



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, June 25, 2009, at 9:05 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 8:20 p.m.

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

Items 1 through 7 and 9 are reported on the attached agenda.

The Board recessed at 11:55 a.m. for lunch and to take up Item 8 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 12:25 p.m. in the third floor conference room, on motion of Vice Chair Robinson, seconded by Commissioner Cryor, with Chairman Hanson, Vice Chair Robinson, and Commissioner Cryor present and voting in favor of the motion. Commissioner Alfandre joined the Closed Session shortly thereafter and Commissioner Presley was necessarily absent from the Closed Session. The meeting was closed under authority of §10-508(a)(13), State Government Article, Annotated Code of Maryland, 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 part of the Closed Session were Associate General Counsels David Lieb, Derrick Rogers, and Christina Sorrento of the Legal Department; Director Mary Bradford, Deputy Director Gene Giddens, Christine Brett, Terry Brooks, Michael Ma, and Dean Turnbull of the Parks Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board approved submitted Closed Session minutes and received a briefing and provided guidance to staff on negotiation of a proposed public/private partnership to develop, manage, and maintain a new indoor/outdoor tennis facility at South Germantown Recreational Park.

The Closed Session was adjourned at 1:10 p.m. and the Board reconvened in open session in the third floor conference room.

The Board reconvened in the auditorium at 1:40 p.m., with all five Commissioners present, to continue discussion of Item 9, the InterCounty Connector Upper Paint Branch SPA Environmental Review from the morning session.

Items 10, 13, and 11 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 8:20 p.m. The next regular meeting of the Planning Board will be held Thursday, July 2, 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, June 25, 2009
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Adoption of Opinions/Resolutions

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Resolutions submitted for adoption.

2. Record Plats

Subdivision Plat No. 220091060, The Quarry

RMX-1/TDR-6 zone; 1 lot, 1 parcel; located on the north side of River Road (MD 190), approximately 1,500 feet west of Seven Locks Road; Potomac.

Staff Recommendation: Approval

BOARD ACTION

Motion: CRYOR/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: ROBINSON TEMPORARILY ABSENT

Action: Approved the Record Plat cited above.

3. Consent Items

Extension Request for Project Plan Amendment No. 920070090, Auburn Avenue, CBD-1 zone; 2.9 acres; Extension of the validity period; located in the southwest quadrant of the intersection of Auburn Avenue and Norfolk Avenue; Bethesda CBD

Staff recommendation: Approval of the Extension Period

Preliminary Plan No. 12004109B, Burtonsville Shopping Center

C-2 and RC zones; 27.55 acres; 1 lot previously approved for 250,000 square feet of retail and 10,000 square feet of office use; request to modify a condition of the previous approval dealing with construction timing for road improvements and an onsite bike path; located in the northwest quadrant of the intersection of MD 198 and US Rte. 29; Cloverly.

Staff recommendation: Approval

Request for Deferral of Violation Hearing for Site Plan Review # 819890010, Singh Property (Scheduled for June 29th)

BOARD ACTION

Motion: CRYOR/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: **Approved the Consent Items cited above.**

4. Approval of Minutes

BOARD ACTION

Motion: **ALFANDRE/CRYOR**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved the minutes of May 21, 2009, as presented.**

5. Mandatory referral review for the acquisition of approximately 36 acres of land (Casey 6 and 7) for the relocation of the Equipment Maintenance and Operations Center, Shady Grove Sector Plan

Staff recommendation: Approval to transmit comments to the Montgomery County Department of General Services

BOARD ACTION

Motion: **ALFANDRE/ROBINSON**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved the staff recommendation to approve the mandatory referral and transmit comments, with modifications, as stated in the attached Letter of Transmittal.**

Community-Based Planning staff presented the mandatory referral review of the site selection for relocation of the County Equipment Maintenance and Operations Center from the County Service Park, as detailed in the staff report.

County Department of General Services staff elaborated on the vision for the property and concurred in the staff recommendation, noting that the road improvement recommendations will be referred to the County Department of Transportation (DOT).

In discussion, the Board emphasized the importance of connecting Crabbs Branch Way to Amity Drive as well as designing a Center with a non-industrial look, as recommended in the sector plan.

Staff introduced modifications to comment 3, pertaining to transportation improvements, to include pedestrian and bikeway improvements, which were incorporated into the motion.

