



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, November 12, 2015, at 8:59 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 3:18 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 5 are reported on the attached agenda.

The Board convened in Closed Session at 12:01 p.m. to take up Item 11, 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 on Thursday, November 12, 2015, at 12:01 p.m. in the third-floor conference room on motion of Vice Chair Wells-Harley, seconded by Commissioner Presley, 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)(3), to consider the acquisition of real property for a public purpose and matters directly related to the acquisition.

Also present for the meeting were Director Michael Riley, Acting Deputy Director Mitra Pedoem, Bill Gries, Josh Kaye, and Brenda Sandberg of the Parks Department; Senior Counsel Megan Chung of the Legal Department; and James Parsons of the Commissioners' Office.

In Closed Session the Board received briefing and discussed the proposed acquisition of land as an addition to the Serpentine Barrens Conservation Park.

The Closed Session meeting was adjourned at 12:17 p.m.

The Board reconvened in the auditorium at 1:16 p.m.

MCPB, 11-12-15, APPROVED

Items 7, 8, 6, and 9, discussed in that order, are reported on the attached agenda.

Item 10 was removed from the agenda.

There being no further business, the meeting was adjourned at 3:18 p.m. The next regular meeting of the Planning Board will be held on Thursday, November 19, 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, November 12, 2015
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

1. Potomac Chase – 12710 High Meadow Road Preliminary Plan 120140180 MCPB No. 15-127

BOARD ACTION

Motion: FANI-GONZÁLEZ/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Adopted the Resolution cited above, as submitted.

***B. Record Plats**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Record Plats submitted for approval.

MCPB, 11-12-15, APPROVED

***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**

Planning Board Meeting Minutes of October 29, 2015

BOARD ACTION

Motion: **FANI-GONZÁLEZ/PRESLEY**

Vote:

Yea: **4-0**

Nay:

Other: **DREYFUSS ABSENT**

Action: **Approved Planning Board Meeting Minutes of October 29, 2015, as submitted.**

2. 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 Board on the following ongoing and upcoming Parks Department events and activities: the status of a County-hosted meeting regarding the new Commission headquarters building in Wheaton held on Tuesday, November 3, at which community residents expressed concerns regarding possible traffic increase and the impact of construction on small businesses; the fourth annual Trees Matter Symposium held at the Silver Spring Civic Building on Wednesday, November 4, during which the Parks Department received two national Champion Tree awards; the status of the County Council and executive staff tour of the Woodlawn Stone Barn Visitors Center on Friday, November 6; the recent Emancipation Day Celebration, which was attended by several County Council members and included hikes on the Underground Railroad Experience Trail at Woodlawn Manor Cultural Park on Friday, November 6 and Saturday, November 7, live music and demonstrations at Oakley Cabin African-American Museum and Park on Saturday, and tours of Josiah Henson Park on Sunday; the celebration of the 25th anniversary of the Americans with Disabilities Act at the Mid-County Recreation Center on Sunday, November 8; the status of the staff Gold Medal Celebration at the Discovery Sports Center, scheduled for Monday, November 16; the status of the upcoming Silver Spring Thanksgiving Day Parade, scheduled for Saturday, November 21; and the status of the briefing to the Planning, Housing, and Economic Development Committee regarding the emerald ash borer, scheduled for Monday, November 30.

There followed a brief Board discussion.

3. FY 16 Supplemental Appropriation, Department of Parks Operating Budget, to support the opening of the Woodlawn Barn Visitors Center

Staff Recommendation: Request Approval to Transmit Supplemental Appropriation Request to County Council

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation to transmit the Supplemental Appropriation Request cited above to the County Council.

