



**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, July 9, 2015, at 9:06 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 8:30 p.m.

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

Commissioners Norman Dreyfuss and Amy Presley were necessarily absent.

Items 1 through 5 are reported on the attached agenda.

The Board convened in Closed Session at 12:22 p.m. to take up Item 13, a Closed Session Item.

In compliance with State Government Article §3-305(b), Annotated Code of Maryland, the following is a report of the Board's Closed Session:

The Board convened in Closed Session at 12:22 p.m. in the 3<sup>rd</sup> floor conference room on motion of Commissioner Fani-González, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioner Fani-González voting in favor of the motion, and Commissioners Dreyfuss and Presley absent. The meeting was closed under authority of Annotated Code of Maryland, General Provisions Article, §3-305(b)(3), to consider the acquisition of real property for a public purpose and matters directly related to the acquisition.

Also present for the Closed Session were Senior Counsel Megan Chung of the Legal Department; Director Gwen Wright and Deputy Director Rose Krasnow of the Planning Department; Director Michael Riley, Acting Deputy Director Mitra Pedoeem, and Judie Lai of the Parks Department; and James J. Parsons of the Commissioners' Office.

In Closed Session the Board received briefing regarding the proposed new Montgomery County Park and Planning Commission Headquarters building in Wheaton.

The Closed Session meeting was adjourned at 12:59 p.m.

The Board reconvened in the auditorium at 1:10 p.m.

Items 6 through 10 are reported on the attached agenda.

The Board recessed for dinner at 5:13 p.m.

MCPB, 7-9-15, APPROVED

The Board reconvened in the auditorium at 6:37 p.m.

Items 12 and 11, discussed in that order, are reported on the attached agenda.

There being no further business, the meeting was adjourned at 8:30 p.m. The next regular meeting of the Planning Board will be held on Thursday, July 16, 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, July 9, 2015**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600

**1. Consent Agenda**

**\*A. Adoption of Resolutions**

1. Washington Grove Lane Preliminary Plan 120140230 - MCPB No. 15-68

**BOARD ACTION**

**Motion:** FANI-GONZÁLEZ/WELLS-HARLEY

**Vote:**

**Yea:** 3-0

**Nay:**

**Other:** DREYFUSS & PRESLEY ABSENT

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

**\*B. Record Plats**

Subdivision Plat No. 220150400, The Hunt Club  
RE-2 zone, 1 lot; located on the south side of Glen Road, opposite Three Sisters Road; Potomac  
Subregion Master Plan.

*Staff Recommendation: Approval*

Subdivision Plat No. 220150620, Calverton  
R-90 zone, 1 lot; located on the north side of Fairland Road, 1180 feet west of Briggs Chaney Road;  
Fairland Master Plan.

*Staff Recommendation: Approval*

Subdivision Plat No. 220150640, Tri-County Baptist Church  
AR zone, 1 lot; located on the east side of Damascus Road (MD 108), 720 feet north of the intersection  
with Long Corner Road; Damascus Master Plan.

*Staff Recommendation: Approval*

MCPB, 7-9-15, APPROVED

Subdivision Plat No. 220150660, Fellowship  
R-200 zone, 2 lots; located on the north side of Fellowship Lane, 200 feet west of Quince Orchard  
Road; Potomac Subregion Master Plan.

*Staff Recommendation: Approval*

Subdivision Plat No. 220151060, West Chevy Chase Heights  
R-60 zone, 1 lot; located on the south side of Maple Avenue, 325 feet west of Kentucky Avenue;  
Bethesda - Chevy Chase Master Plan.

*Staff Recommendation: Approval*

Subdivision Plat No. 220151360, Poplar Run  
R-200 zone, 1 lot and 1 parcel; located on the west side of Guillemot Drive, 280 feet north of Sanctuary  
Court; Kensington - Wheaton Master Plan.

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: WELLS-HARLEY/ FANI-GONZÁLEZ**

**Vote:**

**Yea: 3-0**

**Nay:**

**Other: DREYFUSS & PRESLEY ABSENT**

**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 Thursday, June 18; Wednesday, June 24; and Thursday June 25, 2015

**BOARD ACTION**

**Motion: FANI-GONZÁLEZ/WELLS-HARLEY**

**Vote:**

**Yea: 3-0**

**Nay:**

**Other: DREYFUSS & PRESLEY ABSENT**

**Action: Approved Planning Board Meeting Minutes of June 18, June 24, and June 25, 2015, as submitted.**

**2. Briefing on Recommendations of the Traffic Impact Studies Technical Working Group**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received briefing.**

