



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 18, 2010, at 9:05 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 7:05 p.m.

Present were Chairman Royce Hanson, Vice Chair Marye Wells-Harley, and Commissioners Joe Alfandre and Amy Presley. Commissioner Norman Dreyfuss joined the meeting at 9:15 a.m., during discussion of Item 2.

Items 1 through 5 are reported on the attached agenda.

The Board recessed at 12:40 p.m. for lunch and to take up Items 6 and 11 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 12:50 p.m. in the third floor conference room, on motion of Commissioner Alfandre, seconded by Commissioner Presley, with Chairman Hanson, Vice Chair Wells-Harley, and Commissioners Alfandre, Dreyfuss, and Presley present and voting in favor of the motion. The meeting was closed under authority of §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 appointees, employees, or officials; or to discuss any other personnel matter that affects one or more specific employees; and §10-508(a)(7), to consult with counsel to obtain legal advice.

Also present for all or part of the Closed Session were Associate General Counsels Derrick Rogers and Carol Rubin of the Legal Department; Director of Parks Mary Bradford; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board conducted the annual performance review of the Director of Parks and received a briefing about a proposed Legacy Open Space acquisition.

The Closed Session was adjourned at 2:20 p.m.

The Board reconvened in the auditorium at 2:30 p.m.

Items 7, 8, 10, and 9 are reported on the attached agenda. Following reports 1-4 of Item 9, the Board went into Closed Session to take up Item 12.

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 5:45 p.m. in the auditorium, on motion of Commissioner Presley, seconded by Commissioner Alfandre, with Chairman Hanson, Vice Chair Wells-Harley, and Commissioners Alfandre, Dreyfuss, and Presley present and voting in favor of the motion. The meeting was closed under authority of §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 appointees, employees, or officials

Also present for all or part of the Closed Session were Executive Director Patti Barney, Jasmine Prepetit, and William Spencer of the Department of Human Resources and Management; Director Rollin Stanley and Alison Davis of the Planning Department; Director Mary Bradford, Deputy Directors Gene Giddens and Mike Riley, and Karen Warnick of the Parks Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board received briefings by the Executive Director and the Directors of the Planning and Parks Departments related to potential reductions in force (RIFs) in order to comply with the Spending Affordability Guidelines and the County Executive's recommended budget reductions for FY11.

The Closed Session was adjourned at 6:15 p.m. and the Board reconvened in open session in the auditorium.

The Board then heard reports 5-7 of Item 9, concluding the Roundtable Discussion.

There being no further business, the meeting was adjourned at 7:05 p.m. The next regular meeting of the Planning Board will be held on Monday March 25, 2010, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye
Technical Writer

Montgomery County Planning Board Meeting
Thursday, March 18, 2010
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions - REVISED**

1. Clarksburg Village - Phase I Site Plan No. 82003002D - ADOPTION OF MCPB RESOLUTION No. 10-20 - **TAKEN AS ITEM 1C**
2. Lufsey Property, Forest Conservation Plan No. S-2749 - ADOPTION OF MCPB RESOLUTION No. 10-26
3. Zion Road Property, Preliminary Plan 120090360 - ADOPTION OF MCPB RESOLUTION No. 10-25
4. University Gardens, Preliminary Forest Conservation Plan Special Exception Amendment No. S-1424-A - ADOPTION OF MCPB RESOLUTION No. 10-21
5. Locust Hill Estates - Preliminary Plan 120080110 - ADOPTION OF MCPB RESOLUTION No. 10-12
6. City Place - Site Plan No. 81988046D - ADOPTION OF MCPB RESOLUTION No. 10-27
7. Silver Spring Park, Project Plan No. 920100030 - ADOPTION OF MCPB RESOLUTION No. 10-24.

BOARD ACTION

Motion: **PRESLEY/WELLS-HARLEY**

Vote:

Yea: **4-0**

Nay:

Other: **DREYFUSS ABSENT**

Action: **Adopted the Board Resolutions as stated above.**

B. Records Plats

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **There were no Record Plats submitted for approval.**

C. Other Consent Items

Site Plan Review No. 82003002D, Clarksburg Village – Phase 1, R-200/TDR & R-200/MPDU zones; 363.58 acres; Amendment to modify conditions of approval and modify the plan to remove monuments and eliminate grass ring pavers; located on Stringtown Road south-east of the intersection with Snowden Farm Parkway; Clarksburg
Staff Recommendation: Approval of the Consent Agenda Item.

