



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, May 6, 2010, at 9:06 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 12:10 p.m.

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

Items 1-7 and 10 are reported on the attached agenda.

The Board recessed at 11:02 p.m. for lunch and to take up Items 8 and 9 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 reconvened in Closed Session at 11:20 a.m. in the third floor conference room on motion of Vice Chair Wells-Harley seconded by Commissioner Dreyfuss, with Chairman Hanson, Vice Chair Wells-Harley and Commissioner Presley present and voting in favor of the motion, and Commissioner Alfandre absent. 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 of Commission appointees, employees, or officials, or to discuss any other personnel matter that affect one or more specific employees, and §10-508(a)(13), State Government Article, Annotated Code of Maryland, to comply with specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.

Also present for the Closed Session were: Executive Director Patricia Colihan Barney; Associate General Counsels Bill Spencer and Carol Rubin of the Legal Department; Director Rollin Stanley and Alison Davis of the Planning Department; Director Mary Bradford, Deputy Directors Gene Giddens and Mike Riley, and Mary Ellen Venzke, of the Parks Department; Joyce Garcia and Clara Moise of the Commissioners' Office.

In Closed Session the Board approved Closed Session Minutes and received briefing on the proposed reduction-in-force plans for the Planning and the Parks Departments.

The Closed Session meeting was adjourned at 12:10 p.m. and the Board reconvened in open session in the third floor conference room.

There being no further business, the meeting was adjourned at 12:10 p.m. Planning Board Commissioners participated in a retreat at Brookside Gardens from 1:15 to 5:00 p.m. The next regular meeting of the Planning Board will be held Thursday, May 13, 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, May 6, 2010, 9:00 A.M.
8787 Georgia Avenue
Silver Spring, MD 20910-3760

1. Consent Agenda

A. Adoption of Resolutions

1. Cannon Road Elementary School-modernization project, Preliminary Forest Conservation Plan Mandatory Referral No. MR2010702-MCPS-1 - ADOPTION OF MCPB RESOLUTION No. 10-46
2. Lockheed Martin - Site Plan No. 81974005I - ADOPTION OF MCPB RESOLUTION No. 10-47

BOARD ACTION

Motion: PRESLEY/DREYFUSS

Vote:

Yea: 4-0

Nay:

Other: ALFANDRE ABSENT

Action: Adopted the Resolutions cited above.

B. Records Plats

1. Subdivision Plat No. 220081580, Marwood

RE-2C zone, 1 lot, 1 parcel; located on the west side of Rivers Bend Lane, 1000 feet south of Marwood Hill Drive; Potomac.

Staff Recommendation: Approval

2. Subdivision Plat No. 220100600, Michael C. Zetts Subdivision – Shady Grove

O-M zone, 2 lots; located in the northeast quadrant of the intersection of Shady Grove Road and Zetts Avenue; Shady Grove Sector Plan.

Staff Recommendation: Approval

3. Subdivision Plat No. 220100660, B.F. Leighton’s addition to Woodside

R-60 zone, 1 lot, located on the south side of Lanier Drive, 150 feet east of Third Avenue; North and West Silver Spring.

Staff Recommendation: Approval

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: ALFANDRE ABSENT

Action: Approved the Record Plats cited above.

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 25, 2010, April 1, 2010 and April 5, 2010

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: ALFANDRE ABSENT

Action: Approved the minutes as presented.

2. Third District Police Station, White Oak - **POSTPONED AT APPLICANT'S REQUEST**

A. Forest Conservation Plan: Third District Police Station - Northeastern Quadrant of the intersection of New Hampshire Avenue (MD Route 650) and Columbia Pike (MD Route 29), R-90/TDR Zone, White Oak Master Plan

Staff Recommendation: Approval with Conditions

B. Mandatory Referral No. 2009742-DGS-1, Third District Police Station - Northeastern Quadrant of the intersection of New Hampshire Avenue (MD Route 650) and Columbia Pike (MD Route 29), R-90/TDR Zone, White Oak Master Plan

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

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **This item was postponed at the applicant's request.**

3. [Preliminary Plan 120070570, Snow Hill Farm](#)

RS zone; 6.86 acres; 1 lot requested for 6,175 square feet of commercial use and 18,000 square feet of other general professional use; located on the west side of Frederick Road (MD 355), 1,100 feet north of Comus Road; Clarksburg.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: **PRESLEY/DREYFUSS**

Vote:

Yea: **4-0**

Nay:

Other: **ALFANDRE ABSENT**

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

Development Review staff presented the plan to create one lot for commercial and professional use, as detailed in the staff report, making a revision to condition 1.

Mr. Jeff Robertson, the applicant's engineer, concurred in the staff recommendation.

In making the motion, Commissioner Presley made a revision to condition 2 for clarification.