Mr. Daniel Hardy, representative from Renaissance Planning Group, offered a multi-media presentation and briefed the Board on the Traffic Impact Studies Technical Working Group (TISTWG). Mr. Hardy noted that the upcoming 2016 Subdivision Staging Policy (SSP), which is scheduled to be adopted by the County Council in November 2016, will include updates to Local Area Transportation Review (LATR) procedures, Transportation Policy Area Review (TPAR) procedures, and the transportation impact tax. Consisting of representatives from the Montgomery County Planning Department, the Montgomery County Department of Transportation, the Maryland State Highway Administration, the Washington Area Metropolitan Transit Authority, Montgomery County Council staff, civic associations, transportation consultants, and the building industry, TISTWG was assembled to review and re-evaluate current LATR procedures in order to improve multi-modal analysis, increase predictability for applicants, and streamline implementation of transportation programs and services. Since the last Planning Board roundtable regarding LATR procedures on February 5, TISTWG has

focused on the development of additional pro-rata share districts in which LATR, TPAR, and possibly the transportation impact tax would be replaced with a district-wide payment system. Mr. Hardy noted that such a system currently exists in White Flint and is being developed in White Oak. TISTWG has also focused on utilizing Vehicle Miles of Travel (VMT) as an element of the SSP process.

Mr. Hardy explained that most development review processes originated from the impact mitigation approach, in which the objective was simply to meet adequacy standards in order to mitigate environmental or public health issues. This led to the negotiated extraction approach, in which impacts are identified and used to find mitigation approaches consistent with Master Plan objectives. In some smart-growth areas, including San José, California, and Portland, Oregon, the negotiated extraction approach has given way to the pro-rata share approach. In order to determine the private sector's financial responsibility for a transportation system, a pro-rata share district utilizes a ratio between the total cost of the district's transportation system and the unit of demand generated by each development. According to Mr. Hardy, new pro-rata share

## **2. Briefing on Recommendations of the Traffic Impact Studies Technical Working Group**

### CONTINUED

districts should be considered for relatively compact geographical areas; developed with participation of local businesses and residential communities; established using parameters that reflect the needs and interests of the district; coordinated with state, regional, and local transportation agencies; and include regularly scheduled monitoring and revision. Mr. Hardy noted that Bethesda may be a good candidate for a new pro-rata share district.

Mr. Hardy stated that TISTWG has proposed two approaches regarding the integration of VMT into the SSP process. One approach involves utilizing VMT in the TPAR process to identify generated travel demand by area in order to establish area TPAR contributions. The other approach recommends utilizing VMT in the LATR scoping process in order to establish and credit locations designated as one of three types of Low VMI development under an alternative review procedure. Zero-VMT development would include locations that reduce area-wide VMT and would then be exempt from LATR and TPAR actions and transportation impact taxes. Very Low VMT development would include locations that generate negligible VMT and would then be exempt from LATR action, but not from TPAR action and transportation impact taxes. Mitigated VMT development would include locations that reduce expected VMT by 50 percent and would then be exempt from LATR and TPAR action, but not transportation impact taxes.

Mr. Hardy enumerated proposed LATR revisions, including the Low VMT alternative review procedure, identification of at-capacity "protected intersections," and bicycle/pedestrian accessibility incentives, among others. The next steps for WISTWG include presentation of the final LATR and TPAR revisions and Trip Generation recommendations to the Planning Board in early 2016.

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

**\*3. Victory Crossing: Preliminary Plan No. 120140210** --- Request to subdivide the property into 1 lot with two buildings, the existing Third District Police Station, and an apartment building with 105 units for senior housing; R-90/TDR-6 Zone; 12.79 acres; located on the north side of the intersection of New Hampshire Avenue (MD 650) and Columbia Pike (US 29), within the 2014 White Oak Science Gateway Master Plan.

