



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, June 10, 2010, at 9:05 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 10:30 p.m.

Present were Chairman Royce Hanson, Vice Chair Marye Wells-Harley, and Commissioners Joe Alfandre, Norman Dreyfuss, and Amy Presley.

Items 1 through 6 and Items 15, 16, and 17 are reported on the attached agenda.

The Board recessed at 11:25 a.m. for lunch and to take up Items 16 and 17 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 12:00 p.m. in the third floor conference room, on motion of Commissioner Wells-Harley, seconded by Commissioner Presley, with Chairman Hanson, Vice Chair Wells-Harley, and Commissioners Alfandre, Dreyfuss, and Presley present and voting in favor of the motion. 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.

Also present for all or part of the Closed Session were Associate General Counsels Carol Rubin and Christina Sorrento of the Legal Department; Director Mary Bradford, Bill Gries, April O'Neal, Brenda Sandberg, and Dominic Quattrocchi of the Parks Department; Callum Murray of the Planning Department and Clara Moise of the Commissioners' Office.

In Closed Session, the Board discussed the proposed acquisition of parkland and approved Closed Session minutes.

The Closed Session was adjourned at 12:20 p.m.

The Board reconvened in the auditorium at 1:30 p.m.

Items 7 through 12 are reported on the attached agenda.

The Board recessed for dinner at 5:25 p.m., and reconvened in the auditorium at 7:32 p.m.

Items 13 and 14 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 10:30 p.m. The next regular meeting of the Planning Board will be held Thursday, June 17, 2010, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Technical Writer

Ellyn Dye
Technical Writer

Montgomery County Planning Board Meeting
Thursday, June 10, 2010
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

A. Adoption of Resolutions

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Resolutions submitted for adoption.

B. Records Plats

1. Subdivision Plat No. 220091190, Manor Park, Section 1: R-200 zone, 2 lots; located on the west side of Georgia Avenue (MD 97), 1,400 feet north of Rosecraft Road; Aspen Hill.

Staff Recommendation: Approval

2. Subdivision Plat No. 220090890, E. Brooke Lees addition to Silver Spring: CBD-2 zone, 1 parcel; located on the south side of Ripley Street, 500 feet west of Georgia Avenue (US 29); Silver Spring CBD.

Staff Recommendation: Approval

BOARD ACTION

Motion: **WELLS-HARLEY/PRESLEY**

Vote:

Yea: 5-0

Nay:

Other:

Action: **Approved staff recommendation for approval of the record plats cited above.**

C. Other Consent Items

Limited Site Plan Amendment Review No. 82002027A in response to a Site Plan violation, The Highlands - RMX-2 zone; 16.10 acres; amendment; remove and revise seating area and plantings, revise lighting detail, remove and relocate staircase, change staircase material from stone to brick, remove trellis and decorative fence and revise striping; located at the southeast quadrant of the intersection of Stringtown Road and (MD 355); Clarksburg

Staff Recommendation: Approval with Conditions.

BOARD ACTION

Motion: **WELLS-HARLEY/DREYFUSS**

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSTAINED DUE TO POSSIBLE CONFLICT OF INTEREST

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

D. Approval of Minutes

Minutes of May 20, 2010

BOARD ACTION

Motion: **ALFANDRE/PRESLEY**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved Minutes of May 20, 2010, as presented.**

2. Sectional Map Amendment G-890 for the Approved Great Seneca Science Corridor Master Plan

Staff Recommendation: Approval of Sectional Map Amendment G-890 to Implement the Recommendations of the Approved Great Seneca Science Corridor Master Plan

(Action Required for County Council Public Hearing on 6/29/10)

BOARD ACTION

Motion: **DREYFUSS/WELLS-HARLEY**

Vote:

Yea: **4-1**

Nay: **ALFANDRE**

Other:

Action: **Approved staff recommendation for approval of Sectional Map Amendment G-890 to implement the recommendations of the approved Great Seneca Science Corridor Master Plan.**

3. Hearing and Worksession No. 1: Great Seneca Science Corridor Design Guidelines

- A. Staff Memo**
- B. Draft Design Guidelines**

Staff Recommendation: Review Testimony and Approve Guidelines for Final Publication

BOARD ACTION

Motion: DREYFUSS/PRESLEY

Vote:

Yea: 4-1

Nay: ALFANDRE

Other:

Action: Received briefing by Urban Design staff and approved the Great Seneca Science Corridor Design Guidelines for final publication.

