



**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, March 21, 2019, at 9:00 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 2:06 p.m.

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

Items 1 through 6 are reported on the attached agenda.

The Board recessed for lunch at 12:25 p.m. and convened in Closed Session at 12:30 p.m. to take up Item 10, 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 12:30 p.m. in the 3<sup>rd</sup> floor conference room on motion of Commissioner Fani-González, seconded by Commissioner Patterson, with Chair Anderson and Commissioners Fani-González, Cichy, and Patterson voting in favor of the motion, and Vice Chair Dreyfuss absent. 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 Christina Sorrento of the Legal Department; Deputy Director Robert Kronenberg, Richard Weaver, and Ryan Sigworth of the Planning Department; and James Parsons of the Commissioners' Office.

In Closed Session, the Board received briefing and legal advice regarding a reconsideration request.

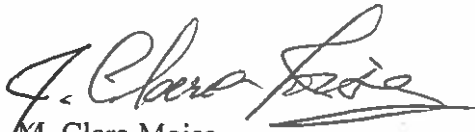
The Closed Session meeting was adjourned at 12:36 p.m.

The Board reconvened in the auditorium at 1:30 p.m.

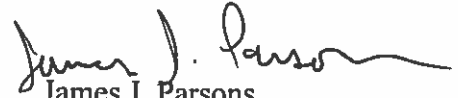
Item 11 and Items 7 and 8, discussed in that order, are reported on the attached agenda.

Item 9 was removed from the Planning Board agenda.

There being no further business, the meeting was adjourned at 2:06 p.m. The next regular meeting of the Planning Board will be held on Thursday, March 28, 2019, in the Montgomery Regional Office in Silver Spring, Maryland.



M. Clara Moise  
Sr. Technical Writer/Editor



James J. Parsons  
Sr. Technical Writer/Editor

**Montgomery County Planning Board Meeting**  
**Thursday, March 21, 2019**  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760  
301-495-4600

**1. 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. 220190310, Chevy Chase View -- R-90 zone, three (3) lots, one (1) out-lot; located in the northwest corner of the intersection of Saul Road and Gartrell Place; Kensington/ Wheaton Master Plan.**

*Staff Recommendation: Approval*

**BOARD ACTION**

**Motion: FANI-GONZÁLEZ/CICHY**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: DREYFUSS ABSENT**

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

**\*C. Other Consent Items**

**1. Westfield Montgomery**

**A. Preliminary Plan 12005018C, Regulatory Extension Request #1**---Request to extend the regulatory review period from April 18, 2019 to July 18, 2019; for redevelopment of a portion of the property with up to 1,840,421 square feet of commercial development, up to 831,270 square feet of residential development (717 dwelling units), and structured parking; located at 7101 Democracy Boulevard, Bethesda; on approximately 59.45 acres of land zoned GR-1.5, H-45 and Regional Shopping Center Overlay Zone; within the 2018 Rock Spring Sector Plan area.

*Staff Recommendation: Approval of the Extension Request*

**B. Site Plan 82005003E, Regulatory Extension Request #1**---Request to extend the regulatory review period from April 18, 2019 to July 18, 2019; for redevelopment of a portion of the property with up to 1,840,421 square feet of commercial development, up to 831,270 square feet of residential development (717 dwelling units), and structured parking; located at 7101 Democracy Boulevard, Bethesda; on approximately 59.45 acres of land zoned GR-1.5, H-45 and Regional Shopping Center Overlay Zone; within the 2018 Rock Spring Sector Plan area.

*Staff Recommendation: Approval of the Extension Request*

**2. North Bethesda Market I, Site Plan Amendment No. 82006017H**---Request to convert approximately 14,259 square feet of commercial space into ten (10) two-bedroom residential units with lofts and three (3) one-bedroom units; convert the existing 2,022 leasing office currently on the second floor of the mid-rise building to provide additional common amenity space for residents; and relocate the existing leasing office to the lobby of the high-rise building; located at the west side of Rockville Pike, approximately 460 feet south of Nicolson Lane; on approximately 5.91 acres of land zoned CR-3.0, C-1.5, R-2.5, H-100, and CR-4.0, C-3.5, R-3.5, H-300; within the 2010 White Flint Sector Plan area.

