



**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, November 18, 2010, at 9:10 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 6:10 p.m.

Present were Chair Françoise M. Carrier, Vice Chair Marye Wells-Harley, and Commissioners Joe Alfandre, Norman Dreyfuss, and Amy Presley.

Items 1 through 6 are reported on the attached agenda.

Commissioner Alfandre left the meeting for the day after the morning session.

The Board recessed for lunch at 1:35 p.m. and reconvened in the auditorium at 2:25 p.m.

Items 7 through 10 are reported on the attached agenda. The Board did not take the scheduled break for dinner and took up Item 10 at the end of the afternoon session. Closed Session Item 11 was withdrawn from the agenda.

There being no further business, the meeting was adjourned at 6:10 p.m. There will not be a Planning Board meeting on Thursday, November 25, 2010, Thanksgiving Day. The next regular meeting of the Planning Board will be held Thursday, December 2, 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, November 18, 2010, 9:00 A.M.**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760

**Consent Agenda**

**\*A. Adoption of Resolutions**

1. Granby Woods Outlot D, Block F SPA WQP No. 220090500 – ADOPTION OF MCPB RESOLUTION No. 10-145
2. Gallery Park Preliminary Plan 12005101A – ADOPTION OF MCPB RESOLUTION No. 10-138
3. Gallery Park Site Plan 82005038A – ADOPTION OF MCPB RESOLUTION No. 10-139

**BOARD ACTION**

**Motion:**                   **DREYFUSS/ALFANDRE**

**Vote:**

**Yea:**                   **5-0**

**Nay:**

**Other:**

**Action:**           **Adopted Planning Board Resolutions cited above.**

**\*B. Record Plats**

**1. Subdivision Plat No. 220100320, Briars Acres;** R-200 zone, 4 lots; located in the northwest quadrant of the intersection of Briars Road and Olney-Laytonsville Road (MD 108); Olney.  
*Staff Recommendation: Approval*

**2. Subdivision Plat No. 220110070, Pilgrim Springs;** R-90 zone, 1 lot; located in the southwest quadrant of the intersection of Briggs Road and Layhill Road (MD 182); Glenmont.  
*Staff Recommendation: Approval*

**3. Subdivision Plat No. 220110120, Willerburn Acres, Section One;** R-90 zone, 5 lots; located in the northeast and southeast quadrants of the intersection of Seven Locks Road and Gainsborough Road; Potomac Subregion.

*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**

**1. 92000001B Air Rights Center/7300 Pearl Street; Extension of Project Plan Review Period;** CBD-2 zone; 3.73 acres; modify the Project Plan to add a new commercial building with 149,611 sf.; located on Pearl Street, approximately 160 feet south of Montgomery Avenue; Bethesda.

*Staff Recommendation: Approval*

**2. Site Plan Amendment Review No. 82008015B,** 1150 Ripley Street, CBD-2 zone; 1.16 acres; amendment; to reduce the multi-family D/U's from 318 to 286 with reduced parking from 309 to 293, minor revisions to elevations to add balconies, widening of curb for additional loading bay, reduce retail space from 7200 gross square feet to 6840 gross square feet, reduce public use and amenity space from 20,168 gross square feet to 19,667 gross square feet, landscape modifications; located on Ripley Street, approximately 356 feet west of Georgia Avenue; Silver Spring

*Staff Recommendation: Approval*

**3. Darnestown at Travilah Site Plan 820100070 – ADOPTION OF MCPB CORRECTED RESOLUTION No. 10-112**

*Staff Recommendation: Approval*

**4. Brooke Park Preliminary Plan 120080190 – ADOPTION OF MCPB RESOLUTION No. 10-124 (corrected)**

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion:** ALFANDRE/DREYFUSS

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

**Action:** Approved staff recommendation for approval of the Consent Items cited above.

**\*D. Approval of Minutes**

Minutes of October 14, 2010 and October 21, 2010.

