

APPROVED
MINUTES

The Montgomery County Planning Board met in regular session on Thursday, April 17, 2008, at 9:00 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 3:40 p.m.

Present were Chairman Royce Hanson, Vice Chair John Robinson, and Commissioner Allison Bryant. Commissioner Jean Cryor joined the meeting at 11:30 a.m., attended the Closed Sessions, and left at their conclusion.

Items 1 through 10 and Item 12, scheduled for the morning session, are reported on the attached agenda.

Items 16 through 19, Closed Sessions, followed the morning regular session.

In compliance with Section 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 for Items 16 through 19 on the regular agenda, on motion of Vice Chair Robinson, seconded by Commissioner Bryant, with Chairman Hanson, Vice Chair Robinson and Commissioners Bryant and Cryor present and voting in favor of the motion.

The meeting was closed under authority of State Government Article, Annotated Code of Maryland § 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 one or more specific employees; § 10-508(a)(7), to consult with counsel to obtain legal advice; § 10-508(a)(13), to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter; and § 10-508(a)(14), to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal before the contract is awarded or bids are opened, if public discussion or disclosure would adversely impact the ability of the Commission to participate in the competitive bidding or proposal process.

Also present for all or a part the Closed Sessions were General Counsel Adrian R. Gardner, Associate General Counsels Debra Daniel and Carol Rubin of the Legal Department; Director Rollin Stanley, John Carter, Alison Davis, and William Dickerson of the Department of Planning; Deputy Director Michael F. Riley, Michelle Grace, Bill Gries, SilverPlace Project Manager A. Daniel Hertz, Carrye Palleschi, and Derrick Rogers of the Department of Parks; Secretary-Treasurer Patricia Barney, and Alfred Warfield, Department of Finance; Ann Daly of the Commissioners' Office; and Donald Zuchelli, ZHA, Inc., consultant for SilverPlace.

In Closed Session, the Board received briefings on the SilverPlace Development Services Agreement, budget and personnel matters, and provided appropriate guidance to staff, and considered a land acquisition item for Hillmead Local Park.

The Closed Session was adjourned at 2:45 p.m. and the Board reconvened in open session in the third floor conference room.

The Board reconvened in the auditorium at 3:00 p.m. with three Commissioners present.

Items 11, 13, and 14 are reported on the attached agenda.

Item 15 was postponed.

There being no further business, the meeting was adjourned at 3:40 p.m. The next regular meeting of the Planning Board will be held Thursday, April 24, 2008, in the Montgomery Regional Office in Silver Spring, Maryland.

E. Ann Daly
Technical Writer

M. Clara Moise
Technical Writer

Montgomery County Planning Board Meeting
Thursday, April 17, 2008
9:00 am
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

CONSENT AGENDA

1. Adoption of Opinions/Resolutions

Group A: Four Commissioners Eligible to Vote (Commissioners Bryant, Cryor, Hanson, and Robinson)

- i) Project Plan Amendment No. 92005005A, The Galaxy, ADOPTION OF CORRECTED RESOLUTION No. 08-31
- ii) Site Plan No. 82006013A, The Galaxy, ADOPTION OF CORRECTED RESOLUTION No. 08-25

BOARD ACTION

Motion: ROBINSON/HANSON

Vote:

Yea: 3-0

Nay:

Other: CRYOR ABSENT

Action: Adopted the Corrected Resolutions identified above.

2. Record Plats

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Record Plats submitted.

3. Consent Items

**Site Plan Review Amendment No. 82004015D, Park Potomac (aka) Fortune Parc -
POSTPONED**

I-3 zone; 20.281 acres; amendment: reduce height of retaining walls at south end, change the design of the round-a-bout; change planter at building E and add a canopy to the clubhouse; located at the northwest intersection of Montrose Road and I-270; Potomac

Staff recommendation: Approval of the Consent

Design of the Linda Weiner Memorial (Capital Crescent Trail) Plan for the Linda Weiner Memorial; renovation of an existing trailhead along the Capital Crescent Trail with a memorial feature for Linda Weiner; located near Bethesda Avenue and Public Parking Lot 31 in Bethesda; Bethesda CBD.

Staff recommendation: Approval of the memorial design

BOARD ACTION

Motion: ROBINSON/BRYANT

Vote:

Yea: 3-0

Nay:

Other: CRYOR ABSENT

**Action: The first item, the Park Potomac amendment, was postponed.
On the second item, approved the proposed design of the Linda Weiner Memorial for construction at the Bethesda Capital Crescent Trail plaza, located near Bethesda Avenue and Public Parking Lot 31 in the Bethesda Central Business District.**

4. Extension Request for Project Plan Amendment No. 91992004B, 4 Bethesda Metro Center

CBD-3 zone; 3.48 acres; 12,800 gross square feet retail, 233,284 gross square feet office; located at the southwest quadrant of the intersection of Old Georgetown Road and Wisconsin Avenue; Bethesda CBD

Staff recommendation: Approval of the Extension Request

BOARD ACTION

Motion: BRYANT/ROBINSON

Vote:

Yea: 3-0

Nay:

Other: CRYOR ABSENT

Action: Approved the staff recommendation for approval of a 90-day extension of the review period.