*Staff Recommendation: Approval with Conditions*

**Motion: FANI-GONZÁLEZ/WELLS-HARLEY**

**Vote:**

**Yea: 3-0**

**Nay:**

**Other: DREYFUSS & PRESLEY ABSENT**

**Action: Approved staff recommendation for approval of the Preliminary Plan cited above, subject to conditions, and adopted the attached Resolution.**

Planning Department staff offered a multi-media presentation and discussed a proposed Preliminary Plan request to plat a County-owned property, create two ownership lots, and construct a residential senior housing facility on a portion of one of the lots. The 2.51-acre project site, part of a 12.79-acre tract owned by Montgomery County, is located in the northeast quadrant of the intersection of Milestone Drive and New Hampshire Avenue (MD 650), bounded by Seton Drive to the north, and zoned residential in the 1997 White Oak Master Plan area. The applicant is seeking approval to plat an 11.08-acre lot consisting of 8.57-acre ownership lot 1A, which is currently developed with the Third District Police Station, and 2.51-acre ownership lot 1B, on which the applicant proposes to construct a 53-foot, four-story residential senior housing facility for no more than 105 apartment units and an 80-space parking area. The remaining 1.71 acres of the tract will be reserved as right-of-way for the proposed Stewart Lane interchange. The proposed facility will consist of 80 one-bedroom units and 25 two-bedroom units. Approximately 90 percent of the units are intended for tenants with incomes at or below 60 percent of the County's average median income. The facility will be accessed from Milestone Drive via a circular driveway. Staff added that the applicant proposes 6.68 acres of forest removal, 2.69 acres of forest retention, and 1.04 acres of forest planting.

Staff noted that Montgomery County Police Department and the Montgomery County Department of Permitting Services have very recently requested the relocation of the project's proposed pedestrian access and sidewalks. Originally, the applicant had proposed construction of a sidewalk on the north side of Seton Drive that would extend from an existing sidewalk on Milestone Drive to an existing sidewalk that terminates on the east side of Sherbrooke Woods

**\*3. Victory Crossing: Preliminary Plan No. 120140210**

CONTINUED

Lane. Another sidewalk had been proposed for the south side of Seton Drive that would connect to an existing sidewalk on the west side of Sherbrooke Woods Lane and terminate at a lead-in sidewalk to be constructed on the northwest portion of the site, adjacent to a gated access road to the existing police station. The applicant's revised plan proposes to construct only a sidewalk on the south side of Seton Drive, extending from Sherbrooke Woods Lane to Milestone Drive, and a lead-in sidewalk approximately 500 feet east of the access road to the police station.

Mr. Jody Kline, attorney representing the applicant, offered comments and concurred with the staff recommendations.

There followed a brief Board discussion with questions to staff.

**\*4. Rockville Evangelical Mission Church: Preliminary Plan No. 120130210** --- Request for a Preliminary Plan of Subdivision to create one lot for a two-story, 22,500-square-foot church with parking and related site improvements. The request includes a waiver to Chapter 50-24(a) of the County Code for required sidewalk improvements along the Cyrus Street frontage. 5.0 acres, R-200 Zone; located on the south side of Central Avenue, approximately 1,050 feet east of S. Frederick Avenue, in the Great Seneca Science Corridor Master Plan area.

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion: WELLS-HARLEY/ FANI-GONZÁLEZ**

**Vote:**

**Yea: 3-0**

**Nay:**

**Other: DREYFUSS & PRESLEY ABSENT**

**Action: Approved staff recommendation for approval of the Preliminary Plan cited above, subject to revised conditions discussed during the meeting.**

Planning Department staff offered a multi-media presentation and discussed a proposed Preliminary Plan request to construct a house of worship and related parking. The 5.02-acre property is located on the south side of Central Avenue, approximately 1,000 feet east of Frederick Avenue (MD 355), bounded by Cyrus Street to the east, and is zoned residential in the Great Seneca Science Corridor Master Plan area within the Muddy Branch watershed. The property is currently developed with an unoccupied, two-story detached single-family dwelling unit and several accessory structures that the applicant proposes to demolish. The applicant proposes to construct a two-story, 22,000-square foot church to accommodate up to 600 patrons and three administrative employees, and to construct an off-street 151-space parking lot. Vehicular access will be from an existing driveway on Central Avenue. Although the applicant also proposes a two-way access point on Cyrus Street, staff is recommending that the access to Cyrus Street be exit-only for patrons and a two-way for emergency vehicles. The applicant is requesting a waiver in regard to the construction of a required sidewalk along the Cyrus Street frontage that would extend from an existing curb cut to the end of the property without connecting to another sidewalk. The majority of the 1.24 acres of existing on-site forest is located within a stream valley buffer on the southeast portion of the property. The applicant proposes to remove 0.35 acres of forest and to retain 0.89 acres of forest. Mitigation is proposed by 0.52 acres of forest planting in the property's two stream buffers. The applicant is also requesting a variance to remove five trees and to impact three high-priority trees. Staff noted that the applicant is proposing to relocate the entrance in order to minimize disturbance to the existing stream buffer.

