



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, September 11, 2014, at 10:35 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 8:43 p.m.

Present were Chair Casey Anderson, Vice Chair Marye Wells-Harley, and Commissioners Norman Dreyfuss and Amy Presley.

Items 1 through 5 are reported on the attached agenda.

The Board recessed for lunch at 12:05 p.m.

The Planning Board reconvened in the auditorium at 2:29 p.m.

Items 6, 7, 9, and 10 are reported on the attached agenda.

The Board recessed for dinner at 3:12 p.m., and reconvened in the auditorium at 6:05 p.m. to receive testimony for Item 8 – Public Hearing for Aspen Hill Minor Master Plan Amendment.

There being no further business, the meeting was adjourned at 8:43 p.m. The next regular meeting of the Planning Board will be held on Thursday, September 18, 2014, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Sr. Technical Writer/Editor

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Montgomery County Planning Board Meeting
Thursday, September 11, 2014
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Resolutions submitted for adoption.

***B. Record Plats**

Subdivision Plat No 220121380, Woodhaven

R-90 zone, 1 lot; located in the northwest quadrant of the intersection of Wilson Lane (MD 188) and Whittier Boulevard; Bethesda - Chevy Chase Master Plan

Staff Recommendation: Approval

Subdivision Plat No. 220141280, Montgomery Hills Forest

R-60 zone, 1 lot; located on the west side of Sharon Drive, 175 feet north of Birch Drive. North and West Silver Spring Master Plan

Staff Recommendation: Approval

Subdivision Plat No. 220141420, Edgemoor

R-60 zone, 1 lot; located on the south side of Wilson Lane (MD 188), 175 feet west of Clarendon Road; Bethesda - Chevy Chase Master Plan

Staff Recommendation: Approval

BOARD ACTION

Motion: WELLS-HARLEY/DREYFUSS

Vote:

Yea: 4-0

Nay:

Other:

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

***C. Other Consent Items**

~~Country Club Village (6124 Verne Street), Preliminary Plan Amendment No. 12008033A
R-60 zone, 0.67 acres, Request to amend the tree save plan to address changes to the LOD in condition #2 (no change to condition), located on the south side of Verne Street approximately 600 feet west of River Road, Bethesda Chevy Chase Master Plan~~

~~Staff Recommendation: Approval of the Consent Agenda and Draft Resolution~~

POSTPONED

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This Item was postponed.

***D. Approval of Minutes**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **There were no Planning Board Meeting Minutes submitted for approval.**

2. Roundtable Discussion

- Parks Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **Received briefing.**

Parks Director Report – Parks Department Director Michael Riley noted that he met with newly appointed Chair Anderson about the format of the Parks Department Director’s report, and it was agreed that he will submit a detailed written report, and briefly discuss items that are of high importance to the Planning Board. Mr. Riley briefed the Board on his first eight weeks as Parks Director and noted that he met with many Department Heads, the Chair of the County Council Committee on Planning, Housing, and Economic Development (PHED). Mr. Riley also talked about a PBS show on the life of Josiah Henson, in which many Parks Department staff were featured; the launch of the second year of the Leadership Program for Parks Department staff with the Carro Rojo (Red Wagon) project; the deer management program; the Warner Manor proposed restoration and reuse project; and synthetic turf use in the parks.

Mr. Riley noted that he plans to meet with all Council members and talk to them about his views for improvements to the park system.

There followed brief comments and questions from Board members.

3. Semi Annual Report – Presentation

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing, followed by Board discussion.

Planning Department Director Gwen Wright and Parks Department Director Michael Riley briefed the Planning Board on the proposed 2014 Semi-Annual Report for their respective department. Ms. Wright briefly discussed the major goals and trends for the coming months, highlights of the various Master Plans and major projects in the works during the past six months, the new Master Planning efforts and initiatives in the next six months, highlights of the regulatory review, and community outreach efforts.

