



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, June 2, 2016, at 10:06 a.m. in the Montgomery Regional Office (MRO) in Silver Spring, Maryland, and adjourned at 7:33 p.m.

Present were Chair Casey Anderson, and Commissioners Norman Dreyfuss, Amy Presley, and Natali Fani-González. Vice Chair Marye Wells-Harley joined the meeting at 10:55 a.m.

Item 11 is reported on the attached agenda.

The Board convened in Closed Session at 12:20 p.m. to take up Item 1, 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 in the 3rd floor conference room at 12:20 p.m. on motion of Commissioner Presley, seconded by Commissioner Fani-González, 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 §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 Acting Deputy Director Mitra Pedoeem, Bill Gries, and Josh Kaye of the Parks Department; and M. Clara Moise of the Commissioners' Office.

In Closed Session the Board received briefing and discussed the proposed acquisition of land as an addition to Flower Avenue Urban Park.

The Closed Session meeting was adjourned at 12:35 p.m.

The Board reconvened in the auditorium at 12:40 p.m. with Commissioners Dreyfuss and Presley temporarily absent.

MCPB, 6-2-16, APPROVED

Items 2, 5, 6, 12, and Items 7 through 9, discussed in that order, are reported on the attached agenda.

Items 2.C., 3, and 4 were removed from the Planning Board agenda.

Commissioner Presley rejoined the meeting during discussion of Item 5, and Commissioner Dreyfuss rejoined at 1:03 p.m. during discussion of Item 6.

The Board recessed for dinner at 4:39 p.m. and reconvened in the auditorium at 6:42 p.m. to take up Item 10, a public hearing for the Public Hearing Draft of the 2016 Subdivision Staging Policy.

There being no further business, the meeting was adjourned at 7:33 p.m. The next regular meeting of the Planning Board will be held on Thursday, June 9, 2016, 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, June 2, 2016
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

11. Briefing on Comprehensive Update to Parks Rules and Regulations

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by Board discussion.

In keeping with the May 26 technical staff report, General Counsel Adrian Gardner, Montgomery County Park Police Chief Antonio DeVaul, Parks Department Deputy Director John Nissel, and Legal staff offered a multi-media presentation and discussed updates to the Parks Rules and Regulations followed by Board discussion and questions to staff. The presentation and discussion covered updates to organized play in the parks; bicycle traffic and speed, use of segways and other motorized devices in the parks; encroachments; smoking; parking; permits; commercial activities; and enforcement by Park Police. The draft report also covers a number of policy issues that include tents and shade canopies, which are prohibited except in designated places; alcoholic beverages which may be authorized by permit or in areas regulated by Administrative Directives; and assemblies and gatherings regulated under the same safe harbor concept developed in 2009 through discussions with the American Civil Liberties Union.

Mr. Gardner noted that the Work Group is seeking the Planning Board's views and guidance before finalizing the report for implementation and outreach.

There followed a brief Board discussion with questions to Mr. Gardner, Chief DeVaul and staff.

1. 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 Flower Avenue Urban Park.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

2. 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. 220160400, Chevy Chase, Section 2

R-60 zone; 1 lot; located on the south side of East Melrose Street, 200 feet east of Brookville Road (MD 186); Bethesda - Chevy Chase Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: WELLS-HARLEY/FANI-GONZÁLEZ

Vote:

Yea: 3-0

Nay:

Other: PRESLEY & DREYFUSS TEMPORARILY ABSENT

Action: Approved staff recommendation for approval of the Record Plat cited above.

***C. Other Consent Items**

~~Rainbow Drive/Thompson Road, Briggs Chaney Middle School Bus Lot~~

~~A. Mandatory Referral MR2016023~~ — Reconstruction of the bus lot for Briggs Chaney Middle School. Construction includes a 26 feet wide asphalt driveway and associated sidewalks from the current bus lot to the intersection of Rainbow Drive and Thompson Road. Southwest of the intersection of Rainbow Drive and Thompson Road, in Silver Spring. Cloverly Master Plan (1997).

