



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 28, 2008, at 9:20 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 4:50 p.m.

Present were Chairman Royce Hanson, Vice Chair John Robinson, and Commissioners Allison Bryant and Jean Cryor.

Items 1 through 6 are reported on the attached agenda.

The Board recessed at 12:03 p.m.

In compliance with Section 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, Item 10 on the regular agenda, at 12:25 p.m. in the third floor conference room, on motion of Commissioner Bryant, seconded by Vice Chair Robinson, with Chairman Hanson, Vice Chair Robinson, and Commissioners Bryant and Cryor present and voting in favor of the motion. The meeting was closed under authority of Section 10-508(a)(7), State Government Article, Annotated Code of Maryland, to consult with counsel to obtain legal advice.

Also present for the Closed Session were General Counsel Adrian R. Gardner, Associate General Counsels Debra Daniel, David Lieb, and Carol Rubin of the Legal Department; Department of Parks Director Mary Bradford, Department of Planning Director Rollin Stanley, Rose Krasnow, Glenn Kreger, and Ralph Wilson of the Planning Department; and Ann Daly of the Commissioners' Office.

In Closed Session, the Board consulted with counsel on recent developments with respect to Zoning Text Amendment 07-10 and the Lee Development Group's interest in bringing Live Nation to downtown Silver Spring.

The Closed Session was adjourned at 1:15 p.m. and the Board reconvened in open session in the third floor conference room.

The Board returned to the auditorium at 1:35 p.m.

Items 7, 9, and 8, taken up in that order, are reported on the attached agenda.

There being no further business, the meeting was adjourned at 4:50 p.m. The next regular meeting of the Planning Board will be held Thursday, March 6, 2008, in the Montgomery Regional Office in Silver Spring, Maryland.

E. Ann Daly
Technical Writer

Ellyn Dye
Technical Writer

Montgomery County Planning Board
Thursday, February 7, 2008
8787 Georgia Avenue
Silver Spring, MD 20910-3760

1. Adoption of Opinions/Resolutions

Resolution: Retirement of Commander Nathaniel Barber, Maryland-National Capital Park Police - Montgomery County

Group A: Four Commissioners Eligible to Vote [Commissioners Bryant, Cryor, Hanson, and Robinson.]

i) Project Plan No. 920070140, 4823 Rugby Avenue, ADOPTION OF RESOLUTION No. 08-32

Group B: Three Commissioners Eligible to Vote [Commissioners Cryor, Hanson and Robinson.]

ii) Site Plan No. 81997024D, Orchard Center at Westfarm, ADOPTION OF RESOLUTION No. 08-35

BOARD ACTION

Motion: (1.) HANSON/ROBINSON
(A.) BRYANT/ROBINSON
(B.) ROBINSON/CRYOR

Vote:

Yea: (1.) 4-0
(A.) 4-0
(B.) 3-0-1

Nay:

Other: (B.) BRYANT ABSTAINS

Action: (1) Adopted the first Resolution listed above. Presented it to Commander Nathaniel Barber, Maryland-National Capital Park Police–Montgomery County, with congratulations and wishes for a good retirement.

(A.) Adopted the Resolution in Group A, listed above.

(B.) Adopted the Resolution in Group B, listed above.

2. Record Plats

Subdivision Plat No. 220080950, Brooke Grove Foundation

RE-2 zone; 2 lots; located on the north side of Olney-Sandy Spring Road (MD 108), approximately 800 feet east of Dr. Bird Road (MD 182); Sandy Spring/Ashton. *Staff Recommendation: Approval*

Subdivision Plat No. 220080500, Loneoak Townes

RT-12.5 zone; 6 lots, 1 parcel; located on the east side of Georgia Avenue (MD 97), approximately 500 feet north of Shorefield Drive; Kensington-Wheaton. *Staff Recommendation: Approval*

BOARD ACTION

Motion: BRYANT/ROBINSON

Vote:

Yea: 4-0

Nay:

Other:

Action: Approved the staff recommendations for approval of the plats identified above.

