



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 14, 2013, at 9:12 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 9:32 p.m.

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

Before discussion of the Planning Board Agenda Items, Chair Françoise M. Carrier and Acting Planning Department Director Rose Krasnow presented 5, 10, 15, and 20-year awards to Commissioners' Office and Planning Department employees.

Items 1 through 3 are reported on the attached agenda.

The Board recessed for lunch at 1:08 p.m. and to take up Item 12 in Closed Session.

Item 11, a Closed Session item was postponed.

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 1:20 p.m. in the third floor conference room, on motion of Commissioner Anderson, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley present and voting in favor of the motion. The meeting was closed under authority of Annotated Code of Maryland, State Government Article, §10-508(a)(1), to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of Commission appointees, employees, or officials, or to discuss any other personnel matter that affects one or more specific employees.

Also present for all or part of the Closed Session items were: Planning Department Deputy Director Piera Weiss; Associate General Counsels Carol Rubin and Megan Chung of the Legal Department; Director Mary Bradford, Deputy Director Mike Riley, Dan Hertz, and Bill Gries of the Parks Department; and M. Clara Moise of the Commissioners' Office.

In Closed Session, the Board received an update from the Chair and Parks Department staff on recent developments regarding the status of the proposed MRO Headquarters move to Wheaton.

The Closed Session was adjourned at 2:05 p.m.

The Board reconvened in the auditorium at 2:20 p.m.

Items 4 through 7 are reported on the attached agenda.

The Board recessed for dinner at 5:40 p.m. and reconvened in the auditorium at 7:18 p.m. to take up Items 8 and 9, which are reported on the attached agenda.

Item 10 was postponed.

There being no further business, the meeting was adjourned at 9:32 p.m. The next regular meeting of the Planning Board will be held Thursday, March 21, 2013, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Sr. Technical Writer

Montgomery County Planning Board Meeting
Thursday, March 14, 2013, 9:00 A.M.
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

Planning Department Service Award Ceremony (MRO Auditorium)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Chair Françoise Carrier and Acting Planning Department Director Rose Krasnow presented 5, 10, 15, and 20-year Service Awards to Montgomery County Commissioners' Office and Planning Department employees.

1. Consent Agenda

***A. Adoption of Resolutions**

1. Corrected Resolution for Kensington Heights Preliminary Plan 120110170 – MCPB No. 12-96 -
ADDED

BOARD ACTION

Motion: ANDERSON/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Adopted the Corrected Resolution for the Kensington Heights Preliminary Plan cited above, as submitted.

***B. Record Plats**

1. Subdivision Plat No. 220081370, Lakeview

C-2 zone, 1 parcel; located in the northeast quadrant of the intersection of Democracy Boulevard and Westlake Drive; Potomac Sub-region Master Plan.

Staff Recommendation: Approval

2. Subdivision Plat No. 220120950-220121050, Clarksburg Village - *RESCHEDULED*

R-200/TDR zone; 111 lots, 17 parcels; located on the north and south sides of Snowden Farm Parkway, approximately 650 feet southeast of Winding Woods Way; Clarksburg Master Plan.

Staff Recommendation: Approval

3. Subdivision Plat No. 220121130, Brooke Park

R-30 zone; 1 parcel; located in the northwestern quadrant of the intersection of Sangamore Road and MacArthur Boulevard. Bethesda-Chevy Chase Master Plan

Staff Recommendation: Approval

4. Subdivision Plat No. 220130380, Fairland

R-90 zone, 1 parcel; located on the east side of Old Columbia Pike, 600 feet north of Fairland Road; Fairland Master Plan.

Staff Recommendation: Approval

5. Subdivision Plat No. 220130840, Chevy Chase, Section 3

R-60 zone, 1 lot; located on the south side of Raymond Street, 650 feet west of Georgia Street; Bethesda-Chevy Chase Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: ANDERSON/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

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

***C. Other Consent Items**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

***D. Approval of Minutes**

Minutes of February 7, 2013

BOARD ACTION

Motion: **ANDERSON/WELLS-HARLEY**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved Planning Board Meeting Minutes of February 7, 2013, as submitted.**

2. Budget Transfer Request from the Department of Parks

Staff Recommendation: Approval

BOARD ACTION

Motion: **WELLS-HARLEY/PRESLEY**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved staff recommendation for approval of the proposed budget transfers cited below.**

