



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 11, 2009, at 9:05 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 8:50 p.m.

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

Items 1 through 5 are reported on the attached agenda.

The Board recessed at 12:48 p.m. for lunch and to take up Items 12 and 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 1:16 p.m. in the third floor conference room, on motion of Vice Chair Robinson, seconded by Commissioner Presley, with Chairman Hanson, Vice Chair Robinson, and Commissioners Cryor and Presley present and voting in favor of the motion. Commissioner Alfandre was necessarily 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; and §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 David Lieb, Carol Rubin, and Christina Sorrento of the Legal Department; Planning Director Rollin Stanley; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board approved submitted Closed Session minutes and received briefings and provided guidance to staff on litigation matters, settlement negotiations for a forest conservation violation, and scheduling of violation hearings.

The Closed Session was adjourned at 1:12 p.m. and the Board reconvened in open session in the third floor conference room.

The Board reconvened in the auditorium at 2:10 p.m.

Items 6 through 9 and Item 11 are reported on the attached agenda.

Vice Chair Robinson left the meeting at 3:30 p.m. after discussion of Item 6.

The Board recessed for dinner at 5:25 p.m. and reconvened in the auditorium at 7:36 p.m. to take up Item 10.

There being no further business, the meeting was adjourned at 8:50 p.m. The next regular meeting of the Planning Board will be held Thursday, June 18, 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, June 11, 2009
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Adoption of Resolutions

A. Washington Christian Society, Preliminary Plan and Forest Conservation Plan No. 12004055A, Adoption of MCPB Resolution No. 09-59

B. Golden Bear Golf Center, Preliminary Plan and Forest Conservation Plan No. 11997003A, Adoption of MCPB Resolution No. 09-60

C. Willson Property, Preliminary Plan and Forest Conservation Plan No. 11996077A, Adoption of MCPB Resolution No. 09-61

D. Winterset (Paez property) Preliminary Plan No. 11996019A, Adoption of MCPB Resolution No. 09-53

E. Kenilworth - North Chevy Chase, Preliminary Plan No. 120080300, Adoption of MCPB Resolution No. 08-156

F. Naylor Property, Site Plan No. 820080220, Adoption of MCPB Resolution No. 09-52

BOARD ACTION

Motion: CRYOR/ROBINSON

Vote:

Yea: 4-0

Nay:

Other: ALFANDRE ABSENT

Action: Adopted the Board Resolutions cited above.

2. Record Plats

Subdivision Plat No. 220081780, West Chevy Chase

R-60 zone; 1 lot; located in the southeast quadrant of the intersection of Morgan Drive and De-Russey Parkway. Bethesda-Chevy Chase.

Staff Recommendation: Approval

BOARD ACTION

Motion: CRYOR/ROBINSON

Vote:

Yea: 4-0

Nay:

Other: ALFANDRE ABSENT

Action: Approved the Record Plat cited above.

3. Consent Items

Park Police FY09 Budget Adjustment

Staff recommendation: Approval of the Request for Park Police FY09 Budget Adjustment

BOARD ACTION

Motion: CRYOR/ROBINSON

Vote:

Yea: 4-0

Nay:

Other: ALFANDRE ABSENT

Action: Approved the requested Park Police FY09 budget adjustment.

4. Approval of Minutes

- Thursday, May ~~14~~ 7, 2009*
- Monday, May ~~18~~ 4, 2009*
-

***Corrected following publication of the agenda.**

BOARD ACTION

Motion: ROBINSON/CRYOR

Vote:

Yea: 4-0

Nay:

Other: ALFANDRE ABSENT

Action: Approved the minutes of May 4 and May 7, 2009, as presented.

5. Worksession #5: Draft Gaithersburg West Master Plan- Land Use and Zoning; Implementation and Staging

(No Public Testimony will be taken)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Discussed and provided guidance to staff.

Community-Based Planning staff presented an analysis of the future of the biotechnology industry in the County and associated recommendations in the draft master plan. Staff also provided an overview of the findings of a consultant report attached to the staff report, *Montgomery County Biotechnology Potentials*, prepared for the Planning Department by Partners for Economic Solutions. Ms. Anita Morrison, representing the consultant company, discussed the future and trends of the biotech industry and responded to questions from the Board.

Staff also provided an overview of the issues related to the economics of development under the proposed revisions to the LSC Zone raised in *Financial Feasibility Analysis of Planned Development in Life Sciences Mixed-Use Zone*, a consultant report prepared by Robert Charles Lesser & Co. for Johns Hopkins University and Percontee, Inc., two landowners who are potentially affected by the proposed revisions to the zone. Staff discussed various development scenarios and comparative land values based on different types of development and levels of fees and exactions by the County. Based on staff analysis of the consultant report, staff recommends retaining the density, unit mix, and exaction structure recommended in the draft plan.

Mr. Marc McCauley of Robert Charles Lesser & Co. made a presentation and discussed the findings of the report, focusing on the impact of proposed exactions in the zone.

Mr. Jonathan Genn, representing Percontee; Ms. Barbara Sears, attorney; Mr. David McDonough, representing Johns Hopkins University; and Mr. Steve Elmendorf, attorney, participated in the discussion with the Board.

