



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, January 23, 2014, at 10:07 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 5:15 p.m.

Present were Chair Françoise M. Carrier, Vice Chair Marye Wells-Harley, and Commissioner Amy Presley. Commissioner Norman Dreyfuss joined the meeting during discussion of Item 8, and Commissioner Casey Anderson joined the meeting during discussion of Item 5.

Items 1, 2, 8, and 4, discussed in that order, are reported on the attached agenda.

The Board convened in Closed Session at 12:00 p.m. to discuss issues related to Item 4 on the Planning Board Agenda.

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 12:00 p.m. in the 3rd floor conference room, on motion of Commissioner Presley seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Dreyfuss and Presley voting in favor of the motion. The meeting was closed under authority of Annotated Code of Maryland, State Government Article, §10-508(a)(7) to consult with counsel to obtain legal advice.

Also present for the Closed Session were Associate General Counsels Carol Rubin, Nicholas Dumais, and Christina Sorrento of the Legal Department; Director Gwen Wright, Khalid Afzal, Patrick Butler, Stephen Findley, and Glenn Kreger of the Planning Department; and Tomasina Ellison of the Commissioners' Office.

In Closed Session the Board received advice from legal counsel to the Board regarding the Preliminary Plan for Shady Grove Adventist Hospital.

The Closed Session meeting was adjourned at 12:22 p.m.

The Planning Board reconvened in the auditorium at 12:25 p.m. to continue discussion of Item 4.

The Board recessed for lunch at 12:37 p.m. and to take up Item 5 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 12:50 p.m. in the 3rd floor conference room, on motion of Commissioner Presley seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion. The meeting was closed under authority of Annotated Code of Maryland, State Government Article, §10-508(a)(3) to consider the acquisition of real property for a Commission purpose and matters directly related thereto.

Also present for the Closed Session were Associate General Counsels Carol Rubin and Megan Chung of the Legal Department; Director Gwen Wright of the Planning Department; Deputy Director Michael Riley, Daniel Hertz, Judie Lai, and Mitra Pedoeem of the Parks Department; and Tomasina Ellison of the Commissioners' Office.

In Closed Session the Board received briefing from Parks Department staff, Planning Department staff, and legal counsel to the Board regarding the proposed Montgomery County Park and Planning new headquarters building in Wheaton.

The Closed Session meeting was adjourned at 1:53 p.m.

The Planning Board reconvened in the auditorium at 2:15 p.m.

Items 7, 3, 9, 10, 11, and 12, discussed in that order, are reported on the attached agenda.

There being no further business, the meeting was adjourned at 5:15 p.m. The next regular meeting of the Planning Board will be held on Thursday, January 30, 2014, in the Montgomery Regional Office in Silver Spring, Maryland.

Tomasina Ellison
Technical Writer

M. Clara Moise
Sr. Technical Writer/Editor

**Montgomery County Planning Board Meeting
Thursday, January 23, 2014
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600**

SERVICE AWARD CEREMONY--- MRO AUDITORIUM

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item has been rescheduled on the February 13, 2014 Planning Board Agenda.

1. Consent Agenda

***A. Adoption of Resolutions**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Resolutions submitted for adoption.

***B. Record Plats**

Subdivision Plat No. 220121170 - 220121190, Clarksburg Village

R-200/TDR zone; 49 lots, 8 parcels; located in the southeast quadrant of the intersection of Grey Squirrel Street and Little Seneca Parkway; Clarksburg Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220130120 - 220130150, Cabin Branch

RMX-1/TDR zone; 68 lots & 10 parcels; located in the southwest quadrant of the intersection of Estuary Drive and Broadway Avenue; Clarksburg Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220140360, Peterson’s Subdivision

RE-2C zone; 1 lot; located on the east side of Norwood Road, approximately 850 feet north of Norbeck Road (MD 28); Cloverly Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 3-0

Nay:

Other: ANDERSON, DREYFUSS ABSENT

Action: Approved staff recommendation for approval of the Record Plats cited above, as submitted.

***C. Other Consent Items**

Ayrlawn: Preliminary Plan Amendment No. 12012011A

R-60 zone, 0.76 acres, Amendment to modify condition no. 2 to provide additional flexibility related to conditions of the tree save plan; located in the northwest quadrant of the intersection with Johnson Avenue and Lindale Drive, Bethesda-Chevy Chase

Staff Recommendation: Approval of the Consent Agenda item and Adoption of Resolution

MOVED TO FEBRUARY 6 AGENDA

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This Item has been rescheduled on the February 6, 2014 Planning Board Agenda.

***D. Approval of Minutes**

Minutes of November 21 and December 5, 2013

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 3-0

Nay:

Other: ANDERSON, DREYFUSS ABSENT

Action: Approved Planning Board Meeting Minutes of November 21, 2013 and December 5, 2013, as submitted.

