



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 4, 2010, at 9:00 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 9:27 p.m.

Present were Chairman Royce Hanson, Vice Chair Marye Wells-Harley, Commissioners Joe Alfandre and Norman Dreyfuss. Commissioner Amy Presley was necessarily absent.

Items 1, 2, and 11 are reported on the attached agenda.

Items 7 and 12 were postponed.

The Board recessed at 11:20 a.m. for lunch and to take up Item 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 11:45 p.m. in the third floor conference room, on motion of Commissioner Alfandre, seconded by Vice Chair Wells-Harley, with Chairman Hanson, 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.

Also present for the Closed Session were Associate General Counsels Carol Rubin, George Johnson, and Christina Sorrento of the Legal Department; Mark Pfefferle of the Planning Department; and Clara Moise of the Commissioners' Office.

In Closed Session, the Board received briefing and provided guidance to staff on the pending Forest Conservation Plan violation for Zion Road Preliminary Plan, which will be before the Board during the afternoon session of the Planning Board meeting.

The Closed Session was adjourned at 12:00 p.m.

The Board reconvened in the auditorium at 1:20 p.m.

Items 3 through 6 and Items 8 and 10 are reported on the attached agenda.

The Board recessed for dinner at 5:05 p.m. and reconvened in the auditorium at 7:05 p.m. to take up Item 9, Agricultural Reserve Issues, which is reported on the attached agenda.

There being no further business, the meeting was adjourned at 9:27 p.m. The next regular meeting of the Planning Board will be held Thursday, March 11, 2010, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Technical Writer

Ellyn Dye
Technical Writer

Montgomery County Planning Board Meeting
Thursday, March 4, 2010, 9:00 A.M.
8787 Georgia Avenue
Silver Spring, MD 20910-3760

1. Consent Agenda

A. Adoption of Resolutions

1. Sandy Spring Parcel B Preliminary Plan 120090230 - ADOPTION OF MCPB RESOLUTION No. 10-02
2. Goshen Road Improvements, Forest Conservation Plan No. MR 2009805 - ADOPTION OF MCPB RESOLUTION No. 10-19
3. Goshen Road Improvements, Easement Access Request, Forest Conservation Plan No. MR 2009805 - ADOPTION OF MCPB RESOLUTION No. 10-18
4. Miracle Temple Assembly of God Preliminary Plan 120080290 – ADOPTION OF MCPB RESOLUTION No. 10-13

BOARD ACTION

Motion: ALFANDRE/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Adopted the Board Resolutions cited above.

***B. Records Plats**

1. Subdivision Plat No. 220100240, Travilah Heights - R-90 zone; 1 lot; located on the north side of Darnestown Road, 250 feet west of Travilah Road; Shady Grove Study Area.

Staff Recommendation: Approval

2. Subdivision Plat No. 220061690, Silver Spring - CBD-1 zone; 1 lot; located in the southeast quadrant of the intersection of Eastern Avenue and 13th Street; Silver Spring CBD.

Staff Recommendation: Approval

3. Subdivision Plat No. 220100490, Village Center – Montgomery Village

TS zone; 2 lots; located on the north side of Stedwick Road, 600 feet west of Montgomery Village Avenue; Gaithersburg Vicinity.

Staff Recommendation: Approval

BOARD ACTION

Motion: WELLS-HARLEY/ALFANDRE

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Approved staff recommendation for approval of the record plats cited above.

C. Other Consent Items

1. Correction to Burn Brae Site Plan 820080090 - ADOPTION OF MCPB CORRECTED RESOLUTION No. 08-104

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Approved staff recommendation to adopt the Corrected Board Resolution for Burn Brae Site Plan 820080090.

C. Other Consent Items

2. The Highlands, Site Plan No. 820020270, ADOPTION OF MCPB ADMINISTRATIVE ORDER No. 10-08

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Approved staff recommendation to adopt the Board Resolution for Administrative Order 10-08 for the Highlands Site Plan 820020270.

