



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 20, 2013, at 9:15 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 7:30 p.m.

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

Items 1 and 3 are reported on the attached agenda.

Item 4 was removed from the Planning Board Agenda.

The Board recessed for lunch at 12:55 p.m. and to take up Item 13 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 1:20 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 voting in favor of the motion. The meeting was closed under authority of Annotated Code of Maryland, State Government Article, §10-508(a)(7) to consult with counsel to obtain legal advice.

Also present for the Closed Session were Acting Planning Department Director Rose Krasnow; General Counsel Adrian Gardner and Associate General Counsel Carol Rubin of the Legal Department; Joyce Garcia, and M. Clara Moise of the Commissioners' Office.

In Closed Session the Board received briefing and discussed pending issues regarding the Brook Road Address Plan and the Dellabrooke investigation.

The Closed Session meeting was adjourned at 2:15 p.m.

The Planning Board reconvened in the auditorium at 2:30 p.m.

Items 5, 6, 11, 14, 7, 9, 10, 8, and 12, discussed in that order, are reported on the attached agenda.

MCPB, 6-20-13, APPROVED

There being no further business, the meeting was adjourned at 7:30 p.m. The next regular meeting of the Planning Board will be held Thursday, June 27, 2013, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Sr. Technical Writer

Montgomery County Planning Board Meeting
Thursday, June 20, 2013
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

1. 900 Thayer Avenue Project Plan 92005003A MCPB No. 13-80
2. 900 Thayer Avenue Preliminary Plan 12005077A MCPB No. 13-81
3. 900 Thayer Avenue Site Plan 82006020A MCPB No. 13-82
4. St. Andrews Episcopal School Forest Conservation Plan CBA 1389C MCPB No. 13-78
5. Kaviani Order – MCPB No. 13-118

BOARD ACTION

Motion: **ANDERSON/WELLS-HARLEY**

Vote:

Yea: **5-0**

Nay:

Other:

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

***B. Record Plats**

Subdivision Plat No. 220121040, Clarksburg Village

R-200TDR zone, 20 lots & 2 parcels; located at the terminus of Honey Hill Lane, approximately 800 feet southwest of Snowden Farm Parkway; Clarksburg Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220131240, Chevy Chase, Section 4

R-60 zone, 1 lot; located on the north side of Bradley Lane, 575 feet east of Maple Avenue; Bethesda - Chevy Chase Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: **ANDERSON/DREYFUSS**

Vote:

Yea: **5-0**

Nay:

Other:

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

***C. Other Consent Items**

Multi-Agency Service Park (Airpark North) - Preliminary Plan Amendment 12004018F, to incorporate previously approved forest conservation plan easements and lot lines, provide additional right-of-way in reservation as requested by MCDOT, and confirm Soltesz as the engineer of record and Montgomery County as the owner of the property, on approximately 131 acres in I-4 zone, located on Snouffer School Road at the intersection of Alliston Hollow Way, in the Gaithersburg and Vicinity Master Plan area.

Staff Recommendation: Approval with Conditions and Adoption of Resolutions

BOARD ACTION

Motion: **DREYFUSS/PRESLEY**

Vote:

Yea: **5-0**

Nay:

Other:

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

***D. Approval of Minutes**

Minutes of May 22 and May 23, 2013

BOARD ACTION

Motion: WELLS-HARLEY/ANDERSON

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved Planning Board Meeting Minutes of May 22, and May 23, 2013, as submitted.

3. Briefing - Clarksburg Limited Master Plan for the Ten Mile Creek Watershed

Presentation and Discussion of Plan Findings and Recommendations

Staff Recommendation: Discuss and Provide Guidance to Staff

BOARD ACTION

Motion:

Vote:

Action: Received briefing from Planning Department staff, followed by discussion, and provided guidance to staff.