**BOARD ACTION**

**Motion:** ALFANDRE/WELLS-HARLEY

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

**Action:** Approved Minutes of October 14 and 21, 2010 as submitted.

**2. Worksession #3 - Wheaton CBD and Vicinity Sector Plan Continued;  
Neighborhood Specific Issues and Urban Design**

*Staff Recommendation: Discussion only, no vote taken*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

In worksession # 3 of the Wheaton Central Business District and Vicinity Sector Plan, the Board continued discussion of the Plan’s districts and individual parcels specific issues and provided recommendations to staff. Community-Based Planning staff also provided an overview of the land use and zoning recommendations in the plan.

At the Board’s request, Mr. Rob Kline, representing the Montgomery County Department of General Services, offered comments.

Mr. Larry Gordon, attorney representing Lindsay Ford, introduced Mr. Chris Lindsay, the property owner, and offered testimony.

Ms. Michele Rosenfeld, attorney representing Mr. Harold Weinberg, owner of the Weinberg Property in Wheaton, offered testimony.

**3. North Potomac Recreation Center**

**\*A. Preliminary Forest Conservation Plan: North Potomac Recreation Center; 13850** Travilah Road between Patrick Avenue (to the west) and the Big Pines Park (to the east), 17.14 acres, R-200/TDR, Potomac Master Plan  
*Staff Recommendation: Approval with conditions*

**B. Mandatory Referral No. 10731-DGS-1: North Potomac Recreation Center; 13850** Travilah Road between Patrick Avenue (to the west) and the Big Pines Park (to the east), 17.4 acres, R-200/TDR, Potomac Master Plan  
*Staff Recommendation: Approval to transmit comments to the Montgomery County Department of General Services (DGS)*

**BOARD ACTION**

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

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

**Nay:**  
**Other:**

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

**B. 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 November 9 technical staff report, Urban Design and Preservation staff offered a multimedia presentation of the request by the Montgomery County Department of General Services (DGS) to build a new 48,600 square foot recreation center for the North Potomac area. Staff discussed the proposed architectural design and recommended approval subject to conditions.

Environmental Planning staff offered highlights of the proposed forest conservation plan for the proposed recreation center. Staff noted that DGS has done an excellent job in protecting the existing buffers and also proffered to replant forest in the stream valley buffer if necessary. Staff also added that DGS has worked with staff to minimize the impact of the proposed project on the existing forest.

Messrs. Ernest Lunsford and Donald Scheuerman Jr. representing the Montgomery County Department of General Services (DGS) offered a brief presentation and comments.

Ms. Judy Koenick of Chevy Chase offered testimony.

#### **4. Historic Preservation 10/1**

An amendment to the Historic Resources Preservation Ordinance to: 1) amend the criteria to amend the Master Plan for Historic Preservation; and 2) generally amend the provisions for amending the Master Plan for Historic Preservation, by amending the Historic Resources Preservation Ordinance, Chapter 24A, Section 24A-3, of the Montgomery County Code.

*Staff Recommendation: Transmit comments to the County Council*  
**(Action Required for County Council Public Hearing of 11/23/10)**

#### **BOARD ACTION**

**Motion:** WELLS-HARLEY/PRESLEY

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

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

Historic Preservation staff presented highlights of the proposed amendment to the Historic Resources Preservation Ordinance introduced by Councilmember Knapp, to amend the criteria to amend the Master Plan for Historic Preservation, and generally amend the provisions for amending the Master Plan for Historic Preservation, by amending the Historic Resources Preservation Ordinance, Chapter 24A, Section 24A-3 of the Montgomery County Code. Staff believes that this amendment achieves the Council's goal and supports this amendment.

Ms. Judith Koenick of Chevy Chase offered testimony.

**5. City of Gaithersburg Annexation Petition**

City of Gaithersburg Annexation Petition X-183 located at 9000 and 9020 Emory Grove Road in the Gaithersburg Vicinity Master Plan area; Reclassification from the County's R-200/TDR (Single-Family Residential) Zone to the City's RP-T (Medium-Density Residential) Zone; 2.9 acres of land.

