



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, April 8, 2010, at 9:03 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 4:26 p.m.

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

Items 1, 11, 3, 7, and 4, taken in that order, are reported on the attached agenda.

The Board recessed at 1:25 p.m. for lunch and to take up Items 5 and 12 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 1:37 p.m. in the third floor conference room, on motion of Commissioner Dreyfuss, seconded by Commissioner Wells-Harley, with Chairman Hanson, Vice Chair Wells-Harley, and Commissioner Dreyfuss present and voting in favor of the motion, and with Commissioners Alfandre and Presley absent. Commissioner Alfandre joined the Closed Session at 1:47 p.m. 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), 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 Counsels David Lieb and George Johnson of the Legal Department; Director Mary Bradford, Deputy Directors Gene Giddens and Mike Riley, Mary Ellen Venzke, and Karen Warnick of the Parks Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board discussed the legal issues related to a pending enforcement case and provided guidance to staff with regard to non-recommended reductions to the Parks Department FY2011 budget to meet the County Executive's recommended budget.

The Closed Session was adjourned at 2:37 p.m.

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The Board reconvened in the auditorium at 2:40 p.m.

Items 6, 8, 9, and 10 are reported on the attached agenda.

Item 2 was postponed.

There being no further business, the meeting was adjourned at 4:26 p.m. The next regular meeting of the Planning Board will be held Thursday, April 15, 2010, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye
Technical Writer

M. Clara Moise
Technical Writer

Montgomery County Planning Board Meeting
Thursday, April 8, 2010, 9:00 A.M.
8787 Georgia Avenue
Silver Spring, MD 20910-3760

1. Consent Agenda

***A. Adoption of Resolutions**

1. Islamic Center of Maryland - Preliminary Plan No. 12002041B - ADOPTION OF MCPB RESOLUTION No. 10-33

2. Johns Hopkins University – Montgomery County Campus Site Plan Amendment 81986065B – ADOPTION OF MCPB RESOLUTION No. 10-29

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Adopted the Resolutions cited above.

***B. Records Plats**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

C. Other Consent Items

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **There were no Other Consent Items submitted for approval.**

D. Approval of Minutes

Minutes of March 4, 2010

BOARD ACTION

Motion: **ALFANDRE/WELLS-HARLEY**

Vote:

Yea: **4-0**

Nay:

Other: **PRESLEY ABSENT**

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

11. Enforcement Rules

Updated draft of Enforcement Rules to adopt hearing procedures for enforcement cases in front of a Hearing Officer and the Planning Board

Staff recommendation: Adopt Enforcement Rules and Transmit to County Council

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Following a brief presentation by Legal Counsel, adopted the Enforcement Rules and approved transmittal to the County Council.

3. Ripley Street North

A. Project Plan Amendment Review No. 92004006B, Ripley Street North, CBD-1 zone; 1.6012 acres; amendment; add 68 dwelling units, change building footprint, enlarge parking deck, revise date table, add green roof, removal of the east park and replace with proposed building, grading changes; located on Ripley Street, approximately 500 feet west of Georgia Avenue; Silver Spring
Staff Recommendation: Approval with Conditions

B. Preliminary Plan 12006054A, Ripley Street North, CBD-2 zone; 1.60 acres; 2 lots requested for 385 multi-family residential dwelling units, including a minimum 12.5% moderately priced dwelling units, and 5,541 square feet of retail (replacing the 318 dwelling units and 5,946 square feet of retail that was previously approved); located on Ripley Street, approximately 500 feet west of Georgia Avenue; Silver Spring.
Staff Recommendation: Approval with Conditions

C. Site Plan Amendment Review No. 82006025A, Ripley Street North, CBD-2 zone; 1.60 acres; amendment; add 68 dwelling units, change building footprint, enlarge parking deck, revise data table, add green roof, removal of the east park and replace with proposed building and grading changes; located on Ripley Street, approximately 500 feet west of Georgia Avenue; Silver Spring
Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: A. DREYFUSS/ALFANDRE
B. DREYFUSS/ALFANDRE
C. DREYFUSS/ALFANDRE

Vote:

Yea: A. 4-0
B. 4-0
C. 4-0

Nay:

Other: PRESLEY ABSENT

- Action:**
- A. Approved the staff recommendation to approve the project plan amendment, subject to revised conditions, as stated in the attached Board Resolution.**
 - B. Approved the staff recommendation to approve the preliminary plan amendment, subject to revised conditions, as stated in the attached Board Resolution.**
 - C. Approved the staff recommendation to approve the site plan amendment, subject to revised conditions, as stated in the attached Board Resolution.**

Development Review staff presented the proposed amendments to the Ripley Street North project plan, preliminary plan, and site plan, as detailed in the staff report. The amendments propose to add 68 units, increase the retail space, change the building footprint,

3. Ripley Street North

CONTINUED

reconfigure the parking to eliminate the portion of garage under Dixon Avenue, replace the east park with a second building of five stories, and consolidate the public open space into the west park. Staff made several corrections and revisions to the staff report and proposed conditions of approval. Staff also discussed concerns raised by the applicant about the conditions related to the location of the moderately priced dwelling units (MPDUs) and LEED certification.

