



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, June 12, 2014, at 10:38 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 5:08 p.m.

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

Items 1, 2, 7, 3, 4, and 13 discussed in that order, are reported on the attached agenda.

The Board recessed for lunch at 12:05 p.m. and to take up Items 6 and 11 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 in the 3rd floor conference room at 12:20 p.m., on motion of Vice Chair Wells-Harley seconded by Commissioner Presley, 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, and State Government Article, §10-508(a)(1) to discuss the appointment of appointees over whom the Planning Board has jurisdiction.

Also present for all or part of the Closed Session were Associate General Counsel Megan Chung of the Legal Department; Deputy Director Rose Krasnow, Paul Mortensen, and Luis Estrada of the Planning Department; Acting Director Gene Giddens, Deputy Director Michael Riley, Judie Lai, and Mitra Pedoeem of the Parks Department; and M. Clara Moise of the Commissioners' Office.

In Closed Session the Board received an update from Parks Department staff, Planning Department staff, and Legal Counsel on the proposed new Montgomery County Park and Planning Commission headquarters building in Wheaton, and selected a new member for the Art Review Panel.

The Closed Session was adjourned at 1:10 p.m.

The Planning Board reconvened in the auditorium at 1:50 p.m.

Items 5, 8, 9, 10, and 12 are reported on the attached agenda.

MCPB, 6-12-14, APPROVED

There being no further business, the meeting was adjourned at 4:50 p.m. The next regular meeting of the Planning Board will be held on Thursday, June 26, 2014, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Sr. Technical Writer/Editor

Tomasina Ellison
Technical Writer

Montgomery County Planning Board Meeting
Thursday, June 12, 2014
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

1. Twin Farms Club, Inc. /T-Mobile Northeast LLC & Twin Farms Club SPA Combined Preliminary and Final Water Quality Plan No. S-2818, MCPB No. 11-82
2. Wayside Elementary Forest Conservation Plan MR2014029, MCPB No. 14-33

BOARD ACTION

Motion: **ANDERSON/PRESLEY**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Adopted the Resolutions cited above, as submitted.**

***B. Record Plats**

Subdivision Plat No. 220081260 (Revision), Edgemoor

TS-R zone, 1 lot; located in the northwest quadrant of the intersection of Hampden Land and Woodmont Avenue; Bethesda CBD Sector Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220100540, Burnt Hill Estates

RDT zone, 4 lots; located in the southwest quadrant of the intersection of Prices Distillery Road and Burnt Hill Road; Damascus Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220130740, Ray's Chance

RC zone, 1 parcel; located in the southeast quadrant of the intersection of Damascus Road (MD 108) and Stanley Hills Way; Damascus Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220140840, Reserve Business Center

I-4 zone, 1 lot; located on the east side of Snouffer School Road, approximately 700 feet north of Alliston Hollow Way; Gaithersburg Vicinity Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220141030, Forest Glen Investment Company's Subdivision

R-60 zone, 2 lots; located on the north side of Kimball Place, 300 feet west of Darcy Forest Drive; Forest Glen Sector Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220141070 (Revision), Olive Branch

RE-2 and C-2 zones, 1 lot; located on the south side of Olney - Sandy Spring Road (MD 108) at the intersection of Bentley Road; Sandy Spring - Ashton Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: ANDERSON/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation of approval of the Record Plats 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**

BOARD ACTION

Motion: **WELLS-HARLEY/PRESLEY**

Vote:

Yea: **5-0**

Nay:

Other:

Action: **Approved the Planning Board Meeting Minutes of May 22, 2014, as submitted.**

2. Roundtable Discussion

- Planning Department Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **Received briefing.**

