



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 21, 2009, at 9:10 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 9:45 p.m.

Present were Chairman Royce Hanson, Vice Chair John Robinson, and Commissioners Joe Alfandre, Jean Cryor, and Amy Presley.

Items 1 through 5, are reported on the attached agenda.

The Board recessed at 1:50 p.m. for lunch and to take up Items 13 and 14 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 12:30 p.m. in the third floor conference room, on motion of Commissioner Presley, seconded by Commissioner Alfandre, with Chairman Hanson, Vice Chair Robinson, and Commissioners Alfandre, Cryor, and Presley present and voting in favor of the motion. The meeting was closed under authority of §10-508(a)(3), State Government Article, Annotated Code of Maryland, to consider the acquisition of real property for a Commission purpose and matters directly related thereto; and §10-508(a)(7), to consult with counsel to obtain legal advice.

Also present for all or part of the Closed Session were Associate General Counsels Tracey Harvin, David Lieb, Derrick Rogers, Carol Rubin, and Christina Sorrento of the Legal Department; Director Mary Bradford, Deputy Directors Gene Giddens and Michael Riley, Bill Gries, John Hench, April O'Neal, Dominic Quattrocchi, and Brenda Sandberg of the Parks Department; Development Review Division Chief Rose Krasnow, Cathy Conlon, Robert Kronenberg, and Richard Weaver of the Planning Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board received a briefing and provided guidance to staff related to proposed acquisition of property for Fairland Recreational Park, received a status report on park property in Kensington and a possible land exchange with the Town of Garrett Park, and consulted with legal counsel on issues related to preliminary plan no. 120060610, Greenbriar at Norbeck Crossing, item 7 on the afternoon agenda.

The Closed Session was adjourned at 1:20 p.m. and the Board reconvened in open session in the third floor conference room.

The Board reconvened in the auditorium at 1:30 p.m.

Items 6 through 10 and Item 12 are reported on the attached agenda.

The Board recessed for dinner at 7:15 p.m. and reconvened in the auditorium at 7:40 p.m. for Item 11 – Public Hearing for Housing Element of the General Plan. A transcript is available for this item.

There being no further business, the meeting was adjourned at 9:45 p.m. The next regular meeting of the Planning Board will be held Thursday, May 28, 2009, 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 21, 2009
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Adoption of Opinions/Resolutions

A. Woodmont East - Preliminary Plan Amendment No. 12007020A, ADOPTION OF MCPB RESOLUTION No. 09-45

B. Woodmont East Phase 2, Site Plan No. 820090080, ADOPTION OF MCPB RESOLUTION No. 09-46

C. Woodmont East - Project Plan No. 92007007A, ADOPTION OF MCPB RESOLUTION No. 09-47

D. The Enclave - Site Plan No. 82005005A, ADOPTION OF MCPB RESOLUTION No. 09-48

E. West Chevy Chase - Subdivision Waiver Request No. SRW 200901, ADOPTION OF MCPB RESOLUTION No. 09-41

F. Norbrook Village - Preliminary Plan No. 120080220, ADOPTION OF MCPB RESOLUTION No. 09-43

G. Burtonsville Shopping Center - Preliminary Plan No. 12004109A, ADOPTION OF MCPB RESOLUTION No. 09-50.

H. Chevy Chase Bank at Cloverly - Site Plan No. 820080200, ADOPTION OF MCPB RESOLUTION No. 09-39

I. Chevy Chase Bank at Cloverly - Preliminary Plan No. 11999100A, ADOPTION OF MCPB RESOLUTION No. 09-37

BOARD ACTION

Motion: CRYOR/ROBINSON

Vote:

Yea: 5-0

Nay:

Other:

Action: Adopted Board Resolutions cited above.

