



**APPROVED
MINUTES**

The Montgomery County Planning Board met in regular session on Thursday, October 2, 2008, at 9:05 a.m., in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 6:55 p.m.

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

Items 1 through 5 are reported on the attached agenda.

The Board recessed for lunch at 12:05 p.m.

Items 6 and 14, Closed Session items, were discussed during lunch.

The Board convened in Closed Session in the third floor conference room at 12:35 p.m. on motion of Vice Chair Robinson, seconded by Commissioner Alfandre, with Chairman Hanson, Vice Chair Robinson, and Commissioners Cryor, Alfandre, and Presley present and voting in favor of the motion. The meeting was closed under authority of State Government Article, Annotated Code of Maryland Section 10-508(a)(3), to consider acquisition of real property for a public purpose; and Section 10-508(a)(14), to discuss matters directly related to the negotiations of agreements with the developer for SilverPlace.

Also present for all or part of the Closed Session were Secretary Treasurer Patti Barney Associate General Counsels Derrick Rogers and Carol Rubin; Director Mary Bradford, and Deputy Director Mike Riley, Gene Giddens, Daniel Hertz, and April O'Neal of the Parks Department; John Carter, and Valerie Berton of the Planning Department; Clara Moise of the Commissioners' Office; and consultant Don Zuchelli.

In Closed Session, the Board received briefing on the proposed acquisition of Tilden Woods Stream Valley Park, and also discussed the on-going negotiations of agreements with the developer for SilverPlace.

The Closed Session was adjourned at 1:35 p.m. and the Board reconvened in the auditorium at 1:40 p.m.

Item 15 was postponed and Item 7 was withdrawn. Items 8 through 13 are reported on the attached agenda.

Commissioner Presley left the meeting at approximately 6:30 p.m., prior to Item 13.

There being no further business, the meeting was adjourned at 6:55 p.m. The next regular meeting of the Planning Board will be held Monday, October 6, 2008, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Technical Writer

Ellyn Dye
Technical Writer

Montgomery County Planning Board Meeting
Thursday, October 2, 2008
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Adoption of Opinions/Resolutions - REVISED

Group A: All Five Commissioners Eligible to Vote [Commissioners Alfandre, Cryor, Hanson, Presley, and Robinson]

i) Village of Chevy Chase, Preliminary Plan No. 120080180, ADOPTION OF RESOLUTION No. 08-106

Group B: Three Commissioners Eligible to Vote [Commissioners Cryor, Hanson and Robinson]

ii) Strawberry Knoll, Preliminary Plan No. 120061220, ADOPTION OF RESOLUTION No. 08-119

BOARD ACTION

Motion: **(A) ALFANDRE/CRYOR**
 (B) ROBINSON/CRYOR

Vote:

Yea: (A) 5-0
(B) 3-0-2

Nay:

Other: (B) ALFANDRE, PRESLEY ABSTAINED

Action: Adopted Resolutions in Groups A and B as stated above.

2. Record Plats

Subdivision Plat No. 220081790, Sumner Park

R-60 zone; 2 lots; located on the west side of Falmouth Road at the intersection of Cammack Drive; Bethesda-Chevy Chase

Staff Recommendation: Approval

BOARD ACTION

Motion: ALFANDRE/CRYOR

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to approve record plats as submitted.

3. Consent Items

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **There were no consent items submitted for approval.**

4. Gaithersburg West Master Plan

Status Report regarding land uses, zoning and transportation

(No public testimony will be taken at this time.)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **Received status report followed by Board discussion.**

In accordance with the September 24 technical staff report, Community-Based Planning Division staff offered a detailed multi-media presentation on the status report for the proposed land uses, and zoning issues for the Gaithersburg West Master Plan followed by Board discussion and questions to staff.

Transportation Planning Division staff discussed transportation issues associated with this Master Plan.

There followed an extensive Board discussion with questions to staff.

5. Preliminary Plan No. 120070640, Goshen Hunt Hills (Resubdivision)

RE-2 zone; 11.92 acres; 2 lots requested; 2 one-family detached dwelling units; located on Woodfield Road, 100 feet north of Glendalough Road; Agricultural and Rural Open Space.
Staff recommendation: Approve Preliminary Plan with conditions

BOARD ACTION

Motion: PRESLEY/ALFANDRE

Vote:

Yea: 5-0

Nay:

Other:

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

Development Review Division staff presented the request to create two lots for two one-family detached dwelling units on a 11.92-acre property located on Woodfield Road in the Agricultural and Rural Open Space, as discussed in the September 19 detailed technical staff report. Staff briefly discussed the list of revised conditions distributed at the meeting.