Staff provided revised language to the staging plan, adding the Life Sciences Center North property. Transportation Planning staff also participated in the discussion related to the Corridor Cities Transitway and staging.

Mr. Robert Brewer, attorney representing Adventist Healthcare, and Mr. Tim Dugan, attorney representing Danac, offered comments.

Mr. David Brown, attorney, and Mr. Tim Newell, representing the Banks family, responded to questions from the Board about deed restrictions on the Banks' Belward property, which was sold to Johns Hopkins University.

12. Closed Session

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

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

13. Closed Session

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.

6. Growth Policy Status Report and Draft Recommendations. Review of Listening Sessions and summary of Staff Draft recommendations

(No Public Testimony will be taken)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing from Planning Department Director, Transportation Planning, and Research and Technology Divisions staff on the staff draft recommendations for the Growth Policy Report, followed by Board discussion and questions to staff.

7. Final Water Quality Plan and Record Plat No. 220090460, Norbeck Country Club

A. Final Water Quality Plan, Norbeck Country Club: RNC-zone; 197.76 acres; existing private golf course; request to plat the property under the minor subdivision process to facilitate expansion of the existing clubhouse building; located on the west side of Cashell Road opposite Hines Road; Olney.

Staff Recommendation: Approval

B. Record Plat No. 220090460, Norbeck Country Club: RNC-zone; 197.76 acres; existing private golf course; request to plat the property under the minor subdivision process to facilitate expansion of the existing clubhouse building; located on the west side of Cashell Road opposite Hines Road; Olney.

Staff Recommendation: Approval with conditions

BOARD ACTION

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

Vote:

Yea: **A. 3-0**
 B. 3-0

Nay:

Other: **ALFANDRE, ROBINSON ABSENT**

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

B. Approved staff recommendation for approval of the record plat.

In keeping with the May 26 technical staff report, Development Review and Environmental Planning Divisions staff offered a brief presentation of the proposed final water quality plan and record plat for the Norbeck Country Club, a 197.76-acre existing private golf course, the request is to plat the property under the minor subdivision process to facilitate expansion of the existing clubhouse building located on the west side of Old Cashell Road opposite Hines Road in Olney, Maryland.

Mr. Jody Kline, attorney representing Mr. Jack Gates, the applicant, concurred with the staff recommendation.

Mr. Arnold Gordon of Minuteman Court, President of Norbeck Meadows Civic Association, offered testimony in support of this request.

8. Board of Appeals No. S-2747: New Cingular Wireless PCS, LLC

AT&T Mobility, applicant, requests a special exception to increase the height of an existing monopole, I-1 Zone; located at 14615 Clopper Road, Boyds

Staff Recommendation: Approval with Conditions

(Action required for hearing by the Hearing Examiner on 07/02/09)

BOARD ACTION

Motion: CRYOR/PRESLEY

Vote:

Yea: 3-0

Nay:

Other: ALFANDRE, ROBINSON ABSENT

Action: Approved staff recommendation for approval, as stated in the attached transmittal letter to the Hearing Examiner.

In keeping with the May 18 technical staff report, Development Review Division staff offered a multi-media presentation on the special exception request to increase the height of an existing monopole tower located on Clopper Road in Boyds to service AT&T customers. Staff noted that the Tower Committee has reviewed and approved the proposed request.

Mr. James Michal of 20th Street N.W., representing the applicant AT&T, offered comments and concurred with the staff recommendation.

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

9. Parks CIP Strategy Session #1 – Set Priorities and Initiatives for FY11-16 Parks’ CIP

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing from Parks Department staff, followed by Board discussion.

In accordance with the June 4 technical staff report, Parks Development Division staff offered a multi-media presentation of the Strategy for preparing the FY11-16 Parks Capital Improvements Program (CIP). Staff noted that it is requesting guidance from the Planning Board on evaluation criteria, goals, and priorities for the proposed FY11-16 CIP.

**11. Wheaton CBD & Vicinity Sector Plan Amendment – Status Report
(No Public Testimony will be taken)**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing from staff on the Wheaton Central Business District and Vicinity Sector Plan Amendment, followed by Board discussion.

In accordance with the June 5 technical staff report, Community-Based Planning, Transportation Planning, and Environmental Planning Divisions staff offered a multi-media presentation.

At the Board’s request, Mr. Gary Stith from the County Council General Services Office offered comments.

10. I-270 US 15 Corridor Cities Transitway (CCT) Alternatives Analysis / Environmental Assessment (AA/EA)

Russ Anderson SHA Project and Rick Kiegel, MTA Project Manager for the I-270 US 15 Corridor Cities Transitway (CCT) Alternatives Analysis / Environmental Assessment (AA/EA) will present a brief overview of the document. The Planning Department staff, along with the SHA and MTA project team members, will review various issues with the Planning Board in a work-session setting that is a precursor to the planned July 2, 2009 Planning Board hearing on the AA/EA.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received presentation from Planning Department staff, along with State Highway Administration (SHA) and Maryland Transit Authority (MTA) staff on I-270 US 15 Corridor Cities Transitway Alternative Analysis/Environmental Assessment (AA/EA), followed by Board discussion.