Planning Department Director's Report – Planning Department Director Gwen Wright updated the Board on the following Planning Department on-going work and upcoming meetings. Planning Department staff will brief the County Council on the White Oak Master Plan on June 17, and worksessions with the Planning, Housing, and Economic Development (PHED) Committee are scheduled in July. The County Council hopes to complete work on the Plan by the end of July. Planning Department staff will present the Bethesda Downtown Plan to the Planning Board on June 26, following a number of public meetings. Another meeting is scheduled for June 18 to discuss the eco-district concept, a new idea that staff hopes to incorporate in the plan. Ms. Wright also reported on the Aspen Hill Minor Master Plan Amendment staff draft, which will be discussed at the Planning Board meeting of July 10, and the Sandy Spring Rural Village Plan staff draft which will be before the Board on July 17. Staff has organized many community meetings on the Lytonsville Plan at the Coffield Center, and is starting work on the Westbard Plan and the Montgomery Village Plan, with data collection, and meetings with stakeholders, which will keep staff busy during the summer. Ms. Wright also reported on the Zoning Rewrite outreach meetings held during the month of May and June, and

meetings with the interested parties regarding the new headquarters building in Wheaton. Ms. Wright also reported on attending the “Taste of Wheaton.”

**7. - Operating Funds Nine-Month Financial Report Including Projections to June 30, 2014
- Enterprise Funds Nine-Month Financial Report Including Projections to June 30, 2014**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing.

Chair Carrier thanked Ms. Christine Brett of the Parks Department for her excellent work and dedication in view of her upcoming retirement from the Commission at the end of July.

Ms. Brett thanked the Board members for their support and briefed the Board on the Enterprise Funds nine-month financial report, including projections to June 30, 2014, as discussed in detail in the June 5 staff memorandum.

Mr. Joseph Zimmerman, the Commission Secretary-Treasurer, also reported on the operating funds nine-month financial report, including projections to June 30, 2014.

3. Pacano Property: Special Exception S-2761

A. Final Forest Conservation Plan S-2761 -- A landscape contractor business, located at 28621 Ridge Road, on 4.5 acre property identified as Parcel P233 on Tax Map FY-53, on the east side of Ridge Road (MD 27) approximately 2.5 miles North of its intersection with Kemptown Road (MD 80), Damascus Master Plan

Staff Recommendation: Approval with Conditions and Adoption of Resolution

B. Special Exception S-2761 Pacano Property --- Request for a Special Exception to operate a landscape contractor business, located at 28621 Ridge Road, on 4.5 acre property identified as Parcel P233 on Tax Map FY-53, on the east side of Ridge Road (MD 27) approximately 2.5 miles North of its intersection with Kemptown Road (MD 80), Damascus Master Plan Area.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: **A. ANDERSON/PRESLEY**
 B. ANDERSON/PRESLEY

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

Nay:

Other:

Action: **A. Approved staff recommendation for approval, subject to conditions, and adopted the submitted Resolution.**
 B. Approved staff recommendation for approval, subject to conditions, as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed the special exception request to operate a landscape contractor business on a 4.5-acre property located on Ridge Road in the Damascus Master Plan area. Staff noted that with the recommended conditions, the subject use conforms to all applicable requirements and regulations for approval of a landscape contractor business under the Montgomery County Zoning Ordinance and the Development Standards. The subject use is consistent with the recommendations of the Damascus Master Plan and is compatible with the rural characteristics of the surrounding area. There are no notable traffic, circulation, noise, or environmental issues associated with the request, provided that the recommended conditions are satisfied by the applicant. The applicant also requests permission to allow existing structures and impervious surfaces to remain within the stream buffer and transition area of the Patuxent River Primary Management Area (PMA),

3. Pacano Property: Special Exception S-2761

CONTINUED

and to omit a portion of the stream buffer from the conservation easement. The request does not propose any new construction and the only disturbance is for the removal of existing impervious surfaces, and the applicant proposes to retain 0.90 acres of the existing forest, plant 0.80 acres of additional forest, and create 0.70 acres of native meadow habitat within the stream buffer on-site. The applicant has requested a variance to remove one specimen tree, which staff has reviewed and recommends approval by the Board.

Mr. David Garner, attorney representing the applicant, Mr. Roberto Pacano, also present, offered brief comments, answered questions from the Board, and concurred with the staff recommendation.

