



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 9, 2010, at 9:17 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 8:25 p.m.

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

Items 1 through 3 are reported on the attached agenda.

Commissioner Presley left the meeting at 12:01 p.m., during discussion of Item 3, and returned during the afternoon session.

The Board recessed at 12:57 p.m. for lunch and to take up Items 4 and 10 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 1:13 p.m. in the third floor conference room, on motion of Commissioner Alfandre, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioner Alfandre present and voting in favor of the motion, and Commissioners Dreyfuss and Presley absent from the Closed Session. The meeting was closed under authority of §10-508(a)(3), State Government Article, Annotated Code of Maryland, to consider the acquisition of real property for a Commission purpose and matters directly related thereto; and §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, and Carol Rubin of the Legal Department; Director Rollin Stanley of the Planning Department; Director Mary Bradford, Bill Gries, April O'Neal, Mitra Pedoem, and Dominic Quattrocchi of the Parks Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board discussed negotiations for proposed acquisition of parkland and consulted with Legal Counsel on the pending Zoning Referendum Bill.

The Closed Session was adjourned at 1:52 p.m.

The Board reconvened in the auditorium at 2:05 p.m.

Items 5 through 9 and Item 11 are reported on the attached agenda.

Commissioner Presley rejoined the meeting at 4:05 p.m.

The Board recessed for dinner at 5:00 p.m. and reconvened at the Long Branch Library at 8800 Garland Avenue, 2nd floor conference room, in Silver Spring, Maryland, to receive briefing and testimony on the preliminary recommendations for the Long Branch Sector Plan, Item 8 on the Planning Board agenda.

There being no further business, the meeting was adjourned at 8:25 p.m. The next regular meeting of the Planning Board will be held on Monday, December 13, 2010, at 6:00 p.m. 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 9, 2010, 9:00 P.M.
8787 Georgia Avenue
Silver Spring, MD 20910-3760

1. Consent Agenda

***A. Adoption of Resolutions**

1. Herbert Hoover Middle School Modernization Forest Conservation Plan MR2010722 - ADOPTION OF MCPB RESOLUTION No. 10-125
2. Falkland North Project Plan 920070080 – ADOPTION OF MCPB RESOLUTION No. 10-162
3. Falkland North Preliminary Plan 120070560 – ADOPTION OF MCPB RESOLUTION No. 10-163
4. Brookville Road Sidewalk Improvements FCP No. MR2010801 – ADOPTION OF MCPB RESOLUTION No. 10-99
5. Montgomery General Hospital Preliminary Plan 120100220 – ADOPTION OF MCPB RESOLUTION No. 10-135
6. Horizon Hill Lot 12 Variance Request Plan No. SC2010013 – ADOPTION OF MCPB RESOLUTION No. 10-170

BOARD ACTION

Motion: PRESLEY/ALFANDRE

Vote:

Yea: 3-0

Nay:

Other: CARRIER, DREYFUSS ABSENT

Action: Adopted the Resolutions as stated 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 November 1 and 4, 2010

BOARD ACTION

Motion: **ALFANDRE/PRESLEY**

Vote:

Yea: **3-0**

Nay:

Other: **CARRIER, DREYFUSS ABSENT**

Action: **Approved the minutes of November 1 and 4, 2010, as presented.**

2. Worksession #4 – Wheaton CBD and Vicinity Sector Plan

Land use, zoning and circulation recommendations for districts and specific properties

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Discussed issues set forth in the staff report and provided guidance to staff.

Prior to discussion, Chair Carrier noted that the approach to the CR Zone is changing, based on proposed amendments by the Board last week and subsequent discussions, and she determined that the discussion of the CR Zone in this sector plan will be postponed until that has been resolved.

Community-Based Planning staff then presented the other issues to be resolved, as detailed in the staff report, including issues related to transportation, future redevelopment of Westfield Wheaton Plaza, and height along Veirs Mill Road.