Parks Department staff offered a multi-media presentation and discussed an FY16 Supplemental Appropriation Request. Staff stated that \$84,731 in supplemental funds are required to open and staff the proposed Woodlawn Barn Visitors Center at the Woodlawn Manor Cultural Park in Sandy Spring. The 100-acre site is located on the northeast quadrant of the intersection of Norwood Road and Ednor Road. Staff stated that the site is currently home to not only the existing stone bank barn, but also the Woodlawn Manor House, the Underground Railroad Experience Trail, a carriage house, several outbuildings, and the Park Police Mounted Unit. The Enterprise Division currently manages the rental of the Manor House for weddings and private parties. The proposed Visitor Center will highlight the Underground Railroad, as well as the lives of Quakers and slaves. Staff plans to take over the operation of an existing field trip program that is currently operated by an independent vendor. Staff noted that all revenues currently generated by the program goes to the vendor only, not the Parks Department. Staff has informed the vendor that the lease on the program will expire in April 2016. Staff stated that in order for the Parks Department to take over operation of the field trip program, they will need to hire a full-time facility manager, a full-time interpretive specialist, and seasonal staff. The Visitor Center is proposed to be open Monday through Friday from 10:00 a.m. to 4:00 p.m. with admission proposed at \$7 for adults and \$5 for students and seniors. Staff is estimating \$15,000 in first-year revenue from group tours and a small retail operation proposed to be located in the carriage house. That revenue will go into the Parks Cultural Resources Special Revenue Fund, an established fund for historic site programs. Staff plans to open the fully operational site on April 1, 2016, in order to begin generating revenue from spring field trips and summer programs. Even with the expected revenue, staff noted that the FY17 Operating Budget impact for ongoing facility costs is proposed at \$248,543. Staff added that the Enterprise Division will continue to schedule and manage rental of the Manor House for private functions.

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3. FY 16 Supplemental Appropriation, Department of Parks Operating Budget, to support the opening of the Woodlawn Barn Visitors Center

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Following extensive discussion with questions to staff, the Board agreed that \$248,543 per year for costs is not sustainable, recommended an intense marketing program in order to garner higher revenues, and requested regular progress reports from Parks Department staff.

4. Review and Analysis of the CR Zone Amenity Points - by Lee Quill - Architect Consultant

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing.

Planning Department staff and consulting architect Mr. Lee Quill offered a multi-media presentation and discussed the Commercial/Residential zone development review process. Staff introduced Mr. Quill, noting that he is a Fellow of the American Institute of Architects and a founding principal of Cunningham Quill Architects in Washington, D.C. Mr. Quill has served as a juror for the Environmental Protection Agency's National Awards for Smart Growth Achievement, on numerous Urban Land Institute advisory panels, on the D.C. Mayoral Task Force on Transit Oriented Development, and as Chair of the City of Alexandria Urban Design Advisory Committee. Mr. Quill's projects have received design awards from Congress for New Urbanism and the American Institute of Architects, including recent awards for the affordable senior housing project House of Lebanon in Washington, D.C., and the Branch Avenue Corridor Revitalization Plan in Prince George's County.

Mr. Quill stated that a recent review of the current Sketch Plan process found it to be expensive and frustrating due to a lack of two-way dialogue with Planning Department staff regarding project concepts. By the time an applicant and staff do discuss a project, the plans are well developed, and significant time and money has already been spent. He stated a need for informal discussion early on in the process. He recommended establishing a mandatory Concept Plan review meeting to take place prior to the pre-application meeting. During the Concept Plan review meeting, the applicant can share and discuss any early diagrams, sketches, three-dimensional digital diagrams, or physical massing models with staff in an informal, interactive, and collaborative manner. The initial concepts would then be submitted to staff for review and feedback, with staff responding with any additional information within 30 days. The Concept Plan meeting and staff review would come at no charge to the applicant, help ensure that project components conform to area Master or Sector Plan recommendations, and facilitate public dialogue on the project.

