



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 27, 2013, at 9:20 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 7:12 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 2 are reported on the attached agenda.

Item 3, a Closed Session Item, was removed from the Planning Board Agenda.

The Board recessed for lunch at 12:00 p.m. and to take up Item 10 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 12:05 p.m. in the auditorium, 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)(13) to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.

Also present for the Closed Session was M. Clara Moise of the Commissioners' Office.

In Closed Session the Board approved Closed Session Minutes of April 4 (two sets), April 11, April 18, April 25, May 2, May 9, May 16 two sets), May 22, and May 23, 2013, as submitted.

The Closed Session meeting was adjourned at 12:05 p.m.

The Planning Board reconvened in the auditorium at 1:45 p.m. Commissioner Amy Presley was necessarily absent for the afternoon session.

Items 4 through 9 are reported on the attached agenda.

Chair Carrier left the meeting at 5:09 p.m. during discussion of Item 6, and Vice Chair Wells-Harley assumed the chairmanship for the remainder of the meeting.

There being no further business, the meeting was adjourned at 7:12 p.m. There will not be a Planning Board meeting next Thursday, July 4, Independence Day. The next regular meeting of the Planning Board will be held Thursday, July 11, 2013, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Sr. Technical Writer

Montgomery County Planning Board Meeting
Thursday, June 27, 2013
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

1. QIAGEN Campus at Germantown Business Park 81998022F, MCPB No. 13-75
2. Corrected Resolution Studio Plaza Site Plan 820130010, MCPB No. 13-23
3. Burning Tree Preliminary Plan 120110200, MCPB No. 12-80
4. Crystal Rock Preliminary Plan 120120210, MCPB No. 13-38

BOARD ACTION

Motion: **WELLS-HARLEY/DREYFUSS**

Vote:

Yea: **5-0**

Nay:

Other:

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

***B. Record Plats**

Subdivision Plat No. 220130260 – 220130280, The Towns at Germantown Park

RT-12.5 zone; 104 lots, 13 parcels; located in the northwest quadrant of the intersection of Clopper Road (MD 117) and Cinnamon Drive; Germantown Master Plan

Staff Recommendation: Approval

Subdivision Plat No. 220130560, Plumgar

R-60 and C-3 zones, 1 lot; located on the east side of Blunt Road, 800 feet northeast of Frederick Road (MD 355); Germantown Sector Plan

Staff Recommendation: Approval

BOARD ACTION

Motion: **PRESLEY/WELLS-HARLEY**

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 Other Consent Items submitted for approval.

***D. Approval of Minutes**

Minutes of May 30, 2013

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved Planning Board Meeting Minutes of May 30, 2013, as submitted.

2. White Oak Science Gateway Master Plan - Worksession #2: Land Use, Zoning

Staff Recommendation: Discuss and provide guidance to staff

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by Board discussion, and provided guidance to staff.

Planning Department staff noted that this is the second worksession on the White Oak Science Gateway Master Plan. At the June 20 worksession, the Board reviewed the testimony and staff's responses to the transportation related recommendations of the Plan. This worksession is intended to cover the land use and zoning recommendations of the Plan. The Board is scheduled to hold five more worksessions over six weeks in June and July. At the Planning Board meeting scheduled for September 4, the Board is scheduled to review the draft Master Plan and approve it for transmittal to the County Executive and the County Council. Staff discussed in detail the current and proposed zoning for various sites in White Oak, as described in the June 27 technical staff report, and requested the Board's guidance.

At the Board's request, Mr. Jonathan Genn, Executive Vice President and owner of PerContee Incorporated; and Mr. Dan Wilhelm, representing the Greater Colesville Citizens Association offered comments.

There followed extensive Board discussion with questions to staff and the speakers.

~~Item 3~~

~~Closed Session - REMOVED~~

~~12:10 pm~~

~~30 min~~

~~M. Chung~~

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

10. Closed Session - ADDED

Pursuant to State Government Article, Annotated Code of Maryland §10-508(a)(13) to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter (Approval of Closed Session Minutes)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

***4. Reserve Business Center - Preliminary Plan No. 120130100**

200,000 square feet of light industrial warehouse and accessory office uses on 13.74 acres of land in the I-4 Zone; located at the east side of Snouffer School Road (Parcels P491 and P649), Gaithersburg in the 1985 Gaithersburg Vicinity Master Plan, as amended, area.

