



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

301-495-4617

**APPROVED**  
**MINUTES**

The Montgomery County Planning Board met in regular session on Thursday, June 19, 2008, at 9:03 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 7:42 p.m.

Present were Chairman Royce Hanson, Vice Chair John Robinson, and Commissioner Jean Cryor.

Items 1 through 7 are reported on the attached agenda.

The Board recessed at 12:40 p.m. for lunch and to take up a Closed Session item, Item 14 on the agenda.

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 Montgomery County Planning Board convened in Closed Session at 12:47 p.m. in the third floor conference room, on motion of Commissioner Robinson, seconded by Commissioner Cryor, with Commissioners Hanson, Robinson, and Cryor present and voting in favor of the motion. 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 Debra Daniel, David Lieb, Rufus Meyers, and Carol Rubin of the Legal Department; Director Mary Bradford, Doug Alexander, Linda Komes, and Michael Riley of the Parks Department; Director Rollin Stanley and Glenn Kreger of the Planning Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board received advice of counsel and discussed issues related to the Silver Spring Transit Center, including the park easement, the design, and a pending supplemental appropriations request.

The Closed Session was adjourned at 1:30 p.m. and the Board reconvened in open session in the third floor conference room.

The Board reconvened in the auditorium at 1:40 p.m. with the three Commissioners present.

Items 8 through 10 and Item 13 are reported on the attached agenda.

Item 11 was postponed.

The Board recessed for dinner at 6:45 p.m. and reconvened with the same three Commissioners present in the auditorium at 7:30 p.m., to receive an update on Athletic Field Use and Outdoor Tennis Court Use Permit Policies. This is Item 12 and is reported on the attached agenda.

There being no further business, the meeting was adjourned at 7:42 p.m. The next regular meeting of the Planning Board will be held Thursday, June 26, 2008, 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 19, 2008**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600

**1. Adoption of Opinions/Resolutions**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**        **There were no Opinions/Resolutions submitted for adoption.**

**2.    Record Plats**

**A. Subdivision Plat No. 220080100, North Springbrook**

R-200 zone; 2 lots; located on the south side of Randolph Road, 950 feet west of Sherwood Forest Drive White Oak. *Staff recommendation: Approval*

**B. Subdivision Plat No. 220081430, Ancient Oak West**

R-200 zone; 1 lot; located on the east side of Chestnut Oak Drive, 475 feet south of Wye Oak Drive; Potomac *Staff recommendation: Approval*

**C. Subdivision Plat No. 220081590, Shaare Tefila Congregation**

R-200 zone, 1 lot; located on the west side of Georgia Avenue (MD 97), 375 feet south of Tavenner Court; Olney *Staff recommendation: Approval*

**BOARD ACTION**

**Motion:**                **ROBINSON/CRYOR**

**Vote:**

**Yea:**                **3-0**

**Nay:**

**Other:**

**Action:**        **Approved the staff recommendation.**

**3.    Consent Items**

**Site Plan Amendment No. 8-2006021A, 10001 New Hampshire Avenue**

O-M zone; 1.38 acres; amendment for minor revisions to landscaping and lighting, engineering and architecture, sidewalk alignments, stormwater and stormdrain and retaining walls; southeast quadrant of the intersection of New Hampshire Avenue and Elton Road; White Oak

*Staff recommendation: Approval of the consent item*

**Site Plan Amendment No. 82003032B, Orchard Avenue Offices**

C-2 zone; 0.12 acres; amendment 1) consolidate basement entrance, 2) request a waiver for one parking space, 3) request three economy parking spaces; located on Orchard Avenue, approximately 140 feet northwest of Sligo Mill Road; Takoma Park

*Staff recommendation: Approval of the consent item*

**Continuation of Reservation of Land for Public Use**

Continuation of reservation of land for public use for the Midcounty Highway Extension, Clarksburg Master Plan Area

*Staff recommendation: Approval of consent item*

**BOARD ACTION**

**Motion: ROBINSON/CRYOR**

**Vote:**

**Yea: 3-0**

**Nay:**

**Other:**

**Action: Approved staff recommendation.**

**4. Reconsideration Request: Preliminary Plan No. 120060710 Sutton Property**

Request to reconsider Planning Board Decision on Preliminary Plan No. 120060710 Sutton Property

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: There was no motion to reconsider.**

**5. Site Plan Review No. 820060290, Cabin Branch-Winchester I**

RMX-1/TDR/MXPD zones; 141.26 acres; 427 residential dwelling units including 64 MPDUs, park and school site; located at the northwest quadrant of the intersection with I-270 and West Old Baltimore Road; Clarksburg .

