



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, January 26, 2017, at 9:02 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 3:16 p.m.

Present were Chair Casey Anderson, Vice Chair Marye Wells-Harley, and Commissioners Norman Dreyfuss, Natali Fani-González, and Gerald R. Cichy.

Item 9, Items 1 through 5, and Items 7 and 6, discussed in that order, are reported on the attached agenda.

The Board recessed for lunch at 10:55 a.m. and reconvened in the auditorium at 1:00 p.m.

Item 8 is reported on the attached agenda.

There being no further business, the meeting was adjourned at 3:16 p.m. The next regular meeting of the Planning Board will be held on Thursday, February 2, 2017, 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, January 26, 2017
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

9. Briefing on State Legislation to Authorize Lower Speed Limits on Residential Streets

- A. MC 22-17: Montgomery County - Maximum Speed Limit in Business and Residential Districts
- B. MC 23-17: Montgomery County - Maximum Speed Limits Outside Urban Districts

Staff Recommendation: ~~Letter in~~ Support State legislation

BOARD ACTION

Motion: A & B. FANI-GONZÁLEZ/WELLS-HARLEY

Vote:

Yea: A & B. 5-0

Nay:

Other:

Action: Approved staff recommendation to support the State legislation cited above.

Planning Department staff briefed the Board regarding legislation sponsored by the Montgomery County State Delegation to the Maryland General Assembly to decrease speed limits on County residential streets. Proposed Bill MC 22-17 will reduce the statutory default speed limit in Business and Residential Districts to 25 miles per hour, while MC 23-17 will authorize the County to reduce the speed limit outside Urban Districts to 20 miles per hour following a traffic study. Staff noted that both bills will support the County Zero Initiative, as well as the new Neighborhood Greenway proposed in the Bicycle Master Plan.

There followed a brief Board discussion.

1. Consent Agenda

***A. Adoption of Resolutions**

1. Black Hills Site Plan 820160100 – MCPB No. 17-002

BOARD ACTION

Motion: WELLS-HARLEY/FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

Other:

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.

***C. Other Consent Items**

~~APF Test No. APF201701, United Therapeutics, 1101 Spring Street~~ — EOF-3.0, 0.20 acres; located at 1101 Spring Street; North and West Silver Spring Master Plan. — **POSTPONED**

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This Item has been 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 Department Director's Report – Parks Department Director Mike Riley briefed the Board on the following ongoing and upcoming Parks Department events and activities: the status of the off-year FY17-22 Capital Improvements Program (CIP), with the County Executive's FY18 Capital Budget taking effect in July 2017; funding for bond bill and contribution projects for the Martin Luther King, Jr. Recreational Park, the Western Piedmont Trail Connector, the Maydale Nature Center, the Western Grove Park, and the Capital Crescent Trail; funding for the Wall Local Park garage project that will be requested through a supplemental funds request; and the inclusion of an Affordability Project Description Form that will remove a total of \$2,000,000 from the budget while still protecting funding for projects for Josiah Henson Park and the cricket field at South Germantown Recreational Park. Mr. Riley also provided updates on the status of the Parks of the Future campaign, which consists of the Energized Urban Spaces Plan, the Park Recreation and Open Space Master Plan, and the FY19-24 CIP, with a presentation at the Silver Spring Citizens Advisory Board held on January 23; the status of four Bond Bills totaling \$525,000 that are being sponsored in the current Maryland State General Assembly session; the status of the proposed new Wheaton Headquarters building, with a meeting held on January 24 with the County to discuss increased costs, supplemental appropriations, and value engineering, and groundbreaking scheduled for March; the upcoming presentation of the play *Voices in the Dark*, scheduled for February 3 at the University of Maryland Clarice Smith Performing Arts Center; and the recent participation of Park Police officers in the Presidential Inauguration ceremony.

