



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 28, 2010, at 9:02 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 10:20 p.m.

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

Items 1, 2, and 4 are reported on the attached agenda. Item 3 was postponed to the afternoon session.

The Board recessed at 12:54 p.m. for lunch and to take up Items 11 and 12 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 1:14 p.m. in the third floor conference room, on motion of Commissioner Presley, seconded by Commissioner Alfandre, with Chair 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)(1), State Government Article, Annotated Code of Maryland, to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of Commission appointees, employees, or officials; or to discuss any other personnel matter that affects one or more specific employees; and §10-508(a)(3), to consider the acquisition of real property for a Commission purpose and matters directly related thereto.

Also present for all or part of the Closed Session were Associate General Counsel Carol Rubin of the Legal Department; Director Rollin Stanley, John Carter, Alison Davis, Richard DeBose, Dan Hardy, Rose Krasnow, Glenn Kreger, Mark Pfefferle, and Piera Weiss of the Planning Department; Deputy Director Mike Riley and Bill Gries of the Parks Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board continued its discussion of the proposed reorganization of the Planning Department with the Planning Director and discussed proposed acquisition of property for parkland.

The Closed Session was adjourned at 2:09 p.m.

The Board reconvened in the auditorium at 2:20 p.m.

Item 3, Worksession on Land Use and Zoning for the Wheaton Central Business District and Vicinity Sector Plan, deferred to the afternoon session, and Items 5 and 6 are reported on the attached agenda.

Item 10, a Closed Session item, was postponed.

The Board recessed for dinner at 6:35 p.m. and reconvened in the auditorium at 7:35 p.m.

Items 7 through 9 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 10:20 p.m. There will be a Planning Board meeting on Monday, November 1, 2010, in the evening to continue discussion of the FY12 proposed budget in Closed Session. The next regular meeting of the Planning Board will be held Thursday, November 4, 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 28, 2010, 9:00 A.M.
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Consent Agenda

A. Adoption of Resolutions

1. Kensington Heights Subdivision Regulations Waiver No. SRW 201001 - ADOPTION OF MCPB RESOLUTION No. 10-140
2. Hungerford property Pre-Preliminary Plan No. 720080110 - ADOPTION OF MCPB RESOLUTION No. 10-144

BOARD ACTION

Motion: PRESLEY/ALFANDRE

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Adopted the Resolutions cited above.

B. Record Plats

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **There were no Record Plats submitted for approval.**

C. Other Consent Items

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **There were no Other Consent Items submitted for approval.**

D. Approval of Minutes

Minutes of September 30, 2010

BOARD ACTION

Motion: **WELLS-HARLEY/PRESLEY**

Vote:

Yea: **4-0**

Nay:

Other: **DREYFUSS ABSENT**

Action: **Approved the minutes of September 30, 2010, as presented.**

2. [Commercial/Residential Zones Zoning Text Amendment](#)

Discuss proposed amendments to (1) limit certain uses near residential zones, (2) expand shared parking provisions, (3) allow DPS to waive drive-through and parking restrictions when site plans are not required, (4) allow master plans to permit fewer public benefits for incentive density in limited circumstances, (5) allow master plans to exempt areas from BLT requirements, and (6) allow master plans to designate additional public benefits.

Staff Recommendation: Transmit to County Council for Introduction

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Deferred action with guidance to staff for provision of additional information on issues raised in discussion.

Development Review staff presented proposed amendments to the CR Zones, for transmittal to the County Council for introduction, as detailed in the staff report. Staff noted that the proposed changes do not affect the framework or the objectives of the zones; rather, they provide refinements to reflect the evolution of the ongoing area Plans and the Zoning Ordinance rewrite. Staff included one additional amendment in the oral presentation.

Mayor Peter Fosselman, Councilmember Mackie Barch, and Ms. Suellen Ferguson, representing the Town of Kensington, discussed the CR Zones, and the proposed amendments, as they apply to the pending Kensington and Vicinity Sector Plan.

