



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 29, 2009, at 9:00 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 4:25 p.m.

Present were Chairman Royce Hanson and Commissioners Joe Alfandre, Amy Presley, and Marye Wells-Harley. Commissioner Jean Cryor was necessarily absent.

Items 1 through 5 are reported on the attached agenda.

The Board recessed at 12:00 p.m. for lunch and to take up Item 6 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 12:37 p.m. in the third floor conference room, on motion of Commissioner Alfandre, seconded by Commissioner Wells-Harley, with Chairman Hanson and Commissioners Alfandre, Presley, and Wells-Harley present and voting in favor of the motion, and with Commissioner Cryor absent. The meeting was closed under authority of §10-508(a)(7), State Government Article, Annotated Code of Maryland, to consult with counsel to obtain legal advice.

Also present for all or part of the Closed Session were General Counsel Adrian Gardner and Associate General Counsels Tracey Harvin, David Lieb, Carol Rubin, and Christina Sorrento of the Legal Department; Cathy Conlon, Rose Krasnow, Robert Stephen Smith, and Director Rollin Stanley of the Planning Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board received a briefing and discussed issues related to a record plat and a reconsideration request, which will be presented on the November 5 agenda.

The Closed Session was adjourned at approximately 1:25 p.m. and the Board reconvened in open session in the third floor conference room.

The Board reconvened in the auditorium at 1:37 p.m.

Items 7-11 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 4:25 p.m. The next regular meeting of the Planning Board will be held Thursday, November 5, 2009, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye
Technical Writer

Montgomery County Planning Board Meeting
Thursday, October 29, 2009, 9:00 A.M.
8787 Georgia Avenue
Silver Spring, MD 20910-3760

1. Adoption of Resolutions

1. Germantown Estates - Site Plan No. 820090090 - ADOPTION OF MCPB RESOLUTION No. 09-134

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: CRYOR ABSENT

Action: Adopted the Resolution as stated above.

2. Record Plats

A. Subdivision Plat No. 220090350, Hermitage Heights

R-90 zone; 1 parcel; located in the southeast quadrant of the intersection of Weller Road and Georgia Avenue (MD 97); Glenmont.

Staff Recommendation: Approval

B. Subdivision Plat No. 220091160, Bannockburn Estates

R-200 zone; 1 lot, 1 outlot; located on the west side of Helmsdale Road at the intersection with Selkirk Drive; Bethesda-Chevy Chase.

Staff Recommendation: Approval

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: CRYOR ABSENT

Action: Approved the Record Plats as stated above.

3. Consent Items

Correction of Resolution for Preliminary Plan No. 12007020A, MCPB No. 09-45, Woodmont East

BOARD ACTION

Motion: WELLS-HARLEY/ALFANDRE

Vote:

Yea: 4-0

Nay:

Other: CRYOR ABSENT

Action: Adopted the corrected Resolution as stated above.

4. Approval of Minutes

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **There were no minutes submitted for approval.**

5. FY11 Operating Budget Worksession - REVISED

A. Parks

B. Central Administrative Services

(No Public Testimony Taken)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **Discussed and provided guidance to staff in preparation of the FY11 operating budget.**

The Departments of Parks, Finance, and Human Resources presented, for discussion with the Board, various funding scenarios for the FY11 budget.

6. Closed Session

Pursuant to Maryland State Government Code Annotated Section (10-508)(a)(7) (consult with counsel to obtain legal advice)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

7. Urban Design Guidelines for the Germantown Employment Area Sector Plan

Review of draft document and approval of hearing date for public comment.

(No Public Testimony Taken)

BOARD ACTION

Motion: ALFANDRE/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: CRYOR ABSENT

Action: Approved the draft document for publication, as revised in discussion, and set the public hearing date as December 3, 2009.

Urban Design staff presented an overview of the urban design guidelines for the Germantown Employment Area Sector Plan, discussing the Sector Plan vision for the area and the specific recommendations that will guide implementation of that vision as the area redevelops.

