



**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

301-495-4616

**APPROVED**  
**MINUTES**

The Montgomery County Planning Board met in regular session on Thursday, March 5, 2009, at 9:00 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 6:00 p.m.

Present were Chairman Royce Hanson, Vice Chair John Robinson, and Commissioners Jean Cryor and Joe Alfandre. Commissioner Amy Presley joined the meeting at 9:15 a.m. during discussion of Item 5.

Items 1 through 5 and Items 11 and 14 are reported on the attached agenda.

The Board recessed for lunch at 1:00 p.m. and to take up Item 14, a Closed Session Item.

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 1:20 p.m. in the third floor conference room, on motion of Vice Chair Robinson, seconded by Commissioner Presley, with Commissioners Hanson, Robinson, Cryor, Alfandre, and Presley present and voting in favor of the motion. The meeting was closed under authority of State Government Article, Section 10-508(a)(7), Annotated Code of Maryland, to consult with counsel to obtain legal advice.

Also present for the Closed Session were Associate General Counsel Carol Rubin of the Legal Department; Planning Department Director Rollin Stanley; Parks Department Deputy Director Michael Riley; and Clara Moise of the Commissioners' Office.

In Closed Session, the Board received briefing and advice from Legal Counsel regarding proposed amendments to House Bill 1135 related to Lyme disease.

The Closed Session was adjourned at 1:45 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.

Items 7 through 10, 12 and 13, are reported on the attached agenda.

There being no further business, the meeting was adjourned at 6:00 p.m. The next regular meeting of the Planning Board will be held Thursday, March 12, 2009, 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 5, 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) Charles L. Duvall Farm Preliminary Plan No. 120080170, ADOPTION OF RESOLUTION No. 08-132
- ii) Norwood Road Property Preliminary Plan 120070150, ADOPTION OF RESOLUTION No. 09-26
- iii) Miller Property Preliminary Plan 120061190, ADOPTION OF RESOLUTION No. 08-160

**Group B: Four Commissioners Eligible to Vote [Commissioners Alfandre, Cryor, Hanson and Robinson]**

- iv) Hull Property Pre-Preliminary Plan 720080130, ADOPTION OF RESOLUTION No. 09-25

**BOARD ACTION**

**Motion:**                    **A. ALFANDRE/CRYOR**  
                                 **B. ALFANDRE/CRYOR**

**Vote:**  
      **Yea:**                **A. 4-0**  
                                 **B. 4-0**

**Nay:**

**Other:**                **A. & B. PRESLEY ABSENT**

**Action:**                **A. Adopted the Resolutions as presented in Group A.**  
                                 **B. Adopted the Resolution as presented in Group B.**

**2.        Record Plats**

**Subdivision Plat No. 220090510, Moore's addition to Woodburn**

R-60 zone; 2 lots; located on the east side of Wedgewood Road, 350 north of Goldsboro Road (MD 614). Bethesda-Chevy Chase

*Staff Recommendation: Approval*

**Subdivision Plat No. 220090520, Woodside Park, Section 5**

R-60 zone; 1 lot; located in the northwest quadrant of the intersection of Highland Drive and Colesville Road (US 29). North and West Silver Spring

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:**                    **CRYOR/ALFANDRE**

**Vote:**  
      **Yea:**                **4-0**

**Nay:**

**Other:**                **PRESLEY ABSENT**

**Action:**                **Approved record plats as stated above.**

**3. Consent Items -POSTPONED**

**Resolution of Adoption of Amendment to the Master Plan for Historic Preservation: Damascus-Goshen Historic Resources**

Designates 19 historic sites and one historic district on the Master Plan for Historic Preservation, retains four resources on the Locational Atlas and Index of Historic Sites, recommends adding one resource to the Locational Atlas, and removes 37 resources from the Locational Atlas

*Staff recommendation: Approval to Transmit Resolution to full Commission*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: This item was postponed.**

**4. Approval of Minutes**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: There were no Minutes submitted for approval.**

**11. Request for Review Extension Limited Project Plan Amendment Review No. 92007007A, Woodmont East, Phase II**

CBD-2 zone; 2.48 acres; Amendment to convert the previously approved 225-room hotel to 208,579 sf of office space; located at the northeast intersection of Woodmont Avenue and Bethesda Avenue; Bethesda CBD/Woodmont Sector Plan