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion:**                   1. FANI-GONZÁLEZ/CICHY  
                                  2. CICHY/FANI-GONZÁLEZ

**Vote:**

**Yea:**                   1. & 2. 4-0

**Nay:**

**Other:**               DREYFUSS ABSENT

**Action:**           1. A. Approved staff recommendation for approval of the Preliminary Plan Extension request cited above.

                          1. B. Approved staff recommendation for approval of the Site Plan Extension request cited above.

                          2. Approved staff recommendation for approval of the Site Plan Amendment cited above, subject to conditions, as stated in the attached adopted Resolution.

**\*D. Approval of Minutes**

Planning Board Meeting Minutes of March 7, 2019

**BOARD ACTION**

**Motion: FANI-GONZÁLEZ/CICHY**

**Vote:**

**Yea: 3-0**

**Nay:**

**Other: PATTERSON ABSTAINED  
DREYFUSS ABSENT**

**Action: Approved Planning Board Meeting Minutes of March 7, 2019, as submitted.**

**2. Roundtable Discussion**

- Parks Director's Report

**BOARD ACTION****Motion:****Vote:****Yea:****Nay:****Other:****Action: Received briefing.**

**Parks Department Director's Report** – Parks Department Director Mike Riley briefed the Board on the following ongoing and upcoming Parks Department events and activities: the status of the Integrated Pest Management Amendment to the Montgomery County Code, and a recent letter from Montgomery County Councilmember Tom Hucker urging the Parks Department to immediately discontinue the use of Glyphosate-based herbicides in parks due to human health concerns and potential liability to the County; the recent Bond Initiative Saturday event held on March 16, with Maryland State Legislators in the Montgomery County Delegation sponsoring five projects across four districts, for a potential \$1,500,000 in funding; the recent appointment of Marybeth Dugan, Program Access Coordinator, as an ex-officio member of the Montgomery County Commission on People with Disabilities; upcoming Autism Awareness Month events, including the Light It Up Blue – Autism Awareness and Acceptance event scheduled for April 6, the BLUE Skate event scheduled for April 26 at the Wheaton Ice Rink, and the ongoing ACEing Autism Program at the Wheaton Indoor Tennis facility; the upcoming 5<sup>th</sup> Annual Montgomery County Greenfest event scheduled for April 28 at Brookside Gardens; and the ongoing search for a new Executive Director for the Montgomery Parks Foundation.

There followed a brief Board discussion with questions to Mr. Riley, during which Commissioner Patterson requested a Closed Session meeting with Montgomery County Parks Police Chief Darryl McSwain regarding gang activity in the parks.

**3. Budget Discussion on the County Executive Recommendation****BOARD ACTION****Motion:****Vote:****Yea:****Nay:****Other:****Action: Received briefing followed by discussion.**

The Commission's Corporate Budget Manager John Kroll discussed the Montgomery County Executive's proposed FY20 budget. According to Mr. Kroll, the proposed budget calls for a total of \$5,335,000 in reductions to the requested Montgomery County Administration and Park funds, which is 3.76 percent of the proposed FY20 budget. He noted that over-payment into the reclass marker and the Other Post-Employment Benefits (OPEB) Pay-Go funds over the last several years, will reduce the amount of the necessary reductions to \$4,389,271.