*Staff Recommendation: Approval to transmit comments to the City of Gaithersburg Mayor and Council*

**BOARD ACTION**

**Motion:** ALFANDRE/PRESLEY

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

**Action:** Approved staff recommendation for approval to transmit comments to the City of Gaithersburg Mayor and Council, as stated in the attached transmittal letter.

Community-Based planning staff offered a multimedia presentation of the proposed City of Gaithersburg annexation petition. The proposed property is the 2.9-acre Jackson property located on Emory Grove Road. Two homes are located on the property and if sold to Habitat for Humanity, these homes will be demolished to make space for new structures. The community is very concerned about the proposed density, school overcrowding, and traffic impact.

Transportation Planning staff noted that there will not be enough traffic generated by the proposed development to impact the existing neighborhood.

Mr. Stuart Barr, attorney for the applicant, introduced Mr. John Paukstis representing Habitat for Humanity for Montgomery County, briefly discussed the proposed annexation petition, and concurred with the staff recommendation.

Mr. John Paukstis, Executive Director for Habitat for Humanity, offered a multimedia presentation describing the work of Habitat for Humanity nationally, focusing on the Montgomery County area.

**6. Proposed Disposition of the Former Peary High School to the Hebrew Academy of Greater Washington**

13300 Arctic Avenue, Rockville, Zone R-90, 1994 Aspen Hill Master Plan

*Staff Recommendation: Approval to transmit comments to the County Council*  
**(Action Required for County Council Public Hearing of 11/23/10)**

**BOARD ACTION**

**Motion:**                   **DREYFUSS/ALFANDRE**

**Vote:**

**Yea:**                   **5-0**

**Nay:**

**Other:**

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

Community-Based Planning staff offered highlights of the proposed disposition of the former Peary High School to the Hebrew Academy of Greater Washington. Staff noted that the Montgomery County School Board recommends the sale of the former high school to the Hebrew Academy of Greater Washington, with the caveat that the school will be returned to the school system when and if needed. Staff noted that in 1994 the Montgomery County Council by resolution 12-1874 stated that the preferred reuse for the property is to lease it to a private school with appropriate sharing with the community of the outdoor recreation facilities, gymnasium, and auditorium, and any sale is subject to prior consent by the County Council, which will consider the appropriate elements of the Aspen Hill Master Plan at that time. Staff added that the proposed agreement is consistent with the 1994 Master Plan.

Legal staff noted that under the terms of the sale, the earliest date the county would be able to repurchase the property, based on the repurchase provision included in the proposed agreement, will be 2023, at no cost to the county. Any earlier, the county would need to file for condemnation. Taking the property back or taking over the leasehold is addressed in the sale agreement.

At the Board's request, Ms. Diane Schwartz Jones representing the Montgomery County Executive, and Mr. Bruce Crispell and representing Montgomery County Public Schools offered comments.

Mr. Behnam Dayanim of Arctic Avenue and representing the Melvin J. Berman Hebrew Academy also offered comments.

Ms. Selena Snow of Kersey Road and representing the Kemp Mill Civic Association; and Mr. John Seng of Debenham Court offered testimony.

**7. Roundtable Discussion**

- A. Update on the MCPS Superintendent's Recommended FY2012 Capital Budget and Amendments to the FY2011-2016 CIP
- B. Update on White Flint Finance and Implementation

*Staff Recommendation: Discussion only, no vote taken*



**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:**

**A. UPDATE ON THE MCPS SUPERINTENDENT’S RECOMMENDED FY2012 CAPITAL BUDGET AND AMENDMENTS TO THE FY2011-2016 CIP**

Planning Department staff offered highlights of the preliminary FY12 school capacity and enrollment figures, as discussed in the November 9 technical staff report. Staff discussed the recommended FY12 Capital Budget and proposed amendments to the FY11-16 Capital Improvement Program (CIP).