Mr. Rick Nelson, Department of Housing and Community Affairs (DHCA), offered comments about the location of the MPDUs, which is under the authority of the Department.

Ms. Anne Martin, attorney representing the applicant, concurred in the staff recommendation in general, proposing revisions to the conditions related to the MPDUs and LEED certification. She offered comments on the importance of the proposed development, which includes the extension of Dixon Avenue. Mr. Don Hague of the applicant company discussed the evolution of the plan; Mr. Robert Sponseller, the architect, discussed elements of the mixed-use plan; and Mr. Don Hoover, the landscape architect, discussed the proposed public park and artwork, which is designed in tribute to the teachings of Rachel Carson.

There followed considerable discussion of the MPDU and LEED issues, including the respective roles of the Board and County Department of Permitting Services under the Green Buildings Law and the evolving LEED standards, during which staff and the applicant provided additional information and responded to questions from the Board. In discussion, the Board incorporated revisions to the conditions related to those issues.

7. Seven Locks Elementary School Modernization

A. Forest Conservation Plan: Intersection of Seven Locks Road and Bradley Boulevard, R-200 Zone, Potomac Master Plan

Staff Recommendation: Approval with Conditions

B. Mandatory Referral No. 09736-MCPS-1: Intersection of Seven Locks Road and Bradley Boulevard, R-200 Zone Potomac Master Plan

Staff Recommendation: Approval and Transmit Comments to MCPS

BOARD ACTION

Motion: **A. DREYFUSS/ALFANDRE**
 B. WELLS-HARLEY/ALFANDRE

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

Nay:

Other: **PRESLEY ABSENT**

Action: **A. Approved the staff recommendation to approve the forest conservation plan and variance.**
 B. Approved the staff recommendation to approve the mandatory referral, subject to conditions.

Environmental Planning staff and Urban Design staff presented, respectively, the forest conservation plan and the mandatory referral review for the Seven Locks Elementary School replacement project, as detailed in the staff reports. The project will replace the existing building, reconfigure the parking lot and circulation, and replace the ball fields. Staff noted that a variance is requested to allow the removal of six trees.

Mr. Craig Shuman, representing Montgomery County Public Schools (MCPS), elaborated on the design and concurred in the staff recommendation. Mr. Shuman and Mr. Jim Tokar responded to questions from the Board.

4. Glenmont Station Parking Structure

A. Forest Conservation Plan: Glenmont Station Parking Garage - West side of Georgia Avenue near Glenallan Avenue, RT-12.5 Zone, Glenmont Sector Plan
Staff Recommendation: Approval

B. Mandatory Referral No. 09737-WMATA-1, (Revised Staff Memo) Glenmont Station Parking Garage - West side of Georgia Avenue near Glenallan Avenue, RT-12.5 Zone, Glenmont Sector Plan
Staff Recommendation: Approval and Transmit Comments to Washington Metropolitan Area Transit Authority (WMATA)

BOARD ACTION

Motion: **A. DREYFUSS/WELLS-HARLEY**
 B. ALFANDRE/WELLS-HARLEY

Vote:
 Yea: **A. 3-1**
 B. 3-1

Nay: A. ALFANDRE
B. DREYFUSS

Other: PRESLEY ABSENT

Action: A. Approved the staff recommendation to approve the forest conservation plan amendment, subject to conditions as revised in discussion, as stated in the attached Board Resolution.

B. Contrary to the staff recommendation, agreed to disapprove the mandatory referral, as stated in the attached Letter of Transmittal.

Environmental Planning staff and Urban Design staff presented, respectively, the forest conservation plan and the mandatory referral for the six-story parking garage proposed to replace the kiss-and-ride lot for the Glenmont Metro station, as detailed in the two staff reports. Environmental Planning staff reported that the requirements of the 1993 forest conservation plan were not fulfilled, nor was an amendment sought when the existing parking lot was constructed. The submitted plan, which does not address the anticipated fire station on the same property, includes conservation easements, supplemental planting, and participation in a forest conservation bank.

