



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, December 4, 2008, at 9:02 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 6:20 p.m.

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

Items 1 through 6 are reported on the attached agenda.

The Board recessed at 11:00 p.m. for lunch and to take up Item 10 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 11:40 a.m. in the third floor conference room, on motion of Commissioner Robinson, seconded by Commissioner Presley, with Commissioners Hanson, Robinson, Alfandre, Cryor, 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 the Closed Session were Associate General Counsels Debra Daniel and Carol Rubin of the Legal Department; Director Mary Bradford, Deputy Director Michael Riley, and Dan Hertz of the Parks Department; John Carter of the Planning Department; Ellyn Dye of the Commissioners' Office; and Donald Zuchelli, consultant.

In Closed Session, the Board received a briefing and provided guidance to staff on a proposal for the SilverPlace project.

The Closed Session was adjourned at 12:20 p.m. and the Board reconvened in open session in the third floor conference room.

The Board reconvened in the auditorium at 1:00 p.m.

Items 7 through 13 are reported on the attached agenda.

A Closed Session item was added at the end of the meeting.

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 in the auditorium at 5:20 p.m. on motion of Commissioner Robinson, seconded by Commissioner Presley with Chairman Hanson, Vice Chair Robinson, and Commissioners Alfandre, Cryor, 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 Patti Barney Secretary-Treasurer and Alfred Warfield of the Finance Department; Associate General Counsel Carol Rubin of the Legal Department; Director Mary Bradford, Deputy Director Michael Riley, and Dan Hertz of the Parks Department; John Carter of the Planning Department; and Clara Moise of the Commissioners' Office.

In Closed Session, the Board continued the morning discussion of the SilverPlace project in preparation for the County Council Committee on Planning, Housing, and Economic Development (PHED) meeting scheduled for Monday afternoon.

The Closed Session was adjourned at 6:15 p.m. and the Board reconvened in open session in the auditorium.

There being no further business, the meeting was adjourned at 6:20 p.m. The next regular meeting of the Planning Board will be held Thursday, December 11, 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, December 4, 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) Prather Property, Preliminary Plan 120070680, ADOPTION OF RESOLUTION No. 08-149
- ii) 4500 East-West Highway, Project Plan 920080010, ADOPTION OF RESOLUTION No. 08-131
- iii) 4500 East-West Highway, Preliminary Plan 120080360, ADOPTION OF RESOLUTION No. 08-133

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

- iii) Falkland Chase, regarding North Parcel, ADOPTION OF RESOLUTION No. 08-151

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

- iv) Russell Property, Pre-Preliminary Plan 720080100, ADOPTION OF RESOLUTION No. 08-81

BOARD ACTION

Motion: **A. PRESLEY/ROBINSON**
 B. ALFANDRE/ROBINSON
 C. ROBINSON/CRYOR

Vote:
Yea: **A. 5-0**
 B. 4-0-1
 C. 3-0-2

Nay:

Other: **B. PRESLEY ABSTAINED**
 C. ALFANDRE, PRESLEY ABSTAINED

Action: **A. Adopted the Resolutions as presented in Group A.**
 B. Adopted the Resolutions as presented in Group B.
 C. Adopted the Resolutions as presented in Group C.

2. Record Plats

Subdivision Plat No. 220070060, Fairland Heights

R-200 zone; 3 lots; located on the north side of Fairland Road, 550 feet west of Westwind Drive; White Oak.

Staff recommendation: Approval

Subdivision Plat No. 220081630, Hunter's Forest

RDT zone; 1 lot; located on the east side of Allnut Lane, approximately 1,600 feet south of Westerly Road; Agriculture and Rural Open Space.

Staff recommendation: Approval

Subdivision Plat No. 220081320 – 220081360, Kruhm's Addition to Burtonsville

RC zone; 16 lots, 5 parcels; located on Kruhm Road, approximately 2,200 feet north of Spencer-ville Road (MD 198); Fairland

Staff recommendation: Approval

Subdivision Plat No. 220082130, Spring Lake Park - Halpine Subdivision

I-1 zone; 2 lots; located in the northeast quadrant of the intersection of Fishers Lane and Twinbrook Parkway; North Bethesda/Garrett Park.

Staff recommendation: Approval

Subdivision Plat No. 220090320, Houlton's Subdivision

R-60 zone; 2 lots; located on the south side of Brainard Avenue, 100 feet west of Warfield Street; Kensington.

Staff recommendation: Approval

BOARD ACTION

Motion: ROBINSON/ALFANDRE

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved record plats as stated above.