BOARD ACTION

Motion: **ALFANDRE/WELLS-HARLEY**

Vote:

Yea: **4-0**

Nay:

Other: **DREYFUSS ABSENT**

Action: **Approved the site plan amendment as stated above.**

D. Approval of Minutes

Minutes of February 4, 2010, meeting

BOARD ACTION

Motion: **WELLS-HARLEY/PRESLEY**

Vote:

Yea: **4-0**

Nay:

Other: **DREYFUSS ABSENT**

Action: **Approved the minutes of February 4, 2010, as presented.**

2. Mandatory Referral No. 09750-DGS-1 Olney Library Renovation and Addition

3500 Olney-Laytonsville Road, MXTC Zone, Olney Master Plan

Staff Recommendation: Approval and Transmit Comments to Department of General Services

BOARD ACTION

Motion: DREYFUSS/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the staff recommendation to approve and transmit comments, deleting condition 4, as stated in the attached Letter of Transmittal.

Community-Based Planning staff presented the mandatory referral review of the proposed renovation and addition to the Olney Library, as detailed in the staff report.

Mr. Donald Scheuerman, representing County Department of General Services, discussed various elements of the proposal. He requested that condition 4 be deleted, stating that the three spaces recommended for relocation are not general parking spaces, but are very short-term spaces associated with the book drop-off and are necessary in that location.

Mr. James Smith, representing the Olney Town Center Advisory Committee, offered comments.

Mr. Bill Evans, the project consultant, discussed the design and rationale for orienting the main building entrance toward the rear of the building and the parking, and discussed accessibility.

3. Briefing: Draft Incentive Density Guidelines for CR Zones

Staff Recommendation: Approval to Publish and Set Public Hearing for April 29, 2010

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Provided guidance to staff and, by consensus, scheduled the public hearing for May 13, 2010.

Development Review staff briefed the Board on the draft Incentive Density Guidelines for the Commercial Residential (CR) Zones, including the various types of public benefits that would qualify for incentive density and how much additional density could be granted.

There followed considerable discussion of elements of the Guidelines and how they would apply to various development scenarios. The Board also provided guidance to staff for revisions, for soliciting written comments, and for the public hearing process on the Guidelines.

To allow the Board members the opportunity to consult their calendars, the Board postponed setting the public hearing date until after discussion of Item 10 during the afternoon session.

4. Preliminary Plan 120090380, Metro Plaza Silver Spring

CBD-3 zone; 1.33 acres; 1 lot requested for 179,050 square feet of office use, and 23,900 square feet of retail; located on East-West Highway (MD 410) northwest of Colesville Road (MD 29); Silver Spring CBD.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: ALFANDRE/DREYFUSS

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 plan to create one lot for redevelopment of the site, replacing the three existing buildings with two buildings of office and retail use, and associated surface and underground parking, as detailed in the staff report. Staff noted that the property wraps around a WMATA electrical building and there are associated WMATA easements on the site that constrain development. In addition, staff reported that the Purple Line alignment recommended in the Public Hearing Draft Purple Line Functional Master Plan crosses the property, and a condition of approval requires a three-year right-of-way reservation for that alignment. If the alignment is ultimately adopted on the master plan, it will further constrain development on the site.

Mr. William Kominers, attorney representing the applicant, concurred in the staff recommendation. Mr. Allen Mushinsky, the architect, discussed an illustrative plan for the site.

There followed some discussion of the likelihood that this plan will be developed, given the probability that the Purple Line alignment across the site will be approved and adopted.

Mr. Kominers stated for the record that the proposed reservation of right-of-way for the Purple Line is involuntary.

5. Pre-Preliminary Plan 720090150, Kensington Nursing Home (Resubdivision), Advice Only

R-90 zone; 6.28 acres; request for a Board advice concerning application of Section 50-29(b)(2) of the Subdivision Regulations to facilitate creation of 3 lots for 2 one-family detached residential dwellings, one of which exists and will remain, and an existing nursing home; located in the southeast quadrant of the intersection of McComas Avenue and Drumm Avenue; Kensington-Wheaton.

Staff Recommendation: No Objection to Submittal of a Preliminary Plan.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Discussed and provided guidance.

Development Review staff presented the pre-preliminary plan to resubdivide one lot and two parts of lots into three lots, with one lot for the existing special exception nursing home use, one for the existing detached dwelling, and one for a new dwelling, with all to be served by the existing driveway, as detailed in the staff report. Staff noted that the plan is being submitted for non-binding guidance from the Board in anticipation of submittal of a preliminary plan. Staff reviewed the proposal in terms of the resubdivision criteria, noting that the criteria do not apply to the nursing home use, based on the Board's interpretation that the criteria apply only to lots for residential use. Staff said that if the nursing home is discontinued and replaced with one-family lots at some point in the future, the existing driveway would become part of an internal road, and the two proposed lots would front on that road.

Mr. Paul Glasgow, attorney representing the applicant, and Mr. Al Blumberg, the land planner, elaborated on the proposal.

Ms. Jane Folsom, representing the Kensington Heights Citizens Association, offered comments.

There followed considerable discussion about the application of the resubdivision criteria, with Planning staff and Legal Counsel to the Board responding to questions.