C. Other Consent Items

3. Extension Request for Project Plan Review Amendment No. 91999002A, Chevy Chase Center - CBD-1.0 & T-SM zones; 8.22 acres; Amendment to add additional landscaping, site furniture and signage plus outdoor dining areas and reconfiguration of the taxi stand that is no longer in use; located at the northeast quadrant of the intersection with Wisconsin Avenue/Wisconsin Circle and Western Avenue; Friendship Heights

Staff Recommendation: Approval of the Extension Request

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Approved staff recommendation for approval of the extension request for Chevy Chase Center Project Plan Review Amendment 91999002A.

D. Approval of Minutes

Minutes of January 21, 2010 meeting

BOARD ACTION

Motion: ALFANDRE/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Approved Minutes of January 21, 2010, as presented.

11. Reconsideration Request for Chevy Chase View, Preliminary Plan No. 120070520

BOARD ACTION

Motion: WELLS-HARLEY/HANSON

Vote:

Yea: 3-0-1

Nay:

Other: PRESLEY ABSENT
DREYFUSS ABSTAINED

Action: Approved reconsideration request for Chevy Chase View Preliminary Plan 120070520 and instructed staff to contact the applicant to schedule a Planning Board hearing.

2. Worksession: Purple Line Functional Plan

Review and discussion of issues raised at Public Hearing on December 10, ~~2010~~ 2009* and in subsequent public testimony.

***Corrected after publication of the agenda.**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: By consensus, concurred with the staff recommendation to approve the proposed revisions to the Draft Purple Line Functional Plan following staff presentation and Board discussion.

Transportation Planning Division staff and Maryland Transit Authority (MTA) representatives discussed the issues raised at the public hearing meeting of December 10, 2009, and at subsequent public meetings. Staff noted that a second worksession will be scheduled for the Board to review the final draft report and approve its transmittal to the County Council.

Ms. Patricia Burds, Mayor for the Town of Chevy Chase, and Mr. Gary Stith of the Montgomery County Department of General Services, offered testimony.

There followed extensive Board discussion, with questions to staff.

7. Third District Police Station, White Oak - POSTPONED

***A. Forest Conservation Plan:** Third District Police Station
Northeastern Quadrant of the intersection of New Hampshire Avenue (MD Route 650) and Columbia Pike (MD Route 29), R-90/TDR Zone, White Oak Master Plan
Staff Recommendation: Approval with Conditions

B. Mandatory Referral No. 2009742-DGS-1, Third District Police Station
Northeastern Quadrant of the intersection of New Hampshire Avenue (MD Route 650) and Columbia Pike (MD Route 29), R-90/TDR Zone, White Oak Master Plan
Staff Recommendation: Approval and Transmit Comments to Department of General Services

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.

12. Closed Session - POSTPONED

Pursuant to Annotated Code of Maryland, State Government Article, Section 10-508(a)(1) (to discuss the performance evaluation of an employee)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.

13. Closed Session

Pursuant to Annotated Code of Maryland, State Government Article, Section 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 State citation and open session report in narrative minutes.

4. Project Plan Review No. 920100030, Silver Spring Park

CBD-0.5 & CBD 1.0 zones; 1.57 acres; 147,888 gross square feet of development including 59,870 square feet of institutional use, 9,234 square feet of retail, 22,538 square feet of office and 56,246 square feet of residential, including 38 MPDUs and 20 workforce housing units; located at the southeast quadrant of the intersection with Silver Spring Avenue and Fenton Street; Silver Spring

Staff Recommendation: Approval of the Project Plan

BOARD ACTION

Motion: ALFANDRE/DREYFUSS

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

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

Development Review Division staff presented the request to create 147,888 gross square feet of development, including 59,870 square feet of institutional use, 9,234 square feet of retail, 22,538 square feet of office, and 56,246 square feet of residential, including 38 Moderately Priced Dwelling Units (MPDUs), and 20 workforce housing units on a 1.57-acre property located at the southeast quadrant of the intersection with Silver Spring Avenue and Fenton Street in Silver Spring. Staff discussed the public use space, the amenities, the forest conservation requirements, and the proposed landscape plan.

