



**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 21, 2018, at 11:31 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 4:57 p.m.

Present were Chair Casey Anderson, Vice Chair Norman Dreyfuss, and Commissioners Natali Fani-González, Gerald R. Cichy, and Tina Patterson.

Items 1 and 2 are reported on the attached agenda.

Items 3 and 9 were removed from the Planning Board agenda.

The Board recessed for lunch at 1:07 p.m. and convened in Closed Session at 1:17 p.m. to take up Item 5, 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 at 1:17 p.m. in the 3<sup>rd</sup> floor conference room on motion of Commissioner Fani-González, seconded by Commissioner Patterson, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson 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.

Also present for the meeting were Acting Principal Counsel Matthew Mills and Associate General Counsel Nicholas Dumais of the Legal Department; Mark Pfefferle of the Planning Department; and James Parsons of the Commissioners' Office.


In Closed Session the Board received briefing and legal advice regarding a Forest Conservation violation.

The Closed Session meeting was adjourned at 1:38 p.m.

The Board reconvened in the auditorium at 2:06 p.m.

Items 1C1 and 4, and Items 6 through 8 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 4:57 p.m. The next regular meeting of the Planning Board will be held on Thursday, June 28, 2018, in the Montgomery Regional Office in Silver Spring, Maryland.



James J. Parsons  
Sr. Technical Writer/Editor

**Montgomery County Planning Board Meeting**  
**Thursday, June 21, 2018**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600

**1. Consent Agenda**

**\*A. Adoption of Resolutions**

1. Glen Mill Parcel 833 Preliminary Plan 120160180 - MCPB No. 18-045

**BOARD ACTION**

**Motion: PATTERSON/DREYFUSS**

**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**

**1. Washington Science Center- 6000 Executive Blvd., Site Plan No. 81973005C---**  
Request to relocate utilities and approve an associated forest conservation plan; located in the southwest corner of the intersection of Executive Boulevard and Old Georgetown Road; on approximately 6.78 acres of land zoned CR-2.5: C-1.5, R-2.0, H-200; within the 2018 White Flint 2 Sector Plan area.

*Staff Recommendation: Approval with Conditions*

**2. Chevy Chase View, Preliminary Plan No. 120180160, Regulatory Extension Request---**  
Request to extend the regulatory review period from August 2, 2018 to September 6, 2018; for subdivision of two existing lots into three lots and one outlot for three single-family dwellings; 1.16 acres of land in the R-90 Zone; located at 4205 Saul Road in the northwest quadrant of the intersection of Saul Road and Gartrell Place; within the 1989 Kensington-Wheaton Master Plan area.

*Staff Recommendation: Approval of the Extension Request*

**3. Regulatory Extension for Administrative Subdivision Plan No. 620180060: Briggs Chaney Estates---**Request for an additional 3-month extension to the regulatory review clock for the Administrative Subdivision, which proposes to create one lot for a one-family detached unit; located at 1105 Briggs Chaney Road; 4.71 acres; RE-2C Zone; Cloverly Master Plan area.

*Staff Recommendation: Approval with Conditions*

**4. Adoption of Montgomery Village Center Site Plan No. 820180020 – MCPB No. 18-038**

**BOARD ACTION**

- Motion:**
- 1. FANI-GONZÁLEZ/DREYFUSS
  - 2. PATTERSON/DREYFUSS
  - 3. DREYFUSS/PATTERSON
  - 4. FANI-GONZÁLEZ/PATTERSON

**Vote:**  
**Yea:** 1. to 4. 5-0

**Nay:**

**Other:**

**Action:** 1. Voted to remove this Item from the Consent Agenda and discuss it as a standard agenda Item.

2. Approved staff recommendation for approval of the Preliminary Plan Extension request cited above.

3. Approved staff recommendation for approval of the Administrative Subdivision Plan Extension request cited above.

4. Adopted the Resolution cited above, as submitted.

**\*D. Approval of Minutes**

Planning Board Meeting Minutes of June 7, 2018

**BOARD ACTION**

**Motion: FANI-GONZÁLEZ/DREYFUSS**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Approved Planning Board Meeting Minutes of June 7, 2018, as submitted.**

**2. FY19 Annual School Test**---The annual school test determines if new residential subdivisions in any school cluster service area or individual school service area should be subject to a moratorium, based on the estimated utilization of school facilities.

