



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

**APPROVED
MINUTES**

Following a Welcome Back reception, the Montgomery County Planning Board met in regular session on Thursday, September 3, 2015, at 9:25 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 4:35 p.m.

Present were Chair Casey Anderson and Commissioners Amy Presley and Natali Fani-González.

Vice Chair Marye Wells-Harley and Commissioner Norman Dreyfuss were necessarily absent.

Items 1 through 5 are reported on the attached agenda.

The Board recessed for lunch at 11:55 a.m.

The Board reconvened in the auditorium at 2:08 p.m.

Items 6 through 10 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 4:35 p.m. The next regular meeting of the Planning Board will be held on Thursday, September 10, 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, September 3, 2015
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

1. Pooks Hill Sketch Plan 320150060
2. Clarksburg Town Center, Project Plan 91994004D
3. The Courts at Clarksburg, Preliminary Plan 120150060
4. The Courts at Clarksburg, Site Plan 820150030
5. Clarksburg Town Center, Preliminary Plan 11995042B
6. Clarksburg Town Center, Site Plan 82007022D

BOARD ACTION

Motion: 1-6. FANI-GONZÁLEZ/PRESLEY

Vote:

Yea: 1, 3, & 4. 3-0
2, 5, & 6. 2-0-1

Nay:

Other: 2, 5, & 6. PRESLEY ABSTAINED
WELLS-HARLEY & DREYFUSS ABSENT

Action: Adopted the Resolutions cited above, as submitted.

***B. Record Plats**

Subdivision Plat No. 220151050, Battery Park

R-60 zone, 1 lot; located on the north side of Wilson Lane (MD 188), approximately 100 feet east of Glenbrook Road; Bethesda-Chevy Chase Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220151090, Villa Verde

CR zone, 1 parcel; located in the northeast quadrant of the intersection of Georgia Avenue (MD 97) and Blueridge Avenue; Wheaton Sector Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: FANI-GONZÁLEZ/PRESLEY

Vote:

Yea: 3-0

Nay:

Other: WELLS-HARLEY & DREYFUSS ABSENT

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

***C. Other Consent Items**

Washington Episcopal Day School, Extension Request for Site Plan No. 820150080

PD-28 zone, 0.85 acres, Request for construction of a new multi-family 8-story age-restricted building, located on Landy Lane between River Road and Little Falls Parkway; Westbard Sector Plan

Staff Recommendation: Approval of the Extension

The Lauren, Site Plan Amendment No. 82007006B

TS-R Zone, 0.71 acres, Request for minor modifications to relocate a transformer, adjust the landscaping and open space requirement and relocate a bench along Woodmont Avenue, located at 4901 Hampden Lane at the intersection with Woodmont Avenue; Bethesda CBD Sector Plan

Staff Recommendation: Approval of the Consent Amendment

8008 Wisconsin Avenue, Extension for Pre-Preliminary Plan No. 720150160

CBD-1 zone, 0.32 acres, Request to extend validity period of Planning Board's binding advice for six months, or until March 21, 2016, for a mixed-use project with up to 151,953 sf. of residential uses, with up to 140 multi-family dwelling units (including 15% MPDUs), and up to 4,500 sf. of non-residential uses, located in the southwest quadrant of the intersection of Wisconsin Avenue and Cordell Avenue; Woodmont Triangle Amendment to the Bethesda CBD Sector Plan

~~Little Bennett Estates, Vance Property, Preliminary Plan No. 11997035A~~ ——— **REMOVED**

Readopt Resolution for Little Bennett Estates, Vance Property, Preliminary Plan No. - 11997035A, MCPB 15-59

BOARD ACTION

Motion: PRESLEY/FANI-GONZÁLEZ

Vote:

Yea: 3-0

Nay:

Other: WELLS-HARLEY & DREYFUSS ABSENT

Action: Approved staff recommendation for approval of the Site Plan Extension, Site Plan Amendment, and Pre-Preliminary Plan Extension cited above and adopted the attached Resolutions.

***D. Approval of Minutes**

Planning Board Meeting Minutes of July 20, July 23, and July 30, 2015

BOARD ACTION

Motion: PRESLEY/FANI-GONZÁLEZ

Vote:

Yea: 3-0

Nay:

Other: WELLS-HARLEY & DREYFUSS ABSENT

Action: Approved Planning Board Meeting Minutes of July 20, July 23, and July 30, 2015, as submitted.

