



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

**APPROVED
MINUTES**

The Montgomery County Planning Board met in regular session via Microsoft Teams video conference on Thursday, July 30, 2020, at 9:05 a.m., and adjourned at 8:12 p.m.

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

Items 1 through 10 are reported on the attached agenda.

Items 1A3 and 1A4 were removed from the Planning Board agenda.

The Planning Board recessed for lunch at 1:11 p.m. and reconvened via video conference at 1:38 p.m.

Items 11, 12, 14, 13, 15, and 16, discussed in that order, are reported on the attached agenda.

Commissioner Cichy temporarily left the meeting before discussion of Item 16 and rejoined after the dinner break.

The Planning Board recessed for dinner at 5:45 p.m. and reconvened via video conference at 6:15 p.m.

Items 17 and 18 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 8:12 p.m. The Planning Board will be in recess during the month of August and will reconvene on Thursday, September 10, 2020, via video conference.

M. Clara Moise

M. Clara Moise
Sr. Technical Writer/Editor

James J. Parsons

James J. Parsons
Sr. Technical Writer/Editor

Montgomery County Planning Board Meeting
Thursday, July 30, 2020
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

1. Glenstone Foundation FCP SC2020008 – MCPB No. 20-060
2. Woodward High School Reopening FCP MR2020022 – MCPB No. 20-067
- ~~3. 8015 Old Georgetown Rd. Preliminary Plan 12016022A – MCPB No. 20-052~~ **REMOVED**
- ~~4. 8015 Old Georgetown Rd. Site Plan 820200130 – MCPB No. 20-053~~ **REMOVED**

BOARD ACTION

Motion: 1. & 2. FANI-GONZÁLEZ/CICHY

Vote:

Yea: 1. & 2. 5-0

Nay:

Other:

**Action: 1. & 2. Adopted the Resolutions cited above, as submitted.
3. & 4. These Items were removed from the Planning Board agenda.**

***B. Record Plats**

Subdivision Plat No. 220190900, Bradley Farms -- RE-2 zone; 1 lot; located immediately south of the intersection of River Road (MD Rt 190) and Logan Drive; Potomac Sub-Region 2002 Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: FANI-GONZÁLEZ/PATTERSON

Vote:

Yea: 5-0

Nay:

Other:

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

***C. Other Consent Items**

1. Creekside at Cabin Branch: Preliminary Plan No. 120200050, Regulatory Review Extension Request No. 2---Request to extend the regulatory review period for an additional three months until October 30, 2020; Application for a residential development consisting of 117 single-family detached units and 208 single-family attached units, including 12.5% MPDUs, and one existing single-family detached dwelling unit for a total of 326 dwelling units; +/-402.6 acres; RNC Zone; Clarksburg West Environmental Overlay Zone; located on the southwest quadrant of the intersection of MD Route 121 (Clarksburg Road) and W Old Baltimore Road; 2014 Clarksburg Ten Mile Creek Area Limited Amendment.

Staff Recommendation: Approval of the Extension Request

2. Amended Land Acquisition Resolution for Muddy Branch Stream Valley Park Unit 3 1.21 acres, more or less, unimproved---Request to amend Resolution 19-098 for land acquisition of the SHA-Former Otis Kent Property Darnestown Road (MD 28) at American Way, Gaithersburg, MD 20878 to reflect updated property boundary and price of \$14,000.

Staff Recommendation: Approval of the Amendment Request

3. Freeman Property: Administrative Subdivision Plan No. 620190140, Regulatory Review Extension Request No. 3---Request to extend the regulatory review period for 3 months until November 2, 2020; an Application to create two lots; on Sugarland Road 1,200 feet northeast of Sugarland Lane; 7.65 acres; R-200 Zone; 1980 Agricultural and Rural Open Space Master Plan.

Staff Recommendation: Approval of Extension Request

4. College View Campus

A. Preliminary Plan No. 120200170, Regulatory Review Extension Request No. 2---Request to extend the regulatory review period for 3 months until November 7, 2020; an application to create three lots for two multi-use buildings with 137 multi-family units and one commercial building with research/lab/commercial space, including 25 percent MPDUs, located on the east side of Frederick Road (MD 355), approximately 500 feet north of Cider Press Place; 4.98 acres, CRT-0.75, C-0.25, R-0.50, H-40 zone & R-60/TDR 12 zone; 2009 Germantown Sector Plan.

