



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, September 10, 2009, at 9:05 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 8:45 p.m.

Present were Chairman Royce Hanson and Commissioners Joe Alfandre, Amy Presley, and Marye Wells-Harley. Commissioner Jean Cryor was necessarily absent.

Items 1 through 6 are reported on the attached agenda.

The Board recessed at 12:05 p.m. for lunch and to take up Items 7 and 16 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 12:20 p.m. in the third floor conference room, on motion of Commissioner Alfandre, seconded by Commissioner Presley, with Chairman Hanson and Commissioners Alfandre, Presley, and Wells-Harley present and voting in favor of the motion, and with Commissioner Cryor 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 §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.

Also present for all or part of the Closed Session were General Counsel Adrian Gardner and Associate General Counsels Tracey Harvin, David Lieb, Carol Rubin, and Christina Sorrento of the Legal Department; Josh Kaye, Rose Krasnow, Robert Kronenberg, Mark Pfefferle, and Joshua Sloan of the Planning Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board received a briefing and discussed issues related to settlement agreements/compliance consent orders and procedures for conducting enforcement hearings, in preparation for the enforcement hearing on September 14, and approved submitted Closed Session minutes.

The Closed Session was adjourned at 1:32 p.m. and the Board reconvened in open session in the third floor conference room.

The Board reconvened in the auditorium at 1:35 p.m. Commissioners Cryor and Alfandre were necessarily absent for the afternoon session.

Items 8 through 14 are reported on the attached agenda.

Item 14 was taken up out of order after Item 9 and before Item 10.

Item 17, the Roundtable Discussion, was postponed.

The Board recessed for dinner at 3:20 p.m. and reconvened in the auditorium at 7:03 p.m. with Chairman Hanson and Commissioner Wells-Harley present, and Commissioner Cryor participating via teleconference.

Commissioners Presley and Alfandre were necessarily absent for the evening meeting.

Item 15, Worksession 2 for the Kensington & Vicinity Sector Plan is reported on the attached agenda.

There being no further business, the meeting was adjourned at 8:45 p.m. The next regular meeting of the Planning Board will be held Thursday, September 17, 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, September 10, 2009**

8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Adoption of Opinions/Resolutions

1. **Academy Child Development Center - Preliminary Plan No. 120090270** - *Adoption of MCPB Resolution No. 09-96*
2. **Addition To Brooke Grove, Preliminary Plan No. 120090150** - *Adoption of MCPB Resolution No. 09-81*
3. **Batchellors Forest - Site Plan No. 820080190**, *Adoption of MCPB Resolution No. 09-95*