*Staff recommendation: Approval with conditions*

**BOARD ACTION**

**Motion: ROBINSON/CRYOR**

**Vote:**

**Yea: 3-0**

**Nay:**

**Other:**

**Action: Approved the staff recommendation to approve, subject to conditions, as revised by staff and further modified in discussion, as stated in the attached Board Resolution.**

Development Review staff provided an overview of the 535-acre mixed-use development project and presented the subject site plan for the 141.26-acre Phase I, as detailed in the staff report. Staff distributed revisions to the site plan data table and the proposed conditions of approval. Ms. Rose Krasnow, Chief of the Development Review Division, discussed a senior housing element that will be reviewed under a future site plan as it relates to the unit mix for the overall project. She also discussed the extensive design guidelines being applied to the project.

Mr. Mike Conley of the applicant company offered comments and introduced Mr. Bill Robertson of Adventist Healthcare and Mr. John Rhodes of RMJ, the owner and contract purchaser, respectively, of the senior housing units, and Mr. Bob Harris, attorney. Mr. Harris discussed the site plan review, addressed the issue of the senior housing, and discussed the design guidelines. Mr. Robertson and Mr. Rhodes also offered comments on the senior housing component. Ms. Trini Rodriguez, the landscape architect, provided an overview of the park and other public open spaces.

Ms. Mary Pat Wilson and Mr. Craig Shuman, representing Montgomery County Public Schools (MCPS), requested several changes to the conditions of approval related to the school site, which were accepted by staff and the applicant following some discussion of the language.

Mr. John Cook, representing the Clarksburg Civic Association, and Ms. Kathie Hullely of Boyds offered comments on the project.

5. [Site Plan Review No. 820060290, Cabin Branch-Winchester I](#)

Mr. Harris offered rebuttal testimony, elaborating on several issues raised.

There followed extensive discussion of the design guidelines, which are to be adopted with the site plan approval. Mr. Larry Frank, the Town Architect, and Mr. Conley provided information and discussed concerns related to the need for flexibility within the guidelines and issues related to interpretation and enforcement. After considerable discussion, Mr. Conley accepted revisions proposed by Legal Counsel to the Board, based on the consensus that the guidelines can be amended in the future by the Board.

In making the motion, Vice Chair Robinson clarified that the 20 percent unit mix maximum does not apply to the senior housing component of 500 units. He also clarified that staff or the applicant can request amendments to the design guidelines, if necessary.

6. **Extension Request: Preliminary Plan No. 120041040, Cambodian Buddhist Temple**

R-200 zone; 7 acres; 1 lot previously approved for a religious institution; request to reinstate and extend the validity period of the preliminary plan; located on the west side of New Hampshire Avenue (MD 650) at the terminus of Green Spring Lane; White Oak.

*Staff recommendation: Reinstate and grant a 9-month extension until November 25, 2008*

**BOARD ACTION**

**Motion: ROBINSON/CRYOR**

**Vote:**

**Yea: 3-0**

**Nay:**

**Other:**

**Action: Approved the staff recommendation to reinstate the preliminary plan and extend the validity period to November 25, 2008.**

Development Review staff responded to questions from the Board.

Mr. Tan Ser, representing the applicant, concurred in the staff recommendation, and elaborated on the need for the extension.

## 7. Summary of School Test - FY2009

Presentation of updated school enrollment projections from Montgomery County Public Schools

*Staff recommendation: Approve FY09 School Test*

### **BOARD ACTION**

**Motion:** ROBINSON/CRYOR

**Vote:**

**Yea:** 3-0

**Nay:**

**Other:**

**Action:** Approved the staff recommendation.

Research and Technology staff presented the school test results for FY09, as detailed in the staff report, noting that the Clarksburg school cluster is the one cluster remaining in moratorium because it exceeds the 120 percent program capacity ceiling.

Mr. Bruce Crispell, Montgomery County Public Schools, responded to questions from the Board.

In discussion, Chairman Hanson recommended that the 120 percent program capacity ceiling be reviewed in the context of the next Growth Policy, to determine if it is too stringent. If the ceiling is raised, additional development could move forward, subject to a school facility payment.

## 14. CLOSED SESSION

In accordance with the Annotated Code of Maryland, State Government Article, Section 10-508(a) (7) to consult with counsel to obtain legal advice (Silver spring Transit Center)

### **BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

## **8. Upper Rock Creek Trail Corridor Master Plan**

*Staff recommendation: Set Public Hearing date*

### **BOARD ACTION**

**Motion:** ROBINSON/CRYOR

**Vote:**

**Yea:** 3-0

**Nay:**

**Other:**

**Action:** Approved staff recommendation to set public hearing for the Upper Rock Creek Trail Corridor Master Plan for early September 2008.

Parks Department staff presented highlights of the staff draft for the Upper Rock Creek Trail Corridor Plan, as discussed in detail in the June 11 technical staff report, followed by a brief Board discussion and questions to staff.

## **11. Park Houses - Proposed Rent Increase – POSTPONED**

Proposed annual rent increase for Park Houses in Fiscal Year (FY) 2009

*Staff recommendation: Approval*



**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: This item was postponed.**

**9. Montgomery County - State Consolidated Transportation Program**

Montgomery County priorities for State Consolidated Transportation Program; provide guidance to joint County Council and Executive transportation project priorities letter to the State Delegation. *Staff recommendation: Transmit comments to the County Council*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Approved staff recommendation to transmit comments, including the changes discussed during the meeting, to the County Council, as stated in the attached transmittal letter.**

In keeping with the June 12 technical staff report, Transportation Planning Division staff presented highlights of the Montgomery County priorities for the State Consolidated Transportation Program.