2. Record Plats

Subdivision Plat No. 220080810 – 220080930, The Reserve at Black Rock

RC zone; 43 lots, 6 parcels; located in the northwest quadrant of the intersection of Darnestown Road (MD 28) and Berryville Road. Potomac

Staff recommendation: Approval

BOARD ACTION

Motion: **CRYOR/ROBINSON**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved the Record Plat cited above.**

3. Consent Items

Extension Request for Project Plan Review No. 920070100, 8700 Georgia Avenue, CBD-2 zone; 0.526 acres; 7,980 gross square feet retail, 21,540 gross square feet office, 103,650 gross square feet residential, 106 multi-family dwelling units; including 16 MPDUs; located on Georgia Avenue northwest of Cameron Street; Silver Spring CBD

Staff recommendation: Approval with conditions

BOARD ACTION

Motion: **ROBINSON/CRYOR**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved staff recommendation to approve, subject to conditions.**

4. Approval of Minutes

BOARD ACTION

Motion: **CRYOR/PRESLEY**

Vote:

Yea: 4-0-1

Nay:

Other: ROBINSON ABSTAINED BECAUSE HE WAS NOT PRESENT FOR THE SUBJECT MEETING

Action: Approved the minutes of 4-09-09, as presented.

5. Worksession #11: White Flint Sector Plan -Design Guidelines, Density, and Building Heights by District

Staff recommendation: Discussion

(No Public Testimony will be taken)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Discussed and provided guidance to staff.

Community-Based Planning staff presented and discussed density, building heights, and improvements for each District, as set forth in the staff report. Parks Department staff participated in the discussion related to parks and the civic green.

Mr. Evan Goldman, attorney Robert Brewer, and Ms. Natalie Goldberg offered comments on various properties.

13. Closed Session -ADDED

Pursuant to Annotated Code of Maryland, State Government Article, Section 10-508 (a) (3) to consider acquisition of real property for a public purpose – Fairland Recreational Park.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

14. Closed Session - ADDED

In accordance with State Government Article, Section 10-508(a)(7), State Government Article, Annotated Code of Maryland, 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. Mixed Use District Discussion -ADDED

(No Public Testimony will be taken)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received staff presentation, followed by Board discussion.

The Planning Department Director accompanied by Community-Based Planning and Development Review Divisions staff offered a multi-media presentation on a proposed Mixed-Use District followed by Board discussion and questions to staff.

Chairman Hanson noted that staff should update the report based on today's Board discussion and bring it back to the Board for further discussion in preparation for transmittal to the County Council for adoption as a Zoning Text Amendment.

6. Preliminary Plan No. 120090170, Manor Park – Section 1

R-200 zone; 1.03 acres; 2 lots requested; 2 one-family detached dwelling units, one existing to remain; located on the west side of Georgia Avenue, approximately 1,000 feet south of the Norbeck Road (MD 28); Aspen Hill.

Staff recommendation: Approval with conditions

BOARD ACTION

Motion: PRESLEY/ROBINSON

Vote:

Yea: 5-0

Nay:

Other:

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

In keeping with the April 27 technical staff report, Development Review Division staff presented the request to create two lots for two one-family detached dwelling units, with one existing dwelling to remain, on a 1.03-acre property located on the west side of Georgia Avenue,

approximately 1,000 feet south of Norbeck Road (MD 28) in Aspen Hill. Staff discussed a proposed revision to condition 4.

Mr. David Landsman, Engineer representing the applicant, concurred with the staff recommendation.

There followed a brief Board discussion and questions to staff.

7. Preliminary Plan No. 120060610, Greenbriar at Norbeck Crossing

R-200/TDR7 zone; 30.76 acres; 121 lots requested; 23 one-family detached residential dwellings, 95 townhouses, and 144 multi-family residential dwellings (15% of the dwellings will be moderately priced dwelling units (MPDUs)); located in the northeast quadrant of the intersection of Georgia Avenue (MD 97) and Norbeck Road (MD 28); Olney.

Staff recommendation: Approval with conditions

BOARD ACTION

Motion: ROBINSON/ALFANDRE

Vote:

Yea: 5-0

Nay:

Other:

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

In accordance with the May 10 technical staff report, Development Review Division staff presented the request to create 121 lots for 23 one-family detached dwelling units, 96 townhouses, and 144 multi-family residential dwelling units, with 15% of the units as Moderately Priced Dwelling Units (MPDUs) on a 30.76-acre property located in the northeast quadrant of the intersection of Georgia Avenue (MD 97) and Norbeck Road (MD 28) in Olney. Staff noted that there is a small pocket of wetlands on the property and forest conservation is being considered on site. Staff noted that the applicant has asked for a waiver for the density, which staff supports. Staff also noted that a list of revised conditions has been distributed to the Board.

