



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**APPROVED
MINUTES**

The Montgomery County Planning Board met in regular session on Thursday, January 30, 2020, at 9:01 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 4:25 p.m.

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

Commissioner Partap Verma joined the meeting at 9:16 a.m. during discussion of Item 3.

Items 1 through 4, and Items 6 and 5, discussed in that order, are reported on the attached agenda.

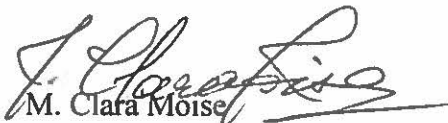
Item 2A was removed from the Planning Board agenda.


The Board recessed at 11:21 a.m. to attend a lunch meeting with members of the Montgomery County Board of Education and reconvened in the auditorium at 2:25 p.m.

Items 7 through 9 are reported on the attached agenda.

Vice Chair Fani-González left for the day at 4:10 p.m. during discussion of Item 9.

There being no further business, the meeting was adjourned at 4:25 p.m. The next regular meeting of the Planning Board will be held on Thursday, February 6, 2020, 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, January 30, 2020
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

1. 7025 Longwood Drive Administrative Subdivision No. 620190100 MCPB No. 19-137

BOARD ACTION

Motion: CICHY/PATTERSON

Vote:

Yea: 4-0

Nay:

Other: VERMA ABSENT

Action: Adopted the Resolution cited above, as submitted.

***B. Record Plats**

Subdivision Plat No. 220200120, Windridge -- RC zone; 1 lot; located on the south side of Darnestown Road (MD 28), 225 feet west of the intersection with Bellingham Drive; Potomac Sub-Region 2002 Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: CICHY/PATTERSON

Vote:

Yea: 4-0

Nay:

Other: VERMA ABSENT

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

***C. Other Consent Items**

1. 4857, 4998, 4900, & 4949 Battery Lane, Preliminary Plan 120190240, Extension Request No.2---CR 3.5 C 0.5 R 3.5 H 120 zone, CR 1.5 C 0.5 R 1.5 H 120, and the Bethesda Overlay Zone, 9.65 acres, Request to extend review period from January 30, 2020 to *; located on Battery Lane between Old Georgetown Road and Woodmont Avenue; 2017 Bethesda Downtown Sector Plan.**

Staff Recommendation: Approval of the Extension Request

BOARD ACTION

Motion: CICHY/FANI-GONZÁLEZ

Vote:

Yea: 4-0

Nay:

Other: VERMA ABSENT

Action: Approved staff recommendation for approval of the Preliminary Plan Extension Request cited above.

***D. Approval of Minutes**

Planning Board Meeting Minutes of January 16, 2020

BOARD ACTION

Motion: CICHY/FANI-GONZÁLEZ

Vote:

Yea: 3-0

Nay:

**Other: PATTERSON ABSTAINED
VERMA ABSENT**

**Action: Approved Planning Board Meeting Minutes of January 16, 2020, as
submitted.**

2. Roundtable Discussion

~~A. Planning Director's Report~~

B. Parks Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **A. This Item was removed from the Planning Board agenda.**
 B. Received briefing.

Following an introduction by Parks Department Director Mike Riley, Mr. Bill Tyler, Division Chief of Southern Parks, offered brief comments regarding his recent promotion to Director of Prince George's County Department of Parks and Recreation.

There followed brief comments by Planning Board members, during which the Planning Board thanked Mr. Tyler for his years of service to the Montgomery County Parks Department.

3. FY20 Resource Conservation Plan and Annual Business Recycling and Waste Reduction Report Presentation - Required annual presentation of the Resource Conservation Plan and Annual Business Recycling and Waste Reduction Reports. The presentation includes recycling, solid waste, energy expenditures, and budgeting forecast.

Staff Recommendation: Approval of Resource Conservation Plan and Annual Business Recycling and Waste Reduction Reports

BOARD ACTION

Motion: PATTERSON/CICHY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the FY20 Resource Conservation Plan and Annual Business Recycling and Waste Reduction Report.

