



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, July 23, 2009, at 9:05 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 8:57 p.m.

Present, with one Board position vacant, were Chairman Royce Hanson and Commissioners Joe Alfandre and Amy Presley. Commissioner Jean Cryor joined the meeting shortly after it was convened.

Items 1 through 7 are reported on the attached agenda.

The Board recessed at 12:13 p.m. for lunch and to take up Item 18, which is reported on the attached agenda.

The Board reconvened in the auditorium at 1:20 p.m.

Items 8 through 16 are reported on the attached agenda.

The Board recessed for dinner at 5:35 p.m. and reconvened in the auditorium at 7:38 p.m. with all four Commissioners present.

Item 17, Public Hearing for the Takoma/Langley Crossroads Sector Plan is reported on the attached agenda.

There being no further business, the meeting was adjourned at 8:57 p.m. The next regular meeting of the Planning Board will be held on Monday, July 27, 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, July 23, 2009
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Adoption of Opinions/Resolutions

A. North Westland Building - Preliminary Plan No. 12004031A; ADOPTION OF MCPB RESOLUTION No. 09-65

B. Montrose Parks - Site Plan No. 82002021A; ADOPTION OF MCPB RESOLUTION No. 09-80 (**POSTPONED**)

C. Manor Park - Section I - Preliminary Plan No. 120090170; ADOPTION OF MCPB RESOLUTION No. 09-82

D. Greenbriar at Norbeck Crossing - Preliminary Plan No. 120060610; ADOPTION OF MCPB RESOLUTION No. 09-62

BOARD ACTION

Motion: PRESLEY/ALFANDRE

Vote:

Yea: 3-0

Nay:

Other: CRYOR ABSENT

Action: Adopted the Resolutions as stated above.

2. Record Plats

Subdivision Plat No. 220090490, Camotop

RE-2 zone; 2 lots; located in the southwest quadrant of the intersection of Democracy Boulevard and Iron Gate Road; Potomac.

Staff Recommendation: Approval

Subdivision Plat 220090950, Clarksburg Town Center

RMX-2 zone; 22 lots, 1 parcel; located on the north side of Sugarloaf Chapel Drive, approximately 250 feet east of Burdette Forest Road; Clarksburg.

Staff Recommendation: Approval

Subdivision Plat No. 220091110, Bradley Hills, Section 2

R-90 zone; 1 lot; located in the northeast quadrant of the intersection of Glenbrook Road and Wessling Lane; Bethesda-Chevy Chase. *Staff Recommendation: Approval*

BOARD ACTION

Motion: PRESLEY/ALFANDRE

Vote:

Yea: 3-0

Nay:

Other: CRYOR ABSENT

Action: Approved the Record Plats as stated above.

3. Consent Items

Site Plan Amendment Review No. 81998022C, Qiagen Campus @ Germantown Business Park, I-1/O-M zones; amendment; provide temporary parking lot to allow for construction of parking deck, provide "existing" conditions", plan for landscape changes, modify development table to a "Phase Three", add equipment pad at rear of Building #4, driveway improvements, re-strip parking; located on MD Rte 118 and Dawson Farm Road; Germantown
Staff recommendation: Approval of the consent item and draft resolution

BOARD ACTION

Motion: ALFANDRE/PRESLEY

Vote:

Yea: 3-0

Nay:

Other: CRYOR ABSENT

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

4. Approval of Minutes

Monday, June 15, 2009 and
Thursday, June 18, 2009

BOARD ACTION

Motion: **ALFANDRE/PRESLEY**

Vote:

Yea: **3-0**

Nay:

Other: **CRYOR ABSENT**

Action: **Approved the minutes of June 15 and June 18, 2009, as presented.**

5. Worksession #2 Housing Element of the General Plan

Review of goals and objectives, draft plan's recommendations and the proposed Planning Board Draft
(No Public Testimony will be taken)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

Research and Technology staff presented an overview of proposed changes to the draft housing element of the General Plan, based on submitted testimony and the Board's comments at the first worksession, as detailed in the staff report.

Mr. Scott Reilly, County Department of Housing and Community Affairs, participated in the discussion.

There followed considerable discussion of various housing issues, including affordable housing, condominium fees, accessory units, housing for seniors, and parking.

6. Preliminary Plan 12006121A and Site Plan 82007004B Amendment, Henderson Corner

A. Preliminary Plan 12006121A, Henderson Corner

C-3 zone; 1.27 acres; 1 lot previously approved; amendment to replace the previously approved 4,100 square foot bank with a 3,188 square foot 7-Eleven Store with six covered gasoline pumps; located in the south quadrant of the intersection of Henderson Corner Road and Ridge Road (MD 27); Germantown.