**Department of Human Resources and Management (DHRM)** – Acting Executive Director Anju Bennett discussed the proposed reductions to the FY20 DHRM budget, which total \$152,666 and is comprised of a \$75,668 reduction in funding from Montgomery County and \$76,998 from Prince George's County. The proposed reductions will be achieved by delaying the hire of a Training Manager position for \$20,000 in savings, deferring the purchase of a training program webinar tool for \$40,000, a reduction in funding for a Classification and Compensation Study consultant for \$70,000, and a reduction in funding for legal consulting services.

There followed a brief Board discussion, during which the Board instructed Ms. Bennett to explore other options in lieu of the proposed reduction in funding for legal consulting services.

**Merit System Board** – Ms. Bennett then discussed the proposed reductions to the Merit System Board FY20 budget, which total \$5,360 and is comprised of a \$2,680 reduction in funding from Montgomery County and \$2,680 from Prince George's County. According to Ms. Bennett, the reduction will impact funding for outside legal counsel, which supports the Merit Board in its review of complex matters, such as Classification and Compensation appeals. The reduction in funding may slow the Merit Board's ability to address appeals in a timely manner.

There followed a brief Board discussion, during which the Board instructed Ms. Bennett to explore other options in lieu of a reduction to funding for outside legal counsel.

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### 3. Budget Discussion on the County Executive Recommendation

#### CONTINUED

**Central Administrative Services (CAS) Support Services** – Ms. Bennett also discussed the proposed reductions to the CAS Support Services FY20 budget, which total \$54,146 and is comprised of a \$24,234 reduction in funding from Montgomery County and \$29,912 from Prince George’s County. According to Ms. Bennett, the reduction will be met through the reduction in funding for the agency-wide archives program and activities.

There followed a brief Board discussion.

**Finance Department** – Mr. Kroll then discussed the proposed reductions to the Finance Department FY20 budget, which total \$149,115. The reduction is proposed to be achieved through a delay in filling a new Accountant III position and a new Payroll Technician position, and increasing the projected salary lapse by only 1.0 percent. Mr. Kroll noted that the proposed reductions will result in a total of \$166,038, \$16,923 more than requested by the County Executive, which will be used to defer a portion of the \$21,077 in reductions required by the Office of the Inspector General.

There followed a brief Board discussion.

**Office of the Inspector General (OIG)** – Inspector General Renee Kenney briefly discussed reductions to the Office of the Inspector General FY20 budget, which total \$21,077. Ms. Kenney noted that due to the nature of the proposed reductions, she planned on discussing the OIG budget in Closed Session. However, because the Finance Department will defer \$16,923 of the necessary cuts, Ms. Kenney noted that she will meet with the Acting Executive Director to continue work on the budget, and that a Closed Session meeting is not necessary at this time.

There followed a brief Board discussion, during which Commission Patterson stated that she does not recommend any reduction to the OIG budget.

**Legal Department** – General Counsel Adrian Gardner briefly discussed the non-recommended reductions to the proposed Legal Department FY20 budget, which total \$152,146. The reductions are proposed to be met by deferring the filling of a vacant attorney position in the Montgomery County Legal Office. Mr. Gardner added that he also plans to explore potential changes to the structure of the Legal Department in order to increase efficiency.

There followed a brief Board discussion.

**Office of the Chief Information Officer (CIO)** – Chief Information Officer Mazen Chilet discussed proposed reductions to the CIO FY20 budget, specifically Corporate Information Technology (IT) funds, which total \$94,553. The reductions are proposed to be met through reduction of \$19,542 for security and application-related consultants, the elimination of a planned PC peripheral refresh for \$43,597 in savings, and a reduction of \$31,414 for training and workshops.

There followed a brief Board discussion, during which Commissioner Patterson recommended that salary saving options be explored.