Mr. Bob Harris, attorney representing the applicant, introduced members of the applicant's team and discussed the proposed request. He noted that the recommendations for the Olney Master Plan were to rezone the area bounded by Georgia Avenue, Norbeck Road, and the ICC right-of-way. He added that the applicant agrees with the revised conditions proposed by staff.

The following speakers offered testimony: Mr. Philip Marks of Interlachen Drive, Vice President of Leisure World Community Corporation Board of Directors; Mr. Edmond Psaltis of Fitzhugh Lane, an abutting property owner; and Mr. Royal Buyer of Sunflower Court.

At the Board's request, Transportation Planning Division staff offered clarification regarding the upcoming Intercounty Connector (ICC) construction and future upgrades to Route 28.

There followed extensive Board discussion and questions to staff and the applicant's representatives.

8. Limited Site Plan Amendment No. 82003021C in response to a violation, Middlebrook Industrial Park, Lots 1 and 2

I-1 zone; 2.93 acres; Amendment to correct the building setback, include solar panels, modify the landscaping and entrance; located at the northeast quadrant of the intersection with Middlebrook Road and Amaranth Drive; Germantown

Staff recommendation: Approval of the Limited Amendment.

BOARD ACTION

Motion: PRESLEY/ROBINSON

Vote:

Yea: 5-0

Nay:

Other:

Action: **Approved staff recommendation for approval as stated in the attached Board Resolution.**

Development Review Division staff presented the request for an amendment to correct the building setback, including solar panels, and modifying the landscaping and the entrance for the Middlebrook Industrial Park, lots 1 and 2 located at the northeast quadrant of the intersection with Middlebrook Road and Amaranth Drive in Germantown. Staff noted that the applicant was cited and paid the required fine for the violation as described in detail in the May 8 technical staff report.

Mr. Steve Orens, attorney representing the applicant, introduced members of the applicant's team, offered brief comments, and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff and the applicant's representative.

9. Plan of Compliance related to Site Plan Amendment No. 82003025B, Lofts 24-Silver Spring Park

CBD-1 zone, 0.38 acres; located in the southwest quadrant of the intersection with Fenton Street and Thayer Avenue; Silver Spring CBD

Staff recommendation: Approval with conditions

BOARD ACTION

Motion: ROBINSON/PRESLEY

Vote:

Yea: 3-2

Nay: CRYOR, ALFANDRE

Other:

Action: Approved staff recommendation for approval of the Plan of Compliance related to Lofts 24, Silver Spring Park Site Plan, subject to conditions, as stated in the attached Board Resolution.

Development Review Division staff briefed the Board on the status of the plan of compliance for the above-mentioned project and noted that the Board is requested to approve the plan as discussed in detail in the May 7 technical staff report.

Mr. Gus Bauman, attorney representing the applicant, introduced the applicant and members of the applicant's team, and asked the Board to waive the requirement for the applicant to provide pavers in front of the building.

The following speakers offered testimony: Mr. Thomas Shield of N. Washington Street, attorney for Lofts 24 Condo Association; and Mr. Farris Curry of Bonifant Street, President of Lofts 24 Condo Association.

Legal staff noted that there has been no violation issued and during the past year staff has worked with the applicant and the condo association to resolve outstanding issues. Staff further added that if the applicant does not carry out the conditions stated in the Plan of Compliance by September 10, 2009, enforcement of the Site Plan will require the issuance of a violation.

There followed extensive Board discussion with questions to staff and the applicant's representatives.

**10. Kensington Sector Plan
Part 1, Part 2, Part 3, Part 4, Part 5**

(No Public Testimony will be taken)

Staff recommendation: Approve Public Hearing Draft and set Public Hearing Date

BOARD ACTION

Motion: **ROBINSON/PRESLEY**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved staff recommendation to approve the Public Hearing Draft discussed in previous worksessions, and to set the Public Hearing Date for July 9, 2009.**

Community-Based Planning, Environmental Planning, Transportation Planning and Historic Preservation Divisions staff offered a multi-media presentation of the draft Kensington and Vicinity Sector Plan, as discussed in detail in the May 12 technical staff report.

11. Public Hearing for Housing Element of the General Plan

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **Received testimony.**

A VERBATIM TRANSCRIPT FOR THIS ITEM IS ON FILE IN THE RECORDS MANAGEMENT OFFICE IN SILVER SPRING, MARYLAND.