



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, February 17, 2011, at 9:09 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 8:20 p.m.

Present were Chair Françoise M. Carrier, Vice Chair Marye Wells-Harley, and Commissioners Norman Dreyfuss and Amy Presley. Commissioner Joe Alfandre was necessarily absent.

Items 1, 7, 4, 2, 3, and 5, taken up in that order, are reported on the attached agenda.

The Board recessed at 1:44 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 2:00 p.m. in the third floor conference room, on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Presley present and voting in favor of the motion, and with Commissioner Alfandre absent. 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.

Also present for all or part of the Closed Session were Associate General Counsel Derrick Rogers of the Legal Department; Director Mary Bradford, Bill Gries, April O'Neal, Dominic Quattrocchi, and Brenda Sandberg of the Parks Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board discussed the proposed acquisition of property for Sligo Creek Stream Valley Park.

The Closed Session was adjourned at 2:23 p.m.

The Board reconvened in the auditorium at 2:40 p.m.

Item 6 and Items 8 through 10 are reported on the attached agenda.

MCPB, 2-17-11, APPROVED

There being no further business, the meeting was adjourned at 8:20 p.m. The next regular meeting of the Planning Board will be held Thursday, February 24, 2011, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye
Technical Writer

M. Clara Moise
Technical Writer

**Montgomery County Planning Board Meeting
Thursday, February 17, 2011
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**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Record Plats submitted for approval.

***C. Other Consent Items**

1. Site Plan Amendment Review No. 82000034A, Avalon Bay at Rock Spring Centre, MXPB zone; 10.46 acres; Amendment to reduce the approved number of dwelling units by 4 to reflect as-built conditions and modify the cul-de-sac; located at the northeast quadrant of the intersection of Rockledge Drive and Rock Spring Drive; North Bethesda-Garrett Park

Staff Recommendation: Approval of the Consent Agenda Item and Draft Resolution

2. Revision to the Park Commission's Amended FY11-16 CIP Submission - Request for a revision to the Park Commission's Amended FY11-16 CIP submission to add \$275,000 in appropriations for the Warner Circle Special Park project (Funding Source: State Bonds)

Staff Recommendation: Approval

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: ALFANDRE ABSENT

Action: Approved Other Consent Items as stated above.

***D. Approval of Minutes**

Minutes of January 6, 2011

BOARD ACTION

Motion: WELLS-HARLEY/DREYFUSS

Vote:

Yea: 4-0

Nay:

Other: ALFANDRE ABSENT

Action: Approved the minutes of January 6, 2011, as presented.

7. Subdivision Regulation Amendment–11-01

To amend the Subdivision Regulations to extend the validity period for a determination of adequate public facilities for certain developments; and extend the validity period for certain preliminary subdivision plans

Staff Recommendation: Transmit Comments to the County Council
(Action Required for County Council Public Hearing of 3/1/11)

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: ALFANDRE ABSENT

Action: Approved the staff recommendation to transmit comments to the County Council, as stated in the attached Letter of Transmittal.

Planning Department staff presented the proposed amendment to the Subdivision Regulations to extend adequate public facilities validity periods and preliminary plan validity periods for two years, as detailed in the staff report. Staff noted that this amendment extends 2009 legislation that is due to sunset April 1, 2011.

2. Rock Spring Center

A. Preliminary Plan 11998092B, Rock Spring Centre, MXPB zone; 50.54 acres; request to modify the approved uses to add 10,000 square feet of office and remove 10,000 square feet of retail and to create 21 platted parcels; located in the northeast quadrant of the intersection of Rockledge Drive and Rock Spring Drive; North Bethesda-Garrett Park Master Plan.

Staff Recommendation: Approval with Conditions

B. Site Plan Review No. 820090030, Rock Spring Centre, MXPB zone; 30.17 acres; 161 multi-family dwelling units (including 44 MPDUs), 549,900 gross square feet of general office, 210,000 gross square feet retail, 200-room hotel, and 90,000 gross square feet of below grade entertainment facilities; located at the northeast quadrant of the intersection of Rockledge Drive and Rock Spring Drive; North Bethesda-Garrett Park Master Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

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

Vote:

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

Nay:

Other: **ALFANDRE ABSENT**

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

B. Approved the staff recommendation to approve the site plan, subject to revised conditions, as stated in the attached Board Resolution.