3. Consent Items

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **There were no Consent Items submitted.**

**4. Discussion with Area Builders and Lenders - POSTPONED
 (No public testimony will be taken at this time)**

Panel discussion with the Planning Board on the changing development environment

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **This item was postponed.**

5. SilverPlace

Supplemental Appropriation to the M-NCPPC FY09 Capital Budget and Amendment to the FY09-14 Capital Improvements Program

SilverPlace, located at 8787 Georgia Avenue in the Silver Spring CBD, will feature a new consolidated headquarters for The Maryland-National Capital Park and Planning Commission, housing, and outstanding public spaces. It will be developed in accordance with a plan established through a community design charrette in June 2008. The project scope, cost, and schedule will be presented as the basis of the funding request

Staff recommendation: Approval to transmit funding request to County Council

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Discussed, provided guidance to staff, and essentially supported staff's Option 2 for parking and daycare facilities. Further, directed staff to return with additional information in preparation for a meeting with the Council Committee on Planning, Housing, and Economic Development (PHED) on Monday.

Parks Department staff presented an overview of proposed development process and schedule for the SilverPlace project to design and construct a new Montgomery Regional Office building, as detailed in the staff report. Staff also consulted the Board on several options for the provision of parking and daycare facilities.

There was considerable discussion of various elements of the process and schedule, including financing options, the timing of various phases of the development process, and the role of the Development Manager. The Board also discussed the parking and daycare configuration options at length. There was considerable discussion of provision of a drop-off area and recreation facilities for the daycare facility.

Mr. Don Zuchelli, consultant, and staff of the Finance Department, Legal Department, and Planning Department Urban Design Division participated in the discussion, providing information and responding to Board questions as needed.

The Board provided guidance to staff on various elements of the process; essentially supported staff's option 2 for parking and daycare, highlighting elements of the proposed daycare facility to be resolved; and directed staff to expedite work on the project. The Board also directed staff to return with additional information, in anticipation of a meeting with the Council Committee on Planning, Housing, and Economic Development (PHED) on Monday.

6. CLOSED SESSION

In accordance with State Government Article, Section 10-508(a)(7), Annotated Code of Maryland, to consult with counsel to obtain legal advice. (Clarksburg)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed and replaced by the Closed Session reported below.

6. CLOSED SESSION — ADDED

In accordance with State Government Article, §10-508(a)(14), 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.

(SilverPlace)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

7. Site Plan Review No. 820080210, Washington Adventist Hospital

I-1 and I-3 zones; 48.86 acres; 803,570 square feet of hospital use; located on Plum Orchard Drive, approximately 400 feet south of Broadbirch Drive; Fairland

Staff recommendation: Approval with conditions

BOARD ACTION

Motion: ROBINSON/CRYOR

Vote:

Yea: 5-0

Nay:

Other:

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

In keeping with the November 24 detailed technical staff report, Development Review Division staff presented the plan to relocate the Washington Adventist Hospital on a 48.86-acre property located on Plum Orchard Drive, approximately 400 feet south of Broadbirch Drive in

Fairland. Staff noted that the plan is in accordance with set regulations and recommends approval.

Mr. William Kominers, attorney representing the applicant, introduced Messrs. Jerry Stocks and Geoff Morgan of Washington Adventist Hospital, and Messrs. Robert Brewer and Mitchell Collins, and Ms. Trini Rodriguez, members of the applicant’s team, briefly discussed the proposed project including the revised conditions as submitted during the meeting.

Messrs. Jerry Stocks, CEO, and Geoff Morgan, Vice President of Washington Adventist Hospital offered comments.

Mr. Mitchell Collins and Ms. Trini Rodriguez, architects for the applicant, offered a detailed multi-media presentation and discussed the proposed architecture of the new hospital.

Following Board discussion and questions to staff and the applicant’s representatives, Chairman Hanson congratulated staff and the applicant for such a great plan.

8. Strathmore @ Bel Pre

A. Preliminary Plan No. 120050870, Strathmore @ Bel Pre

R-200 Zone; 0.60 acres; 1 lot requested; 7,045 square feet for church school; located on Layhill Road, west of the intersection with Middlevale Road; Aspen Hill.

