



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, March 3, 2011, at 9:07 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 6:05 p.m.

Present were Chair Françoise M. Carrier, Vice Chair Marye Wells-Harley, and Commissioners Joe Alfandre and Norman Dreyfuss. Commissioner Amy Presley was necessarily absent.

Items 1, 9, 2, and 3, taken up in that order, are reported on the attached agenda.

The Board recessed at 2:00 p.m. for lunch and to take up Items 10, 11, and 4 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 2:19 p.m. in the third floor conference room, on motion of Vice Chair Wells-Harley, seconded by Commissioner Alfandre, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Alfandre and Dreyfuss present and voting in favor of the motion, and Commissioner Presley absent. 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; §10-508(a)(8) to consult with staff, consultants, or other individuals about pending or potential litigation; and §10-508(a)(1) 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 some of the Closed Session items were Associate General Counsels Carol Rubin and Christina Sorrento of the Legal Department; Director Rollin Stanley of the Planning Department; and Ellyn Dye of the Commissioners' Office.

In three separate Closed Session items, the Board consulted with Legal Counsel on an issue related to the Rules of Procedure, received a briefing on pending litigation, and conducted the annual performance review of the Planning Director.

The Closed Session was adjourned at approximately 3:25 p.m.

The Board reconvened in the auditorium at 3:35 p.m.

MCPB, 3-03-11, APPROVED

Items 5 through 7 are reported on the attached agenda.

Item 8 was postponed.

There being no further business, the meeting was adjourned at 6:05 p.m. The next regular meeting of the Planning Board will be held Thursday, March 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, March 3, 2011
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

Milestone Business Park Preliminary Plan 11987271B – ADOPTION OF MCPB No. 11-09

BOARD ACTION

Motion: WELLS-HARLEY/DREYFUSS

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Adopted the Resolution as stated above.

***B. Record Plats**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Record Plats submitted for approval.

***C. Other Consent Items**

[Milestone Business Park Site Plan Limited Amendment 82001009C - ADOPTION OF MCPB RESOLUTION No. 11-17](#)

BOARD ACTION

Motion: ALFANDRE/DREYFUSS

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Adopted the Resolution above, as corrected by staff.

***D. Approval of Minutes**

Minutes of January 20, 2011

BOARD ACTION

Motion: WELLS-HARLEY/ALFANDRE

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Approved the minutes of January 20, 2011, as presented.

9. House Bill 948 Land Use - State Rail Station Overlay Districts

Staff Recommendation: Oppose Bill

BOARD ACTION

Motion: DREYFUSS/ALFANDRE

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Approved the staff recommendation to oppose the Bill.

Planning Department staff presented a recommendation that the Planning Board join the County Council and County Executive in opposing State House Bill 948, which would create State Rail Station Overlay Districts within walking distance of rail stations, as detailed in the staff report. Once established, development procedures and standards within the districts would be set by the Maryland Department of Planning and would supersede local regulations.

2. White Flint Staging and Implementation Legislation

Staff Recommendation: Approve Proposed Changes to Subdivision Staging Policy and Transmit to Council

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Approved the staff recommendation to transmit the proposed changes to the County Council, as stated in the attached Letter of Transmittal.

Planning Department staff presented the final proposed changes to the Subdivision Staging Policy to create the necessary framework to manage staging capacity in White Flint in accordance with the Sector Plan. The changes reflect the Board's guidance at the worksession on February 24, 2011.

Mr. Hadi Mansouri, County Department of Permitting Services, offered comments.

3. Continued Discussion of CR Zones Zoning Text Amendment

Summary of testimony received, review of Sections 59-C-15.8, 59-C-15.9, and presentation of alternatives for undecided issues.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Discussed and provided guidance to staff.

In a continuation of discussions of the proposed Zoning Text Amendment to revise the CR Zones, staff reviewed revisions to Section 59-C-15.8, Special Regulations for the Optional Method of Development, and Section 59-C-15.9, Existing Approvals.

In discussion, the Board provided guidance to staff for additional analysis and redrafting.