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### 3. Budget Discussion on the County Executive Recommendation

#### CONTINUED

**Planning Department** – Planning Department Director Gwen Wright discussed non-recommended reductions to the Planning Department FY20 budget, which total \$883,744 in savings. Ms. Wright noted that the Planning Department will assume any cuts to the Commissioners’ Office budget. The following reductions and savings are proposed to be met through: i) the elimination of the Wheaton Headquarters building Operating Budget Impact (OBI), including WiFi installation, the move of the Data Center, network engineering, and the audio/visual system for the auditorium for \$381,625; ii) support for the General Plan Update for \$100,000; iii) the new Office of Chief Information Officer (CIO) – Commission-Wide Information Technology (CWIT) initiatives for \$33,777; the elimination of the Preserving Community Value of Ethnically Diverse Retail Centers Study for \$31,760; iv) paying off the Equipment Internal Service Fund with FY19 year-end funds for \$45,600; v) the Wheaton Headquarters building operating maintenance for May and June 2020 for \$117,946; and vi) \$173,036 from the reclassification marker and Other Post-Employment Benefits (OPEB) for the Planning Department and the Commissioners’ Office.

There followed extensive Board discussion with questions to Ms. Wright, during which Commissioner Patterson recommended that the Planning Department explore the feasibility of delaying another project in lieu of reducing the General Plan Update support. Commissioner Fani-González also requested a review of the breakdown of the Commissioners’ Office expenses.

**Parks Department** – Parks Department Director Mike Riley discussed non-recommended reductions to the Park Fund FY20 budget, which total \$4,101,917. The reductions and savings are proposed to be met through: i) Operating Budget Impacts (OBI) for the new Wheaton Headquarters building for \$500,526; ii) OBI for new and expanded parks for \$355,048; iii) funds for improving the quality and playability of ballfields for \$301,968; a delay in hiring a Data Specialist and a Data Analyst for the Enterprise Asset Management (EAM) system for \$209,008; a delay in filling a GIS/Asset Specialist position for \$96,168; funding for infrastructure repair for \$250,000; funds for Office of the Chief Information Officer (CIO) – Commission-Wide Information Technology (CWIT) program enhancements for \$169,603; and other budget saving and reduction strategies for expected savings of \$2,196,326.

There followed extensive Board discussion with questions to Mr. Riley.

Following further Board discussion, the Board recommended that staff explore the feasibility of hiring freezes and a reduction in the use of long-term contracts. Mr. Kroll noted that final action regarding the budget will be needed within the next two weeks, as the FY20 budget will be presented to the County Council Planning, Housing, and Economic Development (PHED) Committee on April 24.

**4. Bill 5-19: Proposed Amendment to Development Impact Tax Exemptions**—Review proposed amendment to modify the transportation and school development impact tax exemption for all units in a development where at least 25% of the dwelling units are built under certain government regulations or agreements.

*Staff Recommendation: Transmit Planning Board Comments to the County Council in Advance of the Public Hearing*

**BOARD ACTION**

**Motion:** FANI-GONZÁLEZ/CICHY

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** DREYFUSS ABSENT

**Action:** Approved staff recommendation to transmit comments to the County Council regarding Bill 5-19, as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and briefed the Planning Board on proposed Bill 5-19, which would amend the exemptions from the development impact tax for transportation and public-school improvements for all dwelling units in a development where at least 25 percent of the dwelling units are built under certain government regulations or agreements. Staff offered background information, noting that development impact taxes are paid for each proposed new dwelling unit at the time of building permit approval. While transportation impact taxes are based on dwelling type, principal use, and location within the County, school impact taxes are based solely on dwelling type. The existing exemptions to impact taxes include affordable housing units, including Moderately Priced Dwelling Units (MPDUs); development within current and former Enterprise Zones; student-built homes; and all dwelling units in a project when 25 percent or more of the units are affordable.

Staff noted that Bill 5-19 clarifies that to receive the impact tax exemption, a project must provide at least 25 percent MPDUs. The legislation as introduced will not preclude Low-Income Housing Tax Credit (LIHTC) projects from receiving the exemption, but in order to receive the exemption, the tax credit units must be placed in the MPDU program, with the purpose of producing more units with a 99-year control period. According to staff, the proposed bill is not likely to have a major impact on the number of development projects that qualify for the impact tax exemption but will likely increase the number of affordable housing units included in the County’s Moderately Price Dwelling Unit (MPDU) program.

