



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

301-495-4617

APPROVED
MINUTES

The Montgomery County Planning Board met in regular session on Thursday, April 16, 2009, at 9:00 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 5:12 p.m.

Present were Chairman Royce Hanson, Vice Chair John Robinson, and Commissioners Joe Alfandre, Jean Cryor, and Amy Presley.

Items 1 through 4, 13, and 5-8 are reported on the attached agenda.

The Board recessed at 1:50 p.m. for lunch and to take up Items 9 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 2:10 p.m. in the third floor conference room, on motion of Vice Chair Robinson, seconded by Commissioner Presley, with Chairman Hanson, Vice Chair Robinson, and Commissioners Cryor and Presley present and voting in favor of the motion. Commissioner Alfandre joined the Closed Session shortly thereafter. 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 Counsels Kathryn Buettner, William Dickerson, Janelle Jordan, David Lieb, Derrick Rogers, Carol Rubin, and Christina Sorrento of the Legal Department; Neil Braunstein, Cathy Conlon, Joshua Kaye, Development Review Division Chief Rose Krasnow, Robert Kronenberg, Sandra Pereira, and Acting Environmental Planning Chief Mark Pfefferle of the Planning Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board received a briefing and provided guidance to staff on the Circuit Court ruling on Preliminary Plan No. 120070510, EZ Storage (Siena Corporation) and on enforcement issues.

The Closed Session was adjourned at 4:45 p.m. and the Board reconvened in open session in the third floor conference room.

The Board reconvened in the auditorium at 4:55 p.m. to take up Item 11, the Roundtable Discussion, which is reported on the attached agenda.

Item 10 was postponed.

There being no further business, the meeting was adjourned at 5:12 p.m. The next regular meeting of the Planning Board will be held Thursday, April 23, 2009, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye
Technical Writer

M. Clara Moise
Technical Writer

Montgomery County Planning Board Meeting
Thursday, April 16, 2009
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Adoption of Opinions/Resolutions

1. **Phyllis Jones Property Pre-Preliminary Plan 720070300**, ADOPTION OF MCPB RESOLUTION No. 08-122
2. **Strathmore at Bel Pre Preliminary Plan 120050870**, ADOPTION OF MCPB RESOLUTION No. 08-154
3. **Strathmore at Bel Pre Site Plan 820050330**, ADOPTION OF MCPB RESOLUTION No. 08-162

BOARD ACTION

Motion: **A. ROBINSON/PRESLEY**
 B. PRESLEY/HANSON

Vote:
Yea: **A. 5-0**
 B. 5-0

Nay:

Other:

Action: **A. Adopted a Board Resolution in commendation of Donald R. Zuchelli for his professional guidance, his tireless efforts, and work on the redevelopment of The Maryland-National Capital Park and Planning Commission Montgomery County Regional office site, SilverPlace.**

B. Adopted the Board Resolutions cited above.

2. Record Plats

[Subdivision Plat No. 220090700, Sheppards Overlook](#)

RE-2 zone; 4 lots; located on the west side of Clarksburg Road (MD 121), at the intersection of Little Sierra Court. Boyds.

Staff recommendation: Approval

[Subdivision Plat No. 220090850, North Glen Hills](#)

RE-1 zone; 1 lot; located on the east side of Bratton Drive, 500 feet south of Sunset Drive. Potomac.

Staff recommendation: Approval

BOARD ACTION

Motion: **ROBINSON/CRYOR**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved the Record Plats cited above.**

3. Consent Items

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **There were no Consent Items.**

4. Approval of Minutes

BOARD ACTION

Motion: ROBINSON/CRYOR

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the minutes of March 5, 2009, as presented.

13. Ten Mile Creek Stream Valley Park - ADDED

Authorization to acquire 96.985 acres, more or less, unimproved, from Jamison 427 Land Company, located southeast of Slidell Road, north of west Old Baltimore Road, Boyds, Maryland 20841.

Staff recommendation: Approval

BOARD ACTION

Motion: ROBINSON/HANSON

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the staff recommendation to authorize acquisition of the property cited above for the purchase price of \$2,750,000.

In presenting the proposed acquisition, Parks Department staff noted that this will implement the Board's action of September 2, 2008, to add the property to the Legacy Open Space program as a Greenway Connection and Farmland and Rural Open Space site. In addition to the property to be acquired, staff reported, the property owner has agreed to donate approximately 76.8 acres, the portions of lots 16 and 17 that are covered by a Category I conservation easement, for a total of 173 acres.

5. [Preliminary Plan No. 120080220, Norbrook Village \(Resubdivision\)](#)

RE-2 zone; 2.27 acres; 2 lots requested; 2 one-family detached residential dwellings, one existing to remain; located on the south side of Ampeg Lane, 600 feet east of Old Baltimore Road; Olney.

Staff recommendation: Approval with conditions

BOARD ACTION

Motion: ROBINSON/ALFANDRE

Vote:

Yea: 5-0

Nay:

Other:

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

Development Review staff presented the proposal to resubdivide an unplatted parcel and a lot to create two residential lots and one outlot, as detailed in the staff report. Staff noted that the extension of Ampeg Lane will cross the property and create the outlot, which will be too small for future development. Staff also discussed the proposed non-standard width of the right-of-way and the application of the resubdivision criteria.