6. Water Quality Monitoring of Streams in Montgomery County

Presentation by Parks Department and Department of Environmental Protection

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing and discussed.

Mr. Keith Van Ness, County Department of Environmental Protection, provided a multi-media presentation about water quality monitoring of streams in the County, including the Countywide Stream Protection Strategy, the design of the monitoring program, the study of stream biological communities as a water quality marker, the special protection area program, the findings of the 2001-2005 stream quality report, and the watershed restoration program.

Parks Department and Planning Department staff participated in the presentation and discussion.

Ms. Judy Koenick offered comments and a video.

7. Recommendation to County Council for Clarksburg Stage 4 Next Steps - POSTPONED

Consideration of the results of the water quality assessment for opening Stage 4 in Clarksburg.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **This item was postponed.**

9. Intercounty Connector Upper Paint Branch SPA Environmental Review

BOARD ACTION

Motion: **CRYOR/ALFANDRE**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved the staff recommendation to transmit comments to State Highway Administration, Maryland Department of the Environment, and Maryland Department of Natural Resources, as stated in the attached Letter of Transmittal.**

Environmental Planning staff presented the environmental review of the environmental and water resource protection measures proposed by State Highway Administration (SHA) for the segment of the Intercounty Connector (ICC) through the Upper Paint Branch Special Protection Area (SPA), as detailed in the staff report. This review, part of the mandatory referral for the ICC, provides the Board an opportunity to make comments to Maryland Department of the Environment, Department of Natural Resources, and SHA on forest conservation and reforestation, stormwater management, sediment and erosion control, imperviousness, buffers, and other environmental issues, as well as roadway design and construction, prior to completion of the plans by SHA.

The following members of the ICC project team participated in the discussion: Mr. Steven Shofar and Mr. Keith Van Ness, representing County Department of Environmental Protection (DEP); Mr. Mark Etheridge, representing County Department of Permitting Services (DPS); and Mr. Daniel O’Leary, consultant, and Mr. Rob Shreeve representing SHA.

Mr. Nicholas Weber, representing the Mid Atlantic Council of Trout Unlimited, and Ms. Dolores Milmo, representing the Audubon Naturalist Society, offered comments.

8. Closed Session

In accordance with State Government Article, Section 10-508 (a), to disclosure would adversely impact the ability of the Commission to participate in a competitive selection process. Partnership: South Germantown Request for Proposal (RFP) 28-114.

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 -REMOVED

In accordance with State Government Article, Section 10-508 (a)7, to consult with counsel to obtain legal advice

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was removed from the agenda.

14. Closed Session

Pursuant to Annotated Code of Maryland, 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 (Approval of Closed Session Minutes)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

10. Preliminary Plan No. 120090140 and Project Plan Review No. 920090010, Woodmont Central Phases 1A, 1B, & 2

A. Preliminary Plan No. 120090140, Woodmont Central Phases 1A, 1B, & 2 CBD-1, CBD-R2 zone; two lots totaling 1.58 acres; Phase 1A is a 91,612 square-foot, six-story retail and office building with below-grade parking on one 19,122 square-foot lot in the CBD-1 zone. Phase 1A is located on the southwest corner of the intersection of Battery Lane and Wisconsin Avenue. Phase 1B /2 is a 462,160 square-foot, 18-story retail and residential building with below-grade parking on several lots to be consolidated into one 48,966 square-foot lot in the CBD-R2 zone. Phase 1B/2 is located at the intersections of Del Ray and Rugby Avenues and partially along Auburn Avenue. Both sites are within the Woodmont Triangle Amendment Area of the Bethesda CBD Sector Plan.

Staff recommendation: Approval with conditions

B. Project Plan Review No. 920090010, Woodmont Central Phases 1A, 1B, & 2 CBD-1, CBD-R2 zone; two lots totaling 1.58 acres; Phase 1A is a 91,612 square-foot, six-story retail and office building with below-grade parking on one 19,122 square-foot lot in the CBD-1 zone. Phase 1A is located on the southwest corner of the intersection of Battery Lane and Wisconsin Avenue. Phase 1B /2 is a 462,160 square-foot, 18-story retail and residential building with below-grade parking on several lots to be consolidated into one 48,966 square-foot lot in the CBD-R2 zone. Phase 1B/2 is located at the intersections of Del Ray and Rugby Avenues and partially along Auburn Avenue. Both sites are within the Woodmont Triangle Amendment Area of the Bethesda CBD Sector Plan.

