



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, October 22, 2009, at 9:05 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 1:45 p.m.

Present were Chairman Royce Hanson and Commissioners Joe Alfandre and Marye Wells-Harley. Commissioner Jean Cryor joined the meeting via teleconferencing, and Commissioner Amy Presley was necessarily absent.

Before starting the meeting, Chairman Hanson noted that the Montgomery County National Capital Park and Planning Commission (MNCPPC) will not meet this coming Wednesday as scheduled due to an unusually short agenda. Samuel Parker, Chair of MNCPPC requested that the full Commission meet via teleconference this morning before the Montgomery County Planning Board meeting to approve five items on the agenda. Commissioner Jean Cryor joined the meeting via telephone. Minutes of the MNCPPC meeting will be issued separately.

Items 1 through 5 are reported on the attached agenda. Item 6 was postponed until the afternoon session.

The Board recessed at 1:10 p.m. for lunch and to take up Items 7, 8, 13, 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 1:30 p.m. in the third floor conference room, on motion of Commissioner Wells-Harley, seconded by Commissioner Alfandre, with Chairman Hanson and Commissioners Alfandre and Wells-Harley present and voting in favor of the motion, and with Commissioners Cryor and Presley absent. The meeting was closed under authority of §10-508(a)(7), State Government Article, Annotated Code of Maryland, to consult with counsel to obtain legal advice, and §10-508(a)(3), State Government Article, Annotated Code of Maryland, to consider acquisition of real property for a public purpose.

Also present for all or part of the Closed Session were Associate General Counsels David Lieb, Derrick Rogers, and Christina Sorrento of the Legal Department; Alfred Warfield of the Finance Department; Michael Riley, Gene Giddens, Terry Brooks, Bill Gries, April O'Neal, Dominic Quattrocchi, Michael Ma, and Christine Marbourg of the Parks Department; Fred Boyd of the Planning Department; and Clara Moise of the Commissioners' Office.

In Closed Session, the Board received briefings and discussed proposed public/private partnerships for an Adventure Sports Complex at Rock Creek Regional Park and a National Outdoor Center at Rockwood Special Park in Potomac. The Board also considered possible acquisition of property for park usage, and received briefing from Legal staff regarding a pending matter.

The Closed Session was adjourned at 1:55 p.m. and the Board reconvened in open session in the third floor conference room.

The Board reconvened in the auditorium at 2:00 p.m.

Item 6, postponed from the morning session, and Items 9 through 12 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 3:55 p.m. The next regular meeting of the Planning Board will be held Thursday, October 29, 2009, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Technical Writer

Ellyn Dye
Technical Writer

Montgomery County Planning Board Meeting
Thursday, October 22, 2009, 9:00 A.M.
8787 Georgia Avenue
Silver Spring, MD 20910-3760

1. Adoption of Resolutions

1. Park Potomac - Site Plan No. 82004015F - ADOPTION OF MCPB RESOLUTION No. 09-130

2. Chevy Chase View - Preliminary Plan No. 120070520 - ADOPTION OF MCPB No. 09-131

3. Day Hill LLC - Forest Conservation Plan No. S-2710 - ADOPTION OF MCPB RESOLUTION No. 09-132

MCPB, 10-22-09, APPROVED

4. Children's Manor Montessori School Site Plan 82006034A - ADOPTION OF MCPB RESOLUTION No. 09-133

5. Olney Town Center Adequate Public Facilities Determination - ADOPTION OF RESOLUTION No. 09-127

BOARD ACTION

Motion: WELLS-HARLEY/ALFANDRE

Vote:

Yea: 4-0 (CRYOR VIA TELECONFERENCING)

Nay:

Other: PRESLEY ABSENT

Action: Adopted the Resolutions cited above.

2. Record Plats

A. Subdivision Plat No. 220100070, Walnut Hill, Section One

C-2 zone; 1 parcel; located on the north side of North Westland Drive, 325 feet east of South Frederick Avenue (MD 355); Gaithersburg Vicinity.

Staff Recommendation: Approval

B. Subdivision Plat No. 220100130, Glen Hills

RE-1 zone, 1 lot; located on the north side of Circle Drive, 200 feet east of Newgate Road; Potomac.