Mr. Riley offered highlights of the Parks Department work priorities and initiatives, including urban park initiatives, Montgomery Parks Foundation, Community Outreach, trails, a new consolidated registration system for the issuance of park permits, invasive plants, and White Tail deer management. Mr. Riley also touched on upcoming park facilities construction, existing partnerships, special events and festivals, new parks openings and dedications, sustainability efforts, and the status of the proposed new Park and Planning headquarters building in Wheaton.

4. Family Pet Veterinary Practice: Special Exception S-2874

C-1 zone, Requesting special exception for a Veterinary Hospital located in the existing Rock Creek Shopping Center, located at 8313 Grubb Road; North and West Silver Spring Master Plan

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other:

Action: Approved staff recommendation for approval of the proposed Special Exception, subject to conditions, as stated in the attached transmittal letter to the Hearing Examiner.

In keeping with the August 29 technical staff report, Planning Department staff offered a multi-media presentation and discussed the request for a special exception for a 3701-square feet veterinary

hospital to be located in the existing Rock Creek Shopping Center on Grubb Road in the Silver Spring Master Plan area. Staff noted that there would be no boarding of animals overnight, and no exterior runs or exercise yard associated with this use. However, there would be a relief area immediately outside the rear door of the animal hospital for the dogs. The special exception is limited to a maximum of seven employees with hours of operations limited to Monday through Friday 8:00 a.m. to 7:00 p.m., and Saturday 8:00 a.m. to 1:00 p.m. The hospital will use existing parking spaces in the shopping center. No correspondence has been received from the community regarding this special exception.

Mr. Damon Orobona representing the applicant, Dr. Nathan Wehril, offered brief comments, and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff.

***5. 48301 West Lane (formerly Holladay at Edgemoor)**

***A. Preliminary Plan Amendment No. 12008005A:** TS-R zone, proposing a maximum of 120 multi-family units including 15% MPDUs, located at the northwest quadrant of the intersection with West Lane and Montgomery Lane, Bethesda CBD

Staff Recommendation: Approval with Conditions and Adoption of Resolution

***B. Site Plan Amendment No. 82008003A:** TS-R zone, proposing a maximum of 120 multi-family units including 15% MPDUs, located at the northwest quadrant of the intersection with West Lane and Montgomery Lane, Bethesda CBD

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: **A. DREYFUSS/PRESLEY**
 B. DREYFUSS/PRESLEY

Vote:
 Yea: **A. 4-0**
 B. 4-0

Nay:

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

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

Planning Department staff offered a multi-media presentation, and discussed the preliminary plan and site plan amendment requests to consolidate four lots into one lot to accommodate a 118,352-square foot seven-story building containing a maximum of 120 units, including 15 percent Moderately Priced Dwelling Units (MPDUs), on a property located at the northwest quadrant of the intersection of West Lane and Montgomery Lane in the Bethesda Central Business District. Staff noted that the previous plans were for 48 residential units, including 12.5 percent MPDUs. The proposed amendments follow the approval of Development Plan Amendment (DPA) 13-01 approved by the County Council on September 10, 2013. The proposed building meets all requirements established in the Subdivision

Regulations and the Zoning Ordinance, and substantially conforms to the recommendations of the Bethesda CBD Sector Plan. Existing access and public facilities will be adequate to serve the proposed building, and the proposed amendments have been reviewed by other applicable county agencies, which have recommended approval subject to the conditions cited in the revised plans.

Ms. Pat Harris, attorney representing the applicant, introduced Messrs. Chuck Irish and David Judd, members of the applicant's team, briefly discussed the proposed amendments, and concurred with the staff recommendation.

There followed a brief Board discussion focusing on parking requirements for the site, including the possible need for a waiver request from the applicant, with questions to legal counsel to the Board, staff, and Ms. Harris.