Following the introduction of, and brief opening statements by Ms. Adrienne Thomas, the newly selected Parks Department Sustainability Specialist, Parks Department staff offered a multi-media presentation and discussed the FY20 Resource Conservation Plan and Annual Business Recycling and Waste Reduction Report for the Departments of Planning and Parks. According to staff, the reports reflect important accomplishments to conserve energy and water resources within the agency. The Resource Conservation Plan will be submitted to the Montgomery County Government for inclusion in the annual combined-agency Resource Conservation Plan document, which is prepared by the Interagency Committee on Energy and Utilities Management (ICEUM). The Annual Business Recycling and Waste Reduction report will be submitted to the Montgomery County Department of Environmental Protection (MCDEP). Staff noted that the reports reflect accomplishments to conserve both energy and water resources as of December 2019 and include plans for FY21 to conserve resources based on the Commission's Comprehensive Resource Conservation Plan.

Staff also reviewed recent changes to, and accomplishments of the recycling and waste reduction program in 2019. Staff added that initiatives and programs implemented across the Departments of Parks and Planning are in alignment with the Commission's Sustainability Practice 6-40.

There followed a brief Board discussion with questions to staff.

4. ***Ridge Road Recreational Park**---Authorization to acquire 1.03 acres, more or less, improved, from Ronald Bruce Kidwell and Theresa Marie Kidwell located at 21510 Ridge Road, Germantown, MD 20876.

Staff Recommendation: Approval

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 4-0

Nay:

Other: PATTERSON ABSTAINED

Action: Approved staff recommendation for approval of the proposed land acquisition cited above and adopted the attached Resolution.

Parks Department staff offered a multi-media presentation and discussed the proposed acquisition of land as an addition to the Ridge Road Recreational Park. The approximately 1.03-acre property, identified as Kidwell property, Parcel P866, is located on the west side of Ridge Road (MD27), just south of its intersection with Brink Road, and is zoned Residential in Germantown, Maryland. The property is surrounded by the 79-acre Ridge Road Recreational Park and is currently improved with a 1,692-square foot cape cod style single-family dwelling. The residence, which is currently occupied by the sellers, is in average physical condition and is currently on a private septic system, with public water and electric utilities.

Staff noted that following acquisition, the property will be the final parcel needed to complete Ridge Road Recreational Park by allowing the use of all the land within the triangular block between Frederick Road (MD355), Brink Road, and MD27. Also, the addition of one acre of level, unconstrained land, with existing utility connections to the overall developable space of the Park, will create the opportunity for additional park access, and space for more park amenities in the northeast corner of the Park. These amenities would include a community garden, a relocated or improved dog park, or other desired facilities. The start-up costs include \$75,000 for site cleanup, which includes removal of the dwelling, garage, and any necessary tree maintenance to make the property safe and accessible. No measurable Operating Budget Impact (OBI) is expected during the initial period of ownership from adding this one acre to the much larger Ridge Road Recreational Park. The negotiated price of \$561,000 will be funded with grant money from the Maryland Program Open Space (POS).

There followed extensive Board discussion with questions to staff.

***6. Lidl - Montgomery Village Whetstone Center**

A. Preliminary Plan No. 120200020: Request to create two lots for up to 55,000 square feet of commercial uses; located at 19251 Centerway Road, at the intersection of Montgomery Village Road, Montgomery Village; 6.52 acres in the CRT 1.25, C-1.0, R-1.0, H-75 and Montgomery Village Overlay Zones; 2016 Montgomery Village Master Plan.

Staff Recommendation: Approval with Conditions

B. Site Plan No. 820200030: Request to redevelop a vacant office park with up to 30,000 square feet of commercial use and associated open space, green roof, parking, loading, and stormwater management; located at 19251 Centerway Road, at the intersection of Montgomery Village Road, Montgomery Village; 4.41 acres in the CRT 1.25, C-1.0, R-1.0, H-75 and Montgomery Village Overlay Zones; 2016 Montgomery Village Master Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: A. & B. CICHY/PATTERSON

Vote:

Yea: A. & B. 5-0

Nay:

Other:

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

B. Approved staff recommendation for approval of the Site 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 proposed Preliminary and Site Plan requests to subdivide a property for commercial uses. The 6.52-acre property, currently consisting of Lots 27 and 29 through 35, is located on the southeast quadrant of the intersection of Montgomery Village Avenue and Centerway Road and is zoned Commercial/Residential/Town (CRT) in the Montgomery Village Master Plan and the Montgomery Village Overlay Zone areas. Currently, the site is developed with a vacant office park and associated surface parking and is accessed from the northeast corner via a curb cut along Centerway Road and from the west via a curb cut along Montgomery Village Road, with sidewalks provided along both frontages. According to staff, the buildings are boarded up and have fallen into disrepair.