**B. UPDATE ON WHITE FLINT FINANCE AND IMPLEMENTATION**

Community-Based Planning and Transportation Planning staff discussed the White Flint Sector Plan proposed financing and implementation. Staff noted that the County Council is in favor of creating a credit line for the project. The only issue that remains to be resolved is the impact tax, which the Council recommended adding, and the Executive recommended removing. Staff noted that more study of the impact tax issue is needed because it affects property owners differently. Staff will update the Planning Board regularly on new developments regarding the tax issue.

Staff added that State Highway Administration (SHA) is working with the Department of Transportation on transportation issues for White Flint. Funding for transportation studies have been included in the Capital Improvement Program (CIP) to be submitted to the County Council on January 15.

**8. Development Plan Amendment No: DPA-11-1: Clarksburg Village Center, LLC**

Applicant requests Development Plan Amendment to add a binding element and revise a previous binding element in the PD-4 zone, located at Snowden Farm Road & Seneca Parkway, Clarksburg

*Staff Recommendation: Denial*

**(Action Required for Hearing by the Hearing Examiner on 11/29/10)**

**BOARD ACTION**

**Motion:** WELLS-HARLEY/CARRIER

**Vote:**

**Yea:** 2-1

**Nay:** DREYFUSS

**Other:** PRESLEY RECUSED  
ALFANDRE ABSENT

**Action:** Approved the staff recommendation to deny, with a recommendation to the County Council to support a limited master plan amendment to address the staging of retail development in Clarksburg, as stated in the attached Letter of Transmittal.

Development Review staff presented the proposal to amend an approved development plan by adding a new binding element and revising a previous binding element, as detailed in the staff report. The proposed new binding element would set the maximum retail development at 109,000 square feet to better reflect a recent transfer of density from Greenway Village. The proposed revision to an existing binding element would allow issuance of building permits for commercial retail development after permits are issued for 90,000 square feet of retail space in the Town Center or May 1, 2012, whichever is earlier. Staff recommends denial, based on the master plan recommendation that 90,000 square feet of retail development occur within the Clarksburg Town Center before retail development moves forward in other areas in Clarksburg.

Mr. Robert Harris, attorney, and Mr. David Flanagan and Ms. Kate Kubit of the applicant company, discussed the need for retail development in Clarksburg, the number of residential units that have been completed, and the delay in retail development in the Town Center. Mr. Harris emphasized that the master plan was adopted in 1994 and no one anticipated at that time that retail development in Clarksburg would be held up this long.

Mr. Steven Kaufman, attorney, and Mr. Doug Delano, representing Newland Communities, the developer of the Town Center, argued against the proposal and allowing retail development to proceed outside the Town Center.

Mr. Keith Miller of Clarksburg also provided comments.

There followed extensive discussion of the need for retail development in Clarksburg, the emphasis in the master plan on the staging of retail development to support development in the Town Center, and the potential for a limited master plan amendment to address the staging issue.

**9. Falkland Chase**

**A. Project Plan Review No. 920070080, Falkland Chase, CBD-R1 zone; 8.99 acres; 61,314 gross square feet of retail, 1,096,443 gross square feet of residential, including 12.5% MPDUs, located at the northeast intersection of East-West Highway and 16th Street; Silver Spring CBD**  
*Staff Recommendation: Approval with conditions*

**B. Preliminary Plan 120070560, Falkland North (a.k.a. Falkland Chase), CBD-R1 zone;** 9.77 acres; 1 lot requested for 1,250 multi-family residential dwelling units and 70,000 square feet of commercial use, 110 existing multi-family residential dwelling units to be removed; located in the northeast quadrant of the intersection of East/West Highway (MD 410) and 16th Street; Silver Spring CBD Plan.

