



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, February 19, 2015, at 9:07 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 11:53 a.m.

Present were Chair Casey Anderson and Commissioners Amy Presley and Natali Fani-González. Commissioner Norman Dreyfuss joined the meeting at 9:10 a.m. Vice Chair Marye Wells-Harley was necessarily absent.

Items 1 through 8 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 11:53 a.m. The next regular meeting of the Planning Board will be held on Thursday, February 26, 2015, in the Montgomery Regional Office in Silver Spring, Maryland.

James J. Parsons
Technical Writer

Montgomery County Planning Board Meeting
Thursday, February 19, 2015
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

1. Tri-County Baptist Church Preliminary Plan 11997100A – MCPB No. 15-23

BOARD ACTION

Motion: PRESLEY/FANI-GONZÁLEZ

Vote:

Yea: 3-0

Nay:

Other: WELLS-HARLEY, DREYFUSS ABSENT

Action: Adopted the Resolution cited above, as submitted.

***B. Record Plats**

Subdivision Plat No. 220150080 Hillmead - Bradley Hills

R-60 zone; 2 lots; located on the south side of Ridge Road, 100 feet west of Melwood Road; Bethesda - Chevy Chase Master Plan

Staff Recommendation: Approval

BOARD ACTION

Motion: FANI-GONZÁLEZ/PRESLEY

Vote:

Yea: 3-0

Nay:

Other: WELLS-HARLEY, DREYFUSS ABSENT

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

***C. Other Consent Items**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

***D. Approval of Minutes**

Planning Board Meeting Minutes of January 29, 2015

BOARD ACTION

Motion: FANI-GONZÁLEZ/PRESLEY

Vote:

Yea: 3-0

Nay:

Other: WELLS-HARLEY, DREYFUSS ABSENT

Action: Approved Planning Board Meeting Minutes of January 29, 2015, as submitted.

~~2. Roundtable Discussion~~

~~Parks Director's Report~~ **REMOVED**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **This Item was removed from the Planning Board Agenda.**

8. Program Open Space Briefing

Status of Program Open Space in the M-NCPPC Capital Improvements Program (CIP)

Staff Recommendation: Discussion

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **Received Briefing.**

Parks Department staff offered a multi-media presentation and discussed the status of Program Open Space (POS) funding for Fiscal Year 2016 (FY16) and its effect on the Maryland-National Capital Park and Planning Commission Capital Improvements Program (CIP) for Montgomery County. Staff reported that POS funding is much less than expected for FY16, and proposed Parks Department projects exceed the capacity of that funding. Staff explained that POS was established in 1969 by the Maryland Department of Natural Resources (DNR) and is funded through the real estate transfer tax. Program Open Space projects are either grant-based or easement-based. Grant-based funding includes Stateside for projects with State-wide significance, Localside for projects on the county and municipal levels, Community Parks and Playgrounds for funding municipal parks and playgrounds, and the Land and Water Conservation Fund from the National Park Service. Easement-based program funding includes Rural Legacy and the Maryland Agricultural Land Preservation Foundation, both of which allow property owners to donate development easements in order to preserve open space and rural landscapes. Staff noted that 92 percent of the POS funding Montgomery County has received is Localside funding. Staff also noted that POS funding accounts for 15 percent of the approved CIP for FY15-20, all of it from Localside funding. Because apportionment of POS funds is population-based, Montgomery County normally receives 17 percent of State POS funding. Within each POS allocation, counties are required to use at least 50 percent for the acquisition of property, with the remainder going toward development. Montgomery County reserves 16 percent of the development-side funds for

municipalities to utilize for development, leaving 34 percent of POS funding for County development projects.

Staff noted that although the CIP is a six-year program for future spending, POS allocations are determined by the State Legislature for the following fiscal year only. In order to safely forecast how much POS funding to expect for CIP use, staff must review prior yearly

8. Program Open Space Briefing

CONTINUED

allocations and consider State revenue projections for the real estate transfer tax. Staff explained that since 2010, the State has borrowed funds from the real estate transfer tax for other uses, and the funds are reimbursed in the form of bonds over a three to five-year period. That practice of borrowing has ceased under the new State administration, but borrowed funds from prior fiscal years will not be reimbursed, meaning a decrease of \$25,600,000 in POS funding through FY15-20. Staff noted the proposed FY16 projects that will be affected by this decrease include renovations to Kemp Mill Urban Park, Wheaton Trail, and Rock Creek Trail, and the construction of Josiah Henson Historic Park.