Ms. Judy Higgins, representing the Kensington View Civic Association; Ms. Lydia Sullivan of Kensington; Ms. Anne Martin, attorney representing the 10524 St. Paul Street LLC; Mr. William Kominers, attorney; and Mr. Barry Peoples of Kensington offered comments.

3. [Worksession #2 - Wheaton CBD and Vicinity Sector Plan — Land Use and Zoning](#)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Discussed and provided guidance to staff.

In worksession # 2 of the Wheaton Central Business District and Vicinity Sector Plan, the Board discussed the Plan’s districts and individual parcels specific issues and provided recommendations to staff. Community-Based Planning staff also provided an overview of the land use and zoning recommendations in the plan and there was extensive discussion about the general vision and implementation of the plan, including base density, density transfers, and

realignment of Ennalls Avenue with Price Avenue and the closing of alleyways. Staff noted that the Urban Design Guidelines will be discussed at the next worksession.

Messrs. Bob Simpson from Montgomery County Department of Transportation (MCDOT), Robert Klein from Montgomery County Department of General Services, and Chris Lindsay representing Lindsay Management, offered comments.

Due to time constraint, Chair Carrier instructed staff to schedule another Board meeting to conclude the discussion on Land Use and Zoning.

4. [Site Plan Review No. 820110010, Wheaton Safeway](#)

CBD-3 zone; 1.92 acres; 195-foot tall, 17-story building with 486 residential dwelling units (including 12.5% MPDUs), 59,500 square foot of commercial uses, and a multi-level parking garage; located at 11215 Georgia Avenue; Wheaton CBD

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: **DREYFUSS/PRESLEY**

Vote:

Yea: **5-0**

Nay:

Other:

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

Development Review staff presented the site plan for the redevelopment of the Wheaton Safeway site with a 17-story building with 486 dwelling units, 59,500 square feet of commercial uses, and a multi-level parking garage, as detailed in the staff report. Staff distributed an errata sheet and a revised list of conditions of approval. Staff noted that the project plan approved a height of 200 feet, subject to the required finding by the Board at site plan that the increased height will not adversely affect surrounding properties. The site plan proposes 195 feet, and staff recommended that the Board make that finding.

Mr. Steve Robbins, attorney representing the applicant, concurred in the staff recommendation and elaborated on the proposed development; Ms. Judy Moore, the artist, discussed her public art project for the site; and Mr. Timothy Baker of the applicant company responded to questions from the Board.

Mr. Greg Baker, representing the Wheaton Redevelopment Advisory Committee; Ms. Jeannette Feldner, representing the Wheaton Urban District Advisory Committee; and Ms. Elizabeth Chaussan, representing the Green Wheaton Sustainable Initiatives Workshop, offered comments.

There followed some discussion of the required payment to the amenity fund and the recipient public amenity project, as well as the need to maintain and repair the public art.

12. Closed Session

Pursuant to Annotated Code of Maryland, State Article, Section 10-508(a)(1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of Commission appointees, employees, or officials; or to discuss any other personnel matter that affects 1 or more specific employees

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

11. Closed Session

Pursuant to Annotated Code of Maryland, State Article, Section 10-508(a)(3) to consider the acquisition of real property for a Commission purpose and matters directly related thereto

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

5. Downcounty Consortium (McKenney Hills) Elementary School #29

***A. Preliminary Forest Conservation Plan:** Downcounty Consortium (McKenney Hills) Elementary School #29 Replacement Facility - 2600 Hayden Drive, R-60 Zone, Kensington/Wheaton Master Plan

Staff Recommendation: Approval with Conditions

B. Mandatory Referral No. 10720-MCPS-1: Downcounty Consortium (McKenney Hills)-Elementary School #29 Replacement Facility -2600 Hayden Drive, Zone R-60, Kensington/Wheaton Master Plan

Staff Recommendation: Approval to Transmit Comments to MCPS

BOARD ACTION

Motion: **A. PRESLEY/ALFANDRE**
 B. PRESLEY/ALFANDRE

Vote:
 Yea: **A. 5-0**
 B. 5-0

Nay:

Other:

Action: **A. Approved staff recommendation for approval, subject to revised conditions.**
 B. Approved staff recommendation to transmit comments to Montgomery County Public Schools, with incorporation of terms of Memorandum of Understanding between McKenney Hills Forest Conversation Group, Audubon Naturalist Society, and Montgomery County Public Schools.