Development Review Division staff presented highlights of the April 4 technical staff report.

Mr. Robert R. Harris, attorney representing the applicant, reiterated points in his April 14 letter. Mr. Harris sought approval of the extension and noted the applicant will be pursuing discussion of the Sector Plan density issue with staff and others.

Offering testimony were Mr. Jody Kline, attorney representing Clark Enterprises, Inc., an adjacent property owner; Mr. Gus Bauman, attorney representing the Chevy Chase Land Company, an owner of property on the Bethesda Plaza; and Mr. Harry Lerch, an attorney representing the Chevy Chase Bank, a confronting property. In testimony these speakers urged

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the Board to make a determination on the Sector Plan density threshold issue separate from the project design issues.

The Board, in discussion, asked staff to review and recommend either one or two hearings, based on its judgment on the gravity of the threshold issue, but with threshold issues presented before and separately from any project plan design issues.

5. Extension Request for Project Plan Review No. 920060070, The Veneto

CBD-1 zone; 0.294 acres; 33,824 square feet of residential (13 units) and 4,575 square feet of retail; located at the west quadrant of the intersection of Norfolk Avenue and Cordell Avenue; Bethesda CBD.

Staff recommendation: Approval of the Extension Request.

BOARD ACTION

Motion: (1) ROBINSON/BRYANT

(2) ROBINSON/BRYANT

Vote:

Yea: (2) 3-0

Nay:

Other: CRYOR ABSENT

Action: (1) To approve the staff recommendation for approval of a 90-day extension of the review period. (Motion withdrawn by maker and seconder)

(2) Approved a six-month extension of the Project Plan review period.

Development Review Division staff presented highlights of the April 2 technical staff report.

Mr. David Freishtat, attorney representing the applicant, after Board discussion, sought approval of a six-month extension.

In discussing the first motion, a 90-day extension, the Board agreed that due to circumstances, a longer extension would be appropriate. The applicant is awaiting County Council review and action on Zoning Text Amendment 07-10, concerning amendments to the Central Business District zones.

6. Site Plan Review No. 820060290, Cabin Branch-Winchester I - **POSTPONED**

RMX-1/TDR/MXPD zones; 141.26 acres; 427 residential dwelling units including 64 MPDUs, park and school site; located at the northwest quadrant of the intersection with I-270 and West Old Baltimore Road; Clarksburg.

Staff recommendation: Approval with conditions

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **This item was postponed.**

12. Proposed Amendments: Montgomery County Comprehensive Water Supply and Sewerage Systems Plan - AD 2008-2

Administrative Cases

Staff recommendation: Transmit recommendations to County Executive

BOARD ACTION

Motion: **ROBINSON/BRYANT**

Vote:

Yea: **3-0**

Nay:

Other: **CRYOR ABSENT**

Action: **Approved staff recommendation to concur with the five Executive Branch recommendations for approval, identified in the attached letter to the Department of Environmental Protection.**

8. Special Exception: Board of Appeals No: S-2708

T-Mobile Northeast, LLC, applicant, request a Special Exception to install a Wireless Telecommunications facility; located at 2100 Spencerville Road, Spencerville

Staff recommendation: Approval with conditions

(Action required for hearing by Hearing Examiner on 04/28/08)

BOARD ACTION

Motion: ROBINSON/BRYANT

Vote:

Yea: 3-0

Nay:

Other: CRYOR ABSENT

Action: Approved staff recommendation for approval of the request with conditions as reported in the text below, for transmittal to the Board of Appeals, as reflected in the attached Letter of Transmittal.

Development Review Division staff presented highlights of the March 26 technical staff report and recommended approval with conditions that require (1) all evidence, testimony and exhibits of record binding on the petitioner; and (2) no signs or illumination placed on the monopole (stealth flagpole).

Mr. Sean Hughes, representing the applicant, accepted the staff recommendation. In response to a Board comment, Mr. Hughes explained that the monopoles are designed to collapse in three parts upon themselves.

7. Extension Request for Project Plan Review No. 920070100, The Fairmont

CBD-2 zone; 0.21464 acres; 40 multi-family dwelling units; including 6 MPDUs; located on Fairmont Avenue, approximately 250 feet northeast of Old Georgetown Road; Bethesda CBD.

Staff recommendation: Approval of the Extension Request

BOARD ACTION

Motion: ROBINSON/BRYANT

Vote:

Yea: 3-0

Nay:

Other: CRYOR ABSENT

Action: Approved the staff recommendation for approval of a six-month extension of the Project Plan review period.

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Development Review Division staff presented highlights of the April 7 technical staff report.