~~Staff Recommendation: Approval with Conditions and Transmittal of Comments to Montgomery County Public Schools~~

~~*B. Preliminary/Final Water Quality Plan MR2016023: Upper Paint Branch Special Protection Area~~ — Reconstruction of the bus lot for Briggs Chaney Middle School. Construction includes a 26 feet wide asphalt driveway and associated sidewalks from the current bus lot to the intersection of Rainbow Drive and Thompson Road. Southwest of the intersection of Rainbow Drive and Thompson Road, in Silver Spring. Cloverly Master Plan (1997).

~~Staff Recommendation: Approval with Conditions and Adoption of Resolution~~

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

***D. Approval of Minutes**

Planning Board Meeting Minutes of May 19, 2016

BOARD ACTION

Motion: WELLS-HARLEY/FANI-GONZÁLEZ

Vote:

Yea: 3-0

Nay:

Other: PRESLEY & DREYFUSS TEMPORARILY ABSENT

Action: Approved Planning Board Meeting Minutes of May 19, 2016, as submitted.

3. ~~Roundtable Discussion~~

- ~~Planning Director's Report~~ — **REMOVED**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

4. ~~Subdivision Staging Policy: FY17 Annual School Test~~ **REMOVED**

Staff Recommendation: Approval of the FY17 Annual School Test Results effective July 1, 2016

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

5. Sectional Map Amendment (SMA) H-112: Montgomery Village Master Plan

Staff Recommendation: Approve technical staff report recommending approval of the SMA

BOARD ACTION

Motion: **FANI-GONZÁLEZ/PRESLEY**

Vote:

Yea: **4-0**

Nay:

Other: **DREYFUSS TEMPORARILY ABSENT**

Action: **Approved staff recommendation for approval of the Sectional Map Amendment for the Montgomery Village Master Plan.**

Planning Department staff briefed the Board on a proposed Sectional Map Amendment (SMA) to implement the recommendations of the Approved and Adopted Montgomery Village Master Plan. Staff noted that the Plan's recommendations are to preserve the character of Montgomery Village, maintain its public open spaces, encourage reinvestment, and enhance connectivity. The zoning recommendations will help realize a balanced approach while encouraging limited redevelopment of key parcels within the Village.

There followed a brief Board discussion with questions to staff.

***6. Saul Centers White Flint West**

A. Preliminary Plan No. 120160080 --- Request to consolidate three existing lots into two new lots, receive Adequate Public Facilities Ordinance approval for up to 655 dwelling units and up to 204,000 square feet of non-residential uses, and establish the right-of-way dedications. 5.48 acres zoned CR-4.0 C 3.5 R 3.5 H 300, identified as 11520, 11560, and 11564 Rockville Pike located on Rockville Pike between Marinelli Road and Nicholson Lane in the White Flint Sector Plan area.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

B. Site Plan No. 820160030 --- Request to approve Site Plan for Saul Center White Flint West Building A with up to 330 dwelling units including 12.5% MPDUs, up to 15,500 square feet of nonresidential uses, improvement of a portion of Woodglen Drive, and an underground parking facility. 1.91 acres zoned CR-4.0 C 3.5 R 3.5 H 300, identified as 11520 Rockville Pike located at the southwest corner of the intersection of Rockville Pike and Marinelli Road in the White Flint Sector Plan area.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

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

Vote:
 Yea: **A. 5-0**
 B. 5-0

Nay:

Other:

Action: **A. Approved staff recommendation for approval of the Preliminary Plan, subject to revised conditions discussed at the meeting, and as stated in the attached adopted Resolution.**
 B. Approved staff recommendation for approval of the Site Plan, subject to revised conditions discussed at the meeting, and as stated in the attached adopted Resolution.

In keeping with the May 23 technical staff report, Planning Department staff offered a multi-media presentation and discussed proposed Preliminary and Site plans for the Saul Center project in White Flint West. Staff noted that the preliminary request is to consolidate three lots into two with up to 740,000 square feet of residential uses with up to 655 dwelling units, and up to 204,000 square feet of non-residential uses, and establish the right-of-way dedication for portions of Rockville Pike and the Woodglen Drive extension, and provide a portion of the bicycle and pedestrian connections recommended along Woodglen Drive as part of the concurrent Site Plan.