Staff recommends transmitting comments to the County Council in support of the Bill. Staff also recommends a more thorough analysis of these exemptions and their effects on impact tax revenue and the net capture rate of the cost of a student seat, in the case of school impact

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**4. Bill 5-19: Proposed Amendment to Development Impact Tax Exemptions**

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taxes. Staff also recommended that the analysis be conducted and presented to the Board as part of the upcoming update to the Subdivision Staging Policy (SSP). Impact tax policy recommendations resulting from the analysis can be transmitted to the County Council along with recommended revisions to the SSP in summer 2020.

There followed a brief Board discussion with questions to staff.

**5. Seventh-Day Adventist Headquarters: Limited Site Plan Amendment No. 81986078E**---Request to construct a 52,500 square foot detached accessory storage facility; located on the southeast quadrant of Old Columbia Pike and East Randolph Road; 21.55 acres; EOF-1.5 H-75 zone but reviewed under the O-M zone; Fairland Master Plan.

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion: CICHY/PATTERSON**

**Vote:**

**Yea: 4-0**

**Nay:**

**Other: DREYFUSS ABSENT**

**Action: Approved staff recommendation for approval of the Limited 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 Limited Site Plan Amendment request to build an accessory storage facility. The 21.55-acre site is located on the southwest quadrant of the intersection of Columbia Pike (US29) and East Randolph Road. Although the property is zoned Employment Office (EOF) within the Fairland Master Plan area, the proposed project is being reviewed under the Office Building, Moderate Intensity (O-M) Zone, as per the grandfathering provision of the current Zoning Ordinance. The property is currently developed with the existing 319,234-square foot, three-story Seventh Day Adventist General Conference Headquarters office building and associated surface parking, both of which will remain as part of the proposed development. The site is served by public water and sewer, well and septic, and is accessed from Old Columbia Pike and East Randolph Road. Staff noted that the proposed Amendment is limited to the southern portion of the property directly north of the Tech Road Park and Ride, which is not considered part of the application.

Staff noted that the applicant proposes to build a single-story, 52,000-square foot detached accessory storage facility in the southern portion of the property that will serve as storage for the office and a television production studio that is currently located in the southern portion of the office building. The proposed storage facility, which will have a maximum height of 22 feet, will replace a portion of the existing green area located south of the existing surface parking lot. Vehicular access to the site will remain unchanged, with the southern right-in, right-out only access point along Old Columbia Pike providing the most direct route to the proposed storage facility. As part of the proposed Amendment, the applicant will upgrade a section of the existing four-foot wide sidewalk along Old Columbia Pike, north of the park and ride lot, to a five-foot wide sidewalk, as per the Americans with Disabilities Act (ADA) standards; provide a

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**5. Seventh-Day Adventist Headquarters: Limited Site Plan Amendment No. 81986078E**

CONTINUED

sidewalk connection from the intersection of Old Columbia Pike and the north side of an existing access road to the entrance of the accessory storage facility; and provide a sidewalk connection from the existing office building to the accessory storage facility. The applicant will also provide and maintain landscaping along Old Columbia Pike and US29.

Mr. Jeff Robertson of CAS Engineering and member of the applicant's team offered comments regarding the required sidewalk connection from Old Columbia Pike to the proposed storage building, noting that neither staff nor visitors will need access to the building. He then recommended that the sidewalk connect to the southwest corner of the proposed storage building.

Mr. Todd McFarland, member of the applicant's team, also offered comments.

There followed extensive Board discussion with questions to staff and Mr. Robertson, during which staff recommended that the proposed sidewalk connection along the north side of the access road be relocated to the south side, with warning signage and a striped crosswalk at the access to the storage building loading dock area.