In keeping with the June 4 technical staff report, Urban Design staff offered a multi-media presentation of the Great Seneca Science Corridor design guidelines and answered questions from the Board.

The following speakers offered testimony: Mr. Steve Robins of Bethesda Metro Center; Mr. Robert Brewer of Bethesda Metro Center and representing Adventist Healthcare; Ms. Donna Baron of Dufief Drive and representing the Gaithersburg-North Potomac-Rockville Coalition; Mr. David McDonough representing Johns Hopkins University; Ms. Barbara Sears of Wisconsin Avenue and representing Johns Hopkins University.

15. White Flint Urban Design Guidelines - ADDITION/REVISED

- A. Staff Memo**
- B. Draft Design Guidelines**

Staff Recommendation: Approve Guidelines for Final Publication

BOARD ACTION

Motion: PRESLEY/ALFANDRE

Vote:

Yea: 5-0

Nay:

Other:

Action: Following a brief presentation by Urban Design staff, approved staff recommendation for approval of the White Flint Urban Design Guidelines for final publication.

Mr. Steve Robins of Bethesda Metro Center and Ms. Barbara Sears of Wisconsin Avenue and representing Johns Hopkins University offered testimony.

4. Darnestown Development, LLC t/a Goddard School

A. Special Protection Area Water Quality Plan: Darnestown Development; located at 22010 & 22014 Frederick Road, Clarksburg

Staff Recommendation: Approval with Conditions

B. Preliminary Forest Conservation Plan: Darnestown Development; located at 22010 & 22014 Frederick Road, Clarksburg

Staff Recommendation: Approval with Conditions

C. Board of Appeals No. S-2759: Darnestown Development, LLC T/A Goddard School., applicant, requests a special exception for a child day care for up to 283 children with a maximum of 163 infants, toddlers and pre-school children and a maximum of 120 after-school or summer-camp children, and 41 employees on site, R-200 Zone; located at 22010 & 22014 Frederick Road, Clarksburg

Staff Recommendation: Approval with Conditions

(Action Required for Hearing by the Hearing Examiner on 06/21/10)

BOARD ACTION

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

Vote:

Yea: **5-0 (A,B,C)**

Nay:

Other:

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

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

C. Approved staff recommendation, subject to revised conditions, as stated in the attached transmittal letter to the Hearing Examiner.

In keeping with the May 18 and May 28 technical staff reports, Development Review staff presented highlights of the request for a special exception for a child day care for up to 283 children with a maximum of 163 infants, toddlers, and pre-school children, and 41 employees on site on a property located on Frederick Road in Clarksburg. Staff noted that a water quality plan, a preliminary forest conservation plan, and a Board of Appeals request need the Board's approval.

Ms. Debra Borden, attorney representing the applicant, discussed the proposed project, offered comments, and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff.

5. Cedar Lane Bridge over Rock Creek

Mandatory Referral: Cedar Lane Bridge over Rock Creek, CIP No. 509132, MR#2010802

Staff Recommendation: Approval with Comments

BOARD ACTION

Motion: DREYFUSS/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval.

In keeping with the June 2 technical staff report, transportation planning staff offered a multi-media-presentation of the Mandatory Referral for the Cedar Lane Bridge over Rock Creek. Staff discussed the proposed request and noted that this request is part of the proposed road work related to the BRAC project. Staff noted that the project proposed to replace the bridge superstructure, retaining the existing structure will not bring any permanent change to the Rock Creek stream channel.

At the Board's request, Messrs Barry Fuss and Brian Copley representing the Department of Transportation (DOT), offered comments.

6. Proposed Reclassification of the Calverton Neighborhood Conservation Area

Proposed Reclassification of the Calverton Neighborhood Conservation Area in Silver Spring to the Calverton Neighborhood Park with a Dedication in Memory of Donald and Marilyn Praisner

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: **WELLS-HARLEY/PRESLEY**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved staff recommendation for approval, subject to conditions.**

Parks Department staff offered highlights of the request to reclassify the Calverton Neighborhood Conservation Area in Silver Spring to the Calverton Neighborhood Park with a dedication in memory of Donald and Marilyn Praisner.