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**4. Rockville Evangelical Mission Church: Preliminary Plan No. 120130210**

CONTINUED

Mr. Jody Kline, attorney representing the applicant, offered comments regarding staff condition 3, which requires access to Cyrus Street to be gated and its use limited to exit-only during large-scale worship services or events, and condition 5, a requirement to provide traffic control measures including off-duty, uniformed Montgomery County Police officers directing traffic at the intersection of Cyrus Street and North Westland Drive and the intersection of Central Avenue and Frederick Avenue (MD 355) during large-scale worship services or events. Although he agreed with gating the Cyrus Street access and limiting its use to church services, Mr. Kline requested two-way access from Cyrus. Mr. Kline also agreed with the need for traffic control measures at the intersection of Cyrus Street and North Westland Drive but did not agree with the need for those measures at the intersection of North Westland and MD 355. He also requested the ability to utilize certified non-police traffic management groups.

The following speakers offered testimony: Mr. Doug Hill, representing the Walnut Hill Citizens Association; Mr. Rictor Nuccinni of North Westland Drive; and Ms. Michele Rosenfeld, attorney representing the Walnut Hill Citizens Association.

Mr. David Holmberg, member of applicant’s team, offered comments.

Following extensive Board discussion with questions to staff and Messrs. Kline and Holmberg regarding the definition of a large-scale event, the Board agreed with condition 3 as written, agreed that the applicant may utilize a certified non-police traffic management group, and agreed that the applicant is required to construct a sidewalk along the site’s frontage on Cyrus Street to North Westland Drive.

Staff noted that the Final Forest Conservation Plan would be revised to reflect the modifications discussed during the meeting.

**5. Walnut Hill Shopping Center Expansion - Adequate Public Facilities Transportation Test --- Adequate Public Facilities finding, per County Code Section 8-30, Article IV, prior to release of any building permits for two new pad sites with a total of 9,999 square feet on Parcel B. 7.87 acres, zoned CRT2.25 C1.5 R0.75 H45, located at 16531 Frederick Avenue, Gaithersburg, within the Gaithersburg Vicinity Master Plan and the Great Seneca Science Corridor Master Plan**

*Staff Recommendation: Approval with Conditions and Adoption of Resolution*

**BOARD ACTION**

**Motion: FANI-GONZÁLEZ/WELLS-HARLEY**

**Vote:**

**Yea: 3-0**

**Nay:**

**Other: DREYFUSS & PRESLEY ABSENT**

**Action: Approved staff recommendation for approval of the Adequate Public Facilities finding cited above, subject to conditions, and adopted the attached Resolution.**

Planning Department staff offered a multi-media presentation and discussed an Adequate Public Facilities Transportation Test for the proposed expansion of a shopping center. The 342,991-square foot property, recorded parcel B, block A, is located on Frederick Avenue (MD 355), bounded by North Westland Drive to the north, Walnut Hill Road to the east, South Westland Drive to the south, and is zoned Commercial/Residential/Town in the 2010 Great Seneca Science Corridor Master Plan area. The Walnut Hill Shopping Center currently consists of 19 businesses. The applicant proposes to expand the shopping center from 99,857 square feet to 109,856 square feet by adding two pad sites within the shopping center's existing parking lot. The existing vehicular access points from South Westland Drive, MD 355, and North Westland Drive will be retained. Staff noted that because the site is a recorded parcel and the proposed development is less than 10,000 square feet and less than 40 feet in height, the proposed project does not require a Preliminary Plan or Site Plan review.

Mr. Stuart Barr, attorney representing the applicant, introduced Messrs. Travers Daniel, Brad Fox, and Mike Lenhart, members of the applicant's team, offered comments, and concurred with the staff recommendation.

Mr. Douglas Hill, representing the Walnut Hill Citizens Association, offered testimony.

There followed extensive Board discussion with questions to staff and Messrs. Barr and Hill.

### **13. CLOSED SESSION**

According to Annotated Code of Maryland, General Provisions Article, §3-305(b)(3), to consider the acquisition of real property for a public purpose and matters directly related to the acquisition.

**The topic to be discussed is the new Montgomery County Park and Planning Headquarters in Wheaton**

### **BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**6. Roundtable Discussion**

- Parks Director's Report

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received briefing.**

**Parks Department Director's Report** – Parks Department Director Michael Riley briefed the Planning Board on the following ongoing and upcoming Parks Department events and activities: July is being celebrated as Parks & Recreation month; Parks Department fireworks at South Germantown Recreational Park & Newport Mill Local Park; Movie Night on sharks at Woodside Urban Park; Neighborhood Cookout at Wall Urban Park; Maryland Soccer Foundation named hospitality company of the year; the on-going search for a Montgomery Parks Foundation Executive Director; the Parks Department ActiveNet update; FY2016 Budget Saving Plan; and the County proposed Pesticide Bill. Mr. Riley thanked the Commissioners for participating in the recent Planning Board Parks facilities tour organized by Parks Department staff.