Deputy Director Mitra Pedoeem then briefed the Board on the status of the Wall Local Park garage project, noting a recent meeting with members of the County Executive's staff, the Department of General Services, and the Office of Management and Budget regarding the project. A total of \$6,000,000 in supplemental funds will be requested from the County Council in December 2017 or January 2018. Construction of the garage will begin following the supplemental fund request.

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2. Roundtable Discussion

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Deputy Director of Operations John Nissel then briefed the Board on the status of summer camp registration, with 172 participants currently registered for camp programs; and the status of work to replace the existing athletic turf field at Montgomery Blair High School, with the shock pad scheduled to be delivered next week, the turf scheduled to be delivered in two weeks, and installation scheduled to be completed by March 15.

There followed a brief Board discussion.

~~3. **Montgomery Parks Tennis Permitting Guidelines Follow Up** Present new tennis policy following the public hearing and Board input session.~~ **POSTPONED**

~~Staff recommendation: Approve policy for a pilot project~~

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This Item has been postponed.

4. Zoning Text Amendment No. 16-20 --- Establish the Bethesda Overlay zone with defined terms, development and land use standards, and procedures for development approvals.

Staff Recommendation: Transmit Comments to the County Council

(NOTE: Action required for the County Council public hearing of 1/31/17)

BOARD ACTION

Motion: FANI-GONZÁLEZ/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: **Approved staff recommendation 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) 16-20, which would establish the proposed Bethesda Overlay Zone (BOZ) in order to implement the recommendations of the Planning Board draft of the Bethesda Downtown Sector Plan, which was transmitted to the County Council in July 2016. On October 6, 2106, the Board unanimously recommended transmitting a proposed ZTA establishing the BOZ to the County Council for introduction. The County’s Zoning Text Amendment advisers reviewed the Planning Board draft of the ZTA and provided minor language edits to the text, which are included in ZTA 16-20 as introduced by the County Council. Overall, staff believes that the proposed overlay zone consistently implements the recommendations of the Planning Board draft of the Plan. However, staff recommends two minor editorial revisions, the first will clarify the intent that once a site plan using bonus density is approved by the Planning Board, the applicant must have a core and shell building permit application accepted by the Department of Permitting Services (DPS) within two years. In addition, a core and shell building permit must be obtained within two years of acceptance by DPS of the permit application. The second revision is to modify the title “Floor Area Ratio (FAR) Averaging” to “FAR Averaging for Priority Sending Sites” in order to clarify that this section does not preclude a property in the overlay zone from utilizing the standard FAR averaging provisions of the Commercial/Residential zones.

There followed a brief Board discussion with questions to staff.

5. Seneca Valley High School Modernization (MR2016010)

***A. Forest Conservation Plan:** Modernization of Seneca Valley High School located at 19401 Crystal Rock Drive, Germantown; 29.32 acres; R-200 Zone; 2009 Germantown Employment Area Sector Plan
Staff Recommendation: Approval with Conditions

B. Mandatory Referral (MR2016): Modernization of Seneca Valley High School located at 19401 Crystal Rock Drive, Germantown; 29.32 acres; R-200 Zone; 2009 Germantown Employment Area Sector Plan

Staff Recommendation: Approval to transmit comments to Montgomery County Public Schools

BOARD ACTION

Motion: **A. CICHY/WELLS-HARLEY**
 B. CICHY/FANI-GONZÁLEZ

Vote:

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

Nay:

Other:

Action: **A. Approved staff recommendation for approval of the Preliminary Forest Conservation Plan cited above, subject to conditions, as stated in the attached adopted Resolution.**

B. Approved staff recommendation to transmit comments to Montgomery County Public Schools, as discussed during the meeting, and as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed the proposed Mandatory Referral and associated Preliminary Forest Conservation Plan (PFCP) requests from Montgomery County Public Schools to rebuild and expand an existing school building. The 29.32-acre site, identified as Parcel 085, is located on Crystal Rock Drive, bounded by Middlebrook Road to the northeast, Great Seneca Highway to the southeast, Wisteria Drive to the southwest, and zoned Residential within the Germantown Employment Area Sector Plan area. The property is currently developed with the existing Seneca Valley High School, which is located on the northeast portion of the site, a building with a capacity of 1,374 students.

