



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, July 2, 2009, at 9:05 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 3:45 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. Item 5 was recessed and continued during the afternoon session.

The Board recessed at 12:00 p.m. for lunch and reconvened in the auditorium at 2:00 p.m. with all five Commissioners present.

Item 8 is reported on the attached agenda.

There being no further business, the meeting was adjourned at 3:45 p.m. The next regular meeting of the Planning Board will be held Monday, July 6, 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, July 2, 2009
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Adoption of Opinions/Resolutions

Middlebrook Industrial Park, Lots 1 & 2, Site Plan No. 82003021C; ADOPTION OF MCPB RESOLUTION No. 09-55

BOARD ACTION

Motion: ROBINSON/CRYOR

Vote:

Yea: 5-0

Nay:

Other:

Action: Adopted the Board Resolution as stated above.

2. Record Plats

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Record Plats submitted for approval.

3. Consent Items

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **There were no Consent Items.**

4. Approval of Minutes

BOARD ACTION

Motion: **CRYOR/ROBINSON**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved the minutes of May 28, 2009, as presented.**

5. Limited Preliminary Plan Amendment for Mill Creek South Subdivision 11991069A for conservation easement amendment due to the State Highway Administration Inter-county Connector (ICC) Project

Staff recommendation: Approval with Conditions

BOARD ACTION

Motion: **ALFANDRE/ROBINSON**

Vote:

Yea: 3-2

Nay: CRYOR, PRESLEY

Other:

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

Environmental Planning staff presented the proposal by State Highway Administration (SHA) to remove a portion of a conservation easement being displaced by construction of the Intercounty Connector. SHA will mitigate the loss of conservation easement area by providing a fee-in-lieu of the required replacement forest.

Mr. James Hathaway, abutting property owner; and Mr. Sam Chim, abutting property owner speaking on his own behalf and on behalf of the Shady Grove Woods Citizens Association, spoke in opposition to the amendment because of the negative impact of a new culvert constructed by SHA.

Discussion ensued about the location of the culvert, whether it lies within the conservation easement, and what, if anything the Board can require of SHA to address the concerns raised.

Following a recess of this item, staff returned to the Board after a site visit, with photographs of the culvert and an additional map of the right-of-way from SHA. There followed additional discussion, with staff responding to questions from the Board and providing additional information as needed.

6. Site Plan Review No. 820090110, Monty

CBD-2 zone; .47 acres; 200 multi-family dwelling units, including 30 MPDUs, 7,700 gross square feet retail; located on Fairmont Avenue approximately 150 feet south of Norfolk Avenue; Bethesda CBD

Staff recommendation: Approval with conditions.

BOARD ACTION

Motion: ALFANDRE/ROBINSON

Vote:

Yea: 5-0

Nay:

Other:

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

Development Review staff presented the site plan for a 17-story mixed-use multifamily apartment building with 15 percent moderately priced dwelling units (MPDUs), ground-floor retail, a through-block pedestrian connection, and public art, as detailed in the staff report. Staff distributed revisions to the parking information on the project data table and to condition 5.

Mr. Robert Dalrymple, attorney representing the applicant, introduced other members of the applicant team and responded to questions from the Board about building height, the location of the loading dock, and the density transfer provisions of the sector plan. Ms. Trini Rodriguez, the landscape architect, and Mr. Fede Olivera-Sala, the architect, provided a multimedia presentation about the design, the public art, and various elements of the project. Concluding, Mr. Dalrymple proposed two editorial changes to the staff report, which were accepted by staff.

7. Development Plan Amendment No: DPA-08-1

Great Seneca Investments, LLC, applicant, requests Development Plan Amendment to allow up to 20 attached single family residences, PD-4 Zone; located at the East Side of Great Seneca Highway, confronting its intersection with Richter Farm Road, Germantown

Staff recommendation: Approval

BOARD ACTION

Motion: CRYOR/PRESLEY

Vote:

Yea: 3-0

Nay: ALFANDRE, ROBINSON

Other:

Action: Approved the staff recommendation to approve, removing binding element 3, which would allow purchase of condominiums in the adjacent development to satisfy the moderately priced dwelling units (MPDUs) requirement, and revising binding element 2 to remove references to the number of stories and retain only the building height limit, as stated in the attached Letter of Transmittal.