Staff Recommendation: Approval of Extension Request

B. Site Plan No. 820200140, Regulatory Review Extension Request No. 2---Request to extend the regulatory review period for 3 months until November 7, 2020; an application to create three lots for two multi-use buildings with 137 multi-family units and one commercial building with research/lab/commercial space, including 25 percent MPDUs, located on the east side of Frederick Road (MD 355), approximately 500 feet north of Cider Press Place; 4.98 acres, CRT-0.75, C-0.25, R-0.50, H-40 zone & R-60/TDR 12 zone; 2009 Germantown Sector Plan.

Staff Recommendation: Approval of Extension Request

CONTINUED ON NEXT PAGE

***C. Other Consent Items**

CONTINUED

5. Adoption of Corrected Resolution for 12500 Ardennes Site Plan 820200080 MCPB No. 20-054

BOARD ACTION

Motion: 1. & 4. FANI-GONZÁLEZ/PATTERSON
2., 3., & 5. FANI-GONZÁLEZ/CICHY

Vote:
Yea: 1. through 5. 5-0

Nay:

Other:

Action: 1. & 4A. Approved staff recommendation for approval of the Preliminary Plan Extension requests cited above.
2. Approved staff recommendation for approval of the Amended Land Acquisition Resolution cited above.
3. Approved staff recommendation for approval of the Administrative Subdivision Plan Extension request cited above.
4B. Approved staff recommendation for approval of the Site Plan Extension request cited above.
5. Adopted the corrected Resolution cited above, as submitted.

***D. Approval of Minutes**

Planning Board Meeting Minutes of July 16, 2020

BOARD ACTION

Motion: FANI-GONZÁLEZ/PATTERSON

Vote:

Yea: 5-0

Nay:

Other:

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

2. Roundtable Discussion

- Planning Department Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing.

Planning Department Director’s Report – Following brief comments from Richard Weaver, Area 3 Division Chief, regarding his upcoming retirement, Planning Department Director Gwen Wright offered a multi-media presentation and a brief history of the Montgomery Regional Office (MRO), which is currently the headquarters for the Planning Department until the upcoming move to the new Wheaton Headquarters building in September.

Historic Preservation Division staff then briefly discussed the Montgomery County Street and Park Facility Renaming Review. Staff noted that on June 15, the Montgomery County Council sent a letter to County Executive Marc Elrich and Planning Board Chair Casey Anderson calling for a comprehensive review of all County owned and maintained street names and public facilities to determine all those named for Confederate soldiers or those who otherwise do not reflect Montgomery County values. According to staff, the Planning Department is tasked with naming and renaming any street or highway and numbering or renumbering the houses in the area under its jurisdiction. Since the initial June letter, Montgomery County Parks Department Cultural Resources Division staff and Montgomery County Planning Department Historic Preservation Division staff have been working together to create a comprehensive list of county-owned and maintained streets, parks and parks facilities that have the names of individuals that were known Confederates, Confederate sympathizers, and slaveholders who resided in Montgomery County. Staff noted that though still a work in progress, the resulting database of names thus far is vast. Staff will continue their research throughout August and brief the Planning Board and County Council and provide a more detailed report with a data-based and historically accurate inventory of these findings in September.

There followed a brief Board discussion.

***3. High Acres, Limited Site Plan Amendment No. 82006022B (In Response to Notices of Violation)---**R-90 Zone (Cluster Development), 4.4 acres, Request to modify various site elements including; adding stairs on a private sidewalk along Brookes Ridge Court, install a 6-foot high privacy wooden fence along the northern property line, revise species and placement of landscaping features; and revise placement of underground utility lines. Located on Brookes Lane, 380 feet South of Sangamore Road; 1990 Bethesda Chevy Chase Master Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 5-0

Nay:

Other:

Action: **Approved staff recommendation for approval of the Limited Site Plan Amendment cited above, subject to conditions, and adopted the attached Resolution.**

Planning Department staff offered a multi-media presentation and discussed a proposed Limited Site Plan Amendment request to revise an approved certified Site Plan to address notices of non-compliance and to construct a fence. The 4.4-acre property is located on the west side of Brookes Lane, approximately 500 feet south of its intersection with Sangamore Road and is zoned Residential in the Bethesda-Chevy Chase Master Plan area, Little Falls lower mainstem watershed, and the Potomac River direct watershed. The property has frontage on both MacArthur Boulevard and Brookes Lane, but steep slopes along MacArthur Boulevard prohibit access, therefore access is provided from a private road via Brookes Lane. Currently, the site is developed with a single-family residence and 11 townhouse units.