Due to the failing condition of the existing school building and the cost to bring the existing school into compliance with the County’s code requirements, the applicant proposes to completely rebuild and expand the capacity of the school by constructing a 436,378-square foot replacement facility, which will consist of approximately 110 classrooms, 36 support and core facility areas, and will accommodate up to 2,423 students. This building will be constructed adjacent to the existing

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5. Seneca Valley High School Modernization (MR2016010)

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school. The existing school building will continue to be utilized during, construction of the proposed new building. Following completion of the new building and demolition of the existing building, new athletic fields will be terraced along Middlebrook Road and Great Seneca Highway. Staff, student, and visitor parking along with a student drop-off loop will be accessed from Crystal Rock Drive and will provide access to the main entrance of the building that is compliant with the Americans with Disabilities Act (ADA). Two additional parking areas, each with access from Wisteria Drive, are proposed to be located along the southwest side of the school. Numerous bicycle parking locations have been proposed for the site, with sufficient space for additional parking if needed. If the school principal deems bicycle use to be a safe and appropriate means of student access, Planning Department staff and the Montgomery County Department of Transportation will coordinate on the locations of any additional bicycle facilities. Staff added that the proposed building will be constructed to receive a Leadership in Energy and Environmental Design (LEED) rating of Silver or higher.

Staff then briefly discussed the proposed PFCP, which proposes no forest clearing or retention. The proposed project generates a 4.46-acre afforestation planting requirement, which MCPS proposes to meet through 2.46 acres of onsite landscaping credit and 2.0 acres of mitigation credit in an offsite forest conservation bank. MCPS has also submitted a variance request to remove ten protected trees, which staff supports. MCPS will mitigate the proposed removal by planting 79 trees onsite. Staff added that the accompanying Resolution will be submitted for adoption at a later date.

Mr. Dennis F. Cross of MCPS offered comments and concurred with the staff recommendation.

There followed extensive Board discussion with questions to staff and Mr. Cross, during which the Board instructed staff to include additional comments in the transmittal letter recommending that MCPS be required to provide safe and efficient pedestrian access to public bus stops.

***6. Snowden’s Manor Enlarged, Preliminary Plan No. 120160090** --- Request to create one lot and one outlot from one un-platted parcel; located in the northwest corner of the intersection of New Hampshire/MD 650 and Ednor Road: 15.33 acres; RE-2 zone; 1998 Sandy Spring/Ashton Master Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: FANI-GONZÁLEZ/CICHY

Vote:

Yea: 5-0

Nay:

Other:

Action: **Approved staff recommendation for Approval of the Preliminary Plan cited above, with revised conditions discussed during the meeting, and adopted the attached Resolution.**

Planning Department staff offered a multi-media presentation and discussed a proposed Preliminary Plan request to create one lot and one outlot for the construction of a religious assembly building. The 15.33-acre property, identified as parcel P491, is located on the northwest quadrant of the intersection of New Hampshire Avenue (MD650) and Ednor Road, and is zoned Residential Estate in the Sandy Spring/Ashton Master Plan area. The site is currently developed with a 255-space parking lot and associated lighting, stormwater management facilities, and landscaping that provides additional parking for the applicant’s adjacent parcel containing the Shri Mangal Mandir Temple. The remainder of the site is undeveloped with 16.01 acres of existing forest cover and a small stream running on the property to the west. Vehicular access is currently provided from MD650 via a driveway shared with the applicant’s adjacent parcel.

