



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

301-495-4616

**APPROVED
MINUTES**

The Montgomery County Planning Board met in regular session on Thursday, November 20, 2008, at 9:00 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 5:35 p.m.

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

Items 1 through 6, and Items 7, 14, and 15, Closed Session items, are reported on the attached agenda.

Item 8 was cancelled.

The Board recessed at 11:15 a.m. for lunch and to take up Items 7, 14, and 15 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 11:35 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)(13), to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter; and §10-508(a)(7), to consult with Counsel to obtain legal advice.

Also present for all or part of the Closed Session were Associate General Counsels Debra Daniel, Christina Sorrento, and David Lieb of the Legal Department; Director Mary Bradford of the Parks Department; Director Rollin Stanley, Rose Krasnow, Sandra Pereira, and Robert Kronenberg of the Planning Department; and Clara Moise of the Commissioners' Office.

In Closed Session, the Board approved Closed Session minutes as submitted and received briefing from Legal Counsel regarding pending Legislation, and the Lofts 24-Silver Spring Park project.

The Closed Session was adjourned at 1:12 p.m. and the Board reconvened in open session in the third floor conference room.

The Board reconvened in the auditorium at 1:15 p.m.

Items 9, 10, 12, and 11, taken up in that order, are reported on the attached agenda. Item 13 was postponed.

There being no further business, the meeting was adjourned at 5:35 p.m. The next regular meeting of the Planning Board will be held Thursday, December 4, 2008, 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 20, 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) Midtown Silver Spring, Site Plan 820060250, ADOPTION OF RESOLUTION No. 08-118
- ii) Century XXI, Site Plan No. 820070150, ADOPTION OF RESOLUTION No. 08-142
- iii) Lockheed Martin Mail Facility, Site Plan 81974005E, ADOPTION OF RESOLUTION No.08-145
- iv) Oakdale School Lot, Preliminary Plan 120070630, ADOPTION OF RESOLUTION No. 08-143
- v) Oak Grove Preliminary Plan 120080320, ADOPTION OF RESOLUTION No. 08-144
- vi) Century XXI, Preliminary Plan 120070650, ADOPTION OF RESOLUTION No. 08-146
- vii) Goshen Hunt Hills, Preliminary Plan 120070640, ADOPTION OF RESOLUTION No. 08-127

Group B: Three Commissioners Eligible to Vote [Commissioners Hanson, Alfandre, and Presley]

viii) Glenvilah Center, Site Plan 82001030A, ADOPTION OF RESOLUTION No. 08-141

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

ix) Hampden Lane (Parcel A and Outlot A, Block 24D), Preliminary Plan No. 120070500, ADOPTION OF RESOLUTION No. 08-157

x) Hampden Lane, Site Plan No. 820070100, ADOPTION OF RESOLUTION No. 08-67

xi) Edgemoor Phase IV, Site Plan No. 820070230, ADOPTION OF RESOLUTION No. 08-69

xii) Edgemoor Phase IV, Preliminary Plan No. 120070720, ADOPTION OF RESOLUTION No. 08-80

xiii) Layhill View Preliminary Plan 120061080, ADOPTION OF RESOLUTION No. 08-148

1. Adoption of Opinions/Resolutions

BOARD ACTION

Motion: A) ALFANDRE/ROBINSON
 B) ALFANDRE/PRESLEY
 C) ROBINSON/CRYOR

Vote:
Yea: A) 5-0
 B) 3-0
 C) 3-0

Nay:

Other: B) ROBINSON, CRYOR ABSTAINED
 C) ALFANDRE, PRESLEY ABSTAINED

Action: **Approved the staff recommendation to adopt the Resolutions cited above.**

2. Record Plats

Subdivision Plat No. 220090340, Pollekoff Property

RE-2 zone; 2 lots; located on the west side of Slidell Road, approximately 1,000 feet north of Barnesville Road; Boyds

Staff recommendation: Approval

Subdivision Plat No. 220090370, Chevy Chase, Section 3

R-60 zone; 2 lots; located in the northeast quadrant of the intersection of Bradley Lane and Connecticut Avenue (MD 185); Bethesda-Chevy Chase

Staff recommendation: Approval

BOARD ACTION

Motion: ROBINSON/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the staff recommendation.

3. Consent Items

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no consent items presented.

