



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, March 6, 2014, at 9:27 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 6:10 p.m.

Present were Chair Françoise M. Carrier, Vice Chair Marye Wells-Harley, and Commissioners Casey Anderson, Norman Dreyfuss, and Amy Presley.

Items 1, 2, 4, and 6 are reported on the attached agenda.

The Board recessed for lunch at 12:55 p.m. and to take up Items 5, 11, and 12 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 1:06 p.m. in the 3rd floor conference room, on motion of Commissioner Presley seconded by Commissioner Anderson, 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, Annotated Code of Maryland, State Government Article, §10-508(a)(7) to consult with counsel to obtain legal advice, and Annotated Code of Maryland, State Government Article, §10-508(a)(14) to discuss matters directly related to a negotiation strategy regarding a public agency contract that has not yet gone to bid.

Also present for all or part of the Closed Session were General Counsel Adrian Gardner, and Associate General Counsels Carol Rubin, Megan Chung, and Nicholas Dumais of the Legal Department; Director Gwen Wright, Deputy Director Rose Krasnow, David Anspacher, Thomas Autrey, and Mary Dolan of the Planning Department; Deputy Director Michael Riley, Andrew Frank, Dan 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; received briefing and advice from legal counsel regarding personnel matters; and also received briefing and advice from legal counsel regarding the Purple Line project coordination.

The Closed Session meeting was adjourned at 3:48 p.m.

The Planning Board reconvened in the auditorium at 3:50 p.m.

Items 9, 8, and 7, discussed in that order, are reported on the attached agenda.

Item 10 was moved to the March 13 Planning Board agenda

There being no further business, the meeting was adjourned at 6:10 p.m. The next regular meeting of the Planning Board will be held on Thursday, March 13, 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, March 6, 2014
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

1. Batchellors Forest Subdivision: Abandonment of Deed of Dedication in Exchange for Permanent Use Easement, MCPB No. 14-13

BOARD ACTION

Motion: ANDERSON/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Adopted the Resolution cited above, as submitted.

***B. Record Plats**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Record Plats submitted for approval.

***C. Other Consent Items**

Poplar Run Final Forest Conservation Plan Amendment No. 82007002B -- Request to amend the approved Final Forest Conservation Plan to allow the Applicant to realign the Tivoli Lake Boulevard extension in accordance with changes required by agencies to the culvert, roadway, and sanitary sewer designs and associated easements; R-200 Zone, 308.36 acres located east of Layhill Road 1900 feet north of Middlebridge Drive in the 1989 Master Plan for the Communities of Kensington and Wheaton.

Staff Recommendation: Approval and Adoption of Resolution

BOARD ACTION

Motion: ANDERSON/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Final Forest Conservation Plan Amendment, cited above.

***D. Approval of Minutes**

Minutes of January 30, 2014

BOARD ACTION

Motion: ANDERSON/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved Planning Board Meeting Minutes of January 30, 2014, 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 discussed the Zoning Ordinance Rewrite, noting that it was approved by the County Council with an effective date of October 30, 2014; the approval of the Clarksburg Master Plan; and provided an update on the progress of the White Oak Science Gateway. A tour of the Science Gateway will be provided to the County Council members on March 7, 2014. Ms. Wright also discussed the Bethesda Purple Line, which has received federal funding approval, and stated that the Mandatory Referral will be presented to the Planning Board on March 20, 2014. An update was provided regarding Planning Department personnel additions, including the promotion of Robert Kronenburg as Area 1 Chief. Ms. Wright also noted that the next presentation in the Speaker Series is scheduled for April 3, with a focus on housing initiatives in Arlington, Virginia, as efforts to provide affordable housing in Montgomery County continue. Makeover Montgomery II, sponsored by the Maryland National Capital Park and Planning Commission in conjunction with the University of Maryland, is scheduled for May 8-10, 2014.

The Planning Board briefly discussed personnel changes within the Planning Department.

