



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, December 3, 2009, at 9:30 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 5:55 p.m.

Present were Chairman Royce Hanson and Commissioners Joe Alfandre and Amy Presley. Vice Chair Marye Wells-Harley joined the meeting at 9:42 a.m.

Item 1 is reported on the attached agenda.

The Board recessed at approximately 9:35 a.m. and, at 9:48 a.m. participated with the Prince George's Planning Board in a conference call meeting of The Maryland-National Capital Park and Planning Commission (M-NCPPC). That item will be reported in the M-NCPPC minutes.

The Board reconvened in the auditorium at 9:57 a.m.

Items 2 through 6 are reported on the attached agenda.

The Board recessed at 12:50 p.m. for lunch and reconvened in the auditorium at 2:05 p.m.

Items 7 through 11 are reported on the attached agenda.

Item 9 was taken up before Item 7.

There being no further business, the meeting was adjourned at 5:55 p.m. The next regular meeting of the Planning Board will be held Thursday, December 10, 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, December 3, 2009, 9:30 A.M.
8787 Georgia Avenue
Silver Spring, MD 20910-3760

1. Consent Agenda

***A. Adoption of Resolutions**

1. Yazdi Property, Preliminary Plan No. 120080310 - ADOPTION OF MCPB RESOLUTION No. 09-142

2. Mainhart Property, Preliminary Plan No. 120070730 - ADOPTION OF MCPB RESOLUTION No. 09-139

3. Briggs Chaney Industrial Park, Site Plan No. 81985039A - ADOPTION OF MCPB RESOLUTION No. 09-127

4. Strawberry Knoll, Site Plan No. 820090160 - ADOPTION OF MCPB RESOLUTION No. 09-141 - **ADDITION**

5. Baum Property, Site Plan No. 82005012C - ADOPTION OF MCPB RESOLUTION No. 09-138. **POSTPONED**

BOARD ACTION

Motion: PRESLEY/ALFANDRE

Vote:

Yea: 3-0

Nay:

Other: WELLS-HARLEY ABSENT

Action: Adopted the Resolutions as stated above.

***B. Records Plats**

Subdivision Plat No. 220090970, Homecrest, R-200 zone, 4 lots, 1 outlot; located on the north side of Bel Pre Road, approximately 800 feet west of Big Bear Court; Aspen Hill. *Staff Recommendation: Approval*

Subdivision Plat No. 220091070, Huntington Terrace, R-60 zone, 1 lot; located on the south side of Greentree Road, 150 feet west of Grant Street; Bethesda - Chevy Chase. *Staff Recommendation: Approval*

Subdivision Plat No. 220100080, Montgomery Auto Sales Park, C-3 zone, 2 lots; located in the southwest quadrant of the intersection of Briggs Chaney Road and Automobile Boulevard; Fairland. *Staff Recommendation: Approval*

Subdivision Plat No. 220100270, Chevy Chase, Section 4, R-60 zone, 1 lot; located on the east side of Meadow Lane, 200 feet north of Woodside Place; Bethesda - Chevy Chase. *Staff Recommendation: Approval*

BOARD ACTION

Motion: PRESLEY/ALFANDRE

Vote:

Yea: 3-0

Nay:

Other: WELLS-HARLEY ABSENT

Action: Approved the Record Plats as stated above.

***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 October 22, 2009 meeting

BOARD ACTION

Motion: ALFANDRE/PRESLEY

Vote:

Yea: 3-0

Nay:

Other: WELLS-HARLEY ABSENT

Action: Approved the minutes of October 22, 2009, as presented.

MEETING OF THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION - *MRO AUDITORIUM*

M-NCPPC Employee Retirement System Contribution for FY2011 - ADDITION
(By conference call)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Participated in a conference call with the Prince George's County Planning Board, meeting as The Maryland-National Capital Park and Planning Commission. This item is reported in the Commission minutes.

PLANNING BOARD MEETING CONTINUES - *MRO AUDITORIUM*

2. Limited Project Plan Amendment Review No. 92005005B, The Galaxy, and Limited Site Plan Amendment Review No. 82006013B, The Galaxy

A. Limited Project Plan Amendment Review No. 92005005B, The Galaxy, CBD-1 zone; 2.62 acres; Amendment to modify parking, phasing of construction and amenities; located at the intersection of 13th Street and Eastern Avenue; Silver Spring CBD
Staff Recommendation: Approval with Conditions.

B. Limited Site Plan Amendment Review No. 82006013B, The Galaxy, CBD-1 zone; 2.62 acres; Amendment to modify parking, phasing of construction and amenities; located at the intersection of 13th Street and Eastern Avenue; Silver Spring CBD
Staff Recommendation: Approval with Conditions.