CONTINUED ON NEXT PAGE

***6. Saul Centers White Flint West**

CONTINUED

The proposed development will create a new urban block bound by Rockville Pike (MD 355), Marinelli Road, Woodglen Drive. The main vehicular access to the underground garage is proposed from a private road with access to the loading dock from Woodglen Drive. Sidewalks are proposed on all sides to facilitate and encourage pedestrian movement. The proposed development is located where many planned pedestrian and bicycle facilities converge to provide access to the Metro Station. The site currently contains a commercial strip center and a fast-food restaurant. The Preliminary plan is for the entire property, and the Site plan is limited to 1.91 acres of the northern portion of the property. The proposed number of parking spaces will be determined for the future two phases at their site plan review. The proposed open space is oriented towards Rockville Pike. It is designed to create a vibrant urban space that enhances commercial viability and creates a pedestrian-friendly zone.

The property is located within the North Bethesda Transportation Management District (TMD) and as a new development, the applicant is required to enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and Montgomery County Department of Transportation (MCDOT) to participate in the North Bethesda Transportation Management Organization (TMO) and assist in achieving and maintaining the non-auto driver mode share goal of 34 percent recommended by the White Flint Sector Plan.

The applicant has requested the maximum Adequate Public Facilities (APF) validity period for the site and has not requested a phased APF period, which requires phasing of Phase I and Phase II of the project within the standard APF period of 60 months. The road system, open space, and public benefits of the project are state-wide, extensive, and interrelated. Staff recommended granting the requested 12-year APF validity period to the applicant in order to promote the public interest and help achieve the goals and recommendations of the White Flint Sector Plan.

Mr. Robert Dalrymple, attorney representing the applicant, introduced Ms. Heather Dlhopsky, attorney; Mr. Brian Downie, engineer; Mr. Charles Irish of VIKA Maryland, LLC; and Ms. Anne Randall of Wells & Associates, members of the applicant's team, discussed the proposed requests and concurred with the staff recommendation.

Mr. Charles Irish, member of the applicant's team also offered comments.

There followed extensive Board discussion with questions to staff and the applicant's representatives.

12. Extension Request for Washington Episcopal Day School, Site Plan No. 820150080 --- PD-28 Zone, 0.85 acres; Request an extension for the construction of a new 121-unit age-restricted multi-family building; located on Landy Lane between River Road and Little Falls Parkway; 1982 Westbard Sector Plan

Staff Recommendation: Approval

BOARD ACTION

Motion: WELLS-HARLEY/FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Extension Request for the Washington Episcopal Day School Site Plan Amendment from June 2 to October 6, 2016, with the understanding that this will be the last extension.

Planning Department staff discussed the request to extend the review period for the Washington Episcopal Day School Site plan amendment located at the Northwest quadrant of the intersection of River Road and Little Falls Parkway, from June 2, 2016 to October 6, 2016, to allow for the construction of a new 121-unit age-restricted multi-family building to be located on Landy Lane between River Road and Little Falls Parkway in the Westbard Sector Plan area. Staff noted that several complex issues, raised at the first resubmittal following the Development Review Committee meeting, are still being resolved. These issues include a traffic signal warrant analysis at the intersection of River Road and Landy Lane and on-going coordination with the Parks Department regarding offsite improvements to adjacent parkland. The applicant requested on May 12, 2016, that the review periods for the Site Plan be extended from the current date of June 2 to October 6, 2016, to allow the remaining issues to be resolved. This is the third extension request associated with the project. This project was previously extended by the Planning Board on September 3, 2015 to December 31, 2015, and then again on December 10, 2015 to June 2, 2016.

Mr. Norman Knopf, attorney representing the Citizens Coordinating Committee of Friendship Heights, offered testimony.

Ms. Erica Letham, attorney representing the applicant, offered comments and concurred with the staff recommendation.

Mr. Jody Kline, attorney representing the Harvey Property Management, Inc., also offered testimony.

