



APPROVED
MINUTES

The Montgomery County Planning Board met in regular session on Thursday, October 16, 2008, at 9:00 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 5:25 p.m.

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

Items 1 through 7 are reported on the attached agenda.

The Board recessed at 12:35 p.m. for lunch and to take up a Closed Session item, Item 8 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 12:46 p.m. in the third floor conference room, on motion of Commissioner Alfandre, seconded by Commissioner Cryor, with Commissioners Hanson, Robinson, Cryor, Alfandre, and Presley present and voting in favor of the motion. The meeting was closed under authority of §10-508(a)(14), State Government Article, Annotated Code of Maryland, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal before the contract is awarded or bids are opened, if public discussion or disclosure would adversely impact the ability of the Commission to participate in the competitive bidding or proposal process.

Also present for all or part of the Closed Session were Associate General Counsel Carol Rubin of the Legal Department; Deputy Director Michael Riley, and Dan Hertz of the Parks Department; Director Rollin Stanley and John Carter of the Planning Department; Clara Moise of the Commissioners' Office, and SilverPlace Consultant Don Zuchelli.

In Closed Session, the Board discussed the status of the on-going negotiations with the developer for the SilverPlace project.

The Closed Session was adjourned at 1:25 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. with all five Commissioners present.

Items 9 through 13 and Item 15 are reported on the attached agenda.

Item 14 was postponed.

There being no further business, the meeting was adjourned at 5:25 p.m. The next regular meeting of the Planning Board will be held Thursday, October 23, 2008, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Technical Writer

Montgomery County Planning Board Meeting
Thursday, October 16, 2008
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Adoption of Opinions/Resolutions

Group A: Five Commissioners Eligible to Vote [Commissioners Hanson, Robinson, Cryor, Alfandre and Presley]

- i) Normandy Farms, Site Plan No. 81994001A, ADOPTION OF RESOLUTION No. 08-111
- ii) Burn Brae Property, Site Plan No. 820080090, ADOPTION OF RESOLUTION No. 08-104
- iii) Sheppard Property, Preliminary Plan No. 120080020, ADOPTION OF RESOLUTION No. 08-121

Group B: Four Commissioners Eligible to Vote [Commissioners Alfandre, Cryor, Hanson and Robinson]

- iv) Muncaster Manor, Preliminary Plan No. 120070660, ADOPTION OF RESOLUTION No. 08-126

Group C: Three Commissioners Eligible to Vote [Commissioners Hanson, Robinson, and Cryor]

- v) Cabin Branch Winchester I, Site Plan No. 820060290, ADOPTION OF RESOLUTION No. 08-96

BOARD ACTION

Motion: (A) PRESLEY/ROBINSON
(B) ALFANDRE/ROBINSON
(C) ROBINSON/CRYOR

Vote:
Yea: (A) 5-0
(B) 4-0
(C) 3-0

Nay:

Other: (B) PRESLEY ABSTAINED
(C) ALFANDRE, PRESLEY ABSTAINED

Action: (A) Adopted Resolutions in Group A, as stated above.
(B) Adopted Resolution in Group B, as stated above.
(C) Adopted Resolution in Group C, as stated above.

2. Record Plats

Subdivision Plat No. 220082140, Bradmoor

R-60 zone; 2 lots; located in the southwest corner of the intersection of Madison Street and Irvington Avenue; Bethesda-Chevy Chase

Staff recommendation: Approval

BOARD ACTION

Motion: ROBINSON/CRYOR

Vote:
Yea: 5-0

Nay:

Other:

Action: Approved record plat as stated above.

3. Consent Items

Site Plan Review No. 82005009B, Woodcrest

R-200/RDT zones; 47.00 acres; amendment to modify street tree locations and add lamp fixtures, clarify natural trail detail, modify width of sidewalk near the play boulders and add stream restoration project; located on Frederick Road (MD 355), approximately 1500 feet north of Clarksburg Road; Clarksburg

Staff recommendation: Approval of the Consent Agenda item and Adoption of the Resolution

BOARD ACTION

Motion: ROBINSON/CRYOR

Vote:

Yea: 5-0

Nay:

Other:

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

4. White Flint I Sector Plan

Preliminary Recommendations: Presentation of staging and density allocation for the Sector Plan
(No public testimony will be taken at this time)

Planning Board Action/Decision: Discussion only, no vote taken.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Board discussion of staff preliminary recommendations on staging and density allocation for the White Flint I Sector Plan.