Planning Department staff presented the concurrent review of an amendment to the preliminary plan for the 50.54-acre Rock Spring Center site and the site plan for development of the remaining 30.17 acres with a mixed-use center with residential, office, hotel, retail, and entertainment uses, as detailed in the staff report. The plan proposes to increase the office space by 10,000 square feet and decrease the retail space by 10,000 square feet. Staff provided an overview of the proposed buildings and amenities, noting that the plan includes dedication of 0.57 acre for a community center, as required in the binding elements of the approved Development Plan. Staff added that the County has decided that a community recreation center will not be built on this site, but the property will be dedicated for some future recreation purpose. Staff also noted several corrections to the staff report.

Mr. Steve Robins, attorney representing the applicant, and Mr. Jim Batchelor, the architect, concurred in the staff recommendation and responded to questions from the Board.

Mr. Jeffrey Bourne, representing County Department of Recreation, explained that the size of the site required for dedication is not sufficient for the type of recreation facility contemplated, and the County is now pursuing other solutions to address recreation needs in the area.

2. Rock Spring Center

There followed considerable discussion about various elements of the plan, including landscaping, screening, and roof treatments, particularly in terms of the visual impact of the parking structures; pedestrian safety, particularly in terms of the adjacent Walter Johnson High School; and compliance with the binding elements of the Development Plan, particularly in terms of the recreation center. In discussion, the Board revised the site plan conditions related to Development Plan compliance and roof treatments.

Ms. Jennifer Cope, representing the Walter Johnson Cluster of PTAs, and Ms. Lynda Grahill of Bethesda offered comments.

3. Preliminary Plan 120100270, 7206 Meadow Lane (Resubdivision) - POSTPONED

R-60 zone; 1.33 acres; 3 lots requested for 3 one-family detached residential dwellings; located in the northwest quadrant of the intersection of Meadow Lane and Oak Lane in the Town of Chevy Chase; Bethesda-Chevy Chase Master Plan.

Staff Recommendation: Approval with Conditions Requires Super Majority to Approve

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **This item was postponed.**

4. Site Plan Amendment Review No. 82001009C, Milestone Business Park

I-3 zone; 44.7 acres; Amendment to modify building and parking location for building 5, landscape and lighting changes, reduction of parking for the CCT and eliminate a portion of the retail; located on Milestone Center Drive, approximately 750 feet south of Observation Drive; Germantown . The Applicant is also requesting a parking waiver for the parking dimensions pursuant to Section 59E 4.5 of the Zoning Ordinance for only parking spaces that abut green space.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: **DREYFUSS/PRESLEY**

Vote:

Yea: **4-0**

Nay:

Other: **ALFANDRE ABSENT**

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

Planning Department staff presented the proposed amendment to an approved site plan to reallocate density and uses from building 5 on parcel J to building 3 on parcel L; to create an additional phase of development for building 3; to modify and construct building 5 and associated parking; and revise the stormwater management concept and lighting and landscape plans, as detailed in the staff report. Staff noted that the requested parking waiver would allow reduction of the size of parking spaces abutting the green space, rather than a reduction in the number of spaces. Staff distributed several revisions to the staff report, including conditions.

There followed some discussion of the proposed new phasing, including the shift of the retail and restaurant uses to building 3, and the construction in the last phase of development of building 3

and the park and ride lot associated with the Corridor Cities Transitway. The Board noted the need to tie construction of the park and ride lot to the development of the transitway, to ensure adequate parking in the event the transitway becomes operational before the final phase of this development is constructed. The Board agreed to add a condition of approval to that effect.