In keeping with the October 15 and 21 technical staff reports, Community-Based Planning and Environmental Planning staff offered a multi-media presentation of the mandatory referral request to construct an elementary school to replace the previously demolished McKenney Hills Elementary school on a 12.67-acre site located at the western terminus of Hayden Drive, north of the Glenmont Recreation Center in the Kensington/Wheaton Master Plan area. Staff discussed the proposed plan for the replacement school, including site design, stormwater management, parking, and traffic circulation. Staff noted that the proposed school building was used as a special education facility until its demolition this year, and increasing enrollments from rising school-aged children and the absorption of transferring students from private schools in this planning area have caused significant and unacceptable levels of crowded classes at nearby Oakland Terrace and Woodlyn Elementary Schools.

Environmental Planning staff discussed the proposed forest conservation plan which proposes to remove 0.55 acres of forest to accommodate construction of the new school and associated facilities. Staff noted that loss of high priority forest is unavoidable and Montgomery County Public Schools (MCPS) is proposing to minimize the impact on the adjacent forest and specimen trees as best it can to take into account concerns raised by citizens and community

5. Downcounty Consortium (McKenney Hills) Elementary School #29

organizations during the numerous meetings organized by MCPS. Staff recommends approval of the proposed preliminary forest conservation plan, subject to the conditions included in the staff report.

Messrs. James Song, Jim Tokar, and Craig Shuman of Montgomery County Public Schools offered comments.

The following speakers offered testimony: Mr. Peter Howard of Churchill Road; Ms. Marion Edey of Menlo Avenue; Ms. Stacy Miller of Gates Avenue; Mr. Brian Bhandari of Gardiner Avenue; Ms. Deborah Beck of Arthur Avenue; Ms. Jennifer Anderson of Hildarose Drive; Ms. Janis Sartucci of Limestone Court; Ms. Margaret Turner of Barker Street; Ms. Rochelle Bartolomei of Rosensteel Avenue; Ms. Diane Cameron of Edgewood Road and representing the Audubon Naturalist Society; Mr. Morgan Edey of Menlo Avenue; Mr. Thomas Gleason of Menlo Avenue and representing the McKenney Hills Forest Preservation Group; Mr. Bruce Cohen of Capitol View Avenue; Ms Patricia Mulready of Capitol View Avenue; Ms. Teresa Peachey of Conover Drive and representing the Oakland Terrace Elementary School PTA; Mr. Jean Claude Zenkluser of Capitol View and representing the Montgomery County Parents and Teachers Association; Mr. Stanley Sersen of Waterloo Road; Ms. Sheryl Kreischer of Gates Avenue; Mr. Richard Tingley of Eccleston Street and representing the McKenney Hills/Caroll Knolls Civic Association; Ms. Tricia Steadman of Leslie Street; Ms. Susie Eig of West Kirke Street and member of the Legacy Open Space Advisory Group; and Ms. Ginny Barnes of Glen Road and representing the Legacy Open Space Advisory Group.

There followed considerable Board discussion with questions to staff and MCPS' representatives regarding the proposed forest conservation plan.

6. [Silver Spring Park \(aka The Moda Vista Residences\)](#)

A. Preliminary Plan 120070420, Silver Spring Park (a.k.a. The Moda Vista Residences); CBD-0.5 & CBD-1 and Fenton Village Overlay zones; 1.57 acres; request to combine 7 lots into one 50,351 SF lot for 58 DU multi-family, 59,870 SF hotel, 9,234 SF retail, and 22,538 SF office; located in the southeast quadrant of the intersection of Fenton Street and Silver Spring Avenue; Silver Spring CBD Plan