4. Approval of Minutes

- Minutes, MCPB Monday, October 20, 2008
- Minutes, MCPB Thursday, October 23, 2008

BOARD ACTION

Motion: **ROBINSON/PRESLEY**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved the Planning Board Minutes of October 20 and 23, 2008, as submitted.**

5. White Flint Sector Plan

(No public testimony will be taken at this time)

Presentation of the White Flint Sector Plan Public Hearing Draft and request to Set Public Hearing date and appointment of Steering Committee

Staff recommendation: Approve of Public Hearing Draft Sector Plan, set Public Hearing date, and approve appointment of Steering Committee

BOARD ACTION

Motion: **ROBINSON/CRYOR**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved staff recommendation to approve the Public Hearing Draft Sector Plan for White Flint and to set the Public Hearing for Monday, January 12, 2009.**

Community-Based Planning Division staff gave a multi-media presentation of the proposed White Flint Sector Plan. Staff noted that following the various worksessions, staff is requesting that the Planning Board approve the draft White Flint Sector Plan as the Public Hearing draft and set the Public Hearing date for January 12, 2009. Staff also requested that the Board approve the appointment of the proposed Steering Committee.

Following extensive Board discussion and questions to staff, the Board instructed staff to reschedule the Steering Committee approval until they have received more nominations.

6. Extension Request Project Plan Review No. 920070100 - 8700 Georgia Avenue

CBD-2 zone; 0.526 acres; 7,980 gross square feet retail, 21,540 gross square feet office, 103,650 gross square feet residential, 106 multi-family dwelling units; including 16 MPDUs; located on Georgia Avenue northwest of Cameron Street; Silver Spring CBD

Staff recommendation: Approve Extension Request

BOARD ACTION

Motion: ROBINSON/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Following a brief staff presentation and Board members questions to staff, approved staff recommendation to approve the proposed extension request.

7. CLOSED SESSION

In accordance with State Government Article 10-508(a)(13), Annotated Code of Maryland, 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.

14. CLOSED SESSION - ADDED

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

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

15. CLOSED SESSION - ADDED

In accordance with State Government Article Section 10-508(a)(7), Annotated Code of Maryland, to consult with counsel to obtain legal advice (Lofts 24-Silver Spring Park)

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 – (CANCELLED)

In accordance with State Government Article, Section 10-508(a)(14), Annotated Code of Maryland, to discuss a matter directly related to the contents of a bid or proposal

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was cancelled.

9. Limited Site Plan Amendment No. 82003025B, Lofts 24-Silver Spring Park

CBD-1 zone, 0.38 acres; amendment to change granite pavers, benches, bollards, light fixtures and pole light fixtures, revise landscaping for Pepco transformer and eliminate a few trees; located in the southwest quadrant of the intersection with Fenton Street and Thayer Avenue; Silver Spring

Staff recommendation: Approve Limited Site Plan Amendment with conditions

BOARD ACTION

Motion: ROBINSON/CRYOR

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the staff recommendation to approve, subject to revised conditions, with additional stipulations identified in discussion, as stated in the attached Board Resolution.

Development Review staff presented the proposed limited site plan amendment, which was filed to address issues of compliance with the site plan, as detailed in the staff report. Staff supports the proposed amendments, subject to distributed revised conditions, with the exception of the proposal to eliminate the requirements for granite and brick pavers in several locations.

Mr. Gus Bauman, attorney, and Mr. Alex Diaz and Ms. Judy Meany, the applicants, presented information about the site plan violations and discussed issues related to providing the granite and brick pavers.

Mr. Thomas Schild, attorney, and Mr. Farris Curry, representing the Lofts 24 Condominium Association, discussed the unit owners' expectations at the time of purchase, based on the approved site plan, and concessions made by the Association on many of the issues. They spoke in support of the staff recommendation to require replacement of existing concrete with the required pavers.

There followed considerable discussion of the violations and mitigation, with staff and the applicants responding to questions from the Board and providing additional information as necessary. The Board stipulated that within two weeks of issuance of the Board Resolution, the applicant must return with a plan of compliance that will contain deadlines for completion of the required work. In addition, the Board directed staff to investigate whether failure to file a site plan amendment is an additional violation.

10. Preliminary Plan No. 120070680, Prather Property

R-200 zone; 3.61 acres; 3 lots requested; 3 one-family detached dwelling units; located on Jerusalem Church Terrace, 1,100 feet north of Jerusalem Church Road; Agriculture and Rural Open Space.

Staff recommendation: Approval with conditions

BOARD ACTION

Motion: CRYOR/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

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

Development Review staff presented the proposal to create three residential lots, as detailed in the staff report. The proposal includes a request for a waiver of the sidewalk requirements, which staff supports. Staff noted that the existing house, which will be retained, is within the established side yard setback. This will remain as a grandfathered, non-conforming use.

Mr. Josh Maisel of Benning and Associates, and Ms. Florence Prather, the applicant, concurred in the staff recommendation.