In keeping with the June 13 technical staff report, Planning Department staff noted that during this worksession staff will review the results of the environmental modeling for the scenarios agreed upon at the May 9 worksession, as well as the results of the additional transportation analyses, and will discuss preliminary recommendations for the Clarksburg Limited Master Plan for the Ten Mile Creek Watershed. At the last worksession on May 9, the Planning Board directed staff to revise the assumptions for the environmental analysis, and model four additional scenarios. The analyzed scenarios include: i) the 1994 Clarksburg Master Plan recommendations for density and land use, assuming full environmental site design for all properties, including new development and redevelopment; ii) the 1994 Master Plan with reduced footprint, same yield, and reduced development footprint for the Pulte properties, and assuming a different residential mix that allows approximately the same number of units permitted by the 1994 Master Plan but on less land; iii) the 1994 Master Plan with reduced footprint and lower yield, with the same residential mix for the Pulte property recommended in the 1994 Master Plan resulting in fewer units; and iv) 7 percent watershed imperviousness, the same as scenario three but with a reduced yield on the Miles/Coppola, Egan, and the County properties, with slightly less development on the Pulte property.

Parks Department staff offered a multi-media presentation and noted that Parks staff undertook an intensive analysis of the original park recommendations of the 1994 Clarksburg Master Plan, and the recommendations of the 2001 Legacy Open Space Plan with respect to Ten Mile Creek Watershed, which staff lists as meeting the criteria for Legacy Open Space, but needs further analysis to determine the extent of land needing protection. The addition of substantially more houses west of I-270, than recommended in the 1994 Master Plan, was never analyzed for local park needs. Staff discussed the recommendations for Legacy Open Space and additional park needs, as detailed in the June 12 technical staff report.

At the Board's request, Ms. Jennifer Zielinski, consultant from Biohabitats working with staff, offered comments.

There followed extensive Board discussion with questions to staff and Ms. Zielinski.

Chair Carrier noted that with input from the public, it will be helpful to know what the private sector thinks will be better development scenarios for the area, as there is a lot of interest in this proposed Master Plan Amendment. Chair Carrier also instructed staff to make sure that the staff draft is as inclusive as possible in the information it provides.

**4. Mandatory Referral, MR No. 1997017 - Bethesda Elementary School Addition -
REVISED / REMOVED**

R-60 zone, 7.93 acres, proposal to add an eight classroom addition to the existing school; located at 7600 Arlington Road southwest of the intersection with Old Georgetown Road, Bethesda

Staff Recommendations: Approval to Transmit Comments

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

13. Closed Session - ADDED

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.

5. Black Hill Regional Park

Authorization to acquire 16.0 acres, more or less, improved, from the Maryland Environmental Trust (MET), located at 14810 West Old Baltimore Road, Boyds, Maryland 20841

Staff Recommendation: Approval

BOARD ACTION

Motion: WELLS-HARLEY/ANDERSON

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval and adopted the submitted Resolution.

Parks Department staff presented a resolution to the Board recommending the purchase of 16.0 acres of land divided into three parcels from the Maryland Environmental Trust as an addition to the Black Hill Regional Park. The subject property is located in Boyds, Maryland, off of West Old Baltimore Road. The negotiated purchase price is \$370,000, which staff expects to be reimbursed for by the Maryland Open Space Program. An additional \$50,000 to demolish a dilapidated single-family home on the site and restore the property is proposed to be funded through the FY13 Non-Local Park Acquisitions Program.

***6. Preliminary Plan 120100100: Little Bennett Creek**

Request to create two (2) lots and 7.82 acres of parkland conveyance, located on the east side of Kings Valley Road approximately 1,000 feet south of the intersection with Mountain View Road, 13.23 acres, RNC/TDR Zone, Damascus Master Plan

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

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 offered a multi-media presentation of the proposed request to create two lots for residential development at Little Bennett Creek located on the east side of Kings Valley Road in the Damascus Master Plan area. The subject property is designated as a rural transition area, is unimproved, and includes 3.02 acres of young forest. The proposal is to retain all existing forest as well as plant 0.29 acres of new forest, and dedicate 7.82 acres as parkland under a Rural Open Space easement. The applicant originally proposed to locate the new forest planting in the stream valley buffer, but staff recommends planting adjacent to the existing forest in order to maximize the new trees chances of thriving. Water and sewer service to the proposed development would be provided by onsite well and septic systems.