**7. Hillandale Local Park Facility Plan & Preliminary Forest Conservation Plan**

**\*A. Preliminary Forest Conservation Plan PP2015001:** Request for a Preliminary Forest Conservation Plan to allow for the complete renovation of existing Hillandale Local Park; R-90 and C-O Zone; 23.35 acres; located at 10615 New Hampshire Ave Silver Spring, MD, within the 2014 White Oak Science Gateway Master Plan.

*Staff Recommendation: Approval with Conditions and Adoption of Resolution*

**B. Hillandale Local Park Facility Plan PP2015001:** Request for a Park Facility Plan, including cost estimate, to allow for the complete renovation of existing Hillandale Local Park; R-90 and C-O Zone; 23.35 acres; located at 10615 New Hampshire Ave Silver Spring, MD, within the 2014 White Oak Science Gateway Master Plan.

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion: A. WELLS-HARLEY/ FANI-GONZÁLEZ  
B. WELLS-HARLEY/ FANI-GONZÁLEZ**

**Vote:**

**Yea:           A. 3-0**  
**B. 3-0**

**Nay:**

**Other:         DREYFUSS & PRESLEY ABSENT**

**Action:       A. Approved staff recommendation for approval of the Preliminary Forest Conservation Plan, subject to conditions, and adopted the attached Resolution.**

**B. Approved staff recommendation for approval of the Local Park Facility Plan request, including cost estimate, subject to conditions discussed during the meeting.**

In keeping with the June 29 technical staff report, Parks Department staff and Planning Department staff offered a multi-media presentation and discussed a Park Facility Plan request, including cost estimate, to allow the complete renovation of the existing Hillandale local park located on New Hampshire Avenue in Silver Spring, Maryland, within the 2014 White Oak Science Gateway Master Plan. Staff also discussed the Preliminary Forest Conservation Plan associated with the Park Facility Plan request. Staff noted that the park covers 23.35 acres, and Parks staff would remove 0.53 acres of forest, retain 12.16 acres of forest, and plan 0.26 acres of forest. Staff also proposes to remove four trees and noted that there will also be impact to ten trees that requires a variance according to Section 22A-12(b)(3) of the County Forest Conservation Law. The park is currently developed with a playground, softball field, lighted baseball field, two basketball courts, and two lighted tennis courts. The park previously included a park activity building and the Hillandale Park office building. These two buildings were demolished in 2014 upon Planning Board approval. Staff proposes to redevelop the site with a full-sized rectangular field, playground, two lighted basketball courts, two lighted tennis courts,

## **7. Hillandale Local Park Facility Plan & Preliminary Forest Conservation Plan**

### CONTINUED

restroom facilities, picnic shelters, and a looped trail system with fitness stations. The new park facilities will also include adequate parking and stormwater management facilities. All of the existing recreational facilities are located on the portion of the park immediately adjacent to New Hampshire Avenue. The rear of the site is an undeveloped, natural area with on-site forest that is part of a larger forest stand extending off-site onto all adjacent properties. Three intermittent streams flow west to east off-site into an unnamed perennial tributary to the Paint Branch and steep slopes with highly erodible soils. There are areas of steep slope with highly erodible soils associated with the stream valleys.

The following speakers offered testimony: Ms. Margaret Goergen-Rood of Royal Road and representing the Hillandale Citizens Board; Ms. Eileen Finnegan of Sweetbriar Park; and Mr. Clay Teunis of Rodney Road.

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

**8. M-NCPPC-CIP FY17-22 – Strategy Session #1 --- Strategy Session for the M-NCPPC Capital Improvements Program for FY17-22**

*Staff Recommendation: Obtain guidance from the Planning Board on evaluation criteria, goals and priorities for the Parks FY17-22 Capital Improvements Program (CIP).*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received briefing from Parks Department staff on the proposed evaluation criteria, goals, and priorities for the FY17-22 Parks Capital Improvements Program, and provided guidance to staff.**

Parks Department staff offered a multi-media presentation and discussed in detail the proposed strategy for preparing the FY17-22 Parks Capital Improvements Program (CIP). Staff developed an internal timeline for preparing the FY17-22 CIP based on the process utilized by the Parks Department in prior years. The timeline includes several sessions with the Planning Board over this summer and fall for the preparation of the FY17-22 CIP, including one strategy session today, another one scheduled for July 30, and two more worksessions on September 3 and 24, with a proposed adoption session on October 8. The Planning Board’s proposed FY17-22 CIP must be transmitted to the County Executive by November 1. Staff discussed the CIP evaluation criteria and the evaluation process, expenditure categories, testimony received at the CIP Public Forum, and what to expect regarding future funding capacity. Staff noted that the Planning Board guidance is requested by staff on the evaluation criteria goals and priorities for the Parks FY17-22 CIP discussed in detail in the July 2 technical staff report.

