



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, May 28, 2009, at 9:08 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 8:45 p.m.

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

Items 1 through 7 and 11 are reported on the attached agenda. Item 8 was postponed.

The Board recessed at 12:20 p.m. for lunch and to take up Items 12 and 14 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 12:46 p.m. in the third floor conference room, on motion of Vice Chair Robinson, seconded by Commissioner Cryor, with Chairman Hanson, Vice Chair Robinson, and Commissioners Alfandre and Cryor present and voting in favor of the motion. Commissioner Presley was necessarily absent. The meeting was closed under authority of §10-508(a)(3), State Government Article, Annotated Code of Maryland, to consider the acquisition of real property for a Commission purpose and matters directly related thereto; 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 the Closed Session were Donna Calcote-Heatley of the Legal Department; Director Mary Bradford, Deputy Director Gene Giddens, William Gries, Joey Lampl, April O'Neal, and Brenda Sandberg of the Parks Department; and Ellyn Dye of the Commissioners' Office.

In Closed Session, the Board discussed designating the Josiah Henson ("Uncle Tom's Cabin") site as a Legacy Open Space resource and the proposed acquisition of the abutting Rozier property, and approved submitted Closed Session minutes.

The Closed Session was adjourned at 12:55 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.

Items 9, 10 and 13 are reported on the attached agenda.

Item 15 was postponed.

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, June 4, 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, May 28, 2009
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Adoption of Resolutions

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: No Resolutions were submitted for adoption.

2. Record Plats

Subdivision Plat No. 220061180, Clarksburg Village

R-200 zone; 4 parcels; located on the east side of Stringtown Road at the intersection of Granite Rock Road; Clarksburg.

Staff recommendation: Approval

Subdivision Plat No. 220090530, Spring Hill Manor

R-60 and R-90 zones; 2 lots; located on the east side of Spring Hill Lane, 100 feet south of Glenmoor Drive; Bethesda-Chevy Chase.

Staff recommendation: Approval

BOARD ACTION

Motion: ROBINSON/ALFANDRE

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Approved the Record Plats listed above.

3. Consent Items

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Consent Items.

4. Approval of Minutes

BOARD ACTION

Motion: ROBINSON/ALFANDRE

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Approved the minutes of April 13 and 16, 2009, as presented.

5. Public Private Partnership: Tai Chi Court

Review proposal by Wu Wei Tai Chi Club to construct a Tai Chi court near picnic shelter H at Cabin John Regional Park.

Staff recommendation: Approve partnership

BOARD ACTION

Motion: ROBINSON/CRYOR

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Approved the staff recommendation.

Following introductory remarks by Parks Department staff in keeping with the staff report, Mr. Randy Atkins, Ms. Joanne Cheung, Mr. Andy Unger, and Mr. Charles Votaw, representing the Wu Wei Tai Chi Club, offered a multimedia presentation on their proposal for a public-private partnership to construct a tai chi court at Cabin John Regional Park in honor of their past instructor, David Chen, who passed away suddenly in December 2005. The proposed facility consists of a hard surface court, 40 feet in diameter, using a design submitted by the Club. The court also could be used for other purposes. Mr. Atkins discussed Mr. Chen's contributions to the community and noted that a large group of people have been meeting in Cabin John Park to do Tai Chi on Saturdays for the past 15 years. The Club will raise funds to construct the court.

The Board was very supportive of the project.

6. Shady Grove Maintenance Facility Relocation: Site Selection Analysis

Review Staff evaluation of potential acquisition sites for relocation of the Shady Grove Maintenance Facility located on Crabbs Branch Way, Gaithersburg and Vicinity Master Plan area.

Staff recommendation: Approve staff recommended site for new location

BOARD ACTION

Motion: ROBINSON/ALFANDRE

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Approved staff recommendation.

Parks Department staff presented the proposed site for the relocation of the Department's Shady Grove Maintenance Facility, which is part of the planned relocation of the entire Montgomery County Service Park to implement the County's Smart Growth initiative and the Shady Grove Sector Plan. Staff recommends a portion of the Webb Tract (Centerpark) as the preferred site. Staff reviewed the site selection criteria and discussed the relative merits of other sites that were considered, as detailed in the staff report. Staff reported that the County has an option to purchase the Webb Tract and is planning to retain a consultant to develop a master plan for the entire tract to study the feasibility of co-location of four major uses of three agencies, including the Parks Maintenance Facility.