The applicant proposes to create one 13.88-acre lot and a 0.91-acre outlot in order to construct a 40,000-square foot religious assembly building with a 12,750-square foot assembly area. The new building will not exceed 50 feet in height. The proposed project will utilize the existing parking spaces, stormwater facilities, lighting, and the access point from MD650. The applicant also proposes to construct a 10-foot wide shared-use path along the MD650 frontage, with the exception of the northernmost 16 feet of frontage due to an existing culvert. The applicant will also enter into a covenant with Montgomery County Department of Transportation (MCDOT) that will require the applicant to fund a future 5-foot wide sidewalk along Ednor Road.

Staff then briefly discussed the proposed forest conservation for the site, noting that the applicant proposes to remove 5.51 acres of the existing forest and retain 10.5 acres, resulting in a reforestation requirement of 3.02 acres, to be met on-site via the proposed forest retention. The

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***6. Snowden's Manor Enlarged, Preliminary Plan No. 120160090**

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applicant is also requesting to amend the existing 2011 Final Forest Conservation Plan (FFCP) in order to remove and re-record areas of existing Category 1 Conservation Easement to allow for installation of utilities, a lead-in sidewalk, and to accommodate a 10-foot wide public utility easement. A wooded buffer approximately 50 feet wide, which will provide screening along the frontage of MD 650 and Ednor Road, will remain and be protected in the relocated Category I Conservation Easement area. The applicant has also submitted a tree variance request to impact but not remove 13 trees, which staff supports.

Staff has received one letter from an adjacent property owner concerned about the allowances of the zoning and compatibility between her home and the proposed building. The property owner has also requested that the applicant be required to construct an eight-foot privacy fence, plant evergreen trees, and provide a noise buffer along the property line between the two properties. Staff has addressed these issues by requiring the applicant to submit an amended Landscape and Lighting Plan for staff review prior to issuance of a building permit. Staff added that the request for evergreen planting will also be addressed at the time of Landscape and Lighting Plan review. Staff then briefly discussed minor revisions to the conditions of approval.

Ms. Patricia Harris, attorney representing the applicant, offered comments, noting that landscaping and screening requirements require a four-foot high screen wall fence and an at least eight-foot wide landscaping strip, with which the applicant plans to comply, and concurred with the staff recommendations.

Mr. Ken Jones, member of the applicant's team, also offered comments.

There followed extensive Board discussion with questions to staff, Ms. Harris, and Mr. Jones, during which the Board instructed staff to include additional language to Condition 10 recommending that the design of the fencing along the adjacent property line be considered in conjunction with the Landscaping and Lighting Plan in order to maximize the screening from the adjoining residential use.

7. Fees for Administrative Subdivision Plans

Staff Recommendation: Approval

BOARD ACTION

Motion: WELLS-HARLEY/DREYFUSS

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the proposed revisions to the Regulatory Fee Schedule for Administrative Subdivision Plans, and the re-adoption of existing fees identified in the 2016 Fee Schedule and Worksheet for plans covered under the Subdivision Regulations.

Planning Department staff discussed proposed fees for Administrative Subdivision Plans. Effective February 13, 2017, Section 50.6 of the Subdivision Regulations will allow, under limited circumstances, an applicant seeking to subdivide a property to submit an Administrative Subdivision Plan that will be approved by the Planning Department Director in lieu of a Preliminary Plan to be approved by the Board. Staff then requested that the Board establish and set an Administrative Subdivision Plan application fee of \$3,310.00 for existing places of worship and institutional uses, a fixed one-time fee of \$2,500.00 for the creation of up to five lots in the Agricultural Reserve zone or three lots in any residential zone, and a fixed one-time fee of \$4,000.00 for the consolidation of existing lots or parts of lots in a non-residential zone. Staff also requested that the Board reconfirm the existing fees for Pre-Application Submissions, Preliminary Plan of Subdivision, Record Plats, Preliminary Plan Amendments, Approved Plan Extensions, and Subdivision Waivers.

