



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**APPROVED
MINUTES**

The Montgomery County Planning Board met in regular session on Monday, July 20, 2015, at 8:33 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 12:45 p.m.

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

Commissioner Norman Dreyfuss was necessarily absent.

Items 1 through 3 are reported on the attached agenda.

The Board convened in Closed Session at 12:12 p.m. to take up Items 5 and 6, Closed Session Items.

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 12:12 p.m. in the 3rd floor conference room on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Presley and Fani-González voting in favor of the motion, and Commissioner Dreyfuss absent. The meeting was closed under authority of Annotated Code of Maryland, General Provisions Article, §3-305(b)(7), to consult with counsel to obtain legal advice, and Annotated Code of Maryland §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 Principal Counsel Carol Rubin, Senior Counsel Megan Chung, and Associate General Counsel Christina Sorrento of the Legal Department; Director Gwen Wright, Mark Pfefferle, and Candy Bunnag of the Planning Department; William Gries, Brenda Sandberg, and Joshua Kaye of the Parks Department; and James J. Parsons of the Commissioners' Office.

In Closed Session the Board received legal advice and discussed a Water Quality Plan violation by the Islamic Society of Washington Area, and received briefing regarding the proposed acquisition of land as an addition to the Upper Paint Branch Stream Valley Park.

The Closed Session meeting was adjourned at 12:45 p.m.

MCPB, 7-20-15, APPROVED

There being no further business, the meeting was adjourned at 12:45 p.m. The next regular meeting of the Planning Board will be held on Thursday, July 23, 2015, in the Montgomery Regional Office in Silver Spring, Maryland.

James J. Parsons
Technical Writer

Montgomery County Planning Board Meeting
Monday, July 20, 2015
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

***1. Poplar Run: Limited Preliminary Plan 12006051B** --- Request to modify Condition No. 2(d) of the Preliminary Plan to allow the applicant to construct 100 additional units, while not allowing the units to be occupied, before the completion of the Tivoli Lake Boulevard connection; R-90/TDR-6 Zone; approximately 308 acres; located east side of Layhill Road at the intersection of Layhill Road and Poplar Run Drive, within the Kensington-Wheaton Master Plan area

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

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

Planning Department staff offered a multi-media presentation and discussed a proposed Limited Preliminary Plan Amendment request for the issuance of 100 additional building permits prior to the construction of a required road connection. The 308.36-acre property is located on the east side of Layhill Road, approximately 1,300 feet south of its intersection with Middlevale Lane, and is zoned residential in the 1989 Kensington-Wheaton Master Plan area within the Northwest Branch watershed. Staff noted that a Northwest Branch tributary runs southeast through the south side of the property. Tivoli Lake Boulevard, which will eventually be extended north to connect to the Poplar Run community, accesses the site from the south, Foggy Glen Drive accesses the site to the north, and a private driveway provides access from Layhill Road to the east. The applicant is requesting to modify an existing condition of a 2007 Planning Board

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***1. Poplar Run: Limited Preliminary Plan 12006051B**

CONTINUED

approved Preliminary Plan requiring the completion of the Tivoli Lake Boulevard extension prior to the issuance of additional building permits. The proposed amendment would allow the issuance of building permits to construct 100 additional single-family dwelling units. The units will not be occupied until the Tivoli Lake Boulevard extension is completed. Staff noted that a substantial amount of the community-wide recreational facilities, a community pool and clubhouse, project infrastructure, and a State Highway Administration required traffic light at the intersection of the private driveway and Layhill Road has been or will be delivered well in advance of what is required for permit approvals. According to staff, completion of the Tivoli Lake Boulevard extension was hindered by difficulties encountered during the construction of a span bridge over Bel Pre Creek, which is located in the Northwest Branch stream valley. Staff received correspondence from local residents regarding the amendment expressing concerns about additional traffic generated by the additional dwelling units. Staff noted that upon learning that the units would not be occupied until the completion of the road extension, the residents' concerns seemed satisfied.

