



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, March 17, 2011, at 9:06 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 6:10 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.

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 to discuss Item 9 in Closed Session at 9:06 a.m. in the third floor conference room, on motion of Commissioner Dreyfuss, seconded by Commissioner Presley, 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)(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 Associate General Counsel David Lieb of the Legal Department; Director Rollin Stanley, Shahriar Etemadi, Glenn Kreger, and Nkosi Yearwood of the Planning Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board consulted with Legal Counsel on the implications of and alternatives to pursuing a limited Shady Grove Sector Plan Amendment, in preparation for the Roundtable Discussion of that subject, Item 3 on the morning agenda.

The Closed Session was adjourned at 9:55 a.m.

The Board convened in the auditorium at 10:01 a.m.

Items 1 through 5 are reported on the attached agenda. Commissioner Presley left the meeting for the day at 12:25 p.m., following discussion of Item 4.

The Board recessed at 1:30 p.m. for lunch. A training session on the County historic preservation program, scheduled during the Board's lunch, was postponed.

The Board reconvened in the auditorium at 2:40 p.m., with three Commissioners present.

Item 6 was postponed.

Item 7 is reported on the attached agenda.

The Board recessed at 3:40 p.m. to take up Item 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 4:10 p.m. in the third floor conference room, on motion of Vice Chair Wells-Harley, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioner Dreyfuss present and voting in favor of the motion, and Commissioners Alfandre and Presley absent. The meeting was closed under authority of State Government Article, Annotated Code of Maryland, §10-508(a)(9), 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 Colihan Barney; General Counsel Adrian Gardner; Secretary Treasurer Joe Zimmerman; Director Bill Spencer, and Jasmine Prepetit of the Human Resources Department; Director Rollin Stanley and Alison Davis of the Planning Department; Director Mary Bradford, Deputy Directors Michael Riley and Gene Giddens, Mary Ellen Venzke, Karen Warnick, Christine Brett, and Brian Woodward of the Parks Department; Park Police Chief Darien Manley; and Joyce Garcia and Clara Moise of the Commissioners' Office.

In Closed Session, the Board received briefing and discussed the FY12 proposed budget.

There being no further business, the meeting was adjourned at 6:10 p.m. The Planning Board will be in recess on Thursday, March 24, 2011. The next regular meeting of the Planning Board will be held Thursday, March 31, 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, March 17, 2011
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

9. 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.

1. Consent Agenda

A. Adoption of Resolutions

1. Rock Spring Centre Preliminary Plan 11998092B – ADOPTION OF MCPB No. 11-15
2. Rock Spring Centre Site Plan 820090030 – ADOPTION OF MCPB No. 11-16

BOARD ACTION

Motion: WELLS-HARLEY/DREYFUSS

Vote:

Yea: 4-0

Nay:

Other: ALFANDRE ABSENT

Action: Adopted the Resolutions cited above.

***B. Record Plats**

1. Subdivision Plat No. 220100870 - 220100880, Bethesda Church Overlook; RNC/TDR zone; 15 lots, 5 parcels; located on the south side of Bethesda Church Road, 700 feet west of Ridge Road; Damascus.

Staff Recommendation: Approval

2. Subdivision Plat No. 220101130 – 220101170, Clarksburg Town Center; RMX zone; 14 parcels; located on the northeast side of General Store Drive and Overlook Park Drive at the intersection with Clarksburg Square Road; Clarksburg.

Staff Recommendation: Approval

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: ALFANDRE ABSENT

Action: Approved the Record Plats cited above.

***C. Other Consent Items**

Site Plan Amendment Review No. 81990027B, Rock Spring Park-Lincoln Building, ADOPTION OF MCPB RESOLUTION No. 11-20; I-3 zone; 12.52 acres; amendment to modify the building configuration, loading and parking and the landscaping and lighting; North Bethesda-Garrett Park

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

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: ALFANDRE ABSENT

Action: Approved the staff recommendation to approve the site plan amendment and adopt the Board Resolution.

***D. Approval of Minutes**

Minutes of February 10, 2011

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **The minutes of February 10, 2011, were withdrawn.**

2. Preliminary Plan No. 120100050: Cedar Knolls Farm

One single family detached home, located in the northwest corner of the intersection of Haw Lane and Ednor Road, 1.02 acres, RC zone, Sandy Spring-Ashton Master Plan

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 revised conditions, as stated on the attached Board Resolution.**

Development Review staff presented the proposal to create one residential lot in the Rural Cluster Zone, as detailed in the staff report. Staff corrected the reference in the staff report related to exemption from the forest conservation law, stating that the plan is not exempt from the law, but is exempt from submitting a forest conservation plan under that law. Staff also offered a revision to condition 7.

Mr. David McKee, representing the applicant, concurred in the staff recommendation.

Ms. Anna Allnutt and Ms. Michelle Hintz, owners of adjacent properties, offered comments opposing the proposal.

There followed some discussion of issues raised in testimony, including the septic location. Mr. Joe Smoot, the applicant, offered comments and responded to questions from the Board.

3. Roundtable Discussion

Discussion of possible amendment to 2006 Shady Grove Sector Plan

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing and discussed.

