



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

APPROVED
MINUTES

The Montgomery County Planning Board met in a special session on Thursday, September 4, 2014, at 9:40 a.m. and adjourned at 7:37 p.m.

Present were Chair Casey Anderson, Vice Chair Marye Wells-Harley, and Commissioner Amy Presley. Commissioner Norman Dreyfuss was necessarily absent.

Items 1 through 5 are reported on the attached agenda.

The Board recessed for lunch at 11:12 a.m. and to take up Items 6 and 7 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 12:15 p.m. in the 3rd floor conference room, on motion of Vice Chair Wells-Harley, seconded by Commissioner Presley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioner Presley voting in favor of the motion. The meeting was closed under authority of Annotated Code of Maryland, State Government Article §10-508(a)(3) to consider the acquisition of real property for a Commission purpose and matters directly related thereto, and State Government Article §10-508(a)(7) to consult with counsel to obtain legal advice.

Also present for the Closed Session were: Associate General Counsels Carol Rubin, Megan Chung, and Donna Calcote of the Legal Department; Director Gwen Wright, Deputy Director Rose Krasnow, and Fred Boyd of the Planning Department; Director Michael Riley, Judie Lai, and Mitra Pedoeem of the Parks Department; and M. Clara Moise of the Commissioners' Office.

In Closed Session the Board received briefing from Parks Department staff, Planning Department staff, and legal counsel to the Board, regarding the proposed Montgomery County Park and Planning new headquarters building in Wheaton, and received advice from legal counsel to the Planning Board regarding the William H. Farquhar Elementary School proposed Modernization.

The Closed Session meeting was adjourned at 12:50 p.m.

MCPB, 9-4-14, APPROVED

The Planning Board reconvened in the auditorium at 1:29 p.m.

Items 9, 10, 11, and 12 are reported on the attached agenda.

Item 8 was postponed.

The Board recessed for dinner at 4:19 p.m. and reconvened in the auditorium at 7:00 p.m. to receive testimony for Item 13- Public Hearing for Sandy Spring Rural Village Plan.

There being no further business, the meeting was adjourned at 7:37 p.m. The next regular meeting of the Planning Board will be held on Thursday, September 11, 2014, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Sr. Technical Writer/Editor

Javii Davis Austin
Interim Technical Writer

Montgomery County Planning Board Meeting
Thursday, September 4, 2014
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

1. Chevy Chase Lake Sketch Plan No. 320140030 – MCPB No. 14-68
2. Silver Spring Park Site Plan No. 82010012A – MCPB No. 14-69

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS ABSENT

Action: Adopted the Resolutions cited above, as submitted.

***B. Record Plats**

Subdivision Plat No. 220140370 - 220140380, High Acres

R-90 zone, 12 lots, 2 parcels; located on the west side of Brookes Lane, approximately 1,000 feet west of Sangamore Road. Bethesda - Chevy Chase Master Plan

Staff Recommendation: Approval

Subdivision Plat No. 220141370, Edgemoor

R-90 zone, 1 lot; located on the west side of Fairfax Road, 225 feet south of Moorland Lane; Bethesda - Chevy Chase Master Plan.

Staff Recommendation: Approval

Subdivision Plat No 220141390, Chevy Chase, Section 5

R-60 zone, 2 lots; located on the east side of Brookville Road (MD 186), 250 feet north of Taylor Street; Bethesda-Chevy Chase Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220141400, National Chatauqua of Glen Echo

R-60 zone, 1 lot; located on the north side of Bryn Mawr Avenue, 200 feet west of University Avenue; Bethesda -Chevy Chase Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220141430, Fairland Gardens

R- 200 zone, 2 lots; located in northwest quadrant of the intersection of Greencastle Road and Old Columbia Pike; Fairland Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation for approval of the record plats cited above, as submitted.

***C. Other Consent Item**

Clover Ridge, Lots 1-3 (Loun Property): Preliminary Plan Amendment 12004082A (Amendment in Response to Violation) - A request to remove 0.522 acres of Category I conservation easement and mitigate onsite, located at 28301 Clarksburg Road, 85.09 acres; zoned RDT; Agriculture and Rural Open Space Master Plan area

Staff Recommendation: Approval and Adoption of Resolution

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation for approval of the Clover Ridge, Lots 1 through 3, Preliminary Plan Amendment, in response to a Forest Conservation Violation, and adopted the attached Resolution.