*Staff recommendation: Approval of extension request*

**BOARD ACTION**

**Motion: ROBINSON/ALFANDRE**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Approved staff recommendation of approval of the proposed extension request for the Woodmont East, Phase II Limited Project Plan Amendment, following a brief presentation by Development Review Division staff.**

**5. Worksession #3: Public Hearing Draft White Flint Sector Plan - Land Use and Zoning**

*Planning Board Action/Decision: Discussion only, no vote taken*  
**(No public testimony will be taken at this time)**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received briefing followed by discussion.**

Community-Based Planning Division staff offered a multi-media presentation of the draft White Flint Sector Plan focusing on the Land Use and Zoning section.

Various developers and their representatives offered comments and discussed their proposed development plans for White Flint, followed by Board questions to staff and the speakers and extensive discussion.

**6. Closed Session – POSTPONED**

In accordance with State Government Article, Section 10-508(a)(1), State Government Article, Annotated Code of Maryland, to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of Commission employees.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: This item was postponed.**

**14. Closed Session - ADDED**

In accordance with State Government Article, Section 10-508(a)(7), State Government Article, Annotated Code of Maryland, 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.**

7. [Preliminary Plan No. 120070220, Helmsdale Road \(Resubdivision\)](#)

R-200 zone; 1.84 acres; 1 lot requested; 1 existing one-family detached residential dwelling; located on Helmsdale Road, 0 feet northwest of Selkirk Drive; Bethesda-Chevy Chase.

*Staff recommendation: Approval with conditions*

**BOARD ACTION**

**Motion:**                    **ALFANDRE/ROBINSON**

**Vote:**

**Yea:**                    **5-0**

**Nay:**

**Other:**

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

Development Review staff presented the proposal to resubdivide one recorded lot and one parcel to create one lot to accommodate a proposed garage addition to the existing house. The plan also proposes one outlot for park dedication, as detailed in the staff report. Staff distributed a revised list of conditions of approval. Staff also discussed the environmental features and proposed Category I conservation easements on the site.

Ms. Victoria Bryant and Mr. Sam Kheir, representing the applicant, concurred in the staff recommendation and responded to questions from the Board.

Mr. Michael Berman, owner of adjacent property, offered comments.

There followed considerable discussion of the conservation easements and the boundaries of the lot and the outlot.

8. [Preliminary Plan No. 11996019A, Winterset – Lot 46 \(Limited Amendment\)-](#)

**POSTPONED**

R-200 zone; 6.81 acres; 10 lots previously approved for 10 one-family detached residential dwellings; request to modify the forest conservation easement on existing Lot 46; located on Winterset Terrace, 600 feet east of Ambleside Drive; Potomac.

*Staff recommendation: Approval with conditions*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**        **This item was postponed.**

**9.        [Preliminary Plan No. 120040870, United Therapeutics – Extension Request](#)**

CBD-1 zone; 2.20 acres; 2 lots previously approved for 148,598 square feet of office, 16,000 square feet of retail, and 48,434 square feet of research and development use; request for extension of the preliminary plan validity; located in the southwest and southeast quadrants of the intersection of Spring Street and Cameron Street; Silver Spring CBD.

*Staff recommendation: Grant 2-year extension*

**BOARD ACTION**

**Motion:**                **PRESLEY/ROBINSON**

**Vote:**

**Yea:**                **5-0**

**Nay:**

**Other:**

**Action:**        **Approved the staff recommendation to grant a two-year extension of the validity period.**

Development Review staff presented the request for a two-year extension of the preliminary plan validity period, citing the justification for the extension in the submitted letter of request.

Mr. William Kominers, attorney representing the applicant, concurred in the staff recommendation and responded to questions from the Board.