There followed some discussion of the County facilities that may be relocated from the Service Park to other areas of the Webb Tract, and the acquisition and planning process. Chairman Hanson emphasized the importance of the Commission holding title to the property, with acquisition and construction funding provided by the County.

7. Amendment to County Code Chapter 33A

Introduced by Councilmember Leventhal to amend the time period within which the Council may schedule a public hearing on a Master Plan or Master Plan Amendment.

Staff recommendation: Transmit Comments to the County Council

BOARD ACTION

Motion: ALFANDRE/CRYOR

Vote:

Yea: 3-0

Nay:

Other: PRESLEY ABSENT; ROBINSON TEMPORARILY ABSENT

Action: Approved the staff recommendation to transmit comments to the County Council.

Community-Based Planning staff presented the proposed amendment to the Planning Procedures section, Chapter 33A, of the County Code, which would revise the timing requirement for setting the date of County Council public hearings on master plans, as detailed in the staff report.

8. Takoma/Langley Sector Plan -Postponed

(No Public Testimony will be taken)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.

11. Growth Policy Status Report and Draft Recommendations

Review of Listening Sessions and summary of Staff Draft recommendations.

(No Public Testimony will be taken)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing and discussed

Following opening remarks by Planning Director Rollin Stanley, Transportation Planning Division Chief Dan Hardy presented an overview of the changes staff will propose for implementation of the Adequate Public Facilities (APF) Ordinance in the 2009-2011 Growth Policy. The changes support 1) a greater mix of residential development in commercial core areas, 2) a shift away from development constraints measured by transportation and school system capacity toward measures to facilitate a reduction in vehicle-miles of travel and carbon footprint, 3) greater incentives to increase affordable/workforce housing, and 4) adjusting APF processes to reflect the shift from greenfield development to infill and redevelopment projects. The proposed changes were presented under three categories: Smart growth criteria, APF/transportation and schools, and impact taxes. Using several development scenarios as examples, staff discussed how the proposed changes would apply and the impact thereof.

There followed extensive discussion of growth policy objectives and how the proposed changes would be implemented to support the planning issues, above, and to mitigate development impacts, including impacts on schools capacity, through Local Area Transportation Review (LATR), Policy Area Mobility Review (PAMR), and impact fees. Research and Technology Division staff participated in the discussion.

12. Closed Session

Pursuant to Annotated Code of Maryland, State Government Article, Section 10-508 (a) (3) to consider acquisition of real property for a public purpose – Josiah Henson Site

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

14. Closed Session

Pursuant to Annotated Code of Maryland, State Government Article, Section 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 (Approval of Closed Session Minutes)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

13. Parkland Acquisitions -ADDED

- A. Fairland Recreational Park:** Authorization to acquire 52.88 acres, more or less, unimproved, from The Artery Group located south of MD RT 198 (Sandy Spring Road), West of the Prince George's County line, Burtonsville, Maryland, 20866

Staff Recommendation: Approval

B. Josiah Henson Site:

- i. Add the Josiah Henson Site to the Legacy Open Space Program as a Heritage Resource (Class II)

Staff Recommendation: Approval

- ii. Authorization to acquire 23,292 square feet more or less, improved, from The Estate of Marian G. Rozier, located at 11410 Old Georgetown Road, Rockville, Maryland 20852 as a Legacy Open Space (LOS) Heritage Resource.

Staff Recommendation: Approval

BOARD ACTION

Motion:

A. ROBINSON/CRYOR

B. (i) ALFANDRE/ROBINSON

B. (ii) ALFANDRE/ROBINSON

Vote:

- Yea:** A. 3-1
 B. (i) 4-0
 B. (ii) 3-1
- Nay:** A. ALFANDRE
 B. CRYOR (ii)
- Other:** PRESLEY ABSENT

Action: A. Approved staff recommendation to acquire 52.88 acres, more or less, unimproved, from the Artery Group located south of MD RT 198 (Sandy Spring Road), west of the Prince George’s County line in Burtonsville, Maryland, with Advanced Land Acquisition Revolving Funds (ALARF).

 B. (i) Approved staff recommendation to add the Josiah Henson Site to the Legacy Open Space Program as a Heritage Resource (Class II).

 B. (ii) Approved staff recommendation to acquire 23,292 square feet more or less, improved, from the Estate of Marian G. Rozier, located on Old Georgetown Road in Rockville, as a Legacy Open Space Heritage Resource.

Ms. Dolores Milmo of Jones Mill Road and representing the Audubon Naturalist Society offered comments in support of the acquisitions.

