



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 12, 2011, at 9:09 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 4:25 p.m.

Present were Chair Françoise M. Carrier, Vice Chair Marye Wells-Harley, and Commissioners Joe Alfandre, Norman Dreyfuss, and Amy Presley.

Items 1, 10, 2, and 3, taken up in that order, are reported on the attached agenda.

The Board recessed at 1:23 p.m. for lunch and to take up Item 4 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 1:42 p.m. in the third floor conference room, on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Presley present and voting in favor of the motion. Commissioner Alfandre joined the Closed Session shortly thereafter. 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 David Lieb of the Legal Department; Director Rollin Stanley, Rose Krasnow, Glenn Kreger, Jacob Sesker, and Joshua Sloan of the Planning Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board consulted with Legal Counsel on issues related to fees for staging allocation requests and draft language for Board Resolutions for the first three sketch plans approved for White Flint under the CR Zones.

Chair Carrier left the meeting at 2:15 p.m. to attend a joint meeting of the Montgomery County and Prince George's County Councils to discuss the Commission FY12 budget, and Vice Chair Wells-Harley assumed the Chair in her absence.

The Closed Session was adjourned at 2:36 p.m.

MCPB, 5-12-11, APPROVED

The Board reconvened in the auditorium at 2:45 p.m. with Chair Carrier temporarily absent while attending the Joint County Council meeting in Laurel.

Items 5 through 8 are reported on the attached agenda.

Chair Carrier rejoined the meeting at 4:10 p.m. during discussion of Item 8.

Item 9 was postponed.

There being no further business, the meeting was adjourned at 4:25 p.m. The next regular meeting of the Planning Board will be held on Thursday, May 19, 2011, 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 12, 2011
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

Alvermar Woods, Lot 17 Preliminary Plan 11994034A - ADOPTION OF MCPB RESOLUTION No. 10-148

BOARD ACTION

Motion: WELLS-HARLEY/ALFANDRE

Vote:

Yea: 5-0

Nay:

Other:

Action: Adopted the Resolution cited above, incorporating editorial corrections provided to staff by the Chair.

***B. Record Plats**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Record Plats submitted for approval.

***C. Other Consent Items**

1. Site Plan Amendment Review No. 82003011C for The Meadows at Hurley Ridge in response to a violation - **POSTPONED**
2. Site Plan Amendment No. 82003011C for Meadowsweet in response to a violation – **POSTPONED**
3. MCPB Resolution No. 11-29 to adopt the Amendment to the Housing Element of the Montgomery County General Plan, as modified by the District Council

Staff Recommendation: Adopt

BOARD ACTION

Motion: DREYFUSS/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Adopted Resolution MCPB No. 11-29, as stated above.

***D. Approval of Minutes**

Minutes of April 14, 2011

BOARD ACTION

Motion: WELLS-HARLEY/ALFANDRE

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the minutes of April 14, 2011, as presented.

10. Budget Transfer

Budget transfer requests from Parks and Planning Departments

BOARD ACTION

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

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

Nay:

Other:

Action: **A. Approved requested FY11 budget transfers for the Planning Department, as detailed in the staff memorandum dated May 12, 2011.**

B. Approved requested FY11 budget transfers for the Parks Department, as detailed in the staff memorandum dated May 12, 2011.

2. Worksession: Public Hearing Draft Kensington and Vicinity Sector Plan

Staff Recommendation: Provide Guidance to Staff Regarding Plan Recommendations and Design Guidelines

BOARD ACTION

Motion:

Vote:
 Yea:

Nay:

Other:

Action: **Reviewed and provided guidance to staff.**

Planning Department staff provided an overview of the proposed framework for the Kensington and Vicinity Sector Plan urban design guidelines, including goals, objectives, and strategies. The guidelines are expected to be completed for Board review in January 2012.

Planning staff then reviewed the changes proposed in testimony at the April 28 Public Hearing on the Sector Plan and discussed the staff recommendation related to those changes. Staff will incorporate the Board's guidance into a final document for Board approval for transmittal to the County Council in June.

There followed considerable discussion of the staff recommendations, with particular focus on recommendations regarding maximum heights.

3. Zoning Text Amendment 11-01

To establish the Commercial/Residential Neighborhood (CRN) and Commercial/Residential Town (CRT) zones; and generally amend the Commercial/Residential zones.

Staff Recommendation: Transmit Comments to County Council
(Action Required for County Council Public Hearing of 5/17/11)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Provided guidance to staff for transmittal to the County Council, as stated in the attached Letter of Transmittal.

Planning Department staff reviewed the Zoning Text Amendment to establish the Commercial/Residential Neighborhood (CRN) and Commercial/Residential Town (CRT) Zones; and amend the Commercial/Residential Zones, reviewing changes proposed by Planning, Council, and Executive staff related to transit proximity, binding elements of a sketch plan, and parking ratios.

Mr. Evan Goldman, representing Federal Realty and the White Flint Partnership; former Planning Board member Meredith Wellington of Chevy Chase; Ms. Barbara Hankins, representing the League of Women Voters of Montgomery County; Ms. Julia O'Malley of Kensington; and Ms. Barbara Sears, attorney, offered comments.

There followed considerable discussion of the proposed changes, with the Board providing guidance to staff for transmittal to the County Council.