At the Board's request, Mr. Roberto Pacano, the applicant, offered comments and answered questions from the Board.

There followed a brief Board discussion.

4. King of the Nations Christian Fellowship Church: Limited Site Plan Amendment No. 81987066A -- Revise building location and footprint, and revise layout of drop-off/pick-up area and parking areas; located on the southwest corner of Darnestown Road (MD Route 28) and Hunting Lane; 5.66 acres; PD-3 & R-200 Zones; Potomac Sub-region Master Plan.

Staff Recommendation: Approval with conditions and Adoption of Resolution

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

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

In keeping with the May 29 technical staff report, Planning Department staff discussed the site plan amendment request to revise the building location and footprint, and revise the layout of drop-off/pick-up area, and parking areas for the King of Nations Christian Fellowship Church located on the southwest corner of Darnestown Road (MD 28) and Hunting Lane in the Potomac Sub-Region Master Plan. Staff noted that the revised plan includes a church building with two levels with a terrace on the lower level, and a new drop-off/pick-up area on the upper level serving the main entrance to the building. The proposed amendment dramatically reduces encroachment on the streamvalley buffer from the approved site plan. The proposed site plan conforms to all of the binding elements of the Development Plan Amendment.

Mr. Jody Kline, attorney representing the applicant, introduced Messrs. Jim Schnable, Greg Osband, and Andrew Streagle, members of the applicant's team, offered comments, and concurred with the staff recommendation.

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

13. Long Branch Sector Plan -- Sectional Map Amendment (SMA)

Staff recommendation: Approval of technical staff report recommending implementation of the SMA

BOARD ACTION

Motion: ANDERSON/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the technical staff report recommending implementation of the Sectional Map Amendment.

Planning Department staff noted that the proposed Sectional Map Amendment (SMA) follows the approval and adoption of the Long Branch Sector Plan and will implement, through the SMA process, the Plan's recommendations for leveraging the public's investment in the Purple Line, with comprehensive land use, zoning, and design recommendations. The proposed SMA was filed on March 21, 2014, and the County Council Public Hearing was held on June 10, 2014.

6. 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)(1) to discuss the appointment of appointees over whom the Planning Board has jurisdiction.

Selection of New Art Review Panelist --- The Art Review Panel is requesting the election of one new member to serve on the Art Review Panel. The Planning Board has the authority to elect new members to the Art Review Panel in accordance with the Montgomery County Public Art Guideline (published

2013). This action is necessary upon receiving the resignation of Jose Dominguez (ex. Panelist, PATSC Representative and artist) in December 2013.

Staff recommendation: discussion and approval of one panelist

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

5. Guidelines for Environmental Management of Development in Montgomery County (Public Hearing) --- Revisions to incorporate changes as a result of the Approved and Adopted Ten Mile Creek Area Limited Amendment to the Clarksburg Master Plan and other updates required by local and state legislative changes

Staff Recommendation: Receive public testimony on the draft guidelines

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received public testimony and provided guidance to staff.

Planning Department staff offered a multi-media presentation and discussed the updated Guidelines for Environmental Management of Development in Montgomery County. Staff stated that the majority of updates to the Guidelines are contained in Chapter VIII, The Ten Mile Creek Watershed, with additional language modifications throughout the document as necessary to reflect the Ten Mile Creek (TMC) related requirements. The updates to the Guideline reflect anticipated action by the County Council regarding Overlay Zones and the new TMC Special Protection Areas (SPA), and also reflect changes in local and State legislation since the last revision. Staff also noted that changes

include new environmental buffers in the TMC Watershed and that, except for the Historic District, buffers must be a minimum 200 feet wide around perennial and intermittent streams, springs, and seeps. Staff also discussed updates to the Forest Conservation Plans (FCP) and the SPAs for properties in the TMC Watershed.

The Planning Board discussed the proposed updates and a previous recommendation by the Board to expand the Overlay Zone area.

