



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 27, 2010, at 9:15 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 7:16 p.m.

Present were Chairman Royce Hanson, Vice Chair Marye Wells-Harley, and Commissioner Norman Dreyfuss. Commissioners Joe Alfandre and Amy Presley were necessarily absent. Commissioner Presley participated in the Closed Session meet by phone at 1:05 p.m.

Prior to convening, the Board participated with the members of the Prince George's County Planning Board in a Closed Session conference call of The Maryland-National Capital Park and Planning Commission (M-NCPPC). The official citation and open session report of the Closed Session meeting are included in the M-NCPPC minutes.

Items 1, 13, 2, and 3 are reported on the attached agenda.

The Board recessed at 12:25 p.m. for lunch and to take up Items 10-12 in Closed Session. Closed Session Item 14 was postponed.

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 1:00 p.m. in the third floor conference room, on motion of Commissioner Wells-Harley, seconded by Commissioner Dreyfuss, with Chairman Hanson, Vice Chair Wells-Harley, and Commissioner Dreyfuss present and voting in favor of the motion, and with Commissioners Alfandre and Presley absent. Commissioner Presley joined the meeting by phone at 1:05 p.m. 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; §10508(a)(13), to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter; and §10-508(a)(14), to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal before the contract is awarded or bids are opened, if public discussion or disclosure would adversely impact the ability of the Commission to participate in the competitive bidding or proposal process.

Also present for all or part of the Closed Session were Associate General Counsels Sean Dixon, Derrick Rogers, and Carol Rubin of the Legal Department; Director Mary Bradford, Deputy Directors Gene Giddens and Mike Riley, Daniel Hertz, and John Nissel of the Parks Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board discussed the proposed acquisition of parkland, approved Closed Session minutes, and received a briefing and provided guidance to staff on issues related to lease and operations for the proposed Jack Schore Tennis Facility.

The Closed Session was adjourned at 1:30 p.m.

The Board reconvened in the auditorium at 2:13 p.m.

Before starting the meeting Chairman Hanson announced the passing of former Montgomery County Planning Board Chairman, Mr. Bill Hussmann, and invited the audience to observe a minute of silence in his memory.

Items 4 through 9 and Item 15 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 7:16 p.m. The next regular meeting of the Planning Board will be held Thursday, June 3, 2010, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye
Technical Writer

M. Clara Moise
Technical Writer

Montgomery County Planning Board Meeting
Thursday, May 27, 2010, 9:00 A.M.
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

MEETING OF THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION - 3RD FLOOR CONFERENCE ROOM- ADDITION

14. Closed Session

(Full Commission via Conference Call) Pursuant to Maryland State Government Code Annotated Section (10-508)(a)(1), to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of Commission appointees, employees, or officials; or to discuss any other personnel matter that affects 1 or more specific employees.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Discussed in Closed Session. See official citation and open session report in the minutes of The Maryland-National Capital Park and Planning Commission.

15. Retirement Incentive Plan

(Full Commission via Conference Call)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **This item was withdrawn.**

1. Consent Agenda

***A. Adoption of Resolutions - REVISED**

- 1. Ripley Street North Project Plan 92004006B – ADOPTION OF MCPB RESOLUTION No. 10-66
- 2. Ripley Street North Preliminary Plan 12006054A – ADOPTION OF MCPB RESOLUTION No. 10-41
- 3. Ripley Street North Site Plan 82006025A – ADOPTION OF MCPB RESOLUTION No. 10-65
- 4. Montgomery College BioScience Education Center – ADOPTION OF MCPB RESOLUTION No. 10-67- **ADDITION**

BOARD ACTION

Motion: **DREYFUSS/WELLS-HARLEY**

Vote:

Yea: **3-0**

Nay:

Other: **ALFANDRE, PRESLEY ABSENT**

Action: **Adopted the Board Resolutions cited above.**

***B. Records Plats**

Subdivision Plat No. 220100590, Great Falls Estates - RE-2 zone, 2 lots; located on the north side of Skipwith Lane, approximately 1100 feet west of Belmart Road; Potomac.

Staff Recommendation: Approval

BOARD ACTION

Motion: **WELLS-HARLEY/DREFUSS**

Vote:

Yea: **3-0**

Nay:

Other: **ALFANDRE, PRESLEY ABSENT**

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

***C. Other Consent Items**

1. Clarksburg Town Center Project Plan 91994004C – ADOPTION OF MCPB RESOLUTION No. 10-58

2. Site Plan Amendment Review No. 82007022A, Clarksburg Town Center, RMX-2 zone; 270.00 acres; amendment to correct and clarify the unit mix and unit count and to correct the data table; located at the southeast quadrant of the intersection of Clarksburg road and Snowden Farm Parkway; Clarksburg

Staff Recommendation: Approval of the Consent Item and Draft Resolution

BOARD ACTION

Motion: **WELLS-HARLEY/DREFUSS**

Vote:

Yea: **3-0**

Nay:

Other: **ALFANDRE, PRESLEY ABSENT**

Action: **After removing the project plan Resolution and site plan amendment cited above from the Consent Agenda, and receiving a briefing from Development Review Division staff on additional revisions and corrections being proposed, approved the two items, subject to the changes made in discussion, as stated in the attached Board Resolutions.**

***D. Approval of Minutes**

Minutes of April 22, 2010 and April 26, 2010.

BOARD ACTION

Motion: **WELLS-HARLEY/DREFUSS**

Vote:

Yea: **3-0**

Nay:

Other: **ALFANDRE, PRESLEY ABSENT**

Action: **Approved the minutes of April 22 and 26, 2010, as presented.**

**13. Reconsideration Request for Piney Glen Farms-Lot 20 (Limited Amendment)
Preliminary Plan 11992012A - ADDITION**

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 3-0

Nay:

Other: ALFANDRE, PRESLEY ABSENT

Action: Following a brief presentation by Legal staff, requesting reconsideration of the Board's action on the preliminary plan amendment cited above because notice was not properly sent, the Board agreed to reconsider.

2. Hearing and Worksession No. 1: White Flint Design Guidelines

Staff Recommendation: Review Testimony and Approve Guidelines for Final Publication

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Provided guidance to staff with the directive to revise the document as agreed in discussion and bring it back for final review and approval.

Urban Design staff presented the final draft White Flint Design Guidelines for Board review and approval.

Ms. Natalie Goldberg of Kensington; Mr. Evan Goldman, representing Federal Realty Investment Trust; Mr. Steven Robins of Lerch Early and Brewer; and Mr. Bill Kominers, land use attorney, offered testimony and participated in the discussion.

There followed considerable discussion of various design recommendations and revisions of language for greater clarity.

3. Revised CR Incentive Density Guidelines

Guidelines for the provision of public benefits for incentive density in the CR Zones as required by the Zoning Ordinance. To be approved by the Planning Board and used by staff, applicants, and citizens during the public review of optional method projects.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Provided guidance to staff for revisions to be incorporated into the Guidelines for final review.

Development Review staff presented the revised incentive density guidelines for the CR Zone, identifying the changes from the previous draft and discussing the incentive density calculations and how they will be applied.

Mr. Robert Brewer, Mr. Steve Robins, Mr. Craig Ciekot, and Mr. Evan Goldman, attorneys representing the White Flint Partnership; Ms. Natalie Goldberg of Kensington; Mr. William Kominers, attorney representing Fitzgerald Automotive; and Ms. Patricia Harris, land use attorney, offered comments on the guidelines and participated in the discussion.

There followed considerable discussion of the incentive density calculations and the public benefit criteria, and how they would be applied to various development scenarios; the sketch plan; and revisions to the document for greater clarity.

10. Closed Session - ADDITION

Pursuant to Annotated Code of Maryland, State Government Article, Section 10-508 (a) (3) to consider acquisition of real property for a public purpose.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

11. Closed Session - ADDITION

Pursuant to Maryland State Government Code Annotated Section (10-508)(a)(13), to comply with specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

12. Closed Session - ADDITION

Pursuant to Maryland State Government Code Annotated Section (10-508)(a)(14), to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal before the contract is awarded or bids are opened, if public discussion or disclosure would adversely impact the ability of the Commission to participate in the competitive bidding or proposal process.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

14. Closed Session - ADDITION

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

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.

4. Third District Police Station, White Oak

A. Forest Conservation Plan: Third District Police Station - Northeastern Quadrant of the intersection of New Hampshire Avenue (MD Route 650) and Columbia Pike (MD Route 29), R-90/TDR Zone, White Oak Master Plan

Staff Recommendation: Approval with Conditions

B. Mandatory Referral No. 2009742-DGS-1, Third District Police Station - Northeastern Quadrant of the intersection of New Hampshire Avenue (MD Route 650) and Columbia Pike (MD Route 29), R-90/TDR Zone, White Oak Master Plan

Staff Recommendation: Approve and Transmit Comments

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Following extensive Board discussion and testimony, and at the request of the Montgomery County Department of General Services, the Board unanimously agreed to defer the item.