3. Consent Items

Site Plan Review No. 82003038B, Greencastle Towns

RT-8 zone, 4.14 acres; amendment: add retaining wall, location of lights, different playground equipment and changes to landscaping; on Greencastle Road, approximately 1500 feet south of Robey Road; Fairland. *Staff Recommendation: Approval with conditions*

BOARD ACTION

Motion: CRYOR/BRYANT

Vote:

Yea: 4-0

Nay:

Other:

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

4 Edgemoor

A. Local Map Amendment No. G-865; Armont Development Corporation, LLC, Applicant, request to rezone 8,342 square feet of land (Lot 31, Edgemoor Subdivision) from the R-60 zone to the TS-R zone; located at 7425 Arlington Road, Bethesda

Staff Recommendation: Approval (Action required for hearing by the Hearing Examiner on 3/7/08)

B. Development Plan Amendment No: DPA-07-3; Armont Development Corporation, LLC, applicant, to amend the development plan to expand the subject area to include Part of Lot 31, and erect a new structure up to 57 feet in height, 31 condominiums and no office space; located at the intersection of Arlington Road and Montgomery Lane, Bethesda.

Staff Recommendation: Approval (Action required for hearing by the Hearing Examiner on 3/07/08)

BOARD ACTION

Motion: (A.) BRYANT/ROBINSON
(B.) BRYANT/ROBINSON

Vote:

Yea: (A.) 4-0
(B.) 4-0

Nay:

Other:

Action: (A.) Approved the staff recommendation to approve Local Map Amendment No. G-865, as stated in the attached transmittal.

(B.) Approved the staff recommendation to approve Development Plan Amendment No. DPA-07-3, as stated in the attached transmittal.

Development Review Division staff presented highlights and an extensive PowerPoint presentation of the February 15 technical staff report for this Local Map Amendment (G-865) request to reclassify 8,342 square feet of land from the R-60 Zone to the TS-R Zone for part of Lot 31, Block 13, Edgemoor, located at 7425 Arlington Road in Bethesda, and the associated Amendment to the Development Plan (DPA-07-03) to expand the area and to erect a new structure up to 57 feet in height for 31 condominiums.

Mr. Marty Hutt, attorney, introduced the applicant, Mr. Randy Rothstein, and others on the applicant's team. The applicant's representatives testified about setbacks, orientation of units, and certain design elements.

4. Edgemoor

Mr. Bernard Fisker, an owner in the Villages of Bethesda and Chairperson of the Land Use Committee of the Villages of Bethesda Homeowners Association, sought to add binding elements to the zoning application that would offer greater protection to the Villages of Bethesda.

Ms. Samantha Gumenick, an owner in the Villages of Bethesda, testified about a number of compatibility concerns.

Mr. Jim Humphrey, representing the Montgomery County Civic Federation, questioned whether the application conforms to the language in the area master plan.

Mr. Martin Klauber, Office of People's Counsel, at the request of the Board testified on certain elements.

Mr. Hutt in rebuttal testimony pointed out a number of elements that support the conclusion that the proposal is in compliance with the Sector Plan.

5. Zoning Text Amendment No. 08-01

Introduced by Councilmember Elrich; amending the Zoning Ordinance to exclude any building roof area from the definition of green area; and generally amend the definition of green area; Staff Recommendation: *Transmit comments to the County Council*
(Postponed from 2/21/08 Planning Board agenda)

BOARD ACTION

Motion: **ROBINSON/BRYANT**

Vote:

Yea: **4-0**

Nay:

Other:

Action: **Approved transmittal of comments, as reflected in the attached Board transmittal, strongly recommending against approval of the text amendment, contrary to the recommendation in the staff report.**

Development Review Division staff presented highlights of the February 20 technical staff report and analysis of the proposed zoning text amendment that proposes to amend the Zoning Ordinance to exclude any building roof area from the definition of green area, and generally amend the definition of green area.

Mr. Stephen Z. Kaufman, attorney with the firm of Linowes and Blocher, testified in opposition to the zoning text amendment stating that his clients will be directly negatively affected. Mr. Kaufman reiterated points in his February 25 and 26 letters to the Chairman.

Mr. Barry Lemley, a representative of Christ Evangelical Lutheran Church, testified in opposition to the zoning text amendment.

Ms. Cindy Bar, attorney with the firm of Holland & Knight, testified in opposition to the zoning text amendment.

There was extensive Board discussion about whether the zoning text amendment is needed and the number of zones that would be affected, among other things.