12. Mandatory Referral White Oak Recreation Center

A. Preliminary Forest Conservation Plan for Mandatory Referral No. 08904-DGS-1

Staff recommendation: Approval with conditions

B. Mandatory Referral No. 08904-DGS-1

Montgomery County proposal to construct a Community Recreation Center and related outdoor recreation facilities, on parkland in the Paint Branch Stream Valley Park (informally called April Stewart Lane Local Park.)

Staff recommendation: Approval with conditions and transmit Park Permit requirements

BOARD ACTION

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

Vote:

Yea: **A. 5-0**

B. 5-0

Nay:

Other:

Action: **A. Approved the staff recommendation to approve the Forest Conservation Plan, subject to conditions, as stated in the attached Letter of Transmittal.**
 B. Approved the staff recommendation to approve the mandatory referral and transmit comments and Park Permit requirements, as stated in the attached Letter of Transmittal.

Park Planning and Stewardship staff presented an overview of the mandatory referral review of the proposed White Oak Community Recreation Center, as detailed in the staff report. Staff noted that although the mandatory referral review is advisory, certain conditions in this case are required, because the center is proposed on park property and park permits must be secured for construction. Environmental Planning staff presented the forest conservation plan, noting the significant environmentally sensitive features of the site, including steep slopes, erodible soils, and high-priority forest, and staff outlined measures proposed to minimize the environmental impact and encroachment into the stream valley buffers. Staff noted that issues remain concerning the sewer connection, removal of park houses, and removal of fill.

Mr. Jeffrey Bourne, representing the County Department of Recreation; Ms. Jan Wilson, representing the County Department of General Services; and Mr. Richard Morrison, the architect, provided additional information about the project. Ms. Wilson raised questions and/or concerns about several proposed conditions.

Ms. Judy Koenick; Ms. Kim Bobola, representing the East County Citizens Advisory Board; and Ms. Barbara Foresti of Silver Spring, offered comments on the proposal.

There followed considerable discussion of the environmental features, the anticipated number of people to be served, the amount of parking, and other issues, with the staff and County representatives responding to questions from the Board and providing additional information as needed.

13. POSTPONED - FY10 BUDGET

Final Budget document: Department of Parks and Administration Fund (Planning Department and CAS)

(No public testimony will be taken at this time)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.

1 1. Roundtable Discussion - REVISED

(No public testimony will be taken at this time)

- A. Commissioners' Report
- B. County Council Activity
- C. Little Bennett Regional Park Master Plan (Attachment)
- D. OLO Report on Transportation Demand Management
- E. Current County Practices in Evaluating Impervious and Pervious Surfaces
- F. FY09 2.5% Savings Plan - ADDED

BOARD ACTION

Motion: C. ALFANDRE/ROBINSON

Vote:

Yea: C. 5-0

Nay:

Other:

Action: C. Approved the staff position on the bike paths, as stated in the attached letter to the County Council Committee on Planning, Housing, and Economic Development.

F. By unanimous consent, concurred in the staff recommendation for savings in the FY09 budget to comply with the County Executive's request.

- A. Commissioners' Report—None.**
- B. County Council Activity—No reports.**
- C. [Little Bennett Regional Park Master Plan](#)—In anticipation of the December 8 final review of the Little Bennett Regional Park Master Plan by the Council Committee on Planning,**

Housing, and Economic Development (PHED), the Board discussed with Park Planning, Transportation, and County Department of Transportation staff issues related to two bike paths shown traversing the middle of the Park in the 1994 Clarksburg Master Plan. The paths were realigned during the approval process for the subsequent Damascus Master Plan and Countywide Bikeways Functional Master Plan and, therefore, not shown in the same location in the Park Master Plan. The Board took action as stated above.

D. OLO Report on Transportation Demand Management—Received an update by Transportation Planning staff on the status of the report.

E. [Current County Practices in Evaluating Impervious and Pervious Surfaces](#)—Received a briefing on imperviousness as an indicator and planning tool; the benefits and impacts of permeable pavements, green roofs, and other new technologies and practices; and the differences between the Planning staff and Department of Permitting Services (DPS) purpose and methodology in defining imperviousness and administering impervious limitations, in accordance with the staff report. Dr. Stuart Schwartz, University of Maryland Center for Urban Environmental Research and Education, and Mr. Rick Brush, DPS, participated in the discussion.

F. FY09 2.5% Savings Plan—Discussed with Executive Director Oscar Rodriguez, Secretary-Treasurer Patti Barney, Planning Director Rollin Stanley, Parks Director Mary Bradford, and other staff the response to the County Executive's proposed FY09 savings plan.