2. Roundtable Discussion

- A. Planning Director's Report
- B. Staff Design Excellence - Spring Photo Contest Winners

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: A. & B. Received briefing.

A. Planning Department Director's Report – Planning Department Director Gwen Wright briefed the Board on the following ongoing and upcoming Planning Department events and activities: the status of the recently installed new sound system in the auditorium; the September 1 public hearing regarding Rock Spring area schools; the status of the White Flint II Plan Scope of Work; a public hearing on the Montgomery Village Plan scheduled for September 10; the status of the Bicycle Plan Scope of Work scheduled to be presented at the September 10 Planning Board Meeting; the second worksession for the Bethesda Downtown Plan scheduled for the September 17 Planning Board Meeting; an evening meeting regarding White Flint II and Rock Spring area schools scheduled for September 17; a meeting with the Colorado Agricultural Leaders Group and a subsequent tour of the County Agricultural Reserve scheduled for September 23; a public hearing on the Westbard Plan scheduled for September 24; the status of the staff draft of the Lyttonsville Plan scheduled to be presented to the Board in late October or early November; the Rock Spring Plan Scope of Work scheduled to be presented at the October 8 Planning Board Meeting; the Design Excellence Ceremony scheduled for October 22 at the Silver Spring Civic Building; the [*Montgomery Modern*](#) book launch scheduled for October 30 at the Writer's Center in Bethesda; and the status of the MARC Rail Station Plan.

There followed a brief Board discussion.

B. Staff Design Excellence – Spring Photo Contest Winners: Ms. Wright then offered a multi-media presentation and announced the winners of the 2015 Staff Design Excellence Spring Photo Contest, in which staff members were asked to submit photographs of activated public open spaces from around the country. This year's winners are Sam Dixon, who won the Surprising Space to Activate category with his photograph of a bridge in Princeton, Massachusetts; Ben Berbert, who won the Water as Formal Feature category with his photograph of Forsyth Park in Savannah, Georgia; Calvin Nelson, who won the Engaging Public Art

2. Roundtable Discussion

CONTINUED

category with his photograph of the Patrick Dougherty sculpture *Sticks* located in Reston, Virginia; and John Marcolin, who won both the Water as Informal Feature and Crowd Shot categories with his photographs of Downtown Silver Spring and Herald Square in New York City, respectively.

3. Subdivision Plat No. 220120040 – 220120060, 220120510, Greentree Farm --- AR zone, 24 lots; located on the east and west sides of Peach Tree Road, approximately 2,000 feet south of Whites Store Road and approximately 1,600 feet north of Moore Road, respectively; Agriculture and Rural Open Space Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: FANI-GONZÁLEZ/PRESLEY

Vote:

Yea: 3-0

Nay:

Other: WELLS-HARLEY & DREYFUSS ABSENT

Action: Approved staff recommendation for approval of the Record Plat cited above, subject to covenant modifications discussed during the meeting.

Planning Department staff offered a multi-media presentation and discussed the approval of a proposed Subdivision Plat and a dispute regarding the establishment of a Public Use Trail Easement (PUTE) located on the site. The 24-lot subdivision is located on the east and west sides of Peach Tree Road, approximately 2,000 feet south of Whites Store Road, 1,600 feet north of Moore Road, and is zoned Agricultural Reserve in the Agriculture and Rural Open Space Master Plan area. According to staff, a 2010 Planning Board approved preliminary plan states that a PUTE must be established as a condition of subdivision. The plan also allows the applicant to name a trustee of the PUTE, provided that both parties agree with the established terms. If an agreement cannot be reached by the applicant and the applicant's preferred trustee, M-NCPPC can name another suitable entity as trustee. If no agreeable party can be found to act as trustee, the plat will be recorded without the PUTE. As per the requirement, the applicant named Equestrian Partners in Conservation (EPIC) as trustee of the PUTE. Staff noted that EPIC representatives disagreed with the terms set forth in the Resolution and requested to modify the approved location of the trail and to add parking for trail users, which has resulted in a lawsuit between EPIC and the applicant. The applicant has since recorded a covenant as part of the plat that re-establishes the preliminary plan requirements for use of the PUTE but does not specifically grant EPIC interest in the property. EPIC representatives have stated that the covenant does not meet the conditions established in the preliminary plan and requested a full hearing regarding the approval of the record plat rather than it being approved as a Consent Agenda Item.