*Staff Recommendation: Approval with Conditions*

**C. Action on Locational Atlas Resource #36/12-B: Falkland Apartments North Parcel - POSTPONED**

Board action pursuant to the Planning Board Resolution dated December 29, 2009, requiring the removal of the North Parcel from the Locational Atlas upon approval of a site plan application or applications for the redevelopment of the entirety of the north parcel of the Falkland Apartments, located in the northeast quadrant of the intersection of East/West Highway (MD 410) and 16th Street, Silver Spring.

*Staff Recommendation: Remove the North Parcel of the Falkland Apartments (Locational Atlas resource #36/12-B) from the Locational Atlas and Index of Historic Sites*

**BOARD ACTION**

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

**Vote:**  
      **Yea:**                    **A. 4-0**  
                                     **B. 4-0**

**Nay:**

**Other:**                    **ALFANDRE ABSENT**

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

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

Development Review staff presented the project plan and preliminary plan of subdivision for one lot for mixed use development consisting of 1,250 dwelling units and 70,000 square feet of commercial use, as detailed in the revised staff report. Staff noted that the property is listed on the *Locational Atlas and Index of Historic Sites* and the Board had previously agreed to remove the site from the Atlas, upon approval of a site plan for redevelopment of the property. Staff noted that the site plan is not before the Board and, therefore, item C has been postponed. Staff

**9. Falkland Chase**

also discussed proposed changes to condition 7 of the preliminary plan, related to providing land across the back of the site for the construction of the Purple Line. Environmental Planning staff responded to questions from the Board about removal of trees on the site.

Ms. Deirdre Smith, representing the Maryland Transit Administration, proposed a further revision to the condition related to the Purple Line, which the applicant accepted.

Ms. Erin Girard, attorney representing the applicant, offered introductory comments and concurred in the staff recommendation. Mr. Don Hague of the applicant company presented highlights of the proposed development, including the large affordable housing component adjacent to the Metro station, the restoration of the degraded stream valley on the adjacent Falkland south property, and the provision of land for the Purple Line. Mr. Robert Sponseller, the architect, and Mr. Warren Bird, the landscape architect, provided more detailed information about the project, which includes three different housing types, a place holder for a grocery store, and public gardens and water features.

Mr. Ralph Bennett, representing the Affordable Housing Conference of Montgomery County; Ms. Ann Gray, representing Action in Montgomery (AIM); Ms. Mary Reardon, representing the Silver Spring Historical Society; Ms. Lorraine Pearsall, representing Montgomery Preservation, Inc.; Mr. George French of Takoma Park; Ms. Caren Madsen, representing Conservation Montgomery, Inc.; Mr. Harvey Maisel and Mr. Mike Lenhart, representing the abutting Metro Plaza property; and Ms. Raquel Montenegro, representing the Maryland-National Capital Building Industry Association, offered comments.

## **10. FY12 Proposed Operating Budget Worksession**

- A. Parks
- B. Planning - **POSTPONED**
- C. Executive Director Discussion on Pension Funding

### **BOARD ACTION**

**Motion:**                    **A. DREYFUSS/PRESLEY**

**Vote:**

**Yea:**                    **A. 4-0**

**Nay:**

**Other:**                    **ALFANDRE ABSENT**

**Action:**            **A. Approved the Parks Department proposed FY12 operating budget as presented, with the understanding that there may be modifications related to pension funding and the contribution toward the new Commission Chief Information Officer position.**

**A. Parks Department Operating Budget**—Parks Department staff presented the proposed FY12 operating budget and discussed the tax and non-tax funding sources.

**B. Planning Department Operating Budget**—Discussion of the Planning Department budget was postponed.

**C. Discussion of Pension Funding**—Executive Director Patti Barney discussed issues related to the Commission pension fund contributions for FY11 and FY12. She said that the Finance Department is still working on final numbers related to pension fund contributions and

chargebacks for the new Commission Chief Information Officer position for all the departments, and she will have final numbers for the Board on December 2, 2010.

**11. Closed Session**

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(9) to conduct collective bargaining negotiations or consider matters that relate to the negotiations

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action:        This item was withdrawn from the agenda.**