2. Roundtable Discussion

- Planning Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by Board discussion

Planning Director’s Report – Planning Department Director Gwen Wright provided an update on the progress of the Montgomery County Zoning Code Rewrite. The County Council will vote on the zoning draft amendment in February 2014, however, adopted text will not become effective until after the Council vote on the zoning map, which has been postponed. Staff discussed various Planning Department projects and pending worksessions for the Clarksburg Master Plan, the Bethesda Purple Line Station Amendment, and the White Oak Science Gateway. A community meeting is scheduled for January 27, 2014, regarding the Bethesda Downtown Plan and the Minor Master Amendment for Aspen Hill. Staff also discussed personnel changes, and the advent of a Winter Speakers Series which will begin next week with a focus on housing and transportation.

8. Aspen Hill Minor Master Plan Amendment – Scope of Work

Staff Recommendation: Approval

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: ANDERSON ABSENT

Action: Approved staff recommendation for approval of the Minor Master Plan Amendment.

Planning Department staff offered a multi-media presentation and discussed the scope of work for the Aspen Hill Minor Master Plan Amendment. The subject property is approximately 14 acres, and is located at the intersection of Connecticut Avenue and Aspen Hill Road. Staff noted that the 1994 Master Plan was drafted with the intent to keep this area for use as office space, however, the demand for leased space has changed, and 265,000 square feet of office space has been sitting vacant since 2010. The property owner applied for a plan amendment for the subject property in 2010. Staff discussed the potential impact that proposed land use and zoning changes would have on the area surrounding the subject property in relation to existing businesses, residences, demographics, average house size, and owner-occupancy, versus renting. The Planning Department’s outreach effort would provide project information through e-mail, Twitter, Facebook, and a dedicated web page. A community meeting was held on December 3, 2013, to introduce the project and address community concerns.

The Planning Board discussed amenities suggested by the community for inclusion in the project, and instructed staff to consider the limited size of the subject property, when considering amenities, to guard against crowding.

***4. Shady Grove Adventist Hospital: Preliminary Plan No. 120110160**

Request for resubdivision of a recorded lot of approximately 39.16 gross acres into four lots, addition of 506,946 square feet to the previously approved 626,910 square feet for a total of 1,133,856 square feet of LSC uses in the LSC Zone; located at the northeast quadrant of the intersection of Medical Center Drive and Broschart Road, in the Great Seneca Science Corridor Master Plan area. Subject Property is exempt from the staging requirements of the Great Seneca Science Corridor Master Plan. *Staff Recommendation: Approval with conditions*

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: ANDERSON ABSENT

Action: Approved staff recommendation for approval of the Preliminary Plan, subject to conditions, and adopted the submitted Resolution.

Planning Department staff offered a multi-media presentation and discussed a proposed preliminary plan for a property located in the northeast quadrant of the intersection of Medical Center Drive and Broschart Road. The applicant is requesting to subdivide the approximately 39.16-acre property into seven lots to allow for hospital and life science related uses. The proposed development includes the construction of private roads within the hospital campus that would connect with surrounding arterial roads. The proposed private roads, constructed using public road standards, would have public access easements reflecting the right-of-way specified in the Master Plan. Staff also discussed the Forest Conservation Plan (FCP), tree variance, and water quality plan for the property. An FCP easement has not been requested because no forest currently exists on the property. The applicant would provide three native canopy trees, with a minimum three-inch caliper, to mitigate the tree variance and the removal of an existing tree. Green roofs and porous pavements have been proposed as part of the stormwater management plan.

Mr. Robert Brewer, attorney representing the applicant, discussed the proposed project and the requirement to assign roads to separate parcels within the redevelopment.

Mr. William Robertson President and CEO of Shady Grove Adventist Hospital, offered testimony.

The Planning Board discussed the Montgomery County Road Code in relation to the requirements of the project, and the construction of private roads within the medical campus.

Legal counsel to the Board advised that, based on the road code, private and public roads would still be required to be placed on parcels. Counsel also noted that the applicant's request for a new preliminary plan would replace the existing one.

There followed extensive Board discussion regarding the FCP and the impact of the proposed project on the surrounding area.

5. Closed Session

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(3) to consider the acquisition of real property for a Commission purpose and matters directly related thereto (Wheaton)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

~~Item 6~~

~~**Closed Session**~~

~~Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(7) to consult with counsel to obtain legal advice~~

~~(Agreements with MCPS related to Farquhar Middle School/parkland exchange)~~

MOVED TO JANUARY 30 AGENDA

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This Item was moved to the January 30 Planning Board Agenda.