Staff offered two possible solutions to address decreased POS funding. One option is to advocate that the State Legislature increase POS funding by \$1,250,000 to cover all proposed projects. The second option is to utilize the POS funding proposed by the State Legislature and allocate \$1,000,000 for the Kemp Mill Urban Park project, \$300,000 for the Josiah Henson Historic Park project, and either delay the Wheaton Trail and Rock Creek Trail renovations beyond FY-16, or request that the County replace the lost POS funds with General Obligation Bonds.

There followed extensive Board discussion with questions to staff, during which a third option was suggested that involved the use of POS acquisition funds for development projects, but only for those involving existing facilities.

3. Patuxent River Watershed Conservation Park

Authorization to acquire 12.0 acres, more or less, unimproved from 15820 O.P., L.L.C. and 24.52 acres, more or less, unimproved from Mangums Branch Homeowners Association, Inc., located west of Old Columbia Pike, north of Spencerville Road (MD Rte. 198), Burtonsville, MD 20866

Staff Recommendation: Approval

BOARD ACTION

Motion: DREYFUSS/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: WELLS-HARLEY ABSENT

Action: **Approved staff recommendation for approval to acquire the property cited above and adopted the attached submitted Resolution.**

Parks Development Division staff offered a multi-media presentation and discussed the proposed acquisition of the Mangums Branch Property as an addition to the Patuxent River Watershed Conservation Park for the negotiated price of \$900,000. The 36.52-acre two-lot, two-outlot, and two-parcel subdivision is located west of Old Columbia Pike and north of Spencerville Road (MD 198) in Burtonsville. In 2012, the property was designated a Legacy Open Space site in the Burtonsville Master Plan. Staff noted that the acquisition of the property will stop a four-lot subdivision, thereby protecting an important water resource, a high-priority mature forest, stream valley buffers, and other environmentally sensitive features within the Patuxent River Watershed.

There followed a brief Board discussion with questions to staff.

***4. St. Elmo Apartments: Sketch Plan No. 320150040**

CR-5.0 zone, C-1.0 R-4.75 H-145T, 0.91 acres, Request for up to 310,780 sf. of mixed-use development with up to 264,768 sf. of residential development (including 15% MPDUs) and 61,500 sf. of non-residential development, located between St. Elmo and Fairmont Avenues, approximately 275 feet northeast of Old Georgetown Road; Bethesda CBD Sector Plan

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: **PRESLEY/FANI-GONZÁLEZ**

Vote:

Yea: **4-0**

Nay:

Other: **WELLS-HARLEY ABSENT**

Action: **Approved staff recommendation for approval of the Sketch Plan cited above, subject to conditions, and adopted the attached submitted Resolution.**

Planning Department staff offered a multi-media presentation and discussed the proposed Sketch Plan for the St. Elmo Apartments mixed-use project. The 30,625 square-foot property, zoned Commercial-Residential, fronts on St. Elmo Avenue and on Fairmont Avenue, approximately 275 feet northeast of Old Georgetown Road, west of Norfolk Avenue in the Woodmont Triangle area of the Bethesda Central Business District Sector Plan area. The surrounding properties consist of a mix of commercial, office, retail, and residential uses. The site is currently developed with one and two-story commercial-use buildings and associated surface parking. The application proposes the construction of a 174-foot, 16-story building for up to approximately 263,956 square-feet of residential development for 210 dwelling units, 15 percent of which will be Moderately Priced Dwelling Units (MPDUs), and

15,488 square-feet of non-residential development for office and retail space. Staff noted that the application meets the Zoning Ordinance requirements for a requested density transfer. The proposed amenities include the expansion of an existing mid-block connection from St. Elmo Avenue to Fairmont Avenue from 20 feet wide to 40 feet wide. The connection, to be used as colocated public open space, will be shared with the adjacent Bainbridge Bethesda apartment building and will utilize site-specific art, seating, and lighting in addition to the proposed ground-floor retail usage. Staff noted that the proposed development conforms to the Bethesda Central Business District Sector Plan and meets all public benefits requirements.

