



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 15, 2017, at 9:07 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 7:40 p.m.

Present were Chair Casey Anderson, Vice Chair Marye Wells-Harley, and Commissioners Natali Fani-González and Gerald R. Cichy. Commissioner Norman Dreyfuss joined the meeting at 10:46 a.m.

Items 1 through 4 are reported on the attached agenda.

The Board recessed for lunch at 10:52 a.m. and convened in Closed Session at 11:35 a.m. to take up Items 5, 7, and 6, Closed Session Items, discussed in that order.

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 Planning Board convened in Closed Session at 11:35 a.m. in the 3rd floor conference room on motion of Commissioner Cichy, seconded by Commissioner Dreyfuss, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Fani-González, and Cichy voting in favor of the motion. The meeting was closed under authority of Annotated Code of Maryland §3-305(b)(7), to consult with counsel to obtain legal advice; §3-305(b)(13), to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter; and §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 Closed Session Meeting were Senior Counsel Megan Chung of the Legal Department; Director Mike Riley, Deputy Director Mitra Pedoeem, Joshua Kaye, Joey Lampl, Michael Ma, Cassandra Michaud, and Shirl Spicer of the Parks Department; Mr. Michael Nardolilli, Executive Director of the Montgomery Parks Foundation; and James Parsons of the Commissioners' Office.

In Closed Session, the Board received briefing and legal advice regarding the interpretation of the Individual Naming and Dedication Policy, discussed a proposed acquisition of land as an addition to the Josiah Henson Special Park, and approved the Closed Session Minutes of March 23 and 30, and May 11, 2017.

The Closed Session meeting was adjourned at 12:19 p.m.

Montgomery County Planning Board Meeting
Thursday, June 15, 2017
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

1. Chevy Chase Block B Preliminary Plan 12002020B - MCPB No. 17- 041

2. Chevy Chase Block B Site Plan 820160190 – MCPB No. 17- 042

BOARD ACTION

Motion: WELLS-HARLEY/FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

Other:

Action: Adopted the Resolutions cited above, as submitted.

***B. Record Plats**

Subdivision Plat No. 220170460, Alvermar Woods

RE-2 zone, 1 lot; located on the west side of Riverwood Drive, 550 feet south of River Road (MD 190). Potomac Sub-Region Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220170510, 220170520 & 220170560, Cloverleaf Center

CR zone, 5 lots, 2 parcels, 2 outlots; located on the east side of Century Boulevard, at the intersection of Cloverleaf Center Drive; Germantown Sector Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: FANI-GONZÁLEZ/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

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

***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**

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 recent Park Police Awards Ceremony event held on May 24, with Corporal Justin Andrews receiving a Bronze Star, and Corporals Johnny Beason and Caleb Garcia receiving Silver Stars of Valor; the status of the new Wheaton Headquarters building, with the recent groundbreaking ceremony held on June 4 during the Taste of Wheaton event; the recent Countywide Recreation and Parks Advisory Board Picnic held on June 5, with Cabin John Ice Rink Director Jenni Cashen receiving the Staff Excellence Award, and volunteer Jim Anderson receiving the Volunteer of the Year Award; the recent Freedom Health Celebration Walk event held on June 10 at the Woodlawn Manor Cultural Park, which was attended by over 200 participants; the recent Coalition for the Capital Crescent Trail (CCCT) annual board meeting held on Monday, June 12 at Elm Street Park; the recent Montgomery County Chamber of Commerce Annual Dinner event held on June 13; the status of work to increase safety for the Matthew Henson Trail crossing at Veirs Mill Road, with an inter-agency workgroup meeting held on June 14, and the installation of a stop light at the crossing scheduled for the end of the month; the upcoming ribbon cutting ceremony for the Kemp Mill Urban Park scheduled for July 12 at 6:00 p.m.; and the status of the Wheaton TGIF Summer Concert Series at Wheaton Veterans Urban Park, with concerts scheduled every Friday from July 7 through August 25.