6. Extension Request: Preliminary Plan No. 120020410, Islamic Center of Maryland

RE-1 zone; 1 lot previously approved for a religious institution; request to extend the validity period for the adequate public facilities (APF) approval; located on the east side of Woodfield Road (MD 124), approximately 500 feet north of Cypress Hill Drive; Gaithersburg and Vicinity. *Staff Recommendation: Grant three-year extension*

BOARD ACTION

Motion: ROBINSON/CRYOR

Vote:

Yea: 4-0

Nay:

Other:

Action: Approved the staff recommendation to grant the three-year extension.

Development Review Division staff cited its detailed February 4 technical staff report and offered to answer questions.

Mr. Sayed M. Naved, Chairman of the Board of Trustees of the Islamic Center of Maryland, the applicant, recognized the numerous supporters of the Center who were present and requested a five-year extension.

There was extensive discussion before the Board took its action, reported above.

10. Closed Session

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

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Met in Closed Session; see narrative minutes for State citation and open session report.

7. Discussion: Gaithersburg West Master Plan Status

Status of Gaithersburg West Master Plan; development alternatives and summary of charrette results from Johns Hopkins University.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing and discussed.

Community-Based Planning staff presented an overview of the Gaithersburg West Master Plan, focusing on the Life Sciences Center, including the history of its development; existing land uses, employment, and residential uses; transportation and the Corridor Cities Transitway; recommendations in the 1990 master plan; and scenarios for future density and development.

Mr. David McDonough, representing Johns Hopkins Institutions, provided an overview of the mission of Johns Hopkins; Hopkins development in Montgomery County; and the vision for future expansion, including a mix of uses, transit, and enhanced infrastructure to support collaboration, integration, connection, and coordination with the other elements of the Life Sciences Center. He also provided an overview of comments and concerns expressed at a community charrette in early February.

Mr. Raul Medrano, representing the County Department of Economic Development, discussed the challenges of attracting and retaining top-class employees in the area.

There followed considerable discussion about creating a world-class science and technology center and positioning the County to compete on the national and international levels; the density and land uses that would support it; and the importance of developing the transitway and associated funding and phasing of development.

9. Worksession #2: Master Plan Reassessment Project - ADDED

Staff response to Board comments from Worksession #1 (January 31, 2008) and next steps.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing and offered guidance.

Planning Department staff provided an overview of the recommendations, guidance from the Board at the January 31 worksession, and the status of staff work in response to that guidance. Staff noted that there will be another worksession with the Board prior to the March 17 presentation to the Council Committee on Planning, Housing, and Economic Development (PHED).

Discussion centered on refining the identification of issues and outreach activities, the use of technology to enhance outreach, and creating a mechanism to identify and address plans that are becoming out of date, including limited-scope amendments.

**8. Roundtable Discussion Including Briefings and Worksessions
(No public testimony will be taken at this time)**

A. Commissioners' Report

B. Director's Report

C. Approval of Minutes

D. ICC Status Report #13

BOARD ACTION

Motion: BRYANT/ROBINSON

Vote:

Yea: 4-0

Nay:

Other:

Action: **Approved the minutes of January 31, 2008, as presented.**

A. Commissioners' Report—Commissioner Bryant reported that he spoke with former Chairman Bill Hussmann, and he provided a report on his recent surgery.

B. Director's Reports—Parks Director Mary Bradford offered highlights of her written report, noting particularly activities related to Earth Day, including a cleanup along Capital Crescent trail. Planning Director Rollin Stanley discussed the approach the Department is taking to the comprehensive rewrite of the Zoning Ordinance and noted other Department activities. There was also some discussion of items to be included in the semi-annual report to the County Council, scheduled for April 8.

C. Approval of Minutes—Approved, as noted above.

D. ICC Status Report #13—In preparation for next week's hearing on the transfer of parkland to State Highway Administration (SHA) for the ICC, Transportation Planning staff updated the Board on agreements with SHA since last week's hearing on the Upper Rock Creek Special Protection Area environmental review. Staff requested and received Board guidance on a draft letter transmitting the staff report and the Board's action to the Maryland Department of the Environment and Department of Natural Resources. Mr. Rob Shreeve, SHA, participated in the discussion, responding to the 12 staff recommendations in that staff report. Mr. Keith Van Ness, Department of Environmental Protection (DEP) also commented.