There followed a brief Board discussion with questions to staff.

8. White Flint 2 Sector Plan - Worksession #1

Staff Recommendation: Discuss and provide guidance to staff

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by discussion and provided guidance to staff.

Planning Department staff offered a multi-media presentation and discussed the content of the transportation analysis which provides the foundation for the mobility recommendations in the White Flint 2 Sector Plan Public Hearing Draft. Staff also discussed the key transportation recommendations and policies that are associated with the adjacent White Flint Sector Plan and the staging of development recommended in the draft Plan. Staff noted that the recently approved Subdivision Staging Policy (SSP), including the Highway Capacity Method (HCM) standards, is not part of today's discussion. Staff will schedule a discussion of the HCM standards at a future worksession. Staff also noted that the public record will close today and testimony received at the January 12 public hearing, and comments received thereafter, will be summarized and discussed at the next worksession scheduled for February 9. Staff will also begin a district by district review of the draft Plan recommendations, including land use and zoning at the February 9 worksession.

In accordance with the January 19 technical staff report, staff noted that the transportation review performed to date in support of this Plan followed the analysis methods and adequacy of the guidelines specified in the 2012-2016 SSP, which relied heavily on the Critical Lane Volume (CLV) method to evaluate the performance of local intersections and the Transportation Policy Area Review (TPAR) process to evaluate policy area transportation adequacy. The 2016-2020 SSP, adopted on November 15, 2016, established a new transportation system analysis and performance adequacy paradigm reflecting two key changes relative to the methods previously used. Staff will conduct additional transportation analysis to reflect those two changes, which will be presented to the Planning Board at the next worksession. Staff also discussed the Plan staging recommendations, noting that the staging proposal combines required infrastructure for this Plan area with key staging triggers from the 2010 White Flint Sector Plan. The recommendations are divided into three phases with residential and non-residential development associated with each phase and infrastructure triggers for each phase.

Staff then discussed the proposed Bus Rapid Transit (BRT), the proposed urban boulevard on Rockville Pike, the proposed second entrance to the metro station, and the status of public schools in

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8. White Flint 2 Sector Plan - Worksession #1

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the Plan area. Staff noted that the draft Plan recommendations will close the gap between the 2010 White Flint Sector Plan recommendations for an urban boulevard on Rockville Pike (MD355), the BRT, and the City of Rockville Plan for the Pike. State Highway Administration (SHA) and Montgomery County Department of Transportation (MCDOT) are currently conducting a Rockville Pike BRT study which will be presented to the Board later this year, together with alternatives for the MD355 Corridor. Staff further added that the second metro station entrance is not included in the White Flint Taxing District, and could be included as a potential financial proposal for the Plan area. The estimated cost for the proposed second entrance was estimated at \$35 million in 2010.

Regarding the status of public schools, staff recommended that Montgomery County Public Schools (MCPS) evaluate the need for a new elementary school in the Walter Johnson Cluster or determine how elementary school needs would be met for the Cluster. The implementation of this staging recommendation can be implemented via the proposed monitoring report requirement for the Plan area. In 2015, MCPS launched a Walter Johnson Roundtable process, with the participation of a variety of stakeholders, to develop several alternatives to address the Cluster's growth challenges, including the reopening of Woodward High School and building a new elementary school. The draft Plan recommends that an elementary school be built on either the Willco/Wilgus property or on the Rocking Horse Road Community Center site. Staff will schedule a worksession with MCPS staff to discuss school needs and proposed approaches.

The following speakers offered comments: Ms. Francoise Carrier, attorney; Mr. Steve Silverman, attorney and representing SSGOV Relations, LLC; Ms. Francine Waters representing the Lerner Company; and Mr. Brian T. Downie representing the Saul Centers Company.

There followed extensive Board discussion with questions to staff.

Chair Anderson instructed staff to take into account the comments received from Board members during the meeting and to update the draft Plan accordingly.