***D. Approval of Minutes**

Planning Board Meeting Minutes of July 17, 24, and 31, 2014

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved Planning Board Meeting Minutes of July 17, 24, and 31, 2014 as submitted.

2. Roundtable Discussion

- Planning Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing.

Planning Department Director's Report – Planning Department Director Gwen Wright briefed the Planning Board on the various Master Plans that are in the works. Ms. Wright noted that the following plans have been initiated by staff and are in varying stages of progress, i.e., Sandy Spring Rural Village Plan with a public hearing set for this evening at 6:00 p.m.; Aspen Hill Minor Master Plan Amendment with a public hearing set for next Thursday, September 11 at 6:00 p.m.; Bethesda Downtown Plan for which staff has organized many community meetings; the Greater Lyttonsville Plan for which the staff team will be hosting a Visioning Workshop on Monday, September 29 in the auditorium from 5:00 p.m. to 8:30 p.m.; the Westbard Plan staff team will hold a meeting at the Giant shopping center in the area this coming Saturday morning from 9:00 a.m. to 12:00 p.m.; and the Montgomery Village Plan is in the early stages of community outreach. Ms. Wright also talked about efforts towards filling a large

number of vacancies in the Planning Department, and the installation during the summer of a new improved video system in the auditorium, as well as the acquisition of new chairs for the public.

Planning Board members thanked Ms. Wright and the staff involved for their efforts in sprucing up the auditorium.

***3. Westfield Montgomery Mall (Lakeview Parcel P) Democracy Boulevard, Bethesda: Preliminary Plan No. 12005018B** - Requested modification of Condition No.11 (a) of Preliminary Plan 120050180 to eliminate the requirement for a southbound right turn lane along Seven Locks Road at its approach to Democracy Boulevard, 60.02 acres, C-2 Zone, Potomac Sub-region Master Plan

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation for approval, subject to revised conditions and adopted the submitted Resolution attached.

Planning Department staff briefly discussed the applicant's request to modify Condition 11(a) of the Preliminary Plan for Westfield Montgomery Mall located on Democracy Boulevard in Bethesda, which eliminates the requirement for a southbound right turn lane along Seven Locks Road. Staff recommended approval of the request.

Ms. Elsie Reid, representing the applicant, offered brief comments and concurred with the staff recommendation.

4. Bicycle Planning Guidance

Briefing on the bicycle planning guidance project, developed as part of a Transportation / Land Use Connections (TLC) grant through the Council of Governments.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing from Planning Department staff and consultant.

In keeping with the August 27 technical staff report, Planning Department staff and Mr. Conor Semler, consultant from Kittleson & Associates, offered a multi-media presentation and briefed the Board on the Montgomery County Bicycle Planning Guidance project, developed as part of a Transportation/Land Use Connection (TLC) \$30,000 grant awarded to the Planning Department by the Council of Governments.

Staff noted that bicycling in the metropolitan Washington region has changed substantially over the past few years, and bicycle planning has also changed substantially, with recent research helping to understand what creates a bicycling network and how different types of bicycle facilities can expand that network.

At the Board's request, Mr. Bruce Johnston of the Montgomery County Department of Transportation, offered comments.

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

5. Briefing: Woodglen Drive Cycle Track

Montgomery County Department of Transportation (MCDOT) is proposing to install a two-way bicycle track along Woodglen Drive, between Nicholson Lane and Edson Lane in the White Flint Sector Plan area.

Staff Recommendation: Receive briefing and provide comments

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS ABSENT

Action: Received briefing from Planning Department staff, and instructed staff to prepare a transmittal letter to provide Planning Board comments to Montgomery County Department of Transportation.

Planning Department staff briefed the Planning Board on the Montgomery County Department of Transportation (MCDOT) proposal to install a two-way bicycle track along Woodglen Drive between Nicholson Lane and Edson Lane in the White Flint Sector Plan area. Staff received would recommend that the buffer width between the cycle track and on-street parking be three feet where feasible to minimize potential accidents with bicyclists.

Mr. Bruce Johnston of the Montgomery County Department of Transportation, offered a multi-media presentation, discussed in detail the proposed two-way bicycle track and answered questions from Board members.