Mr. Quill then discussed the newly enacted Commercial/Residential Mixed-Use (CR) Zones, particularly an analysis of the current CR Sketch Plan Optional Method process and the current point system allocations for public benefits. Mr. Quill noted that while projects

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4. Review and Analysis of the CR Zone Amenity Points - by Lee Quill - Architect Consultant

CONTINUED

negotiated under the current optional method are often allocated more public benefits points than those negotiated under the former Central Business District Optional Method, these points are being awarded for less impactful amenities. As a result, proximity to mass transit can receive more credit than architecture and some greater impact amenities in large projects. Mr. Quill offered recommendations, including establishing a hierarchy of benefit points that strengthen architectural and urban design, allotting the categories that address design more than only one page each in the Incentive Density Implementation Guidelines, including imagery that visually illustrates the design in the Guidelines, and making minor adjustments to the current point system in order to reinforce design excellence by prioritizing and elevating focus on design. He also recommended establishing a three to four-member Design Advisory Panel that contains a minimum of two regionally or nationally recognized architects and one Planning Department chief to review projects during the Concept Plan review and Sketch Plan process, strengthening the Design Excellence Awards program, using social media to promote design excellence, and promoting education and knowledge of quality design by continuing the bi-yearly *Moving Montgomery Forward* conference.

Following extensive Board discussion with questions to staff and Mr. Quill, staff proposed the creation of a small staff working group to discuss more specific ideas regarding the current development review process, the findings of which will be reported to the Board in two to three months.

5. Alvermar Woods Lot 16, Preliminary Plan Amendment 11999034E --- To amend the Forest Conservation Plan to remove 0.30 acres of Category I conservation easement and mitigate offsite, on 2.0 acres; RE-2-Zoned; located at 10420 Riverwood Drive, at the intersection of River Road and Riverwood Drive, Potomac, within the Potomac Master Plan Area.

Staff Recommendation: Approval with Conditions and Adoption with Resolution

BOARD ACTION

Motion: FANI-GONZÁLEZ/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

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

Planning Department staff offered a multi-media presentation and discussed a proposed Preliminary Plan Amendment request to revise an existing Forest Conservation Plan in order to remove two disconnected conservation easements. The two-acre property, lot 16, is located on the south side of Riverwood Drive, west of its intersection with River Road, and is zoned Residential Estate in the 2002 Potomac Subregion Master Plan area, within the Potomac River Direct watershed. The applicant is requesting to remove 13,442 square feet of Category I conservation easement. The applicant also proposes the purchase of 26,884 square feet of mitigation credit at an offsite forest conservation mitigation bank. Staff added that no other changes are proposed to the Preliminary Plan.

There followed a brief Board discussion with questions staff.

MCPB, 11-12-15, APPROVED

11. CLOSED SESSION

According to MD ANN Code, 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 proposed acquisition of land as an addition to Serpentine Barrens Conservation Park

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

7. 15931 Frederick Road, Derwood, (CarMax) Annexation No. ANX2015-00145 ---Request for annexation into the corporate boundaries of the City of Rockville. Located at 15931 Frederick Road in Derwood, Maryland, zoned CRT1.5, C0.25, R1.25 and H100’, within the 2006 Shady Grove Sector Plan.

Staff Recommendation: Approval to transmit comments to the Montgomery County Council and the City of Rockville.

BOARD ACTION

Motion: FANI-GONZÁLEZ/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation to transmit comments to the Montgomery County Council and the City of Rockville, as stated in the attached transmittal letters.

In keeping with the November 4 technical staff report, Planning Department staff discussed the request for annexation into the corporate boundaries of the City of Rockville of a 4.03-acre property located at the eastern corner of the intersection of Shady Grove Metro access Road and Frederick Road owned by 355 Partners, LLC c/o CarMax Auto Super Stores. The current use of the site is a CarMax auto sales lot, which will be relocated on Shady Grove Road. The proposed annexation proposes new zoning that includes similar uses allowed by the existing zoning and recommended in the 2006 approved and adopted Shady Grove Sector Plan. The proposed development is 100 percent residential, and therefore consistent with the uses permitted under the proposed zone and recommended in the Sector Plan. The maximum density permitted under the proposed zone is unlimited, while the current zone allows up to 1.5 Floor Area Ratio (FAR) plus bonus density for Moderately Priced Dwelling Units (MPDUs). However, the proposed density is not more than 150 percent of the density allowed under the County’s Commercial/Residential Transit (CRT) zoning.