***3. ~~Granby Woods, Lots 35, 36 and 37, Block B: Limited Preliminary Plan Amendment 11981058A: (Deferred from September 12, 2013)~~**

~~Request for a partial release and amendment of a covenant for future right of way dedication and road construction; lots located on Azalea Drive approximately 600 feet southwest of its intersection with Griffith Farm Road; 5.65 acres; RE-1 zone. Upper Rock Creek Master Plan~~

~~**Staff Recommendation: Approval**~~

REMOVED

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

***4. The Home Depot Aspen Hill Site Plan No. 820140030 --** Request to add 29,998 square feet to the existing 133,002-square foot store, and modifications to the existing surface parking layout, on approximately 32.76 gross acres in the R-90 and RMX-2C Zones; located at 14000 Georgia Avenue, in the northwest quadrant of Georgia Avenue and Connecticut Avenue, in the Aspen Hill Master Plan area.

Staff Recommendation: Approval with conditions and Adoption of Resolution

BOARD ACTION

Motion: ANDERSON/DREYFUSS

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Site Plan, subject to conditions. Adoption of the Resolution is pending.

Planning Department staff discussed a 32.76-acre property located at 14000 Georgia Avenue. The applicant is requesting approval to construct a 29,998-square foot addition to the existing 133,002-square foot store, and to relocate and reconfigure the parking area. The total number of parking spaces, following the proposed redevelopment, would be 864. The redevelopment site is not located in a Special Protection Area (SPA), and will not impact any forest or stream buffers. Following a vehicular and circulation audit on the site, staff recommended several frontage improvements, such as vehicular signs and additional walk lights, to upgrade pedestrian safety.

Mr. Stuart Barr, attorney for the applicant, discussed transportation issues at the redevelopment site and proposed solutions, including the installation of traffic signals. Mr. Barr also discussed the State Highway Administration's (SHA) request to have a signal warrant analysis conducted, as well as a proposed channelized median at the site access point as a means to mitigate vehicular traffic. Mr. Barr stated that the applicant is willing to provide additional pedestrian signs and trim existing trees to enhance customer and pedestrian safety.

Mr. Scott Newell, representing SHA, offered comments and discussed the proposed traffic study impact, stating that the Annotated Code of Maryland allows SHA to receive traffic study data during any development stage of a project. Following the Planning Board's inquiry regarding the applicant's requirement to satisfy SHA traffic safety guidelines, Mr. Newell stated that SHA would coordinate with the developer to incorporate adequate safety measures for expansion of this project.

The Board discussed the proposed signal warrant analysis, and the applicant responsibilities regarding pedestrian and vehicular safety in accessing the proposed redevelopment.

***4. The Home Depot Aspen Hill Site Plan No. 820140030**

CONTINUED

Legal counsel advised the Board that, prior to making the traffic impact study a requirement for the applicant, SHA recommendations should prove to be adequate, safe, and efficient.

Ms. Amy Quant, member of the applicant’s team, offered comments.

There followed extensive Board discussion regarding site easements, sidewalk requirements, and crosswalk relocation.

***6. No Gain: Preliminary Plan No. 120130170**

R-60 zone, 0.97 acres, Proposal for 2 one-family lots; located on Brookville Road approximately 1,500 feet south of the intersection with Thornapple Street, in the Village of Chevy Chase Section 5, Bethesda-Chevy Chase

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: ANDERSON/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

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

Planning Department staff discussed the 0.97-acre subject property located on Brookville Road in the Village of Chevy Chase. The applicant is requesting approval to subdivide three parcels into two lots for the construction of two single-family homes. Staff noted that the subject property is adjacent to an historic property known as “No Gain.” The applicant is requesting a tree variance to remove two trees from the property that have grown over the property line.

Following the Planning Board’s inquiry regarding Forest Conservation Plan requirements, Ms. Lauren Ireland, attorney for the applicant, stated that the applicant has agreed to the staff recommendation to plant six trees to satisfy the tree variance mitigation request.

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.