***6. Dyson Property: Preliminary Plan No. 120140080**

Request to subdivide Parcel 626 (12211 Fellowship Lane) to create two lots, located on the north side of Fellowship Lane approximately 200 feet west of Quince Orchard Road, 0.95 acres, R-200/TDR Zone, Potomac Subregion Master Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: WELLS-HARLEY/DREYFUSS

Vote:

Yea: 4-0

Nay:

Other:

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

Planning Department staff offered a multi-media presentation and discussed the request to subdivide Parcel 626 at 12211 Fellowship Lane, into two lots. The subject property is located on the north side of Fellowship Lane, approximately 200 feet west of Quince Orchard Road, south of Quince Orchard High School, on the west side of Quince Orchard Road. It consists of 0.95 acres within the Residential, Transferrable Development Rights (R-200/TDR) zone of the Potomac Sub-region Master Plan. The applicant proposes to subdivide the parcel into two lots for two, one-family residential dwelling units. Staff provided minor revisions to the August 29 technical staff report. Revisions included adjustments to the Transportation Policy Area Review (TPAR) findings, and a revision to condition 10.

Legal Counsel to the Board stated that the revised TPAR finding, and the revised condition 10, will be reflected in the accompanying Resolution.

Mr. Donald Rohrbaugh, engineering consultant representing the applicant, offered comments and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff.

***7. MD 121 & I-270 Interchange Improvements** -- Widening of the MD121 bridge over I-270 from four lanes to six lanes, addition of a second left turn lane to southbound MD121 on the ramp from northbound I-270, addition of a ramp from northbound MD121 to southbound I-270, and addition of traffic signals on MD121 at the freeway ramp termini. Clarksburg Master Plan.

***A. Cabin Branch Infrastructure: Site Plan Amendment No. 82005015F** - Request to amend Site Plan and Final Forest Conservation Plan to revise portions of the plan affected by the MD 121 & I-270 Improvements; Between Clarksburg Road, Old Baltimore Road and I-270, MXPB and RMX-1/TDR Zones, Clarksburg Master Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

***B. MD 121 & I-270 Interchange Improvements Final Forest Conservation Plan (MR2014049):** Clarksburg Special Protection Area

Staff Recommendation: Approval with Conditions and Adoption of Resolution

***C MD 121 & I-270 Interchange Improvements Preliminary/Final Water Quality Plan (MR2014049):** Clarksburg Special Protection Area

Staff Recommendation: Approval with Conditions and Adoptions of Resolution

D. MD 121 & I-270 Interchange Improvements Mandatory Referral No. 2014049

Staff Recommendation: Approval with Comments

BOARD ACTION

- Motion:**
- A) PRESLEY/DREYFUSS
 - B) PRESLEY/DREYFUSS
 - C) PRESLEY/WELLS-HARLEY
 - D) PRESLEY/WELLS-HARLEY

- Vote:**
- Yea:**
 - A) 4-0
 - B) 4-0
 - C) 4-0
 - D) 4-0

Nay:

Action: A) Approved staff recommendation for approval subject to conditions and the attached adopted Resolution.

B) Approved staff recommendation for approval subject to conditions and the attached adopted Resolution.

C) Approved staff recommendation for approval subject to conditions and the attached adopted Resolution

D) Approved staff recommendation to transmit comments to the Montgomery County Department of Transportation.

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***7. MD 121 & I-270 Interchange Improvements**

CONTINUED

Planning Department staff offered a multi-media presentation and discussed the proposed MD 121 and I-270 Interchange Improvements. The improvements would include the widening of the MD 121 bridge over I-270 from four lanes to six lanes, the addition of a second left turn lane to southbound MD 121 on the ramp from northbound I-270, the addition of a ramp from northbound MD 121 to southbound I-270, and the addition of traffic signals on MD 121 at the freeway ramp terminus. Staff noted that there are four items for Planning Board review: the Mandatory Referral Plan; the Special Protection Area Final Water Quality Plan (WQP); the Final Forest Conservation Plan; and a Site Plan amendment request to amend the Cabin Branch Forest Conservation Plan (FCP). Staff noted that the second part of the FCP involves 0.21 acres of forest removal, which generates a 1.54-acre planting requirement; three trees will be impacted, but not removed during this process. The associated FCP is compliant with Section 22A of the Forest Conservation Regulations. The WQP is compliant with Chapter 19, section 19-67 of the Montgomery County Code.