There followed extensive Board discussion with questions to staff, Messrs. Knopf and Kline, and the applicant's representative.

7. MCDOT-Parking Lot Districts Service Facility, Mandatory Referral No. MR2016006 --- CR 3.0 C R H 90' Zone, 3.37 acres; Request to construct a 6,000 square foot, 2-story maintenance building on the western edge of Parking Garage # (Planning Place Garage); located at 1109 Spring Street near the intersection with Spring Street and Fairview Road; Silver Spring CBD Sector Plan.

Staff Recommendation: Denial and Transmittal of Comments to the Montgomery County Department of Transportation

BOARD ACTION

Motion: FANI-GONZÁLEZ/PRESLEY

Vote:

Yea: 5-0

Nay:

Action: **Approved staff recommendation of denial and to transmit comments to the Montgomery County Department of Transportation, as stated in the attached transmittal letter.**

Planning Department staff offered a multi-media presentation and discussed a proposed Mandatory Referral request from Montgomery County Department of Transportation (MCDOT) to add a 6,000-square foot service facility adjacent to the existing Montgomery County parking garage 2 located on Spring Street in the Silver Spring Central Business District (CBD) Sector plan area. The proposed two-story building will house a consolidated Parking Lot District Services, which includes the Parking Maintenance Group and the Parking Meter Repair Group, combining shop space, storage and offices, and other services currently located within other facilities in Downtown Silver Spring. Staff noted that the request is not compatible with the surrounding neighborhood, and is not in agreement with the Silver Spring CBD Sector Plan recommendations.

The site lies on the edge of the Silver Spring CBD and shares the block with the Maryland National Park and Planning Commission (MN-CPPC) Montgomery Regional Office (MRO) located between Spring Street and Georgia Avenue, the Sheraton hotel, United Therapeutics, and the Cameron residential building. The entire block is zoned Commercial/Residential (CR) with maximum Floor Area Ratio (FAR) between 3.0 and 5.0. Fairview Urban Park and an office building directly confront the subject property across Spring Street. The MRO site is to be redeveloped into a mixed-use project, including 360 residential units and 26,200 square feet of retail following the move of its staff to a new building in Wheaton. Redevelopment of the MRO site will eliminate access from the existing driveway located between the garage and Spring Street. The proposed request does not complement the existing and proposed private development along Spring Street and the proposed MRO redevelopment.

CONTINUED ON NEXT PAGE

7. MCDOT-Parking Lot Districts Service Facility, Mandatory Referral No. MR2016006

CONTINUED

Mr. Jeffrey Riese, Chief of Engineering and Maintenance at MCDOT introduced Messrs. Timothy J. O’Gwin, Engineering and Maintenance Capital Projects Manager and Matthew Ernest of the Parking Lot District Services at MCDOT, discussed the proposed request and answered questions from the Board.

There followed extensive Board discussion with questions to staff and Mr. Riese.

8. Smart Ed Early Learning Center, Conditional Use No. CU 15-08 --- Request for a Conditional Use approval for a child daycare center of up to 93 children on the ground floor of an apartment building located at 11624 Lockwood Drive, Silver Spring, R-20 Zone, within the 2014 White Oak Science Gateway Master Plan area.

Staff Recommendation: Approval with Conditions and Transmittal of Comments to the Hearing Examiner

(NOTE: Action required for Hearing by Hearing Examiner on June 24, 2016)

BOARD ACTION

Motion: WELLS-HARLEY/FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to transmit comments to the Hearing Examiner, as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed a proposed Conditional Use request to expand an existing daycare center that currently serves 73 children and is staffed by 12 employees. The 7.6-acre site is located on Lockwood Drive and zoned Residential in the White Oak Science Gateway Master Plan area. The site is currently developed with the existing 160-unit White Oak Gardens apartment complex. Two curb cuts provide two-way access from Lockwood Drive into the parking area for the entire apartment complex. The existing daycare center currently occupies the space of four ground-floor units in the complex: units T-1, T-2, and T-3, located in building A, and unit T-2, located to the south in adjoining building B. The main entrance to the daycare center, which is accessed from the parking lot via a sidewalk, is one-story below grade due to sloping topography. Three play areas are located at the rear of the buildings. The play areas are enclosed with a six-foot fence on all sides and buffered by landscaping on two sides.