The following speakers offered testimony: Mr. Bill Donaldson, President of the Calverton Citizens Association; and Mr. Daniel Epps, Vice-President of the Calverton Citizens Association.

There followed a brief Board discussion with questions to staff and the speakers.

16. 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 official citation and open session report in narrative minutes.**

17. 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 official citation and open session report in narrative minutes.

7. Roundtable Discussion - REVISED

1. Josiah Henson Special Park Master Plan Process and Schedule
2. Kensington Master Plan - ADDITION

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

1. JOSIAH HENSON SPECIAL PARK MASTER PLAN PROCESS AND SCHEDULE –Parks Department staff offered highlights of the proposed Josiah Henson Parks Special Park, and discussed the Master Plan process and the proposed schedule. Staff discussed the life and accomplishments of Mr. Henson and his legacy. Staff discussed the various pieces of history and the log cabin structure, which was built around 1851, and which will be preserved on the proposed parkland. Staff also discussed the current programs that are currently offered on the site.

2. KENSINGTON MASTER PLAN - Community-Based Planning staff discussed the testimony received during the public hearing held by the County Council Committee on Planning, Housing, and Economic Development (PHED) on the Kensington Sector Plan. Staff discussed some of the testimony received and the proposed recommendations, which staff believes should be taken into consideration.

At the Board's request, legal staff provided comments and clarification.

There followed extensive Board discussion with questions to staff.

8. Thompson Road Connection Project from Rainbow Drive to Thompson Road, CIP NO. 500912

A. Special Protection Area Water Quality Plan

Staff Recommendation: Approval with Conditions

B. Mandatory Referral MR#MR2010804

Staff Recommendation: Approval with Comments

BOARD ACTION

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

Vote:

Yea: **5-0 (A,B)**

Nay:

Other:

Action: **A. Approved staff recommendation for approval of the Special Protection Area Water Quality Plan, subject to conditions, as stated in the attached Board Resolution.**

B. Approved staff recommendation for approval of the Mandatory Referral request, subject to conditions, as stated in the attached transmittal letter.

Items 8 and 9 were discussed together. Please see Item 9 below for report of Board discussion.

9. Rainbow Drive Sidewalk Construction and Pavement Removal from 100 feet west of Snider Lane to 400 feet west of Thompson Road, CIP No. 506747

A. Special Protection Area Water Quality Plan

Staff Recommendation: Approval with Conditions

B. Mandatory Referral # MR2010803

Staff Recommendation: Approval with Comments

BOARD ACTION

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

B. WELLS-HARLEY/DREYFUSS

Vote:

Yea: **5-0**

Nay:

Other:

Action: **A. Approved staff recommendation for approval of the Special Protection Area Water Quality Plan, subject to conditions, as stated in the attached Board Resolution.**

B. Approved staff recommendation for approval of the Mandatory Referral request, subject to conditions, as stated in the attached transmittal letter.

Items 8 and 9 were discussed together.

In accordance with the June 3 and 10 technical staff reports, Environmental Planning and Transportation Planning staff offered a multi-media presentation on the Special Protection Area Water Quality Plan and the Mandatory Referral requests for the Thompson Road Connection Project from Rainbow Drive to Thompson Road and Rainbow Drive sidewalk construction and pavement removal from 100 feet west of Snider Lane to 400 feet west of Thompson Road. Staff discussed issues regarding forest conservation, buffer protection, overlay zone, and traffic issues associated with this request.

At the Board's request, Mr. Daniel Sheridan and Mesdames Sogand Seirafi and Rebecca Park from the Department of Transportation (DOT); and Mr. Carl Starkey, traffic consultant for DOT, offered comments.

There followed extensive Board discussion, with questions to staff and DOT representatives.

10. Subdivision Regulation Amendment–10-01

Subdivision Regulation Amendment–10-01 to prohibit public utility easements along urban roads except in circumstances where the Planning Board finds that allowing a PUE would not result in inappropriate setbacks. Bill 17-10, a companion bill, would require the Department of Transportation to allow public utilities in the right-of-way of an urban road.