BOARD ACTION

Motion: **A. ALFANDRE/WELLS-HARLEY**
 B. ALFANDRE/WELLS-HARLEY

Vote:
 Yea: **A. 4-0**
 B. 4-0

Nay:

Other:

Action: **A. Approved the staff recommendation to approve the project plan amendment, subject to conditions, as stated in the attached Board Resolution.**
 B. Approved the staff recommendation to approve the project plan amendment, subject to conditions, as stated in the attached Board Resolution.

Development Review staff presented the proposed project plan and site plan amendments to modify and reduce the parking by 66 spaces, resulting in 368 parking spaces, and change the phasing of construction of the two buildings and associated amenities, as detailed in the staff report.

Mr. Robert Harris, attorney, and Mr. Scott Copeland of the applicant company elaborated on the proposed modifications, noting that this is really the third and fourth phase of a larger assemblage of property and development in this area, which include the completed Gramax building and the Aurora condominium.

There followed some discussion of the phasing and the anticipated timing of completion of the project.

3. Preliminary Plan 120080260, Potomac Grove (Resubdivision)

R-200 zone; 1.37 acres; 2 lots requested for 2 one-family detached residential dwelling units, one existing to remain; located in the west quadrant of the intersection of Glen Mill Road and Mary Knoll Drive; Potomac
Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: **PRESLEY/WELLS-HARLEY**

Vote:

Yea: 4-0

Nay:

Other:

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

Development Review staff presented the proposal to resubdivide one lot to create two single-family residential lots, as detailed in the staff report.

Mr. Roberto Ibanez, representing the applicant, concurred in the staff report.

4. Preliminary Plan 120080390, Luhn Property

RC zone; 3 acres; 1 lot requested for 1 one-family detached residential dwelling; located on Bowman Acres Lane, 1,360 feet southwest of Damascus Road (MD 108); Damascus.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: ALFANDRE/PRESLEY

Vote:

Yea: 4-0

Nay:

Other:

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

Development Review staff presented the proposal to create one lot under the standards of the RE-2 Zone, as detailed in the staff report. This is permissible because the unrecorded parcel was created by deed in 1966, prior to the implementation of the RC Zone, and is exempt from the area and dimensional requirements of that zone. The proposal also proposes a lot with no frontage, to be served by an existing private lane in an easement through the adjacent property to the east.

Mr. Josh Maisel of Benning and Associates, representing the applicant, concurred in the staff recommendation.

5. Preliminary Plan 120090290, Saint Luke's Serbian Church (Resubdivision)

RE-2 zone; 2.75 acres; 1 lot requested for a place of worship; located on the west side of River Road, 500 feet south of Sandy Landing Road; Potomac.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 4-0

Nay:

Other:

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

Development Review staff presented the proposal to resubdivide a lot and an unplatted parcel to create one recorded lot for expansion of a religious institution, as detailed in the staff report. The existing one-family residence will be retained, and a 3,790-square foot, two-story addition is proposed, along with associated parking for a maximum of 48 spaces. Staff noted that in granting the necessary sewer category change, the County Council recommended that the Board impose a maximum of 180 sanctuary seats and prohibit access to Fox Meadow Drive. These recommendations are reflected in the staff recommendation.

Mr. Jody Kline, attorney representing the applicant, concurred in the staff recommendation. Mr. Paul Rasevic and Fr. Alex Micich provided additional information about the proposed use and responded to questions from the Board.

6. Proposed Bill: Forest Conservation Law

Bill to amend the forest conservation law to make the County law compliant with Senate Bill 666 and to clarify the applicability and submission requirements

Staff Recommendation: Transmit to County Council for Introduction

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Provided guidance to staff for revisions prior to transmittal to the County Council for introduction.

Environmental Planning staff presented an overview of the proposed amendments to the Forest Conservation Law, as detailed in the staff report.

There was considerable discussion of various aspects of the proposed changes to the law and implementation thereof. Mr. Dusty Rood of Rodgers Consulting, representing the Maryland National Capital Building Industry Association (MNCBIA); Mr. Jeff Schwartz of Greenskeeper Environmental; Mr. Craig Shuman, representing Montgomery County Public Schools Montgomery County Public Schools (MCPS); and Ms. Raquel Montenegro of Silver Spring, participated in the discussion.

9. White Flint Sector Plan - ITEM PLACEMENT CHANGE

Discussion of appropriate zoning for the Forum Property

Staff Recommendation: Transmit the Planning Board's recommendation to the PHED Committee

BOARD ACTION

Motion: ALFANDRE/PRESLEY

Vote:

Yea: 4-0

Nay:

Other:

Action: Approved staff recommendation to transmit the Planning Board's recommendations to the County Council Committee on Planning, Housing, and Economic Development (PHED), as stated in the attached transmittal letter.

In accordance with the November 10 detailed technical staff report, Community-Based Planning Division staff offered a multi-media presentation of the proposed development plan for the Forum Property and discussed the appropriate zoning for this development. Staff noted that the Board recommendations on the proposed zoning will be forwarded to the County Council Committee on Planning, Housing, and Economic Development.

