 2 technical staff report, Development Review Division staff presented the request for a Special Exception to construct a filling station, with twelve pumping stations and a 3,166 square foot convenience store. Staff noted that the proposed use satisfies all applicable development standards.

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

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

6. AB-719

Request to abandon sections of public alleys within Montgomery County's Parking Lot 3 in Silver Spring bounded by Fenton Street to the east, Thayer Avenue to the north, Mayor Lane to the west and Silver Spring Avenue to the south; Silver Spring CBD Sector Plan Area

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: HANSON/ALFANDRE

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved to defer the request for abandonment until a project plan and a site plan are submitted to the Board for consideration.

Transportation Planning Division staff presented the request to abandon sections of public alleys within Montgomery County's Parking Lot 3 in Silver Spring, bounded by Fenton Street to the east, Thayer Avenue to the north, Mayor Lane to the west, and Silver Spring Avenue to the south, as discussed in detail in the January 30 technical staff report. Staff noted that there are adjacent property owners who want to make sure that access to their properties is not compromised. Staff also added that one property owner in particular has regular deliveries made by trucks to the back door of his property, and the abandonment will adversely impact his business.

Mr. Bob Dalrymple, attorney representing the applicant, introduced members of the applicant's team, extensively discussed the proposed abandonment request, and concurred with the staff recommendation.

The following speakers offered testimony: Mr. John Kalivas of Dale Drive; Ms. Athena Kalivas of Overpond Way; Ms. Dimitra Kalivas of Overpond Way; Mr. Mike Gerech of Fenton Street, abutting property owner; and Ms. Karen Roper of Chicago Avenue and representing the East Citizens Association.

Following extensive Board discussion and questions to staff and the applicant's representative, Chairman Hanson noted that the Board's recommendation to the County Council is to defer the request for abandonment until the Planning Board reviews both the project and site plans.

14. Montgomery Parks Foundation Audit -ADDED

Staff Recommendation: Approval up to \$37,000

BOARD ACTION

Motion: ALFANDRE/HANSON

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Approved staff recommendation to approve a Commission expenditure of no more than \$37,000 to cover the cost of an audit of the Montgomery County Parks Foundation's assets.

Parks Department staff noted that on December 26, 2008, the Montgomery County Parks Foundation Board of Trustees elected to suspend its current operations and transfer leadership of the Foundation to new trustees to work with the Commission during the transition. In order to assure the protection of all the Foundation's assets, including any funds being held by the Foundation, the trustees agreed to have a financial audit performed.

The newly constituted Foundation Board met on February 9, 2009, and decided to conduct a search for a third party firm to conduct the audit. The trustees are requesting that the Planning Board approve a Commission expenditure of no more than \$37,000 to meet the costs of the audit. In the event that the audit shows that sufficient funds exist in the Foundation's assets to cover some or all of the audit-related costs, the Commission will be partially or fully reimbursed by the Foundation.

10. Roundtable Discussion

- A. Commissioners' Reports
- B. Director's Reports
- C. County Council Activity
- D. Infrastructure Financing Mechanisms

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: A. Commissioners' Reports: None

B. Director's Reports: Parks Department Director Mary Bradford distributed her weekly report to the Planning Board and noted that next week she will brief the Board on the process of dissolution of the Montgomery County Parks Foundation, and the request for information from the County Council regarding a possible Parks and Recreation Departments merge. Ms. Bradford also discussed the upcoming FY10 Budget and Capital Improvements Program

(CIP) discussions, and briefly reported on the following items discussed in more detail in her report: i) The opening of the Wheaton Indoor Tennis Facility; ii) The National Cross Country Run sponsored by the Road Runners Club, televised by ESPN, and for which the Parks Department received great praise; and iii) The proposed demolition of the Westmoreland building, which is on hold until the Parks Department receives a report from a certified engineer hired by the community stating otherwise.

C. County Council's Activity: None

D. Infrastructure Financing Mechanisms: Research and Technology Division staff noted that at next week's Planning Board meeting, staff will be discussing financing elements for the White Flint Sector Plan. Staff noted that discussions have been held with staff from the Executive Branch and many developers and landowners, and most of them will be present at the meeting to voice their concerns about the economic viability of the future development of their sites.

11. Growing Smarter Montgomery Speaker Series

Carl Elefante, AIA, a local architect who has specialized in historic preservation and sustainable design for decades, will preview emerging green construction practices and make a case that most commonly accepted green building practices rarely go beyond what is already required.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received presentation by Carl Elefante, AIA, on emerging green construction practices.