Parks Department staff requested Board approval of the following budget transfers from the Southern Parks Division FY13 budget:

1. Transfer of \$51,300 from Personnel to Other Services and Charges category – Use of savings to address necessary maintenance of the water feature at Kemp Mill Urban Park;
2. Transfer of \$81,900 from Supplies & Materials to Other Services & Charges category - Use of savings to hire contractors to provide a variety of services, including installing football goal anchors at Hilllandale Local Park, floor maintenance at Saddlebrook and park activity buildings, fence work in the Wheaton area, installation of six roadway gates within Sligo Creek Parkway, and court improvements and fencing projects in Avenel Local Park.

3. Worksession - Clarksburg Limited Master Plan for the Ten Mile Creek Watershed – Existing Conditions in Ten Mile Creek and Results of 1994 Master Plan Analysis

Staff Recommendation: Provide guidance to staff on additional study scenarios

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **Following a detailed multi-media presentation of the existing conditions in the Ten Mile Creek Watershed and the results of the 1994 Clarksburg Master Plan analysis by Planning Department staff and consultants, there followed extensive Board discussion with guidance to staff regarding the potential scenarios discussed at the meeting.**

Chair Carrier noted that staff needs to inform the Board of the consequences of allowing development in the Ten Mile Creek Watershed, and how much environmental impact to the Creek is acceptable in preparation of a Planning Board response to the County Council’s request for an amendment to the 1994 Clarksburg Master Plan.

11. Closed Session - POSTPONED

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of Commission appointees, employees, or officials; or to discuss any other personnel matter that affects 1 or more specific employees.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This Item was postponed.

12. Closed Session - ADDED

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

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

4. Roundtable Discussion - REVISED

A. Finance Department - Operating Funds Seven-Month Financial Report, including Projections to June 30, 2013, and Enterprise Funds Seven-Month Financial Report, including Projections to June 30, 2013

B. Legislative Update - ADDED

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: B. Approved staff recommendation to oppose House Bill 896/Senate Bill 877, and added language explicitly stating that synthetic turf decreases the need for toxic fumigation chemicals.

A. Finance Department - Operating Funds Seven-Month Financial Report, including Projections to June 30, 2013, and Enterprise Funds Seven-Month Financial Report, including Projections to June 30, 2013 - Finance Department staff presented the state of the current budget, compared budget projections to actual revenue and expenditures, and outlined new projections based on current data. The Board discussed the impact of winter storms on the Parks Department budget. Staff reviewed revenue projections for the new Wheaton Sports Pavilion and the Summer Camps program.

B. Legislative Update - Parks Department staff gave a briefing on a proposed State ban of the use of Project Open Space funds to install artificial or synthetic turf surfaces on athletic fields, House Bill 896/ Senate Bill 877. County parks departments will be making statements before the vote to the State Legislature. Staff believed the proposed ban was based on the misapprehension that synthetic turf fields had detrimental impact on the environment, when in fact modern synthetic turf has numerous positive environmental impacts compared to natural turf, such as promoting the use of recycled rubber and reducing the need for fumigation and pest control. The Board discussed the benefits of synthetic turf fields.

5. Preliminary Plan No. 120080080 – Boswells Addition to Riding Stable Estates

A request for three lots for three one family residential units (two existing), located at 15615 Riding Stable Road, on 5.69 acres, zoned RE-1. Fairland Master Plan

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: PRESLEY/ANDERSON

Vote:

Yea: 5-0

Nay:

Other:

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

Planning Department staff discussed a proposed plan to subdivide a parcel located on Riding Stable Road into three lots to contain one family residential unit per lot. The property extends into Prince George’s County and includes a forest resource that straddles the line between Montgomery County and Prince George’s County, which complicated the Forest Conservation Plan. The forested area being preserved in Prince George’s County will be counted as off-site credit. Three variance trees on-site are not in good health and cannot realistically be saved. The proposed tree mitigation requirements are more lenient than usual as a result of the poor health of the trees being replaced. Staff recommends six two-inch caliper trees be planted as mitigation.

There followed a brief Board discussion with questions to staff.