Mr. Patrick O'Neil, attorney, and Mr. Campbell Smith, representing the applicant, discussed the reasons for the proposed changes, citing the needs of an anticipated tenant for building 5.

5. City of Rockville Water Treatment Facility

***A. Preliminary Forest Conservation Plan: City of Rockville Water Treatment Facility, 10930 Sandy Landing Road, RE-2, Potomac Subregion Master Plan (2002)**
Staff Recommendations: Approval with Conditions

B. Mandatory Referral No. 2011302; City of Rockville Water Treatment Facility, 10930 Sandy Landing Road, RE-2, Potomac Subregion Master Plan (2002)
Staff Recommendations: Approval and Transmit Comments to DPW&T

BOARD ACTION

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

Vote:

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

Nay:

Other: **ALFANDRE ABSENT**

Action: **A. Approved the staff recommendation to approve the forest conservation plan, subject to conditions as revised in discussion, and amended to create two Category I Conservation Easements on the property, with a notation on the easement over the future expansion area that the easement could be terminated to accommodate future development, subject to mitigation as outlined by staff, as stated in the attached Board Resolution.**

B. Approved the staff recommendation to approve the mandatory referral and transmit the revised comments to the County Council, as stated in the attached Letter of Transmittal.

Planning Department staff presented the forest conservation plan and the mandatory referral review of the City of Rockville Water Treatment Facility 25-year master plan, as detailed in the respective staff reports, and distributed revisions to the mandatory referral comments and to condition 2 of the forest conservation plan conditions. The facility master plan envisions build-out in two phases. Staff reviewed the history of development on the site, particularly several recent approved plans that were expedited to address emergency situations. Staff noted that the property lies largely within the stream valley buffer and is covered in high quality forest. The plan proposes removal of .906 acres of

forest in an area that was designated as a forest conservation easement, and staff outlined the required mitigation for that forest clearing.

Ms. Debra Daniel and Mr. Craig Simoneau, representing the City of Rockville, discussed the emergency situations that occurred and the desire to address future expansion through the submitted facility master plan. Ms. Daniel also requested that the Board waive the proposed mitigation, for which funds have not been budgeted by the City.

5. City of Rockville Water Treatment Facility

There followed considerable discussion of the public good provided by the facility, the current and future needs for expansion, the environmental sensitivity of the site, the approved conservation easement, and the proposed mitigation.

Legal Counsel to the Board suggested an approach to the issue that would create two separate Category I easements on the property, with one of the easements over the area for current expansion and one over the future expansion area. The second easement could carry a notation about the possible need to release that easement for future development, subject to the required mitigation for additional clearing within the easement area. In that way, the mitigation expense could be budgeted as part of the cost of the expansion.

There followed some discussion of how that could be implemented.

11. 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
(NOTE: Sligo Creek Stream Valley, Unit 4)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

12. Discussion with Staff - Administrative Format of Staff Reports (Third Floor Conference Room)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **This item was postponed.**

6. CR Zones Zoning Text Amendment Worksession

Public comment and continued discussion of modifications to the CR zones to add CR “Neighborhood” and CR “Town” zoning categories.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **Received testimony.**

The following speakers offered testimony: Mr. Robert Cope of Park Place and representing the Citizens Coordinating Committee of Friendship Heights; Ms. Meredith Wellington of West Lenox Street; Ms. Pamela Lindstrom of Gaither Street; Ms. Lorraine Pearsall of Georgia Avenue and representing the Montgomery Preservation, Inc.; Ms. Judy Higgins of Midvale Road and representing the Kensington View Civic Association; Ms. Julie Davis of Wisconsin Avenue; Ms. Lydia Sullivan of Detrick Avenue; Mr. Mackie Barch of Montgomery Avenue and representing the Town of Kensington; Mr. William Kominers, attorney representing the law firm of Holland and Knight in Bethesda; Mr. Larry Gordon of the law firm of Shulman Rogers and representing the Lindsay Properties owner; Mr. Barrie Howard of Wildwood Drive and representing New Hampshire Gardens Citizens Association; Ms. Julie O’Malley of Frederick Avenue; Ms. Natalie Goldberg of Jolly Way; Ms. Pat Mulready of

Capitol View Avenue; Ms. Barbara Sears, attorney representing Federal Realty Investment Trust; and Mr. Steven Robins, attorney from Lerch & Brewer.