4. **Batchellor's Run - FCP No. MR 2009001 MCDEP-1** - *Adoption of MCPB Resolution No. 09-98*
5. **Battery Lane Urban Park Forest Conservation Plan No. SC2009028** – *Adoption of MCPB Resolution No. 09-100*
6. **4 Bethesda Metro Center Project Plan Amendment 91992004B** – *Adoption of MCPB Resolution No. 09-118 - POSTPONED*
7. **Bryant's Nursery Run II - FCP No. MR 2009003 MCDEP-1** - *Adoption of MCPB Resolution No. 09-107*
8. **Cabin John Middle School FCP No. MR2008404** - *Adoption of MCPB Resolution No. 09-99*
9. **Camberwell Property, Lot 12 - Preliminary Plan No. 11995016A** - *Adoption of MCPB Resolution No. 09-97*
10. **Carderock Springs Elementary School - FCP No. MR2008401** - *Adoption of MCPB Resolution No. 09-113*
11. **Cresthaven Elementary School - FCP No. MR2008602** - *Adoption of MCPB Resolution No. 09-112*
12. **4500 East West Highway, Site Plan 820090150** - *Adoption of MCPB Resolution No. 09-90*
13. **Holy Cross Hospital - Amendment to Final Forest Conservation Plan For Special Exception Modification No. S-420-H** - *Adoption of MCPB Resolution No. 09-114*
14. **Kentsdale Estates FCP No. 119970560** - *Adoption of MCPB Resolution No. 09-102*
15. **Manor Park - Resubdivision of Lot 199 - Preliminary Plan No. 120090250** - *Adoption of MCPB Resolution No. 09-94*
16. **Marsden Tract - Lot 11, Preliminary Plan No. 11994066A** - *Adoption of MCPB Resolution No. 09-70*
17. **Mill Creek South, Preliminary Plan No. 11991069A** - *Adoption of MCPB Resolution No. 09-40*
18. **Montgomery General Hospital - FCP Amendment for Special Exception Modification No. CBA-2521-J** - *Adoption of MCPB Resolution No. 09-75*
19. **Norbeck County Club – SPA/WQP No. 220090420** - *Adoption of MCPB Resolution No. 09-115*
20. **Rock Creek Maintenance Yard Upgrade - FCP No. PP2009001** - *Adoption of MCPB Resolution No. 09-109*
21. **Stanmore, Preliminary Plan No. 120061100** - *Adoption of MCPB Resolution No. 09-42*
22. **Strathmore at Bel Pre, Lot 44 - Site Plan No. 820050330** - *Adoption of MCPB Resolution No. 09-93*
23. **Studio Plaza, Project Plan No. 920070010** - *Adoption of MCPB Resolution No. 09-104*
24. **Suburban Hospital, Preliminary Forest Conservation for Special Exception Modification Plan No. S-274-D** - *Adoption of MCPB Resolution No. 09-111*
25. **The Quarry - Final Conservation Plan Amendment No. 820050290** - *Adoption of MCPB Resolution No. 09-58*
26. **Upper Northwest Branch - FRC No. MR 2009002 MCDEP-1** - *Adoption of MCPB Resolution No. 09-106*
27. **Washington Gas Company Gate Station FCP No. S-2596** - *Adoption of MCPB Resolution No. 09-110*
28. **White Oak Recreation Center - FCP No. MR 2008904** - *Adoption of MCPB Resolution No. 09-105*
29. **Winbrook - Preliminary Plan No. 120080100** - *Adoption of MCPB Resolution No. 08-158*
30. **Woodlawn Property - Preliminary Plan and Forest Conservation Plan No. 12005038a**, *Adoption of MCPB Resolution No. 09-92*
31. **Woodmont Central - Project Plan No. 920090010** - *Adoption of MCPB Resolution No. 09-117*

32. **Woodmont Central - Preliminary Plan No. 120090140** - *Adoption of MCPB Resolution No. 09-74*

33. **Woodmont View - Site Plan No. 820090010**, *Adoption of MCPB Resolution No. 09-91*

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: CRYOR ABSENT

Action: Adopted the Board Resolutions listed above.

2. Record Plats

Subdivision Plat No. 220081720, Fairview Estates

R-90 zone; 6 lots, 1 parcel; located on the south side of East Randolph Road, 800 feet west of Tamarack Road; White Oak.

Staff recommendation: Approval

Subdivision Plat No. 220090540, Kingsview Knolls

R-200 zone; 2 lots; located in the southeast quadrant of the intersection of Schaeffer Road and Kingsbrook Drive; Germantown.

Staff recommendation: Approval

Subdivision Plat No. 220082000, Ashton Estates

RC zone; 5 lots; located on the west side of New Hampshire Avenue (MD 650), approximately 1,050 feet north of Olney-Sandy Spring Road (MD 108); Sandy Spring – Ashton.

Staff recommendation: Approval

Subdivision Plat No. 220091150, Crestview

R-60 zone; 1 lot; located in the northwest quadrant of the intersection of Western Avenue and Earlston Drive; Bethesda-Chevy Chase.

Staff recommendation: Approval

BOARD ACTION

Motion: PRESLEY/ALFANDRE

Vote:

Yea: 4-0

Nay:

Other: CRYOR ABSENT

Action: Approved the Record Plats listed above.

3. Consent Items

Compliance with Enforcement Action: Site Plan Amendment Review No. 82005020A and Draft Resolution, Portico*

CBD-1; amendment to remove balconies from the approved site plan as a result of a settlement agreement for an enforcement action; located on Fidler Lane approximately 50 feet from the intersection with Ramsey Avenue; Silver Spring CBD

Staff recommendation: Approval of the consent agenda and draft Resolution.

