



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 30, 2009, at 9:00 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 7:45 p.m.

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

Prior to taking up the morning agenda, Chairman Hanson called for a moment of silence in honor of Wayne Goldstein, long-time community activist, who passed away on Monday.

Items 1 through 6 are reported on the attached agenda. Item 6 continued during the afternoon session.

The Board recessed at 12:44 p.m. for lunch and to take up Item 13 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 12:55 p.m. in the third floor conference room, on motion of Commissioner Cryor, seconded by Vice Chair Robinson, 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. Commissioner Presley recused herself from discussion of the Closed Session item related to the Board Resolutions for the Clarksburg Town Center plans. 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; and §10-508(a)(7), to consult with counsel to obtain legal advice.

Also present for all or part of the Closed Session were Associate General Counsels David Lieb, Derrick Rogers, and Carol Rubin of the Legal Department; Director Mary Bradford, Deputy Directors Gene Giddons and Michael Riley, Bill Gries, April O'Neal, Dominic Quattrocchi, and Brenda Sandberg of the Parks Department; Development Review Division Chief Rose Krasnow and Robert Kronenberg of the Planning Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board discussed a staff recommendation to acquire property for the Upper Paint Branch Stream Valley Park and the conditions of approval in the draft Board Resolutions for the Clarksburg Town Center plans submitted under Item 1 on today's agenda.

The Closed Session was adjourned at 1:41 p.m. and the Board reconvened in open session in the third floor conference room.

The Board reconvened in the auditorium at 1:48 p.m. to continue Item 6, White Flint Sector Plan Worksession #8, and take up Items 8 through 11, which are reported on the attached agenda.

Items 7 and 12 were postponed.

There being no further business, the meeting was adjourned at 7:45 p.m. The next regular meeting of the Planning Board will be held Thursday, May 4, 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 30, 2009
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Adoption of Resolutions –ADDED

- Clarksburg Town Center Project Plan Amendment 91994004B, ADOPTION OF MCPB RESOLUTION No. 09-16
- Clarksburg Town Center Preliminary Plan 11995042A, ADOPTION OF MCPB RESOLUTION No. 08-163
- Clarksburg Town Center Site Plan 820070220, ADOPTION OF MCPB RESOLUTION No. 09-15

BOARD ACTION

Motion: **ROBINSON/ALFANDRE**

Vote:

Yea: 4-0

Nay:

Other: PRESLEY RECUSED

Action: Adopted the Board Resolutions cited above, with modifications to MCPB No. 09-15 as submitted by Legal Counsel.

Following considerable discussion of the draft Board Resolutions submitted for approval, the Board directed staff to address a number of issues raised.

Legal Counsel to the Board submitted revisions to the conditions in Resolution MCPB No. 09-15, for Site Plan 820070220, and the Board took final action during the afternoon session.

2. Record Plats

[Subdivision Plat No. 220081010, Westfarm Technology Park](#)

I-1 and I-3 zones; 1 parcel; located on the west side of Plum Orchard Drive, 500 feet south of Broadbirch Drive; Fairland.

Staff recommendation: Approval

[Subdivision Plat No. 220081210, Great Meadows](#)

RDT zone; 1 lot; located on the north side of Damascus Road (MD 108), approximately 3,400 feet east of Hipsley Mill Road; Olney.

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 submitted.**

4. Approval of Minutes

BOARD ACTION

Motion: **PRESLEY/ROBINSON**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved the minutes of March 19, 2009, as presented.**

5. [Maryland Department of Transportation report on Corridor Cities Transitway and I-270 Studies](#)

MDOT I-270 / U.S 15 / Corridor Cities Transitway (CCT) Multi Modal Study. Project Managers (Rick Kiegel of the MTA and Russ Anderson of the SHA) will present an update of the study in advance of the scheduled May 2009 availability of the Alternative Analysis/Environmental Assessment document

(No Public Testimony will be Taken)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing and discussed.

Maryland Department of Transportation (MDOT) staff presented a summary of the I-270/US 15/Corridor Cities Transitway study, as a briefing to the Board in anticipation of the scheduled May release of the Alternatives Analysis/Environmental Assessment report. The briefing provided an overview of the 13 different alternatives under consideration, which vary according to the highway configuration (number and type of lanes) and the transit alternative (bus rapid transit or light rail), including the recently added option of express toll lanes, as well as several alternative alignments.

In discussion, MDOT and Transportation Planning staff responded to questions from the Board and provided additional information as needed.

6. [Worksession #8– White Flint Sector Plan - Public Facilities: Parks, Environment and Sustainability, Transportation and Mobility](#)

(No Public Testimony will be taken)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Discussed and provided guidance to staff.

Parks Department staff presented an overview of the recommendations in the draft sector plan for parks and open space, focusing on Wall Local Park, a new civic green, and the potential effects of a new elementary school on White Flint Neighborhood Park.

Environmental Planning Division staff discussed their goals and recommendations for the sector plan, including green space requirements and carbon footprint modeling.

Transportation Planning Division staff discussed proposed bikeways, countywide streets connections, and the Mid-Pike Plaza proposed streets plan.

Chairman Hanson recommended that a Board meeting be scheduled for next Monday evening to continue discussion on transportation and mobility issues.

13. Closed Session -ADDED

Pursuant to Annotated Code of Maryland, State Government Article, Section 10-508 (a) (3) to consider acquisition of real property for a public purpose – Upper Paint Branch Stream Valley Park.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

13.A. Closed Session –Added following publication of the agenda.