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***6. Lidl - Montgomery Village Whetstone Center**CONTINUED

Staff noted that the applicant proposes to subdivide the property into two lots for a maximum of 55,000 square feet of retail/service establishment uses, consisting of 4.24-acre proposed Lot 36, the subject of the Site Plan application under review today, which will be redeveloped with a new 30,000-square foot Lidl grocery store; and proposed Lot 37 to the south, the subject of a future Site Plan that will include up to 25,000 square feet of retail/service establishment uses. All existing buildings on the site will be demolished and the majority of the existing asphalt on proposed Lot 37 will be removed and replaced with grass prior to the issuance of the Use and Occupancy Certificate for the current Site Plan application. The new Lidl grocery store will be located on the northwest corner of the property, near the intersection of Montgomery Village Avenue and Centerway Road. The existing curb cuts on Montgomery Village Avenue and Centerway Road will be retained, with the Montgomery Village Avenue driveway to be widened slightly to facilitate truck movements. The store loading space will be located in an enclosed loading bay area on the east side of the building. A total of 138 surface parking spaces will be provided on Lot 36, which will also be shared with the future development on Lot 37. A total of five bicycle parking spaces will also be provided. Staff noted that the applicant will be required to install a traffic signal at the intersection of Centerway Road, Club House Road, and the proposed Lidl grocery store entrance. The applicant also proposes 38,400 square feet, or 20 percent, of Lot 36 as open space, which will consist of a plaza along Montgomery Village Avenue and a large green area along Centerway Road. The final design and configuration of the open space on Lot 37 will be determined at a future site plan review. Staff also discussed minor revisions to the staff report, Preliminary Plan, and Site Plan.

Staff then discussed environmental issues, noting that the project has an afforestation requirement of 1.02 acres of forest planting, which will be met through the purchase of credits at an approved forest bank. The applicant has also submitted a variance request to remove five specimen trees and impact but not remove another, which will be mitigated with the planting of 14 trees onsite. Staff supports the variance request.

Staff received correspondence regarding the proposed project from community members expressing concerns about the future development of vacant Lot 37, the lack of proposed roadway and pedestrian improvements, vehicular and pedestrian safety, seating and benches, connectivity to the nearby Sunrise at Montgomery Village senior residence, and stormwater management. Staff has addressed each of these issues in the January 17 technical staff report.

Mr. Alex Vespoli, representing the Whetstone Homes Corporation, and Ms. Katherine Webb, representing the Montgomery Village Foundation, offered testimony.

Ms. Stacy Silber, attorney representing the applicant, offered comments and concurred with the staff recommendation.

At the request of the Planning Board, Ms. Rebecca Torma of Montgomery County Department of Transportation (MCDOT) briefly discussed pedestrian safety at the Centerway Road and Montgomery Village Road intersection.

Messrs. Patrick La Vay and Dustin Schade, and Ms. Katie Wagner, members of the applicant's team, also offered comments and answered questions from the Planning Board.

There followed a brief Board discussion with questions to staff and some of the speakers.

***5. Sandy Spring Townhomes: Limited Site Plan Amendment No. 82016001B in Response to a Violation**---Request to modify the layout of the turnaround plaza with associated seating and pergolas, modify condition 7b to require a 5'-0" sidewalk, modify condition 8 to update lot numbers that require special treatment and allow beaded vinyl siding at the end walls of highly visible facades, modify steel fencing details, modify the cap on brick piers; located on the south side of Olney Sandy Spring Road (MD Route 108) in between Norwood Road and Meeting House Road; 2.31 acres zoned CRN-0.75 C-0.25 R-0.75 H-45; 2015 Sandy Spring Rural Village Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: VERMA/FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

Other:

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 modify two existing conditions of approval for a previously approved Site Plan. The 2.17-acre property, consisting of Lots 1 through 19, is located on the south side of Olney Sandy Spring Road (MD108), approximately 250 feet of its intersection with Meeting House Road, and is zoned Commercial/Residential/Neighborhood (CRN) in the Sandy Spring Rural Village Plan area. The site is currently developed and built-out with a total of 19 occupied townhomes. According to staff, the Montgomery County Department of Permitting Services (DPS) issued a Notice of Violation (NOV) on December 19, 2018, for a number of discrepancies between the Certified Site Plan and the as-built conditions, including the emergency vehicle turnaround plaza, which was not constructed per the approved site layout and the elements, geometry, and subgrade pavement section. Also, the Planning Department issued two Administrative Citations on December 23, 2019, requiring remedial action on the emergency vehicle turnaround plaza by March 30, 2020, and on the side façades of high visibility units by May 15, 2020. The Amendment under review today is in response to the NOV and the two Administrative Citations.