11. CLOSED SESSION

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

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

12. CLOSED SESSION

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(14) to discuss matters directly related to a negotiating strategy regarding a public agency contract that has not yet gone to bid

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

***9. Glenmont Metro Center Phase 1.1: Site Plan 820130270**

TSR Zone, 9.46 acres, request for 171 townhouses, including 22 MDPU's, located on the north side of Glenallan Avenue between Georgia Avenue along Glenallan Avenue and Layhill Road, in the Glenmont Sector Plan (formerly the Glenmont Transit Impact Area and Vicinity Sector Plan).
Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: DREYFUSS/ANDERSON

Vote:

Yea: 5-0

Nay:

Other:

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

In keeping with the February 19 technical staff report, Planning Department staff discussed the proposed site plan request to build 171 townhouses, including 22 Moderately Priced Dwelling Units (MPDUs), on a 9.46-acre property located on the north side of Glenallen Avenue between Georgia Avenue and Layhill Road in the Glenmont Sector Plan. Staff noted that on July 17, 2012 the County Council approved the development plan for the entire property, and the Planning Board approved the preliminary plan for this project on September 26, 2013. Staff discussed the proposed 342 parking spaces, landscaping, lighting, recreation facilities, pedestrian and vehicular circulation within the project, and the Forest Conservation Plan (FCP). Staff noted that the final FCP is in compliance with the County Code, and has also been submitted for the Planning Board's approval as part of the site plan request.

Mr. Steve Robins, attorney representing the applicant, introduced Messrs. Patrick O’Neil and Gary Unterberg, members of the applicant’s team, briefly discussed the proposed site plan, and concurred with the staff recommendation.

Mr. Michael Lemon of Winchester Homes, Inc., the applicant, offered comments.

Mr. Gary Unterberg of Rodgers Consulting, offered a multi-media presentation, and answered questions from the Board.

Ms. Vicki Vergagni of Greenery Lane and representing Glen Waye Gardens Condominiums offered testimony.

There followed extensive Board discussion, with questions to staff and the applicant’s representatives, focusing primarily on the applicant’s proposed number of parking spaces, bicycle parking, and the proposed recreational facilities.

8. Briefing on Purple Line – Memorandum of Agreement Term Sheet between M-NCPPC (Montgomery County Only) and Maryland Transit Administration (MTA)

Staff Recommendation: To give guidance to Department of Parks and Planning Department staff on the negotiation of a Memorandum of Agreement (“MOA”) with MTA regarding the Purple Line project.

NOTE: No public testimony will be taken for this item. The Planning Board will review and take testimony on the whole Purple Line project at the Mandatory Referral Review currently scheduled for March 20, 2014.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing from Planning and Parks Departments staff, and provided guidance regarding negotiation of a Memorandum of Agreement with the Maryland Transit Administration regarding the Purple Line project.

Planning Department and Parks Department staff briefed the Board on the proposed Term Sheet that is intended to form the basis for the eventual development of a Memorandum of Agreement (MOA) between the Montgomery County Park and Planning Commission, the Maryland Department of Transportation (MDOT), and the Maryland Transit Administration (MTA) regarding the Purple Line project. The MOA will address certain issues related to parkland use, mitigation, permitting, and master, sector, and functional plans consistency through the Purple Line final design, construction, and operation. The final MOA will be approved by the Planning Board and is intended to be referenced in a Purple Line Request for Proposals (RFP) to be issued this spring. The RFP will also include the final design and construction of the Bethesda South entrance to the Metrorail Red Line, the Capital Crescent

Trail (CCT) from Bethesda to Silver Spring, and the Silver Spring Green Trail extension to Sligo Creek Parkway.

At the Board's request, Mr. Jamie Kendrick of MTA offered comments, and noted that MTA is working with three major landowners, private institutions, and County agencies, which are involved in the process, and negotiations are in progress.

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

7. Semi Annual Report Outline

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing from Planning and Parks Departments staff on the proposed outlines for the upcoming spring 2014 Semi-Annual Report, followed by a brief Board discussion, and provided guidance to staff.

10. — ~~Defining Plan Amendments~~

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This Item was moved to the March 13 Planning Board Agenda.