The following speakers offered testimony: Ms. Cathy Wiss representing the Audubon Naturalist Society; Mr. Bob Harris, attorney representing Pulte Homes; Ms. Andie Murtha representing Brookfield Homes; and, Ms. Anne Cinque representing Peach Tree Citizens Association and Sugarloaf Citizens Association.

8. FY2015 Annual School Test and Updated Student Generation Rates

A. FY2015 Annual School Test

Staff Recommendation: Approval of the FY2015 Annual School Test results

B. Updated Student Generation Rates

Staff Recommendation: Approval of the updated student generation rates and calculation methodology

BOARD ACTION

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

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

Nay:

Other:

Action: **A. Approved staff recommendation for approval of the FY2015 Annual School Test.**

B. Approved staff recommendation for approval of the updated student generation rates and calculation methodology.

Planning Department staff offered a multi-media presentation and discussed the Fiscal Year 2015 (FY2015) Annual School Test, the revised Student Generation Rates in Master Plan areas, the projected capacity of schools regarding student enrollment, and the planned Capital Improvements Program (CIP) expenditures. Staff stated that projected student enrollment is based on several factors including births in the County, aging of the school-age population, migration of County residents, new and existing housing, and five-year forecasts. The Annual School Test is performed at all three school levels, elementary, middle, and high school. The projected capacities of the schools are then compared to projected student enrollment. Staff discussed a newly implemented student generation calculation rate, which was developed jointly by Montgomery County Public Schools (MCPS) and the Planning

Department, in which each student's address and personal information is spatially assessed to determine student demographics. Following inquiry from the Planning Board, staff delineated the new student generation calculation forecast criteria and discussed payment rates for developers regarding increased enrollment at community schools.

The Board discussed the impact of required developer's fees related to projected increased school enrollment.

9. Forest Conservation Program Annual Report

Staff Recommendation: Transmit Annual Report Data to Maryland Department of Natural Resources (DNR)

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to transmit Annual Report Data to the Maryland Department of Natural Resources (DNR).

Planning Department staff offered a multi-media presentation and discussed the Forest Conservation Law reporting requirements. Staff displayed a Forest Conservation Program data chart which provided information for Montgomery County regarding the amount of cleared forest and the amount of forested area planted each year, as required by the Forest Conservation Plan (FCP), during the period 1994 through 2013. Staff also presented a chart, which illustrates the percentage of forest retention during the same time period. Staff discussed the amount of acreage contained in FCPs, stating that there are currently over 2,000 FCPs in the County. Staff stated that Forest Conservation funds were implemented by planting forests in the following locations: Reddy Branch Stream Valley Park; Rock Creek Stream Valley Park; Watts Branch Stream Valley Park; Rachel Carson Conservation Park; and, Oak Ridge Conservation Park. Forest Conservation funds are also used for the volunteer program, downloadable plant nursery coupons, and the Shades of Green program, which is a partnership with the Parks Department in an effort to achieve County tree canopy goals.

The Planning Board discussed the percentage of forest cover in the County and the criteria of what would be considered a healthy tree canopy.

10. **Montgomery County Plan Maryland Map**

This map is developed according to Plan Maryland Mapping Guidance for Local Jurisdictions from the Maryland Department of Planning (MDP)

Staff Recommendation: Transmittal of the County Plan Maryland Map to (MDP)

BOARD ACTION

Motion: **ANDERSON/PRESLEY**

Vote:

Yea: **4-0-1**

Nay: **DREYFUSS**

Other:

Action: **Approved staff recommendation to transmit the County Plan Maryland Map to the Maryland Department of Planning (MDP).**