There followed a brief Board discussion with questions to Mr. Riley, during which Vice Chair Wells-Harley recommended a monthly update from Planning Department and Parks Department staff regarding special events and ongoing programs.

3. Energized Public Spaces --- Functional Master Plan for Parks in Mixed Use and Higher Density Residential Areas-- Approval of Working Draft as Public Hearing Draft and approval of Public Hearing Date.

Staff Recommendation: Approval of Working Draft as Public Hearing Draft and approval of Public Hearing Date for Energized Public Space: Functional Master Plan for Parks in Mixed-Use and Higher Density Residential Areas

BOARD ACTION

Motion: WELLS-HARLEY/FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Working Draft of the Energized Public Spaces Functional Master Plan as the Planning Board Public Hearing Draft and set the Public Hearing for July 27, 2017.

Parks Department staff offered a multi-media presentation and discussed the Working Draft of the Energized Public Spaces Functional Master Plan (EPS FMP) for parks in mixed-use and higher density residential areas. Staff noted that the Planning Board comments made at the April 20 meeting would also be addressed, including the recommendations to reduce the time between the acquisition of parkland and park implementation, and for staff to conduct a reality check of the quantitative model results. According to staff, the goals of the plan are to identify where parks and open space within walking distance are needed most to serve dense populations; to prioritize parks and open spaces for implementation using social equity and other factors; and to propose innovative tools and new funding sources to purchase and develop new parks, renovate and repurpose existing facilities, connect and activate parks, and promote the creation of other open spaces.

Using criteria such as demographic diversity, economic activity, transit connectivity, and the status of master plans and other reports, the Silver Spring Central Business District (CBD) was selected as a pilot area to test the EPS FMP three-pronged methodology. Staff analyzed the CBD for the current supply of public spaces within a 10-minute walkshed, as well as the types of experiences provided, such as active recreation, contemplative recreation, and social gathering. The number of people served was then analyzed to determine demand. Staff compared the supply and demand to identify Level of Service (LOS) adequacy. Potential sites were then identified to address areas with lower LOS.

CONTINUED ON NEXT PAGE

3. Energized Public Spaces

CONTINUED

From this analysis, staff developed recommendations to create more parks and open space in the areas of highest need within the pilot area. The recommendations were categorized into five implementation strategies, which include providing programming and community events as an interim solution in parks and open spaces awaiting renovation, and testing community interest in potential future amenities; improving connections between public spaces and an integrated network of streets, sidewalks, and trails; rebuilding existing parks to increase service and usage; building new parks and new facilities on existing parkland; and as needed, creating new parks and open space through dedication, purchase, and creation of privately owned public space through the development process. Staff will then screen potential acquisition opportunities for feasibility by analyzing current land use, zoning, and potential future development. Potential opportunities to increase park service will then be ranked as either high, medium, or low, then prioritized by social equity, with recommendations pursued first for areas with the lowest LOS and lowest income.

Staff then discussed recommendations to implement the methodology in the entire study area, including the use of partnerships, innovative zoning, alternative ownership options, and other tools to expand the options for increasing park service; Capital Improvements Program (CIP) funding for acquisition, design, and construction; alternative funding strategies; development of new urban park standards for operations, maintenance, and policing; the creation of urban park infrastructure, including satellite facilities, and appropriate transportation and equipment; additional staff and operating resources to meet increased maintenance, daily operations, and security needs; and continual assessment of progress with regular biennial reports to the Board.

Planning Department staff briefly discussed the potential implementation of an interactive map to enable residents to access the data being gathered for the Plan.

Staff added that following approval of the draft EPS FMP as the Public Hearing Draft, the next steps include a Public Hearing scheduled for July 27, a worksession and approval of the Planning Board Draft scheduled for September 7, and transmittal of the Plan to the County Council and County Executive scheduled for October 2.

The following speakers offered testimony: Ms. Jill Ortman-Fouse, mayor of the Town of Chevy Chase, and Ms. Mary Flynn representing Montgomery County Board of Education.