**10.        [Local Map Amendment No: G-878 \(Schematic Development Plan\)](#) -POSTPONED**

Germantown, LLC, applicant, requests rezoning from the C-1 to RT-15 Zone; located at 18451 Mateny Road, Germantown

*Staff recommendation: Approval*

**(Action required for hearing by the Hearing Examiner on 03/16/09)**



**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**        **This item was postponed.**

**12.    [Paint Branch High School Modernization](#)**

A. Special Protection Area Preliminary Water Quality Plan Paint Branch High School Modernization 14121 Old Columbia Pike, Burtonsville, R-200 Zone and the Environmental Overlay Zone for the Upper Paint Branch Special Protection Area, Fairland Master Plan

*Staff recommendation: Approval with conditions.*

B. Preliminary Forest Conservation Plan Paint Branch High School Modernization 14121 Old Columbia Pike, Burtonsville, R-200 Zone and the Environmental Overlay Zone for the Upper Paint Branch Special Protection Area, Fairland Master Plan

*Staff recommendation: Approval with Conditions*

C. Mandatory Referral No. 07606-MCPS-1, Paint Branch High School Modernization Paint Branch High School Modernization, 14121 Old Columbia Pike, Burtonsville, R-200 Zone and the Environmental Overlay Zone for the Upper Paint Branch Special Protection Area, Fairland Master Plan

*Staff recommendation: Approval to Transmit Comments to MCPS*

**BOARD ACTION**

**Motion:**            **A. ROBINSON/CRYOR**  
                         **B. ROBINSON/CRYOR**  
                         **C. ROBINSON/CRYOR**

**Vote:**

**Yea:**                **A. 5-0**  
                         **B. 5-0**  
                         **C. 5-0**

**Nay:**

**Other:**

- Action:**
- A. Approved the staff recommendation to approve, subject to conditions, as stated in the attached Letter of Transmittal.**
  - B. Approved the staff recommendation to approve, subject to conditions, as stated in the attached Letter of Transmittal.**
  - C. Approved the staff recommendation to approve, subject to conditions, as stated in the attached Letter of Transmittal.**

Environmental Planning staff and Development Review staff presented the Special Protection Area water quality plan, preliminary forest conservation plan, and mandatory referral review of the proposed modernization of Paint Branch High School to replace the existing building with a new three-story building with a core capacity of 2,400 students under a phased development plan, as detailed in the respective staff reports. Staff distributed a revised list of conditions of approval for the forest conservation plan. Parks Department staff provided information and responded to questions from the Board about the conveyance of parkland to

## **12. [Paint Branch High School Modernization](#)**

Montgomery County Public Schools for this project and concerns and agreements about community use of the playing fields.

Mr. James Song, representing Montgomery County Public Schools, elaborated on the proposal and responded to questions from the Board.

There followed considerable discussion about the Memorandum of Understanding concerning the community use of the playing fields and the importance of installing synthetic turf and lighting in terms of providing additional hours of field use.

## **13. Roundtable Discussion**

- A. Commissioners' Reports
- B. Director's Reports - Approved zoning advisory panel 2009
- C. County Council Activity
- D. [Parking Policy Study Update](#) -ADDED
- E. Growth Policy Update -ADDED

## **BOARD ACTION**

**Motion:** **B. CRYOR/ROBINSON**

**Vote:**

**Yea:** **B. 5-0**

**Nay:**

**Other:**

**Action: B. Approved the Planning Director's proposed appointments to the Zoning Advisory Panel.**

**A. Commissioners' Reports** – None.

**B. Director's Reports** – Planning Director Rollin Stanley presented a list of proposed appointments to create a Zoning Advisory Panel. The Board approved the appointments as noted above.

**C. County Council Activity** – No reports.

**D. [Parking Policy Study Update](#)** – Transportation Planning staff discussed a proposal for a consultant study related to parking needs and requirements for retail and commercial uses, which will be presented to a joint meeting of the Council Committees on Planning, Housing, and Economic Development (PHED) and Transportation, Infrastructure, Energy, and Environment (T&E) on March 16, 2009. The study stems from recommendations in the Office of Legislative Oversight report 2009-6, "Transportation Demand Management: Implementation, Funding, and Governance," and staff is working in conjunction with County Council staff and Department of Transportation staff. It is hoped the study will assist the Zoning Ordinance rewrite effort and result in a model and methodology to be used in determining parking ratios in urban areas.

**E. Growth Policy Update** – Planning Department Director Rollin Stanley and staff provided an overview of Board guidance in two previous Growth Policy discussions and continued the discussion with the Board about refining the staff approach to the Growth Policy.