Staff Recommendation: Approval

C. Subdivision Plat No. 220100150, Chevy Chase, Section 4

R-60 zone; 1 lot; located on the south side of Underwood Street, 650 feet west of Connecticut Avenue (MD 185); Bethesda-Chevy Chase.

Staff Recommendation: Approval

BOARD ACTION

Motion: ALFANDRE/WELLS-HARLEY

Vote:

Yea: 4-0 (CRYOR VIA TELECONFERENCING)

Nay:

Other: PRESLEY ABSENT

Action: Approved the Record Plats as stated above.

3. Consent Items

Site Plan 820090150, 4500 East West Highway, Adoption of Corrected Resolution No. 09-90

BOARD ACTION

Motion: WELLS-HARLEY/ALFANDRE

Vote:

Yea: 4-0 (CRYOR VIA TELECONFERENCING)

Nay:

Other: PRESLEY ABSENT

Action: Adopted Corrected Resolution 09-90 for Site Plan 820090150, 4500 East West Highway, as stated above.

4. Approval of Minutes

Minutes of October 1, 2009 Meeting

BOARD ACTION

Motion: ALFANDRE/WELLS-HARLEY

Vote:

Yea: 4-0 (CRYOR VIA TELECONFERENCING)

Nay:

Other: PRESLEY ABSENT

Action: Approved Minutes of October 1, 2009, as presented.

5. Zoning Text Amendment No. 09-08

Zoning text amendment to establish a new group of mixed-use zones -- the Commercial/ Residential (CR) Zones and establish the intent, allowed land uses, development methods, general requirements, development standards, density incentives, and approval procedures for development under the CR zones.

Staff Recommendation: Transmit Comments to the County Council

**(Action required for County Council Public Hearing of 10/27/09)
(Testimony limited to One Hour in Total)**

BOARD ACTION

Motion: ALFANDRE/WELLS-HARLEY

Vote:

Yea: 4-0 (CRYOR VIA TELECONFERENCING)

Nay:

Other: PRESLEY ABSENT

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

In keeping with the October 16 technical staff report, Development Review and Community-Based Planning Divisions staff offered a detailed presentation of the proposed Zoning Text Amendment request to establish a new group of mixed-use zones—the Commercial/Residential (CR) Zones—and establish the intent, allowed land uses, development methods, general requirements, development standards, density incentives, and approval procedures for development under the CR Zones. Staff noted that the proposed text amendment is based on recommendations from the pending Gaithersburg West, White Flint, Kensington, and Takoma/Langley Master Plans that anticipate more integrated uses and pedestrian-oriented communities with diverse, well-connected, well-designed, and environmentally sustainable neighborhoods.

The following speakers offered testimony: Mr. William Kominers of Bethesda Metro Center; Mr. Stephen Elmendorf of Wisconsin Avenue; Mr. Evan Goldman of East Jefferson Street; Mr. Timothy Dugan of Park Potomac Avenue; and Ms. Patricia Harris of Bethesda Metro Center.

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

6. [Parcel P146 Shady Grove Metro](#)

A. Preliminary Plan No. 120090100

PD-35 zone; 4.26 acres; 40 lots requested for 3 one-family detached, 36 townhouses, and 117 multi-family residential dwelling units; located at the southwest/southeast quadrant of the inter-

section of Redland Road and Yellowstone Way; Gaithersburg.
Staff Recommendation: Approval with Conditions

B. Site Plan Review No. 820090070

PD-35 zone; 4.26 acres; 40 lots requested for 3 one-family detached, 36 townhouses, and 117 multi-family residential dwelling units; located at the southwest/southeast quadrant of the intersection of Redland Road and Yellowstone Way; Gaithersburg.

Staff Recommendation: Approval with Conditions

BOARD ACTION

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

Vote:
Yea: **A. 3-0**
 B. 3-0

Nay:

Other: **CRYOR, PRESLEY ABSENT**

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

Development Review staff presented the preliminary plan and site plan for 36 townhouses, 3 single-family moderately priced dwelling units (MPDUs) and 1 multi-family building with 117 units, as detailed in the staff report.

Mr. Jody Kline, attorney, introduced other members of the applicant team, and concurred in the staff recommendation.