4. [Corrective Map Amendment No. G-888](#)

4.6 acres of Kingstead Farm, King's Valley Road, Damascus from RDT Zone to RNC/TDR Zone in accordance with County Council Resolution No. 15-1615, adopted September 26, 2006.
Staff Recommendation: Approval and Transmit to District Council

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: ALFANDRE ABSENT

Action: Approved the staff recommendation to approve the Corrective Map Amendment for transmittal to the County Council, sitting as the District Council.

Community-Based Planning staff presented the Corrective Map Amendment, as detailed in the staff report, noting that it adjusts the boundary between the current Rural Density Transfer (RDT) Zone and the Rural Neighborhood Cluster/Transferable Development Rights (RNC/TDR) Zone to correspond with the realignment of Kings Valley Road recommended in the Damascus Master Plan.

5. [Record Plat 220100550, Lee Property, Lot 1](#)

RE-2 zone; 2.44 acres; request for a waiver of the Subdivision Regulations pursuant to section 50-38 to permit recordation of 1 lot for 1 one-family detached residential dwelling by minor subdivision record plat; located on Glen Road, 800 feet northwest of Three Sisters Road; Potomac.

Staff Recommendation: Approval

BOARD ACTION

Motion: DREYFUSS/HANSON

Vote:

Yea: 3-0

Nay:

Other: ALFANDRE ABSENT
WELLS-HARLEY TEMPORARILY ABSENT

Action: **Approved the staff recommendation to approve the requested waiver of the Subdivision Regulations and permit recordation of one lot by minor subdivision record plat.**

Development Review staff presented the request for a waiver of the Subdivision Regulations to allow recordation of a plat to create one residential lot without undergoing full subdivision review, as detailed in the staff report. Staff discussed the history of the parcel and the reasons staff supports the requested waiver.

Mr. Gary Unterberg, the applicant's engineer, concurred in the staff recommendation and spoke in support of the requested waiver.

In discussion, the Board queried staff as to the frequency of such waivers.

6. [Zoning Text Amendment, 10-05](#)

Zoning Text Amendment to amend the Zoning Ordinance to increase the number of required copies of a special exception petition; require a special exception petition for a telecommunications facility to include an approved preliminary forest conservation plan and photographic simulations; and remove the requirement that the Planning Board make a finding of need as to telecommunications facilities

Staff Recommendation: Transmit Comments to the County Council

(Action Required for County Council Public Hearing on 5/11/10)

BOARD ACTION

Motion: **DREYFUSS/PRESLEY**

Vote:

Yea: **4-0**

Nay:

Other: **ALFANDRE ABSENT**

Action: **Approved the staff recommendation to transmit comments, as amended in discussion, to the County Council, as stated in the attached Letter of Transmittal.**

Development Review staff presented the Zoning Text Amendment to change the submission and processing requirements of special exception petitions for telecommunications facilities to comply with a recent Federal Communications Commission (FCC) ruling that places exacting time limitations on local review of such applications, as detailed in the staff report.

Ms. Susan Present of Silver Spring offered comments on the Amendment.

Ms. Mitsuko Herrera, County Office of Cable and Communications Services, discussed the process of the Telecommunications Transmission Facility Coordinating Group ("the Tower Committee"), the anticipated number of special exception telecommunications applications in

relation to those constructed by right, and the relationship of the Tower Committee to other reviewing agencies.

There followed considerable discussion of the specific process and timing proposed, as well as issues related to ensuring completeness and accuracy under the truncated system.

7. [Sectional Map Amendment G-889 for the Approved and Adopted White Flint Sector Plan](#)

Staff Recommendation: Approval of Sectional Map Amendment G-889 to Implement the Recommendations of the Approved and Adopted White Flint Sector Plan.

(Action Required for County Council Public Hearing on 5/18/10)

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: ALFANDRE ABSENT

Action: Approved the staff recommendation, as revised.

Community-Based Planning staff presented the Sectional Map Amendment to implement the recommendations in the White Flint Sector Plan, as detailed in the staff report. Staff distributed a revised list of properties, which includes corrections for two properties.

Mr. Steve Robins, representing the JBG companies, offered comments.

10. [Reconsideration Request for Islamic Center of Maryland \(Limited Amendment\) Preliminary Plan 12002041B - ADDITION](#)

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 3-0-1

Nay:

Other: ALFANDRE ABSENT; DREYFUSS ABSTAINED

Action: Agreed to reconsider the action on conditions 2 and 5, and to schedule the hearing for May 27, 2010.

Legal Counsel to the Board presented the request for reconsideration of the Board's action on the above-cited preliminary plan, as detailed in the staff memorandum dated April 28, 2010. Counsel explained that, because of erroneous information about scheduling of the hearing, the applicant and members of the community were not present to provide testimony or respond to questions from the Board. Counsel also noted that any reconsideration would focus solely on the conditions raised in the query, and Counsel corrected the staff memorandum to note that condition 2 was referenced in addition to condition 5 and, therefore, both conditions would be the subject of the reconsideration.

8. Closed Session

Pursuant to Maryland State Government Code Annotated Section (10-508)(a)(13), to comply with specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

9. 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 one 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.