



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 22, 2012, at 9:23 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 2:55 p.m.

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

Items 2, 3, 14, 1, 4, and 7 through 10, taken up in that order, are reported on the attached agenda. Item 12 was postponed to the afternoon session.

The Board recessed at 12:57 p.m. for lunch and to take up Item 6 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 1:12 p.m. in the 3rd floor conference room on motion of Commissioner Anderson, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Dreyfuss 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 all or part of the Closed Session were Associate General Counsel Derrick Rogers of the Legal Department; Director Mary Bradford and Deputy Director Mike Riley of the Parks Department; and Clara Moise of the Commissioners' Office.

In Closed Session, the Board discussed Montgomery County Public Schools proposed school site selection for the Bethesda-Chevy Chase Middle School replacement.

The Closed Session was adjourned at 2:10 p.m.

The Board reconvened in open session in the auditorium at 2:26 p.m.

Item 11 was postponed. Item 12, postponed from the morning session, and Item 13 are reported on the attached agenda.

MCPB, 3-22-12, APPROVED

There being no further business, the meeting was adjourned at 2:55 p.m. The next regular meeting of the Planning Board will be held Thursday, April 5, 2012, in the Montgomery Regional Office in Silver Spring, Maryland. The Planning Board will be in recess on Thursday, March 29, 2012.

Ellyn Dye
Technical Writer

M. Clara Moise
Technical Writer

Montgomery County Planning Board Meeting
Thursday, March 22, 2012
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

1. Equipment Maintenance and Operations Center Shady Grove (EMOC) Forest Conservation Plan No. MR2010709 (Amendment No. 1) – MCPB No. 11-64
2. Lincoln Park Preliminary Plan 120100170 – MCPB No. 11-134
3. Peter and Gwendolyn Regis Enforcement Action – Order – MCPB No. 11-52
4. Westfield Montgomery Mall Site Plan 82005003B – MCPB No. 12-02

BOARD ACTION

Motion: **ANDERSON/DREYFUSS**

Vote:

Yea: **4-0**

Nay:

Other: **PRESLEY ABSENT**

Action: **Adopted the Resolutions cited above, with distributed revisions.**

***B. Record Plats**

1. Subdivision Plat No. 220120230, Northwest Park; CBD-1 zone, 1 lot; located in the southwest quadrant of the intersection of Battery Lane and Wisconsin Avenue (MD 355); Bethesda CBD Sector Plan.

Staff Recommendation: Approval

2. Subdivision Plat No. 220120240, Woodmont; CBD-R2 zone, 1 lot, located in the southwest quadrant of the intersection of Rugby Avenue and Del Ray Avenue; Bethesda CBD Sector Plan.

Staff Recommendation: Approval

3. Subdivision Plat No. 220120610, Seven Oaks; R-60 zone, 1 lot; located on the east side of Colesville Road (US 29), 375 feet south of Sligo Creek Parkway; North and West Silver Spring Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: WELLS-HARLEY/ANDERSON

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Approved the Record Plats as stated above.

***C. Other Consent Items**

Site Plan 82004026C: River Quarry Consent Amendment; Changes to the development program and to decorative site elements including lighting, driveways and walkways, paving, fences, and landscaping. Located at the intersection of River Quarry Place and River Road, Bethesda MD, at the north west quadrant of River Road and the Capital Beltway; R-200/TDR-12; 6.16 acres; Potomac Subregion

Staff Recommendation: Approval

BOARD ACTION

Motion: ANDERSON/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 Board Resolution.

***D. Approval of Minutes**

Minutes of February 16, 2012

BOARD ACTION

Motion: WELLS-HARLEY/ANDERSON

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Approved the minutes of February 16, 2012, as presented.

2. Briefing: Overview of the Facilities Management Division to include Fleet, Trades, Property Management, Energy, Major Maintenance and CIP

This presentation will outline and highlight the role of the Facilities Management Division within the Park Department to include an overview of the Fleet Services, Trades support, Property Management, Energy, Major Maintenance and CIP work program.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing and discussed.

Mr. John Nissel, Chief of the Parks Department Facilities Management Division, presented an overview of the many functions and activities of the Division, such as fleet management, including maintenance and repair of all motorized equipment; trades and construction management, including maintenance, repair, remodeling, and construction on park property; property management, including oversight of leases, curatorships, partnerships, and life estates for park houses, facilities, and land; and administrative services.

There followed considerable discussion of the renting of park houses and some discussion of the impact of budget reductions on the Division's program and operations.