*Staff Recommendation: Approve the FY19 Annual School Test results effective July 1, 2018*

**BOARD ACTION**

**Motion: PATTERSON/FANI-GONZÁLEZ**

**Vote:**

**Yea: 4-0-1**

**Nay:**

**Other: DREYFUSS OPPOSED**

**Action: Approved staff recommendation for approval of the FY19 Annual School Test Results effective July 1, 2018.**

Planning Department staff offered a multi-media presentation and discussed the FY19 Annual School Test Results. Staff noted that every spring, following the adoption of the Capital Budget by the County Executive and County Council, the Planning Board adopts the annual school test for the upcoming fiscal year. The annual school test determines if new residential subdivisions should be subject to either a school facility payment or a moratorium, based on the estimated utilization of school facilities.

Under the current Subdivision Staging Policy (SSP), school capacity is monitored by means of an annual school test. The hybrid school test compares projected enrollment five years into the future with projected capacity for each of the 25 high school clusters at the elementary, middle, and high school levels. The school test results are finalized every year in May upon the County Council’s adoption of the capital budget and amendments to the Capital Improvements Program (CIP). If projected enrollment at any level exceeds 120 percent of program capacity, new residential subdivisions in the affected cluster will be under moratorium. If projected enrollment at an individual elementary or middle school exceeds 120 percent of program capacity and results in a projected seat deficit of at least 110 students or 180 students respectively, the service area for that school will be under moratorium, and no new residential subdivisions of more than three units can be approved. Staff noted that for FY19, Montgomery Blair High School and Northwood High School will exceed the 120 percent program capacity utilization ceiling, which will place residential subdivisions within those two cluster service areas under moratorium. Also for FY19, five elementary schools, including Ashburton, Burnt Hills, Highland View, Lake Seneca, and Stonegate, will exceed both the 120 percent program capacity utilization ceiling and the 110-seat deficit threshold. Residential subdivisions in these five elementary school service areas will be placed under moratorium as well. Staff also noted that the County Council has approved three placeholder capital projects covering three

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**2. FY19 Annual School Test**CONTINUED

elementary schools, allowing the Bethesda, Judith A. Resnik, and Somerset Elementary Schools to remain open conditionally. Eight additional elementary schools will remain open conditionally, with their service areas having been relieved of moratoria due to CIP projects at other schools that will result in future reassignments. Staff added that seven other elementary schools are close to triggering moratoria.

Staff noted that the annual school test analysis is prepared by Montgomery County Public Schools (MCPS) staff. Planning staff has reviewed MCPS analysis and recommends that the Planning Board accept the FY19 school test methodology and results, as well as the use of Regional rather than County-wide Student Generation Rates for purposes of reviewing individual development projects, Sector Plans, and Master Plans.

There followed extensive Board discussion with questions to staff, during which Vice Chair Dreyfuss noted his opposition to the test results and methodology, specifically the policy of placing schools in moratorium. The remaining Board members agreed with staff's recommendation to accept the test results and to use Regional Student Generation Rates for reviewing individual development projects, Sector Plans, and Master Plans on the condition that staff return at a later date for further discussion on the matter.



~~3. Roundtable Discussion--Healthy Montgomery--Montgomery County's Community Health Improvement Process-REMOVED~~

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**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 a Forest Conservation violation**

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

~~9. CLOSED SESSION~~

~~According to MD ANN Code, General Provisions Article, §3-305(b)(8), to consult with staff about potential litigation. REMOVED~~

~~The topic to be discussed is the proposed I-495/I-270 Managed Lane Project~~

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**1C1. Washington Science Center- 6000 Executive Blvd., Site Plan Amendment No. 81973005C**---Request to relocate utilities and approve an associated forest conservation plan; located in the southwest corner of the intersection of Executive Boulevard and Old Georgetown Road; on approximately 6.78 acres of land zoned CR-2.5: C-1.5, R-2.0, H-200; within the 2018 White Flint 2 Sector Plan area.

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion:** FANI-GONZÁLEZ/DREYFUSS

**Vote:**

**Yea:** 5-0

**Nay:**

**Other:**

**Action:** Approved staff recommendation for approval of the Site Plan Amendment cited above, subject to revised conditions discussed during the meeting, and as stated in the attached adopted Resolution.