Mr. Allan Noble, attorney representing EPIC, offered comments and stated that the covenant does not guarantee creation of the PUTE.

3. Subdivision Plat No. 220120040 – 220120060, 220120510, Greentree Farm

CONTINUED

The following speakers offered testimony: Mr. Michael Rubin of Bucklodge Road; Ms. Beth Daly, representing the Sugarloaf Citizens Association; and Ms. Naomi Manders, representing EPIC.

Mr. Stephen Orens, attorney representing the applicant, offered comments and stated that the covenant is depicted on the plat and represents a legal easement.

Following extensive Board discussion with questions to staff, Mr. Orens, and Mr. Noble, Mr. Orens agreed to designate the PUTE as multi-use in order to allow bicycle and pedestrian use in addition to the proposed equestrian use.

Staff stated that the covenant would be amended to reflect the discussed modifications.

4. Fall 2015 Semi-Annual Report Outline

Planning Department and Parks Department will present the outline for the Fall 2015 Semi-Annual Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing from Planning and Parks Departments staff on the proposed outlines for the upcoming Fall 2015 Semi-Annual Report, followed by a brief Board discussion, and provided guidance to staff.

5. Briefing on Relocation of Confederate Statue in Rockville

Staff Recommendation: Adopt Staff's Recommendation Regarding Future Disposition of Confederate Monument Currently Located in Rockville.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other: WELLS-HARLEY & DREYFUSS ABSENT

Action: By consensus approved staff recommendation to transmit comments to the County Executive and County Council President, as stated in the attached transmittal letters.

Parks Department staff offered a multi-media presentation and discussed the proposed relocation of a Confederate monument that is currently located on the grounds of the Historic Red Brick Courthouse in Rockville. According to staff, the 16-foot statue was constructed in 1913 through funds provided by the Poolesville and Rockville chapters of the United Daughters of the Confederacy (UDC) and the Rockville camp of the United Confederate Veterans. The monument has been at its current site on a small County-owned parcel in the Rockville Old Courthouse Historic District since 1971. Following the tragic June 2015 shooting of nine people at the Emanuel African-American

Episcopal Church in Charleston, South Carolina, that sparked a national debate regarding Confederate statues and symbols in close proximity to public facilities, many County residents called for the removal of the monument. On July 14, County Council President George Leventhal stated that the County has the authority to relocate the statue if the public requests it. On July 17, County Executive Ike Leggett proposed to either relocate or place the statue in storage. On July 20, 55 citizens spoke at a City of Rockville public meeting regarding the disposition of the statue. According to staff, most attendees either supported or did not oppose the relocation of the statue off courthouse grounds. On July 27, the statue was spray painted with the words “Black Lives Matter.” Since July 31, the monument has been crated to prevent additional vandalism. At an August 11 stakeholders meeting, 14 potential options for the statue were proposed, which were then narrowed down to relocation to Beall-Dawson Historical Park, the home of the Montgomery County Historical Society; relocation to Darnestown Square Heritage Park, Calithea Farm Special Park, or Jesup Blair Local Park, which are Parks Department facilities; or returning the statue to the UDC or a similar organization. Citing

5. Briefing on Relocation of Confederate Statue in Rockville

CONTINUED

numerous constraints at the three proposed Commission facilities, staff recommended that the statue either be relocated to Beall-Dawson Historical Park or be donated to a private entity. Staff added that the public comment period regarding the disposition of the statue is open until September 9.

There followed extensive Board discussion with questions to staff.

6. M-NCPPC-CIP FY17-22 – Worksession #1

Worksession for the M-NCPPC Capital Improvements Program (CIP) for FY17-22

Staff Recommendation: Conditional approval of General Obligation Bonds funded projects for inclusion in the Parks’ FY17-22 CIP and general guidance regarding CIP development.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other: WELLS-HARLEY, DREYFUSS ABSENT

Action: Received briefing and provided guidance and recommendations to staff.