Mr. James Clifford, attorney representing the applicant, introduced Mr. Josh Maisel, engineer for the applicant, noted that all forested and stream areas on the subject property are being dedicated as parkland, commented on ongoing discussions with the Department of Transportation regarding proposed sidewalk improvements, and concurred with the staff recommendation.

11. ~~Hearing – Burning Tree~~ Reconsideration of Preliminary Plan Review No. 120110200, 8701 Burning Tree - **TIME CHANGED/REVISED**

R-200 Zone, 1.45 acres, 1 lot for 1 one-family unit; located at 8701 Burning Tree Road, Bethesda Chevy-Chase

Staff Recommendation: Approval with conditions

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

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

Planning Department staff discussed the development application for 8701 Burning Tree Road. This plan was originally approved on September 13, 2012, but the staff presentation at that hearing contained several technical errors about the lot size of the subject property. On June 6, 2013, the Planning Board approved a request to reconsider the proposal with corrections to these errors. Staff also discussed corrections to the previous staff report. The size of the lot in question was clarified to be 63,066 square feet and not 47,431 as initially reported. Staff explained that 47,431 square feet was the area remaining on the property that was not put into forest conservation easement, and corrected the initial report that the irregular shape of the lot would be at odds with the rest of the neighborhood, as 19 of the 21 surrounding lots have similar irregular shapes. Staff also discussed several other minor technical corrections, and noted that none of these corrections should change the ultimate decision of the Board and recommended approval of the plan.

Ms. Rebecca Walker, attorney representing the applicant, offered brief comments and concurred with the staff recommendation.

14. FY14 Special Appropriation Request - ITPCC GIS Visualization project - **ADDED**

Authorization to request funding from the ITF for the performance of the ITPCC Inter-Agency GIS project as part of the County Open Data Initiative

Staff Recommendation: Approval

BOARD ACTION

Motion: DREYFUSS/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff request for a special appropriation.

Acting Planning Department Director Rose Krasnow presented a budget request to fund the performance of the Interagency Technology Policy and Coordination Committee (ITPCC) GIS project, as part of the County Open Data Initiative. Initially, funds had been provided by a budget transfer approved by the Planning Board on April 25, 2013. However, on June 17, 2013, Montgomery County approved a new Interagency Technology Fund (ITF), and staff needs the Board’s authorization to use that fund for ITPCC projects. The scope and requirements of the projects have not changed since the budget item was initially discussed on April 25.

7. Long Branch Sector Plan - Review Highway Capacity Manual Traffic Analysis

Staff Recommendation: Discuss and provide direction to staff

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Directed staff to draft a letter to the County Council providing results of their traffic analysis, including a model of congestion standards comparable to the Chevy Chase Lake area.

Planning Department staff offered a multi-media presentation of updated traffic analyses carried out for the Long Branch Sector Plan area. The analyses included in the draft plan transmitted to the County Council did not account for planned traffic improvements associated with the Purple Line project or new land use recommendations from the Planning Board, so staff recalculated the results taking into account the new data. Staff discussed various traffic congestion tests required by the County in different plan areas. A Highway Capacity Manual Analysis (HCM) is required whenever an intersection Critical Lane Volume (CLV) is calculated to exceed 1600, which is a rough measure of the maximum amount of traffic an intersection can accommodate without undue congestion. The intersections at University Boulevard and Piney Branch Road and at Sligo Creek Parkway and Piney Branch Road have both reached this threshold. Staff calculated that traffic improvements will be able to ameliorate the situation at Sligo Creek Parkway and Piney Branch Road, but that even after the Purple Line project improvements, the intersection of University Boulevard and Piney Branch Road will still be slightly over the 1600 CLV threshold. Staff did not feel that land use changes within the Sector Plan area would be likely to address problems because most of the traffic at the intersection was pass-through and not related to activity within the plan area. Staff instead proposed continuing aggressive

efforts to provide alternatives to auto transportation within the area, and suggested that the congestion standard for the intersection could be raised to a CLV of 1700.