Planning Department staff offered a multi-media presentation and discussed a proposed Site Plan Amendment request to relocate existing utilities infrastructure on a property proposed for redevelopment. Staff noted that an associated Forest Conservation Plan is included with the application. The 6.78-acre property, identified as Parcel N606, Part of Parcel D, is located on the southwest quadrant of the intersection of Executive Boulevard and Old Georgetown Road (MD187), and is zoned Commercial/Residential in the White Flint 2 Sector Plan area. It is currently developed with a seven-story office building, the Washington Science Center, which contains the applicant's corporate offices as well as medical and other office use totaling 128,571 square feet, and 374 surface parking spaces. The applicant has submitted a Sketch Plan application to redevelop the site, which is scheduled to be heard by the Planning Board later today.

Staff received correspondence expressing concern regarding the noticing of the Plan, and after consulting with Legal Department staff, it was determined that the Site Plan had been sufficiently noticed for a hearing. Staff also received correspondence from neighboring property owners regarding Sector Plan conformance, specifically the proposed relocation of utilities to the southern portion of the property. According to staff, the Sector Plan recommendations state that a minimum 50-foot-wide landscape area must be retained on the southern portion of the property, which includes area for preserved and new trees, a pedestrian-bike path called for in the Plan, and required utility easements.

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**1C1. Washington Science Center- 6000 Executive Blvd., Site Plan Amendment No. 81973005C**

CONTINUED

Ms. Francoise Carrier, attorney representing the applicant, offered comments and concurred with the staff recommendation.

Mr. Jason Evans, member of the applicant's team, also offered comments.

Ms. Michele Rosenfeld, attorney representing the adjacent property owner, offered a multi-media presentation and comments, requesting that the Planning Board either defer action on this Item in order to prevent any clearing or grading on the southern portion of the site until a decision has been rendered on a pending lawsuit regarding an agreement between the adjacent property owner and the applicant, or that the Board instruct staff to include an additional condition of approval that states that no clearing or grading is to take place prior to the Certified Site Plan phase of development and the approval of sediment control and stormwater management permits.

Counsel for the Planning Board advised against Ms. Rosenfeld's request to defer action, noting that the Planning Board does not enforce agreements between private parties.

Ms. Cheryl New, adjacent property owner, offered testimony.

There followed extensive Board discussion with questions to staff and some of the speakers, during which the Board instructed staff to include an additional condition of approval that states that no grading or clearing shall occur prior to the Certified Site Plan phase of the project.

**\*4. 6000 Executive Boulevard, Sketch Plan No. 320180140---**Request for approval of a maximum of up to 927,420 square feet of development, comprising up to 741,936 square feet of residential uses and up to 556,452 square feet of non-residential uses, to transform the existing office building surrounded by a surface parking lot into a mixed-use development including residential, office, and retail; located in the southwest corner of the intersection of Executive Boulevard and Old Georgetown Road; on approximately 8.52 acres of land zoned CR-2.5: C-1.5, R-2.0, H-200; within the 2018 White Flint 2 Sector 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 Sketch Plan cited above, subject to revised conditions discussed during the meeting, and as stated in the attached adopted Resolution.**

Planning Department staff offered a multi-media presentation and discussed a proposed Sketch Plan request to construct a mixed-use development. The 6.78-acre property, identified as Parcel N606, Part of Parcel D, is located on the southwest quadrant of the intersection of Executive Boulevard and Old Georgetown Road (MD187), and is zoned Commercial/Residential in the White Flint 2 Sector Plan area. It is currently developed with a seven-story office building, the Washington Science Center, which contains the applicant's corporate offices as well as medical and other office use totaling 128,571 square feet, and 374 surface parking spaces. The site is accessed from Executive Boulevard via a full-movement signalized driveway on the northwest boundary and a right-in, right-out driveway to the east near MD187. The southern end of the property includes trees, a grassy area currently occupied by a utility easement, stormwater facilities, and a culvert for the headwaters of Old Farm-Neilwood Creek, which emerges from the culvert in the southwest corner of the site and runs west, behind the office buildings on the adjacent property. Another grassy area is located between the existing office building and MD187 on the eastern portion of the property.