Ms. Patricia Harris, attorney representing the applicant, offered brief comments and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff and Ms. Harris.

8. Johnson Family Enterprises, LLC and Three Amigos Real Estate, LLC, Annexation No. X-7067 --- Request for annexation into the corporate boundaries of the City of Gaithersburg. Located at 12201, 12251, 12301, and 12311 Darnestown Road (MD Route 28) in Gaithersburg, Maryland, zoned R-200 and NR .75 H 45, within the 2010 Great Seneca Science Corridor Master Plan.

Staff Recommendation: Approval to transmit comments to the Montgomery County Council and the City of Gaithersburg.

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation to transmit comments to the Montgomery County Council and the City of Gaithersburg, as stated in the attached transmittal letters.

Planning Department staff offered a multi-media presentation and discussed the request to annex the 23.45-acre Johnson property into the City of Gaithersburg and rezone the parcels from the County's R-200 and NR 0.75 H 45 zones to the City of Gaithersburg MXD zone. The property is located on Darnestown Road (MD Route 28) in Gaithersburg, Maryland, within the area of the 2010 Great Seneca Science Corridor Master Plan (GSSC). Staff noted that the applicants are the Johnson Family Enterprises, LLC and Three Amigos Real Estate, LLC. The annexation request was filed on June 26, 2015 and the City of Gaithersburg Public Hearing is scheduled for November 16, 2015. The Planning Board's comments to the City of Gaithersburg Planning Commission are due by November 20, 2015 in order to be considered at their December 2 meeting.

Mr. Stuart Barr, attorney representing the applicant, introduced Mr. Russell Johnson the applicant and Mr. Joshua Sloan from Vika Maryland, LLC, member of the applicant's team. Mr. Barr offered comments and recommendations.

Mr. Johnson also offered comments.

Mr. Sloan offered a multi-media presentation and discussed the proposed annexation.

At the Board's request, Legal Counsel to the Board also offered comments and noted that the Planning Board only has an advisory role in this situation.

The following speakers offered testimony: Mr. Michael Lehrohoff of McDonald Chapel Drive and representing the Orchard Hills Homeowners Association; Dr. Munish Mehra of Copen Meadow Court and representing the Willow Ridge Civic Association and Homeowners

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8. Johnson Family Enterprises, LLC and Three Amigos Real Estate, LLC, Annexation No. X-7067

CONTINUED

Association; Mr. Steve Gammarino of Hidden Ponds Court and representing the Hidden Ponds Homeowners Association; Mr. David Lee of Bayswater Court and representing the Thurgood Marshall Elementary School Parent/Teacher Association; Mr. Michael Patric of Glacier Court; Mr. Thaddeus Till of McDonald Chapel Drive; and Mr. Steve Katz of McDonald Chapel Drive.

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

6. Darnestown Valley, WHM LP and Darnestown Valley Petroleum LLC Annexation No. X-7089 --- Request for annexation into the corporate boundaries of the City of Gaithersburg. Located at 12110, 12130, 12140 Darnestown Road, Gaithersburg; zoned NR-0.75, H- 45, within the 2002 Potomac Subregion Master Plan

Staff Recommendation: Approval to transmit comments to the Montgomery County Council and the City of Gaithersburg.

BOARD ACTION

Motion: FANI-GONZÁLEZ/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation to transmit comments to the Montgomery County Council and the City of Gaithersburg, as stated in the attached transmittal letters.