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

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

**7. Draft Urban Design Guidelines for the Germantown Employment Area Sector Plan
- Staff Report**

Staff recommendation: Transmit the Draft Urban Design Guidelines to the County Council

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **This item was postponed.**

8. Petition to apply to the Maryland Agricultural Land Preservation Foundation (MALPF)

Petition to apply to the Maryland Agricultural Land Preservation Foundation (MALPF) for an agricultural easement (96.03 acres) Lonnie and Mina Luther, 10701 Bethesda Church Road, Damascus, Maryland 20878 RDT Zone Preservation of Agriculture and Rural Open Space Master Plan

Staff recommendation: Transmit Comments to Montgomery County Council

BOARD ACTION

Motion: **ALFANDRE/ROBINSON**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved staff recommendation to apply to the Maryland Agricultural Land Preservation Foundation (MALPF) for an agricultural easement (96.03 acres), as stated in the attached transmittal letter to the County Council.**

9. Project Plan Preliminary Plan No. 12007020A, Woodmont East and Site Plan Review No. 820090080, Woodmont East – Phase Two

A. Project Plan No. 92007007A Woodmont East CBD-2 zone; 2.48 acres; 1 lot previously approved for 78,300 square feet of office, 40,350 square feet of retail, a 225 room hotel, and 250 multi-family residential dwelling units; request to modify the mix of uses to 286,879 square feet of office, 37,136 square feet of retail, and 210 multi-family residential dwelling units; located in

the northeast quadrant of the intersection of Woodmont Avenue and Bethesda Avenue; Bethesda CBD Sector Plan.

Staff recommendation: Approval with conditions

B. Preliminary Plan No. 12007020A, Woodmont East CBD-2 zone; 2.48 acres; 1 lot previously approved for 78,300 square feet of office, 40,350 square feet of retail, a 225 room hotel, and 250 multi-family residential dwelling units; request to modify the mix of uses to 286,879 square feet of office, 37,136 square feet of retail, and 210 multi-family residential dwelling units; located in the northeast quadrant of the intersection of Woodmont Avenue and Bethesda Avenue; Bethesda CBD Sector Plan.

Staff recommendation: Approval with conditions

C. Site Plan Review No. 820090080, Woodmont East – Phase Two CBD-2 zone; 2.48 acres; 1 lot previously approved for 78,300 square feet of office, 40,350 square feet of retail, a 225 room hotel, and 250 multi-family residential dwelling units; request to modify the mix of uses to 286,879 square feet of office, 37,136 square feet of retail, and 210 multi-family residential dwelling units; located in the northeast quadrant of the intersection of Woodmont Avenue and Bethesda Avenue; Bethesda CBD Sector Plan.

Staff recommendation: Approval with conditions

BOARD ACTION

Motion: **A. ROBINSON/PRESLEY**
 B. ROBINSON/PRESLEY
 C. ROBINSON/CRYOR

Vote:

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

Nay:

Other:

Action: **A. Approved staff recommendation for approval of Project Plan for Woodmont East CBD-2 zone, as stated in the attached Board Resolution.**

B. Approved staff recommendation for approval of Preliminary Plan for Woodmont East CBD-2 zone, as stated in the attached Board Resolution.

C. Approved staff recommendation for approval of Site Plan for Woodmont East CBD-2 zone, as stated in the attached Board Resolution.

9. Project Plan Preliminary Plan No. 12007020A, Woodmont East and Site Plan Review No. 820090080, Woodmont East – Phase Two

In keeping with the April 20 technical staff report, Development Review Division staff presented the request to create two lots for 78,300 square feet of office, 40,350 square feet of retail, a 225-room hotel, and 250 multi-family residential dwelling units, and request to modify the mix of uses to 208,579 square feet of office, 9,000 square feet of retail, and 250 multi-family res-

idential dwelling units on a 2.48-acre property located in the northeast quadrant of the intersection of Woodmont Avenue and Bethesda Avenue. Staff also offered a multi-media presentation.

Ms. Patricia Harris, attorney representing the applicant, introduced members of the applicant's team and extensively discussed the proposed requests and concurred with the staff recommendation.

Mr. Robert Sponseller, architect for the applicant, discussed the proposed plan.

The following speakers offered testimony: Ms. Pat Baptiste representing the Coalition for Capital Crescent Trail (CCT); Ms. Patricia Burda of Woodbine Street and representing the Town of Chevy Chase; Ms. Pamela Browning of Elm Street; Ms. Linda Skalet of Montgomery Lane and representing the Bethesda Civic Coalition.

There followed extensive Board discussion with questions to staff and the applicant's representative.

10. Growth Policy Update

Status Report on 2009-2011 Growth Policy Studies

- Appendices Part 1, Part 2, Part 3

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(No Public Testimony will be taken)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing and update on the 2009-2011 Growth Policy Studies.

In keeping with the April 24 technical staff report, Move/Transportation Planning and Explore/Research & Technology Center Divisions staff offered a multi-media presentation followed by Board discussion and questions to staff.

Following a brief Board discussion and questions to staff, Chairman Hanson noted that staff needs to schedule another meeting and have a broader presentation and discussion of the Growth Policy.

11. Forest Conservation Fees

Forest Conservation In-Lieu Fees and Administrative Civil Penalty Rate, and other Fees Associated with Forest Conservation Plans: County Resolution 15-1271 requires the Planning Board to increase the in-lieu fee rate and the administrative civil penalty rate before May 1 of each odd numbered year

Staff Recommendation: Approval

BOARD ACTION

Motion: ROBINSON/ALFANDRE

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of increase in forest conservation fees effective July 1, 2009, with applicants paying 70 percent of the cost when submitting an application, 20 percent at the start of the project, and 10 percent before completion of the project.

Mr. Dusty from Rodgers Consulting firm offered testimony.

12. Roundtable Discussion

A. Commissioners' Reports

B. Director's Reports

C. County Council Activity

D. Review the MOU Amendment between M-NCPPC, Chevy Chase Village and Montgomery County -ADDED

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.