



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, December 18, 2008, at 8:40 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 5:10 p.m.

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

Items 1 through 10 and Items 16 and 18 are reported on the attached agenda.

The Board recessed at 12:15 p.m. for lunch and to take up Items 10 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 Montgomery County Planning Board convened in Closed Session at 12:30 p.m. in the third floor conference room, on motion of Commissioner Cryor 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; and under authority of §10-508(a)(7), to consult with counsel to obtain legal advice.

Also present for all or part of the Closed Session were Secretary-Treasurer Patti Barney; Associate General Counsels Debra Daniel, Carol Rubin, Jared McCarthy, Rufus Meyers, Kacey Buettner, Christina Sorrento, and David Lieb of the Legal Department; Director Rollin Stanley, Glenn Kreger, Fred Boyd, Steve Federline, Mary Dolan, Callum Murray, Cathy Conlon, Khalid Afzal, Dan Hardy, and Valerie Berton of the Planning Department; Director Mary Bradford, Deputy Director Mike Riley, Terry Brooks, John Hench, Gene Giddens, Jim Humerick, Christine Brett, Jai Cole, and Michael Ma of the Parks Department; and Clara Moise of the Commissioners' Office.

In Closed Session, the Board received briefing on the proposed Laytonia Recreational Park Public/Private Partnership development proposal and legal advice regarding the pending appeal for the Hilltop Farm project.

The Closed Session was adjourned at 1:50 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. with four Commissioners present. Commissioner Presley left the meeting following the Closed Session.

Items 17 and 11 through 15, taken up in that order, are reported on the attached agenda.

There being no further business, the meeting was adjourned at 5:10 p.m. The next regular meeting of the Planning Board will be held Thursday, January 7, 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, December 18, 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) Adequate Public Facilities Finding, Project Wachovia Northgate Financial Center Building Permit No. 490040, ADOPTION OF RESOLUTION No. 08-130

BOARD ACTION

Motion: **ROBINSON/CRYOR**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Adopted Resolution as presented in Group A.**

2. Record Plats

Subdivision Plat No. 220090190, Larchmont Knolls (Revision)

R-90 zone; 1 lot; located on the east side of Connecticut Avenue (MD 185), 700 feet north of Beach Drive; Kensington-Wheaton

Staff recommendation: Approval

BOARD ACTION

Motion: **ROBINSON/CRYOR**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved record plat as stated above.**

3. Consent Items

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

4. Approval of Minutes

- Minutes, MCPB November 13, 2008

BOARD ACTION

Motion: **ROBINSON/PRESLEY**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved Minutes of November 13, 2008, as presented.**

5. AB-718

Request to abandon approximately 200 feet of unimproved Maple Avenue within the Avery Lodge Subdivision in Rockville; Upper Rock Creek Master Plan Area.

Staff recommendation: Approval with conditions

BOARD ACTION

Motion: **ROBINSON/CRYOR**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved staff recommendation to approve the abandonment, subject to conditions, as stated in the attached Letter of Transmittal to the Montgomery County Department of Transportation.**

Transportation Planning Division staff made a brief presentation in accordance with the December 4 technical staff report. Staff also discussed the proposed revised conditions distributed at the meeting.

Parks Department staff offered comments.

Ms. Melinda Jones of Maple Avenue, an abutting property owner, and Ms. Judy Koenick of Chevy Chase offered testimony.

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

18. Stadtman Preserve at Rock Creek Regional Park

Authorization to accept Deed of Conservation Easement and Gift Deed to 5.8 acres, more or less, improved, from Dr. Thressa C. Stadtman, located at 16907 Redland Road, Derwood, Maryland 20855.

Staff recommendation: Approval

BOARD ACTION

Motion: **ALFANDRE/ROBINSON**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved Parks Department staff recommendation to accept the Deed of Conservation Easement and Gift Deed to 5.8 acres located at 16907 Redland Road in Derwood, Maryland, from Dr. Thressa C. Stadtman.**

6. Limited Site Plan Amendment No. 82000017D, Gateway 270-Building 4

I-3 zone; 4.45 acres; amendment to allocate 60,872 existing gross square feet (gsf) of commercial development within Building 4 for 40,512 gsf of research and development, 11,004 gsf of daycare, and 9,356 gsf of health club, and to provide for a new outdoor play area with a fence, removal of 10 parking spaces and modification of landscaping; located on Gateway Drive approximately 4,200 feet northwest of Shawnee Lane in Clarksburg.