Staff noted that the applicant proposes to modify the layout and configuration of the emergency vehicle turnaround plaza with seating and pergolas; modify condition 7b to require a five-foot wide sidewalk instead of the previously approved four-foot width; modify condition 8

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***5. Sandy Spring Townhomes: Limited Site Plan Amendment No. 82016001B in Response to a Violation**CONTINUED

to update the lot numbers that require special treatment and allow beaded vinyl siding at the end walls for the façades of the townhomes on lots 3, 8, and 9; add ornamental metal fencing details to reflect the configuration that was installed; and modify the planned caps on the brick piers from a precast cap to a sloped 30-inch square bluestone cap in order to reflect what was installed. According to staff, the proposed changes to the subgrade pavement section of the emergency vehicle turnaround plaza are not supported by DPS Fire Department Access and Water Supply because the submitted design and installation has not been certified by a geotechnical engineer or sealed by a professional engineer to meet the minimum load bearing requirements for either Montgomery County tertiary road standard or Montgomery County Fire and Rescue Service (MCFRS) apparatus. For this reason, staff has included an additional condition of approval requiring the applicant to submit a Fire Department Access Plan that meets the requirements of DPS and MCFRS. Staff added that since publication of the staff report, the applicant has submitted a geotechnical report that has been reviewed but not approved by MCFRS, as it did not meet the required standards.

Messrs. Patrick La Vay and Tyler Nichols, members of the applicant's team, offered comments and answered questions from the Board. Mr. La Vay noted that the geotechnical engineer has since re-evaluated the design standards and has concluded that the applicant's proposal does meet the MCFRS tertiary road subgrade standards. However, this finding has yet to be reviewed by DPS Fire Department Access and Water Supply as it has not been filed in a revised report sealed by an engineer in order to be formally submitted, evaluated, and approved.

Dr. Marie LaBaw, PhD, of DPS Fire Department Access and Water Supply Division, also offered comments and answered questions from the Board.

There followed extensive Board discussion with questions to staff, Messrs. La Vay and Nichols, and Dr. LaBaw, during which the Board instructed staff to include an additional condition of approval stating that the approval of the Plan is subject to DPS Fire Department Access and Water Supply Division approval of the geotechnical engineer's sealed analysis report.

7. John F. Kennedy High School

A. Mandatory Referral, No. MR2020010---Construction of a new 17,000 square foot addition to the existing John F. Kennedy High School to provide additional student capacity and the replacement of a natural grass stadium with artificial turf; located at 1901 Randolph Road, Silver Spring; on 29.09 acres of land zoned R-90; within the 1989 Communities of Kensington-Wheaton Master Plan.

Staff Recommendation: Transmit comments to Montgomery County Public Schools

B. Preliminary Forest Conservation Plan, No. MR2020010---Request to clear 1.36 acres of forest and a variance request in accordance with Section 22A-12(b)(3) to remove and impact specimen trees; located at 1901 Randolph Road, Silver Spring; on 29.09 acres of land zoned R-90; within the 1989 Communities of Kensington-Wheaton Master Plan.

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: **A. FANI-GONZÁLEZ/VERMA**
 B. FANI-GONZÁLEZ/VERMA

Vote:

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

Nay:

Other:

Action: **A. Approved staff recommendation to transmit comments to Montgomery County Public Schools regarding the above-mentioned Mandatory Referral request, as stated in the attached transmittal letter.**

B. Approved staff recommendation for approval of the Preliminary Forest Conservation Plan cited above, subject to revised conditions.

In keeping with the January 17 technical staff report, Planning Department staff offered a multi-media presentation and discussed a Mandatory Referral request from Montgomery County Public Schools (MCPS), and the associated Preliminary Forest Conservation Plan for the John F. Kennedy High School located on Randolph Road in Silver Spring, Maryland, within the Communities of Kensington/Wheaton Master Plan area. The school is part of the Down-County Consortium

Staff noted that the request is for the construction of a new three-story addition to the existing school, which will include eight standard classrooms, one drama classroom, a special education suite, two science labs, a technology suite, a multi-purpose lab, a medical career academy, a school store, and offices. The 17,000-square foot facility will allow for an additional 429 students for a total enrollment capacity of up to 2,221 students. The project also includes replacing a grass athletic field with a turf/synthetic field, and contingent on funding through the

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***7. John F. Kennedy High School – A. Mandatory Referral, No. MR2020010 & B. Preliminary Forest Conservation Plan, No. MR2020010**

CONTINUED

Montgomery County Department of Health and Human Services, a school-based wellness center will be included as an alternate for the project, which will serve students and their families and provide a variety of services, including sports physicals, immunizations, primary care, vision and hearing tests, and mental health care. Staff also noted that similar school-based wellness centers are operating at Northwood, Gaithersburg, Wheaton, and Watkins Mill High Schools. The services offered vary slightly based on the needs of the students, and these centers are generally implemented in communities with high concentration of low-income families according to MCPS.