Staff then briefly discussed previous approvals, including 2006 Preliminary and Site Plans for the creation of 12 lots to construct the townhouses and single-family residence, and a 2013 Site Plan Amendment to eliminate the approved recreational facilities and individual underground parking garages, reconfigure two drive aisles into one roadway, replace a single retaining wall with two terraced retaining walls and increase the overall wall height, revise lot lines, and revise landscaping and lighting plans.

Staff noted that the applicant proposes to address two elements of the constructed development that did not match the certified Site Plan, which were cited in notices of non-compliance issued in 2017 and 2019. The first is a two-riser stair added to an internal sidewalk during construction to accommodate detailed site grading. To improve safety, staff is conditioning that the steps be reconstructed with even riser heights, a minimum 12-inch tread, and a handrail. The second is the species, quantities, and locations of the landscaping from that

CONTINUED ON NEXT PAGE

***3. High Acres, Limited Site Plan Amendment No. 82006022B (In Response to Notices of Violation)**

CONTINUED

shown on the original certified Site Plan. Staff noted that the revised landscaping proposed by the applicant is qualitatively similar. The applicant also proposes to install a 6-foot-high wooden privacy fence along the northern property line to help screen from the adjacent National Geospatial Intelligence Agency facility, which staff supports, as it enhances the screening and compatibility with the adjoining uses. Staff added that as conditioned under the Amendment, an existing forest conservation easement area will receive restoration plantings of native trees and shrubs along with the control of invasive species to address encroachments that occurred in association with sediment control issues and retaining wall work.

Staff has received several letters expressing concerns regarding previous versions of the plans, items beyond the scope of the Amendment such as sediment and erosion control issues, or issues that have since been resolved.

Mr. Russell Reese, member of the applicant’s team, offered comments.

There followed a brief Board discussion with questions to staff.

*4. **2 Bethesda Metro, Site Plan Amendment No. 81989060D**---CR 8.0, C 8.0 R 7.75 H 250, 1.14 acres; Request to convert 8,999 square feet of office into a daycare center for up to 112 children, request to redesign and reduce public use space by 1,775; Located at the intersection of Woodmont Avenue and Montgomery Lane; 2017 Bethesda Downtown Sector Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: CICHY/FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

Other:

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

Planning Department staff offered a multi-media presentation and discussed a proposed Limited Site Plan Amendment request to convert an existing office space to a daycare center. The 1.14-acre property is located on the Northeast quadrant of the intersection of Woodmont Avenue and Montgomery Lane. Although currently zoned Bethesda Overlay Zone (BOZ) within the Bethesda Downtown Sector Plan area, staff noted that the site is being reviewed under the Central Business District (CBD-3) Zone, pursuant to the grandfathering provision of the Zoning Ordinance. The property is currently developed with a 17-story office building with ground floor retail and accessed from Woodmont Avenue and North Lane. A pedestrian entrance from Montgomery Lane to the south steps up into a 23,558-square foot, second-story plaza, identified as the Discovery trail, which is located above the Bethesda Metro Station and bus depot and connects to the 3 and 4 Bethesda Metro buildings. Staff added that in 1989, the Planning Board approved Project and Site Plans to allow 276,208 square feet of office uses, 22,500 square feet of retail uses, and 23,558 square feet of public use space.

Staff noted that the applicant proposes to amend the previously approved site plan to convert 8,999 square feet of office space into a daycare center for up to 112 children, decrease public use space by 1,775 square feet to create a play area for the daycare, and modify hardscape and planting. The proposed play area will be located near the front entrance of the building on the second story plaza and integrated into the existing plaza through a slight modification to the existing pavers, a four-foot tall aluminum fence, and maintaining a 15-foot wide, clear path for proper circulation around the play area. A vegetated wall will be installed over the existing concrete overlook wall to North Lane for safety purposes. The applicant will also provide one long-term and one short-term bicycle parking spaces within the existing onsite bicycle parking for the building. Staff then briefly discussed minor corrections to the staff report.

CONTINUED ON NEXT PAGE

***4. 2 Bethesda Metro, Site Plan Amendment No. 81989060D**

CONTINUED

Following the publication of the staff report, staff has received community correspondence expressing concerns regarding the proposed location of the play area and the resulting plaza circulation. Staff has addressed these issues, noting that a 15-foot wide clear path around the play area is adequate.

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

There followed a brief Board discussion with questions to staff.