The following speakers offered testimony: Mr. John Carmen representing the Base Realignment and Closure (BRAC) Implementation Committee located in Germantown; and Mr. Phil Alperson of the Montgomery County BRAC office located in Rockville.

Chairman Hanson noted the need for recalculation of the projects on the list due to the increase in gas prices, and recommended that the BRAC and the Washington Metropolitan Area Transit Authority (WMATA) projects be moved to the top of the list.

There followed a brief Board discussion, with questions to staff.

**10. 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. SilverPlace - Briefing on Charrette held June 3-7, 2008
- E. Silver Spring Transit Center

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

**A. Commissioners' Reports:** Vice Chair Robinson reported briefly on the Advanced Land Acquisition Revolving Fund (ALARF) meeting, which he attended last week at the County Council. He also noted that he received a visit at his office in D.C. from an environmental group representative.

Chairman Hanson briefly reported on the employees' recognition luncheon held on Wednesday at Newtown White Mansion in Prince Georges' County celebrating employees with 25 to 45 years of service with the Commission.

**B. Director's Report:** Parks Department Director Mary Bradford distributed her weekly report to the Board and briefly discussed the recent water main break in Burtonsville. Commissioner Cryor recommended that the Commission write a letter to Washington Suburban Sanitary Commission (WSSC) to recommend adding a monthly fee to customers' water bills to pay for replacement of the aging pipes.

Chairman Hanson noted that funds were requested in the FY09 budget to cover these costs but were unfortunately not approved.

**C. Approval of Minutes:** Approved Minutes of May 15, 2008, as presented.

**D. SilverPlace - Briefing on Charette held June 3-7, 2008:** Received briefing from Mr. Dan Hertz, SilverPlace Project manager, and staff from the Urban Design unit, followed by a brief Board discussion and questions to staff.

**E. Silver Spring Transit Center:** Received briefing from Parks Department staff and Legal Counsel to the Board regarding the proposed Silver Spring Transit Center, followed by Board discussion and questions to staff. The Board voted unanimously to send their recommendations to the County Council, including: i) the need to reinstate the building that was deleted from the original drawing, as it is an important design element in creating an edge for the proposed plaza; ii) the need to have the Department of Public Works and Transportation (DPWT) hold a public hearing to allow the public to view their proposed design stripped of all the original amenities; and iii) the use of the Paul S. Sarbanes Transit Center name, as previously dedicated.

### **13. Zoning Text Amendment: TMX Zone - ADDED**

Amend the Zoning Ordinance to create a new transit mixed-use zone  
*Staff recommendation: Approval to transmit to the County Council*

#### **BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:** **Approved staff recommendation to transmit comments to the County Council, as stated in the attached transmittal letter.**

In accordance with the June 18 technical staff report, Development Review Division staff and Legal Counsel to the Board offered a brief presentation followed by extensive Board discussion and review of the proposed TMX Zone Text Amendment as submitted, with questions to staff and Legal Counsel.

Mr. Bob Dalrymple, attorney, offered comments.

Chairman Hanson noted that the County Council will hold a public hearing next week and the Board will follow with a worksession in July.

## **PARK ITEM**

### **12. Updates to Athletic Field Use and Outdoor Tennis Court Use Permit Policies**

Changes have been made to the Athletic Field Use and Outdoor Tennis Court Use Permit Policies to reflect current practices and introduce new regulations and guidelines. These proposed policies have been reviewed and approved by the Montgomery County Recreation Department, Community Use of Public Facilities, the Countywide Recreation Advisory Board, and the Montgomery County Tennis Association. Permit users have been notified by mail of the upcoming proposed changes and the opportunity to testify during the Planning Board session.

*Staff recommendation: Approval of updates to athletic field use and outdoor tennis court use permit policies*

### **BOARD ACTION**

**Motion:**                    **ROBINSON/CRYOR**

**Vote:**

**Yea:**                    **3-0**

**Nay:**

**Other:**

**Action:**        **Approved the updated Athletic Field and Outdoor Tennis Court Use Permit Policies as presented.**

Staff of the Parks Department reviewed the proposed permit policies for the use of Outdoor Tennis Courts and Athletic Fields. The policies are intended to address fairness in allocating permits and, especially with respect to athletic fields, to balance an increase in demand with the maintenance, renovation, and resting of fields necessary to protect the long-term playability of our fields and to ensure user safety.

In discussion, staff informed the Board that there is an appeal process that would address concern about allocation of athletic permits based on historical use of fields.

Mr. David E. Pullen, Executive Director Montgomery County Tennis Association, testified in support of the Outdoor Tennis Court Use Permit Policy.