The presentation concluded with a video filmed during the relocation of the historic Darby Store.

3. Briefing: Parks' Department Leases, Partnerships and Tenants

Briefing/overview on the current status of Parks' property management and public-private partnership programs

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing and discussed.

Ms. Kate Stookey, Chief of the Parks Department Division of Public Affairs and Community Partnerships, provided an overview of the functions and activities of the Division, focusing primarily on the review and assessment of solicited and unsolicited private/public partnerships for park facilities and property. Ms. Stookey also highlighted new approaches to facilities leases and private/public partnerships in the parks, in terms of cost-effectiveness and provision of needed programs and facilities.

There followed considerable discussion of lease calculations for leasing park facilities and for park partnerships. There was also some discussion of park archeology projects and opportunities for children to become involved in archeology in the parks, as well as the desire to explore the issue of working with outside vendors to provide concessions in the parks, when staff resources become available.

14. Briefing: Impact of Pending County Bill 11-12

Seek direction of Planning Board.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing and agreed to provide testimony.

Director of Parks Mary Bradford and Legal Department staff presented an overview of Expedited Bill 11-12, which proposes to modify the procedures for disposition of County property and require Council approval for certain transfers of County property that are negotiated by the County Executive. Staff noted that the Bill proposes to broaden the definition of “disposition,” and would have unintended consequences that could affect parkland, which in some cases is titled with the County and managed by the Parks Department. Staff is working with Council staff to draft an amendment to exclude leases and licenses for parkland that is managed by the Parks Department.

In discussion, the Board agreed to testify in regard to the potential impact on parkland.

4. Zoning Text Amendment 12-03

Revise the definition of a winery; and revise the number of public events that a winery can hold annually as of right in certain zones.

Staff Recommendation: Transmit Comments to County Council.
(Action Required for County Council Public Hearing of 3/27/12)

BOARD ACTION

Motion: ANDERSON/WELLS-HARLEY

Vote:

Yea: 3-1

Nay: DREYFUSS

Other: PRESLEY ABSENT

Action: Approved the staff recommendation, as stated in the attached Letter of Transmittal.

Planning Department staff presented the Zoning Text Amendment to revise the definition of a winery and increase the number of public events that a winery can hold annually by right in the RDT Zone, as detailed in the staff report, noting that currently two public events are allowed each year by right, with more events allowed under a special exception, and this Amendment proposes to allow six. Staff recommends that the Zoning Text Amendment be deferred and a working group be established to conduct additional research and outreach related to the revised definition, which would require twenty

percent of the fruit to be grown on-site, and to establish parameters and definitions for the public events to address potential impacts.

Ms. Anne Cinque, representing the Sugarloaf Citizens Association, and Mr. Jim McKenna, representing the Sugarloaf Mountain Vineyard, offered comments.

There followed considerable discussion of the types of events that might be held and the parameters that might be established. In making the motion, Commissioner Anderson supported identifying measures to accommodate and encourage wineries in the Agricultural Reserve, but did not necessarily support creating a work group.

In opposing the motion, Commissioner Dreyfuss did not support revising the definition to codify the amount of fruit grown on site and supported increasing the number of events to six without additional legislated restrictions.

5. Local Map Amendment No. G-909, Glen Aldon - POSTPONED

Requesting PD-100 zone (with an alternative category for PD-88 zone), 5.67264 acres, Request a maximum of 692 residential units, including 15% MPDUs and 5% Workforce Housing Units; located at 4857, 4858, 4890 and 4900 Battery Lane, east of the intersection with Woodmont Avenue; Bethesda CBD (Central Business District)

Staff Recommendation: Approval

(Action Required for Hearing by the Hearing Examiner on 4/13/12)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.

7. Sectional Map Amendment G-911

Sectional Map Amendment G-911 to Implement the Recommendations of the Approved and Adopted Wheaton CBD and Vicinity Sector Plan

Staff Recommendation: Approval to Transmit Comments to the County Council

(Action Required for County Council Public Hearing of 4/10/12)

BOARD ACTION

Motion: DREYFUSS/ANDERSON

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Approved the staff recommendation to transmit the Sectional Map Amendment and one Corrective Map Amendment to the County Council.

Planning Department staff presented a revised staff report for the Sectional Map Amendment (SMA) to implement the zoning in the Wheaton CBD and Vicinity Sector Plan, noting that two of the three submitted Corrective Map Amendments accompanying the SMA are being withdrawn. Those Corrective Map Amendments, related to rezoning of rights-of-way and adjacent areas, were found to be unnecessary. Staff reviewed the remaining Corrective Map Amendment, which reclassifies 0.04 acres of Parcel 10, Wheaton Mall, from the R-60 Zone to the C-2 Zone. That piece of land, adjacent to Faulkner Place and the Wheaton Mall property, was inadvertently excluded from the zoning maps implementing Local Map Amendment E-107, approved in 1965.