There followed extensive Board discussion with questions to staff, during which Chair Anderson recommended applying a decay curve that is based on distance when analyzing facility usage. To avoid potential issues due to time constraints, the Chair also encouraged the other Board members to forward any additional comments and concerns to staff in a timely manner.

4. **Public Private Partnership with the Coalition for Capital Crescent Trail ---** To revise the Development Agreement, which was approved by the Planning Board in 2012, for the construction of a trail plaza on the Capital Crescent Trail approximately 250 feet north of River Road in Bethesda.

Staff Recommendation: Approval of the revised Development Agreement

BOARD ACTION

Motion: CICHY/FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

Other:

Action: **Approved staff recommendation for approval of the revised Development Agreement for the Public Private Partnership with the Coalition for Capital Crescent Trail, as submitted.**

Parks Department staff offered a multi-media presentation and discussed an update to the existing Development Agreement with the Coalition for the Capital Crescent Trail (CCCT). According to staff, the 2012 agreement stipulated that CCCT would be responsible for all costs, design, permitting, construction documents, and construction oversight of a proposed plaza to be located adjacent to the trail, approximately 250 feet north of River Road. At the time of the original agreement, the total cost of the project was estimated at \$153,770. CCCT had also committed to donating \$5,000 per year to the Parks Department for three years to cover maintenance costs. Although the final design has met the conditions set forth in the 2012 agreement, the estimated cost of the project, including contingencies, is now \$500,000, an amount that CCCT is unable to fund. As a result of the increased cost, the project will now be phased, with Phase 1 to include improvements to the trail, a sitting wall, a pergola, and plantings. The updated agreement will require CCCT, in conjunction with the Montgomery Parks Foundation, to raise a minimum of \$350,000. It also provides that the Commission is now responsible for the construction of the proposed plaza.

There followed a brief Board discussion.

5. CLOSED SESSION

According to MD ANN Code, General Provisions Article, §3-305(b)(7), to consult with counsel to obtain legal advice.

The topic to be discussed is the interpretation of the Naming Policy.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

6. 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 Josiah Henson Special Park.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

7. CLOSED SESSION

According to MD ANN Code, General Provisions Article, §3-305(b)(13), to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.

The topic to be discussed is the approval of Closed Session Minutes.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

8. Administrative Regulations for Chapter 50 and Chapter 59, Development Review Processes

Staff Recommendation: Adoption and Transmittal to County Council

BOARD ACTION

Motion: DREYFUSS/FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for adoption of the administrative regulations for Chapter 50 and Chapter 59 of the County Code, and to transmit comments to the County Council, 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 administrative regulations for Chapters 50 and 59 of the County Code, specifically the revisions discussed at the May 11 worksession. At that meeting, the Board instructed staff to explore methods of providing timely hearing notice for owners, renters, and all interested individuals, and to submit, with the proposed revisions to the Regulations, a draft of a Zoning Text Amendment (ZTA) that modifies the definition of major and minor plan amendments and clarifies the noticing and hearing requirements. Staff briefly discussed the revisions to the noticing requirements, which include the provision that the notice list now must include any individual unit owner, but not a renter, in adjoining and confronting properties. Also, property owners and any individual unit owner in a multi-unit building within the area being amended by a project must be included in the notice list. Residents who are not property owners within the constructed part of the site must be notified of the proposed project through their Homeowners Association or Community Association.

Staff then briefly discussed the proposed ZTA, which states that modifications to increase density or height, change use, decrease open space, or change a binding element or condition of approval may be determined by the Planning Department Director to be *de minimis* and acted upon by the Board as a minor amendment on its Consent Agenda.

There followed a brief Board discussion with questions to staff, during which the Board instructed staff to include language in the revised noticing requirements to state that any individual owner or renter whose name appears on the Maryland-National Capital Park and Planning Commission registry must also be included on the notice list.

