



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, May 14, 2009, at 9:00 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at approximately 9:00 p.m.

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

Items 2 through 6 are reported on the attached agenda. Item 1 was taken up during the afternoon session.

The Board recessed for lunch at 1:50 p.m. and to take up Item 13 in Closed Session.

Commissioner Presley left the meeting following the morning 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 Alfandre, with Chairman Hanson, Vice Chair Robinson, and Commissioners Cryor and Alfandre present and voting in favor of the motion, and Commissioner Presley 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 Counsels David Lieb, Tracey Harris, and Christina Sorrento of the Legal Department; Development Review Division Chief Rose Krasnow, Robert Kronenberg, and Sandra Pereira of the Planning Department; and Clara Moise of the Commissioners' Office.

In Closed Session, the Board received briefing and legal advice from Legal staff on the Plan of Compliance for Lofts 24, Silver Spring Park Site Plan Amendment.

The Closed Session was adjourned at 2:40 p.m. and the Board reconvened in open session in the third floor conference room.

The Board reconvened in the auditorium at 2:45 p.m. with Commissioners Hanson, Robinson, Alfandre, and Cryor present.

Items 11, 1, 9, and 8, taken up in that order, are reported on the attached agenda. Item 12 was postponed.

At 5:15 p.m., during discussion of Item 7, the Board recessed to consult with Legal Counsel in Closed Session, as reported below.

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 5:20 p.m. in the third floor conference room, on motion of Vice Chair Robinson, seconded by Commissioner Alfandre, with Chairman Hanson, Vice Chair Robinson, and Commissioners Cryor and Alfandre present and voting in favor of the motion, and Commissioner Presley 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 Counsels David Lieb, Tracey Harris, and Christina Sorrento of the Legal Department; Development Review Division Chief Rose Krasnow, Neil Braunstein, and Cathy Conlon of the Planning Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board consulted with Legal Counsel to obtain advice related to issues raised in discussion of agenda Item 7, the preliminary plan for EZ Storage.

The Closed Session was adjourned at 5:43 p.m. and the Board reconvened in open session in the third floor conference room.

The Board reconvened in the auditorium at 5:47 p.m. and continued discussion of agenda Item 9.

The Board recessed for dinner at 6:15 p.m. and reconvened in the auditorium at 7:30 p.m., to receive a presentation, The Business Case for Smart Growth, by Lee Sobel of the U.S. Environmental Protection Agency, part of the Growing Smarter speaker series.

There being no further business, the meeting was adjourned at approximately 9:00 p.m. The next regular meeting of the Planning Board will be held Monday, May 18, 2009, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Technical Writer

Ellyn Dye
Technical Writer

Montgomery County Planning Board Meeting
Thursday, May 14, 2009
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Adoption of Resolutions

BOARD ACTION

Motion: ROBINSON/CRYOR

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Adopted Resolution MCPB No. 09-24, Site Plan No. 820050410, Clarksburg Village Phase II, which was submitted on May 7, 2009, and withdrawn.

2. Record Plats

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: No Record Plats were submitted for approval.

3. Consent Items

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Consent Items.

4. Approval of Minutes

- Minutes of April 2, 2009

BOARD ACTION

Motion: ALFANDRE/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved Minutes of April 2, 2009, as presented.

5. Worksession #2–Gaithersburg West Master Plan - Environment, CCT, LSC Districts, and Design Guidelines

- Design Guidelines
 - Attachments
- (No Public Testimony will be taken)**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received staff presentation followed by Board discussion. The Planning Board instructed staff to schedule further discussion of the Life Sciences Center (LSC) Zone and the proposed Zoning Text Amendment.

Vision/Community Based-Planning Division staff offered a multi-media presentation of the Gaithersburg West Master Plan focusing on Environment, the Corridor Cities Transitway, the Life Sciences Center Districts, and the Design Guidelines for this plan, as discussed in detail in the May 8 technical staff report.

Development Review Division staff noted that in conjunction with on-going worksessions for the Gaithersburg West Master Plan, and in keeping with the April 28 detailed technical staff report, staff is presenting the request to amend the Zoning Ordinance to revise the Life Sciences Center (LSC) Zone to permit mixed-used development under certain circumstances in order to promote the growth and advancement of life sciences and applied technologies, and establish the use of building lot termination (BLT) development rights in the LSC Zone.

Urban Division staff offered a multi-media presentation on proposed open space and urban design for the Master Plan.

At the Board's request, Mr. Steve Robbins attorney representing the Bureau of National Affairs of Washington (BNA), and Mr. Tim Dugan attorney representing DANAC, accompanied by Messrs. Gene Carlin, Jack Jaeger, and Marty Bates, offered comments.

Ms. Barbara Sears representing Johns Hopkins University introduced representatives of Johns Hopkins and members of the applicant's team, and offered comments at the Board's request.

There followed extensive Board discussion and questions to staff and the speakers. The Board instructed staff to schedule further discussion of the LSC Zone and the proposed Zoning Text Amendment at the next worksession.

6. Proposed Zoning Text Amendment

To amend the Zoning Ordinance to amend the Life Sciences Center (LSC) zone to permit mixed-use development under certain circumstances in order to promote the growth and advancement of life sciences and applied technologies and to establish the use of building lot termination development rights in the LSC zone..

Staff recommendation: Transmit to County Council for introduction.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **This item was discussed with Item 5, the Gaithersburg West Master Plan.**

See Item 5.