Staff Recommendation: Approval with conditions

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: PRESLEY ABSENT

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

Planning Department staff offered a multi-media presentation of a proposal to convert two parcels of land into a single 13.74-acre lot to be developed into 200,000 square feet of warehouse space with accessory office uses. The subject property is located on the east side of Snouffer School Road in the Gaithersburg Vicinity Master Plan area and was the former site of the Nike Missile Launch Area, which housed three underground missile launch pads and associated silos. The abutting property to the west is an Army Reserve Center, single-family homes to the north, and vacant properties owned by the County to the south and east. There is also a 4.5-acre lot on the western edge of the property that is effectively landlocked, as it does not have access to, or frontage along any public streets.

The proposed development would create three buildings and 318 parking spaces, which would be buffered from the residential neighborhood to the north by a 100-foot deep forested area and an 8-foot high wall. Access agreements have been secured with the Army Reserve Center and Montgomery County to allow access from the subject property to Snouffer School Road. Of the 5.92 acres of existing forest on the property, 4.72 would be cleared, of which 0.4 acres would be replaced by onsite reforestation, 0.25 acres replaced by onsite tree canopy cover planting, and 2.61 acres would be mitigated by offsite reforestation. There would also be a 1.58 acre Category 1 Forest Conservation easement placed on the property. The proposed development would require removal of four specimen trees designated as high priority for retention, as well as impact the critical root zones of an additional six high-priority specimen trees. Staff recommends requiring the applicant to plant three new trees measuring at least three inches caliper as mitigation in addition to the other required reforestation efforts.

Two points of contention for this proposal were the proposed requirement that the applicant provide public street access to the adjacent landlocked property, and the requirement

***4. Reserve Business Center - Preliminary Plan No. 120130100**

that the applicant complete the Maryland Department of the Environment (MDE) voluntary cleanup program to remove any contamination left behind by the old Nike Missile Launch facility. Staff believed that Section 50-29(a)(2) of the Subdivision Regulations, which prohibit any development that would negatively impact development of adjacent properties, would not allow leaving the adjacent property with no street access, whereas the applicant believed the circumstances that landlocked the property preexisted their proposed development.

Staff discussed the specifics of the MDE voluntary cleanup program and a proposal from the Montgomery County Department of Transportation to require construction of a shared-use bike path along Snouffer School Road.

Mr. Stuart Barr, attorney representing the applicant, noted that his client intends to comply with the MDE voluntary cleanup program but does not believe it is appropriate to mandate completion of the program before construction begins because of the nature of the process, which often includes recommendations to be carried out before, during, and after construction. Mr. Barr also discussed the neighboring landlocked property, and the applicant's proposed revisions to staff's recommended conditions of approval.

The following speakers offered testimony: Ms. Jennifer Alfonso of Fountain Valley Drive; Mr. Bob Hydorn, representing the Montgomery Village Foundation; Ms. Terry O'Grady, representing the Mid-County Citizens Alliance; Mr. Jonathan Martin of Silverfield Circle; Mr. Charles Job of

Silverfield Circle; Ms. Layla Ewald of Silverfield Circle; Ms. Jerry Rob of Thomas Lea Terrace; Ms. Janet Martin of Silverfield Drive; Ms. April Steward, representing the East Village Home Corporation; and Mr. Tod Brown, attorney, representing the owners of the adjacent landlocked property.

In reply to a question from the Board, Mr. Brown explained that the property was landlocked as a result of the realignment of Snouffer School Road in the 1950s.

The Board discussed the zoning and location of the landlocked property, and noted that it will probably be very difficult to develop, even if it were granted public street access.

5. North Branch Hiker-Biker Trail

Facility plan for 1.5 miles of new trail and connections, extending from Lake Frank in Rock Creek Regional Park to a future developer built trail ending at Bowie Mills Park. The trail is located in North Branch Stream Valley Park within the Olney and Upper Rock Creek Master Plan Areas.