Mr. David McKee, engineer representing the applicant, discussed the proposed request, answered questions from the Board, and concurred with the staff recommendation.

14. CLOSED SESSION – ADDED

In accordance with State Government Article, Section 10-508 (a) (3) to consider acquisition of real property for a public purpose – Tilden Woods Stream Valley Park

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Met in Closed Session; see narrative minutes for State citation and open session report.

6. CLOSED SESSION

In accordance with State Government Article, Section 10-508(a)(14), to discuss matters directly related to the negotiation of agreements with the developer for SilverPlace

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Met in Closed Session; see narrative minutes for State citation and open session report.

15. Tilden Woods Stream Valley Park - ADDED

Authorization to acquire 5.69 acres, more or less, unimproved, from Mary E. Armstrong, located south of Montrose Parkway, east of Tildenwood Drive, Rockville, Maryland

Staff recommendation: Approval

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was withdrawn from the agenda.

7. POSTPONED - Amendment to the FY09-14 CIP and Special Appropriation to the MNCPPC FY 09 Capital Budget: SilverPlace, Project No. 048701

SilverPlace, a public/private partnership in which the Commission seeks replacement of its headquarters building at 8787 Georgia Avenue. The Special Appropriation funds the design and construction of the headquarters building.

Staff recommendation: Approval to transmit appropriation request to the County Executive and County Council

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.

8. Preliminary Plan No. 12002022A, Piedmont Crossing (a.k.a., Casey @ Mill Creek) (Extension and Limited Amendment)

R-90 zone; 65.59 acres; 184 lots previously approved for 92 one-family detached dwelling units and 92 one-family attached dwelling units, including 23 moderately priced dwelling units

A. Extension Request: extend the validity period of the preliminary plan based upon a revised phasing schedule

Staff recommendation: Grant phased extension of the preliminary plan validity

B. Limited Amendment: 1) establish a new validity period for the adequate public facilities approval, 2) Remove a previous requirement to provide a traffic mitigation agreement; located on Amity Drive, 250 feet west of Bounding Bend Court; Shady Grove

Staff recommendation: Approve the limited amendment

BOARD ACTION

Motion: ALFANDRE/ROBINSON

Vote:

Yea: 4-1

Nay: CRYOR

Other:

Action: Approved the staff recommendation to approve the extension and the limited amendment, as modified in discussion, as stated in the attached Board Resolution.

Development Review staff presented the request to extend the validity period and amend the preliminary plan conditions, as detailed in the staff report.

Ms. Barbara Sears, attorney, and Mr. Ryan Dagler of the applicant company concurred in the staff recommendation and elaborated on the need for the extension.

Ms. Julia Tillery, representing the Derwood Station South Homeowners Association and Gude Landfill Concerned Citizens, offered comments.

There followed some discussion about the anticipated purchase of the phase II portion of the property for a school or park and of the phase III property by State Highway Administration for construction of the Intercounty Connector. The Board modified the extension and phasing language to reflect the potential for purchase of the phase II and III portions of the property by public agencies.

9. Limited Site Plan Amendment No. 81986078B, Seventh Day Adventist Headquarters - REVISED

O-M Zone, 21.55 acres; amendment to add a 2-story attached building totaling 19,234 square feet including 9,075 square-feet of cellar space and minor revisions to parking and landscaping; located at the intersection of MD 29 and Cherry Hill Road; Fairland

Staff recommendation: Approval of the Limited Amendment

BOARD ACTION

Motion: ROBINSON/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

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

Development Review staff presented the limited amendment, as detailed in the staff report, correcting the height of the proposed addition from 28 feet to 34 feet.

Mr. Scott Wallace, attorney representing the applicant, introduced other members of the applicant team and elaborated on the proposed use of the building addition. He concurred in the staff recommendation, including the change in height.

10. The Quarry, Forest Conservation Plan Amendment, No. 820050290

RMX-1 Zone, 13.31 Acres, amendment to re-grade quarry walls and modify footprint of conservation easement. Located on River Road, 2000 feet west of Seven Locks Road; Potomac
Staff recommendation: Approve with conditions

BOARD ACTION

Motion: CRYOR/ROBINSON

Vote:

Yea: 5-0

Nay:

Other:

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

Environmental Planning staff presented the proposal to amend the forest conservation plan to regrade and stabilize the quarry walls and modify the footprint of the conservation easement to comply with the requirements of the Maryland Department of the Environment related to reclamation activities, as detailed in the staff report.