Staff recommendation: Approval with conditions

BOARD ACTION

Motion: **CRYOR/PRESLEY**

Vote:

Yea: **5-0**

Nay:

Other:

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

In keeping with the December 1 technical staff report, Development Review Division staff presented the limited site plan amendment request for the Gateway 270- Building project. Staff noted that the applicant is requesting approval to allocate 60,872 existing gross square feet of commercial development within Building 4 for 40,512 gross square feet of research and development, 11,004 gross square feet of daycare, and 9,356 gross square feet of health club, and to provide for a new outdoor play area with a fence, the removal of 10 parking spaces and some modification of landscaping

Ms. Vic Bryant, attorney representing the applicant, introduced Ms. Lauren Wirth, and Mr. Ryan Beible, members of the applicant team, briefly discussed the proposed request, and concurred with the staff recommendation.

7. Preliminary Plan No. 120090030, Wildwood Hills

R-200 zone; 0.60 acres; 1 lot requested; 1 one-family detached dwelling unit to be replaced; located on Bells Mill Road, 150 feet east of Coventry Way; Potomac.

Staff recommendation: Approval with conditions

BOARD ACTION

Motion: **ALFANDRE/PRESLEY**

Vote:

Yea: **5-0**

Nay:

Other:

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

Development Review Division staff presented the request to create one lot for a one-family detached dwelling unit to be replaced on a 0.60-acre property located on Bells Mill Road, 150 feet east of Coventry Way in Potomac. Staff briefly discussed the proposed request and noted that the applicant will demolish the existing house and build a new structure.

Mr. Russell Reese, engineer representing the applicant, concurred with the staff recommendation.

There followed a brief Board discussion and questions to staff and the applicant's representative.

8. Preliminary Plan No. 120050230, Slater Property

RE-2 zone; 7.32 acres; 2 lots requested; 2 one-family detached residential dwellings, one existing to remain; located on Chandlee Mill Road, 3,500 feet east of Brooke Road; Sandy Spring-Ashton.

Staff recommendation: Approval with conditions

BOARD ACTION

Motion: PRESLEY/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 December 8 technical staff report, Development Review Division staff presented the request to create two lots for two one-family detached residential dwellings, with one existing dwelling to remain on a 7.32-acre property located on Chandlee Mill Road, 3,500 feet east of Brooke Road in Sandy Spring-Ashton. Staff distributed a list of revised conditions and briefly discussed the proposed request.

Mr. Dick Witmer, engineer representing the applicant, introduced the applicants, briefly discussed the proposed request, especially the revised conditions, and concurred with the staff recommendation.

Environmental Planning Division staff offered comments regarding the imperviousness calculation for the property in relation to the Primary Management Area (PMA) guidelines.

**9. Discussion: Zoning Code Revision-Diagnosis
(No public testimony will be taken at this time)**

PowerPoint presentation to the Planning Board (visual presentation with discussion of next steps)
Planning Board Action/Decision: Discussion only

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Multi-Media presentation of the Zoning Code Revision-Diagnosis by the Planning Director and staff followed by Board discussion.

10. CLOSED SESSION

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

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

16. CLOSED SESSION

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

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

**17. SilverPlace - ADDED
(Continuation of MCPB 12/11/08 agenda item)**

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

Staff recommendation: Approval to transmit funding request to the County Council

BOARD ACTION

Motion: ALFANDRE/CRYOR

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Approved the staff recommendation.

Parks Department staff presented an overview of the proposed amendment to the Capital Improvements Program and Supplemental Appropriation to the Capital Budget for the Silver-Place mixed-use project to replace the Commission's Montgomery Regional Office and provide housing and open space, as detailed in the staff recommendation.

Ms. Patti Barney, Commission Secretary-Treasurer, discussed finance issues and responded to questions from the Board.