Mr. Steve Robins, attorney representing the applicant, offered comments and concurred with the staff recommendation.

Mr. Michael Lemon, member of the applicant's team, offered comments and noted that delay in the construction of the road extension is primarily due to the need to divert Bel Pre Creek while constructing the span bridge.

Mr. Aaron Cheskis of Night Sky Drive offered testimony.

Following extensive Board discussion with questions to staff and Mr. Robins, the Board agreed that the amended condition should also include language stating that should the applicant violate the condition, each dwelling unit would receive an individual Preliminary Plan violation for every day that the condition is not met.

Staff stated that the accompanying Resolution would be revised to reflect the modified condition.

2. Bethesda Downtown Sector Plan Worksession No. 1

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by discussion.

Planning Department staff offered a multi-media presentation and discussed the recommendations for density, building heights, transportation, and schools contained in the Bethesda Downtown Sector Plan. In order to accommodate projected growth over the next 20 years and to incentivize redevelopment, the Plan calls for a sector-wide 20 percent increase in allowable density. The Plan also recommends increased building heights in centers of activity and emerging centers, which staff noted are the Plan priority areas. Staff added that these increases in density and height will still require that any proposed development be compatible with adjacent neighborhoods. According to staff, traffic analysis completed for the Plan shows that all intersections within the Plan area will continue to operate at acceptable levels through 2040. The Plan recommends extending Norfolk Avenue to Battery Lane, reclassifying Leeland Street and Bradley Boulevard, and converting some one-way streets to two-way. Recommendations to accommodate increased school enrollment include re-opening the former Rollingwood and Lynnbrook Elementary schools, constructing a new middle school, and re-opening the former Woodward High School.

Staff then offered options for implementation of the Sector Plan recommendations, including rezoning current Planned Development and Employment Office zones to the more flexible Commercial/Residential (CR) or Commercial/Residential/Town (CRT) zones, incentivizing density transfers in CR zones, and possibly utilizing an overlay zone.

Following extensive Board discussion with questions to staff, the Board agreed that further discussion is required regarding density transfers.

3. Subdivision Regulations Rewrite – Worksession No. 2

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by discussion.

Planning Department staff offered a multi-media presentation and continued the discussion regarding the proposed draft of the rewritten Subdivision Regulations, specifically Montgomery County Code Chapter 50. According to staff, modifications to the Subdivision Regulations became necessary following recent Zoning Ordinance revisions. Staff added that the revisions are in response to comments received by staff following a public hearing. The second worksession focused on substantive modifications proposed for Divisions 50.4 through 50.10 of the Regulations, including the extension criteria for mixed-use projects in the Adequate Public Facilities Ordinance, language regarding the Planning Board's role in the protection of environmentally sensitive areas, additional language regarding the calculation of density transfers, the addition of a type of minor amendment that may be approved administratively, the expansion of a provision regarding reconstruction of dwelling-units that retain the same footprint and height, the addition of a provision regarding the abandonment of land

dedicated to the Commission and other public entities, and the expansion of the Board's authority to require bonding and surety regarding proposed improvements.

There followed extensive Board discussion with questions to staff.

4. ~~CLOSED SESSION~~ **MOVED**

~~According to MD ANN Code, General Provisions Article, §3-305(b)(7), to consult with counsel to obtain legal advice. The topic to be discussed: Barnesville Oak Plat~~

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This Item was moved to the July 16 Planning Board Agenda and heard by the Board on that date.

5. CLOSED SESSION

According to MD ANN Code, General Provisions Article, §3-305(b)(7), to consult with counsel to obtain legal advice

The topic to be discussed is an enforcement case regarding the Islamic Society of the Washington Area

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

6. CLOSED SESSION

According to the MD ANN Code, General Provisions Article § 3-305 (b) (3) to consider the acquisition of real property for a Commission purpose and matters relating thereto

The topic to be discussed is the proposed acquisition of an addition to Upper Paint Branch Stream Valley Park

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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