Ms. Judy Koenick of Chevy Chase offered testimony.

There followed a brief Board discussion with questions to staff.

Chair Anderson, Vice Chair Wells-Harley, and Commissioner Fani-Gonzalez offered comments and made recommendations.

**9. The County Executive Proposed FY2017-FY2022 Capital Improvements Program Priorities**

*Staff Recommendation: Transmit Comments to County Executive*

**BOARD ACTION**

**Motion: WELLS-HARLEY/ FANI-GONZÁLEZ**

**Vote:**

**Yea: 3-0**

**Nay:**

**Other: DREYFUSS & PRESLEY ABSENT**

**Action: Received briefing from Planning Department staff, and approved staff recommendation to transmit comments and recommendations to the County Executive regarding the FY2017-2022 Capital Improvements Program, as stated in the attached transmittal letter.**

In keeping with the July 2 staff report, Planning Department staff discussed its recommendations on priority Capital Improvements Program (CIP) projects to be forwarded to the County Executive. Staff noted that these recommendations are the result of staff's ongoing effort to maintain updated compilation of capital improvements projects recommended in approved and adopted master plans, and set priorities to keep capital projects in step with the development those plans engender. The projects that are expected to be the State's responsibility are included because the County has contributed significant funds to such projects in recent years. Parks projects have not been included in the tables in the staff report because the Parks Department has its own CIP and does not have to compete directly against other projects. The Planning Board last reviewed the priority list in July 2013, and it has been updated to reflect the addition of facilities recommended in master plans that have been approved and adopted since the Board's last review. The list has also been updated to reflect the School Test for FY16, which the Planning Board reviewed on June 25, 2015. The large number of projects being forwarded should not be understood to mean that all of these projects need to be included in the CIP at this time. Staff recommended that the Planning Board forward the list of the top 100 priority projects to the County Executive. Staff also noted that the next steps will be to add new projects to the GIS database; review the overall scoring process in regard to how urban areas with and without Metro stations are scored; and review whether other criteria should be modified or added.

There followed a brief Board discussion with questions to staff.

**10. Zoning Text Amendment No. 15-09** --- Modify, clarify, and correct errors in the new Zoning Ordinance that was effective October 30, 2014.

*Staff Recommendation: Transmit Comments to County Council*

**BOARD ACTION**

**Motion: FANI-GONZÁLEZ /WELLS-HARLEY**

**Vote:**

**Yea: 3-0**

**Nay:**

**Other: DREYFUSS & PRESLEY ABSENT**

**Action:**       **Approved staff recommendation to transmit comments to the County Council, as stated in the attached transmittal letter.**

Planning Department staff discussed proposed Zoning Text Amendment (ZTA) 15-09 which modifies, clarifies, and corrects errors in the new Zoning Ordinance that became effective on October 30, 2014. Staff noted that the changes requested in the proposed ZTA have been brought to Planning staff's attention over the past eight months by various stakeholders. Following the introduction of ZTA 15-09 by the County Council sitting as the District Council on May 21, 2015, Planning staff has received additional feedback from stakeholders. The County Council public hearing is scheduled for July 14, 2015, and the Zoning Ordinance requires that the Planning Board submit a recommendation on the ZTA prior to the District Council public hearing. Planning staff has received feedback on the language contained in the original ZTA, as well as other issues that have emerged with the implementation of the new zoning code. The July 9, 2015 staff report contains a summary of the modifications proposed by Planning staff to ZTA 15-09. Staff recommended approval of ZTA 15-09, including the amendments and suggested modifications based on implementation of the new Zoning Ordinance by the Planning Department, the Department of Permitting Services, the Office of Zoning and Administrative Hearings, and other stakeholders.

The following speakers offered testimony: Ms. Patricia Harris, attorney; Ms. Stacy Silber, attorney; Mr. William Kominers, attorney; and Mr. Shane Pollin of Elton Road.