The applicant proposes to redevelop the property with a mixed-use project with a maximum of 927,420 square feet of development, including up to 556,452 square feet of residential uses and 741,936 square feet of commercial uses. The proposed project will be completed in three phases. The existing office building will remain, with the applicant extending the partial top floor and enclosing the space on the open ground floor and second floor to expand

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**\*4. 6000 Executive Boulevard, Sketch Plan No. 320180140**CONTINUED

the usable area for a 200-foot office and retail tower, identified as proposed Building C, to be located at the corner of Executive Boulevard and MD187. The applicant also proposes to build a 150-foot active adult age-restricted residential building, identified as Building B, with 233 units along the western property line, and an up to 70-foot active adult age-restricted low-to-mid-rise residential building, identified as Building A, with 131 units on the southern portion of the property. Parking will be provided through four levels of underground parking for building A, underground and above-grade structured parking for Building B, and underground and structured parking for Building C. Both age-restricted buildings will provide 15 percent Moderately Priced Dwelling Units (MPDUs). While retaining the existing full-movement signalized access drive from Executive Boulevard, the applicant will relocate the existing right-in/right-out access to the southeastern portion of the site to allow access from MD187, with the curb cut to be built by the County as part of the Western Workaround project. Internal circulation will consist of sidewalks and private roadways to be constructed during Phase 1 of the proposed project. Bicycle access will be provided along internal roads, with the primary and more convenient bicycle routes being separate bike lanes that are planned as part of the Western Workaround project, as well as on the pedestrian/bike path that will start on the site and continue to the west. The applicant also proposes a 0.5-acre neighborhood green to be located on the western portion of the property.

Staff briefly discussed minor corrections and additional conditions of approval, which require the applicant to explore the feasibility of providing an easement to an applicable County Agency, or similar entity, for access to the southwest portion of the property related to stream restoration work; provide adequate screening of the garage entrances to Buildings A and B, if necessary, to minimize headlight glare to adjoining properties; provide adequate screening of any above grade parking; enter into a Traffic Mitigation Agreement with the Planning Department and the Montgomery County Department of Transportation (MCDOT) to assist in achieving and maintaining the staging provisions for the non-auto driver mode share (NADMS) goals in the White Flint Policy Area; and participate in the North Bethesda Transportation Management District, including funding for a bike sharing station.

Ms. Francoise Carrier, attorney representing the applicant, offered comments, noting that the applicant is amenable to the new conditions of approval recommended by staff, and concurred with the staff recommendation.

Messrs. Miguel Iraola and Brian Lang, members of the applicant's team, also offered comments.

Ms. Michele Rosenfeld, attorney representing the adjacent property owners, offered a multi-media presentation and comments, and requested that the applicant increase the setback for Building A from 50 feet to 100 feet from the southern property line, and relocate its loading dock, dumpsters, and garage entrance farther from the southern property line.

Ms. Anna Masica and Ms. Cheryl New, adjacent property owners, offered testimony.

There followed extensive Board discussion with questions to staff, Ms. Carrier, and Ms. Rosenfeld.

**\*6. Cattail Road Property, Pre-Preliminary Plan No. 7201000040---**Request for 1 lot and a Farm Remainder; Lot 1 at 64.39 acres (remainder parcel of 51.72 acres is not part of application); 18101 Cattail Road, 2,000 feet south of Cattail Lane; Rural Density Transfer Zone, Agricultural and Rural Open Space (AROS) 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 Pre-Preliminary Plan cited above, subject to conditions, as stated in the attached adopted Resolution.

Planning Department staff offered a multi-media presentation and discussed a proposed Pre-Preliminary Plan request to create one lot and a farm remainder for the construction of a single-family residence. The 64.39-acre site, part of a larger 116.11-acre, two-parcel property, is located on the south side of Cattail Road, approximately one mile south of its intersection with Darnestown Road (MD28), and is zoned Agricultural Reserve in the Agricultural and Rural Open Space (AROS) Master Plan area. Staff noted that the 51.72-acre farm remainder parcel is not part of this application. The property is currently developed with one existing single-family residence and an existing farm. Staff added that the entire property is within the County Agricultural Easement Program.

The applicant is requesting approval of one 64.39-acre lot to accommodate a single-family detached dwelling unit via the minor subdivision process. The applicant only wishes to record the proposed lot and does not propose to record the 51.72-acre farm remainder. The proposed lot is located on the eastern portion of the property. Staff added that the proposed house location has been approved by the Agricultural Preservation Advisory Board. Staff then briefly discussed minor corrections to the conditions of approval.

Mr. James Clifford, attorney representing the applicant, offered comments and concurred with the staff recommendation.

There followed a brief Board discussion.