12. Long Branch Sector Plan Sectional Map Amendment

Request permission to file a Sectional Map Amendment to implement the recommendations of the Approved and Adopted Long Branch Sector Plan

Staff Recommendation: Approve Request to File

BOARD ACTION

Motion: **ANDERSON/PRESLEY**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved staff recommendation to approve the request to file a Sectional Map Amendment for the Long Branch Sector Plan.**

Planning Department staff briefly discussed the Sectional Map Amendment for the Long Branch Sector Plan, which follows the approval and adoption of the Long Branch Sector Plan, and will implement the plan's recommendations for creating mixed-use centers in the Long Branch neighborhood of Silver Spring.

7. Review of:

A. Bill 33-13, Streets and Roads - Urban Road Standards and Pedestrian Safety Improvements

B. Bill 32-13, Motor Vehicles and Traffic - Off-Street Public Parking Regulations - Plug-in Vehicles

Staff Recommendation: Transmit comments to the County Council

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: By consensus approved staff recommendation to transmit comments to the County Council, as discussed during the meeting, and as stated in the attached transmittal letter.

In keeping with the January 16 technical staff report, Planning Department staff discussed Bills 33-13 and 32-13 regarding urban road standards, pedestrian safety improvements, off-street public parking regulations, and plug-in vehicles. Staff noted that Bill 33-13 would make several significant changes to the Road Code to promote a transportation system which better accommodates all users. It would especially improve pedestrian and bicyclist accommodations and safety in the County's mixed-use activity centers. Bill 32-13 has been introduced to amend Chapter 49 of the County Code in an effort to promote the use of electric vehicles by means of ensuring that recharging stations and designated parking spaces are not occupied by non-electric vehicles. The Bill is scheduled for a public hearing on January 28 at 1:30 p.m. in the 3rd floor hearing room of the County Council Building in Rockville. Staff recommends that the Board support Bills 33-13 and 32-13 with the proposed revisions to Bill 33-13 discussed at the meeting, and transmit comments to the County Council.

At the Board's request, Mr. Bruce Johnson from the Montgomery County Department of Transportation offered comments.

Mr. Josh Sloan of Vika LLC offered testimony.

There followed extensive Board discussion with questions to staff and Mr. Johnson.

3. [Briefing on the Patuxent River Policy Plan Update](#)

Staff Recommendation: Review and Comment

BOARD ACTION

Motion: ANDERSON/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Received briefing from Planning Department staff followed by Board discussion, and agreed with staff comments.

Planning Department staff offered a multi-media presentation and discussed the draft update of the Patuxent River Policy Plan which has been created by the Patuxent River Commission. The draft Policy Plan is being reviewed by stakeholder agencies and the plan signatories within the Patuxent River watershed. Staff noted that this briefing is to discuss the draft plan update, and afford the Board an opportunity to review and comment on it. The County Council will be briefed on the draft plan at a later date, at which time any comments from the Planning Board will be conveyed.

Mr. Charles Boyd Deputy Director at the Maryland Department of Planning discussed the draft report and answered questions from the Board.

There followed a brief Board discussion with questions to staff and Mr. Boyd.

9. Shady Grove Station-West Side: Site Plan No. 820130220

A. Up to 1,521 residential units, a maximum of 41,828 square feet of retail, and a library on 41.76 acres, TOMX-2/TDR Zone, located on the west side of west of Crabbs Branch Way and south of Shady Grove Road within the 2006 Shady Grove Sector Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

B. (Item 10) - Shady Grove Station Infrastructure Plan: Mandatory Referral No. 2014019

Staff Recommendation: Approval to transmit comments to Montgomery County Department of General Services (DGS)

BOARD ACTION

Motion: A. ANDERSON/PRESLEY
 B. ANDERSON/WELLS-HARLEY

Vote:
 Yea: A. & B. 5-0

Nay:

Other:

Action: A. Approved staff recommendation for approval, subject to revised conditions, and adopted the submitted Resolution.

 B. Approved staff recommendation for approval and to transmit comments to the Montgomery County Department of General Services (DGS), as stated in the attached transmittal letter.

PLEASE NOTE THAT ITEMS 9 AND 10 (BELOW) WERE DISCUSSED TOGETHER.

In keeping with technical staff reports of January 9 and 13, Planning Department staff offered a multi-media presentation and discussed the request to construct 1,521 residential dwelling units, including 211 Moderately Priced Dwelling Units (MPDUs), and 116 Workforce Housing Units, 41,828 square feet of retail, a public library, and public space, on a 41.8-acre property located north of the Shady Grove Metro Station, south of Shady Grove Road and west of Crabbs Branch Way in the Shady Grove Sector Plan area. Staff noted that the Planning Board previously approved the preliminary plan for this project on September 11, 2012. Staff discussed the development standards required for the project, including building height, public use space requirement for the zone, noise mitigation, architecture, and recreation facilities. The applicant is required to satisfy the Shady Grove Sector Plan traffic mitigation requirements by entering into a traffic mitigation agreement with the Planning Board and Montgomery County Department of Transportation (MCDOT). Staff discussed the forest conservation plan for the

9. [Shady Grove Station-West Side: Site Plan No. 820130220](#)

CONTINUED

project and noted that a detailed worksheet has been included in the staff report which discusses the forest conservation requirements to be implemented by the applicant.