The applicant proposes to expand the existing daycare center to accommodate up to 93 children and a maximum of 15 non-residential employees. The proposed expansion will be located in unit T-3 in building B, which will provide a total of 4,270 square feet for the center. Hours of operation will be limited to Monday through Friday, 6:30 a.m. to 7:00 p.m., with no proposed weekend or overnight hours. The applicant will schedule staggered drop-off and pick-up times, with no more than three vehicles every 15 minutes. Between the hours of 9:00 a.m. and 5:30 p.m., each class will have 30 minutes of outdoor playtime in the morning and another 30 minutes in the afternoon. Each playtime, to be located in the existing play areas, will be limited to 19 children at any given time and will be staggered for a total of two hours of outdoor playtime in the morning and two hours in the afternoon.

CONTINUED ON NEXT PAGE

8. Smart Ed Early Learning Center, Conditional Use No. CU 15-08

CONTINUED

Upon approval of the Conditional Use request, the applicant will be required to abandon all previously approved and currently valid Special Exceptions for the existing use. Staff noted that because it is not located in the Parking Lot District, the proposed use requires 13 parking spaces. The applicant proposes to reserve two surface parking spaces in addition to the four currently serving the daycare center and is requesting a waiver for the seven remaining spaces. Staff stated support for the proposed parking waiver, noting that only 20 percent of the children currently enrolled at the daycare center arrive in private vehicles, and only one current employee parks a vehicle at the site.

Mr. Jude Wikramanayake, attorney representing the applicant, offered comments and concurred with the staff recommendation.

There followed a brief Board discussion.

9. The Public Hearing on the Public Hearing Draft of the 2016 Subdivision Staging Policy - Transportation Recommendation

Staff Recommendation: Receive testimony

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received testimony.

Planning Department staff briefed the Board and discussed the transportation recommendations in the Public Hearing Draft of the 2016 Subdivision Staging Policy (SSP). Staff noted that following the public hearing, the next steps for the SSP include worksessions scheduled for June 9 and 16.

The following speakers offered testimony: Mr. Peter Tomao representing the Coalition for Smarter Growth; Ms. Ann Smith of Wayridge Drive; Mr. Dan Wilhelm representing the Greater Colesville Citizens Association; Ms. Edna Miller of Club House Road; Mr. Rob Robinson representing the City of Gaithersburg Government; Mr. Brian Ditzler representing Montgomery County Sierra Club; Mr. Richard Wilder representing Citizens To Save South Valley Park; Ms. Emmalee Aman, representing Green Muslims; Mr. Max Bronstein of Birchtree Lane; Mr. Ben Ross, representing the Action Committee for Transit; Mr. Cherian Eapan of Birch Mead Road; and Mr. Bob Harris, attorney from Lerch, Early and Brewer.

There followed a brief Board discussion.

10. The Public Hearing on the Public Hearing Draft of the 2016 Subdivision Staging Policy - School Recommendation

Staff Recommendation: Receive testimony

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received testimony.

Planning Department staff briefed the Board and discussed the school recommendations in the Public Hearing Draft of the 2016 Subdivision Staging Policy (SSP). Staff noted that following the public hearing, the next steps for the SSP include worksessions scheduled for June 16 and 19.

The following speakers offered testimony: Ms. Elizabeth King, Ms. Debby Orsak, Ms. Cori Vanchieri, Mr. Matthew Swibel, Ms. JoAnn Burl, Ms. Lynne Harris, Ms. Melissa McKenna, and Mr. Rafe Perterson representing Montgomery County Council of Parent Teacher Associations; Mr. Bob Dalrypmle attorney representing Washington Property Company; Mr. Max Bronstein of Birchtree Lane; Mr. Edward Robinson of Rutley Road; Ms. Ilaya Hopkins representing the Montgomery County Chamber of Commerce; and Ms. Patricia Harris, attorney from Lerch, Early and Brewer.

There followed a brief Board discussion.