8. Staging Allocation Fees

Proposal to add new fees for staging allocation requests

Staff Recommendation: Approval and Adoption of Resolution

BOARD ACTION

Motion: DREYFUSS/ANDERSON

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Approved the staff recommendation to approve the new Staging Allocation Request fees and adopted the Board Resolution.

Planning Department staff presented proposed new fees of \$0.01 per square foot for non-residential space and \$1.00 for each residential unit for Staging Allocation Requests (SAR), as detailed in the staff report. Staff finds the proposed fee to be more equitable than the \$5,000 flat fee that was originally proposed in March 2011. The SAR is a new type of application related to tracking and

staging of development capacity in White Flint, which must be submitted after approval of sketch, preliminary, and site plans and before applying for building permits. Staff discussed the review process and time associated with processing SARs.

9. Site Plan Amendment 82010007A: Darnestown at Travilah

Amendment for modification of building façades and roof design; located on the north side of Darnestown Road midway between the intersections with Key West Avenue and Great Seneca Highway on 5.24 gross acres in the RT-8 zone within the Great Seneca Science Corridor Sector Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: DREYFUSS/ANDERSON

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

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

Planning Department staff presented the proposed amendment to an approved site plan for a project with 39 townhouse units to change from peaked roofs to flat roofs and make minor modifications to door and window placement and façade design, as detailed in the staff report.

Mr. Les Powell and Mr. Joe Korinsky, representing the applicant, concurred in the staff recommendation.

10. Staging Allocation Request for Mid-Pike Plaza, Site Plan 820120020

Property is split zoned CR3 C1.5 R2.5 H200 and CR4 C3.5 R3.5 H300; on 6.77 gross acres located on the northwest corner of the intersection of Old Georgetown Road and Rockville Pike in the 2010 White Flint Sector Plan area. Request made pursuant to the July 2011 approved White Flint Sector Plan Implementation Guidelines is for 341,800 square feet of commercial uses and 493 residential units.

Staff Recommendation: Approval and Adoption of Resolution

BOARD ACTION

Motion: DREYFUSS/ANDERSON

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Approved the staff recommendation to approve the Staging Allocation Request and adopted the Board Resolution, as revised.

Planning Department staff presented the Staging Allocation Request for the Mid-Pike Plaza project, as detailed in the staff report, and distributed and reviewed revisions to the staff report and the draft Board Resolution. Staff noted that this request for allocation of 493 residential units and 341,800 square feet is the first submitted SAR under Phase 1 of the White Flint Sector Plan. Staff reviewed the staging allocation calculations and discussed the evolving process of submitting and reviewing SARs under the Implementation Guidelines, noting that the process is being fine-tuned as staff and the applicant work through this first application. For example, issues have arisen about providing flexibility for design and minor density changes that occur between site plan approval and release of building permits. In the future, staff said, SARs will be presented to the Board on the Consent Agenda.

There followed some discussion of the calculations, including demolition credits and tracking of final square footage and number of units following issuance of building permits. At the request of Chair Carrier, an additional revision was made to the draft Resolution for greater clarity.

Legal Counsel to the Board participated in the discussion.

Ms. Barbara Sears, attorney representing the applicant, offered comments about the request and the process.

12. Roundtable Discussion

Planning Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing.

Planning Director's Report: Planning Department Director Rollin Stanley and Deputy Director Piera Weiss discussed the draft schedule for proposed Master Plans and major projects in the Planning Department for FY13 through FY15, followed by Board discussion and questions.

6. Closed Session

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(3) to consider the acquisition of real property for a Commission purpose and matters directly related thereto and 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 State citation and open session report in narrative minutes.

11. Proposed Amendments: Montgomery County Comprehensive Water Supply and Sewerage Systems Plan- 2012-1 Category Change Requests (Administrative Group) - POSTPONED

Staff Recommendation: Transmit Recommendations to the County Executive

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.

13. Budget Discussion

County Executive Recommendation for FY13 budget

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing.

The Commission Budget Director discussed the County Executive's recommendations for the FY13 Commission budget and the proposed agenda for the County Council and the Executive FY13 budget discussions from April through June 2012, followed by Board discussion and questions to staff.