Staff Recommendation: Approval with conditions

B. Site Plan 82007004B, Henderson Corner

C-3 zone; 1.27 acres; amendment to replace the previously approved 4,100 square foot bank with a 3,188 square foot 7-Eleven Store with six covered gasoline pumps; located in the south quadrant of the intersection of Henderson Corner Road and Ridge Road (MD 27); Germantown.

Staff Recommendation: Approval with conditions

BOARD ACTION

Motion: **A. PRESLEY/ALFANDRE**
 B. PRESLEY/ALFANDRE

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

Nay:

Other:

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

Development Review staff presented the proposal to amend an approved preliminary plan and site plan to change the use from a bank to a convenience store with gas pumps, with associated changes in the size and configuration of the structures, as detailed in the staff report. Staff noted that a special exception for the revised use was approved in February. In the presentation, staff made a revision to condition 5 of the site plan.

Mr. Stan Abrams, attorney representing the applicant, provided information about the history of the site and elaborated on various aspects of the proposal, including the lighting and the proposed clock tower.

In discussion, at Chairman Hanson’s recommendation, Mr. Abrams agreed on behalf of his client to include a second clock face on the tower.

7. Site Plan Review No. 820090150, 4500 East/West Highway

CBD-2 zone; 1.28 acres; a 223,300 square foot 9-story building with 13,300 office ground floor retail and 8 levels of office space totaling 210,000 square feet; located on Pearl Street west of East/West Highway; Bethesda.

Staff recommendation: Approval with conditions

BOARD ACTION

Motion: **ALFANDRE/PRESLEY**

Vote:

Yea: **4-0**

Nay:

Other:

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

Noting that there are a number of projects on the agenda that are located within the Bethesda Central Business District (CBD), Community-Based Planning staff presented an overview of the urban design objectives for the CBD.

Development Review staff presented the site plan for a 98-foot building for 223,300 square feet of gross floor area for office and other commercial uses, with an open plaza with public art and a water feature, as detailed in the staff report.

Ms. Stacy Silber, attorney representing the applicant, concurred in the staff recommendation. Mr. Robert Sponseller, the architect, and Mr. Don Hoover, the landscape architect, discussed various elements of the plan.

Attorney Stan Abrams, Mr. Jack Weiss, and Mr. John Hinton, representing the owners of the abutting property; and Mr. Guido Adelfio, representing the Bethesda Travel Center on the confronting property, offered comments.

There followed considerable discussion of the issues raised in testimony, with staff, the applicant, and the speakers responding to questions from the Board and providing additional information as necessary.

18. SilverPlace - Added

Discussion of short-term alternatives to the SilverPlace project

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **Discussed and provided guidance to staff in preparation of a report to the County Council.**

Parks Department staff, in response to a request from the County Council, presented short-term alternatives to constructing a new MRO headquarters building to include repairs to the building and/or relocating staff to rental space, and information about the impact of these actions for a period of 5 and 10 years. Staff discussed the major repairs needed to remain in the building; ongoing maintenance issues related to old windows, pipes, and electrical wiring; additional repairs that would be needed in the next 5 to 10 years; and the costs of leasing space to house some or all of the MRO staff.

In discussion, the Board considered the various scenarios and costs and provided guidance to staff for preparation of a report to send to the County Council. The Board reiterated its strong support of proceeding with construction of a new building, noting the high costs to remain in an obsolete building or lease sufficient space, in contrast to the significant reduction in construction costs that could be achieved due to the economy.

8. Development Plan Amendment No: DPA-09-3: Pettit Companies

Development Plan Amendment No: DPA-09-3: Pettit Companies, applicant, requests Development Plan Amendment to downsize the 12,000 square feet office building to a 4,320 square feet single-story restaurant use, PN Zone; located at Southwest corner of the intersection of Woodfield Road (MD 124) & Muncaster Mill Road/Snouffer School Road (MD 115), Gaithersburg.

Staff recommendation: Approval

BOARD ACTION

Motion: ALFANDRE/CRYOR

Vote:

Yea: 3-0

Nay:

Other: PRESLEY TEMPORARILY ABSENT

Action: Approved staff recommendation for approval.

In keeping with the July 9 technical staff report, Development Review Division staff presented the Development Plan Amendment (DPA) request to relocate one of the buildings previously approved under DPA-07-2 located at the southwest corner of Woodfield Road and Muncaster Mill Road in Gaithersburg, and downsize it from a two-story office building to a one-story restaurant.

Ms. Debra Borden, attorney for the applicant Mr. Richard Pettit, also present, briefly discussed the proposed amendment and concurred with the staff recommendation.

There followed a brief Board discussion and questions to staff, the applicant and his representative.