Ms. Stella Kestell, applicant, endorsed the staff recommendation.

The Board agreed the six month extension is appropriate, in recognition of the fact that the applicant is awaiting County Council review and action on Zoning Text Amendment 07-10, concerning amendments to the Central Business District zones.

9. Zoning Text Amendment No. 08-04

Introduced by Councilmembers Berliner and Trachtenberg: to amend the Zoning Ordinance to allow certain accessory structures (Solar Panels) in the side yard of one-family residential zones

Staff Recommendation: Transmit Comments to County Council

(Action required for County Council public hearing of 4/22/08)

BOARD ACTION

Motion: BRYANT/ROBINSON

Vote:

Yea: 3-0

Nay:

Other: CRYOR ABSENT

Action: Approved staff recommendation to transmit to the County Council a recommendation of support for the proposed text amendment, which would allow certain accessory structures (solar energy panels) in the side yard of one-family residential zones under certain circumstances.

Development Review Division staff presented highlights of the April 9 technical staff report on this proposed zoning text amendment to allow certain accessory structures to generate electricity from solar energy in the side yard of one-family residential zones under certain circumstances.

10. Adoption of the 2008 Local Area Transportation Review and Policy Area Mobility Review (LATR/PAMR) Guidelines

2008 LATR/PAMR Guidelines for formal adoption. Guidelines were finalized in a Planning Board worksession on January 31, 2008.

Staff recommendation: Adoption of 2008 LATR/PAMR Guidelines

BOARD ACTION

Motion: **ROBINSON/BRYANT**

Vote:

Yea: **3-0**

Nay:

Other: **CRYOR ABSENT**

Action: **Approved staff's recommendation to adopt the 2008 LATR/PAMR Guidelines that implement the elements of the 2007-09 Growth Policy relating to the adequacy of transportation facilities, retroactive to November 13, 2007.**

Staff of the Transportation Planning Division, County-Wide Planning noted the Board has reviewed the guidelines at its meetings of December 13, 2007, and January 10 and January 31, 2008. Staff called attention to the Appendix E, recently reviewed and modified by the Board.

16. Closed Session

In accordance with State Government Article, Section 10-508(a)(14), to discuss matters directly related to agreements with the developer for SilverPlace .

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **Met in Closed Session. See narrative minutes for State citation and brief open session report.**

17. Closed Session

In accordance with State Government Article, Section 10-508(a)(13), to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter-Closed Session minutes.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Met in Closed Session. See narrative minutes for State citation and brief open session report.

18. Closed Session

In accordance with State Government Article, Section 10-508(a)(14), to discuss matters directly related to agreements with the developer for SilverPlace

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Met in Closed Session. See narrative minutes for State citation and brief open session report.

19. Closed Session

In accordance with State Government Article, Section 10-508(a)(13), to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter-Closed Session minutes

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Met in Closed Session. See narrative minutes for State citation and brief open session report.

11. Preliminary Plan No. 120021010, Spencerville Knolls

RC and RE-1 zones; 10.12 acres; 1 lot requested for 1 existing one-family detached residential dwelling and associated landscape contractor use; located on Spencerville Road, 600 feet west of Thompson Road, Cloverly.

Staff Recommendation: Approval with conditions

BOARD ACTION

Motion: BRYANT/ROBINSON

Vote:

Yea: 3-0

Nay:

Other: CRYOR 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 with an existing one-family detached residential dwelling unit, and associated landscape contractor use, on a 10.12-acre property located on Spencerville Road, 600 feet west of Thompson Road in Cloverly. Staff discussed the proposed request and the list of proposed revised conditions distributed at the meeting.

Mr. Walter Petzold, engineer for the applicant, offered some brief comments and concurred with the staff recommendation.

13. Housing Policy Element of the General Plan

Staff Report on Planning and Development Review Issues. Staff will present a paper reviewing how housing issues have been, and could be, addressed through the master planning and

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development review process. The ensuing discussion will help inform the preparation of amendments to the General Plan's housing policy element.

Staff recommendation: Discussion.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing on Planning and Development Review issues related to the study of the Housing Policy Element of the General Plan from Research & Technology and Community-Based Planning Divisions staff followed by Board discussion, and questions to staff.

14. Roundtable Discussion Including Briefings and Worksessions (No public testimony will be taken at this time)

A. Commissioners' Report

B. Director's Report

C. Approval of Minutes

D. FY09 Parks Budget

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: A. Commissioners' Report: None.

B. Directors' Report: None.

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C. Approval of Minutes: Approved Minutes of March 20, 2008, as presented.

D. FY09 Parks Budget: This item was discussed in Closed Session during the Board's lunch. See the open session report and State citation in the narrative minutes.

**15. Roundtable Discussion with Local Housing Industry Representatives –
(POSTPONED)**

This roundtable will feature home builders and lenders discussing how residential development projects are financed

(No public testimony will be taken at the time)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.