13. 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

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

**11. Amendment to the Silver Spring Central Business District Urban Renewal Plan:
Pedestrian Bridge - ADDED**

CBD 0.5, CBD 1, CBD 2 and CBD 3 Zones, CBD Silver Spring Sector Plan.
Staff recommendation: Approval to transmit comments to the County Council

BOARD ACTION

Motion: ALFANDRE/HANSON

Vote:

Yea: 2-2

Nay: CRYOR, ROBINSON

Other: PRESLEY ABSENT

Action: To approve the staff recommendation to transmit comments to the County Council opposing the proposed amendment to the Urban Renewal Plan and pedestrian bridge. **FAILED FOR LACK OF A MAJORITY.**

Planning Director Rollin Stanley and Community-Based Planning staff presented the proposal by the County Executive to amend the Silver Spring CBD Urban Renewal Plan to allow a pedestrian bridge to connect the Wayne Avenue garage and the new Silver Spring Library. Staff does not support the amendment or the pedestrian bridge, because it will divert pedestrian traffic off the sidewalks, which is contrary to the sector plan recommendation for development that activates the streets and sidewalks. Staff supports, instead, investment in improvements to the intersection of Wayne Avenue and Fenton Street, which will benefit the Silver Spring CBD area, and provision of a limited amount of parking on Bonifant Street and the library site.

Mr. David Dise, Director of the Department of General Services, and Mr. Don Scheuerman, the project manager, provided a multi-media presentation and discussed the rationale for and merits of the proposed pedestrian bridge.

Ms. Becky Reeve, Friends of the Silver Spring Library, and Ms. Rita Gale, presenting the testimony of the Silver Spring Library Advisory Committee, provided comments.

7. Preliminary Plan No. 120070510, EZ Storage – Burtonsville Industrial Park

I-3 and Burtonsville Employment Overlay zones; 3.04 acres; 1 lot requested; self storage facility with 147,142 square feet of floor area; located on Sandy Spring Road (MD 198), 400 feet west of its intersection with Starpointe Drive; Fairland.

Staff recommendation: Approval with conditions

BOARD ACTION

Motion: ALFANDRE/ROBINSON

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: **Approved the staff recommendation to approve, subject to revised conditions, further modified to incorporate revisions to condition 6 submitted by the applicant, as stated in the attached Board Resolution.**

Development Review staff presented the preliminary plan for a self-storage facility, as detailed in the staff report, and distributed a revised list of conditions, with changes to conditions 7 and 8. Staff reported that the Board reviewed and denied the subject application on February 14, 2008. The applicant filed a petition for judicial review of the Board's denial, and the Court remanded the preliminary plan to the Board, with instructions to approve the application.

Mr. Robert Dalrymple, attorney, and Mr. Craig Pittinger of the applicant company, concurred in the staff recommendation, proposing a revision to condition 6, to allow the access to MD 198 via Starpointe Lane to remain until such time that State Highway Administration requires closure.

Mr. Stuart Rochester, representing the ongoing Fairland Master Plan Citizens Advisory Committee, offered comments.

There followed some discussion of the access to MD 198, the interpretation of the provisions of the Overlay Zone, and the Board's ability to approve the proposed use on property with a base zone that does not allow the use.

The Board recessed briefly to consult with Legal Counsel in Closed Session on the issue of the use and the Overlay Zone.

In seconding the motion, Vice Chair Robinson raised concerns about the directed remand from the Court, the interpretation of the provisions of the Overlay Zone, and what he viewed as a lack of statutory authority to approve the application.

Chairman Hanson concurred in those concerns and noted that the Board has appealed the Court action, and the applicant proceeds at his own risk.

14. Closed Session – Added following publication of the agenda

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

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

8. Policy Area Mobility Review FY2010 Requirements

Presentation to Board and discussion; required annually under Annual Growth Policy legislation. Present the year 2013 Policy Area Mobility Review (PAMR) analysis and results, including the FY 2010 PAMR trip mitigation requirements

Staff recommendation: Adopt FY 2010 PAMR mitigation requirements effective July 1, 2009

BOARD ACTION

Motion: HANSON/ALFANDRE

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Approved the staff recommendation.

Transportation Planning staff presented the FY 2013 Policy Area Mobility Review analysis and the FY 2010 trip mitigation requirements, as detailed in the staff report.

There followed considerable discussion, with staff providing additional information and responding to Board questions as needed.

12. Parks Central Maintenance Facility Relocation: Site Selection / Analysis – Review staff evaluation for alternative relocation sites for acquisition - POSTPONED

Staff recommendation: Discussion

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.

9. Roundtable Discussion

- A. Commissioners' Reports**
- B. Director's Reports**
- C. County Council Activity**
- D. ICC Status Report #18**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: D. Received the ICC Status Report.

A. Commissioners' Reports—None.

B. Director's Reports—None.

C. County Council Activity—No reports.

D. [ICC Status Report #18—Parks Department and Planning Department staff presented an update on notable activities since the last report on January 29, 2009, as detailed in the staff report.](#)

**10. Growing Smarter speaker series - Lee Sobel, U.S. Environmental Protection Agency
The Business Case for Smart Growth**

Lee Sobel, a development and finance analyst with the U.S. Environmental Protection Agency, will focus on policy, technical assistance and outreach on development that achieves smart growth goals.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received presentation.