Parks Department staff noted that the Planning Board held two worksessions in July during which the criteria, process, and schedule for preparing the FY17-22 Capital Improvements Program (CIP) were discussed. Additionally, the Planning Board and the Montgomery County Recreation

Advisory Boards held a joint public forum on April 23 to hear testimony from citizens and advocacy groups. The Planning Board also held two strategy sessions with staff in July to consider the existing fiscal climate, the CIP process and prioritization. The key points discussed included affirmation of the Board's existing CIP criteria of need, efficiency, and fast processing; public access to natural areas; make ballfields available and convenient to a growing park constituency; increase focus on urban parks activations and improvements; focus on land acquisition for more urban and other parks; conduct fewer large-scale renovations and more targeted, phased renovations of parks components; focus on ways to activate urban parks; put Wall Park Garage on a separate track from CIP.

The County Office of Management and Budget strongly encouraged County agencies not to increase General Obligation (GO) Bond levels in the early years of the upcoming CIP, with particular emphasis on fiscal years 2017 and 2018. Staff noted that the Commission's portion of GO bond funding in the FY15-20 CIP was about 4 percent of the County's overall GO bonds. Considering the currently adopted Spending Affordability Guidelines (SAG) of 340 million dollars set by the County Council last February, the Commission could potentially program about 13.6 million dollars of GO bonds in the next CIP and not significantly burden the County's overall GO bond levels to the point of exceeding the SAG. The County Council will revisit the SAG levels at the end of September to be adopted no later than October 6, 2015.

***6. M-NCPPC-CIP FY17-22 – Worksession #1**

CONTINUED

Staff discussed in detail the existing GO bond funded level-of-effort projects, as well as the existing GO bond funded stand-alone projects, and the proposed new GO bond funded projects. While preparing the CIP, staff has been working to incorporate the Board's recommendations while keeping existing projects moving, staying within the fiscal constraints and focusing efforts on ways to maintain existing improvements and resources at the expense of larger new park developments and renovations. The final worksession is scheduled for September 24 and will focus on projects funded by other sources.

At the CIP adoption session scheduled for October 8, staff will present a summary of both worksessions and follow up on any remaining issues or recommendations. The Planning Board will also receive a complete set of project description forms, including the forecasted operating budget impacts for final approval. The recommended CIP will be forwarded to the County Executive and the County Council by November 1, as required by State Law. The County Executive will make recommendations by January 15, 2016. The County Council will hold public hearings on the proposed CIP in early February and will conduct worksessions in February and March. The CIP is typically scheduled for adoption by the County Council in May.

At the Board's request, Parks Department Director Michael Riley offered comments
There followed a brief Board discussion with questions to staff.

7. White Flint 2 Sector Plan Scope of Work

Staff Recommendation: Approval of the White Flint 2 Sector Plan Scope of Work

BOARD ACTION

Motion: PRESLEY/FANI-GONZÁLEZ

Vote:

Yea: 3-0

Nay:

Other: WELLS-HARLEY, DREYFUSS ABSENT

Action: Approved staff recommendation for approval of the White Flint 2 Sector Plan scope of work as proposed and discussed during the meeting.

Planning Department staff offered a multi-media presentation and discussed the scope of work for the White Flint 2 Sector Plan. Staff noted that the plan area is comprised of approximately 455 acres located to the west, north, and east of the 2010 White Flint Sector Plan. The City of Rockville and the 2009 Twinbrook Sector Plan are adjacent to the north. The scope of work includes the following: Proposed boundary for the White Flint 2 Plan; Planning area context; Planning framework; Area development activity; Purpose and summary of Plan issues; and community outreach and Plan schedule. The White Flint 2 Plan will examine land uses, transportation and connectivity, community facilities, and environmental sustainability. The Plan will seek to ensure sufficient use of existing and proposed infrastructure, and will explore opportunities to enhance connectivity within the Plan as well as to White Flint and the surrounding communities.

Ms. Elizabeth King of Garrett Park and representing the Walter Johnson Cluster of Parents/Teachers Associations offered testimony.

At the Board's request, Planning Department Director Gwen Wright offered brief comments. There followed a brief Board discussion with questions to staff.

8. Update the FY16 Annual School Test to reflect additional funding capacity in the Walter Johnson and Northwood clusters

Staff Recommendation: Approve the update to the FY16 Annual School Test

BOARD ACTION

Motion: FANI-GONZÁLEZ/PRESLEY

Vote:

Yea: 3-0

Nay:

Other:

Action: Approved staff recommendation to approve the update to the FY16 Annual School Test.