Staff Recommendation: Approval with Conditions

B. Site Plan Review No. 820100120, Silver Spring Park; CBD 0.5/CBD-1 zones; 1.57 acres; mixed-use development consisting of a high-rise with 58 dwelling units including 7 MPDUs, 59,870 square foot hotel with 110 rooms, 9,234 square feet of retail and 22,538 square feet of office space; located in the southeast quadrant of the intersection of Silver Spring Avenue and Fenton Street; Silver Spring CBD

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: **A. DREYFUSS/WELLS-HARLEY**
 B. DREYFUSS/PRESLEY

Vote:

Yea: A. 5-0
B. 5-0

Nay:

Other:

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

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

In keeping with the October 18 technical staff report, Development Review staff offered a multimedia presentation of the request to combine seven lots into one lot for a mixed-use development of 147,888 square feet of ground floor retail; 28,170 square foot of office space and a multi-family residential building with 58 dwelling units, including seven Moderately Priced Dwelling Units (MPDUs) and five Work Force Housing Units (WFHUs) on a 1.57-acre property located on Fenton Street in the Silver Spring Central Business District with access to the building from Fenton Street. Staff noted that the workforce housing is optional however the applicant has agreed to leave this option in. Staff added that the Board approved the preliminary forest conservation plan for the site on March 4, 2010, and the applicant will meet the requirement by an in-lieu fee payment. The approved stormwater concept for the project includes a buried stormwater management system and green roofs.

Mr. Todd Brown, attorney representing the applicant, offered brief comments and concurred with the staff recommendation.

Ms. Karen Roper representing the Silver Spring Citizens Association offered testimony in favor of the project.

7. [Roberts Tavern Drive Extended - Facility Planning Study Phase 1](#)

Staff Recommendation: Transmit Comments Regarding Recommended Alternative to Montgomery County Department of Transportation (MCDOT)

BOARD ACTION

Motion: PRESLEY/ALFANDRE

Vote:

Yea: 4-1

Nay: CARRIER

Other:

Action: Approved staff recommendation to transmit comments to Montgomery County Department of Transportation (MCDOT).

In keeping with the October 20 technical staff report, Transportation Planning staff offered a detailed multimedia presentation of the Transportation Facility Planning Study, Phase I for Roberts Tavern Drive Extended. Staff noted that the purpose of this briefing is to solicit comments on the project prospectus, which will be taken into consideration by MCDOT before transmittal of the final report to the County Council.

Messrs. Bob Simpson, Bruce Johnston, and Greg Hwang of MCDOT offered comments.

At the Board' request, Mr. Carl Starkey of Street Traffic Studies, Ltd., offered comments.

There followed extensive Board discussion, with questions to staff and MCDOT's representatives regarding the other alternatives discussed in the staff report and the estimated project cost in relation to its small traffic benefit.

Chair Carrier voted against the motion stating that she does not see the urgency in having this study done at this time and that she recommends that the project be included in the County's Capital Improvements Program (CIP) or be built as an offsite improvement for developer participation.

10. Closed Session - DEFERRED TO NOVEMBER 1

Pursuant to Annotated Code of Maryland, State Article, Section 10-508(a)(1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of Commission appointees, employees, or officials; or to discuss any other personnel matter that affects 1 or more specific employees

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.

9. [Public Hearing, Josiah Henson Special Park Draft Master Plan](#)

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. [Amendments to the Department of Parks' FY11-16 Capital Improvements Program \(CIP\) Continuation](#)

The Department of Parks' biennial FY11-16 CIP is due to the Council by November 1. The Department is recommending changes to its adopted FY11-16 CIP that it would like to include in its biennial submission to the Council. Staff will present information on major CIP projects that may be delayed in an effort to reduce Operating Budget Impacts (OBI). Staff is specifically recommending delaying the schedule and/or opening of the following CIP projects: Germantown Town Center Urban Park, Greenbriar Local Park, Woodlawn Barn Visitors' Center, and Woodstock Equestrian Center.

Staff Recommendation: Approval

BOARD ACTION

Motion: WELLS-HARLEY/DREYFUSS

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval.

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