Staff recommendation: Approve Preliminary Plan with conditions

B. Site Plan Review No. 820050330, Strathmore @ Bel Pre, Lot 44

R-200 zones; 0.60 acres; 7,045 gross square feet for church school; located on Layhill Road, west of the intersection with Middlevale Road; Aspen Hill

Staff recommendation: Approve Site Plan with conditions

BOARD ACTION

Motion: **A. ALFANDRE/CRYOR**
 B. ALFANDRECRYOR

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

Nay:

Other:

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

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

Development Review Division staff presented the request to create one lot for a church school on a 0.60-acre property with an existing church, located on Layhill Road, west of the intersection with Middlevale Road in Aspen Hill, as discussed in the November 24 technical staff report. Staff noted that the maximum number of students attending the school will be 180.

Mr. Walter Petzel, attorney representing the applicant, introduced the applicants, and Mr. Peter Nouri, member of the applicant's team.

Messrs. Richard Kaufflinger representing the Layhill Citizens Alliance and Max Bronstein of Birchtree Lane and representing the Strathmore/Bel Pre Civic Association offered testimony.

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

9. FY10 Budget

FY10 draft budget document: Planning Department, Department of Parks, CAS

Staff recommendation: Approval to transmit FY10 budget document to County Council

Planning Board Action/Decision: Approved with changes for submittal

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Following a brief presentation by the Commission Executive Director, the Planning Department Director, and the Parks Department Director, and Board discussion, the Planning Board unanimously approved staff recommendation to transmit the FY10 Budget to the County Council, including changes submitted by the Commissioners.

10. White Flint Sector Plan

Disband Advisory Committee; Appoint Steering Committee

Planning Board Action/Decision: Approved

BOARD ACTION

Motion: CRYOR/ROBINSON

Vote:

Yea: 5-0

Nay:

Other:

Action: Following a brief presentation by Community-Based Planning Division staff, approved staff recommendation to disband the Advisory Committee for the White Flint Sector Plan and appoint a Steering Committee.

11. Roundtable Discussion

(No public testimony will be taken at this time)

- A. Commissioners' Report
- B. Approval of Minutes
- C. Director's Report
- D. County Council Activity
- E. Housing Policy Element of the General Plan

BOARD ACTION

Motion: B. ROBINSON/ALFANDRE

Vote:

Yea: B. 5-0

Nay:

Other:

Action: A. **Commissioners' Report:** None
B. **Approval of Minutes:** Approved Minutes of October 30, 2008 as submitted.
C. **Director's Report:** None
D. **County Council Activity:** None
E. **Housing Element of the General Plan:** Presentation by Research and Technology and Community-Based Planning Divisions staff followed by Board discussion.

12. Preliminary Plan Nos. 12004018B and 12004018D, Centerpark (a.k.a. – North Airpark Business Park)

I-4 zone; 134.26 acres; 22 lots previously approved; request to modify lot and street configuration; located on Snouffer School Road, 10,000 feet northeast of its intersection with Centerway Road; Gaithersburg

Staff recommendation: Approval 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.**

In accordance with the November 22 technical staff report, Development Review Division staff presented the request to modify the lot and street configuration for a proposed development of 22 lots previously approved on a 134.26-acre property located on Snouffer School Road, 10,000 feet northeast of its intersection with Centerway Road in Gaithersburg.

Mr. Robert Brewer, attorney representing the applicant, introduced Messrs. Robert Spalding and Charles Ellison of Miller and Smith Co., the applicants, also present, and briefly discussed the proposed project.

There followed extensive Board discussion with questions to staff and the applicant's representative.

13. Pre-Preliminary Plan No. 720080220, Edgewood Inn

C1 zone; 8.3 acres; 1 lot requested; country inn with 1,450 square feet of restaurant use; located in the northeast quadrant of the intersection of Oak Hill Road and Spencerville Road (MD 198); Fairland

Staff recommendation: Objection to submittal of a preliminary plan

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

In opening remarks, Development Review Division staff noted that in submitting a pre-preliminary plan, the applicant is seeking advice from the Board as to the likelihood that a pre-

liminary plan, if submitted, would be approved. Staff presented the request to create one lot for a country inn on a 8.3-acre property located in the northwest quadrant of the intersection of Oak Hill Road and Spencerville Road (MD 198) in Fairland, as discussed in the November 21 technical staff report. Staff noted that the site is a designated historic resource, and the impervious surface proposed in the plan is double the amount permitted. Staff also added that the applicant will be asking for a waiver and given that the property was rezoned, there is a limit on the amount of imperviousness that can be granted in the overlay zone. Staff recommended objection to the submission of a preliminary plan.

Mr. David Freishtat, attorney representing the applicant, introduced Mr. Steven Guldelsky, the applicant, and Mr. David Weber, engineer, and member of the applicant's team.

There followed extensive Board discussion, and the Board advised the applicant to come back with a plan with less impervious surface and less parking.