FASEB (Locus Vitae) - Corrected Opinion, Preliminary Plan No. 1-02079A

Tong subdivision Site Plan No. 820050170, ADOPTION OF MCPB CORRECTED OPINION [Full text]

BOARD ACTION

**Motion: 1. PRESLEY/ALFANDRE
2. PRESLEY/WELLS-HARLEY***

Vote:
**Yea: 1. 4-0
2. 3-0**

Nay:

**Other: 1. CRYOR ABSENT
2. CRYOR, ALFANDRE ABSENT**

Action: 1. Adopted Corrected Opinions for FASEB and Tong Subdivision, as cited above, and deferred action on the Compliance with Enforcement Action site plan amendment and draft Resolution for Portico.

2. Approved staff recommendation for approval of the draft Resolution for Portico – Site Plan Amendment on Compliance with Enforcement Action.

***This item was discussed during the afternoon session.**

4. Approval of Minutes

BOARD ACTION

Motion: ALFANDRE/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: CRYOR ABSENT

Action: Approved the minutes of July 2, 6, 9, 13, 16, 20, 23, 27, and 30, 2009, as presented.

5. [Work Session #1, Takoma/Langley Crossroads Sector Plan](#)

Transportation

Staff recommendation: Discuss and Provide Guidance to Staff

(Public Testimony will not be taken)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Discussed and provided guidance to staff.

Community-Based Planning and Transportation Planning staff presented the transportation recommendations for the Sector Plan, as detailed in the staff report. Staff noted that the Prince George's County Planning Board will take up the Prince George's Takoma/Langley Crossroads

Sector Plan this afternoon, and the two Planning Boards will meet together as The Maryland-National Capital Park and Planning Commission next week and discuss the respective master plans for this important area.

Discussion focused on the coordination among the many State and County agencies, the City of Takoma Park, and other public agencies and stakeholders, and reconciling inconsistencies between the Montgomery County and Prince George's County Sector Plans related to recommendations and requirements for University Boulevard and New Hampshire Avenue rights-of-way; street connections across the County line; network circulation options, in addition to "jug handles" for managing traffic through the University Boulevard/New Hampshire Avenue intersection; pedestrian/bicycle connections to Purple line stations and the Transit Center; the proposed University Boulevard cycle track; and various public and private street classifications and rights-of-way.

Mayor Bruce Williams, District 6 Councilmember Donna Victoria, Ms. Ilona Blanchard, representing the City of Takoma Park; Mr. Joseph Romanowski, representing the Maryland Mass

Transit Administration Purple Line Project Team; Ms. Reena Matthews, Maryland State Highway Administration; and Messrs. Harold Foster, Dan Janousek, and Farmarz Mokhtari, representing the Prince George's County Planning Department, participated in the discussion.

The Board asked the City of Takoma Park to reconsider several issues for discussion at the next worksession. The Board also asked Prince George's Planning Department staff to raise several issues with the Prince George's Planning Board this afternoon, in preparation for the reconciliation of the two master plans by the Commission next week.

6. Parks CIP Worksession #1

Review and approve level-of-effort projects for inclusion in the FY11-16 Parks' Capital Improvements Program

Staff Recommendation: Discussion and Approval
(Public Testimony will not be taken)

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: CRYOR ABSENT

Action: Approved the staff recommendation for level-of-effort projects and agreed to proceed with the Germantown Town Center Urban Park project, making up for the loss of Program Open Space funds with Park and Planning bonds.

Department of Parks staff presented the staff recommendations for funding levels for level-of-effort projects for the FY11-16 Capital Improvements Program, as detailed in the staff report. Staff also reviewed several options for providing additional funds to support completion of the Germantown Town Center Urban Park project, which is now underfunded due to a decline in Program Open Space funds.