6. [Local Map Amendment No: G-878](#)

Germantown, LLC, applicant, requests a Local Map Amendment (Schematic Development Plan) from C-1 to RT-15; C-1 Zone: located at 18451 Mateny Road, Germantown, Kensington

Staff recommendation: Approval

BOARD ACTION

Motion: ROBINSON/CRYOR

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the staff recommendation, as stated in the attached Letter of Transmittal.

Development Review staff presented the request and associated schematic development plan to rezone an existing shopping center property from C-1 to RT-15, for townhouse development under the optional method of development. The existing cemetery will remain. Staff noted that binding elements will limit the density to 112 units, with 12.5 percent MPDUs, and require 45 percent of the site to remain as green area.

Mr. Robert Harris, attorney representing the applicant, introduced other members of the applicant team and provided an overview of the proposed rezoning and redevelopment. Mr. Kevin Foster provided an overview of the schematic development plan. Mr. David Fink of the applicant company discussed their unsuccessful efforts to redevelop the failing shopping center and the decision to propose rezoning and residential development. Mr. Ed Papazian, the applicant’s traffic consultant, provided information about trip generation for the existing shopping center, a hypothetical redeveloped shopping center, and the proposed townhouse development.

Ms. Ann Marie Martinez of Paprika Court; Ms. Ellyn Cottington of Poppysseed Lane; Mr. Philip Gilbert of Bayleaf Way; and Mr. Stan Abrams, attorney representing the owners of the abutting 7-11/filling station property, offered comments on the proposal.

Mr. Harris responded to concerns raised in testimony.

In discussion, staff and the applicant responded to questions from the Board and provided additional information as needed. There was discussion of the viability of retail uses, compatibility, and potential connectivity with the surrounding community.

7. [Zoning Text Amendment No. 09-01](#)

Introduced by Councilmember Elrich: to amend the Zoning Ordinance to amend the prohibited land uses in the Sandy Spring/Ashton Rural Village Overlay Zone.

Staff recommendation: Transmit Comments to County Council

BOARD ACTION

Motion: ROBINSON/CRYOR

Vote:

Yea: 4-1

Nay: ALFANDRE

Other:

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

Development Review staff presented the zoning text amendment to amend and expand the list of uses prohibited in the Overlay Zone, as detailed in the staff report. Staff supports the text amendment with modifications to continue to allow several of the identified uses and add a grandfather provision for the excluded uses.

Mr. Stuart Barr and Mr. Robert Dalrymple, attorneys representing, respectively, the Lansdale family and the Siena Corporation, property owners and applicants for a pending site plan application for an EZ Storage facility in Ashton; Ms. Michelle Layton, representing the

Sandy Spring Ashton Rural Preservation Consortium; and Ms. Jennifer Fajman and Mr. Barney Newton, of Ashton, offered comments on the text amendment.

Commissioner Alfandre did not support the motion, stating a preference to address these issues in the context of the Zoning Ordinance revision process that is underway.

8. [Preliminary Recommendations—Kensington Sector Plan](#)

(No Public Testimony will be taken)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing and offered guidance to staff.

Community-Based Planning staff presented an overview of issues and preliminary recommendations for the Kensington Sector Plan, including a proposed new Commercial/Residential use district zone, as detailed in the staff report.

In discussion, the Board provided guidance on the approach to the Plan and the scope of the recommendations.

Mr. Peter Fosselman, Mayor of the Town of Kensington, participated in the discussion.

12. Closed Session - ADDED

In accordance with State Government Article, Section 10-508(a)(7), State Government Article, Annotated Code of Maryland, to consult with counsel to obtain legal advice (Siena Corporation)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

9. Closed Session

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

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

10. Northwest Branch Stream Restoration Projects -POSTPONED

A. Preliminary Forest Conservation Plans MR 09001 (Batchellor's Run), MR 09002 (Upper Northwest Branch), and MR 09003 (Bryant's Nursery).

Staff recommendation: Approval with conditions

B. Mandatory Referrals MR 09001, MR 09002, and MR 09003. Three Montgomery County DEP/Army Corps of Engineers stream restoration projects on parkland and non-park public land in the Norwood area. Part of the Anacostia Restoration Project, Part II, which was presented to the Planning Board in May of 2000.

Staff recommendation: Approval with conditions

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.

11. Roundtable Discussion

- A. Commissioners' Reports
- B. Director's Reports
- C. County Council Activity
- D. FY 10 Operating Budget Issues
- E. Operating Funds Eight-Month Financial Report & Projections to June 30, 2009-**REMOVED**
- F. CAPRA - Comprehensive Recreation Program Plan

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **A. Commissioners' Reports** – Chairman Hanson briefly reported on Monday's meeting with the County Council Committee on Planning, Housing, and Economic Development (PHED) regarding the FY10 budget, which he attended with Commissioner Cryor.

B. Director's Reports – On behalf of the Parks Department Director, Mike Riley, Parks Department Deputy Director, reported on the Public Safety Committee meeting which he attended this morning regarding the Park Police proposed FY10 budget, followed by a brief Board discussion and questions.

C. County Council Activity – None.

D. FY10 Operating Budget Issues – None.

E. Operating Funds Eight-Month Financial Report & Projections to June 30, 2009 – Removed.

F. CAPRA – Comprehensive Recreation Program Plan – In keeping with the requirements of the Commission for Accreditation of Park and Recreation Agencies (CAPRA), Parks Department and Special Program Division staff gave a detailed presentation of the Montgomery County Comprehensive Recreation Programming Plan for 2010-2012, followed by Board discussion and questions to staff.

 Chairman Hanson instructed staff to include the Board's comments and suggestions discussed during the meeting in the final report.