***9. Ridgeview, Preliminary Plan No. 120120010 & Site Plan No. 820120010**

A. Ridgeview: Preliminary Plan No. 120120010: Application to create 19 lots for 19 one-family detached dwellings located on the west side of Ridge Road, 26614 Ridge Road, approximately 250 feet north of the intersection with Beall Avenue; 22.64 acres, RNC Zone; 2006 Damascus Master Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

B. Ridgeview: Site Plan No. 820120010: Application to build 19 one-family detached dwellings, located on the west side of Ridge Road, 26614 Ridge Road, approximately 250 feet north of the intersection with Beall Avenue; 22.64 acres, RNC Zone; 2006 Damascus Master Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: A & B. CICHY/DREYFUSS

Vote:

Yea: A & B. 5-0

Nay:

Other:

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

B. Approved staff recommendation for approval of the Site Plan cited above, subject to conditions, and adopted the attached Resolution.

Planning Department staff offered a multi-media presentation and discussed the proposed Preliminary Plan and Site Plan requests to subdivide a property for the construction of single-family homes. The approximately 22.64-acre property, identified as Parcel 222, is located on the west side of Ridge Road, approximately 250 feet north of its intersection with Beall Avenue, and is zoned Rural Neighborhood Cluster in the Damascus Master Plan area. Currently, the site is undeveloped and predominantly forested, with three small meadow areas that have been cleared for hay production in recent years. Staff noted that because the applications were submitted prior to October 30, 2014, both are being reviewed under the previous Zoning Code.

The applicant proposes to subdivide the site into 19 lots for 19 single-family detached dwelling units. Total density will be achieved through the utilization of ten Transferable Development Rights (TDRs). Two common open space areas will be provided, with the open space on the western portion of the property to continue into an informal clearing that will be part of the Homeowners Association property, and the open space on the eastern portion being

CONTINUED ON NEXT PAGE

***9. Ridgeview**CONTINUED

more formal with a paved path and a seating area. Access to the proposed lots from Ridge Road will be provided via a new public street with a five-foot wide sidewalk on one side. Staff noted that although the Master Plan recommends that a pump station be constructed on the site, that recommendation has been deemed financially infeasible for a 19-lot subdivision. Therefore, all 19 lots will share a new pressure sewer line that will connect to the existing sewer infrastructure under Ridge Road.

Staff then discussed environmental issues, noting that the site contains 15.8 acres of existing forest. The Forest Conservation Plan proposes to remove 4.22 acres of existing forest, and retaining 11.58 acres in a Category I Conservation Easement. The applicant will create a total of 15.23 acres of rural open space, or 69 percent of the total tract area, consisting of the forest placed in the Conservation Easement, and 3.65 acres of un-forested rural open space. Staff noted that the applicant submitted a tree variance request to remove 12 protected trees, two of which are located off-site on an adjacent property, and impact six. As mitigation for removal of the two off-site trees, the applicant proposes to plant five trees on-site. Staff supports the variance request.

Mr. James Clifford, attorney representing the applicant, introduced Mr. David McKee, member of the applicant's team; offered comments; and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff.

10. Zoning Text Amendment No. 17-02 --- Allow residential uses in the Regional Shopping Center (RSC) Overlay Zone; and allow additional height in the Overlay Zone to accommodate development of residential buildings or multi-use buildings with residential units.

Staff Recommendation: Transmit Comments to the County Council

(NOTE: Action required for County Council Public Hearing on 6/20/17)

BOARD ACTION

Motion: CICHY/ FANI-GONZÁLEZ

Vote:

Yea: 3-0

Nay:

Other: WELLS-HARLEY & DREYFUSS TEMPORARILY ABSENT

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

In keeping with the June 8 technical staff report, Planning Department staff briefly discussed Zoning Text Amendment request (ZTA)17-02, which will allow residential uses in the Regional Shopping Center (RSC) Overlay Zone; and allow additional height in the Overlay Zone to accommodate development of residential buildings or multi-use buildings with residential units. Staff noted that the proposed ZTA would implement the recommendations of the Planning Board Draft Rock Spring Master Plan, which was transmitted to the County Executive on April 10, 2017, together with a ZTA for the Regional Shopping Center Overlay Zone for introduction and consideration by the County Council.