In discussion, staff recounted the concerns that have been raised about the use of synthetic turf on ballfields and noted the significant increase in field use and decrease in maintenance costs associated with synthetic turf. Staff stated that a complete briefing on the issue will be presented to the Board and an opportunity will be provided for a discussion of the issues before any additional turf fields are installed. There was also some discussion of the possibility of stimulus funding for energy conservation measures and for State grants associated with restoration of historic structures, with staff stating that these possibilities are being pursued.

7. 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 State citation and open session report in narrative minutes.

16. Closed Session - Added

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

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

8. [Preliminary Plan No. 120090020, Day Property](#)

RE-2 zone; 52.34 acres; 11 lots requested for 11 one-family detached residential dwellings, one existing to be removed; located on Avery Road, 1,500 feet southwest of Muncaster Mill Road; Upper Rock Creek

Staff recommendation: Approval with conditions

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 3-0

Nay:

Other: CRYOR, ALFANDRE ABSENT

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

In keeping with the August 31 technical staff report, Development Review Division staff presented the request to create eleven lots for eleven one-family detached residential dwelling units, with one existing dwelling to be demolished, on a 52.34-acre property located on Avery Road, 1,500 feet southwest of Muncaster Mill Road in the Upper Rock Creek Area. Staff discussed the proposed request and answered questions from Board members.

Mr. Joseph Lynott, attorney representing the applicant, introduced Messrs. David Crowe and Steve Crum, members of the applicant's team and concurred with the staff recommendation. There followed a brief Board discussion.

9. [Limited Site Plan Amendment Review No. 82004026B, River Quarry \(Giancola\)](#)

R-200/TDR zones; amendment; revise development standards table to provide setback language at lot 20 rear, setback change from 20 feet to "Not less than 11.5 feet; located on (MD) 190-River Road at the northeast of Old Seven Locks Road; Potomac

Staff recommendation: Approval with conditions

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 3-0

Nay:

Other: CRYOR, ALFANDRE ABSENT

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

In accordance with the August 28 technical staff report, Development Review Division staff presented the request to amend and revise the development standards table of the Site Plan Amendment request for the River Quarry project to provide setback language for lot 20 located

in the rear of the property. Staff noted that the setback would be from 20 feet to “Not less than 11.5 feet” on the said property located on MD 190-River Road, at the northeast corner of Old Seven Locks Road in Potomac.

Mr. Ryan White, Consulting Manager representing the applicant, introduced Mr. Robert McCary, member of the applicant’s team and concurred with the staff recommendation.

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

10. [Mandatory Referral No. 09303-DGS-1](#)

Site selection mandatory referral review for the acquisition of 127.29 +/- of land (the Webb Tract/North Airpark Business Park) on the east side of Snouffer School Road, Gaithersburg for relocation of County facilities, 1985 Gaithersburg Vicinity Master Plan

Staff recommendation: Approval to transmit comments to the Montgomery County Department of General Services

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 3-0

Nay:

Other: CRYOR, ALFANDRE ABSENT

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

In keeping with the August 27 technical staff report, Community-Based Planning Division staff offered a multi-media presentation of the Mandatory Referral request for the acquisition of 127.29 acres of land, referred to as the North Airpark Business Park, located on the east side of Snouffer School Road in Gaithersburg for the relocation of county facilities, as proposed in the 1985 Gaithersburg Vicinity Master Plan.

Ms. Diane Schwartz Jones, County Executive representative, offered comments at the Board’s request.

Mr. Charles Gordon of Blue Smoke Drive offered testimony.

There followed a brief Board discussion with questions to staff and to Ms. Schwartz Jones.

11. Preliminary Plan 12004018E – Limited Amendment, Centerpark (a.k.a. Airpark North Business Park)

I-4 zone; 134.2 acres; 23 lots previously approved for 559,300 square feet of research and development office use, 247,626 square feet of light industrial and commercial office use, and 461,285 square feet of warehouse use; request to consolidate the approved lots into larger recorded parcels to facilitate the planned use of the site for County services; located on Snouffer School Road east of Alliston Way; Gaithersburg

Staff recommendation: Approval with conditions

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 3-0

Nay:

Other: CRYOR, ALFANDRE ABSENT

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

Development Review Division staff offered a multi-media presentation of the request to consolidate the previously approved 23 lots for the North Airpark Business Park consisting of 559,300 square feet of research and development office use, 247,626 square feet of light industrial and commercial office use, and 461,285 square feet of warehouse use located on Snouffer School Road east of Alliston Way in Gaithersburg. Staff noted that the consolidation of the approved 23 lots into larger recorded parcels will facilitate the planned use of the site for county services.