Mr. Devin Doolan, attorney; Mr. Tom Walsh of Westfield, LLC; and Mr. Matthew Bell, the Westfield Wheaton Plaza architect, offered a multi-media presentation and discussed their vision for redevelopment of the Plaza.

Mr. Rob Klein, representing County Department of General Services (DGS), and Mr. Bob Simpson, representing County Department of Transportation (DOT), offered comments and participated in the discussion.

3. White Flint Staging Allocation Policy Report

Staff Recommendation: (1) Approve White Flint Staging Allocation Policy, (2) Confirm Projects Not Counted Against Staging Limits; and (3) Clarify Two Typographic Errors in Council's Resolution

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Approved in concept the proposed White Flint Staging Allocation Policy, subject to staff discussions with County Department of Permitting Services (DPS) and subsequent discussion with the Board and, further, approved the staff recommendation to confirm projects not counted against staging limits and to clarify typographic errors, as set forth in the staff report.

Community-Based Planning staff presented a proposed approach to allocating staging capacity in White Flint at building permit, based on the Board's direction at the discussion on November 4, 2010, as detailed in the staff report.

Messrs. Evan Goldman and Steve Robins, representing the White Flint Partnership, and Mr. Steve Kaufman, attorney, offered comments and participated in the discussion.

4. Closed Session

Pursuant to State Government Article Annotated Code of Maryland 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 official citation and open session report in narrative minutes.

10. Closed Session

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(7) to 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.

11. Roundtable Discussion

Legislative Update

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received update from Legal Counsel to the Board regarding pending legislation.

5. Preliminary Plan and Preliminary Water Quality Plan 120100160, Anselmo Property RE-1 zone, optional method development utilizing Moderately Priced Dwelling Units (MPDUs); 42.17 acres; 38 lots requested for 31 one-family detached and 5 townhouse dwelling units including 12.5% MPDUs; located on Briggs Chaney Road, 2,000 feet east of New Hampshire Avenue (MD 650); Cloverly Master Plan and Paint Branch SPA

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: ALFANDRE/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

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

In keeping with the November 29 technical staff report, Development Review staff offered a multi-media presentation of the request to create 38 lots for 31 one-family detached and five townhouse dwelling units, including 12.5 percent Moderately Priced Dwelling Units (MPDUs), on a 42.17-acre property located on Briggs Chaney Road, east of New Hampshire Avenue (MD650) in the Paint Branch Special Protection Area in Cloverly. Staff discussed pedestrian friendly connections to the park and the existing shopping center, and noted that the applicant is required to provide a sidewalk which should be at least five feet wide rather than four as proposed by the applicant. Staff also discussed the imperviousness cap, and noted that the environmental guidelines require that off-site improvements, including a bike path in the public right-of-way, be included in the imperviousness calculations for the site.

Mr. Steve Orens, attorney representing the applicant, introduced Mr. Mike Lenhart, the applicant, Ms. Rebecca Walker, and Messrs. Ralph DeSena, and Don Rohrbaugh, members of the applicant’s team, discussed the proposed request, and concurred with the staff recommendation.

Mr. Mike Lenhart, the applicant, offered comments.

The following speakers offered testimony: Mr. Girard Weidner of Snyder Lane; Mr. Quentin Remein of Bryant Nursery Road and representing the Cloverly Civic Association; and Ms. Mary Hemingway of Snyder Lane.

Environmental Planning and Community-Based Planning staff offered clarification regarding existing impervious surfaces on the site and compliance with the forest conservation and environmental guidelines.

At the Board’s request, Legal Counsel to the Board offered clarification regarding the requirement for a bike path and the percentage of impervious surface requirements.