Mr. Steven Robins, attorney representing the applicant, offered comments and concurred with staff recommendations.

Mr. Edward Lenkin, the applicant, offered comments.

***4. St. Elmo Apartments: Sketch Plan No. 320150040**

CONTINUED

Mr. David Schwartz, member of the applicant's team, offered comments and discussed the proposed architecture.

Mr. Elliot Rhodside, member of the applicant's team, offered comments and discussed the proposed landscaping plan.

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

***5. Poplar Hill (a.k.a Harlow Subdivision) Lot 45: Preliminary Plan Amendment No. 12003010A (In Response to a Forest Conservation Violation)**

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: FANI-GONZÁLEZ/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: WELLS-HARLEY ABSENT

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

Planning Department staff offered a multi-media presentation and discussed the proposed Preliminary Plan Amendment request for an 8.2-acre subdivision lot, zoned Rural Cluster, located on Poplar Hill Road in Germantown, 1.3 miles west of MD 28 within the Potomac Sub-region Master Plan area. The property is developed with one single-family dwelling and an in-ground pool, which were both constructed in the 1970s and pre-existed the 2003 subdivision. The applicant purchased the property in 2005. On

January 30, 2014, staff discovered two separate Category I Conservation Easement violations on the property. The first violation, located at the rear of the dwelling adjacent to the pool, was issued in regard to fill dirt that had been dumped and spread over existing trees and plants in an effort to create a terrace within the conservation easement area. The second violation, located approximately 1,000 feet east of Poplar Hill Road, was issued regarding construction to create a circular driveway within the conservation easement. To address the pool and terrace encroachment, the Amendment proposes the removal of 3,600 square-feet of conservation easement near the pool, 2,900 square-feet of which includes a stream buffer. The Amendment also proposes the addition of 4,350 square-feet of conservation easement as mitigation for the removal of the 2,900 square-feet of stream buffer conservation easement. The applicant will be compensated for the removal of the 700 square-feet of non-stream buffer conservation easement with an additional 700 square-feet of non-stream buffer forest elsewhere on the property. The applicant must also re-stabilize and restore slopes, improve root zones, and plant and maintain shrubs and ferns on slopes. Regarding the driveway encroachment, the Amendment proposes the removal of approximately 4,100 square-feet of conservation easement that is filled with the gravel and stone used to create the circular driveway. The removal of this easement will be mitigated by permanently adding 4,100 square-feet of conservation easement to previously unprotected forest on the property. The applicant must also remove logs and construction debris from the driveway slopes and conservation easement area. Staff also recommended approval of a requested variance for the removal of six damaged, non-specimen trees.

There followed a brief Board discussion.

**~~6. Relocation and Expansion of the Good Hope Neighborhood Recreation Center:
Mandatory Referral: MR2015013~~**

~~Relocation and Expansion of the Montgomery County Recreation Department's (MCRD) Good Hope Neighborhood Recreation Center (NRC) located at M-NCPPC's Good Hope Local Park 14717 Good Hope Road, Silver Spring MD. Construction of new recreation building, new environmentally compliant parking lot, American with Disabilities Act (ADA) site improvements, and relocated playground. — **POSTPONED**~~

Staff Recommendation: Approval

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This Item was postponed.

7. Briefing on Symposium and Upcoming Dinner with the Board of Education

- Briefing

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing.

Planning Department staff briefed the Board on topics to be discussed with the Montgomery County Board of Education during the upcoming February 26 dinner meeting, which will include the upcoming March 7 Growth and Infrastructure Summit and Community Forum, an overview of growth trends in the County and their impact on school facilities, a discussion of the Colocation White Paper, and a status report on current Master Plan and Sector Plan updates.

Chair Anderson offered a multi-media presentation and discussed topics he planned to address at the Board of Education dinner meeting, including the County's population growth and its effect on jobs, housing, and schools.