Staff also discussed the mandatory referral request, submitted by the Montgomery County Department of General Services (DGS), regarding the proposed reconstruction of Crabbs Branch Way into an urban boulevard with on-street parking, shared use paths, new streets, pedestrian improvements at the metro station, new sidewalk along the south side of Shady Grove Road, upsizing of the existing sanitary sewer to serve the approved Shady Grove station development, and the construction of a new pedestrian trail next to the stormwater management pond at Crabbs Branch Way and Redland Road. Staff added that the request is also associated with the Montgomery County Service Park redevelopment project at the Shady Grove station, which will provide direct access to the metro station. The Shady Grove Advisory Committee met and sent comments to staff regarding concern about traffic on the metro access road, the need for complete pedestrian/cycle plans for the east side of the Metro station, and the need to provide lights on the path. Staff also discussed the revised conditions of approval.

At the Board's request, Mr. Greg Ossont of the Montgomery County Department of General Services offered comments.

Ms. Barbara Sears, attorney representing the applicant, EYA LLC, briefly discussed the proposed site plan and concurred with the staff recommendation.

Mr. Robert Young of EYA offered brief comments.

Mr. McLean Quinn of EYA offered a multi-media presentation, briefly discussed the proposed site plan, and answered questions from the Board.

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

10. [Shady Grove Station Infrastructure Plan: Mandatory Referral No. 2014019](#)

Rebuilding of Crabbs Branch Way into an urban boulevard; pedestrian improvements and reconfiguration of the garage exit on the WMATA property; upsizing existing sanitary sewer connections to Shady Grove Station West; and constructing an 8-foot trail around the existing stormwater management pond at Redland Road and Crabbs Branch Way, TOMX-2/TDR Zone within the 2006 Shady Grove Sector Plan.

Staff Recommendation: Approval to transmit comments to Montgomery County Department of General Services (DGS)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

ITEMS 9 AND 10 WERE DISCUSSED TOGETHER.

Please see Item 9 above for a report of the Board discussion.

***11. [Parklawn North: Limited Preliminary Plan and Site Plan Amendments](#)**

A. Limited Preliminary Plan Amendment No. 12011030B: Request to change Condition of Approval (No. 4b) regarding the timing and implementation of the construction of the hiker/biker trail. Located at 5601 Fishers Lane; 12.96 acres, TMX-2 Zone; Twinbrook Sector Plan
Staff Recommendation: Approval with Conditions and Adoption of Resolution

B. Limited Site Plan Amendment No. 82011009D: Request to change Conditions of Approval (Nos. 10 and 11) regarding the timing and implementation of the construction of the hiker/biker trail. Located at 5601 Fishers Lane; 12.96 acres. TMX-2 Zone; Twinbrook Sector Plan
Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: **A. DREYFUSS/WELLS-HARLEY**
 B. ANDERSON/PRESLEY

Vote:
Yea: **A. & B. 5-0**

Nay:

Other:

Action: **A. Approved staff recommendation to approve the limited preliminary plan amendment, subject to conditions, as stated in the attached adopted Resolution.**

B. Approved staff recommendation to approve the limited sited plan amendment, subject to conditions, as stated in the attached adopted Resolution.

In keeping with the January 10 technical staff report, Planning Department staff discussed the request to modify conditions of approval 4.b and 4.d of the preliminary plan, and conditions 10 and 11g. of the site plan for the Parklawn North project to address construction costs and delays in implementing the required off-site trail improvements, due to delays in establishing the trail alignment. The 12.96-acre property is located on the north side of Fishers Lane, approximately 1,000 feet east of the intersection with Twinbrook Parkway, within the Twinbrook Sector Plan area. Staff also discussed

the applicant's proposed revisions to the conditions of approval, which were acceptable to staff. Staff also added that no correspondence was received from noticed parties as of the date of this report.

Ms. Anne Mead, attorney representing the applicant, offered brief comments, answered questions from the Board, and concurred with the staff recommendation.

Mr. Joseph McClane of Halpine Walk Court and representing the Cambridge Walk II Homeowners Association offered testimony.

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

Item 13

~~Review of Proposed State Legislation to Ban Smoking in Park System
Staff Recommendation: Transmit Comments to County Council~~

MOVED TO JANUARY 30 AGENDA

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This Item has been rescheduled on the January 30, 2014 Planning Board Agenda.