Mr. Edward Shepperson, representing the Washington Metropolitan Area Transit Authority (WMATA), and Mr. Gary Erenrich, representing County Department of Transportation (DOT), spoke to the need for the new garage. In discussion, Mr. Jim Ashe, of WMATA, and Mr. Paul Newman, the engineer, provided additional information and responded to questions as needed.

Mr. John McAteer, Ms. Laura McAteer, and Mr. David Brown, attorney, representing Glenmont Civic Association; Ms. Kyrie Dragoo and Mr. Darin Solk, owners of abutting

4. Glenmont Station Parking Structure

CONTINUED

property; Pastor Ellis Moore, representing the Georgia Avenue Baptist Church on the confronting property; Ms. Anne Ambler of Kuhl Road; Ms. Deborah Shum, Mr. Sergio Santucci, and Ms. Susan Julien, owners of abutting properties on Flack Street; and Ms. Kelly Ceron-Osorio, representing Mr. Florencio Osorio, owner of abutting property on Urbana Drive, commented on the proposal.

There followed considerable discussion about the location of the garage on the west side of Georgia Avenue, contrary to the Board's strong recommendation for the east side at the mandatory referral for site selection; the requirements of the forest conservation plan, in view of the failures to comply with the requirements of the existing plan; and the anticipated fire station, which is not addressed in the mandatory referral or the forest conservation plan.

5. 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 official citation and open session report in narrative minutes.

12. Closed Session

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 official citation and open session report in narrative minutes.

10. Roundtable Discussion - NEW TIME

1. Budget Update
2. Semi Annual Update - **REVISED**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **1. Budget Update:** Discussed in Closed Session during the morning session.

2. Semi Annual Update: Planning and Parks Departments' staff presented highlights of the Semi-Annual report. Staff discussed the current budget situation and its impact on the content of the report. Staff noted that there has not been very clear guidance from the County Council but staff has tried to keep the work program intact by indicating which studies and Master Plans should be done at this time and which can be postponed until the economy improves. Staff also added that it has been trying to find other sources of funding.

There followed a brief Board discussion with questions to staff.

6. Policy for Third Party Use of Parkland

Review and discussion of the terms of several agreements that allow 3rd party use of parkland leading to development of a new policy

- A. Staff Memo
- B. New Adopted Policy
- C. Exhibits

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

In accordance with the April 2 technical staff report, Parks Department staff offered a multi-media presentation providing an overview of the terms of several current agreements for third party use of parkland and park houses. Staff added that over 200 agreements are currently in place ranging from park rental houses to major partnerships such as the Maryland SoccerPlex, and the purpose of this presentation is to review several of these agreements leading to the establishment of a policy which can be used for future agreements.

8. Oak Ridge Conservation Park

Authorization to acquire 114.82 acres, more or less, unimproved, from King's Valley Limited Partnership, LLLP, located south of Bethesda Church Road, east of Kings Valley Road, Damascus, Maryland 20872 as a Legacy Open Space Natural Resource Protection Area.

Staff Recommendations: Approval

BOARD ACTION

Motion: WELLS-HARLEY/ALFANDRE

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Approved staff recommendation to acquire Oak Ridge Conservation Park, following staff presentation and brief Board discussion.

Parks Department staff presented the request to approve the acquisition of 114.82 acres more or less unimproved property from King's Valley Limited Partnership LLLP, located south of Bethesda Church Road, east of Kings Valley Road in Damascus with Legacy Open Space fund.

9. Worksession No. 2 - Purple Line Functional Plan

Review draft plan reflecting Planning Board decisions in Worksession No. 1

- A. Staff Memo
- B. Appendix A
- C. Appendix B

Staff Recommendation: Transmit Planning Board Draft Plan to County Council and Executive

BOARD ACTION

Motion: **ALFANDRE/DREYFUSS**

Vote:

Yea: **4-0**

Nay:

Other: **PRESLEY ABSENT**

Action: **Approved staff recommendation to transmit the draft Purple Line Functional Plan to the County Council and the County Executive.**

Transportation Planning staff briefly discussed the changes proposed by the Board at the last worksession, which have been incorporated in the report. Staff supports the location of the purple line because it is better for the trail users, and the Maryland Transit Authority (MTA) will continue to work with the communities to make them understand staff's position.

 Mr. Michael Madden from MTA offered comments.

 Ms. Deirdre Smith of North Glebe Road and Ms. Patricia Burda representing the Town of Chevy Chase offered testimony.

MCPB, 4-8-10, APPROVED

**2. Briefing: Wheaton CBD & Vicinity Sector Plan Amendment - POSTPONED
BOARD ACTION**

Motion:

Vote:

Yea:

Nay:

Other:

Action: