



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

301-495-4616

**APPROVED
MINUTES**

The Montgomery County Planning Board met in regular session on Thursday, June 5, 2008, at 9:10 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 9:35 p.m.

Present were Chairman Royce Hanson, Vice Chair John Robinson, and Commissioner Jean Cryor. Commissioner Allison Bryant was necessarily absent.

At 10:00 a.m. the Full Commission met via teleconference in the third floor conference room to take up Closed Session Items 16 and 19, "M-NCPPC Resolution 08-10, Retirement Incentive Program." The Commissioners in attendance and action taken are reported in Full Commission minutes, on file in the Executive Director's Office.

Items 1 through 5 and 16 through 19 are reported on the attached agenda.

The Board recessed for lunch at 12:30 p.m. and reconvened in the auditorium at 1:26 p.m.

Items 6 through 14 are reported on the attached agenda.

The Board recessed for dinner at 6:15 p.m. and reconvened at 7:45 p.m., with the same three Commissioners present for Item 15, the single evening item featuring Mr. Sam Zimmerman as part of the Excellence in Planning Speaker Series. Mr. Zimmerman, a former director of planning for the Federal Transit Administration, spoke on "Bus Rapid Transit: Myths and Realities."

There being no further business, the meeting was adjourned at 9:35 p.m. The next regular meeting of the Planning Board will be held Thursday, June 12, 2008, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Technical Writer

E. Ann Daly
Technical Writer

Montgomery County Planning Board Meeting
Thursday, June 5, 2008
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Adoption of Opinions/Resolutions

Group A: Four Commissioners Eligible to Vote [Commissioners Bryant, Hanson, Robinson and Cryor]

- i) Site Plan No. 820080050, Hollyoak, ADOPTION OF RESOLUTION No. 08-50

BOARD ACTION

Motion: ROBINSON/CRYOR

Vote:

Yea: 3-0

Nay:

Other: BRYANT ABSENT

Action: Adopted, as presented, the Resolution identified above.

2. Record Plats

Subdivision Plat No. 220081020, Glen Cameron Estates

RDT zone; 1 lot; located on the north side of Comus Road, 300 feet west of Sunridge Drive; Agriculture and Rural Open Space

Staff recommendation: Approval

Subdivision Plat No. 220080440, Traville

MXN zone; 2 parcels; located on the west side of Traville Gateway Drive, approximately 900 feet south of Darnestown Road; Shady Grove

Staff recommendation: Approval

BOARD ACTION

Motion: ROBINSON/CRYOR

Vote:

Yea: 3-0

Nay:

Other: BRYANT ABSENT

Action: Approved above-mentioned record plats, as submitted.

3. Consent Items

Preliminary Plan Amendment No. 12004018C, North Airpark Business Park

I-4 zone; 134 acres; minor amendment to modify the construction timetable for a required offsite improvement; located on Snouffer School Road, approximately 10,000 feet northeast of its intersection with Centerway Road; Gaithersburg

Staff recommendation: Approval of the minor amendment

BOARD ACTION

Motion: ROBINSON/HANSON

Vote:

Yea: 3-0

Nay:

Other: BRYANT ABSENT

Action: Approved staff recommendation for approval.

4. Site Plan Review No. 820080140, Damascus Smart-Miner

RNC/TDR-1 zone; 15.50 acres; 15 one-family detached units; located on the south side of Bethesda Church Road approximately 500 feet from the intersection MD 27; Damascus.

Staff recommendation: Approval with conditions

BOARD ACTION

Motion: ROBINSON/CRYOR

Vote:

Yea: 3-0

Nay:

Other: BRYANT ABSENT

Action: 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 June 5 detailed technical staff report, Development Review Division staff presented the request to create 15 detached one-family homes on a 15-acre property located on the south side of Bethesda Church Road, approximately 500 feet from the intersection of MD27 in Damascus. Staff discussed the proposed 5-foot sidewalk with a five-foot wide landscape panel.

Environmental Planning Division staff offered comments regarding the reforestation requirement and noted that the applicant has planted an additional five acres.

Rebecca Walker, attorney representing the applicant, introduced Ms. Vic Bryant and Mr. Carter Wilson, members of the applicant's team, and briefly discussed the proposed project, including a proposed sidewalk waiver.

There followed a brief Board discussion, with questions to staff and the applicant's representatives.

Chairman Hanson noted that a 5-foot sidewalk in his view is not a sidewalk, and he recommended that the applicant provide a 10-foot sidewalk. This was included as a condition in the final vote.

16. CLOSED SESSION

In accordance with State Government Article, Section 10-508(1) (Personnel) and Section 10-508 (a)(7) to consult with counsel to obtain legal advice.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: The Montgomery County and Prince George's County Planning Boards met in Closed Session via teleconference as the Full Commission, preceding their regular Wednesday meeting. This meeting and the Commission's action are reported in Commission minutes, which are retained in the office of the Executive Director.

19. Conference Call: Full Commission

Proposed voluntary Retirement Incentive Program to achieve savings in response to budget shortfalls (FY09)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: The Montgomery County and Prince George's County Planning Boards met via teleconference as the Full Commission, preceding their regular Wednesday meeting. This meeting and the Commission's action are reported in Commission minutes, which are retained in the office of the Executive Director.

5. Holladay at Edgemoor:

A. Preliminary Plan No. 120080050

TS-R zone; 22,769sf; 1 lot requested; 48 multi-family residential dwelling units, including a minimum 12.5% moderately priced dwelling units (MPDUs); located in the northwest quadrant of the intersection of Montgomery Lane and West Lane; Bethesda CBD.

Staff recommendation: Approval with conditions

B. Site Plan Review No. 820080030

TS-R zone; 0.52 acres; 48 multi-family dwelling units, including 6 MPDUs; located at the northwest quadrant of the intersection of West Lane and Montgomery Lane; Bethesda CBD

Staff recommendation: Approval with conditions

BOARD ACTION

Motion: (A) ROBINSON/CRYOR
(B) ROBINSON/CRYOR

Vote:

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

Nay:

Other: BRYANT ABSENT

Action: (A) Approved staff recommendation for approval of the Preliminary Plan, subject to revised conditions discussed during the meeting, and as stated in the attached Board Resolution.

(B) Approved staff recommendation for approval of the Site Plan, subject to revised conditions discussed during the meeting, and as stated in the attached Board Resolution.

In keeping with the June 5 technical staff report, Development Review Division staff offered a detailed presentation of the request to create 48 multi-family residential dwelling units, including a minimum of 12.5 percent Moderately Priced Dwelling Units (MPDUs) on a 22.769 square feet property located in the northwest quadrant of the intersection of Montgomery Lane and West Lane in Bethesda.

Ms. Patricia Harris, attorney representing the applicant, introduced Ms. Rita Bamberger and Mr. Joseph Plumpe, members of the applicant’s team, and discussed the proposed project.

Mr. David O’Byron representing City Homes of Edgemoor offered testimony.

There followed a brief Board discussion, with questions to staff and the applicant’s representative.

17. Planning Board Draft - Limited Amendment to the Sector Plan for the Wheaton Central Business District and Vicinity

(Continuation of May 29, 2008 MCPB hearing/discussion)

Staff recommendation: Approval to transmit Planning Board Draft to County Council

BOARD ACTION

Motion: ROBINSON/CRYOR

Vote:

Yea: 3-0

Nay:

Other: BRYANT ABSENT

Action: Following a brief presentation by Community-Based Planning Division staff, approved staff recommendation to transmit Planning Board Draft of the Limited Amendment to the Sector Plan for the Wheaton Central Business District and Vicinity to the County Council.

6. Zoning Text Amendment No. 08-07 and Subdivision Regulation Amendment No. 08-02

A.) ZTA Amendment No. 08-07: Introduced by the District Council at the Request of the County Executive: to amend the Zoning Ordinance to remove the Alternative Review Committee from the development plan and project plan approval processes and allow certain development plans or project plans to exceed density or building height limits to permit the construction of all MPDUs and bonus units on-site

Staff recommendation: Transmit Comments to County Council

(Action required for County Council public hearing of 6/17/08)

B.) Subdivision Regulation Amendment No. 08-02: Introduced by the District Council at the Request of the County Executive: to amend the Subdivision Regulations to remove the Alternative Review Committee from the preliminary plan approval process; and allow certain preliminary plans to exceed density or building height limits to permit the construction of all MPDUs and bonus units on-site.

Staff recommendation: Transmit Comments to County Council

(Action required for County Council public hearing of 6/17/08)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other: BRYANT ABSENT

Action: By consensus, with three Commissioners present, authorized transmittal of the Board's position, contrary to the staff recommendation, as noted in the attached transmittal to the County Council for Montgomery County, Maryland, sitting as the Dis-

istrict Council for the Maryland-Washington Regional District in Montgomery County, Maryland.

Staff of the Development Review Division presented highlights of the May 29 technical staff report.

Mr. Martin Klauber, Office of People’s Counsel, endorsed Commissioner Robinson’s view that density limits should be established in the Zoning Ordinance.

Mr. Wayne Goldstein of Kensington testified as a County resident and a member of the Montgomery County Civic Federation that the Alternative Review Committee did not work, that claims of economic hardship by a developer should be public and challengeable, and that heights in Master Plan documents should not be exceeded.

6. Zoning Text Amendment No. 08-07 and Subdivision Regulation Amendment No. 08-02

Mr. Robert Dalrymple opposed the zoning text amendment, stating the process is broken and there are too many competing goals that are not clear.

7. Zoning Text Amendment No. 08-08

Introduced by the District Council at the Request of the County Executive: to amend the Zoning Ordinance to allow optional method of development projects in the Fenton Village Overlay Zone additional building height to accommodate workforce housing units

Staff recommendation: Transmit Comments to County Council

(Action required for County Council public hearing of 6/17/08)

BOARD ACTION

Motion: ROBINSON/CRYOR

Vote:

Yea: 3-0

Nay:

Other: BRYANT ABSENT

Action: Approved staff recommendation to transmit comments in support of the staff recommendation of denial, as noted in the attached transmittal to the County Council for Montgomery County, Maryland, sitting as the District Council for the Maryland-Washington Regional District in Montgomery County, Maryland.

Items 7 and 8 are associated.

Staff of the Development Review Division presented highlights of the May 22 technical staff report on this proposed Zoning Text Amendment that would allow the approval of an optional method of development project up to the maximum height allowed in the underlying CBD-1 Zone for the construction of workforce housing between Georgia Avenue and Fenton Street.

Staff noted that this type of question, whether to increase the building heights for certain properties in Fenton Village, should be done through a Sector Plan amendment. Staff recommends denial of this application.

Offering testimony were Mr. Gary Stith on behalf of the County Executive, Mr. Robert Dalrymple, attorney representing Michel LLC, the developer of Studio Plaza, Ms. Jane Gorbaty for the East Silver Spring Citizens Association, Ms. Jane Redicker, for the Greater Silver Spring Chamber of Commerce, and Mr. Wayne Goldstein of Kensington.

Community-Based Division staff recommended any revision be subject to a limited Sector Plan amendment in order to evaluate any proposal as a package, rather than making a change to the Zoning Ordinance.

8. Zoning Text Amendment No. 08-10

Introduced by Councilmembers Ervin and Elrich: to amend the Zoning Ordinance allow additional building height to accommodate hotels in mixed-use optional method of development projects in the Fenton Village Overlay Zone

Staff recommendation: Transmit Comments to County Council
(Action required for County Council public hearing of 6/17/08)

BOARD ACTION

Motion: ROBINSON/CRYOR

Vote:

Yea: 2-1-0

Nay: HANSON

Other: BRYANT ABSENT

Action: Recommended approval of the Zoning Text Amendment as modified, as reflected in the attached Letter of Transmittal, contrary to the staff recommendation of denial in the May 27 technical staff report.

Items 7 and 8 are associated. Staff of the Development Review Division presented highlights of the May 27 technical staff report on this submitted Zoning Text Amendment that would permit increased building height up to 60 feet, which exceeds the 45 foot height limit in the Fenton Village Overlay Zone, to accommodate a hotel use as part of a mixed use optional method project. Staff recommends that revisions to the Sector Plan be accomplished through the Sector Plan amendment process.

Offering testimony were Ms. Karen Roper for the East Silver Spring Citizens Association; Mr. Todd Brown, attorney, representing the Fenton Group, Dr. Ulysses Glee for Moda Vista Residences project, a proposal for the southeast quadrant of the intersection of Fenton Street and Silver Spring Avenue in Fenton Village; and Ms. Jane Gorbaty, East Silver Spring Citizens Association.

Chairman Hanson, in dissenting, supported the staff recommendation and position that the amendment is inconsistent with the Sector Plan building height recommendations for the east side of Fenton Street in Fenton Village.

9. Zoning Text Amendment No. 08-09

Introduced by Council President Knapp: to amend the Zoning Ordinance to remove the restrictions on health clubs in industrial zones

Staff recommendation: Transmit Comments to County Council

(Action required for County Council public hearing of 6/17/08)

BOARD ACTION

Motion: ROBINSON/CRYOR

Vote:

Yea: 3-0

Nay:

Other: BRYANT ABSENT

Action: Approved staff recommendation for approval as noted in the attached Letter of Transmittal.

10. Pre-Preliminary Plan No. 720060240, Black Hills Estates (Resubdivision)

(Continuation of May 8, 2008 MCPB hearing)

RE-2 zone; 4.5 acres; 2 lots requested; 2 one-family detached residential dwellings, one existing to remain; located on Ascot Square Court, 370 feet east of Clarksburg Road (MD 121); Boyds

Staff recommendation: No objection to submittal of preliminary plan

BOARD ACTION

Motion: CRYOR/ROBINSON

Vote:

Yea: 3-0

Nay:

Other: BRYANT ABSENT

Action: Approved staff recommendation to not object to submittal of a Preliminary Plan, subject to condition and findings, reflected in the attached Board Resolution.

Following Development Review Division's presentation, Mr. Curt Schreffler, engineer representing the applicant, introduced Mr. Michael Gresalfi, the applicant, and requested approval.

Mr. Terry Fitzsimmons of Black Hills Road offered background on Black Hills Road and testimony about needed improvements.

11. Pre-Preliminary Plan No. 720080100, Russell Property

RDT zone; 12.2 acres; 1 lot requested; 1 one-family detached dwelling unit; located on Whites Ferry Road, 1000 feet west of Sugarland Road; Agriculture and Rural Open Space

Staff recommendation: Approval with conditions

BOARD ACTION

Motion: ROBINSON/CRYOR

Vote:

Yea: 3-0

Nay:

Other: BRYANT ABSENT

Action: Approved staff recommendation of approval with conditions, as noted in the attached Board Resolution.

Following Development Review Division staff's presentation, in accordance with the May 13 technical staff report, Mr. Curt Schreffler, engineer for the applicant, introduced Mr. Russell, the property owner, and concurred in the staff recommendation.