Planning Department staff briefed the Board on a proposal to add a limited amendment of the Shady Grove Sector Plan to the work program, to change the staging elements related to relocation and redevelopment of the County Service Park and possibly to change other land use recommendations, as discussed in the staff report. A limited Sector Plan amendment, staff said, would take approximately 6 to 18 months, depending on the scope of the amendment. Staff presented an overview of the goals, proposed density, and the pertinent staging elements of the Sector Plan. Staff noted that the County has entered into an agreement with EYA for redevelopment of the Service Park property, but staff believes the timing requirement was not met and, therefore, a Sector Plan amendment is needed to allow the envisioned density on the property. Staff also discussed the Sector Plan recommendations of several other properties, noting that the owners of those properties support a Sector Plan amendment to change the zoning and land uses for those properties.

Legal Counsel to the Board suggested that a Sector Plan amendment may not be needed to accomplish the proposed redevelopment of the County Service Park property, noting that there are findings the Board could make under the Subdivision Regulations to allow the envisioned density.

Mr. Bob Harris, attorney; Mr. Mark Silverwood; and Ms. Maryann Dillon of the Housing Opportunities Commission, spoke in support of a Sector Plan amendment that would allow changes to the zoning and land uses identified for the former Reed Brothers Dodge property to allow residential development.

Ms. Diane Schwartz Jones, representing the Executive Branch, spoke in opposition to pursuing a Sector Plan amendment, asserting that the staging requirements have been satisfied to allow the density envisioned for the Service Park property and, therefore, an amendment represents an unnecessary delay.

Ms. Barbara Sears, attorney, and Mr. Bob Youngentaub, representing EYA, discussed the plan to relocate the Service Park and redevelop the property with residential development. They spoke to the need to move forward, and they opposed a Sector Plan amendment.

In discussion, the Board generally agreed that a Sector Plan amendment is not needed for the redevelopment of the Service Park property. In terms of a broader amendment to address desired changes by other property owners, the Board discussed the work program implications of a broader amendment at a time when resources are limited due to budget considerations.

4. Briefing: Semi-Annual Report

Review outline for content of 2011 Spring Semi-Annual Report to Council

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefings and provided guidance to staff.

Parks Department staff and Planning Department staff presented an overview of the proposed Semi-Annual Report to the County Council for the respective departments, as stated in the distributed outlines.

In discussion, the Board provided guidance to staff in terms of emphasis and approach to various issues.

5. Presentation of Revised Staff Draft Kensington and Vicinity Sector Plan

Staff Recommendation: Schedule Public Hearing for April 28 and Approve Publication of the Public Hearing Draft Sector Plan

BOARD ACTION

Motion: WELLS-HARLEY/DREYFUSS

Vote:

Yea: 3-0

Nay:

Other: ALFANDRE, PRESLEY ABSENT

Action: Approved the staff recommendation to approve publication of the Public Hearing Draft Sector Plan, with revisions made in discussion, and schedule the Public Hearing for April 28, 2011.

Planning Department staff presented the revised Staff Draft Kensington and Vicinity Sector Plan, which has been changed at the County Council's request to incorporate the proposed new CRN (Neighborhood) and CRT (Town) Zones. Staff reviewed the goals and recommendations of the Sector Plan, highlighted the proposed changes in zoning, and discussed the proposed densities and building

heights for properties in those zones. Staff also reviewed some additional proposed revisions to the Plan text.

There followed some discussion of the placement of the zones on various properties and the proposed densities and heights.

Training Exercise Only: Overview of Montgomery County's Historic Preservation Program

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **This informal lunch item was postponed.**

6. Planning Board Draft Wheaton CBD and Vicinity Sector Plan - POSTPONED

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **This item was postponed.**

7. [Mandatory Referral: Seminary Road Intersection Improvements: Seminary Road, Seminary Place, Second Avenue, Linden Lane, and Brookville Road, CIP No. 509337, MR#2010813](#)

Staff Recommendation: Approval with Comments

BOARD ACTION

Motion: **DREYFUSS/WELLS-HARLEY**

Vote:

Yea: 3-0

Nay:

Other: ALFANDRE, PRESLEY ABSENT

Action: Approved staff recommendation to transmit comments to Montgomery County Department of Transportation, as stated in the attached transmittal letter.

In keeping with the March 9 technical staff report, Planning Department staff offered a multi-media presentation of the Mandatory Referral for the proposed Seminary Road intersection improvements project. Staff discussed at length the proposed improvements at the intersection of Seminary Road, Linden Lane, Brookville Road, Second Avenue, and Seminary Lane, and noted that this is a complex and confusing combination of intersections both to motorists and pedestrians, and the Department of Transportation (DOT) is recommending a number of improvements that would consolidate the number of intersections within the project limits from six to four intersections. Staff noted that DOT has held several public meetings to get feedback and comments from the public. Staff also added that the Seminary Road intersection improvements project is consistent with the recommendations of the North and West Silver Spring Master Plan and the Countywide Bikeways Functional Master Plan.

At the Board's request, Ms. Sogand Seirafi, Project Manager, and Mr. Carl Starkey, Traffic Engineer from DOT, offered comments and answered questions from the Board.

The following speakers offered testimony: Ms. Cynthia Bridgford representing the North Woodside Montgomery Hills Civic Association; and Mr. Steven Tarkington of Second Avenue.

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

8. Closed Session

Pursuant to State Government Article Annotated Code of Maryland 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.