9. Project Plan No. 920070010, Studio Plaza, Continuation of Discussion for Alley Abandonment (AB 719) and Mandatory Referral (MR 09-713)

A. Project Plan No. 920070010 CBD-1 & Fenton Village Overlay Zone; 5.11 acres; Multi-building mixed-use development, including, but not limited to, residential, retail, office, and/or hotel uses, with a maximum base density – exclusive of any density bonuses – of 626,781 gross square feet; located on the block bound by Thayer Avenue, Fenton Street, Silver Spring Avenue, and Mayor Lane in Fenton Village, Silver Spring; Silver Spring CBD Sector Plan

Staff recommendation: Approval with Conditions

B. Alley Abandonment (AB 719)

Staff recommendation: Approval with Conditions

C. Mandatory Referral (MR 09-713)

Staff recommendation: Approval to Transmit Comments

BOARD ACTION

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

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

Nay:

Other: **PRESLEY ABSENT**

Action: **A. Approved staff recommendation to approve the proposed project plan, subject to revised conditions discussed during the meeting and as stated in the attached board resolution.**

B. Approved staff recommendation to approve the proposed alley abandonment, subject to conditions, as stated in the attached board resolution.

C. Approved staff recommendation to approve the mandatory referral for the studio plaza project, as stated in the attached transmittal letter.

In keeping with the detailed May 15 technical staff report, Development Review, Urban /Design, and Move/Transportation Planning Divisions staff presented the request to create a multi-building mixed-use development, including, but not limited to residential, retail, office,

9. Project Plan No. 920070010, Studio Plaza, Continuation of Discussion for Alley Abandonment (AB 719) and Mandatory Referral (MR 09-713)

and/or hotel uses, with a maximum base density- exclusive of any density bonuses – of 626,781 gross square feet, located on the block bound by Thayer Avenue, Fenton Street, Silver Spring Avenue, and Mayor Lane in Fenton Village in the Silver Spring Central Business District Sector Plan. Staff offered a multi-media presentation and extensively discussed the proposed project plan, the proposed alley abandonment, and the mandatory referral related to the proposed request.

Staff noted that the project will provide new housing, expand retail, upgrade the physical environment, and increase parking. Staff also discussed the proposed abandonment of sections of Public Alley adjacent to Montgomery County Parking Lot No. 3 bounded by Fenton Street to the east, Thayer Avenue to the north, Mayor Lane to the west and Silver Spring Avenue to the south. Staff noted that the proposed request for abandonment was previously discussed at the February 12 Planning Board meeting and was deferred to today’s discussion in connection with discussion of the proposed project plan for the Studio Plaza Project Plan. Staff further added that extensive outreach efforts have been done by the applicant.

Mr. Robert Dalrymple, attorney for the applicant, introduced Messrs. Robert Hillerson, the applicant, Brian Dayhoff, Bill Landfair, Ms. Trini Rodriguez, and Ms. Heather Olhopolsky, members of the applicant’s team, discussed the proposed plan, and concurred with the staff recommendation.

Messrs. Al Rashdie and Rick Siebert of Montgomery County Department of Transportation (MCDOT) also offered comments.

The following speakers offered testimony: Mr. David Brown, attorney representing property owners Kalivas, Katz, and Gerecht (8204 Associates); Mr. Yoav Katz of Silver Spring Avenue; Mr. Mike Gerecht of Fenton Street, adjacent neighbor; Ms. Karen Roper of Chicago Avenue and representing the East Silver Spring Citizens Association (ESSCA); Mr. Jeremy Gruber of Fenton Street; Mr. Lewis Bloom of Fenton Street; and Ms. Jane Gowaty of Grove Street;

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

10. Worksession #4: Gaithersburg West Master Plan - Life Sciences Center (LSC) Districts: North and West; LSC Zones; Environmental Analysis

(No Public Testimony will be taken)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received multi-media presentation from Vision/Community-Based Planning, Development Review, and Move/Transportation Planning Divisions staff, followed by Board discussion on the Life Sciences Center (LSC) Districts and the proposed Zoning Text Amendment to permit mixed-use development, and to establish the use of Building Lot Termination (BLT) and development rights in the LSC Zone.

At the Board's request, Messrs. Steve Robins, Scott Wallace, and Tim Dugan, attorneys representing various land owners and developers, and Mr. Gary Stith of the Montgomery County Executive's Office offered comments.

15. Roundtable Discussion - POSTPONED

A. Leave Fund Balance

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.