Staff further added that the Master Plan seeks to advance the evolution of Rock Spring as a community that offers more amenities for employees as well as existing and future residents. In addition to its base zoning of General Retail (GR), the RSC Overlay Zone also applies to the Westfield Montgomery Mall site. The purpose of the RSC is to provide flexible development standards to facilitate certain uses compatible with the function and circulation needs of regional shopping centers. Staff has no objection to the proposed ZTA request given that the intent, when establishing the RSC Overlay Zone, was to mirror the land uses allowed in the previous Zoning Ordinance prior to October 30, 2014, for regional shopping centers located in the C-2 zone, now the GR zone with the RSC Overlay applied to it.

There followed a brief Board discussion with questions to staff.

11. R&SP Briefing: Rental Housing Study --- Final Planning Board briefing on the key findings and recommendations from the Rental Housing Study by consultant RKG Associates and team.

Staff Recommendation: Receive briefing

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing.

Planning Department staff offered a multi-media presentation and discussed the key findings from the data analysis for the Rental Housing Study. Staff noted that recognizing the importance of rental housing to the future of the County, a comprehensive two-year Rental Housing Study was approved as a joint effort in the FY15 work program of the Planning Department and the Montgomery County Department of Housing and Community Affairs (DHCA).

Staff then introduced Mr. Kyle Talente, Vice President of RKG Associates and Ms. Lisa Sturtevant, President of Sturtevant & Associates, LLC., consultants working on the study. Mr. Talente and Ms. Sturtevant discussed the final report of the rental housing study noting that the purposes of the study were multifaceted with an overarching goal of identifying Montgomery County's rental housing issues and needs, and offering holistic and sustainable approaches to meeting them. Mr. Talente noted that the study was conducted in three phases: Phase I – Data Collection and Existing Conditions – the project team explored rental needs and trends at the sub-county level for a range of demographic groups. The goal of this work was to get an understanding of the characteristics of different rental market segments and how they vary across the County; Phase II – Analysis, the project team explored policies to promote a rental market that addresses local needs by analyzing best practices in rental housing policies at the local and national level. This phase also included extensive data analysis through the development and application of a financial feasibility model that provides information regarding a cost-benefit assessment of different policy considerations; and Phase III – Recommendations – using the information from the previous two phases, the project team provided recommendations for policies and new tools that could be used to preserve existing rental housing, produce new rental, and generate resources for rental housing in Montgomery County were created.

Mr. Talente also noted that for the recommended tools, the consultant team developed a menu of policies and tools grouped into four categories: i) Moderately Priced Dwelling Unit

CONTINUED ON NEXT PAGE

11. R&SP Briefing: Rental Housing Study

CONTINUED

(MPDU) Program – these tolls propose changes to the MPDU program with the goal of creating more flexibility to respond to changing housing needs and different housing submarket conditions across the County; ii) Land Use & Zoning Tools – these tools propose changes to land use regulations to further incentivize the production and the preservation of housing for lower-income households; iii) Preservation Tools – these tools focus on preserving market-rate affordable units and residents access to market rate affordable units; and iv) Financial Tools – these tools propose new and expanded funding resources to support rental housing in the County.

At the Board's request, Mr. Clarence Snuggs, Director of DHCA offered comments.

Staff noted that the Study will be presented to the Planning, Housing, and Economic Development (PHED) Committee in July 2017.

There followed a brief board discussion with questions to staff.

12. Corrective Map Amendments H-120 and H-121

A. Corrective Map Amendment No. H-120 to rectify technical errors in Sectional Map Amendment H-112 for twenty-five properties in the Montgomery Village Master Plan by rezoning them from CRT-1.5, C-1.0, R-1.25, H-75 Zone to the correct CRT-1.5, C-1.0, R-1.0, H-75 Zone; and

B. Corrective Map Amendment No. H-121 to rectify technical errors in Sectional Map Amendment No. G-956 for three properties in the Germantown Master Plan by rezoning them from PD-2 Zone to the correct R-200 Zone.