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

**\*12. Wheaton Grandview: Sketch Plan No. 320150070** --- Request for a Sketch Plan approval to facilitate the redevelopment of a portion of the current County Parking Lot 13 in Wheaton into a multi-family residential development of up to 204 residential units, including 62 MPDUs, on 0.75 acres in the CR6, C5.5, R5.5, H200 Zone; located in the northeast quadrant of the intersection of Grandview Avenue and Reddie Drive, within the 2012 Wheaton CBD and Vicinity Sector Plan area.

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion:**               **FANI-GONZÁLEZ/WELLS-HARLEY**

**Vote:**

**Yea:**               **3-0**

**Nay:**

**Other:**               **DREYFUSS & PRESLEY ABSENT**

**Action:**       **Approved staff recommendation for approval of the Sketch Plan cited above, subject to conditions.**

Planning Department staff offered a multi-media presentation and discussed a proposed Sketch Plan request to redevelop a portion of an existing County parking lot into a multi-family residential development. The 0.75-acre site, currently Montgomery County Parking Lot 13, is located on

Grandview Avenue, bounded by Triangle Lane to the east and Reddie Drive to the south, and is zoned Commercial/Residential in the Wheaton Central Business District and Vicinity Sector Plan area. The applicant proposes to redevelop the site with the construction of a 236-foot, 17-story building for up to 183,974 square feet of mixed-use, including up to 6,000 square feet of ground-floor non-residential use consisting of a lobby, retail, and other spaces, and up to 177,974 square feet of residential use for approximately 204 multi-family residential units, 62 of which will be Moderately Priced Dwelling Units (MDPUs). The applicant also proposes the construction of a three-story parking garage for 173 residential parking spaces, and 9,000 square feet of residential amenities, including a courtyard above the garage at the fifth-floor level and a roof-top garden. Staff added that the applicant proposes to provide 9.7 percent of the net lot area as open space.

Ms. Hilary Goldfarb, member of the applicant's team, offered comments and concurred with the staff recommendation.

Mr. Charles Thompson of Elnora Street offered testimony.

Mr. Brad Fox, member of the applicant's team, offered comments.

Mr. Robert Dalrymple, attorney representing the applicant, offered comments.

There followed extensive Board discussion with questions to staff, Ms. Goldfarb, and Mr. Dalrymple.

## **11. Local Map Amendment No. G-957: Dowden's Station**

**A. Local Map Amendment G-957 :** Dowden's Station: Request for a Local Map Amendment for reclassification of a 24.37-acre property from R-200 Zone to PD-4 Zone, for the development of up to 105 detached and attached single-family dwelling units, located on the west side of Frederick Road (MD-355), 1,300 feet north of its intersection with Shawnee Lane, known as Garnkirk Farms Part of Lot 21 and Lot 22 tax map EW31, Clarksburg, 1994 Clarksburg Master Plan and Hyattstown Special Study Area.

*Staff Recommendation: Approval*

**\*B. Preliminary Forest Conservation for Local Map Amendment G-957:** Dowden's Station for PD-4 Zone on 24.37-acre property, known as Garnkirk Farms Part of Lot 21 and Lot 22 tax map EW31 and located on the west side of Frederick Road (MD-355), 1,300 feet north of its intersection with Shawnee Lane in Clarksburg, Clarksburg Master Plan and Hyattstown Special Study Area.

*Staff Recommendation Approval with Conditions and Adoption of Resolution*

**\*C. Preliminary Water Quality Plan for Local Map Amendment G-957:** Dowden's Station, for PD-4 Zone on 24.37-acre property, known as Garnkirk Farms Part of Lot 21 and Lot 22 tax map EW31 and located on the west side of Frederick Road (MD-355), 1,300 feet north of its intersection with Shawnee Lane in Clarksburg, Clarksburg Master Plan and Hyattstown Special Study Area.