Staff added that on-site vehicular parking spaces will increase by 28 percent following the proposed expansion, from 301 existing standard parking spaces and 12 American with Disabilities Act (ADA) accessible spaces, to 366 standard spaces and 18 ADA spaces. A new surface parking lot on the north side of the school will add approximately 108 parking spaces and the surface parking lot on the west side of the property is being reconfigured to improve circulation.

Staff then briefly discussed the Preliminary Forest Conservation Plan (PFCP) associated with the request, noting that the proposed construction will disturb the root zones of two specimen trees and one tree will be removed. A total of 1.36 acres of forest is proposed to be cleared, 2.17 acres of forest is proposed to be retained, and a total of 3.57 acres of forest is required for reforestation and afforestation. MCPS proposes to satisfy the planting requirement of 3.57 acres by purchasing credits in an off-site forest bank. In order to install the side-paths on Randolph Road and Middlevale Lane, as recommended in the Bicycle Master Plan, these numbers may be slightly modified when the Final Forest Conservation Plan is submitted. Staff briefly discussed minor revisions to the conditions of approval for the PFCP.

The following speakers offered testimony: Ms. Diana F. Conway of River Road and President of Safe Healthy Playing Fields, Inc.; and Mr. Sheldon Fishman of Dameron Drive.

Messrs. Seth Adams, Director of the Department of Facilities Management, and Andrew Zuckerman, Chief Operating Officer from MCPS, offered comments and answered questions from the Board.

There followed a brief Board discussion with questions to staff and MCPS representatives during which, Vice Chair Fani-González strongly recommended that natural grass be used on the ballfields instead of artificial or synthetic turf, which gets too hot and raises health, safety, and environmental concerns. The other Planning Board members supported her recommendation.

Legal Counsel to the Planning Board reminded Board members that its recommendations to MCPS about school projects are not legally binding.

8. Bethesda Downtown Plan – Implementation Advisory Committee – Appoint 1 new member to the committee to replace an outgoing member as of Jan 6th.

Staff Recommendation: Approval to Appoint a New Member

BOARD ACTION

Motion: VERMA/FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to appoint a New Member to the Bethesda Downtown Plan – Implementation Advisory Committee, as discussed during the meeting.

Planning Department staff briefly discussed the proposed appointment of a new member, Ms. Susan Wegner, to replace Mr. Jon Weintraub, a resident member of the Bethesda Downtown Plan Implementation Advisory Committee (IAC), who informed staff and members of the IAC Board on January 5 that he will not be able to complete his term.

Staff noted that members of the IAC are selected by representatives from the Planning Department, the Bethesda Urban Partnership (BUP), the Bethesda Regional Services Center (BRSC), and the Bethesda Green, as outlined by the Rules of Procedure. Ms. Wegner was selected among four applicants who were considered to replace Mr. Weintraub, as noted in the detailed January 30 staff memorandum.

There followed a brief Board discussion with questions to staff.

9. M-NCPPC Park Police – Montgomery County Division: 2019 Year in Review and Strategic Plan

Staff Recommendation: Briefing

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing from Montgomery County Park Police Chief Darryl McSwain on the Park Police 2019 Year in Review and Strategic Plan for 2020.

Parks Department Director Michael Riley introduced Montgomery County Park Police Chief Darryl McSwain, who in turn introduced Captain Nicole Adams, Assistant Chief for Special Operations; Captain Michael Murphy, Assistant Chief of the Investigations Branch; Captain Jeffrey Coe, Assistant Chief of the Patrol Branch; and Lieutenant Sarah Mikalauskas, Special Assistant to Chief McSwain.

Chief McSwain offered a brief video on the Park Police work and activities and discussed the Park Police various activities and challenges during 2019, and the proposed strategic plan for 2020.

There followed a brief Board discussion with questions to Chief McSwain.