The Board discussed a recent recommendation by County Council staff to raise the CLV standard to 1700 in the Chevy Chase Lake area, and instructed staff to analyze the results of raising the CLV standard for the Sector Plan area to 1700 and submit their findings to the County Council.

Staff emphasized that higher congestion standards were tolerable in densely populated areas with access to transit systems.

9. Voluntary Submittal Following Mandatory Referral, MR No. 2011105-MDP-4 - Intelligence Community Campus-Bethesda (ICC-B) South Campus Improvements, Submittal #1 the Centrum Building, and Illustrations of Future Sumittals #2 and #3 - **TIME CHANGED/REVISED**

~~Update on the design review of the north campus, including renovation of buildings, landscaping, garage structure and green areas; located at 4600 Sangamore Road, Bethesda~~

Review of the South Campus Improvements including construction of a new building with update concerning future voluntary submittals for renovation of existing buildings and completion of overall site work and landscape plan, located at 4600 Sangamore Road, Bethesda

Staff Recommendations: Approval to Transmit Comments

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Action: Approved staff recommendation to transmit comments to the National Capital Planning Commission, as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation of proposed design plans for the Centrum Building to be constructed as one of the planned improvements of the Intelligence Community Campus-Bethesda (ICC-B) South Campus. The applicant is required to submit all proposed improvements to the National Capital Planning Commission (NCPC) as part of a Mandatory Referral process, and has voluntarily submitted the plans to the Montgomery County Planning Board ahead of that process to request guidance and feedback. NCPC supports this request. The applicant's proposals for the North Campus improvements were approved in July 2012 after addressing issues relating to the visual impact of the campus and stormwater management. Planned improvements for the South Campus include the Centrum Building being reviewed today, façade improvements to two existing buildings, and an overall site work and landscape plan that is currently under development.

Mr. Bobby Borgeoius, program manager for the ICC-B project, introduced Mr. Jack Connely of the US Army Corps of Engineers, and Messrs. Dana Pomeroy and Jerry Briggs of Whiting Turner

Contracting, members of the applicant's team, discussed the extensive community outreach conducted to address issues such as traffic impacts and stormwater management.

Messrs. Pomeroy and Briggs offered comments about the design efforts to promote interaction and cooperation between the 16 different intelligence agencies that will use the campus, and discussed features of the Centrum Building, which will provide connectivity between three different buildings.

There followed a brief Board discussion with questions to staff, Mr. Borgeoius and his team members.

10. Zoning Text Amendment No. 13-05 - TIME CHANGED

To revise the provisions of US 29/Cherry Hill Road Employment Area Overlay Zone to: allow additional residential and retail uses where the underlying zone is I-1; and establish development standards for the additional uses.

Transmit Comments to County Council.

(Action required for County Council public hearing of 6/18/13)

BOARD ACTION

Motion: ANDERSON/PRESLEY

Vote:

Yea: 5-0

Nay:

Action: Approved staff recommendation to transmit comments to the County Council with added language to clarify that approval of the Zoning Text Amendment will not prejudice any land use decisions made in the upcoming White Oak Science Gateway Master Plan.