Following additional discussion, the Board instructed staff to include additional language in Condition 5 that revises the location of the sidewalk connection as per staff recommendation, and which states that the condition is subject to revision, with staff approval, provided that the proposed sidewalk connection is accommodated in a safe manner.

Mr. Robertson noted that the applicant is amenable to the revised condition of approval.

**6. Greater Lyttonsville Sector Plan, Draft Design Guidelines, Worksession 1**

*Staff Recommendation: Review and Provide Guidance*

**BOARD ACTION**

**Motion:** FANI-GONZÁLEZ/CICHY

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** DREYFUSS ABSENT

**Action:** Approved staff recommendation for approval of the revisions to the draft Design Guidelines for the Greater Lyttonsville Sector Plan, as discussed during the meeting.

Planning Department staff offered a multi-media presentation and discussed the working draft of the Design Guidelines for the Greater Lyttonsville Sector Plan. Following a Planning Board briefing in December 2018, staff released a working draft of the guidelines in January 2019, for community input through continued stakeholder meetings and drop-in hours at the Coffield Community Center. Input from the Planning Board, community members, and stakeholders has since been incorporated into the working draft revisions being presented to the Board today. According to staff, the proposed Design Guidelines provide a framework for the design of new and improved streetscapes, buildings, parks, and open spaces in the plan area, while helping to ensure compatibility with established area neighborhoods. Currently, the Plan area is characterized by barriers to walkability and bikeability such as steep topography, large blocks and incomplete sidewalks; a need for expanded parks and open space; development that is out-of-scale with surrounding neighborhoods; poor transitions between industrial and residential uses, with truck traffic in residential areas; and poor to fair water quality and high impervious cover. The community design principals seek to maintain compatibility with the existing neighborhood character and identity, promote diversity, enhance social connections, improve walkability and bikeability throughout the community and transit stations, expand the open space network, and increase the ecological health of the area with increased water quality and energy conservation.

Staff discussed area-wide guidelines, which include using street types to guide the streetscape character, utilizing the Montgomery County Code roadway functional classifications, and implementing flexible sidewalk zones. To improve connectivity, the guidelines propose public through-block connections, canopy corridors, and enhanced crossings and intersections. The parks and open space goals are to expand the existing network, establish an interconnected system of parks to serve the existing and future residents, and improve public realm in tandem with community design and transportation recommendations. Guidance for site

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**6. Greater Lyttonsville Sector Plan, Draft Design Guidelines, Worksession 1**CONTINUED

specific park types will be provided by the recently approved Energized Public Spaces Design Guidelines. The site and building design goals include a focus on compatibility, reduction of building bulk, infill development opportunities, the relationship between buildings and public spaces, incremental improvements for industrial sites, implementation of historic signage and commemorative art, and access and parking improvements. The guidelines utilize an Environmental Site Design Toolbox, which will address the high level of impervious surfaces and poor water quality within the Plan area through the implementation of bioretention, vegetated swales, permeable pavement, vegetated roofs, rainwater harvesting, treatment trains, and artful environmental site design.

Staff noted that site-specific guidelines will focus on sites that were rezoned in the Sector Plan, along with the Rosemary Hills-Lyttonsville Local Park and the Capital Crescent Trail (CCT). The Guidelines provide an overview of existing conditions, pedestrian and bicycle circulation, public open space design, and building design for each site.

Staff then discussed stakeholder comments and revisions, which include expanding opportunities for new public open space and improvements to existing open space; improving the pedestrian network through frequent and safe pedestrian crossings; providing comfortable pedestrian and bike connections to the CCT and future Purple Line stations from surrounding neighborhoods; limiting sidewalk widths on streets designated Neighborhood Residential within the Plan area; maintaining the compatibility of new development with adjacent properties; highlighting and celebrating the area history, specifically the Talbot Avenue Bridge; and ensuring that community members are informed and consulted regarding any future changes. Staff did receive additional requests for revisions from stakeholders following the release of the staff report, such as flexibility for public agencies to allow alternative treatments when providing public space improvements, the inclusion of a definition for the term equitable development, and additional language designating the civic green as the priority open space for the Summit Hills area along 16<sup>th</sup> Street.