Staff Recommendation: Approval to transmit Corrective Map Amendments to the County Council

BOARD ACTION

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

Vote:

Yea: A. & B. 5-0

Nay:

Other:

Action: A. Approved staff recommendation for approval to transmit Corrective Map Amendment H-120 cited above to the County Council, as stated in the attached transmittal letter.

B. Approved staff recommendation for approval to transmit Corrective Map Amendment H-121 cited above to the County Council, as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed two Corrective Map Amendment requests to be transmitted to the County Council. Staff noted that the proposed amendment to Corrective Map Amendment H-120 is to rectify technical errors in Sectional Map Amendment H-112 for twenty-five properties in the Montgomery Village Master Plan by rezoning them to the correct zones, as discussed in detail in the June 1 technical staff report; and the amendment to Corrective Map Amendment H-121 is to rectify technical errors in Sectional Map Amendment G-956 for three properties in the Germantown Master Plan by rezoning them from the Planned Development, PD-2 Zone to the correct Residential, R-200 Zone.

There followed a brief Board discussion with questions to staff.

13. — ~~Request to File a Sectional Map Amendment with Technical Staff Report to implement the recommendations of the Approved and Adopted Greater Lyttonsville Sector Plan~~ — REMOVED

Staff Recommendation: Approve Request to File and Recommend Approval of Sectional Map Amendment

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

***14. WMAL Bethesda, Preliminary Plan No. 120160290** --- Request to create 309 lots for 159 single-family detached houses, 150 single-family attached houses or townhomes, one lot dedicated to Montgomery County Public Schools (MCPS), and various stormwater management, common open space, private road, and Homeowners Association (HOA) parcels; Optional Method Development (12.5 percent + 1 MPDU) on 74.83 acres in the R-90 Zone; located in the northeast quadrant of the intersection of Greentree Road and Interstate 495, within the North Bethesda/Garrett Park Master Plan area.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: DREYFUSS/ FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

Other:

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

In keeping with the June 5 technical staff report, Planning Department staff offered a multi-media presentation and discussed a Preliminary Plan request to create 309 lots for 159 single-family detached houses, 150 single-family attached houses or townhomes, one lot dedicated to Montgomery County Public Schools (MCPS) as a future school site, and various stormwater management, common open space, private road, and Homeowners Association (HOA) parcels. The 74.83-acre property is located on the existing WMAL site, in the northeast quadrant of the intersection of Greentree Road and Interstate 495 within the North Bethesda/Garrett Park Master Plan area. In order to utilize the Optional Method of Development, the applicant is required to provide more than the required minimum of 12.5 percent Moderately Priced Dwelling Units (MPDUs), thus the applicant is providing an additional MPDU. Staff discussed various minor corrections to the report.

Staff added that by using the Optional Method, the applicant is able to cluster the majority of the units in the interior of the property. This is more desirable from an environmental perspective because it minimizes the impacts of the proposed development on the existing forest on the northern and southern portions of the property. The applicant proposes to retain two separate forest stands totaling approximately 10.75 acres in size, and place them into Category I Forest Conservation Easements. These areas are proposed to be activated with a natural surface trail, and are also counted as common open space areas. Staff noted that placing the forest stands in conservation easements and providing natural surface trails throughout the project will help to preserve a significant portion of the property's existing green areas and forest while offering

CONTINUED ON NEXT PAGE

***14. WMAL Bethesda, Preliminary Plan No. 120160290**CONTINUED

opportunities for active and passive recreation. In addition to the forest conservation and the common open space areas, the applicant proposes to convey and dedicate a 4.3-acre school site to Montgomery County Public Schools (MCPS). The proposed project also includes a network of sidewalks and trails throughout the development and open areas to provide connectivity and recreational opportunities for the future residents and the existing neighborhood. The proposed layout also creates open spaces sized to accommodate amenities such as sitting areas, an approximately 10,000 square-foot open plan area, a 4,000 square-foot community center/club house with an outdoor pool, a tot lot located close to a cluster of MPDU townhomes, and a series of centrally located linear parks, with the final size, location and design to be determined at Site Plan review. The applicant also proposes to provide two public road extensions on Greentree Road to Gryswood Road, and Retina Lane to Greentree Road. Internally, the proposed development will be served by a network of local private streets.

