



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, October 14, 2010, at 9:10 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 6:50 p.m.

Present were Chair Françoise M. Carrier, Vice Chair Marye Wells-Harley, and Commissioners Norman Dreyfuss and Amy Presley. Commissioner Joe Alfandre joined the meeting shortly after it was called to order.

Items 1 through 6 and 9 are reported on the attached agenda.

The Board recessed at 12:32 p.m. for lunch and reconvened in the auditorium at 1:30 p.m.

Items 7, 8, and 2 are reported on the attached agenda.

Item 10 was postponed, and Item 11, a Closed Session item, was discussed in the third floor conference room.

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 Montgomery County Planning Board convened in Closed Session at 4:50 p.m., in the third floor conference room, on motion of Commissioner Alfandre, seconded by Commissioner Dreyfuss, with Chairman Carrier, Vice Chair Wells-Harley, and Commissioners Alfandre, Dreyfuss, and Presley present and voting in favor of the motion. The meeting was closed under authority of §10-508(a)(9), State Government Article, Annotated Code of Maryland, to conduct collective bargaining negotiations or consider matters that relate to the negotiations.

Also present for all or part of the Closed Session were Executive Director Patti Barney, Jasmine Prepetit, Holly Sun, and Daniel Araya of the Department of Human Resources and Management; Secretary-Treasurer Joe Zimmerman; General Counsel Adrian Gardner; Director Mary Bradford, Deputy Directors Gene Giddens and Mike Riley, and Mary Ellen Venzke and Karen Warnick of the Parks Department; Director Rollin Stanley and Alison Davis of the Planning Department; and Clara Moise of the Commissioners' Office.

In Closed Session, the Board discussed the FY2012 proposed budgets for the Central Administrative Services Departments, the Legal Department, the Parks Department, and the Planning Department, and provided guidance to staff.

The Closed Session was adjourned at 6:50 p.m. and the Board reconvened in open session in the third floor conference room.

There being no further business, the meeting was adjourned at 6:50 p.m. The next regular meeting of the Planning Board will be held Thursday, October 21, 2010, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye
Technical Writer

M. Clara Moise
Technical Writer

Montgomery County Planning Board Meeting
Thursday, October 14, 2010
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **There were no Resolutions submitted for adoption.**

***B. Record Plats**

Subdivision Plat No. 220110020, Oak Grove (Glenstone); RE-2 zone; 1 lot; located on the west side of Glen Road, 700 feet south of Three Sisters Road; Potomac Subregion

Staff Recommendation: Approval

BOARD ACTION

Motion: **PRESLEY/WELLS-HARLEY**

Vote:

Yea: **4-0**

Nay:

Other: **ALFANDRE ABSENT**

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

MCPB, 10-14-10, APPROVED

***C. Other Consent Items**

Small's Nursery Preliminary Plan 11994011C – ADOPTION OF MCPB CORRECTED RESOLUTION No. 10-91

BOARD ACTION

Motion: DREYFUSS/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Adopted Corrected Resolution MCPB No. 10-91.

***D. Approval of Minutes**

Minutes of September 23, 2010

BOARD ACTION

Motion: PRESLEY/DREYFUSS

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the minutes of September 23, 2010, as submitted.

3. Mandatory Referral No. 10716-MCPS-1: IMF Bretton Woods Country Club Communications Tower

15700 River Road, RNC Zone, Potomac Subregion Master Plan
Staff Recommendation: Approval to Transmit Comments to IMF

BOARD ACTION

Motion: ALFANDRE/DREYFUSS

Vote:

Yea: 5-0

Nay:

Other:

Action: **Determined that the application is not complete because there is no information about what is appropriate and necessary to serve only the IMF property.**

Urban Design staff presented the mandatory referral review of a proposed 155-foot telecommunications “tree” tower to be located on the Bretton Woods Country Club property owned by the International Monetary Fund (IMF), as detailed in the staff report. Among other comments, staff recommended replacing the proposed tree tower with a shorter “flag” design unipole, because staff finds the tree design to be incompatible with the surrounding area.

Mr. James Michal, attorney representing the applicant and AT&T, the service provider, elaborated on the need for the telecommunications facility. Mr. Michal argued that the tree pole is necessary for the desired coverage and co-location of other providers. Mr. Michal cited public benefits of increased coverage in addition to providing coverage for the IMF site.

Ms. Mitsuko Herrera, representing the County Transmission Facilities Coordinating Group (the “Tower Committee”), maintained that the project must be submitted and reviewed as a special exception because the proposal includes service to the larger community in addition to service to the IMF. She expressed the view that for mandatory referral review the proposal must limit service to the IMF property, and she said there are many ways to ensure telecommunications service to the IMF property without a 155-foot tower. Ms. Herrera noted that the Tower Committee reviewed the original submission for service to the community, with AT&T as the applicant, but no proposal to provide service solely to the IMF property was submitted for Committee review.

There followed considerable discussion of the application and the appropriate type of review. The Board expressed the view that the application should be submitted and reviewed as a special exception, because it includes service to the greater community in addition to the IMF property. The Board also determined that the mandatory referral application is incomplete because there is no information submitted, and no Tower Committee recommendation, about service for only the IMF property.

Mr. Michal said he would agree to deferral to allow time to submit additional information. He maintained, however, that the application is complete and qualifies as submitted for mandatory referral review, because the IMF has the same status as the U.S. Government.