9. Subdivision Regulation Amendment 09-02

To resolve certain conflicts between departments and agencies concerning the conditions of the approval of a preliminary subdivision plan

Staff recommendation: Transmit Comments to County Council
(Action required for County Council public hearing of 7/28/09)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: The Board unanimously approved to transmit comments to the County Council, as stated in the attached transmittal letter.

Development Review Division staff presented highlights of the July 20 technical staff report regarding a proposed Subdivision Regulation Amendment (SRA) to resolve certain conflicts between departments and agencies concerning the conditions of approval of a preliminary subdivision plan. Staff noted that the SRA should not move forward as proposed, and staff recommends certain modifications to better reflect a more realistic way to address the Council's intent.

At the Board's request, Mr. Bob Dalrymple attorney, and Ms. Raquel Montenegro representing the Maryland National Capital Building Association (MNCBA) offered comments.

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

Chairman Hanson noted that with the help of new technology staff expects to eliminate a lot of back and forth between agencies. The Chairman further added that there is a need to have fully empowered agencies representatives at Development Review Committee (DRC) meetings, and staff should set a time limit to receive agencies' comments.

The Board instructed staff to prepare a transmittal letter to the County Council incorporating the above comments and pointing out that conflicts can better be resolved through administrative rather than legislative action.

10. Zoning Text Amendment 09-05

To amend provisions concerning land uses in the Overlay zone for the Burtonsville Employment Area of the Fairland Master Plan.

Staff recommendation: Transmit Comments to County Council
(Action required for County Council public hearing of 7/28/09)

BOARD ACTION

Motion: CRYOR/PRESLEY

Vote:

Yea: 3-1

Nay: ALFANDRE

Other:

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

Development Review Division staff offered a presentation based on the July 13 technical staff report on the proposed zoning text amendment request to amend provisions concerning land uses in the Overlay Zone for the Burtonsville Employment Area of the Fairland Master Plan.

Community-Based Planning Division staff offered comments regarding the Master Plan.

Mr. Bob Dalrymple, attorney, representing Siena Development Corporation (EZ Storage) offered testimony.

Chairman Hanson and Commissioners Cryor and Presley voted for the text amendment and Commissioner Alfandre dissented stating that the zone should be left as is.

11. Site Plan Review No. 820090170, Safeway Store #2848

C-2 zone; 1.72 acres; reconstruction of 43,097 square foot grocery store, located at the southwest quadrant of the intersection of Bradley Boulevard and Arlington Road; Bethesda

Staff recommendation: Approval with conditions.

BOARD ACTION

Motion: ALFANDRE/PRESLEY

Vote:

Yea: 4-0

Nay:

Other:

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

Development Review and Community-Based Planning Divisions staff offered a multi-media presentation based on the detailed July 23 technical staff report. Staff discussed the proposed site plan to reconstruct a 43,097 square foot grocery store located at the southwest qua-

drant of the intersection of Bradley Boulevard and Arlington Road in Bethesda. Staff distributed and discussed an additional condition 13 during the meeting.

Mr. Robert Brewer, attorney representing the applicant, introduced Ms. Renee Montgomery, Area Real Estate Manager for Safeway, Inc.; Mr. Mark McAfee, Architect; and Mr. Bill Howe, Engineer, members of the applicant's team.

Mr. Brewer discussed the applicant's opposition to condition 3 requiring the installation of showers for employees who ride bicycles to work due to some issues that might arise with the use of these showers, and a modification to condition 13 regarding the installation of a noise reduction wall and landscaping.

Ms. Montgomery and Mr. McAfee offered comments.

The following speakers offered testimony: Mr. Jerome Lukas of Kenwood Forest Lane; Ms. Laura Milstein of Kenwood Forest Lane; Mr. Tom Arend of Kenwood Forest Lane and representing the Kenwood Forest Homeowners Association; and Ms. Judy Koenick of Chevy Chase.

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

12. Site Plan Review No. 820090010, Woodmont View

Site Plan Review No. 820090010, Woodmont View, PD-75 zone; 0.52 acres; 46 multi-family dwelling units, 3,200 gross square feet restaurant and 1 existing single-family unit to remain; located at the northwest quadrant of the intersection of Woodmont Avenue and Battery Lane; Bethesda

Staff recommendation: Approval with conditions.

BOARD ACTION

Motion: PRESLEY/ALFANDRE

Vote:

Yea: 4-0

Nay:

Other:

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

In keeping with the July 23 technical staff report, Development Review Division staff offered a detailed presentation, accompanied by a multi-media presentation of the request to create 46 multi-family dwelling units, a 3,200 gross square feet restaurant at street level, with an existing single-family home to remain, on a 0.52-acre property located at the northwest quadrant of the intersection of Woodmont Avenue and Battery Lane in Bethesda. Staff noted that the request is subject to the existing school moratorium for the area. Staff also noted its approval of a building height increase requested by the applicant in the May 20 memorandum.