10. 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. Closed Session

Pursuant to State Government Article Annotated Code of Maryland §10-508(a)(8) to consult with staff, consultants, or other individuals about pending or potential litigation

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

4. Closed Session

Pursuant to State Government Article Annotated Code of Maryland §10-508(a)(1) 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 1 or more specific employees

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

5. Site Plan Review No. 820110070, Potomac Village Shopping Center – POSTPONED

C-1 zone; 0.018 acres; The Site Plan application concerns an area of only 545 SF for permission to add 545 SF to existing vacant space to accommodate a new restaurant; located on 10100 River Road south of Falls Road; Potomac

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.

6. Preliminary Plan 120110020 and Final Water Quality Plan, Goddard School - Clarksburg

R-200 zone; 5 acres; 1 lot requested for a 20,500 square foot private daycare facility; located on the west side of Frederick Road (MD 355), approximately 1,350 feet north of West Old Baltimore Road; Clarksburg Master Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: 1) WELLS-HARLEY/ALFANDRE
2) ALFANDRE/WELLS-HARLEY

Vote:

Yea: 1) 3-0
2) 3-0

Nay:

Other: DREYFUSS, PRESLEY ABSENT

Action: 1) Approved staff recommendation for approval of the Final Water Quality Plan, subject to conditions, as stated in the attached Resolution.
2) Approved staff recommendation for approval of the Preliminary Plan, subject to conditions, as stated in the attached Resolution.

In keeping with the February 21 technical staff report, Planning Department staff discussed the request to create one lot for a 20,500-square foot private daycare facility on a 5-acre property located on the west side of Frederick Road (MD 355), approximately 1,350 feet north of West Old Baltimore Road in Clarksburg. Staff noted that the revised forest conservation plan indicates the removal of some forest and the equivalent required reforestation on site. Staff noted that a list of revised conditions has been distributed to the Board.

Mr. Steve Kaufman, attorney representing the applicant, introduced Mr. Ross Flax, the applicant, and Mr. Carl Starkey of Street Traffic Studies, Ltd., briefly discussed the proposed plan and proposed revised conditions, and concurred with the staff recommendation.

Mr. Ross Flax, the applicant offered comments.

Mr. Mike Cardea of Castleton Court offered testimony.

7. Roundtable Discussion

A. Planning Director's Report

B. Monthly White Flint Implementation Update - Discuss status of transportation approval and biennial monitoring program - **POSTPONED**

C. [WSSC Septage Discharge Facility](#) - Review site selection process and request Planning Board's comments

D. [Update Board on Status of Kensington Plan](#)

E. [Briefing - City of Rockville MD 355 Corridor Plan](#)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefings as noted below.

A. Planning Director's Report – Planning Department Director Rollin Stanley and Planning staff offered a multi-media presentation on the 2010 Census, which was presented to the County Council last month.

B. Monthly White Flint Implementation Update – POSTPONED

C. Washington Suburban Sanitary Commission (WSSC) Septage Discharge Facility – Review site selection process. WSSC representatives Mr. Paul Deardorff and Mr. Frank Hartz offered a multi-media presentation on the septic discharge facility proposed site selection process. Staff noted that WSSC is looking for the Board's feedback on the proposed site selection and to provide input on the facility at the former Rock Creek wastewater treatment site in Rockville before the Mandatory Referral is submitted to the Planning Board for comments.

D. Update Board on Status of Kensington Plan – Planning Department staff updated the Board on the status of the Kensington Plan. Staff noted that on February 1, the County Council voted not to approve the October 2009 Planning Board Draft Sector Plan and this decision will allow the sector plan to be updated and to incorporate the new zones. Staff discussed the proposed revisions to the Sector Plan and the proposed schedule.

E. Briefing - City of Rockville MD 355 Corridor Plan– Planning Department staff briefed the Board on the City of Rockville draft 355 MD Corridor Neighborhood Plan. Staff noted that the briefing is to provide the Planning Board with an overview of the Plan, and to review staff’s proposed comments to be transmitted to the City of Rockville prior to its March 9 public hearing.

Chair Carrier inquired about the timing of the Countywide Bus Rapid Transit (BRT) Study, and also mentioned that it will be useful to add in the comments that staff will be updating the Master Plan of Highways.

Ms. Rena Matthews from State Highway Administration (SHA) answered questions from the Board.

8. Enforcement Hearing; Montgomery County Planning Department v. Christopher Pirtle - POSTPONED

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.