***6. Project Plan Review No. 920130030, Bethesda Commerce**

CBD-2, 1.83 acres, Mixed-use project totaling 145,345 square feet of development including up to 120 multi-family dwelling units and 5,000 square feet of non-residential use, located in the eastern quadrant of the at the intersection of Old Georgetown Road and Commerce Lane, Bethesda CBD

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: ANDERSON/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval, subject to revised conditions, as stated in the attached Board Resolution, and also approved a waiver for rooftop structure limitations under Section 59-B-1.1 of the Zoning Ordinance.

Planning Department staff discussed a project plan to develop a property located on Old Georgetown Road, which is currently the location of a drive-thru bank and surface parking lot. The plan proposes construction of a 15-story mixed-use building with retail and residential uses. Pedestrians would have access from Old Georgetown Road and Commerce Lane, and vehicle access will be from Commerce Lane only. Section 59-B-1.1 of the Zoning Ordinance limits rooftop structures to 25 percent of roof area, but as the proposed structure has smaller than average floor space staff recommends waiving this limitation. Staff finds that the proposal conforms to the guidelines of the Bethesda Sector Plan and recommends approval. The Board inquired about the possibility of expanding retail space beyond the proposed 5,000 square feet, and staff answered that the applicant had only tested for 5,000 square feet but could perform further testing before submitting their final plan. The Board amended the staff recommendation to read “approximately” 5,000 square feet of retail space.

Ms. Erica Leatham, attorney representing the applicant, offered brief comments and concurred with the staff recommendation.

Mr. Asheel Shah of Kettler Real Estate, member of the applicant’s team, offered testimony about the firm’s focus on outstanding designs for outstanding locations.

Mr. Sacha Rosen, architect for the applicant, showed several conceptual sketches of architectural sculptures under consideration for the public use space on the south side of the building.

Mr. Craig McClure, landscape architect for the applicant, discussed the use of green landscaping to capture and retain storm water on the rooftop, and explained how runoff from paved surfaces would be channeled to the plaza and used to water landscaping elements.

7. **Glenmont Sector Plan Worksession No. 1**

Possible Topics: Land Use, Zoning, and Transportation

Staff Recommendation: Discuss and provide guidance to staff

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Discussed issues raised in public forums about the Glenmont Sector Plan.

Planning Department staff provided an overview of public responses to the draft of the Glenmont Sector Plan presented in community workshops in February and March of 2012. Responses came from government agencies, local residents and property owners, and potential developers. A large majority supported the Sector Plan’s vision and goals.

The Board and staff discussed various issues raised by the public relating to the proposed ratio of jobs to housing, whether public facilities such as schools would be able to support proposed growth,

the plan's impact on affordable housing, zoning of the Glenmont Shopping Center, development of the Metro Station/Layhill Triangle Block, split zoning of several properties, and the use of floating zones. Staff from the Department of Transportation requested that in order to avoid confusion, the new plan include language explicitly explaining why street extensions proposed in the 1997 plan were being discontinued.

8. Briefing: New Initiatives in Neighborhood Planning for Leadership in Energy and Environmental Design - TIME CHANGED

Principles and precedents for use in the review of Project Plans in the Germantown Employment Area
Staff Recommendation: Information for the Planning Board

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing about planning sustainability at the neighborhood level, followed by discussion.

Planning Department staff presented a briefing of new initiatives in sustainability, which has often been a goal of planning individual developments but historically not applied on the scale of entire neighborhoods. Staff identified several neighborhoods that have achieved large-scale sustainable designs throughout the country and discussed techniques used in these neighborhoods that could be applied to the Germantown Employment Area. Staff noted that the Leadership in Energy and Environmental Design (LEED) ratings system is being made more rigorous and many projects that would have previously received a LEED Gold rating will now only qualify for LEED Silver.

The Board discussed possible applications of these development principles for the Germantown Employment Area.