Planning Department staff offered a multi-media presentation of a proposed Zoning Text Amendment (ZTA), which would allow new commercial uses in the Cherry Hill Road Employment Area Overlay Zone. The Employment Overlay Zone was adopted as part of the 1997 Fairland Master Plan to provide services to local residential communities and to prepare for a land use transition after local industrial uses were phased out. A 2005 amendment allowed restaurants and biotech research. Both the Overlay Zone and the 2005 amendment are part of an incremental transition away from purely industrial land use, and the proposed ZTA would continue that transition by allowing mixed-use multi-family residential development with ground-floor retail, and establishing grocery stores as an allowable commercial use. The White Oak Science Gateway Master Plan, currently under review, proposes commercial use for that area, so the transition away from purely industrial use would be consistent with the pending Master Plan.

The Board expressed concern that the proposed ZTA would preempt the Master Plan decisions and asked why developers don't wait for finalization of the new Master Plan to rezone the area.

Mr. William Kominers, attorney representing Spectrum Partners, offered testimony that his clients wanted to develop the property within the Overlay Zone and that waiting for the Master Plan

would result in unnecessary expenditures. Mr. Kominers stated that the proposed ZTA was designed to be consistent with the development standards of the Commercial /Residential (CR) Zone applied to the subject property in the pending White Oak Master Plan, and presented an illustration of the proposed development.

The Board discussed the incompatibility of commercial and industrial uses, and debated whether there was sufficient industrial land to provide necessary services such as auto repair.

8. White Oak Science Gateway Master Plan - Worksession #1: Transportation and Land Use - REVISED/TIME CHANGED

Staff Recommendation: Discuss and provide guidance to staff

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Action: Discussed and provided guidance to staff.

Planning Department staff offered a multi-media presentation describing the White Oak plan area and the vision for the White Oak Science Gateway Master Plan, which is intended to transform communities into mixed-use areas with local commercial destinations and pedestrian connectivity. Staff noted that balancing traffic needs within the plan area is a challenge because several existing intersections are overly congested as a result of pass-through traffic, and this problem cannot be addressed through land use changes within the Master Plan area as the trips are originating outside that area. However, staff believes the issue can be partially ameliorated by developing mass transit options and encouraging local commercial development to allow area residents to meet their needs with shorter trips. Staff also discussed phasing of new development.

The Board discussed traffic standards and debated whether it was possible to achieve transit-oriented densities under a standard that called for free-flowing auto traffic, and also discussed a variety of proposed traffic improvements and debated the relative merits of those improvements.

Ms. Eileen Finnegan offered comments about the proposed Bus Rapid Transit system (BRT) treatments along Randolph Road.

The Board discussed whether BRT treatment decisions should be made a part of the White Oak Science Gateway Master Plan or of the concurrent Countywide Transit Corridors Functional Master Plan.

In reply to a question from the Board about the possibility of releasing some properties from their Trip Mitigation Agreements, legal counsel noted that the process would need to involve the property owners who were subject to the agreements.

Mr. William Kominers, attorney representing Spectrum Partners, offered testimony that many property owners were not aware that their property was subject to Trip Mitigation Agreements and

proposed that the Board, as the beneficiary of Trip Mitigation covenants, could dissolve those covenants unilaterally.

The Board directed legal counsel to confer with Mr. Kominers and reconcile their different interpretations.

Staff discussed public testimony received in support of proposed bike path connections, and the Board reminded staff of previous instances in which bikeways were opposed by the Montgomery County Department of Transportation, and instructed staff to prepare alternative routes, as contingencies, in the event that any of their proposed routes were not approved.

12. Roundtable Discussion

- Planning Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

Planning Director's Report - Acting Planning Department Director Rose Krasnow presented a report to the Planning Board and discussed the pending transition to a new Planning Department Director; a recent meeting of the Washington Suburban Sanitary Commission (WSSC) Ad Hoc Committee to discuss the risks associated with large diameter pipes; the quarterly meeting of the Streamlining Oversight Committee, including the progress that has been made in streamlining the development approval process; and the Planning Department collaboration with Evolve Software Company to train Planning Department staff on the new Project Dox system.