In keeping with May 21 and 27 technical staff reports, Urban Design and Environmental Planning staff offered a multi-media presentation of the Mandatory Referral request to establish a police station on a 4.5-acre site located in the northeastern Quadrant of the intersection of New Hampshire Avenue (MD Route 650) and Columbia Pike (MD Route 29) in the White Oak Master Plan area. Staff discussed the proposed forest conservation plan, including Maryland State Highway Administration's proposed road plan for the area. Staff compared the original Forest Conservation Plan, which was submitted by the applicant, and the revised plan, and noted that the applicant is offering a better tree save plan and forest retention in the revised plan. Staff also discussed Section 22A-12(b) of the Forest Conservation Law describing the nature of forest as applicable to the proposed site.

Urban Design staff discussed the proposed new police station, which is intended to replace an existing police station located on Sligo Creek Park. Staff discussed the proposed architecture for the new building, and the number of parking spaces required. Staff noted that the Department of General Services submitted the proposed plan, which has been reviewed by staff.

At the Board's request, Mr. Dan Sherman of the Department of General Services offered comments.

4. Third District Police Station, White Oak

The following speakers offered testimony: Mr. Barry Wides of Ithica Drive and representing the North White Oak Civic Association; Ms. Selma Taylor of Milestone Drive; Mr. Waldemar Berenguer of Sherbrooke Woods Lane; Ms. Elizabeth Molloy of Heartfields Drive and representing the Sherbrooke Homeowners Association; Mr. Peter Karpoff of Quaint Acres Drive and representing the Quaint Acres Citizens Association; Dr. Jane Huff of White Flint Drive; Dr. Diane Post of Silver Spring and President of the Rachel Carson Council; Ms. Peggy Dennis of Fawsett Road and representing the Montgomery County Civic Federation; and Ms. Maria Germany of Caplinger Road.

There followed extensive Board discussion with questions to staff.

Chairman Hanson noted that there needs to be a larger buffer between the proposed police station and the existing neighborhoods, and as much forest as possible needs to be preserved. The Chairman recommended that the Department of General Services work with staff to modify the request accordingly.

5. Equipment Maintenance and Operation Center (EMOC) - Casey 6 and 7 Property

A. Forest Conservation Plan: (REVISED STAFF MEMO) EMOC, Casey 6 and 7 Property, Montgomery County Department of General Services, I-3 Zone, Shady Grove Sector Plan
Staff Recommendation: Approval with Conditions

B. Mandatory Referral No. 2010709-DGS-1: EMOC, Casey 6 and 7 Property, Montgomery County Department of General Services, I-3 Zone, Shady Grove Sector Plan
Staff Recommendation: Approval and Transmit Comments

C. Mandatory Referral No. 09749-DGS-1: Site Selection – Robert’s Oxygen for County Service Park Relocation, 5.04 acres located south of Railroad Street, Shady Grove Sector Plan
Staff Recommendation: Approval and Transmit Comments

BOARD ACTION

Motion: **A. DREYFUSS/WELLS-HARLEY**
 B. DREYFUSS/WELLS-HARLEY
 C. DREYFUSS/WELLS-HARLEY

Vote:

Yea: **3-0 (A,B,C)**

Nay:

Other: **ALFANDRE, PRESLEY ABSENT**

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

B. Approved staff recommendation to transmit comments to the Montgomery County Department of General Services, as stated in the attached transmittal letter.

C. Approved staff recommendation to transmit comments to the Montgomery County Department of General Services, as stated in the attached transmittal letter.

In accordance with the May 21 technical staff report, Community-Based Planning, Urban Design, and Environmental Planning staff discussed the Forest Conservation Plan and two Mandatory Referral requests for two sites in Shady Grove. Staff discussed the Casey 6 and 7 property sites and the Robert Oxygen sites. The two Casey sites conform to the Shady Grove Sector Plan. Staff discussed the three sites, the set backs and the forest conservation requirements for these sites. Extensive landscaping and screening along Shady Grove Road,, and removal of trees around Shady Grove. Lighting plan for the sites need to be reviewed.

Montgomery County General Services Office staff offered a multi-media presentation of the proposed lots being used for the bus depot.

5. Equipment Maintenance and Operation Center (EMOC)

Legal staff discussed Condition 4 of the Forest Conservation Plan, which requires planting on parkland or non parkland in the same watershed, one-to-one offsite mitigation may be required. The applicant will provide the planting by providing the budget to Parks staff, instead of the applicant planting. There will be a Memorandum of Understanding that will cover the details of this and be open for public comments.

At the Board’s request, Parks Department staff offered comments.

Ms. Ginny Barnes of Glen Road and representing the West Montgomery County Citizens Association offered testimony.

6. Preliminary Plan 12002041B, Islamic Center of Maryland (Limited Amendment) (Reconsideration) - POSTPONED

RE-2 zone; 9.92 acres; 1 lot previously approved for a house of worship; request to remove a previously approved on-site forest conservation easement and meet requirements off-site; located on Woodfield Road opposite its intersection with Cypress Hill Drive; Upper Rock Creek.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.

