



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, May 7, 2015, at 9:10 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 1:41 p.m.

Present were Chair Casey Anderson, Vice Chair Marye Wells-Harley, and Commissioners Amy Presley and Natali Fani-González.

Commissioner Norman Dreyfuss was necessarily absent.

Items 1, 4, 7, 6, 3, and 5, discussed in that order, are reported on the attached agenda.

Item 2 was removed from the Planning Board Agenda.

There being no further business, the meeting was adjourned at 1:41 p.m. The next regular meeting of the Planning Board will be held on Thursday, May 14, 2015, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Sr. Technical Writer/Editor

James J. Parsons
Technical Writer

Montgomery County Planning Board Meeting
Thursday, May 7, 2015
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

1. Bloom MV Area IV Forest Conservation Plan No. DPA201501 – MCPB No. 15-49

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

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**

BOARD ACTION

Motion:

MCPB, 5-7-15, APPROVED

Vote:

Yea:

Nay:

Other:

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

***D. Approval of Minutes**

Planning Board Meeting Minutes of April 23, 2015

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Approved Planning Board Meeting Minutes of April 23, 2015, as submitted.

~~2. Roundtable Discussion~~ **REMOVED**

~~—Planning Director's Report~~

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This Item was removed from the Agenda.

4. Briefing: Proposed US 29 Interchange Improvements at Fairland Road/Musgrove Road by SHA, Project No. MO891A21

Staff Recommendation: Transmit comments to State Highway Administration (SHA)

BOARD ACTION

Motion: PRESLEY/FANI-GONZÁLEZ

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation to transmit comments to Maryland State Highway Administration regarding the project cited above, as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed the design review of a proposed Maryland State Highway Administration (SHA) project to construct an interchange at Columbia Pike (U.S. 29) and Fairland Road, and to close Musgrove Road west of the intersection with U.S. 29. Both intersections of Fairland Road and Musgrove Road with U.S. 29 are currently signalized at-grade intersections. Staff noted that the submitted plan is the current SHA 15 percent intersection design that will be developed in greater detail and presented to the Planning Board as a Mandatory Referral in June. Staff is requesting that Board comments and recommendations be transmitted to SHA prior to the Mandatory Referral request. According to staff, the 1997 Fairland Master Plan recommends interchanges at U.S. 29 for both Fairland Road and Musgrove Road. The proposed interchange at Fairland Road includes one ramp with direct access to southbound U.S. 29. No ramps are proposed for direct access to northbound U.S. 29 due to weaving concerns with the InterCounty Connector interchange, located less than one-half mile north. Access to U.S. 29 will be gained via a proposed frontage road and roundabout. Construction of a shared-use path is proposed for the frontage road.

According to a 2014 Value Engineering analysis, closing Musgrove Road will save approximately \$517,000 in costs through the elimination of a proposed bridge, the associated grading, and the need to acquire additional right-of-way. However, staff noted that the closure will effectively eliminate direct local circulation for businesses and communities located on opposite sides of U.S. 29. Staff also believes that the circuitous design of the access ramps is potentially confusing for motorists, and requires significantly more pavement than a proposed alternative design that included a bridge and an interchange at Musgrove Road. Staff noted that either option will improve north-south travel by reducing the delay of crossing two at-grade signalized intersections.

4. Briefing: Proposed US 29 Interchange Improvement at Fairland Road/Musgrove Road by SHA, Project No. MO891A21

CONTINUED

Staff offered potential Board recommendations to SHA regarding the project, including SHA consideration of community comments regarding the closure of Musgrove Road, inclusion of a design

that facilitates potential future development along U.S. 29, elimination of the proposed roundabout in favor of a signalized intersection, and construction of a shared-use path on U.S. 29 from Randolph Road to Fairland Road that includes signalized or grade-separated crossings.

Mr. Dan Wilhelm, representing the Greater Colesville Citizens Association, offered testimony, questioned the necessity of the project, and recommended that Musgrove Road remains open.

In response to a Board question regarding design options, staff offered examples of alternative designs that were discussed at staff meetings with representatives from SHA and Value Engineering, including a design proposing the construction of a Musgrove Road bridge over U.S. 29 and an access ramp from Musgrove Road to northbound U.S. 29. Another option also proposed a Musgrove Road bridge over U.S. 29, but accessed northbound U.S. 29 from a proposed frontage road. Staff noted that these designs were not presented at a March 24 community meeting.