Staff Recommendation: Transmit Comments to the County Council

(Action Required for County Council Public Hearing of 6/15/10)

BOARD ACTION

Motion: PRESLEY/ALFANDRE

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to transmit comments to the County Council for the June 15 Public Hearing, as stated in the attached transmittal letter.

In keeping with the June 1 technical staff report, Development Review staff presented highlights of the proposed subdivision regulation amendment 10-01 to prohibit public utility easements along urban roads except in circumstances where the Planning Board finds that allowing a public utility easement would not result in inappropriate setbacks. Staff noted that Bill 17-10, a companion bill, would require DOT to allow public utilities in the right-of-way of an urban road.

There followed a brief Board discussion with question to staff.

11. Preliminary Plan 120090340, B.F. Gilbert's Subdivision of Takoma Park

C-1 zone; 0.36 acres; 1 lot requested for 5,130 square feet of commercial retail use, 4,130 existing to remain; located in the west quadrant of the intersection of Piney Branch Road and Flower Avenue; Takoma Park.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

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

Development Review staff presented the proposal to combine two parts of lots to create one lot for development of retail uses in the Takoma Park East Silver Spring Commercial Revitalization Overlay Zone, as detailed in the staff report. The two existing buildings will remain, and an addition will be constructed. Staff made two corrections to the proposed conditions of approval.

Ms. Sara Daines, representing the City of Takoma Park, spoke in support of the project.

12. Fillmore Music Hall & LDG Office/Hotel Complex

***A. Project Plan 920100040**, CBD-2 zone; 2.06 acres; request for a 135,300 square foot hotel, 219,700 square feet of office use, and a 22,882 square foot music venue; located on Georgia Avenue (MD 97), 250 feet west of Colesville Road (US 29); Silver Spring Central Business District. - **REVISED**

Staff Recommendation: Approval with Conditions

***B. Preliminary Plan 120100260**, CBD-2 zone; 2.06 acres; 3 lots requested for a 135,300 square foot hotel, 219,700 square feet of office use, and a 22,882 square foot music venue; located on Georgia Avenue (MD 97), 250 feet west of Colesville Road (US 29); Silver Spring Central Business District. - **REVISED**

Staff Recommendation: Approval with Conditions

BOARD ACTION

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

Vote:

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

Nay:

Other:

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

B. Approved the staff recommendation to approve the preliminary plan and requested parking waiver, subject to revised conditions, as stated in the attached Board Resolution.

Development Review staff presented the project plan and preliminary plan to create three lots for a phased mixed-use development consisting of a hotel, an office building with retail, and a music hall, with frontages, respectively, on Fenton Street, Georgia Avenue, and Colesville Road, in the Silver Spring Arts and Entertainment District, as detailed in the staff report. The lot and construction of the music hall will be donated to the County and leased to a third-party operator. Staff noted that a waiver of 22 parking spaces is requested, and clarified the number of handicapped, motorcycle, and bike spaces being provided. Staff also made several changes to the proposed conditions of approval for both the project plan and the preliminary plan.

Following opening remarks by Mr. William Kominers, attorney, Mr. Bruce Lee, the applicant, discussed the history of the site and the sequence of events that led to the proposal. Mr. Curtis Voss, representing Live Nation, the operator of the music hall, discussed the proposed music venue and others that the company operates.

Mr. Steve Silverman, Director, County Department of Economic Development, and Mr. David Dise, Director, County Department of General Services, discussed the County's contributions and commitment to the project, which is expected to open in September 2011.

12. Fillmore Music Hall & LDG Office/Hotel Complex

Mr. Doug Wrenn, the applicant's engineer, and Mr. Michael Hickok, the architect, provided a multi-media presentation, highlighting various aspects of the three proposed buildings. Mr. Randy Frey, the traffic engineer, responded to questions from the Board about vehicular and pedestrian circulation.

Ms. Theresa Cameron of Silver Spring; Mr. Jose Dominguez of the Silver Spring Arts and Entertainment Committee; and Mr. Dan Cohen of Silver Spring offered comments in support of the project.