Mr. Todd Brown, attorney representing the applicant, introduced Dr. Ulysses Glee representing the Fenton Group, LLC. Mr. Brown briefly discussed the proposed plan, requesting that condition 4 be deleted, and condition 1 be reviewed according to the proposed square footage, and concurred with the staff recommendation.

Ms. Karen Roper, Chair of the East Silver Spring Citizens Association Land Use Committee, and Mr. Yoav Katz of Montgomery Avenue, offered testimony and answered questions from the Board.

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

5. Preliminary Plan 120090360, Zion Road

RE-2 zone; 2.25 acres; 1 lot requested for 1 one-family detached residential dwelling; located on Zion Road, 2,000 feet north of Brookeville Road; Olney.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

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

Development Review Division staff presented the request to create one lot for one-family detached residential dwelling on a 2.25-acre property located on Zion Road, 2,000 feet north of Brookeville Road in Olney. Staff discussed the proposed request and noted that the property is subject to the Forest Conservation regulations and added that some of the requirements can be met on-site.

Mr. David Crowe, engineer representing the applicant, concurred with the staff recommendation.

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

6. Limited Site Plan Amendment Review No. 81988046D, City Place

CBD-3 zone; 2.48 acres; amendment to modify entrance, replace street trees, retain existing Fenton Streetscape, architectural modifications; located at the southeast corner of Colesville Road and Fenton Street; Silver Spring

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: WELLS-HARLEY/DREYFUSS

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

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

Development Review Division staff presented the request to modify the entrance of the existing City Place Shopping Mall located at the southeast corner of Colesville Road and Fenton Street, replace street trees, retain the existing Fenton Streetscape, and add architectural modifications. Staff discussed the proposed modifications.

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

Mr. Walt Petrie, President of Petrie-Ross Ventures, offered comments.

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

3. Local Map Amendment No: G-884: The John Hanson Family - ITEM MOVED

The John Hanson Family, applicant, requests a local map amendment for rezoning from the RE-2 Zone to the PD-2 Zone (Planned Development Zone); located at 14100 and 14200 Quince Orchard Road, Turkey Foot Road, Gaithersburg

Staff Recommendation: Approval

(Action required for hearing by the Hearing Examiner on 03/12/10)

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Approved the staff recommendation to approve, subject to conditions, as stated in the attached Letter of Transmittal to the Hearing Examiner.

Development Review staff presented the request to rezone approximately 171 acres from the RE-2 Zone to the PD-2 Zone for development of a 187-unit residential project, including a 10-acre park, as detailed in the staff report. Staff reported that the proposed clustering of development protects existing forest in excess of the requirements to avoid reforestation, and staff supports a variance requested in the preliminary forest conservation plan to allow removal of 41 interior trees.

Mr. John Hanson, the applicant; Mr. Stuart Barr, attorney; and Mr. Dusty Rood, the applicant's engineer, discussed the property and the proposed development.

Mr. Ken Giunta, representing the Hunting Hills Estates Homeowners Association, and Mr. Norman Knopf, attorney, raised concerns about the appearance and distribution of the moderately priced dwelling units (MPDUs) and proposed a new binding element for the Development Plan to address those issues.

Ms. Ginny Barnes, representing the West Montgomery County Citizens Association, raised concerns about traffic on adjacent rustic roads.

There followed considerable discussion of the proposed new binding element related to MPDUs, with staff, Mr. Barr, and Mr. Knopf providing additional information and responding to questions from the Board. Staff noted that the location of MPDUs is generally determined at site plan review, and staff distributed copies of the site plan guidelines for projects containing MPDUs for the Board's reference.