Planning Department staff discussed an update to the FY16 Annual School Test to reflect additional funding capacity in the Walter Johnson and Northwood School clusters. Staff noted that following adoption of the FY16 Annual School Test, the County Council amended the FY15-20 Capital Improvements Program to increase programmed funding for both the Walter Johnson and Northwood school clusters. These additional funds will increase school capacity within the next five years and will help to avoid a potential moratorium in these clusters. Development approvals within these school clusters will still be required in order to ascertain that school facility payments are made by developers at each school level which has an over 105 percent utilization rate.

There followed a brief Board discussion with questions to staff.

9. Draper Lane Residential Triangle

A. Project Plan Amendment No. 91988008A, Draper Lane Residential Triangle --- CBD-2 Zone, 2.11 acres, Request to modify the design of the on-site public plaza, located in the western quadrant of the intersection with East-West Highway and Colesville Road; Silver Spring CBD Sector Plan
Staff Recommendation: Approval with Conditions

B. Site Plan Amendment No. 81989040A, Draper Lane Residential Triangle --- CBD-2 Zone, 2.11 acres, Request to modify the design of the on-site public plaza, located in the western quadrant of the intersection with East-West Highway and Colesville Road; Silver Spring CBD Sector Plan
Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: **A. PRESLEY/FANI-GONZÁLEZ**
 B. PRESLEY/FANI-GONZÁLEZ

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

Nay:

Other: **WELLS-HARLEY, DREYFUSS ABSENT**

Action: **A. Approved staff recommendation for approval of the proposed project plan amendment cited above, subject to conditions, and adopted the attached Resolution.**

B. Approved staff recommendation for approval of the proposed site plan amendment cited above, subject to conditions, and adopted the attached Resolution.

In keeping with the August 21 technical staff report, Planning Department staff offered a multi-media presentation and discussed proposed amendments to the project plan and site plan for the Draper Lane Residential Triangle project located in the western quadrant of the intersection with East-West Highway and Colesville Road in the Silver Spring Central Business District (CBD) area. Staff noted that those plans were approved by the Planning Board in 1989 and 1990, respectively, and the proposed amendments have been reviewed under the 2004 Zoning Code. The applicant proposes to update the design of the Plaza, including landscape, hardscape, and lighting upgrades. The original approvals

included detailed conditions regarding the plaza design, but the proposed amendments remove those conditions and instead rely on the Certified Site Plan to illustrate the plaza design elements. Staff noted that the proposed amendments are consistent with the recommendations of the Silver Spring CBD Sector Plan.

There followed a brief Board discussion with questions to staff.

10. PMG Silver Spring, Preliminary Plan No. 120140100 --- Request to create one (1) lot from 2 un-platted parcels and one platted parcel; located on the east side of New Hampshire Avenue, the north side of Spencerville Road, and the south side of Old Spencerville Road: 1.23 acres; C-1 zone; Cloverly Master Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: FANI-GONZÁLEZ/PRESLEY

Vote:

Yea: 3-0

Nay:

Other: WELLS-HARLEY, DREYFUSS ABSENT

Action: **Approved staff recommendation for approval of the proposed preliminary plan request cited above, subject to conditions, and adopted the attached Resolution.**

In keeping with the August 21 technical staff report, Planning Department staff offered a multi-media presentation and briefly discussed a preliminary plan request to create one lot from two un-platted parcels and one platted parcel located on the east side of New Hampshire Avenue, on the north side of Spencerville Road and the south side of Old Spencerville Road. The property is 1.24 acres, zoned commercial, and is located in the Cloverly Master Plan area. Staff noted that the applicant proposes to build a gas station, convenience store, and a car wash on the site. Staff added that transportation and other public services are adequate for the proposed use and the use is consistent with the Master Plan vision. Staff also added that the subject property is bound by the conditions of approval for Special Exception S-2699 which was first granted on September 3, 2009 to allow an automobile filling station with 10 pumps, a single-bay car wash, and a convenience store with no more than 1,770 square feet of sales area on the site. The total footprint of the proposed structure is 3,250 square feet. The proposed site will be served by public water and sewer; however, the applicant will have to construct an off-site main extension to serve the property. Sidewalks are being provided along all the property frontages and the site will be heavily landscaped as required by the Special Exception.

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

Mr. Quentin Remein of Bryant Nursery Road and representing the Cloverly Civic Association offered testimony.

There followed a brief Board discussion with questions to staff, Mr. Kline, and Mr. Remein.