Ms. Diane Schwartz Jones representing the County Executive answered questions from the Board.

Mr. Robert Brewer, attorney representing the applicant offered brief comments, and concurred with the staff recommendation.

Mr. Charles Ellison, Consultant, offered comments at the Board's request.

Mr. Charles Gordon of Blue Smoke Drive offered testimony.

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

12. Zoning Text Amendment 09-06

To amend the Zoning Ordinance to allow, under certain circumstances, a reduction in the land area required for land currently zoned Town Sector (TS); and to amend the development standards for the land remaining in the TS Zone in an area if the total amount of TS zoning was reduced.

Staff recommendation: Transmit Comments to County Council

(Action required for County Council Public Hearing of 9/15/09)

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 3-0

Nay:

Other: CRYOR, ALFANDRE

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

In keeping with the September 3 detailed technical staff report, Development Review Division staff presented the proposed Zoning Text Amendment request to amend the Zoning Ordinance to allow, under certain circumstances, a reduction in the land area required for land currently zoned Town Sector (TS) and to amend the development standards for the land remaining in the TS Zone in an area if the total amount of TS zoning was reduced.

Messrs. Bill Wainger of Wisconsin Avenue and representing the Artery Group and Robert Brewer, attorney, offered testimony.

Legal staff noted that there are many unresolved issues and staff is working diligently with Council staff on the proposed amendment.

There followed extensive Board discussion and questions to staff and the speakers.

13. [Zoning Text Amendment 09-07](#)

To amend the Zoning Ordinance to amend the Life Sciences Center (LSC) zone to permit mixed-use development under certain circumstances in order to promote the growth and advancement of life sciences and applied technologies and to establish the use of building lot termination development rights in the LSC zone.

Staff recommendation: Transmit Comments to County Council

(No Public Testimony, Public Hearing previously heard on July 16, 2009)

(Action required for County Council public hearing of 9/15/09)

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 3-0

Nay:

Other: CRYOR, ALFANDRE ABSENT

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

In keeping with the August 31 detailed technical staff report, Development Review Division staff presented the request to amend the Zoning Ordinance to amend the Life Sciences Center (LSC) Zone to permit mixed-use development under certain circumstances in order to promote the growth and advancement of life sciences and applied technologies and to establish the use of building lot termination (BLT) development rights in the LSC Zone.

There followed a brief Board discussion with questions to staff.

14. [Board of Appeals No. S.E. 09-4](#)

Esther C. Shaffer, applicant, requests a special exception for a Child Day Care Facility for up to 15 children;
R-90 Zone; located at 19227 Golden Meadow Drive, Germantown

Staff recommendation: Approval with conditions
(Action required for hearing by the Hearing Examiner on 09/18/09)

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 3-0

Nay:

Other: CRYOR, ALFANDRE ABSENT

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

Development Review Division staff offered a brief presentation of the request for a Special Exception for a Child Day Care Facility for up to 15 children on a property located on Golden Meadow Drive in Germantown, as discussed in the August 24 detailed technical staff report.

Ms. Esther Shaffer, the applicant, offered brief comments, and concurred with the staff recommendation.

17. Roundtable Discussion - Added

A. CR Zone

BOARD ACTION

Motion:

MCPB, 9-10-09, APPROVED

Vote:

Yea:

Nay:

Other:

Action: **This item was postponed.**

15. [Worksession 2 — Kensington & Vicinity Sector Plan](#)

Review and discussion of Land Use, Community Facilities and Historic Preservation

Staff recommendation: Discuss and provide guidance to staff
(No public testimony will be taken)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **Discussed and provided guidance to staff.**