Messrs. Tim Dugan, attorney representing the Southern Management Corporation, owner of the Summit Hills Apartments site, and Joel Teitelbaum of Richland Street offered testimony.

There followed extensive Board discussion with questions to staff and Messrs. Dugan and Teitelbaum, during which the Board directed staff to include language in the Guidelines stating that in all cases, land should be carefully evaluated for environmental contaminants at the time of development, and any necessary remediation must be completed. The Board also instructed staff to draft a letter to the Maryland Department of the Environment (MDE), the County Executive, and the Montgomery County Department of Environmental Protection (DEP) requesting that the Claridge House-Friendly Gardens storage area site along Lyttonsville Road be evaluated for environmental contaminants.



**10. CLOSED SESSION**

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

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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

**11. Reconsideration Request for Old Angler’s Cove Preliminary Plan No. 120170290  
(Resolution MCPB No. 19-013)**

*Staff Recommendation: To Reconsider Previous Planning Board Action*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:       DREYFUSS ABSENT**

**Action:       No motion was made to reconsider the Planning Board’s previous action.**

Legal Counsel to the Planning Board noted that Chair Anderson had recused himself at the previous Planning Board hearing for the Angler’s Cove Project Preliminary Plan, held on February 7, 2019, and is not eligible to vote; Commissioner Cichy was not present at the meeting but has since read the relevant documents and can vote if he chooses to do so; Commissioner Patterson voted against approval of the Preliminary Plan; and Commissioner Dreyfuss is absent.

Counsel added that Commissioner Fani-González is the only Commissioner eligible to vote on the request for reconsideration.

Chair Anderson noted that hearing no motion to reconsider from Commissioner Fani-González, the request is therefore denied.

7. **Burtonsville Town Square - Preliminary Plan Amendment 12004109D**---Request for a 2.5-year extension to the validity period for the APFO finding of the Preliminary Plan, which approved the development of 260,000 square feet of commercial development; located on the northwest quadrant of the intersection of MD 198 and Old Columbia Pike; Burtonsville; 27 acres; CRT-1.5 C-1.0 R-1.25 H-70 Zone; Burtonsville Commercial Crossroads Neighborhood Plan.

*Staff Recommendation: Approval with Conditions*

**BOARD ACTION**

**Motion:** CICHY/FANI-GONZÁLEZ

**Vote:**

**Yea:** 4-0

**Nay:**

**Other:** DREYFUSS ABSENT

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

In keeping with the March 7 technical staff report, Planning Department staff offered a multi-media presentation and discussed a Preliminary Plan Amendment request for the Burtonsville Town Square project. Staff noted that the amendment will extend the validity period of the Adequate Public Facilities (APF) finding for a period of 2.5 years. The 27-acre property is located on the northwest quadrant of the intersection of MD 198 and Old Columbia Pike in Burtonsville, in the Burtonsville Commercial Crossroads Neighborhood Plan area.

Staff also noted that the Preliminary Plan provided for a 61-month validity period for the APF, which was originally set to expire on April 21, 2011. However, Montgomery County’s statue subsequently extended all active APF validity periods for a total of eight years during the recession, setting a new expiration date of April 21, 2019 for this Preliminary Plan. The applicant submitted the amendment application on December 12, 2018. Staff added that the original determination was limited to transportation adequacy, and as part of the original application, the Preliminary Plan also included a traffic study. Therefore, no modifications to the study are proposed in this application, and the analysis contained in the Preliminary Plan remains valid.

Mr. Tim Dugan, attorney representing the applicant, Mr. Brian Downie, also present, concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff.