8. Local Map Amendment No: G-879

Local Map Amendment No. G-879: Kensington Heights, 2, LLC, applicant, requests a local map amendment for rezoning from the R-60 Zone to RT-8 Zone; located at 2609 McComas Avenue, Kensington

Staff Recommendation: Approval

(Action required for hearing by the Hearing Examiner on 11/06/09)

BOARD ACTION

Motion: ALFANDRE/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: CRYOR ABSENT

Action: Approved the staff recommendation, as stated in the attached Letter of Transmittal.

Development Review staff presented the request to rezone 1.76 acres to the south of Wheaton Plaza shopping center from the R-60 Zone to the R-T 8 Zone to construct three single-family houses and 11 townhouses, as detailed in the staff report. Staff noted that the R-T 8 Zone can only be applied if the applicant can demonstrate that the site is designated for comparable density in the master plan, there is a need for a transition at the proposed location, or the proposal is appropriate for the location and density sought. Staff finds that the proposal satisfies all three of the alternative eligibility criteria for the zone and recommends approval.

Mr. Marty Hutt, attorney representing the applicant, concurred in the staff recommendation.

Ms. Donna Savage, representing the Kensington Heights Citizens Association; Mr. James Schmidt, owner of abutting property to the west; Ms. Alene Whitten, owner of the confronting property; Ms. Margaret Podolak of McComas Avenue; and Ms. Jane Folsom of Calgary Avenue offered comments on the proposed rezoning and redevelopment.

In response to testimony, Mr. Curt Shreffler, the applicant's engineer, provided information about stormwater management.

In discussion, Environmental Planning staff responded to questions from the Board about issues related to determinations by Planning and County staff as to the suitability and safety of a property for development, noting that staff will investigate the subject property in those terms, in view of the previous use of the property as a storage area for excavation materials related to the development of the shopping center.

9. Purple Line Functional Plan

Approval of Public Hearing Draft Plan

Staff Recommendation: Approve Draft Plan and Set Public Hearing Date

(No Public Testimony Taken)

BOARD ACTION

Motion: WELLS-HARLEY/ALFANDRE

Vote:

Yea: 4-0

Nay:

Other: CRYOR ABSENT

Action: Approved the draft plan for publication and set the public hearing date as December 10, 2009.

Transportation Planning staff presented an overview of the Purple Line Functional Master Plan, noting that the Planning Board, the County Council, and the Governor all selected the medium investment light rail alternative with modifications as the locally preferred alternative.

10. Public Hearing: FY10 and FY11 User Fee Schedules - Enterprise Division and Park Permit Office

Staff Recommendation: Approval of Proposed Fee Schedules for the Enterprise Fund Facilities and Park Fund Facilities Permitted by the Park Permit Office.

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: CRYOR ABSENT

Action: Approved the staff recommendation to amend the user fee schedules.

Parks Department staff presented the proposed user fee amendments for the Enterprise Division and Park facilities for FY10, as detailed in the respective staff reports. Park facility fees are proposed for permitting the artificial turf fields. Contrary to the staff report, staff requested that the Board defer action on proposed new hourly fees for camps, classes, and clinics conducted on local athletic fields until the Community Use of Public Facilities group completes its review of such fees. Changes to fees for Enterprise facilities include increasing the fee for outdoor tennis classes, restructuring the event centers' pricing policy, and new fees for photography sessions and folding chair rentals.

11. Round Table Discussion

National Pollution Discharge Elimination System Permit for Montgomery Parks – Staff will explain regulatory requirements for the permit and provide an overview of the completed permit application.

(No Public Testimony Taken)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing and discussed.

Parks Department staff briefed the Board on the Department's application for coverage of park properties under the Phase II General Permit for Discharges from State and Federal Small Municipal Separate Storm Sewers, part of the National Pollutant Discharge Elimination System, which is locally administered through the Maryland Department of the Environment. Staff discussed the permit requirements, benefits, and estimated implementation costs.

Discussion touched on whether the implementation costs are included in the budget figures currently under discussion and the extent to which volunteers can be helpful in fulfilling various requirements of the program.