4. Forest Conservation Variance Request for SC2010013 Horizon Hill Lot 12

Request for a variance under section 22A-21 of the Montgomery County Forest Conservation Law for the impact and removal of specimen trees pursuant to Section 1607(c) of the Natural Resources Article, MD Ann. Code

Staff Recommendation: Approval

BOARD ACTION

Motion: **PRESLEY/WELLS-HARLEY**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved the staff recommendation to grant the variance.**

Environmental Planning staff presented the request for a forest conservation variance to allow removal of six trees, as detailed in the staff report. In response to queries from the Board, staff discussed the location of the trees, the shape of the lot, and why a house cannot be constructed on the lot without the removal of the trees. Staff noted that the need for the variance is not driven by the proposed footprint of the house or location on the lot, as the trees must be removed for access and the septic system.

Mr. Charles Grimsley, representing the applicant, concurred in the staff recommendation.

5. Preliminary Plan 119961120, Danac Stiles Property – APF Extension Request

I-3 zone; 25.49 acres; 669,539 square feet of office use previously approved; request to extend the validity of the APF approval for 6 years until July 9, 2017; located in the northeast quadrant of the intersection of Key West Avenue and Great Seneca Highway; Great Seneca Science Corridor Master Plan

Staff Recommendation: Grant Extension

BOARD ACTION

Motion: **PRESLEY/DREYFUSS**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved the staff recommendation to grant the extension of the Adequate Public Facilities validity period.**

Development Review staff presented the request for an extension of the Adequate Public Facilities validity period, as detailed in the staff report.

Mr. Tim Dugan, attorney representing the applicant, concurred in the staff recommendation and responded to queries from the Board.

6. Site Plan Amendment Review No. 81984118A, CRI Building

O-M zone; 2.58 acres; amendment to restripe the existing parking garage, add surface parking & accompanying landscape and lighting improvements, including a 15% parking waiver; located at the northwest quadrant of the intersection of Edson Lane and Rockville Pike; North Bethesda/Garrett Park

Staff Recommendation: Approval of the Limited Amendment

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

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

Development Review staff presented the limited site plan amendment to provide additional parking spaces, with a waiver of 15 percent of the required spaces, and improvements to the landscaping and lighting for an existing parking garage, as detailed in the staff report.

Mr. Stuart Barr, attorney representing the applicant, discussed the conditions surrounding the development and elaborated on the reasons for the requested amendment.

There followed some discussion of the original approval of the site plan in 1984 and current parking requirements, with staff and the applicant responding to questions and providing additional information as needed.

9. Roundtable Discussion

Update on State and County Transitway Planning Activities

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing and discussed.

Transportation Planning staff updated the Board on State and County transitway planning in terms of pending and approved Sector Plans. Staff highlighted the anticipated release of a supplemental Draft Environmental Impact Study (DEIS) on the Corridor Cities Transitway; State and County work on the Purple Line; the County Department of Transportation countywide bus rapid transit study; and the recently released draft Maryland FY2011-2016 Consolidated Transportation Program.

There followed some discussion of various projects and staff responded to questions from the Board and provided additional information as needed.

7. Public Hearing, Worksession and Action on Update to Locational Atlas and Index of Historic Sites and Amendment to the Master Plan for Historic Preservation: Kensington Cabin

Staff Recommendation: Add Resource to the Locational Atlas and Index of Historic Sites; Recommend to County Council the Designation of Resource on the Master Plan for Historic Preservation

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received testimony and evidence submitted into the record.

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

8. Public Hearing on Updates to Locational Atlas and Index of Historic Sites and Amendment to the Master Plan for Historic Preservation: Upper Patuxent Area Resources

Staff Recommendation: Add Three (3) Sites to and Remove Sixteen (16) Sites from the Locational Atlas and Index of Historic Sites; Recommend to County Council the Designation of Two (2) Historic Districts and Thirteen (13) Individual Sites to the Master Plan for Historic Preservation

Public Testimony Limited to Three (3) Minutes per Speaker; Two (2) Hours in Total

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received testimony and evidence submitted into the record.

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

2. Enterprise Fund FY2010 Preliminary End-of-Year Actuals - NEW TIME

Details on revenues, expenditures, programs, and projects for the Enterprise Division

Staff Recommendation: Approval

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Unanimously approved staff recommendation for approval of the FY2010 actual revenues and expenditures.

In keeping with the October 1 technical staff report, Parks Department staff offered a multi-media presentation of the revenues, expenditures, programs, and projects for the Enterprise Division for Fiscal Year 2010. Staff noted that the Enterprise Fund generated a net

income of \$532,357 in FY10, a \$233,288 increase over FY09. Staff discussed in detail the operation and maintenance of the ice rinks, the tennis facilities, the event centers, the golf courses, and the park facilities.

There followed extensive Board discussion. Chair Carrier congratulated staff on behalf of the Planning Board for their outstanding work in the midst of an economic downturn in the County.

10. Briefing: FY 12 Budget Priorities Continuation - POSTPONED

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.

11. Closed Session - ADDITION

Pursuant to Maryland State Government Code Annotated Section 10-508(a)(9) to conduct collective bargaining negotiations or consider matters that relate to the negotiations

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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