5. Extension Request: Project Plan Review No. 920070110, The Fairmont

CBD-2 zone; 0.21464 acres; 34 multi-family dwelling units; including 6 MPDUs; located on Fairmont Avenue, approximately 250 feet northeast of Old Georgetown Road; Bethesda

Staff recommendation: Denial of the Extension Request

BOARD ACTION

Motion: ALFANDRE/HANSON

Vote:

Yea: 4-1

Nay: CRYOR

Other:

Action: Approved staff recommendation of denial of the extension request.

Development Review Division staff offered highlights of the extension request for the Fairmont project plan, as discussed in detail in the October 6 technical staff report. Staff noted that there has not been any activity in the Project Plan to support this request.

Mr. Todd Brown, attorney representing the applicant Mr. Lewie Bloom, also present, briefly discussed the proposed extension request, and noted that he does not concur with the staff recommendation of denial, and at the Chairman’s request explained why the applicant needs a fifth extension.

Following a brief Board discussion with questions to staff and the applicant’s representative, the Board voted to approve staff’s recommendation of denial, with Commissioner Cryor dissenting.

6. Preliminary Plan and Preliminary Water Quality Plan No. 120080170, Charles L. Duvall Property

R-200 zone; 2.4 acres; 2 lots requested; 2 one-family detached dwelling units, one existing to remain; located on Duvall Road, 1,000 feet west of Duvall Court; Fairland

Staff recommendation: Approval with conditions

BOARD ACTION

Motion: PRESLEY/ROBINSON

Vote:

Yea: 5-0

Nay:

Other:

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

Development Review Division staff presented highlights of the request to create two lots for two one-family detached dwelling units on a 2.4-acre property located on Duvall Road in Fairland, as discussed in the October 3 technical staff report.

Mr. Jim Ochs, Engineer representing the applicant, introduced members of the applicant’s team and concurred with the staff recommendation, requesting a small modification to condition 3.

7. Preliminary Plan No. 120061190, Miller Property

RC zone; 15.17 acres; 2 lots and one outlot requested; 2 one-family detached dwellings; located on Darnestown Road (MD 28) approximately 860 feet northeast of Turkey Foot Road; Potomac

Staff recommendation: Approval with conditions

BOARD ACTION

Motion: ALFANDRE/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

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

In accordance with the October 3 technical staff report, Development Review Division staff presented highlights of the request to create two lots for two one-family detached dwelling units on a 15.17-acre property, with one outlot, located on Darnestown Road (MD 28). Staff briefly discussed the proposed request and noted that there is a small modification to condition 11, as previously discussed with the applicant.

Mr. James Clifford, Engineer representing the applicant, introduced Mr. David McKee, attorney for the applicant, and Ms. Guelda Carol Miller, the applicant, also present, briefly discussed the proposed request, and concurred with the staff recommendation.

8. CLOSED SESSION

Pursuant to Maryland Annotated Code, State Government Article, Section 10-508(a)(14), negotiation of the General Development Agreement (“GDA”) between the M-NCPPC and SilverPlace, LLC for the SilverPlace Project

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

**9. Amendment to the FY09-14 CIP and Special Appropriation to the MNCPPC
FY 09 Capital Budget: SilverPlace, Project No. 048701- POSTPONED**

SilverPlace, a public/private partnership in which the Commission seeks replacement of its headquarters building at 8787 Georgia Avenue. The Special Appropriation funds the design and construction of the headquarters building.

Staff recommendation: Approval to transmit appropriation request to the County Executive and County Council

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: THIS ITEM WAS POSTPONED.

10. 4500 East-West Highway - REVISED

A. Project Plan Review No. 920080010, 4500 East-West Highway

CBD-2 zone; 1.28 acres; 210,000 square feet of office and 13,300 square feet of retail; located in the northwest quadrant of the intersection with East-West Highway and Pearl Street; Bethesda CBD

Staff recommendation: Approve Project Plan with Conditions

B. Preliminary Plan No. 120080360, 4500 East West Highway

CBD-2 zone; 1.28 acres; 1 lot requested; 210,000 square feet of office and 13,300 square feet of retail; located in the northwest quadrant of the intersection with East-West Highway and Pearl Street; Bethesda CBD.

Staff recommendation: Approve Preliminary Plan with conditions

BOARD ACTION

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

Vote:
Yea: (A) 5-0
(B) 5-0

Nay:

Other:

Action: (A) Approved staff recommendation for approval of the Project Plan, subject to conditions, as stated in the attached Board Resolution.