Commissioner Presley stated that the community should have access to the alternative designs and suggested continued community outreach.

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

7. Zoning Text Amendment 15-07 -- Revise the use standards for large filling stations

*Staff Recommendation: Transmit Comments to the County Council
(Action required for County Council public hearing of 5/12/15)*

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation to transmit comments to the County Council regarding the Zoning Text Amendment cited above, as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed a proposed Zoning Text Amendment (ZTA) that would revise use standards for the conditional use approval of large filling stations. Proposed ZTA 15-07 would require any filling station designed to dispense a minimum of 3.6 million gallons per year to be located at least 500 feet from any public or private education facility, park or playground, daycare center, outdoor use categorized as a civic and institutional use or recreational and entertainment use, dwelling unit, wetland, stream, river, flood plain, or an environmentally sensitive area. According to staff, the current minimum required distance is 300 feet, and does not apply to land with dwelling units, wetlands, streams, rivers, flood plains, or environmentally sensitive areas.

Currently, large filling station use in a Commercial/Residential/Town (CRT) zone requires an approval of a conditional use application by the Hearing Examiner. Also, filling station use in CRT and Neighborhood/Retail zones that fall within the Takoma Park/East Silver Spring Commercial Revitalization Overlay zone is allowed by conditional use only if it does not abut or confront land in a Residential/Detached zone. Staff stated that the proposed ZTA as written is far too restrictive, and did not recommend its approval. Staff recommended allowing setback requirements to remain at 300 feet,

and noted that the public outreach requirement for the conditional use approval process currently provides sufficient opportunity to address the need for additional setback distance on a case-by-case basis. Regarding the proposed dwelling unit restriction, staff recommended only limiting filling station use within 300 feet of an Agricultural, Rural/Residential, or Residential zone improved with a residential use. Staff also recommended against requiring large filling stations to locate at least 500 feet from wetlands, streams, rivers, flood plains, and environmentally sensitive areas, noting that all filling stations must adhere to State mandated standards to prevent spills and leaks, and must meet all stormwater management requirements.

7. Zoning Text Amendment 15-07
CONTINUED

The following speakers offered testimony: Ms. Karen Cordry, representing the Kensington Heights Civic Association; Mr. Danila Sheveiko of Melvin Grove Court; Mr. Larry Silverman of Birch Avenue; Ms. Donna Savage of McComas Court; Ms. Virginia Sheard of Georgia Avenue; and Mr. Jim McNerney of Riding Loop Terrace.

Ms. Patricia Harris, attorney representing Costco Wholesale Corporation, offered comments, noted the Environmental Protection Agency (EPA) required safety precautions and source water assessment redundancies implemented in all Costco filling stations, and concurred with the staff recommendation.

Mr. David Sullivan, representing Costco Wholesale Corporation, offered comments and noted that since the EPA implemented standards in 1973, marketing emission rates, which include vapors and spillage, have decreased significantly.

Dr. William Bond, representing Costco Wholesale Corporation, offered comments.

Commissioner Fani-González expressed concern regarding health risks and the potential contamination of groundwater due to leaks or spillage from filling stations of any size, and stated her support for the proposed ZTA as written.

There followed extensive Board discussion with questions to staff, Ms. Cordry, and Ms. Harris.

6. Briefing: Greater Lyttonsville Sector Plan: Preliminary Considerations/Plan Concepts

Staff Recommendation: N/A

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing.

Planning Department and Parks Department staff offered a multi-media presentation and updated the Planning Board on the developments of the major Plan Concepts for the Greater Lyttonsville Sector Plan since the Concept Framework Plan was presented to the Planning Board on October 16, 2014. The refinements to the plan resulted from feedback received from a community meeting held on January 21, 2015. Additional feedback from the numerous meetings with community leaders and stakeholders over the 2015 winter also contributed to the refinements.