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

6. CLOSED SESSION

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(3) to consider the acquisition of real property for a Commission purpose and matters directly related thereto (Wheaton)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

7. CLOSED SESSION

Pursuant to State Government Article Annotated Code of Maryland 10-508(a)(7) to consult with counsel to obtain legal advice (Farquhar Middle School)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

***Item 8--- William H. Farquhar Middle School Modernization**

~~*A. William H. Farquhar Middle School Modernization and Batchellors Forest Residential: Site Plan Amendment No. 82008019C~~

~~Request to amend the Site Plan and Final Forest Conservation Plan to include construction of the William H. Farquhar Middle School on a parcel previously dedicated to the M-NCPPC as part of the Batchellors Forest Residential, located on the north and south side of Batchellors Forest Road, approximately 3,000 feet south of the intersection with Doctor Bird Road, 93.64 acres, RNC Zone, Olney Master Plan~~

~~**Staff Recommendation: Approval with conditions**~~

~~B. William H. Farquhar Middle School Modernization: Mandatory Referral No. 2014028~~

~~Located on the south side of Batchellors Forest Road approximately 3,000 feet south of the intersection with Doctor Bird Road, 17 acres, RNC Zone, Olney Master Plan~~

~~**Staff Recommendation: Approval and Transmit Comments to MCPS**~~

~~2:00 pm~~

~~1 hr~~

~~F. Boyd~~

Postponed until September 18, 2014

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This Item was postponed.

9. The Universities at Shady Grove - Parking Garage #2

Mandatory Referral MR2015001: Construction of a 5-level (700+/- space) parking garage with access drives, pedestrian walkways, infrastructure connections, stormwater management and landscaping on 3.11 acres in the LSC Zone; located at Shady Grove Road 500 feet southwest of Darnestown Road, Rockville, in the Great Seneca Science Corridor Master Plan area.

Staff Recommendation: Approval to transmit comments to the applicant

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation for approval to transmit comments to the applicant.

In keeping with the August 21 technical staff report, Planning Department staff offered a multi-media presentation and discussed the mandatory referral request to construct a parking garage on 3.11 acres of undeveloped land in the Life Science Center (LSC) Zone of The Universities at Shady Grove located at the southwest corner of the intersection of Darnestown Road and Shady Grove Road in the Great Seneca Science Corridor Master Plan. Staff noted that most of the campus is inside the Piney Branch Special Protection area (SPA) owned by the State of Maryland. Based on that ownership, the required plan review of the requirements for forest conservation, Stormwater Management, and historic preservation is the responsibility of state agencies. The Planning Board is not required to review a Water Quality Plan or Forest Conservation Plan (FCP). The applicant recognizes the sensitivity of the SPA, and has designed a garage to meet the state standards with Environmental Site Design (ESD).

Mr. James Palmer, engineering consultant representing the applicant, The Universities at Shady Grove, offered brief comments and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff and Mr. Palmer.

10. Zoning Amendment No. 14-08

To allow for the application of the Transit Station Development Area Residential zone (TS-R) within the sector plan boundaries of a Central Business District

Staff Recommendation: Transmit Comments to County Council.
(Action required for County Council public hearing of 9/9/14)

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation for approval of the proposed Zoning Text Amendment cited above, and to transmit comments to the County Council, as stated in the attached transmittal letter.

Planning Department staff discussed the proposed Zoning Text Amendment (ZTA), which would amend the existing Zoning Ordinance regarding allowance for the application of the Transit Station Development Residential zone (TS-R) within the sector plan boundaries of a Central Business District (CBD). ZTA 14-08 will allow for the application of the TS-R zone within the sector plan boundaries of a CBD without recommendation as a Transit Station Development area in a Master Plan or a Sector Plan. Local Map Amendment G-963 for a property located at 5020 Battery Lane in Bethesda, is the only pending application for reclassification to the TS-R zone that is located in the sector plan boundaries of a CBD. A property owner can apply for a TS-R zone reclassification in an area adjacent to a CBD within 1,500 feet of a metro station. A provision in the new code states that any application for a TS-R zone submitted by May 1, 2014, will be grandfathered and given consideration under the current Zoning Code, as the new Zoning Amendment will take effect on October 30, 2014.

Mr. Steven Teitelbaum, representative of the Governing Board of the Battery Park Citizen's Association, offered testimony in opposition to the proposed Zoning Text Amendment.

There followed a brief Board discussion with questions to staff.

11. Zoning Text Amendment 14-09

To clarify language and correct errors in the March 5, 2014 adopted Zoning Code. To add the substance of text amendments approved by Council since March 11, 2014; address issues raised in the course of approving District Map Amendment G-946; and generally amend the Zoning Ordinance that will be in effect on October 30, 2014.

Staff Recommendation: Transmit Comments to County Council.