4. Closed Session

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.

4. Roundtable Discussion

- Parks Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing by Parks Department Director highlighting important activities in May and events planned for June, as stated in the Director's Report distributed at the meeting.

5. Board of Appeals No. S-2802: Norbeck Montessori School

Request for a special exception for a private educational institution, RE-1 Zone; located on Parcel P147, at 15920 Emory Lane, Rockville, Maryland.

A. Preliminary Forest Conservation Plan No. S-2802: Norbeck Montessori School: Private educational institution.

Staff Recommendation: Approval with Conditions

B. Special Exception No. S-2802: Norbeck Montessori School: Request for a special exception for a private educational institution.

Staff Recommendation: Approval to transmit recommendations to Hearing Examiner

(Action required for hearing by the Hearing Examiner on 06/03/11)

BOARD ACTION

Motion: **A. PRESLEY/DREYFUSS**
 B. PRESLEY/DREYFUSS

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

Nay:

Other: **CARRIER TEMPORARILY ABSENT**

Action: **A. Approved staff recommendation for approval of a preliminary forest conversation plan, subject to conditions, as stated in the attached Board Resolution.**
 B. Approved staff recommendation to transmit Planning Board’s recommendations to the Hearing Examiner, as stated in the attached transmittal letter.

In keeping with the April 30 technical staff report, Planning Department staff offered a multi-media presentation of the special exception request to relocate a private educational institution on a 5-acre parcel on Emory Lane in Rockville, approximately 500 feet north of its intersection with Muncaster Mill Road. Staff discussed the proposed request and noted that the area is generally characterized by single family dwellings on large lots, parkland, and undeveloped parcels. Staff also noted that the new school will have a maximum of 180 children and 34 full and part-time employees with 48 parking spaces. Staff noted that the property is located in the Northwest Branch Watershed and there are two springs on the site. The site is adjacent to parkland and staff has reviewed the preliminary forest conservation plan and noted that the plan proposes to retain the existing house and the barn but will remove the shed that is located within the stream valley buffer. Staff added that all the existing forest will be retained and the applicant is required to provide 0.51 acre of planting on site.

Ms. Sue Carter, attorney representing the applicant, introduced members of the applicant’s team, briefly discussed the proposed request and concurred with the staff recommendation.

6. White Flint Staging and Implementation Guidelines for Community Facilities

Staff Recommendation: Discuss Proposed Guidelines for Implementing the White Flint Sector Plan

BOARD ACTION

Motion:

Vote:
 Yea:

Nay:

Other:

Action: Received briefing followed by discussion.

In keeping with the May 5 technical report, Planning Department staff discussed its recommendations for Chapter 4 of the White Flint Staging and Implementation Guidelines on community facilities and amenities which address the public facilities and amenities that are recommended in the Approved and Adopted 2010 White Flint Sector Plan. Staff noted that this section will be revised and included with the other chapters of the Implementation Guidelines, including Chapter 3 regarding the transportation approval mechanism that the Planning Board addressed at its meeting on May 5. Staff will continue to coordinate with public and private stakeholders on this section of the guidelines and will return to the Planning Board on May 26 with update on the overall Implementation Guidelines, which will be completed by July 13, 2011.

There followed a brief Board discussion with questions to staff.

7. Special Protection Area, Final Water Quality Plan No. MR2010711: Montgomery County Animal Shelter (Laytonia)

Northeast quadrant of Muncaster Mill and Airpark Roads; 48.17 acres, RE-1 zone; Upper Rock Creek Master Plan

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: DREYFUSS/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval, subject to revised conditions, discussed at the meeting, and as stated in the attached Board Resolution.

Planning Department staff discussed the proposed final water quality plan for the Montgomery County animal shelter located in the northeast quadrant of Muncaster Mill and Airpark Roads in the Upper Rock Creek Master Plan area. Staff noted that the Department of General Services (DGS) and the Parks Department, Parks Development Division, each plan to co-develop a 48-acre tract of land comprised of two parcels, one currently owned by the County and managed by the Parks Department, and the other owned by the Parks Department. DGS plans to construct the Montgomery Animal Shelter on approximately seven acres on the western portion of the overall site, and the Parks Department proposes to construct the Laytonia Recreational Park on the remaining 41 acres. Since both projects are located on the same parcel of land staff has determined that one preliminary water quality plan and one forest conservation plan is required for both projects. Staff added that the proposed project has been reviewed for conformance with the Special Protection Area requirements, environmental

buffers, stormwater management, sediment and erosion control. Staff recommends approval of the proposed plan, with the conditions cited in the April 29 technical staff report.

Messrs. Donald Scheuerman Jr., and Ernest Lunsford, representing DGS, Division of Building Design and Construction, offered comments and concurred with the staff recommendation.

Captain Michael Wahl of the Montgomery County Police Department, and Ms. Cris Bombaugh, President and CEO of the Montgomery County Humane Society offered testimony.

There followed a brief Board discussion with questions to staff.

8. Worksession: Takoma/Langley Crossroads Design Guidelines - POSTPONED

Staff Recommendation: Provide Guidance to staff regarding proposed Urban Design Guidelines for the Takoma/Langley Crossroads Sector Plan

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.