



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**APPROVED
MINUTES**

Following the swearing-in of new Commissioner Norman Dreyfuss, the Montgomery County Planning Board met in regular session on Thursday, February 25, 2010, at 9:00 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 5:10 p.m.

Present were Chairman Royce Hanson, Vice Chair Marye Wells-Harley, and Commissioners Joe Alfandre, Norman Dreyfuss, and Amy Presley.

Items 1, 9, 2, and 7 are reported on the attached agenda.

The Board recessed at 9:10 a.m. to participate with the members of the Prince George's County Planning Board in a Closed Session conference call of The Maryland-National Capital Park and Planning Commission (M-NCPPC). The official citation and open session report of the Closed Session meeting are included in the M-NCPPC minutes.

The Board reconvened in the Auditorium at 10:10 a.m.

Items 3 and 5 are reported on the attached agenda.

The Board recessed at 12:45 p.m. for lunch and to take up Items 10 and 8 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 12:20 p.m. in the third floor conference room, on motion of Commissioner Presley, seconded by Commissioner Wells-Harley, with Chairman Hanson, 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)(7), State Government Article, Annotated Code of Maryland, to consult with counsel to obtain legal advice; and §10-508(a)(9), State Government Article, Annotated Code of Maryland, to conduct collective bargaining negotiations or consider matters that relate to the negotiations.

Also present for all or part of the Closed Session were Executive Director Patti Barney, Luanne Bowles, and Jasmine Prepetit, of the Department of Human Resources and Management; Acting Secretary-Treasurer Al Warfield and Stephanie Knox of the Finance Department; General Counsel Adrian Gardner, Associate General Counsels Derrick Rogers and Carol Rubin, and Tanya Miles of the Legal Department; Alison Davis and Rose Krasnow of the Planning Department; Director Mary Bradford, Deputy Director Gene Giddens, Mary Ellen Venzke, and Karen Warnick of the Parks Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board received a briefing and provided guidance to staff on the proposed approach to meeting the FY11 Spending Affordability Guidelines recently adopted by the County Council, and received briefings and provided guidance to staff for opposing two pending bills in the State legislature.

The Closed Session was adjourned at 2:15 p.m.

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

Items 4 and 6 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 5:10 p.m. The next regular meeting of the Planning Board will be held on Monday March 1, 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, February 25, 2010, 9:00 A.M.
8787 Georgia Avenue
Silver Spring, MD 20910-3760

1. Consent Agenda

A. Adoption of Resolutions

1. Farmland Elementary School Modernization Forest Conservation Plan No. MR2009709 -
ADOPTION OF MCPB RESOLUTION No. 10-08

2. Montgomery Knolls Elementary School Addition Forest Conservation Plan No. MR2009742 -
ADOPTION OF MCPB RESOLUTION No. 10-09

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0-1

Nay:

Other: DREYFUSS RECUSED

Action: Adopted the Board Resolutions as stated above.

B. Records 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 January 11, 2010 and January 14, 2010 Meetings

BOARD ACTION

Motion: **WELLS-HARLEY/PRESLEY**

Vote:

Yea: **4-0-1**

Nay:

Other: **DREYFUSS RECUSED**

Action: **Approved the minutes of January 11 and January 14, 2010, as presented.**

9. Discussion of State Legislation

Proposed HB 829 and companion SB 560 require the recipient of a minor traffic violation to affirmatively request a trial date. Park Police are requesting the Planning Board to support.

BOARD ACTION

Motion: **PRESLEY/WELLS-HARLEY**

Vote:

Yea: 4-0-1

Nay:

Other: DREYFUSS ABSTAINED

Action: Agreed to support proposed HB 829 and SB 560.

2. Reconsideration Request for Century XXI, Preliminary Plan 120070650

BOARD ACTION

Motion: PRESLEY/HANSON

Vote:

Yea: 5-0

Nay:

Other:

Action: Agreed to reconsider and scheduled the hearing for March 11, 2010.

7. Reconsideration Request for Strathmore at Bel Pre, Site Plan No. 820050330

BOARD ACTION

Motion: PRESLEY/ALFANDRE

Vote:

Yea:

Nay:

Other:

Action: Motion to reconsider was subsequently withdrawn.

Following discussion of the motion to reconsider, the motion was withdrawn by the maker and seconder.

**MEETING OF THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING
COMMISSION - 3rd FLOOR CONFERENCE ROOM**

Closed Session

(by conference call) Pursuant to Annotated Code of Maryland, State Government 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 official citation and open session report in the minutes of The Maryland-National Capital Park and Planning Commission.

3. Resubdivision Criteria Discussion on Applicability of Section 50-29(b)(2)

Discussion and determination of whether the Resubdivision Criteria in §50-29(b)(2) of the Subdivision Regulations is applicable to residentially zoned lots, or to residential uses.

BOARD ACTION

Motion: DREYFUSS/ALFANDRE

Vote:

Yea: 4-1

Nay: PRESLEY

Other:

Action: Approved the staff recommendation to find that the previous interpretation of the applicability of the Resubdivision Criteria was flawed and to revert to the interpretation that the Resubdivision Criteria apply only to lots on residentially zoned land for residential use, rather than to all lots on residentially zoned land regardless of use.

Legal Counsel to the Board presented an overview of issues stemming from a 1998 re-interpretation of the Resubdivision Criteria by the Planning Board, in which the Board agreed to begin applying the Resubdivision Criteria to residentially zoned lots, regardless of use. Under that interpretation, proposals for necessary assemblage of lots for special exception/non-residential uses have had to conform to the Resubdivision Criteria and generally have been unapprovable, unless a waiver was granted. Legal Counsel and Development Review staff recommended that the Board revisit the interpretation of the applicability of the Resubdivision Criteria on lots for non-residential uses, as detailed in the staff report, and written comments were solicited and received from the public.