Ms. Sylke Knuppel, and Mr. Bob Harris, representing the applicant, offered comments and answered questions from the Board.

There followed a brief Board discussion with questions to staff and the applicant’s representatives.

9. Zoning Text Amendment 14-10

To exempt permeable pavement at places of public assembly in the Upper Paint Branch Overlay zone from impervious surface area limits under certain circumstances; and generally amend the exemption in the Upper Paint Branch Overlay zone.

Staff Recommendation: Transmit Comments to County Council.
(Action required for County Council public hearing of 9/16/14)

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 4-0

Nay:

Other:

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

In keeping with the September 4 technical staff report, staff discussed proposed Zoning Text Amendment 14-10, which would exempt permeable pavement, specifically pervious concrete at places

of public assembly in the Upper Paint Branch Overlay Zone, from impervious surface area limits, where there is evidence that unimproved ground covered by pervious concrete has been used for parking on a regular basis. There is a maximum eight percent coverage requirement in this overlay zone. The proposed exemptions to the Upper Paint Branch Overlay Zone have caused environmental concerns regarding the protection of aquatic resources in the Anacostia Watershed area. This exemption of concrete pavers could potentially impact the process of the overlay zone regulations in that a credit is already provided for these types of pavers, in regards to StormWater Management (SWM) facilities.

Ms. Caroline Taylor, representing the Montgomery Countryside Alliance; and Ms. Diane Cameron, representing the Audubon Naturalist Society, offered testimony in opposition to the proposed amendment.

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

***10. Mid-Pike Plaza Phase 2 Sewer Extension (Montrose Parkway) Final Forest Conservation Plan Amendment MR2001806**

Request to amend the approved Final Forest Conservation Plan to allow the Applicant to construct a sewer line extension in the Montrose Parkway right-of-way to serve the Pike & Rose development in White Flint, Site Plan No. 820130120, in accordance with changes required by the Washington Suburban Sanitary Commission; Total area of right-of-way disturbance is 0.43 acres along E. Jefferson Street and Montrose Parkway west of Rockville Pike in the 2010 White Flint Sector Plan area.
Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: DREYFUSS/PRESLEY

Vote:

Yea: 4-0

Nay:

Other:

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

Planning Department staff offered a multi-media presentation and discussed the proposed Final Forest Conservation Plan (FCP) Amendment, which would amend the existing FCP regarding construction of the Mid-Pike Plaza (Pike & Rose) Phase 2 project for the proposed sewer extension at Montrose Parkway. The site is a 0.43 acre tract area lying within the right-of-way of E. Jefferson Street and Montrose Parkway, in the North Bethesda/Garrett Park Master Plan area. A sewer line extension is proposed within the road rights-of-way to serve Phase 2 of the Pike & Rose development in White Flint. As noted in the August 29 technical staff report, the sewer extension will disturb forest within the area of an existing approved Final FCP for Montrose Parkway, requiring an amendment to the FFCP to reflect the new disturbance. The existing Forest Conservation Law requires infrastructure projects in a road right-of-way to plant one acre of forest for every acre cleared. In accordance with this law, the

resulting forest planting requirement for this project is 0.38 acres. Staff added that in light of receiving additional information from the applicant, they are recommending the withdrawal of two conditions of approval, Conditions 2 and 3, previously listed in the August 29 technical staff report.

Ms. Barbara Sears, attorney representing the applicant, Federal Realty Investment Trust, offered brief comments and concurred with the staff recommendation and conditions as revised.

There followed a brief Board discussion with questions to staff.

8. Aspen Hill Minor Master Plan Amendment: Public Hearing

(Testimony limited to three (3) minutes per person)

BOARD ACTION

Motion:

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.