Mr. Joe Lynott, attorney representing the applicant, introduced Ms. Victoria Bryant and Mr. Frank Johnson, the engineers, and emphasized that the proposal represents a worst-case scenario in terms of tree loss, saying that they will not know the extent of the required tree removal until the activities are under way. The determination will be made by the State. Ms. Bryant noted that the impact will be minimized to the extent possible.

Ms. Linda Guest, representing the Riverhill Homeowners Association and speaking on behalf of the owner of abutting lot 83; and Ms. Sandy Vogelgesang, representing the West Bradley Citizens Association, offered comments.

Mr. Tom Brault of the applicant company joined the discussion, responding to questions from the Board.

11. PAMR De Minimus

Policy Area Mobility Review (PAMR) – Payment in Lieu for Mitigation of Less Than 30 Trips.
Proposed revisions to the Planning Board’s Local Area Transportation Review / Policy Area
Mobility Review (LATR) Guidelines

Staff recommendation: Approve revisions to LATR review Guidelines

BOARD ACTION

Motion: ALFANDRE/ROBINSON

Vote:

Yea: 3-2

Nay: CRYOR, PRESLEY

Other:

Action: **Approved the staff recommendation.**

Transportation Planning staff presented proposed revisions to the Local Area Transportation Review Guidelines to approve the payment of \$11,000 per trip to mitigate up to 30 peak hour vehicle trips under the Policy Area Mobility Review provisions, as detailed in the staff report.

Ms. Anne Root, representing Montgomery County Department of Transportation (DOT), and Ms. Raquel Montenegro, representing the Maryland National Capital Building Industry Association, participated in the discussion.

In discussion, Chairman Hanson stated that the program should undergo a one-year trial period, with a report by staff to the Board at the end of the year.

12. White Flint I Sector Plan

Discussion of preliminary recommendations with the White Flint Advisory Committee
(No public testimony will be taken at this time)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received presentations and discussed.

Following opening remarks by Community-Based Planning staff, members of the White Flint Advisory Committee made presentations as follows: Mr. Barnaby Zall, presenting an overview of the structure, goals, and vision of the Advisory Committee; Mr. Evan Goldman and Ms. Suzanne Hudson, representing a report from an Advisory Committee sub-committee on the vision for White Flint, concerns, and priorities; Ms. Paula Bienenfeld, representing the Luxmanor Citizens Association; Mr. Chris Webber and Mr. Greg Trimmer, representing landowner and business interests; Ms. Natalie Goldberg, representing the Garrett Park Estates/White Flint Park Citizens Association; Mr. Perry Berman, representing property owners of the Nicholson Lane Urban Village, east of Rockville Pike; Mr. Ed Rich, representing the Old Farm/Tilden Woods/Walnut Woods neighborhoods; and Mr. Lee Barnes, representing a number of property owners with industrially zoned properties in the Nicholson Lane area.

Discussion ensued of various recommendations, including infrastructure and implementation.

13. Roundtable Discussion - REVISED

(No public testimony will be taken at this time)

- A. Commissioners' Report
- B. Approval of Minutes
- C. Director's Report
- D. County Council Activity
- E. Semi-Annual Report
- F. Budget Overview

BOARD ACTION

Motion: B. CRYOR/ALFANDRE

Vote:

Yea: B. 3-0

Nay:

Other: PRESLEY ABSENT; ROBINSON TEMPORARILY ABSENT

Action: B. Approved minutes of September 4 and September 8, 2008, as presented.

A. Commissioners' Reports—None.

B. Approval of Minutes—Approved minutes as stated above.

C. Director's Report—Director of Parks Mary Bradford presented a brief oral report

including highlights of her submitted written report.

D. County Council Activity—No reports presented.

E. Semi-Annual Report—Director of Parks Mary Bradford presented revisions to the Parks Department section of the Semi-Annual Report.

F. Budget Overview—Executive Director Oscar Rodriguez presented an overview of the economic outlook for the coming year and discussed strategies and policy recommendations for implementation of the FY09 budget and development of the FY10 budget. Secretary-Treasurer Patti Barney participated in the discussion.