Staff Recommendation: Approve Facility Plan and Cost Estimate

BOARD ACTION

Motion: **ANDERSON/DREYFUSS**

Vote:

Yea: **3-0**

Other: **PRESLEY, CARRIER ABSENT**

Action: **Approved the proposed Facility Plan and Cost Estimate along with the Forest Conservation Plan and other staff recommendations.**

Parks Department staff offered a multi-media presentation of the proposed Facility Plan for a new Hiker/Biker trail in the North Branch Stream Valley Park, and displayed maps of existing trails along with the proposed route for the new trail. The Facility Plan provides for 1.5 miles of new hard-surface trail that would begin near Lake Frank in Rock Creek Park and end near a trail built by private developers near Bowie Mill Road. Staff discussed a community member's recommendation to expand the trail onto Ridge Drive, which was judged to be unworkable due to the number of sensitive creek areas that would be affected. The proposed trail incorporates two abandoned parking lots, which would be replaced with meadow and forest areas. The Facility Plan also includes bike racks, water fountains, waste receptacles, and other amenities for public use.

The following speakers offered testimony: Ms. Claire Miller of Kirk Lane; Ms. Patty Kane of Lake Terrace; Mr. Ethan Cohen of Trailway Drive; Mr. Gerald Miller of Kirk Lane; Mr. Joe Fritsch of Buehler Road; Ms. Carolyn Standing of Sereality Lane; Ms. Elizabeth Marcy of Guilford Road; Mr. Stephen Kelly of Wyman Park Drive; and Mr. Jeff Rosen of Emory Lane.

Ms. Marla Rudrick of Trail Ways Drive offered a multi-media presentation on the variety of wildlife in the park that could be adversely affected by asphalt trails, and presented excerpts from internet forums for bike enthusiasts that claimed crushed limestone trails were just as accessible to bicycles as asphalt.

The Board asked Parks Department staff to address concerns about the loss of natural surface trails.

Staff noted that trails with natural surfaces such as crushed limestone were degraded by rainfall much more drastically than asphalt and did not provide the same degree of access to park goers with disabilities and mobility restrictions. Staff also pointed out that Lake Frank was created for stormwater management purposes and would contain impervious surface runoff regardless of whether or not park trails were paved.

6. Roundtable Discussion

A. Clarksburg Town Center

B. Shades of Green – **POSTPONED**

C. Clarification of Forest Conservation law - **ADDED**

BOARD ACTION

Motion: C. DREYFUSS/ANDERSON

Vote:

Yea: C. 3-0

Nay:

Other: C. PRESLEY, CARRIER ABSENT

Action: C. Approved transmission of the staff recommendation to the County Council.

A. Clarksburg Town Center: Ms. Kate Kubic, representing Third Try LLC., offered a multi-media presentation to update the Board on the progress of development for the Clarksburg Town Center and displayed a 3-D video illustrative tour of the current design concept.

Mr. David Flannigan, developer, described the three major anchor stores planned for the Town Center and requested the Board's permission to submit a combined preliminary plan, project plan, and site plan simultaneously, which he claimed could speed up the approval process by as much as a year compared to submitting individual plans.

Legal Counsel to the Board noted that the combined submittal would be acceptable.

Mr. Flannigan also asked the Board to authorize staff to discuss plan conformance issues with his team, which the Board approved but cautioned that there was no guarantee staff would agree with the applicant's position.

C. Clarification of Forest Conservation Law: Planning Department staff discussed proposed legislation to clarify the Board's enforcement authority under the County's Forest Conservation laws. Staff intends to have the legislation before the County Council by July 9, 2013, and requires immediate approval of the Board in order to meet the deadline. The only purpose of the legislation is to clarify the existing law without making any substantial changes.