Mr. Joe Davis, a former Chief of the Development Review Division, provided historical context related to the applicability of the Resubdivision Criteria before and after the 1998 Board re-interpretation.

Mr. Norman Knopf, Mr. William Kominers, Ms. Barbara Sears, Mr. Steve Kaufman, Ms. Debra Borden, Mr. Jody Kline, and Mr. Paul Glasgow, land use attorneys, offered comments and participated in the discussion.

There followed extensive discussion of the previous Board's policy discussion and decision; the ramifications of the revised interpretation, including hypothetical scenarios; the relationship between the special exception review process and the review process under the application of the Resubdivision Criteria; and the Board's view of the issues in question.

5. Facility Plan: Parking and Access Improvement at the Brookside Gardens Visitors Center

The Park Development Division has prepared a Facility Plan for Parking and Access Improvements at the Brookside Gardens Visitors Center, located at 1800 Glenallan Avenue, in Wheaton Regional Park. The project will add roughly 70 parking spaces, improve circulation, and create a greatly enhanced arrival space and transition between the parking and gardens.

Staff Recommendation: Approval

BOARD ACTION

Motion: **ALFANDRE/WELLS-HARLEY**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved the staff recommendation to approve facility plan Alternative 4.**

Parks Department staff presented the proposed facility plan and cost estimates for parking and access improvements to Brookside Gardens Visitors Center, as detailed in the staff report, noting that this is the second phase of work identified in the approved Brookside Gardens master plan. The project will add 63 parking spaces and improve circulation.

There followed some discussion of differences between the master plan illustrative concept and the proposed plan, as well as costs associated with some of the improvements.

10. Closed Session

Pursuant to Annotated Code of Maryland, State Government Article, Section 10-508(a)(9) (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.

8. Closed Session

Pursuant to Annotated Code of Maryland, State Government Article, Section 10-508(a)(9) (to conduct collective bargaining negotiations or consider matters that relate to the negotiations)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

4. Zoning Text Amendment No. 10-01

Zoning Text Amendment No. 10-01 to amend the Zoning Ordinance to change the workforce housing requirements from mandatory under certain circumstances to voluntary

Staff Recommendation: Transmit Comments to the County Council
(Action required for County Council public hearing of 3/2/10)

BOARD ACTION

Motion: DREYFUSS/ALFANDRE

Vote:

Yea: 2-2

Nay: HANSON/WELLS-HARLEY

Other: PRESLEY TEMPORARILY ABSENT

Action: MOTION FAILED FOR LACK OF A MAJORITY.

Planning Board instructed staff to prepare transmittal letter to the County Council stating that there are inconsistencies in the proposed request and forwarding Board members' comments.

Development Review Division staff presented the zoning text amendment request to change the workforce housing requirement in metro station policy areas from mandatory, under certain circumstances, to voluntary. Staff noted that since the inception of the workforce housing program in December 2006, only three project plans and one site plan have been approved with workforce housing units. Two of the project plans were public/private partnerships with the county. To date none of these projects have been built.

There followed extensive Board discussion with questions to staff.

Chairman Hanson and Vice Chair Wells-Harley noted that they support measures that increase affordable housing in the County, but expressed concern that a voluntary workforce housing program will not achieve what the County needs to achieve for households with incomes at or below 120 percent of the area-wide median income. They also raised the need to address how a voluntary program will work in both incentive-based zones such as the Commercial/ Residential zone, which limits height and density to maximums established in the Zoning Ordinance, and the traditional zones that provide bonus heights and density for benefits such as workforce housing.

Commissioners Alfandre and Dreyfuss noted that they are not convinced that the mandatory workforce housing program achieves affordable housing objectives. They added that insufficient incentives are available under the program to make projects with a workforce housing component feasible, and the problem is magnified under current economic conditions.

6. Roundtable Discussion

1. Council District Profiles: Update on annual demographic trends for Council districts - **POSTPONED**
2. Sustainability Landscape and Green Roof at MRO
3. GIS Update: Overview of planning department's GIS resources and the strategy for their application - **POSTPONED**
4. Budget Update - **POSTPONED**
5. Designation of Uses - **POSTPONED**
6. Lead Agency Discussion

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: 2. Unanimously approved the staff recommendation to landscape the parking lot and impervious surfaces around the MRO building and install a green roof and beehives on top of the building.

6. Instructed staff to draft a transmittal letter to forward the report to the County Council.

2. Sustainability Landscape and Green Roof at MRO—Environmental Planning Division staff offered a multi-media presentation on the proposal to place beehives on the roof of the MRO building at 8787 Georgia Avenue, as well as a green roof. Staff also proposed the greening of the parking lot and reduction of impervious surfaces around the building.

There followed a brief Board discussion with questions to staff.

Chairman Hanson noted that staff should prepare a Facility Plan for this project as part of the Capital Improvements Program (CIP).

6. Lead Agency Discussion—Development Review Division staff presented the draft report on Lead Agency responsibilities. Staff discussed the various elements of the report and noted that a Memorandum of Understanding (MOU) between all the agencies will be part of the report and will be agreed upon by all the parties involved. Staff also added that meetings were held with the various agencies to discuss the draft report.

At the Board's request Legal staff offered comments.

There followed extensive Board discussion with questions to staff.