5. Ellsworth Drive: Abandonment No. AB771---The portion of Ellsworth Drive, between Georgia Avenue and Fenton Street in Downtown Silver Spring, 2000 Silver Spring CBD Sector Plan

Staff Recommendation: Approval and Transmittal of Comments to the Montgomery County Department of Transportation

BOARD ACTION

Motion: FANI-GONZÁLEZ/VERMA

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to transmit comments to the Montgomery County Department of Transportation, as discussed during the meeting, and as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed a proposed Right-of-Way (ROW) Abandonment request to abandon vehicular and pedestrian access easements and a Public Utility Easement (PUE) on a portion of an improved Business District roadway. The site, a public access easement ROW identified as Upper Ellsworth, is located on 18 linear feet along the northwest side of Ellsworth Drive between Georgia Avenue (MD97) and Fenton Street, and is zoned Commercial/Residential (CR) in the Silver Spring Central Business District (CBD) Sector Plan area. The Abandonment for the southeast side of this segment of Ellsworth Drive was previously approved in 1989. According to staff, the design of the street transitions from a narrow, curbed street with sidewalks at MD97, to a shared street flush with the public plaza on the property and then back to a curbed roadway with on-street parking and sidewalks at Fenton Street. This segment of Ellsworth Drive is routinely closed to vehicular traffic for farmers markets and live music events throughout the week to provide ample, unimpeded space for people to walk and gather on the property. Staff added that in June, the Planning Board approved the Downtown Silver Spring Project Plan and Site Plan Amendments, which will increase public use space by 10,242 square feet, install new public art, remove 11 on-street parking spaces, and restrict Ellsworth drive access for all non-essential vehicles.

Staff noted that the applicant is petitioning to extinguish the public access easement along the northwestern portion of Ellsworth Drive and abandon the public ROW within Upper Ellsworth. As a result of the proposed Abandonment, Ellsworth Drive will be formally closed to non-essential vehicular traffic, while still allowing access for emergency vehicles and deliveries. The applicant also proposes to modify the hardscaping and landscaping within Ellsworth Drive

CONTINUED ON NEXT PAGE

5. Ellsworth Drive: Abandonment No. AB771

CONTINUED

to increase pedestrian-friendly space. Staff added that though a portion of the Abandonment area is to be covered with artificial turf, the underlying asphalt base of the street, which will remain, allows emergency and delivery vehicles to continue to access the space. Staff then briefly discussed a minor correction to one condition of approval.

Following the posting of the staff report, staff received community correspondence expressing concerns regarding the use of artificial turf, and concerns that abandoning the ROW will essentially give the underlying land to a private entity, which staff addressed by noting that the underlying land is owned by the County and ground leased to a private entity. Therefore, if abandoned, land will revert to the County as land, not as ROW.

The following speakers offered testimony: Ms. Kathleen Michaels, representing One Montgomery Green; Ms. Susan Loftus of Orange Drive; and Ms. Shruti Bhatnagar, representing the Montgomery County Chapter of the Sierra Club.

Ms. Barbara Sears, attorney representing the applicant, offered comments, and concurred with the staff recommendation.

Mr. Bryant Foulger, member of the applicant's team, and Ms. Rebecca Torma of Montgomery County Department of Transportation (MCDOT), also offered comments and answered questions from the Board.

There followed extensive Board discussion with questions to staff and Ms. Sears, during which Vice Chair Fani-González and Commissioners Cichy and Patterson instructed staff to include additional comments noting their concerns regarding the safety of the proposed synthetic turf.

6. Forest Glen/Montgomery Hills Sector Plan Sectional Map Amendment H-137

Staff Recommendation: Approval

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 5-0

Nay:

Other:

Action: **Approved staff recommendation to transmit the Forest Glen/Montgomery Hills Sector Plan Sectional Map Amendment (SMA) to the County Council.**

Planning Department staff briefly discussed a Sectional Map Amendment (SMA) for the Forest Glen/Montgomery Hills Sector Plan and requested Planning Board approval of the SMA for transmittal to the County Council. Staff noted that this request is to file SMA H-137, with the technical staff report, to implement the recommendations of the Approved and Adopted 2020 *Forest Glen/Montgomery Hills Sector Plan*.

There followed a brief Board discussion with questions to staff.