***7. Site Plan No. 820130250: Crystal Rock Drive and Century Boulevard (Including a Forest Conservation Plan)**

Construction of an extension to Crystal Rock Drive and Century Boulevard, located north of Father Hurley Boulevard/Ridge Road (MD 27) between Crystal Rock Drive and I-270, TMX-2 Zone, Sector Plan for the Germantown Employment Area

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: ANDERSON/DREYFUSS

Vote:

Yea: 3-0

Nay:

Other: PRESLEY/CARRIER ABSENT

Action: Approved staff recommendation for approval of the Site Plan cited above, including a Forest Conservation Plan, subject to conditions, as stated in the attached Board Resolution.

Planning Department staff discussed the request to extend Crystal Rock Drive and Century Boulevard in order to provide public roads and infrastructure to the pending 107.7-acre Crystal Rock mixed-use development, which will include hotel, retail, and residential uses. The proposed development would also include construction of water, sewer, storm drain, and fire suppression facilities, as well as begin preliminary grading along I-270. Staff finds the proposal to be in conformance with the previously approved Crystal Rock Preliminary Plan and Crystal Rock Project Plan and recommends approval.

Mr. Robert Brewer, attorney representing the applicant, offered brief comments, and concurred with the staff recommendation.

***8. Site Plan Review No. 820130170 - 7900 Wisconsin Avenue**

CBD-R2 zone, 1.83 acres, 440,000 square feet of residential development with a maximum of 475 multi-family dwelling units including 15% MPDUs and 21,630 square feet of commercial development, located on Wisconsin and Woodmont Avenues approximately 245 feet south of Cordell Avenue, Bethesda CBD

Staff Recommendation: Approval with conditions

BOARD ACTION

Motion: DREYFUSS/ANDERSON

Vote:

Yea: 3-0

Nay:

Other: PRESLEY/CARRIER ABSENT

Action: Approved staff recommendations and adopted attached Board Resolution.

Planning Department staff offered a multi-media presentation and discussed the request to develop a 1.83-acre site in the Bethesda Central Business District between Wisconsin Avenue and Woodmont Avenue for multi-family residential units with ground-floor retail. Staff clarified that the applicant has reduced the proposed number of residential units from 475 to 450 as stated in the staff report. Sixty-eight of these units are proposed to be Moderately Priced Dwelling Units (MPDUs), which qualifies the applicant for a 22 percent height bonus for providing 15 percent MPDUs. The subject property is currently the location of a four-story office structure, two single-story retail structures, and a surface parking lot. The proposed project would incorporate a density transfer from a two-story bank on Woodmont Avenue, and would provide 11,329 square feet of public use space, including landscaped sitting areas and pedestrian walkways with unique public art features.

Mr. Steve Robbins, attorney representing the applicant, introduced the team of architects responsible for the building design, and offered brief comments.

The Board complimented the applicant's team for the public art elements included in the proposed project.

In response to concerns about loss of street side parking from the owner of an adjacent store, the applicant agreed to relocate a proposed fire hydrant on Wisconsin Avenue.

There followed a brief Board discussion with questions to staff, Mr. Robbins and the architects.

9. Forest Conservation Program Annual Report

Staff Recommendation: Transmit Annual Report Data to the Maryland Department of Natural Resources

BOARD ACTION

Motion: ANDERSON/DREYFUSS

Vote:

Yea: 3-0

Nay:

Other: PRESLEY/CARRIER ABSENT

Action: Approved staff recommendation to transmit the Forest Conservation Program Annual Report to the Maryland Department of Natural Resources.

Planning Department staff discussed the annual report on the status of the Forest Conservation Program, which is required by all jurisdictions under the Maryland Forest Conservation Act. Staff offered a multi-media presentation displaying areas in Montgomery County that have lost forest, areas that have been reforested in mitigation, and areas placed into Forest Conservation easements. In the past twenty years there have been an average of 193 acres of forest cleared annually, and an average of 109 acres of forest planted annually. Staff estimates that the compliance rate for Forest Conservation easements is over 90 percent and will improve in the future due to new tools, such as the web-based “easement finder” program. Staff discussed efforts to protect new plantings from deer, using volunteers, and fee-in-lieu payment money.

The Board discussed how Montgomery County’s forest conservation efforts compare to those of other nearby counties.