8. Forest Conservation Annual Report

Staff Recommendation: Transmit Forest Conservation Data to the Maryland Department of Natural Resources

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: By consensus, approved staff recommendation to transmit Forest Conservation Annual Report data to the Maryland Department of Natural Resources.

Planning Department staff offered a multi-media presentation of the 2010 Forest Conservation Annual Report. Staff discussed forest conservation data collected over the 1994-2010 period, including existing forest conservation easements in Montgomery County, a recently created forest conservation website, active forest conservation plans and retired plans, and the extensive and successful park planting program in Reddy Branch Park, Rock Creek Park, and Rachel Carson Conservation Park, to name a few.

Ms. Caren Madsen, representing Conservation Montgomery, offered comments and congratulated staff on this outstanding work.

Following a brief discussion, Board members unanimously concurred to approve staff recommendation to transmit the report to the Maryland Department of Natural Resources.

10. Roundtable Discussion - NEW TIME/REVISED

1. Planning Director's Report
2. Operating Funds Six Month Financial Report Including Projections to June 30, 2011.
3. Enterprise Funds Six Month Financial Report Including Projections to June 30, 2011.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefings.

1. Planning Department Director Rollin Stanley offered highlights of the Clarksburg Master Plan presentation made by Planning Department staff to the County Council on February 15.

2. Commission Secretary-Treasurer Joseph Zimmerman, discussed the six-month financial report and projections to June 30, 2011, for the Operating Funds and answered questions from Board members.

3. Secretary-Treasurer, Mr. Joseph Zimmerman, discussed the six-month financial report and projections to June 30, 2011, for the Enterprise Funds and answered questions from Board members.

9. Final Forest Conservation Plan for Mandatory Referral No. MR2010720: Downcounty Consortium School #29 (McKenney Hills)

2600 Hayden Drive, Silver Spring, R-60 Zone, Kensington-Wheaton Master plan

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: ALFANDRE ABSENT

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

At the start of the meeting, Chair Carrier noted that the Memorandum of Understanding (MOU) between the Montgomery County School Board and the McKenney Hills Forest Conservation Group and Audubon Naturalist Society was not part of the preliminary Forest Conservation Plan, and staff has

reviewed the MOU to ascertain which recommendations in the MOU could be part of the final Forest Conservation Plan to be approved by the Planning Board today.

In keeping with the February 7 technical staff report, Planning Department staff offered a detailed presentation of the final Forest Conservation Plan for McKenney Hills School. Staff noted that a list of the recommendations from the MOU that can be incorporated into the Final Forest Conservation Plan are outlined in the staff report.

Mr. Craig Shuman, Ms. Joyce Jessell, and Mr. James Tokar, representing Montgomery County Public Schools (MCPS) offered comments.

At the Board's request, Mr. Michael Norton, arborist consultant for MCPS offered comments.

The following speakers offered testimony: Mr. David Kreischer of Gales Avenue and representing the Glenwood Recreation Club; Ms. Marion Edey of Menlo Avenue; Mr. Thomas Gleason of Menlo Avenue and representing the McKenney Hills Forest Conservation Group; Ms. Margaret Turner of Barker Street; Mr. Jean-Claude Zenklusen of Capital View and representing Montgomery County Consortium Parents Teachers Association (MCCPTA); Ms. Susan Heavey of Loma Street; Ms. Deborah Beck of Arthur Avenue; Ms. Deborah Beck of Arthur Avenue; Mr. Bruce Cohen of Capitol View Avenue; Ms. Ginny Barnes of Glen Road and co-chair of the Legacy Open Space Advisory Board; and Ms. Patricia Mulready of Capitol View Avenue.

There followed extensive Board discussion with questions to staff and MCPS representatives.