Mr. Steve Kaufman, attorney representing the applicant, introduced members of the applicant's team, briefly discussed the proposed plan, and concurred with the staff recommendation.

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

Board members expressed concerns regarding the applicant's request for a building height increase, which is not in conformance with the binding elements.

Legal staff noted that it might be helpful for the Board to listen to the proceedings regarding the intent of the binding elements meeting before making a decision. Staff also added that conditions 5 and 9 should be revised to reflect that the applicant will not need to come back to the Planning Board for approval of the revised site plan.

13. AB 724: Stedwick Road Pedestrian Tunnel Closure in Montgomery Village

Staff recommendation: Transmit Comments Supporting Approval to Montgomery County Department of Public Works and Transportation

BOARD ACTION

Motion: PRESLEY/CRYOR

Vote:

Yea: 4-0

Nay:

Other:

Action: Approved staff recommendation for approval of the proposed Stedwick Road pedestrian tunnel closure in Montgomery Village, as stated in the attached transmittal letter to the Montgomery County Department of Public Works and Transportation.

Transportation Planning Division staff discussed revisions to the proposed conditions for closure of the Stedwick Road pedestrian tunnel in Montgomery Village.

Mr. Jody Kline, attorney, accompanied by Messrs. David Weber, Kevin Foster, and Tim Longfellow offered testimony.

Ms. Sharon Levine of Apple Ridge Road and representing the Montgomery Village Foundation; and Ms. Tony Negro of Park Avenue and representing Center Court Condominium Association offered testimony.

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

14. Proposed Amendments: Montgomery County Comprehensive Water Supply and Sewerage Systems Plan- AD 2009-3 (Administrative Cases)

Staff recommendation: Approval, transmit comments to County Executive for final action.

BOARD ACTION

Motion: CRYOR/ALFANDRE

Vote:

Yea: 4-0

Nay:

Other:

Action: Approved staff recommendation for approval, as stated in the attached transmittal letter to the County Executive.

In accordance with the July 10 technical staff report, Environmental Planning Division staff offered a brief presentation of proposed water and sewer systems plan amendments. Staff noted that it recommends approval of all the proposed cases.

15. Special Protection Area (SPA) Water Quality Plan for Impervious Surface Removal: M-NCPPC Parkland

Demolition of building and impervious surfaces on 14524 Good Hope Road, M-NCPPC Parkland. Upper Paint Branch SPA

Staff recommendation: Approval

BOARD ACTION

Motion: CRYOR/ALFANDRE

Vote:

Yea: 4-0

Nay:

Other:

Action: Approved staff recommendation for approval.

Environmental Planning Division and Parks Department staff offered a brief presentation regarding the Special Protection Area (SPA) Water Quality Plan for removal of impervious sur-

faces on Parcel P3362, Snowdens Manor in the Upper Paint Branch Special Protection Area, as discussed in detail in the July 10 technical staff report.

There followed a brief Board discussion with questions to staff.

16. Mandatory Referral: Review for Stream Restoration Projects NW – 160 and 170

Mandatory referral review for the ICC Compensatory Mitigation and Environmental Stewardship stream restoration projects NW-160 & 170. The projects are located along the mainstream of Northwest Branch and extend from the Northwest Golf Course down to the Sherwood Forest tributary. Mandatory referral # 009901-MTA-1

Staff recommendation: Approval

BOARD ACTION

Motion: PRESLEY/CRYOR

Vote:

Yea: 4-0

Nay:

Other:

Action: Approved staff recommendation for approval of the mandatory referral request in connection with the Intercounty Connector Compensatory Mitigation and Environmental Stewardship Stream Restoration projects.

In accordance with the July 15 technical staff report, Parks Department staff offered a brief description of the Mandatory Referral review for the Intercounty Connector (ICC) Compensatory Mitigation and Environmental Stewardship stream restoration projects NW-160 and 170. Staff noted that the proposed projects are located along the mainstream and Northwestern Branch and extend from the Northwest Golf Course down to the Sherwood Forest tributary.

Messrs. Ryan Cole and Kyle Spendiff, Design Coordinators for the ICC Project Management Office, offered a multi-media presentation and answered questions from Board members.

The Board suggested that staff organize a field trip in the coming months for Board members to visit the work already done.

17. Public Hearing for Takoma Langley Crossroads Sector Plan

BOARD ACTION

Motion:

MCPB, 9-18-08, NOT APPROVED

Vote:

Yea:

Nay:

Other:

Action: Received Testimony.

A VERBATIM TRANSCRIPT FOR THIS ITEM IS ON FILE IN THE RECORDS
MANAGEMENT OFFICE IN SILVER SPRING, MARYLAND.