(Action required for County Council public hearing of 9/9/14)

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 3-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation for approval of the proposed Zoning Text Amendment cited above, and to transmit comments to the County Council, as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed proposed Zoning Text Amendment (ZTA) 14-09, which will clarify language and correct errors in the March 5, 2014 adopted Zoning Code. Concurrently, District Map Amendment (DMA) G-956 implements the new code adopted by the County Council on July 15, 2014. The new zoning Code and the new Map Amendment will be in effect on October 30, 2014. The proposed new Zoning Text Amendment addresses issues raised in the course of approving the DMA, and generally amends the new Zoning Ordinance. Staff agreed with six out of nine recommendations proposing modification to two out of six agreed upon recommendations.

Mr. Steve Robins, Ms. Pat Harris, and Mr. William Kominers, attorneys representing Rock Spring Properties offered extensive testimony, and requested the re-insertion of language into the Zoning Ordinance Rewrite, which is currently included in the Zoning Code, relating to Commercial /Residential Town (CRT) plans.

Legal Counsel to the Board offered clarification regarding the filing requirements under the Zoning Ordinance regarding filing a sketch plan and a site plan concurrently.

There followed a brief Board discussion with questions to staff, Mr. Robins, Ms. Harris, and Mr. Kominers.

***12. Montgomery Village – South Valley Park: Subdivision Regulation Waiver and Site Plan -- ADDENDUM**

A. Subdivision Regulation Waiver No. SRW201402 - Request for a waiver of the Subdivision Regulations, specifically the requirement to plat, pursuant to Section 50-38. Located between Watkins Mill Road and Montgomery Village Avenue; on approximately 30.3 acres; TS Zone; Gaithersburg Vicinity Master Plan area.

Staff Recommendation: Approval with Conditions

***B. Site Plan No. 820140070: Request for a permanent concession stand with restrooms near the existing ball fields and a permanent restrooms near the lawn theater.** These permanent structures will replace temporary facilities at both locations. Both facilities will only be open during events. Located between Watkins Mill Road and Montgomery Village Avenue; on approximately 30.3 acres; TS Zone; Gaithersburg Vicinity Master Plan area.

Staff Recommendation: Approval with Conditions

BOARD ACTION

**Motion: A. PRESLEY/WELLS-HARLEY
 B. PRESLEY/WELLS-HARLEY**

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

Nay:

Other: DREYFUSS ABSENT

Action: A. Approved staff recommendation for approval of the Subdivision Regulation Waiver, subject to conditions.

B. Approved staff recommendation for approval of the proposed site plan, subject to conditions, as stated in the attached Resolution.

In keeping with the August 25 technical staff report, Planning Department staff offered a multi-media presentation and discussed the request for a Subdivision Regulation Waiver (SRW), in accordance with Section 50-38(a)(1) of the Subdivision Regulations, which will waive the requirement to submit a preliminary plan of subdivision and associated record plat for a 30.3 acre property located between Watkins Mill Road and Montgomery Village Avenue in the Town Sector (TS) zone. The SRW will allow the applicant to pursue site plan approval and obtain a building permit without having to plat a remnant parcel that is part of South Valley Park in Montgomery Village. An additional request, part of the site plan, is the approval of a permanent joint restroom and concession stand of approximately 900 square feet in size near the existing ball fields, and a permanent restroom near the lawn theater, which was also discussed. These facilities will replace temporary facilities at both locations.

***12. Montgomery Village – South Valley Park: Subdivision Regulation Waiver and Site Plan**

CONTINUED

Mr. David McKee, engineer, representing the applicant, offered comments and concurred with the staff recommendation.

The following speakers offered testimony: Mr. Bob Hydorn, Ms. Pamela Bort, Mr. David Humpton, and Mr. Scott Gole, of the Montgomery Village Foundation; and Mr. David Jacobs, of the Montgomery Village Sports Association.

Mr. Andrew Podolsky, representing Heron’s Cove Condominiums offered testimony in opposition to the request.

There followed a brief Board discussion with questions to staff.

13. Sandy Spring Rural Village Plan: Public Hearing

BOARD ACTION

Motion:

MCPB, 9-4-14, APPROVED

Vote:

Yea:

Nay:

Other:

Action: Received testimony.

**A VERBATIM TRANSCRIPT OF THIS ITEM IS AVAILABLE IN THE
MONTGOMERY COUNTY REGIONAL OFFICE OF THE PARK AND PLANNING
COMMISSION.**