8. Roundtable Discussion

1. Briefing on partnership with Department of Health and Human Services (DHHS) on planning healthy communities
2. Development Special Revenue Fund - **POSTPONED**
3. FY11 Budget Update - **POSTPONED**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing and discussed.

Community-Based Planning staff and Environmental Planning staff provided an overview of the partnership between the Planning Department and the Department of Health and Human Services, focusing on how the two Departments can work together to create healthy communities. Staff noted that the Planning Board Draft Takoma/Langley Crossroads Sector Plan, which will be transmitted to the Council this summer, is the first plan to include a Health and Wellness section, based on collaboration between the two Departments.

Director Uma Ahluwalia and Ms. Colleen Ryan Smith, Department of Health and Human Services (DHHS), discussed how DHHS staff is assisting Planning staff in creating the vision for healthier communities and how Research staff has assisted DHHS with its Community Health Improvement Process (CHIP) project by providing valuable demographic information.

There followed considerable discussion with the Board about the collaboration between the two Departments and how DHHS input in the master plan process, by identifying issues such as community health trends and gaps in service, can inform master plan recommendations that influence community health.

10. Briefing: Draft Urban Design Guidelines for the Twinbrook Area - ITEM MOVED

Staff Recommendation: Approval to Publish and Set Public Hearing

BOARD ACTION

Motion: DREYFUSS/ALFANDRE

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Received briefing, provided guidance to staff, approved publication of the Draft Guidelines, and scheduled the Public Hearing for April 8, 2010.

Urban Design staff presented the draft Urban Design Guidelines for the Twinbrook Area, including the organization and goals of the Guidelines, and demonstrated how the new interactive Design Guidelines will work on the Planning Department website.

There followed considerable discussion of the Guidelines, with the Board providing guidance to staff for editorial and organizational revisions prior to release to the public.

9. Agricultural Reserve Issues - REVISED

1. Briefing Update
2. Draft Zoning Text Amendments for the Rural Density Transfer Zone
- *Staff Recommendation: Submit Two Draft Zoning Text Amendments to the District Council for Introduction.*

A. Rural Density Transfer Zone - Lot Area Limitations and Cluster Provisions.

B. Rural Density Transfer Zone - Child Lot Standards.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: By consensus, with Commissioner Dreyfuss opposed, the Board agreed to submit the proposed Zoning Text Amendment on Child Lot Standards to the County Council, with a five-year ownership requirement, subject to Board review of the final drafted language. Further, agreed to review the proposed Lot Area Limitations and Cluster Provisions Zoning Text Amendment at that time.

Community-Based Planning staff presented an overview of the history of the Agricultural Reserve, including the Transferable Development Rights (TDR) program and the proposed Building Lot Termination (BLT) program, and issues related to residential subdivision in the Reserve, including the Child Lot program, the use of sand mound technology, and clustering provisions. Staff also discussed the recommendations of the 2006 Ad Hoc Agricultural Policy Working Group, which was convened by the County Council to provide advice on ways to ensure the long term protection of the Agricultural Reserve and preservation of the agricultural industry. Staff reported that the issues of child lots, lot area limitations, and clustering provisions remain controversial, and staff presented the proposed Zoning Text Amendments related to those issues, as detailed in the staff report.

Ms. Margaret Chasen, a member of the Working Group; Mr. James Clifford, land use attorney; Ms. Diane Conway, representing Montgomery Countywide Alliance; Ms. Dolores Mil-moe, representing the Audubon Naturalist Society; Ms. Sue Carter, land use attorney; Mr. Jere-

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my Criss, representing the County Department of Economic Development; and Mr. Randy Stabler, a farmer in Laytonsville, offered comments and participated in the discussion.

Discussion focused primarily on the Zoning Text Amendment related to Child Lots, particularly in terms of ownership and/or residency requirements.