6. Preliminary Plan 120080330, 6214 Verne Street (Resubdivision) - deferred from 10/01/09)

R-60 zone; 0.67 acres; 2 lots requested for 2 one-family detached residential dwelling units, one existing to be removed; located on Verne Street, 600 feet west of River Road (MD 190); Bethesda-Chevy Chase.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: PRESLEY/ALFANDRE

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

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

Development Review staff offered a multi-media presentation of the request to create two lots for two one-family detached residential dwelling units on a 0.67-acre property located on Verne Street, west of River Road (MD 190), in the Bethesda/Chevy Chase area. Staff noted that the application is exempt from the submission of a forest conservation plan, but the applicant has submitted a tree-save plan.

Mr. Mitchell Herman, representing the applicant, concurred with the staff recommendation.

7. Supplemental Site Plan Amendment Review No. 82004027C, Leesborough (Limited) - REVISED

RT-15 zone; 13.86 acres; Supplemental Limited Amendment to remove the Rafferty Center and replace it with an open field for recreation and 4 additional townhouses (including one MPDU); adjustments to the landscaping, walkways, parking layout, and recreation calculations; located on Georgia Avenue approximately 200 feet south of Arcola Avenue; Kensington/Wheaton

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

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

In keeping with the November 24 technical staff report, Development Review staff presented highlights of the request to amend the approved site plan for the Leesborough project located on a 13.86-acre property on Georgia Avenue approximately 200 feet south of Arcola Avenue in Kensington/Wheaton, by demolishing the existing Rafferty Center and replacing it with an open field for recreation and four additional townhouses, including one Moderately Priced Dwelling Unit (MPDU), to make adjustments to the landscaping, walkways, and parking layout. Staff noted that the property is the site of the former Good Counsel High School, and given that the Montgomery County government decided not to take control of the Rafferty Center as previously planned, the applicant is proposing the above-mentioned changes and will provide additional play equipment for the open play areas.

Mr. Bob Harris, attorney for the applicant, briefly discussed the proposed request, and concurred with the staff recommendation.

9. CR Zones Incentive Density Implementation Guidelines

Guidelines required pursuant to Section 59-C-15.81 of the Ordinance to be adopted by the Planning Board. The guidelines will establish parameters for the review of public benefits and the award of incentive density required by optional method development on CR-Zoned properties

Staff Recommendation: Approve Guidelines for Publication

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation to approve publication of the Commercial/Residential Zones Incentive Density Implementation Guidelines.

Development Review staff offered a multi-media presentation and discussed the revised Commercial/Residential (CR) Incentive Density Implementation Guidelines, and answered questions from the Board.

8. Long Branch Sector Plan- Preliminary Recommendations

Staff Recommendation: Discussion and Provide Guidance to Staff

NOTE: Meeting held at Long Branch Library, 8800 Garland Avenue, 2nd Floor, Silver Spring, Maryland

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received testimony, discussed, and provided guidance to staff.

The following speakers offered testimony: Mr. Paul Grenier representing Montgomery County Housing Partnership; Ms. Zorayda Moreira-Smith, Ms. Alba Moreno, Ms. Ada Villatoro, Mr. Amado Zepeda, and Mr. Edson Orellana representing CASA of Maryland; Ms. Marilyn Piety representing Sligo/Granview Community Association; Mr. Tony Hausner representing Safe Silver Spring; Mr. Casey Anderson representing Washington Area Bicyclist Association; Ms. Rose Crenca of Flower Avenue; Mr. David Chadwick of Rainbow Drive; Mr. Jim Johnson of Flower Avenue; Ms. Brett Rouillier representing Sligo-Brainview Community Association; Ms. Stacy Silber, and Ms. Patricia Harris of Bethesda Metro Center representing Holland & Knight LLP; Ms. Mary Reardon representing Montgomery Preservation, Inc.; Mr. George French of Albany Avenue; Ms. Marcie Stickle representing Silver Spring Historical Society; Mr. Chow Nguyenminh representing the Vietnamese American Seniors Association; Mr. Jose Rodriguez representing Lubian-Fleitas-Hewitt Property Management; and Mr. Reuben Snipper, councilmember for the City of Takoma Park.