Planning Department staff offered a multi-media presentation and discussed the proposed request to annex the 8.28-acre Darnestown Valley-WHM, LLC and Darnestown Valley Petroleum WHM, LLC properties into the City of Gaithersburg and rezone the parcels from the County’s NR 0.75 H 45 zone to the City of Gaithersburg’s MXD zone. The properties are located on Darnestown Road (MD 28) in Gaithersburg, Maryland, within the area of the 2002 Potomac Sub-region Master Plan. The annexation request was filed on July 14, 2015 by Darnestown Valley–WHM, LLC and Darnestown Valley Petroleum WHM, LLC, the applicant and action is required for the City of Gaithersburg Public Hearing scheduled for November 16, 2015. Staff reiterated that the Planning Board only has an advisory role in this situation and staff recommended that the Board advise the County Council that it does not need to review and approve this petition prior to annexation.

Ms. Casey Cirner, attorney representing the applicant, offered brief comments.

The following speakers offered testimony: Ms. Trudy Schwarz representing the City of Gaithersburg; Dr. Munish Mehra of Copen Meadow Court; Mr. David Lee of Bayswater Court and representing the Thurgood Marshall Elementary School Parent/Teacher Association; Mr. Michael Patric of Glacier Court; and Ms. Carol Scott of Carrington Hill Drive.

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

9. A. CU-2015-04: Greenskeeper Landscaping (Mamana): Request for a Conditional Use approval of a Landscaping Contractor Business, located at 3309 Damascus Road (MD 650), 31.58 acres; identified as Parcel 150 on Tax Map HV-53, on the north side of Damascus Road (MD 650), approximately 700 feet east of its intersection with Sundown Road, AR Zone, Olney Master Plan Area; Patuxent River Watershed Primary Management Area.

+Staff Recommendation: Approval with Conditions

***B. Final Forest Conservation Plan CU2015-04:** Request for approval of a Final Forest Conservation Plan as part of a Conditional Use application to operate a landscape contractor business; located at 3309 Damascus Road (MD 650); 31.58 acres; identified as Parcel 150 on Tax Map HV-53, on the north side of Damascus Road (MD650) approximately 700 feet east of its intersection with Sundown Road; AR Zone; Olney Master Plan; Patuxent River Watershed Primary Management Area.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

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

Vote:

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

Nay:

Other: **DREYFUSS ABSENT**

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

In keeping with the October 30 technical staff report, Planning Department staff offered a multi-media presentation and discussed the request for approval of a Conditional Use for a Landscaping Contractor Business located on a 31.58-acre property on Damascus Road (MD 650), on the north side of Damascus Road (MD 650), approximately 700 feet east of its intersection with Sundown Road, in the Olney Master Plan Area and Patuxent River Watershed Primary Management Area. Staff noted that with the recommended conditions, the subject uses conform to all applicable requirements and regulations for approval of a landscape contractor business conditional use per Section 59.3.5.5 of the Montgomery County Zoning Ordinance, and the applicable development standards under the Agricultural Reserve Zone. The proposed uses are consistent with the recommendations of the 2005 Olney Master Plan and compatible with the character of the surrounding area. Approval by the Planning Board of the requested conditional use will not inflict discernable adverse impact on the immediate neighborhood. There are no notable traffic, circulation, noise or environmental issues associated with the request provided

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9. A. CU-2015-04: Greenskeeper Landscaping (Mamana) & *B. Final Forest Conservation Plan CU2015-04

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that the recommended conditions are satisfied. This request is also in compliance with the Montgomery County Environmental Guidelines and the Patuxent River Primary Management Area Guidelines. The plan proposed an overall impervious area of 10.6 percent for the net tract with an impervious level within the Primary Management Area limited to 7.09 percent.

Mr. Robert Antonetti, attorney representing Mr. David Mamana, the applicant also present, offered brief comments, and concurred with the staff recommendation.

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

~~*10. — **Glen Echo Heights** --- Preliminary Plan No. 120061120, Glen Echo Heights, R-90 Zone, 0.84 acres, Request for three lots for three one-family detached dwellings, located at 6236 Wallhonding Road approximately 800 feet west of the intersection with Wiscasset Road in Takoma Park; Bethesda Chevy-Chase Master Plan ————— **REMOVED**~~

Staff Recommendation: Denial

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **This Item was removed from the Planning Board Agenda.**