*Staff Recommendation Approval with Conditions and Adoption of Resolution*

## **BOARD ACTION**

**Motion:**                    **A. FANI-GONZÁLEZ/WELLS-HARLEY**  
                                  **B. & C. WELLS-HARLEY/FANI-GONZÁLEZ**

**Vote:**  
                  **Yea:**                    **A., B., & C. 3-0**



**Nay:**

**Other: DREYFUSS & PRESLEY ABSENT**

**Action: A. Approved staff recommendation to approve and file the Local Map Amendment cited above with the Hearing Examiner.**

**B. Approved staff recommendation for approval of the Preliminary Forest Conservation Plan cited above, subject to conditions.**

**C. Approved staff recommendation for approval of the Preliminary Water Quality Plan cited above, subject to revised conditions discussed during the meeting.**

## **11. Local Map Amendment No. G-957: Dowden's Station**

### CONTINUED

Planning Department staff offered a multi-media presentation and discussed proposed Local Map Amendment, Preliminary Forest Conservation Plan, and Preliminary Water Quality Plan requests to reclassify the zone of a property for the construction of 105 residential units, 14 of which will be Moderately Priced Dwelling Units (MPDUs) and 295 parking spaces. The 24.37-acre property, two unplatted parcels that are part of lots 21 and 22, is located on the west side of Frederick Road (MD 355), approximately 1,300 feet north of its intersection with Shawnee Lane, bounded by Stringtown Road to the north, and is currently zoned residential in the Clarksburg Master Plan and Hyattstown Special Study areas. The property is currently accessed through MD 355 via an interim access road. The applicant is requesting to rezone the property Planned Development in order to construct 21 single-family detached dwelling units and 84 single-family townhouse units. The applicant also proposes to dedicate 1.74 acres of the property as right-of-way for the proposed alignment of MD 355 along the property's eastern frontage, and to reserve 1.68 acres for the proposed alignment of MD 355 and Roberts Tavern Drive. Staff noted that the proposed use is consistent with current Master Plan requirements. Staff added that the Planning Board must make a decision on the proposed Preliminary Forest Conservation and Preliminary Water Quality Plans prior to transmitting recommendations regarding the proposed Zoning Amendment to the Hearing Examiner.

The currently undeveloped property is located in the Clarksburg Special Protection Area (SPA) and contains approximately 9.22 acres of environmentally sensitive areas consisting of two streams, two stream valleys, including one associated with a headwater stream, floodplains, multiple stream channels, wetlands, and environmental buffers. Staff noted that the Montgomery County Department of Permitting Services (MCDPS) has conditionally approved the project's proposed stormwater management facilities, sediment control measures, and Best Management Practices monitoring. According to staff, the applicant proposes significant impacts to the existing stream valley buffer. Two existing sewage trunk lines are available for public sewer service. Due to the topography of the site, tapping into the trunk line to the southeast of the property would require the construction of a pumping station. Staff noted that Washington Suburban Sanitary Commission (WSSC) prefers gravity sewer service provided under conventional means without the need of mechanical assistance. In response, the applicant proposes tapping into the existing trunk line located to the northwest of the property by constructing and burying an above-ground gravity sewer line contained within a 40-foot wide, soiled-filled arched span bridge. The applicant also proposes using a bottomless culvert over streams and wetlands in order to minimize disturbance. Staff noted the 280-foot long bridge will also be utilized as pedestrian path and will allow access to a transit station proposed for Observation Drive and Shawnee

Lane. Due to the site's numerous environmental constraints, the applicant has also requested a 10 percent increase to the 30 percent limit of impermeable surfaces, though staff has recommended only a three to 4 percent increase.

## **11. Local Map Amendment No. G-957: Dowden's Station**

### CONTINUED

The property contains a total of 24.19 acres of forest in two different areas. The applicant proposes to remove 13.3 acres of forest and to retain 8.17 acres. The applicant is also requesting a variance to remove nine trees and impact six others. Staff noted that because sufficient forest is being retained, no additional mitigation is required.

Mr. Jody Kline, attorney representing the applicant, offered comments and expressed concern with the language in staff condition 2 of the Preliminary Water Quality Plan regarding imperviousness, stating that 30 percent imperviousness should be a target rather than a limit. Mr. Kline also expressed concern with condition 5 of the Preliminary Water Quality Plan regarding a Master Plan recommended 175-foot stream buffer adjacent to the proposed townhouses along the western portion of the site. Mr. Kline noted that although the proposed development will encroach upon portions of the stream buffer, mitigation will be achieved by adding buffers greater than 175 feet in other areas.

Mr. David Ager, member of the applicant's team, offered comments.

Mr. Mike Fisher, member of the applicant's team, offered comments, and following a suggestion from Chair Anderson to reduce imperviousness by reducing the number of proposed parking spaces, agreed to reduce the proposed parking ratio to 2.25 spaces per dwelling unit.

Following extensive Board discussion with questions to staff and Messrs. Kline, Ager, and Fisher, the Board agreed with Mr. Kline's suggested revisions to staff conditions 2 and 5.

Staff noted that the proposed Preliminary Water Quality Plan will be revised to reflect the modifications discussed during the meeting.