**8. Maryland Department of Transportation/ State Highway Administration (MDOT/SHA) - Briefing on MD 97 Montgomery Hills Project Planning Study -----**  
Representatives from MDOT/SHA will provide an interim briefing on the MD 97 Montgomery Hills Project Planning Study.

*Staff Recommendation: Briefing*

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Action: Received Briefing followed by Board discussion.**

Planning Department staff introduced Maryland Department of Transportation/State Highway Administration (MDOT/SHA) staff members Mr. C. Scott Pomento, Director of the Office of Planning and Preliminary Engineering; Ms. Samantha Biddle, Chief of the Regional and Intermodal Planning Division; and Mr. Jeremy Beck, Project Engineer in the Project Planning Division at SHA. Staff noted that they will update the Planning Board on the MD97 Montgomery Hills Project Planning Study, which purpose is to establish a balanced approach to transportation within the MD97 Corridor, between Forest Glen Road (MD192) and 16<sup>th</sup> Street (MD390), and which addresses vehicular, pedestrian, and bicyclist mobility and safety while accommodating proposed transit enhancements and establishing a sense of place within Montgomery Hills.

Mr. Beck noted that MDOT/SHA began the MD97 Montgomery Hills Project Planning Study in 2011 in response to recommendations documented in the *Approved and Adopted 2000 North and West Silver Spring Master Plan*. The Montgomery Hills Proposed Concept, included in the Master Plan, envisioned the future appearance of the Georgia Avenue Corridor as a “landscaped urban boulevard with a center median and wide, unobstructed, tree-lined sidewalks. It also recommends the transformation of the corridor into a “pedestrian-friendly urban boulevard with improved local circulation that supports both residents and merchants.” The last time MDOT/SHA presented this project before the Planning Board was on March 24, 2016. At that meeting project manager Jeremy Beck, and the former Environmental Manager Christina Brandt, presented the alternatives discussed at the Location/Design Public Hearing. Planning Department staff recommended support of Alternative 5B, with the relocation of Flora Lane, and a two-way separated bike lane on the west side of Georgia Avenue. Additional recommendations in support of constructing the Forest Glen Passageway, an underground crossing at Forest Glen Road and Georgia Avenue, and tweaks to the design of the Georgia Avenue Corridor were also included.

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**8. Maryland Department of Transportation/ State Highway Administration (MDOT/SHA) - Briefing on MD 97 Montgomery Hills Project Planning Study**CONTINUED

Mr. Beck added that MDOT/SHA expects to receive the Federal Highway Administration approvals on the Final Section 4(f) document and Categorical Exclusion during the Summer of 2019, which will complete the planning phase of the project. Funding has been allocated for further planning and preliminary design, but no funding has been allocated for final design, right-of-way acquisition, or construction at this time.

Planning Department staff then added that the project directly relates to the Forest Glen/Montgomery Hills Sector Plan, which staff is currently working on. Planning staff is also working with MDOT/SHA staff to determine the recommended cross-section on Georgia Avenue and between Forest Glen Road and 16th Street, and any associated roadway and intersection projects in both the short and long-term, which should be reflected in the Sector Plan. Staff also noted that whereas the Sector Plan recommendations are envisioned for long-term implementation, the MDOT/SHA MD97 Montgomery Hills project is envisioned for short or medium-term implementation. Any long-term recommendations will also be included to leverage opportunities for further improvements or future redevelopment of the sites identified in the Sector Plan.

There followed extensive Board discussion with questions to staff and MDOT/SHA staff.

~~9. Forest Glen/Montgomery Hills Sector Plan, Presentation of Working Draft~~

~~Staff Recommendation: Approve Working Draft as Public Hearing Draft and Set Public Hearing Date-----~~ REMOVED

**BOARD ACTION**

**Motion:**

**Vote:**

**Yea:**

**Nay:**

**Other:**

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