**7. Proposed Amendments: Montgomery County Comprehensive Water Supply and Sewerage Systems Plan Proposed Category Map Amendment – County Executive’s AD 2018-1&2 Amendment – Six Water/Sewer Service Category Change requests.**

*Staff Recommendation: Transmit Comments to County Executive*

**BOARD ACTION**

**Motion: FANI-GONZÁLEZ/CICHY**

**Vote:**

**Yea: 5-0**

**Nay:**

**Other:**

**Action: Approved staff recommendation to transmit comments and recommendations to the County Executive, as stated in the attached transmittal letter.**

Planning Department staff briefed the Board and discussed six Water/Sewer Service Category Change requests, noting that all the requests are in the administrative group and fall within the established guidelines for water and sewer extensions. Staff added that they are in agreement with the County Executive’s recommendation for approval of the proposed requests. There followed a brief Board discussion.

8. **MARC Rail Communities Sector Plan—Worksession 4**---Review the Germantown Recommendations in the Connect Section of the MARC Rail Communities Sector Plan.

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

**Action: Received briefing followed by discussion.**

Following a brief introduction by Planning Department staff, Mr. Kyle Roberts, traffic consultant from Sabra, Wang, & Associates, offered a multi-media presentation and discussed a recently completed Traffic Forecasting and Analysis of the Germantown portion of the MARC Rail Communities Sector Plan area. The study modeled three different scenarios, including 2015 development, a projection for the 2040 Draft Plan Buildout, and a projection for 2040 with current zoning and with the changes requested during public hearing testimony. The analysis was conducted with the assumptions that Middlebrook Road between Germantown Road (MD118) and Great Seneca Highway (MD119) will be reduced to four lanes total, Wisteria Drive between Waters Road and MD119 will consist of four lanes, and MD119 between Middlebrook Road and Dawson Farm Road will retain the existing four lanes. The initial congestion standards and results for the 2040 Draft Plan Buildout scenario project that Middlebrook Road will operate adequately, that four intersections will exceed the congestion standard, that all intersections can be mitigated with signal timing/phasing modifications or lane reassignment, and that a new traffic signal will be required at the intersection of Wisteria Drive and Crystal Rock Drive. Findings for the 2040 scenario, with current zoning and changes requested during the public hearing indicate that Middlebrook Road will operate adequately, that six intersections are projected to exceed the congestion standard, that all but two intersections can be mitigated with signal timing/phasing modifications or lane reassignment, that a new traffic signal will be required at the intersection of Wisteria Drive and Crystal Rock Drive, and that MD118 will require an increased roadway footprint at Wisteria Drive and Bowman Mill Drive. Mr. Roberts then recommended additional new north-south local roadway connections for Plan consideration, including multiple connections between MD118 and MD119 to disperse traffic from Wisteria and reduce congestion at MD118.

Planning Department staff then offered a multi-media presentation and discussed the recommendations of the MARC Rail Communities Sector Plan for the Germantown area, specifically the Connect Section of the Plan. Staff noted that the worksession will highlight public hearing testimony and agency comments regarding traffic modeling, the proposed road diet for Middlebrook Road, traffic speeds, pedestrian safety, street network, co-location of the

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**8. MARC Rail Communities Sector Plan—Worksession 4**CONTINUED

transit center and MARC station, and streetscape enhancements. The key recommendations include expanding commuter parking at the MARC station and enhance Ride On bus service; implementing a road diet along Middlebrook Road to provide room for other modes of transportation, improve pedestrian and bicycle safety, reduce crash rates, and lower vehicular speeds; and establishing a fine-grained, walkable, interconnected street grid. Other recommendations, which are in response to the testimony received and agency comments, include extending the Urban Road Code area north of the railroad tracks, narrowing vehicle lanes and curb radii, lowering target speeds, limiting pedestrian crossing distances, buffering walkers and bikers with canopy trees, and evaluating the feasibility of undergrounding utilities to aide in establishing a mature street canopy, enhancing water quality, reducing the heat island effect, and creating an attractive pedestrian environment. In regard to the request to co-locate the Germantown transit center with the MARC station, staff noted that the co-location will entail realigning the Corridor Cities Transitway (CCT), which will require additional study and the acquisition of the necessary right-of-way.

Mr. Clark Wagner, representing the Pleasants Construction Company, and Ms. Miriam Schoenbaum, representing the Action Committee for Transit, offered testimony.

There followed extensive Board discussion with questions to staff and Messrs. Roberts and Wagner, during which Vice Chair Dreyfuss instructed staff to explore the feasibility of decreasing the recommended Commercial density within some portions of the Plan area.