Staff also discussed the applicant's request for a 10-year Adequate Public Facility validity period instead of 5 years, which staff does not support.

Staff noted that Department of Parks staff indicated early in the project review that there is a need for more parkland in the area and the applicant should set aside open space for parkland beyond the minimum required. At the same time, staff recognized that there is a critical need for a new elementary school in the Walter Johnson Cluster, which includes this property, and especially since the Ashburton Elementary school, which will serve children from the proposed subdivision, will likely face capacity issues in the near future. Parks Department staff met with the applicant to explore the possibility of acquiring additional land for park purposes but was not able to come to an agreement. Parks Department staff reiterated its position for more parkland in the proposed subdivision and will pursue its efforts to acquire more parkland during discussion with the applicant at Site Plan review.

The following speakers offered testimony: Mr. George Wolfand of Derbyshire Lane and representing the West Fernwood Citizens Association; Mr. David Weinstein of Surreywood Lane and representing the Bethesda Place Homeowners Association; Mr. Brian Krantz of Rutley Road via video; Mr. Joseph Deoudes of Greentree Road; Mr. Marc Zlornik of Derbyshire Lane; Ms. Stephanie Guerin-Yodice of Inglemere Drive and representing the West Fernwood Citizens Association; Ms. Donna M. Byrne of Michael Drive; Mr. Rob Katz of Greyswood Road; Ms. J. Gail Bancroft of Armat Drive and speaking on behalf of Ms. Susan Polan of Greentree Road; Mr. Ross Capon of Shelton Street and representing the Wyngate Citizens Association; Mr. Mark Wolfman of Longwood Drive; Mr. Jerome Stiber of Derbyshire Court; Ms. Sanford Markey of Renita Lane; Mr. Jacob Lerner of Winnepeg Road; Mr. Sean Lydon of Greentree Road; Ms. Judy Arndt of Renita Lane; Mr. Harry Eisenstein of Renshaw Drive; Mr. Dan Nunes of Holmhurst Road; Ms. Shannon Ross of Rutley Road and representing the Ashburton Elementary School Cluster; Ms. Wendy Calhoun of Ashburn Lane and representing the Walter Johnson School Cluster of Parents/Teachers Association; Mr. Jeffrey Reynolds of Michaels Drive; Mr. Matthew Winter of Renita Lane; and Ms. Michele Rosenfeld, attorney representing the Bradley Boulevard Citizens Association.

CONTINUED ON NEXT PAGE

***14. WMAL Bethesda, Preliminary Plan No. 120160290**

CONTINUED

Ms. Patricia Harris, attorney representing the applicant, introduced Messrs. Gary Unterberg and Matthew Wessel of Rodgers Consulting, John Harris and Tom Mateya of Toll Brothers, and Ms. Nancy Randall of Wells Associates, members of the applicant's team, discussed the applicant's request to extend the Adequate Public Facilities (APF) validity period from 5 years to 10 years, and concurred with the staff recommendation.

Mr. John Harris of Toll Brothers, the applicant, offered comments.

Messrs. Gary Unterberg and Matthew Wessel of Rodgers Consulting offered a multi-media presentation and discussed the proposed dedicated school site, the applicant's proposed recreational facilities, and addressed the speakers' concerns regarding the removal of several specimen trees.

Ms. Nancy Randall of Wells Associates discussed existing traffic conditions and expected impact of the proposed project on traffic.

Following extensive Board discussion with questions to staff and the applicant's representatives, the Board instructed staff to extend the APF validity period from 5 to 7 years, and to discuss with the applicant the possible addition of more recreational facilities, including additional tot lots before the Site Plan is submitted for review and approval by the Planning Board.