At the Board's request, Ms. Anne Martin and Mr. Todd Lewers, representing the owners of the Forum Property, offered comments.

There followed a brief Board discussion, with questions to staff and the speakers.

7. Wheaton CBD & Vicinity Sector Plan Amendment

- Preliminary Recommendations

Staff Recommendation: Discussion and Provide Guidance to Staff

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received testimony, provided guidance to staff, and unanimously approved staff recommendation to prepare a draft Sector Plan Amendment Report for Board discussion in January 2010.

In keeping with the November 6 detailed technical staff report, Community-Based Planning Division staff offered a multi-media presentation of staff's recommendations for the Wheaton Central Business District and Vicinity. Staff noted that a number of people have signed up to testify and staff is looking for guidance from the Board regarding the following recommendations: 1) The removal of the Retail Preservation Overlay Zone, which the community feels has had no discernable effects on improving the overall economic health, vitality, and mix of small businesses within the Wheaton CBD, and amending the Central Business District zone to require street level retail; 2) The rezoning of the Westfield Wheaton Mall site; 3) The University Boulevard Bus Rapid Transit Alignment; 4) The provision for a new library in the CBD; and 5) The need for a new elementary school in Wheaton. Staff also requested the Board's approval to prepare the Draft Wheaton Sector Plan.

Transportation Planning Division staff discussed the proposed transportation and traffic improvements planned for the Wheaton CBD.

The following speakers offered testimony: Mr. Christopher Lindsay of Veirs Mill Road; Ms. Virginia Sheard of Geiger Avenue; Mr. Steven Goldin representing Washington Metropolitan Transit Authority (WMATA); Ms. Judy Higgins of Midvale Road and representing the Kensington View Civic Association; Mr. Gary Johnson of Hermitage Avenue; Mr. Gregory Baker of Tech Road and representing the Wheaton Redevelopment Advisory Committee; Mr. Jody Kline of Monroe Street; Ms. Michele Rosenfeld of Ambleside Drive; Mr. Gary Stith of Monroe Street and representing the Montgomery County Department of General Services (DGS); Mr. Devin Dooligan of Connecticut Avenue and representing Westfield Mall; and Mr. Jim Agilita of Connecticut Avenue and also representing Westfield Mall.

There followed extensive Board discussion and questions to staff and the speakers.

8. FY11 Operating Budget Worksession

- A. CAS
- B. Commissioners' Office
- C. Planning
- D. Parks

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other:

Action: Following a brief staff presentation and questions from Board members, approved staff recommendation to transmit the Planning Board's recommendations on the Montgomery County Parks and Planning Commission FY11 Operating Budget to the County Council Committee on Planning, Housing, and Economic Development (PHED).

10. Design Guidelines for the Germantown Employment Area

Receive public testimony and review Draft Design Guidelines to implement the recommendations in the Sector Plan for the Germantown Employment Area

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received testimony and provided guidance to staff.

In keeping with the November 24 detailed technical staff report, Urban Design and Preservation Division staff offered a multi-media presentation on the proposed design guidelines for the Germantown Employment area. Staff noted that this is a public hearing, which will be followed by the review of the Draft Design Guidelines in order to implement the recommendations in the Sector Plan for the Germantown Employment Area.

The following speakers offered testimony: Mr. Clark Wagner of Walker Drive and representing Bozutto Homes Development; Mr. Bob Elliott of Old Georgetown Road and representing Clark Enterprises; Mr. Paul Chod of Seneca Meadows Parkway; Mr. Jim Humphrey of Elm Street and representing the Montgomery County Civic Federation; and Ms. Nicole Totah of Bethesda Avenue and representing Symmetry.

There followed extensive Board discussion with questions to staff and the speakers.

Chairman Hanson noted that the record will be open until the January 31, 2010 scheduled Worksession.

11. Roundtable - ADDITION

Briefing on Health Impact Assessment

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing on Health Impact Assessment.

Planning Department Director and Research & Technology Division staff briefed the Board on Health Impact Assessment (HIA). Staff noted that the County Council has been discussing HIA in the context of transportation, and Planning Department staff has been contacted to participate in an HIA Working Group. Staff noted that in order to integrate the fields of land use planning and public health, the use of HIA has grown in popularity. An HIA is defined as “a combination of procedures or methods by which a policy, program or project may be judged as to its potential effects on the health of a population and the distribution of those effects within the population” (*World Health Organization, 1999 Publication*). Staff further added that HIA is a promising approach in identifying the impacts of proposed policy and infrastructure changes, utilizing quantitative and non-quantitative analyses, in a way that allows health outcomes to be appropriately factored into planning and policy decisions.

There followed a brief Board discussion. Board members noted that staff should promote active living in all communities, which helps curtail obesity and diseases, by stressing the inclusion of sidewalks, trails, public gardens, and parks as much as possible in future developments. Board members also added that it would be worth including a page on HIA in future Master Plans.