6. Closed Session

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

11. Closed Session - ADDITION

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.

7. Preliminary Plan 120100060, Sullivan Property

RC zone; 9.19 acres; 2 lots requested for 2 one-family detached residential dwellings, both of which exist and will remain, one of which will be for the use of a child of the property owner; located on Ashton Road (MD 108), 950 feet northeast of Mink Hollow Road; Sandy Spring-Ashton.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

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 create two lots for two existing dwellings, as detailed in the staff report. Staff noted that one of the lots is stipulated as being for the use of a child of the property owner. A waiver of the lot frontage requirement is requested for that lot, and was approved by the Board in its review of a pre-preliminary plan. Access will continue via the shared driveway.

Mr. Robert Sullivan, the applicant, concurred in the staff recommendation and offered comments on the review process.

8. Preliminary Plan 120090200, Spring Meadows

RC zone; 42.81 acres; 2 lots requested for 2 one-family detached residential dwellings, one existing to remain; located on Poplar Hill Road, 3,000 feet west of Spring Meadows Drive; Potomac Subregion.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

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 adjust the lot line between two commonly owned lots, as detailed in the staff report.

Mr. David McKee, the applicant's engineer, concurred in the staff recommendation.

10. Draft Zoning Text Amendments for the Rural Density Transfer Zone - ADDITION

(Continuation of March 4, 2010 Planning Board item)

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: **A. PRESLEY/ALFANDRE**
 B. PRESLEY/WELLS-HARLEY

Vote:
 Yea: **A. 5-0**
 B. 4-1

Nay: **B. DREYFUSS**

Other:

Action: **A. Approved the staff recommendation to transmit the draft Zoning Text Amendment for lot area limitations and cluster provisions for the Rural Density Transfer Zone, with modifications identified in discussion.**

B. Approved the staff recommendation to transmit the draft Zoning Text Amendment for child lot standards for the Rural Density Transfer Zone, modified to reflect a 5-year ownership requirement.

In a continuation of the discussion of March 4, 2010, staff reviewed the changes made by the Board and incorporated into the two draft Zoning Text Amendments related to the Rural Density Transfer Zone: (A) lot area limitations and cluster provisions and (B) child lot standards, as detailed in the staff report.

Ms. Margaret Chasen, a member of the Ad Hoc Agricultural Policy Working Group; Mr. William Moser of Damascus; Ms. Dolores Milmoie, representing the Audubon Naturalist Society; Mr. Jeremy Criss, representing the County Department of Economic Development; and Ms. Caroline Taylor, representing the Montgomery Countryside Alliance, participated in the discussion.

9. Roundtable Discussion - REVISED

1. Operating Funds Seven Month Financial Report Including Projections to June 30, 2010.
2. Enterprise Funds Seven Month Financial Report Including Projections to June 30, 2010.
3. Semi-Annual Report Discussion
4. Council District Profiles Update
5. GIS Update
6. Gaithersburg West Update- **ADDITION**
7. Growth Policy Amendment for White Flint - **ADDITION**
8. Budget Update - **POSTPONED**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefings.

1. Operating Funds Seven Month Financial Report Including Projections to June 30, 2010—Acting Secretary-Treasurer Al Warfield presented the FY 2010 operating budget seven-month financial report, with projections to June 30.

2. Enterprise Funds Seven Month Financial Report Including Projections to June 30, 2010—Parks Department staff presented the FY 2010 Enterprise Fund seven-month financial report, with projections to June 30.

3. Semi-Annual Report Discussion—Planning Department and Parks Department staff presented an overview of the respective Departments' Semi-Annual Report in preparation for presentation to the County Council. The Board offered guidance for final revisions.

4. Council District Profiles Update—Planning Director Rollin Stanley and Richard DeBose, the Chief of the Research Division, presented an overview of the Montgomery County Snapshot project to create a profile of the County using various factors and apply the factors to the individual Council districts, to compare the districts to each other and to the County as a whole. Factors include census/demographic data, walkability, retail opportunity/ activity, office lease rates and availability, etc.

5. GIS Update— The Chief of the Research Division, Richard DeBose, updated the Board on activities related to the County's GIS strategic plan, reviewed the many different types of layers in the database and which agencies are responsible for developing and maintaining them, and demonstrated how GIS data can be accessed on the Department's website to provide enhanced information to staff, other agencies, and the public.

9. Roundtable Discussion

6. Gaithersburg West Update—Community-Based Planning staff updated the Board on worksessions of the County Council’s Planning, Housing, and Economic Development (PHED) Committee on the Gaithersburg West Master Plan.

7. Growth Policy Amendment for White Flint—The Chief of the Transportation Planning Division, Dan Hardy, updated the Board on the status of the White Flint Sector Plan and the Growth Policy Amendment for White Flint.

8. Budget Update—This item was postponed.

12. Closed Session - ADDITION

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