9. Crystal Rock - TIME CHANGED

***A. Project Plan No. 920120040: Crystal Rock with Preliminary Forest Conservation Plan**

Mixed-use development with a total of 3,248,000 square feet (0.7 FAR), 1,097,800 square feet of office, 91,400 square feet of retail, a 350 room hotel (243,240 square feet), and 1618 residential units, located north of Father Hurley Boulevard, between Crystal Rock Drive and I-270 on 107.70 acres, TMX-2 Zone, Sector Plan for the Germantown Employment Area

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: **ANDERSON/PRESLEY**

Vote:

Yea: **3-0**

Nay:

Other: **DREYFUSS/WELLS-HARLEY ABSENT**

Action: **Project Plan approved with conditions cited in Staff Report as amended.**

Planning Department staff discussed the Project Plan and Forest Conservation Plan for a mixed-use development of a 107-acre area between Crystal Rock Drive and I-270. This plan will replace an earlier plan filed by the applicant for the same location. Staff finds that the plan conforms with the Sector Plan for the Germantown Employment Area as well as the ideals of sustainable development discussed in Item 8. Staff reviewed the Forest Conservation Plan and recommended additional mitigation of three 3-inch caliper trees as well as recommending application for permission to remove an additional variance tree that may be affected, as this would eliminate the need to file a new plan in the event that the tree could not be saved. The proposal meets all the requirements for the Transit Mixed-Use Development (TMX-2) Zone and staff recommends approval.

***B. Preliminary Plan No. 120120210: Crystal Rock with Road Abandonment**

Mixed-use development with a total of 3,248,000 square feet (0.7 FAR), 1,097,800 square feet of office, 91,400 square feet of retail, a 350 room hotel (243,240 square feet), and 1618 residential units, located north of Father Hurley Boulevard, between Crystal Rock Drive and I-270 on 107.70 acres, TMX-2 Zone, Sector Plan for the Germantown Employment Area

Staff Recommendation: Approval with Conditions including abandonment of a portion of Crystal Rock Drive and Century Boulevard

BOARD ACTION

Motion: **ANDERSON/PRESLEY**

Vote:

Yea: **3-0**

Nay:

Other: **DREYFUSS/WELLS-HARLEY ABSENT**

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

Planning Department staff discussed the proposed request for a mixed-use development with a total of 3,248,000 square feet, including office space, retail, a 350-room hotel, and 1,618 residential

units on 107.70-acre property located on Crystal Rock Drive, north of Father Hurley Boulevard in the Germantown Employment Area. Staff reviewed the maximum number of units permitted, the required improvements for the intersections, the abandonment of existing rights-of-way along Crystal Rock Drive and Century Boulevard, and the phasing of the proposed construction. The Board suggested adopting language from an existing pre-preliminary plan filed by the same applicant relating to public access easements for private streets. The entirety of Item 8 from Pre-Preliminary Plan 11996112A was adopted as a condition of approval for this purpose.

Staff noted that several area residents sent emails to the Board expressing concern that the development could create bottlenecks on Father Hurley Boulevard from I-70 traffic.

Transportation Planning staff noted that condition 4.b for approval of the pre-preliminary plan required the applicant to make improvements to Father Hurley Boulevard, which should partially address traffic concerns. The applicant agreed to make these and other traffic improvements before beginning phase II of development.

Mr. Robert Brewer, attorney representing the applicant, noted that the proposed development would be one of Montgomery County's largest mixed-use projects, made brief comments, and concurred with the staff recommendation.

Mr. Michael Cohen of Elkis/Manfredi Architects, member of the applicant's team, discussed the height of the roofs of proposed townhouse units, and did not object to staff's revised conditions for height requirements.

***B. Preliminary Plan No. 120120210: Crystal Rock with Road Abandonment**

CONTINUED

Mr. Jonathan Dean of Rosebay Drive offered testimony in opposition to the proposed application, noting that public outreach was not sufficient because the noticing signs were placed in inconvenient locations. He cited concerns that the development would lead to traffic bottlenecks, contribute to sprawl, and would not comply with the Sector Plan for the Germantown Employment Area, which calls for reliance on transit in the event that funding was not approved for the Corridor Cities Transitway (CCT).

The Board opined that higher population densities increased the likelihood of CCT funding approval and pointed out that developers are required to subsidize the cost of adding new capacity to schools affected by their development.

Staff noted that a final Forest Conservation Plan would need to be approved in order for Phase I of the development to proceed.

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

10. Zoning Code Revision Implementation - POSTPONED

Attachment 1 - Attachment 2 - Attachment 3 - Attachment 4

BOARD ACTION

Motion:

MCPB, 3-14-13, APPROVED

Vote:

Yea:

Nay:

Other:

Action: This Item was postponed.