7. Maydale Park Stream Restoration Project

Montgomery County Department of Parks is proposing a stream restoration project on the upper Paint Branch Stream within Maydale Park, approximately 2,500' east of the intersection of Briggs Chaney and Good Hope Road.

A. Forest Conservation Plan SC2010010

Staff Recommendation: Approval with Conditions

B. Special Protection Area Water Quality Plan

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: A. WELLS-HARLEY/DREYFUSS

B. WELLS-HARLEY/DREYFUSS

Vote:

Yea: 3-0 (A,B)

Nay:

Other: ALFANDRE, PRESLEY ABSENT

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

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

In keeping with the May 14 technical staff report, Environmental Planning staff offered highlights of the Maydale Park Stream Restoration project as described in detail in the May 14 technical staff report. Staff discussed the proposed Forest Conservation Plan and the Special Protection Area Water Quality Plan.

At the Board's request, Parks Department staff offered comments.

8. Garrett Park Elementary School Modernization

A. Preliminary Forest Conservation Plan: Garrett Park Elementary School Modernization - Near the Intersection of Strathmore Avenue and Kenilworth Avenue, R-90 Zone, North Bethesda/Garrett Park Master Plan

Staff Recommendation: Approval with Conditions

B. Mandatory Referral No. 10702-MCPS-1: Garret Park Elementary School Modernization - Near the Intersection of Strathmore Avenue and Kenilworth Avenue, R-90 Zone, North Bethesda/Garrett Park Master Plan

Staff Recommendation: Approval and Transmit Comments

BOARD ACTION

Motion: **A. WELLS-HARLEY/DREYFUSS**
 B. WELLS-HARLEY/DREYFUSS

Vote:

Yea: **3-0 (A,B)**

Nay:

Other: **ALFANDRE, PRESLEY ABSENT**

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

B. Approved staff recommendation for approval, subject to revised conditions discussed at the meeting and as stated in the attached Board Resolution.

In accordance with the May 13 and May 21 technical staff reports, Environmental Planning staff discussed the forest conservation plan for the mandatory referral request for the modernization of the Garrett Park Elementary School. Staff discussed the nature of the existing forest and the amount of forest proposed to be retained and to be cleared. Staff noted that there are a number of trees that can be retained and others where it might be necessary to remove and others to be saved. Staff is working with the Montgomery County Public Schools (MCPS) to address this issue. MCPS is required to bring in a larger water line.

Legal staff noted that the Planning Board might make a recommendation that the vault be located in an area that would require less tree disturbance.

Community-Based Planning staff offered a multi-media presentation of the preliminary forest conservation plan for a Mandatory Referral request to remodel the Garrett Park Elementary School located near the intersection of Strathmore Avenue and Kenilworth Avenue in the North Bethesda/Garrett Park Master Plan,

At the Board's request, Mr. Craig Shuman Jr., representing MCPS offered comments. Ms. Susan Alexander of Oxford Street offered testimony.

15. Proposed Dedication at Glen Hills Local Park in Memory of the late Commissioner Jean B. Cryor - ADDITION

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: WELLS-HARLEY/DREYFUSS

Vote:

Yea: 3-0

Nay:

Other: ALFANDRE, PRESLEY ABSENT

Action: Approved staff recommendation for approval subject to conditions.

Parks Department staff noted that Mrs. Cryor’s family requested that the Glen Hills Local Park be dedicated to the late Commissioner. Staff briefly discussed the proposed request and recommended approval by the Planning Board.

9. Roundtable Discussion - REVISED

1. Briefing on Potential Agricultural Incubator on Parkland
2. Bill 19-10: Transportation Impact Tax Credits - POSTPONED
3. Bill 38-09: Growth Policy - ADDITION

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

1. Briefing on Potential Agricultural Incubator on Parkland- Parks Department staff offered a multi-media presentation on the potential agricultural incubator in Montgomery County. Staff discussed the small farm/agricultural incubator concept on parkland, the preliminary program of requirements, the site selection criteria, the ranking of “hubs”, and the guidance required to get to the next steps.

The following speakers offered testimony: Ms. Dolores Milmoie representing the Audubon Naturalist Society, Ms. Ginny Barns of Glen Road, and Mr. Peter James of Sojourn Court and representing First Fruits Project.

2. Bill 19-10: Transportation Impact Tax Credits - This item was postponed.

3. Bill 38-09: Growth Policy - Transportation Planning and Research & Technology staff discussed the proposed bill regarding the timing for updating the Growth Policy Staff noted that the proposed timing will shift the update of the Growth Policy report from a 2-year schedule to a 4-year schedule. Staff noted that the Planning Board had previously discussed this proposal and is in favor of the shift.

Mr. William Kominers of Bethesda Metro Center offered testimony