Planning Department staff offered a multi-media presentation and discussed the Draft Montgomery County Plan Maryland Map, which is an executive policy plan that better coordinates Smart Growth efforts and programs of the State. Plan Maryland provides a State-wide framework to better protect environmentally sensitive areas, promote growth in urban areas, and make more efficient use of investments already made in existing communities. The Maryland Department of Planning (MDP) helps local governments identify planning areas using their Planning Area Guidelines for local jurisdictions. Staff stated that, currently, no mandate exists for local jurisdictions to create maps; however, the State will create a map for jurisdictions that do not create their own Draft Map through use of the State Guidelines. MDP coordinates feedback from other State agencies on planning areas being considered, and State Smart Growth Subcabinet considers the reviews, along with any local input, in making final determinations on its adoption and use. Staff also discussed targeted growth and revitalization areas, noting that these areas would be eligible for higher priority State assistance than non-targeted areas. Targeted Growth and Revitalization areas include the Ashton commercial area, the Bethesda Downtown Plan area, Chevy Chase Lake, areas of Clarksburg east and west of I-270, Lyttonsville Rosemary Hills section, the Sandy Springs Rural Village Plan area, and Westbard. The five planning areas for preservation/conservation include priority preservation areas for agriculture, natural resource areas, water resource areas, historic and cultural areas, and climate change impact areas. Staff presented a variety of maps that displayed natural resource areas, as well as a map, which depicted projected climate changes in the County.

The Planning Board discussed the submission of projected mapped climate change areas noting that this data was neither required nor requested by the County Council. The majority of the Board concurred with the staff recommendation.

Commissioner Dreyfuss voted against approval of transmittal of the County Plan Maryland Map to MDP, stating that use of data provided on projected mapped climate change areas is unpredictable and could impact future grants and funding for these targeted areas.

12. Presentation of Annual Land Use Report to MDP

As per the requirements established recently by State legislation, each local jurisdiction must submit an annual land use report to the Maryland Department of Planning. The objective of this request is to monitor growth statewide and to determine if State smart growth policies are having beneficial or unanticipated effects. This report for Calendar Year 2013 is the fourth such report prepared by the Montgomery County Planning Department for Board approval of transmission to our County Council President and the State of Maryland Department of Planning.

Staff Recommendation: Approve Report and Transmit to County Council President and the Director of the Maryland Department of Planning

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved the Annual Land Use Report and staff recommendation to transmit to the County Council President and the Director of the Maryland Department of Planning (MDP).

Planning Department staff offered a multi-media presentation and discussed the Maryland Department of Planning (MDP) Local Jurisdiction Annual Land Use Report. Staff stated that the Maryland-National Capital Park and Planning Commission (M-NCPPC) collects information from various sources, which include data from in-house, as well as from the Department of Permitting Services (DPS), Montgomery County Public Schools (MCPS), and the Montgomery County Department of Transportation (MCDOT). Staff presented a sample map that illustrated the 2013 Master Plan status and highlighted priority funding areas. Capital Improvements Program (CIP) data was collected from MCDOT and MCPS to illustrate transportation improvement locations, school additions, and improvements. Staff also discussed a capacity analysis for residentially-zoned land, as requested by the County Council, and noted that approximately four percent of County parcels are zoned for residential development. Staff also presented Adequate Public Facilities Ordinance (APFO) restriction data for schools and transportation and stated that two policy areas were categorized as inadequate, as a result of road tests.

The Planning Board discussed the land use data and concurred with the staff recommendation.

15. Nomination and Appointment of Montgomery County's Commission Trustee to the Board of Trustees of the M-NCPPC Employees Retirement Trust

(Successor for Commissioner Anderson effective as of July 1, 2014)

BOARD ACTION

Motion: CARRIER/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved nomination and appointment of Vice Chair Wells-Harley to the Board of Trustees of the Maryland-National Capital Park and Planning Commission (M-NCPPC) Employees Retirement Trust.

The Planning Board discussed the requirement to nominate and appoint a new Montgomery County Planning Board appointee to the Board of Trustees of the Maryland-National Capital Park and Planning Commission (M-NCPPC) Employee Retirement Trust, as a successor to Commissioner Anderson, whose term ends on July 1, 2014. Vice-Chair Wells-Harley was nominated by Chair Carrier, and the Board members concurred with the nomination and appointment, which was graciously accepted by Vice-Chair Wells-Harley.