12. Extension Request: Preliminary Plan No. 120040680, Leesborough

RT-15 zone; 13.86 acres; 201 residential dwelling units previously approved; request to extend the preliminary plan validity period; located in the east side of Georgia Avenue (MD 97) approximately 200 feet south of its intersection with Arcola Avenue; Kensington-Wheaton

Staff recommendation: Grant extension until July 8, 2008

BOARD ACTION

Motion: ROBINSON/CRYOR

Vote:

Yea: 3-0

Nay:

Other: BRYANT ABSENT

Action: Approved staff's modified oral recommendation to extend the validity period for six months to September 8, 2008.

Ms. Yum Yu Cheng, attorney for the applicant, was present.

13. Washington Suburban Sanitary Commission Bi-County Water Supply

A.) Forest Conservation Plan for MR-08003-WSSC-1: Washington Suburban Sanitary Commission Bi-County Water Tunnel

Staff recommendation: Approve Forest Conservation Plan

B.) MR-08003-WSSC-1: Washington Suburban Sanitary Commission Bi-County Water Tunnel

Staff recommendation: Transmit Recommendations on site plan to Washington Suburban Sanitary Commission

BOARD ACTION

Motion: (A.) ROBINSON/CRYOR

Vote:

Yea: (A.) 3-0

Nay:

Other: BRYANT ABSENT

Action: (A.) Approved staff recommendation for approval of the Forest Conservation Plan with conditions.

(B.) Without objection and with the three Commissioners present, authorized transmittal of the staff recommendation to the Washington Suburban Sanitary Commission, as noted in the attached Letter of Transmittal.

For the record, Vice Chair Robinson stated that his residence is in an adjacent neighborhood to this section of Rock Creek park. He noted the Board has already approved the Mandatory Referral, on which he voted in the affirmative.

18. Building Lot Termination Program (BLT) - ADDED

Establish a Building Lot Termination (BLT) program in the Transit-Oriented Mixed Use Zone

BOARD ACTION

Motion: ROBINSON/CRYOR

Vote:

Yea: 3-0

Nay:

Other: BRYANT ABSENT

Action: Following presentation by Community-Based Planning and Research & Technology Divisions staff, based on the June 3 detailed technical staff report, and extensive Board discussion, the Board unanimously recommended transmission of the draft Building Lot Termination Program (BLT) report to the County Council.

Chairman Hanson recommended that staff inform the County Council that the Planning Board is not yet ready to approve the changes proposed in the draft BLT report, and the Board will be discussing these changes with various stakeholders in the near future.

**14. Roundtable Discussion Including Briefings and Worksessions
(No public testimony will be taken at this time)**

- A.) Commissioners' Report
- B.) Director's Report
- C.) Approval of Minutes
- D.) Park House Update

BOARD ACTION

Motion: (C.) ROBINSON/HANSON

Vote:

Yea: (C.) 3-0

Nay:

Other: BRYANT ABSENT

Action: (A.) Chairman Hanson noted that the opening design charrette for Silver-Place, the new Silver Spring agency headquarters, was held Tuesday evening and that a lot of interesting ideas have been proposed.

(B.) Received status report from the Director, Department of Parks.

(C.) Approved minutes of May 1, 2008 as presented.

(D.) Received an update on the status of Park Houses from the Park Property Manager, Ms. Carrye E. Palleschi, and her associate Michelle Grace, based on the staff report identified as Item 14D, and offered guidance on the reporting categories, format, and complete inventory.

15. Excellence in Planning Speaker Series: Bus Rapid Transit: Myths and Realities

Sam Zimmerman - A former director of planning for the Federal Transit Administration, Sam Zimmerman will describe the benefits of bus rapid transit, a system with a dedicated lane for express buses. Zimmerman, who focused on rapid transit planning as well as finance and travel demand forecasting, will debunk the myth that people with a choice will not ride buses, describe a variety of BRT systems in use today and lay out a strong case for how BRT can drive urban-style development.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received Presentation of Sam Zimmerman on the benefits of Bus Rapid Transit, a system with a dedicated lane for express buses.