Development Review staff presented the proposed amendment to a development plan, to develop 20 townhouse dwelling units on Parcel U, to replace the previously approved housing for the elderly, as detailed in the staff report. Staff noted that the proposed amendment triggers a requirement for provision of an additional two moderately priced dwelling units (MPDUs).

Mr. Jody Kline, attorney representing the applicant, concurred in the staff recommendation and requested a revision to the binding element related to height. Mr. Mike Bingley and Mr. John Clarke of the applicant company responded to questions from the Board about the two required MPDUs and the applicant's agreement concerning the location of the MPDUs with County Department of Housing and Community Affairs (DHCA).

Ms. Cathy Balough, an owner in the adjacent Riverstone Condominiums, offered comments.

There followed considerable discussion of the issue of how and where the two MPDUs will be provided and the possibility that two units in the adjacent Riverstone Condominiums will be purchased by the applicant and converted to MPDUs. There was discussion of how the sales and condominium fees would be handled if the MPDUs are provided through condominium conversion.

Commissioners Alfandre and Robinson did not support the motion because of the removal of the purchase option for the MPDUs, citing the applicant's agreement with DHCA.

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

9. Roundtable Discussion (no public testimony)

- Callithea Farm Lease Amendments - Postponed
- Old Gunpowder Golf Course MOU Briefing
- Park Planning Update – Postponed
- Parks Director's Report --Added

BOARD ACTION

Motion: ROBINSON/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the staff recommendation to execute a memorandum of understanding to shift the administration of the lease for the Old Gunpowder Golf Course from the Montgomery County Department of Parks to the Prince George's Department of Parks and Recreation.

1. Callithea Farm Lease Amendments—This item was postponed.

2. Old Gunpowder Golf Course MOU Briefing—Deputy Director of Parks Gene Giddens briefed the Board on a memorandum of understanding to shift the administration of the lease for the Old Gunpowder Golf Course from the Montgomery County Department of Parks to the Prince George's Department of Parks and Recreation. Mr. Giddens noted that the golf course straddles the Montgomery/Prince George's County line and is leased and operated by a private vendor. The Prince George's County Council has allocated \$400,000 in the Prince George's Department of Parks and Recreation Capital Improvements Program for improvements to the clubhouse and golf course.

3. Park Planning Update—This item was postponed.

4. Parks Director's Report—Director of Parks Mary Bradford presented a report on progress of the Parks and Recreation project with the Department of Recreation to improve delivery of recreation services, and there was considerable discussion of related issues, including program marketing, credit card payments, the printed recreation guide, and information on the website. Ms. Bradford also highlighted other Parks Department activities.

8. Enforcement Package

A. Proposed Zoning Text Amendment

Zoning Text Amendment to amend provisions for violations, penalties, and enforcement of a Planning Board Action; and generally amend the provisions related to violations of the Zoning Ordinance.

Staff recommendation: Transmit to County Council for Introduction.

B. Proposed Subdivision Regulations Amendment

Subdivision Regulations Amendment to revise the enforcement provisions for violations of a Planning Board Action.

Staff recommendation: Transmit to County Council for Introduction.

C. Proposed Bill: Forest Conservation Law

Bill to amend the forest conservation law to modify the number of required inspections and the notification period for inspections; specify the penalty procedures for violations of the forest conservation law; modify the hearing procedures for violations of the forest conservation law; and generally amend the forest conservation law.

Staff recommendation: Transmit to County Council for Introduction.

D. Enforcement Rules

Enforcement Rules to adopt hearing procedures for enforcement cases in front of a Hearing Officer and the Planning Board.

Staff recommendation: Adopt Enforcement Rules and transmit to County Council.

BOARD ACTION

Motion: A, B, C & D: PRESLEY/CRYOR

Vote:

Yea: 5-0

Nay:

Other:

Action: A. Approved staff recommendation to transmit to County Council for introduction.

B. Approved staff recommendation to transmit to County Council for introduction.

C. Approved staff recommendation to transmit to County Council for introduction.

D. Approved staff recommendation to adopt Enforcement Rules and transmit to County Council.

MCPB, 7-2-09, NOT APPROVED

The Board received Presentations by Development Review and Environmental Planning Divisions staff followed by Board discussion.