There followed considerable discussion of a number of issues, including the fulfillment of the public use space requirements, the potential for active use of the roof areas, phasing of the project, provisions for County and public use of the music hall, and pedestrian and vehicular circulation among the three lots. Staff, various members of the applicant team, and County representatives responded to questions and provided additional information as needed.

14. Briefing: Intercounty Connector Project Status Report #21

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing.

The Chief of the Transportation Planning Division presented a brief overview of the status of the Intercounty Connector project related to environmental stewardship and compensatory mitigation projects, design submittal process, and construction update, in keeping with the written report.

13. ICC Environmental Stewardship Project – Lake Frank Trail Connector

Mandatory Referral for an ICC Environmental Stewardship Project - Lake Frank Trail Connector
This trail will connect the Lake Frank Trail System to the Rock Creek Hiker-Biker Trail and is located within the Rock Creek Regional Park, Rock Creek Management Area.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: **ALFANDRE/PRESLEY**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved the staff recommendation to approve the Mandatory Referral and to use Capital Improvements Program funds for the removal of paving and design of the trail along the east side of Lake Frank to Meadowside Nature Center and Muncaster Road.**

Parks Department staff presented the Mandatory Referral for the State Highway Administration project to construct a 0.5-mile paved trail connector between the Rock Creek Hiker-Biker Trail and the existing trail system on the east side of Lake Frank, as detailed in the staff report. Staff noted that the Board's comments on this Mandatory Referral will be binding conditions because the project will be constructed on parkland. The project is one of the Compensatory Mitigation and Environmental Stewardship projects, for community enhancement, listed in the Record of Decision for the Intercounty Connector (ICC). Staff reported on the process by which the project changed from a removal of excess paving to the construction of a paved trail connector during the preparation of the Upper Rock Creek Trail Corridor Plan. Staff noted that there is some community opposition to the proposed alignment and presented and discussed the relative merits of several alternate alignments that were considered. Staff also provided information about community outreach efforts.

In addition to recommending approval of the Mandatory Referral, staff recommends Board approval of the use of Parks Capital Improvements Program funds to remove the excess parking lot and roadway paving and design the hard surface trail along the east side of Lake Frank to Meadowside Nature Center and Muncaster Road.

Ms. Linda Hansen of Bauer Drive; Ms. Patty Kane, representing the Manor Lake Civic Association; Mr. Stanley Lorek of Lake Terrace; Ms. Lorraine Lorek of Lake Terrace; Mr. Frits Wybenga of Flower Valley; Mr. Tom Austin of Trailway Drive; Mr. James Kane of Lake Terrace, speaking on his own behalf and reading into the record a statement by Mr. Greg Klein of Trailway Drive; Ms. Carolyn Standing of Serenity Lane; Mr. Ethan Cohen of Trailway Drive; Mr. Lawrence Fritz and Ms. Evelyn Fritz of Lake Terrace; Mr. John Collich of Trailway Drive;

13. ICC Environmental Stewardship Project – Lake Frank Trail Connector

Ms. Lori Austin of Trailway Drive; Ms. Sylvia Long of Clavel Terrace; Mr. Steven Weiler of Lake Terrace; Mr. Casey Anderson, representing Washington Area Bicyclist Association; Ms. Mardith Christianson of Olney; Ms. Janet Buyer and Mr. Royal Buyer of Flower Valley; Mr. Thomas Young of Bauer Drive; Mr. Joe Fritsch, representing the Mid-Atlantic Off-Road Enthusiasts; Mr. Jack Cochrane, representing Montgomery Bicycle Advocates; Mr. Alan Migdall of Gaithersburg; Mr. Louis Wilen of Olney; Ms. Alison Horton of Gaithersburg; Ms. Kathleen Carroll of Waterway Drive; Mr. Larry Larson of Germantown; and Mr. Richard Parsons of Derwood offered comments.

MCPB, 6-10-10, APPROVED

There followed some discussion of the different alignments that were considered and the difference between the community enhancement projects and the environmental mitigation projects associated with the ICC.

Mr. Rick Shreve, State Highway Administration, provided comments and responded to Board questions.