Mr. Joseph Parello, representing the Shady Grove Alliance, offered comments.

In discussion, the Board agreed to contact the County Department of Transportation concerning possible traffic-calming measures on Yellowstone Way and Chieftain Avenue, as requested by the community.

7. Closed Session

Adventure Sports Complex – Discuss the financial and development comments for the Partnership Proposal (Go Ape).

BOARD ACTION

Motion:

Vote:
Yea:

Nay:

Other:

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

8. Closed Session

The National Outdoor Center at Rockwood – Discuss the financial and development comments for the Partnership Proposal.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

13. 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 – Little Bennett Creek Stream Valley Creek

Staff Recommendation: Approval

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) (7) (consult with counsel to obtain legal advice)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

9. [Discussion Item: Partnership - Bethesda Community Base Ball Club - 2009 Annual Report](#)

Discussion Item: Partnership - Bethesda Community Base Ball Club – 2008 Annual Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received report.

Following opening remarks by Parks Department staff, Mr. Bruce Adams, founder of Bethesda Community Base Ball Club, presented the annual report of the Club's use, maintenance, and improvements to Shirley Povich Field and Field #2 in Cabin John Regional Park, noting that play began on Povich Field in the spring of 1999.

10. [Discussion Item: Partnership - King Barn Dairy MOOSEum - 2008 Annual Report](#)

Discussion Item: Partnership - King Barn Dairy MOOSEum - 2008 Annual Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received report.

Following opening comments by Parks Department staff, Ms. Barbara McGraw presented the annual report of the King Dairy Barn Mooseum at the South Germantown Recreational Park, including an overview of fund raising activities and program planning progress. Mr. Bill Duvall reported on the construction project, which has recently begun and is expected to be completed at the end of March 2010. Ms. Judy Brubaker and Mr. Phil Dagnese, principal and teacher, respectively, at Spark Matsunaga Elementary School, discussed current and future educational programs. Ms. Carol Weiger provided information about the map project to identify all the early dairy farms in the County. Mr. Ed Burdette also provided comments on the history of dairy farming in the County.

11. Tilden Woods Bioretention Facility

The Montgomery County Department of Transportation proposes to construct a bioretention facility in Tilden Woods Local Park as part of the required mitigation for the construction of the Montrose Parkway. A public meeting was held at Tilden Woods Local Park on July 9, 2009

***A. [Forest Conservation Plan](#)**

Staff Recommendation: Approval with Conditions

B. [Mandatory Referral No. MR2007902](#)

Construction of a local Park

Staff Recommendation: Approval to Transmit with Comments to MCDOT

BOARD ACTION

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

Vote:

Yea: **A. 3-0**
 B. 3-0

Nay:

Other: CRYOR, PRESLEY ABSENT

Action: A. Approved the Forest Conservation Plan, subject to conditions, as stated in the attached Board Resolution.

B. Approved the mandatory referral, as stated in the attached Letter of Transmittal.

Environmental Planning staff presented the Forest Conservation Plan and, following introductory comments by Parks Department staff, Mr. Ken Kendall of Montgomery County Department of Transportation (DOT) and Mr. Paul Clement, the consulting project manager, presented the mandatory referral review for County construction of a bioretention facility in Tilden Woods Local Park to mitigate construction of the Montrose Parkway, as detailed in the respective staff reports.

Ms. Judy Koenick offered comments.

12. Roundtable Discussion

Clarksburg Town Center Status Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received report.

Development Review staff presented the status report on the Clarksburg Town Center project, noting that the conditions of the Board approval required reports to the Board every three months. At this point, staff reported, the certified site plan was required, and that has been submitted.

Mr. Todd Brown, attorney, and Mr. Doug Delano, the applicant, offered comments on the status of the project, next steps, and scheduling estimates.

Development Review Division Chief Rose Krasnow, cautioned that there are some minor issues that are being reviewed in terms of the submitted certified site plan that may require minor site plan amendments if the issues cannot be resolved.

On a separate topic, Planning Director Rollin Stanley announced that the White Flint Sector Plan was recently awarded Outstanding Plan for communities greater than 100,000 residents, and the Zoning Discovery was awarded Outstanding Project or Program by the Maryland Chapter of the American Planning Association.