(B) Approved staff recommendation for approval of the Preliminary Plan Review, subject to conditions, as stated in the attached Board Resolution.

Development Review Division staff presented the request to create 210,000 square feet of office and 13,300 square feet of retail on a 1.28-acre property located in the northwest quadrant of the intersection with East-West Highway and Pearl Street in Bethesda, as discussed in detail in the October 6 technical staff report.

Ms. Stacy Silber, attorney representing the applicant, introduced members of the applicant’s team and discussed the proposed request.

At the Board’s request Mr. Dan Hoover, landscape architect for the project discussed the building design and amenities, and Transportation Planning Division staff discussed traffic mitigation issues.

The following speakers offered testimony: Mr. Matthew Dolan, member of the Spanish Catholic Center; Patricia McGann of Our Lady of Lourdes School; and Ms. Kathryn Lynch of Pearl Street.

11. Preliminary Plan No. 120080350, Sunrise Senior Living of Olney

RE-2/TDR zone; 5.02 acres; 1 lot requested; 64,000 square foot assisted living facility; located on the north side of Sandy Spring Road (MD 108), 2,600 feet east of Prince Philip Drive; Olney.

Staff recommendation: Approve Preliminary Plan with conditions

BOARD ACTION

Motion: ROBINSON/ALFANDRE

Vote:

Yea: 5-0

Nay:

Other:

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

Development Review Division staff offered a detailed presentation of the request to create one lot for a 64,000-square foot assisted living facility on a 5.02-acre property located on the north side of Sandy Spring Road (MD 108) east of Prince Phillip Drive in Olney, as discussed in detail in the October 3 technical staff report.

Ms. Cindy Bar, attorney representing the applicant, introduced members of the applicant’s team, briefly discussed the proposed request, and concurred with the staff recommendation.

12. Observation Drive

MCDOT Facility Planning: Study Phase I - Waters Discovery Lane to Stringtown Road, Clarksburg

Staff recommendation: Transmit comments regarding preferred alternative to Montgomery County Department of Transportation

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Approved staff recommendation to transmit comments regarding preferred alternative to Montgomery County Department of Transportation (DOT), as stated in the attached transmittal letter.

Transportation Planning Division staff discussed the October 2 technical staff report regarding Observation Drive Extended Phase I Transportation Facility Planning Study.

Parks Department staff offered comments.

There followed a brief Board discussion with questions to staff.

13. Roundtable Discussion - REVISED

(No public testimony will be taken at this time)

- A. Commissioners' Report
- B. Approval of Minutes Planning Board Action/Decision: Approved.
- C. Director's Report
- D. County Council Activity
- E. Briefing - Historic Preservation

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **A. Commissioners' Report:** Commissioner Cryor distributed copies of a very complimentary article written in the *St. Raphael Catholic Church Bulletin* on the Butterfly exposition at Brookside Gardens.

Chairman Hanson briefly reported on his participation on the panel of the National Parks and Recreation Association meeting, which was presented by the Secretary of Conservation and Natural Resources of Pennsylvania and held in Baltimore yesterday afternoon. He noted that the Secretary made a point, which we should emphasize in our FY10 budget, regarding the importance of a first-grade park system to the economy of a county, both in terms of the effect that it has on property values directly, and almost equally important the significance that it has, especially in a knowledge-based economy, of attracting the kinds of business and professionals that make the economy work.

He also added that he would like to have a replication of the study on the *Economic Value of the Texas Parks System* done in Montgomery County, and has suggested this to some former colleagues at the George Washington University and they are looking into having some graduate students work on it.

B. Approval of Minutes: Approved Planning Board Minutes of September 11, 15, and 18, 2008, as presented.

C. Director's Report: None.

D. County Council Activity: None.

E. Briefing – Historic Preservation: Received briefing from Historic Preservation Division staff in preparation for the Board upcoming dinner with members of the Historic Preservation Commission scheduled for next Thursday evening, October 23, 2008.

14. Operating Funds Ten Month Financial Report - POSTPONED

Report on Operating Funds including projections for June 30, 2009

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: THIS ITEM WAS POSTPONED.

15. Discussion: FY10 Budget - Administrative/Planning Department

FY10 Administrative Fund (Central Administrative Services and Planning Department)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing on the FY10 Budget forecasts from the Commission's Executive Director, the Secretary-Treasurer, the Budget Manager for the Department of Human Resources and Management, the Planning Director, and the Chief of Management Services.