Staff recommendation: Approval with conditions

BOARD ACTION

Motion: **A. ROBINSON/HANSON**
 B. ROBINSON/HANSON

Vote:

Yea: **A. 3-2**
 B. 3-2

Nay: **A. ALFANDRE, PRESLEY**
 B. ALFANDRE, PRESLEY

Other:

Action: **A. Approved staff recommendation to approve the preliminary plan, subject to conditions, as stated in the attached Board Resolution.**

B. Approved staff recommendation to approve the project plan, subject to conditions, as stated in the attached Board Resolution.

In keeping with the June 15 technical staff report, Development Review Division staff offered a detailed multi-media presentation of the request to create two lots totaling 1.58 acres.

10. Preliminary Plan No. 120090140 and Project Plan Review No. 920090010, Woodmont Central Phases 1A, 1B, & 2

CONTINUED

Staff noted that Phase 1A will consist of a 92,612 square foot, six-story retail and office building with below-grade parking on one 19,122 square foot lot in the Bethesda Central Business District and is located on the southwest corner of the intersection of Battery Lane and Wisconsin Avenue. Phase 1B and 1 is a 453,100 square foot, 19-story retail and residential building with below-grade parking on several lots to be consolidated into one 49,715 square foot lot in the Central Business District in the R2 Zone and is located at the intersection of Del Ray and Rugby Avenues and partially along Auburn Avenue. Staff added that both sites are within the Woodmont Triangle Amendment Area of the Bethesda Central Business District Sector Plan. Staff also added that the applicant is requesting a waiver for parking, which can be discussed at site plan review. Staff also discussed revisions/modifications to the list of proposed conditions.

Ms. Emily Vaias, attorney representing the applicant, the Donohoe Development Company, introduced Messrs. Jad and Bob Donohoe, Ms. Trini Rodriguez, landscape architect; Ms. Siti Abdul-Rahman and Rick Hamman from WDG Architects, members of the applicant's team, and offered comments and requested guidance from the Board regarding the corner park design that the applicant is proposing and an alternative design to not have the corner park but have retail and a wall along the street.

Ms. Trini Rodriguez, Ms. Siti Abdul-Rahman, and Mr. Rick Hamman discussed in detail the proposed building design and amenities.

The following speakers offered testimony: Mr. Remy Esquenet of Custer Road, and Mr. Jim Humphrey representing the Montgomery County Civic Federation.

There followed extensive Board discussion focusing on the County's school capacity moratorium and the proposed density transfer.

Commissioners Alfandre and Presley voted against the motion stating that in their view the applicant should present a better plan.

**13. Navy Medical BRAC status update -ADDED
(No Public Testimony)**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received Briefing

Transportation Planning Division staff briefed the Board on the status of the Navy Medical Base Realignment and Closure (BRAC) study. Staff discussed the various on-going and upcoming transportation studies being carried out in conjunction with the InterCounty Connector (ICC), the Purple Line, and the BRAC by the Department of Transportation (DOT) and State Highway Administration (SHA).

Staff noted that there is a scheduled SHA meeting on BRAC next week and a new BRAC interagency group will be formed for Montgomery County. Staff also added that five alternatives are being looked at to link the ICC to the proposed BRAC system.

**11. Planning Board Discussion-Draft Zoning Text Amendment for a new mixed-use development zone —The Commercial/Residential (CR) Zone-TIME CHANGE
(No Public Testimony)**

Planning Board Action/Decision: Discussion only, no vote taken.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by Board discussion.

Planning Department Director and Development Review Division staff briefed the Board on the proposed draft zoning text amendment for the creation of new mixed-use development zone and Commercial/Residential Zones, followed by extensive Board discussion and questions to staff.

Transportation Planning Division staff also offered input regarding transit and transportation issues in connection with the addition of the new Commercial/Residential (CR) Zones in the Zoning Ordinance.

Following Board discussion, staff noted that a revised Zoning Text Amendment, including comments received from the Board, will be before the Board on July 9 and will be forwarded to the County Council for approval thereafter.