Staff discussed the outreach strategies used to engage the community. Staff also discussed the existing zoning and the proposed zoning changes for the plan area. Staff noted that traffic and economic studies have been conducted and are incorporated in the plan concepts. Based on comments collected since the January meeting, staff continues to revise the plan. Some of these revisions include: walking/biking trails instead of roads around Rosemary Hills/Lyttonsville Park; height and density that is compatible with the surrounding area; providing use and zoning that allow current industrial uses to continue while providing options for the future once the Purple Line is implemented; encouraging smart responsible growth around future Purple line stations; and continuing to pursue good public open spaces and environmental enhancements. Staff also discussed the Plan vision, mainly to preserve the history and a culture, and the unique character, diversity, and uniqueness of Lyttonsville; to enhance connectivity, environmental quality, and existing assets; and expand mobility options, retail opportunities, and network of open spaces. Staff also discussed meetings with Montgomery County Public Schools regarding school options for the area, i.e., reopening of closed school sites, additions to existing schools with expansion potential, locating a new school site, and possible minor redistricting, if necessary.

Parks Department staff discussed proposed water quality improvements, including stream buffer protection, clean-up and stream bank restoration and stabilization, as well as stormwater management monitoring by Washington Suburban Sanitary Commission. Parks staff also

6. Briefing: Greater Lyttonsville Sector Plan: Preliminary Considerations/Plan Concepts

CONTINUED

discussed the possible addition of a civic plaza, a new urban greenway park, and more green spaces. Historic Preservation division staff briefly discussed the area history and the resources identified for future historic evaluation, which will be discussed further during the Planning Board worksessions.

Mr. Eric Smart of Bolan Smart Associates, Inc., consultant working on the proposed Plan, offered a multi-media presentation and discussed the proposed redevelopment scenarios, including a small grocery store and a shopping center for the Greater Lyttonsville area.

The next steps for the Sector Plan include continued community engagement and the presentation of a staff draft to the Planning Board scheduled for September 24, 2015 meeting. A Planning Board Public Hearing and worksessions are planned for the fall of 2015.

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

3. 2nd District Bethesda Police Station: Mandatory Referral MR2015020 --- CBD-1 Zone, 0.18 acres, Proposed development of the 2nd District Police Station; located on Rugby Avenue approximately 250 feet west of Woodmont Avenue; 1994 Bethesda CBD Master Plan
Staff Recommendation: Approval to Transmit Recommendations to Montgomery County Department of General Services (DGS)

BOARD ACTION

Motion: FANI-GONZALEZ/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation to transmit recommendations to Montgomery County Department of General Services (DGS), as stated in the attached transmittal letter.

In keeping with the April 29 technical staff report, Planning Department staff discussed a proposed Mandatory Referral request to relocate the 2nd District Police Station from its current site on Montgomery Avenue, built more than 50 years ago, to the proposed site on Rugby Avenue, approximately 250 feet west of Woodmont Avenue in the Bethesda Central Business District Master Plan area. Staff noted that the request also includes modifications to the adjacent Woodmont Avenue parking garage 35 to accommodate services for the Police Department. The connection to the garage will allow direct and secure access to the station for police officers, staff, and visitors. The applicant for the project is the Montgomery County Department of General Services (DGS). The proposed building will consist of approximately 28,480 gross square feet in a four-story building. The police station will operate 24 hours a day to provide service to the Bethesda/Chevy Chase community.

Ms. Bonnie Warner, representing DGS, introduced Ms. Kane Mahaffie of Stone Bridge and Lieutenant Jonathan Heldetrich of the Montgomery County Police Department, and offered brief comments.

There followed a brief Board discussion with questions to staff and Ms. Warner.

5. Aspen Hill Minor Master Plan Amendment Sectional Map Amendment -- Request permission to file a Sectional Map Amendment to implement the recommendations of the Approved and Adopted Aspen Hill Minor Master Plan Amendment

Staff Recommendation: Approve Request to File with the District Council

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation to approve the request to file a Sectional Map Amendment for the Aspen Hill Minor Master Plan Amendment with the District Council.

Planning Department staff offered a brief presentation and requested Planning Board approval to file a Sectional Map Amendment (SMA) to implement the zoning recommendations of the Approved and Adopted Aspen Hill Minor Master Plan Amendment. The proposed SMA will implement the recommendations of the master plan to create a vibrant mix of more compact, pedestrian-friendly, and accessible uses that appropriately transition to adjacent single-family residential neighborhoods.