The Board noted that the timeline in the staff report is considered to be conservative, and indicated strong support for expediting completion of this project.

11. Board of Appeals: CBA-864-B

Potomac Swim & Recreation Association, Inc., applicant, requests a modification to an existing special exception for a tennis court, R-200 Zone; located at 10531 Oaklyn Drive, Potomac
Staff recommendation: Denial

BOARD ACTION

Motion: ROBINSON/ALFANDRE

Vote:

Yea: 2-2

Nay: HANSON, CRYOR

Other: PRESLEY ABSENT

Action: Motion to approve, contrary to the staff recommendation, subject to staff approval of a landscaping plan with enhanced screening and relocation of the dumpster. **(FAILED FOR LACK OF A MAJORITY)** A copy of the Letter of Transmittal is attached.

Development Review staff presented the proposal to modify an existing community swimming pool special exception to add an outdoor exercise area, increased office space, an additional tennis court and a temporary tennis bubble, and light fixtures, as detailed in the staff report. Staff recommends denial of the proposal because of the size, location, and impact of the tennis bubble on the adjacent residences.

Ms. Michele Rosenfeld, attorney, offered brief comments and introduced Mr. Ted Sears, representing the applicant, who discussed the need for the proposed modifications, particularly the tennis bubble. Ms. Rosenfeld also presented arguments in support of the proposed modifications. Mr. Al Blumberg, the land planner, discussed landscaping and screening.

Mr. Kim Larsen, adjacent property owner; Ms. Amber Hsu of Potomac; Mr. Richard Backus, representing 24 adjacent property owners; Mr. Eric Gary of Potomac; Ms. Lois Williams of Potomac; and Mr. George Barnes, representing the West Montgomery County Citizens Association, offered comments on the proposal.

In discussion, staff and members of the applicant team responded to questions from the Board and provided additional information as needed. Ms. Rosenfeld proffered additional landscaping to enhance screening of the tennis bubble.

Mr. Martin Klauber, the Montgomery County People's Counsel, also responded to Board questions and offered comments.

12. Discussion: Annual Report Maryland Soccer Foundation

Discussion of annual report as required by partnership lease regarding the Soccerplex

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing and discussed.

Following overview comments from Parks Department staff, Ms. Trish Heffelfinger, Executive Director of the Maryland Soccer Foundation, Inc., presented the annual report for SoccerPlex, including program benefits and services, new initiatives, business plan for the coming year, and the financial statement.

13. Discussion: City of Gaithersburg Municipal Growth Element

City of Gaithersburg Draft Municipal Growth Plan (an Element of the 2003 Master Plan)

Staff recommendation: Transmit comments to City of Gaithersburg Mayor and City Council and Gaithersburg Planning Commission as part of the Public Hearing record

BOARD ACTION

Motion: ALFANDRE/ROBINSON

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

Action: Approved staff recommendation to transmit comments, as stated in the attached Letter of Transmittal.

Community-Based Planning Vision Division staff presented an overview of the City of Gaithersburg Draft Municipal Growth Plan and staff comments, as detailed in the staff report. Staff amended the comments to remove comment 7.

Mr. Greg Ossont, representing the City of Gaithersburg, discussed the maximum expansion limits and responded to questions from the Board.

There was considerable discussion about the inclusion of portions of the Life Sciences Center and Montgomery Village within the maximum expansion limits and the impact on the County and Montgomery Village, respectively, of possible annexation of those areas into the City.

14. Georgia Avenue Concept Study

Review of the draft report

Staff recommendation: Approval to transmit the final report to the County Council

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: By unanimous consent, agreed to transmit the report to the County Council.

Community-Based Planning Vision Division staff presented an overview of the final draft report, which was intended to study the length of Georgia Avenue to create a unified planning framework to define appropriate land uses and a design vision for the corridor. Staff cited a distributed errata sheet containing editorial comments.

Ms. Anne Ambler of Silver Spring and Mr. Michael McAteer, representing the Glenmont Civic Association, offered comments.

15. Roundtable Discussion

(No public testimony will be taken at this time)

A. Commissioners' Report

B. Director's Report

C. County Council Activity

MCPB, 12-18-08, APPROVED

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no reports presented.