*7. **Village at Cabin Branch: Site Plan No. 820200150**---Application to create 375 senior living units, comprised of 135 multi-family and 240 townhouses, and up to 16,000 square feet of non-residential space; located at northeast quadrant of the intersection of Cabin Branch Avenue and Little Seneca Parkway; 61.54 acres; MXPDP zone; 1994 Clarksburg Master Plan & Hyattstown Special Study Area.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 5-0

Nay:

Other:

Action: **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 a proposed Site Plan request to construct a mixed-use development. The 61.54-acre property is located on the north and south sides of Little Seneca Parkway and consists of a 60.21-acre parcel located in the northeast quadrant of the intersection of Cabin Branch Avenue and Little Seneca Parkway, extending north to Petrel Street, and a 1.33-acre parcel located in the southwest quadrant of the intersection of Cabin Branch Avenue and Little Seneca Parkway, within the Clarksburg Master Plan and Hyattstown Special Study area. Staff noted that while the property is currently zoned Commercial/Residential/Town (CRT), it is being reviewed under the Mixed-Use Planned Development (MXPDP) Zone because, pursuant to the current Zoning Ordinance, it is eligible for grandfathering. The partially rough-graded parcels are currently undeveloped, consisting mainly of abandoned farm fields and hedgerows, with a steep stream valley along the eastern edge of P645.

Staff then discussed previous approvals, including a 2004 Preliminary Plan and subsequent Amendment for 1,600 residential units and 1,500,000 square feet of commercial development, a 2008 Amendment to increase the residential density to 1,886 units and the commercial density to 2,400,000 square feet, a 2014 Amendment to allocate 484,000 square feet of commercial uses as retail, and a 2014 Development Plan Amendment (DPA) to increase allowed retail uses to a total of 484,000 square feet to accommodate a major retail center, with binding elements requiring all streets to adhere to a pedestrian-friendly design to the extent practicable, which places particular emphasis on a building line to frame the street, with parking in the rear, excluding retail and entertainment uses.

CONTINUED ON NEXT PAGE

***7. Village at Cabin Branch: Site Plan No. 820200150**CONTINUED

Staff noted that the applicant proposes to construct 375 age-restricted units consisting of 202 front-loaded and 38 rear-loaded single-family attached units, and 135 multi-family units in five four-story buildings on the northeastern portion of the site, and up to 16,000 square feet of non-residential space split between the northeastern and southwestern portions. For the proposed residential portion, the applicant also proposes a clubhouse and a fitness building, a centralized park with recreational amenities, and a pedestrian trail system. Bicycle and pedestrian access will use the existing system along Cabin Branch Avenue, Divekie Avenue, Plover Street, and Little Seneca Parkway; a proposed eight-foot wide shared-use path along Cabin Branch Avenue; sidewalk and trail systems connecting the open space and recreational amenities; and lead walkways to all buildings. Vehicular access will be provided by the proposed extensions of Petrel Street, Skimmer Street, Harrier Way, and Plover Street, with parking to be located to the rear and side of non-residential buildings.

Staff then discussed issues with the proposed development, including the design of the multi-family units, which proposes that the main entrance and lobby be located and accessed from the rear of the façade. According to staff, the binding elements of the DPA and Cabin Branch Design Guidelines require that any lobby be accessed from the building façade from a comprehensive pedestrian circulation system that takes into account the source and destination of pedestrians. To address this issue, staff recommended that the main access to the multi-family buildings be directly connected to the central lobby without doors or physical barrier, the trash and utility rooms be relocated away from the building façade facing the public street, and the exterior architectural character, proportion, materials, articulation, and entry porticos be substantially similar to the submitted architectural drawings. Staff also noted that the current Master Plan and the DPA originally envisioned more office and retail spaces within this part of Cabin Branch. To address this, staff recommends that the applicant be required to obtain a Use and Occupancy permit prior to the release of the 168th building permit for the smaller commercial building proposed for the northeastern portion of the site, and prior to the release of the 204th building permit for the larger commercial building proposed for the southwestern portion.

Mr. Bob Harris, attorney representing the applicant, offered comments, and concurred with the staff recommendation with the exception of conditions 10 and 20 regarding the proposed design of the multi-family condominium buildings and the timing component of the non-residential portion of the project, respectively, a proposed natural surface trail along the eastern property line, and the proposed expansion of the eight-foot wide shared-use path along Cabin Branch Avenue to 10 feet, noting that Montgomery County Department of Transportation (MCDOT) does not support the widening of the shared use path. He also proposed an additional condition of approval stating that staff and the applicant will continue to work jointly to implement a natural surface trail.

Mr. Steve Nardella, Ms. Aubrey Dym, and Ms. Sylke Knuppel, members of the applicant's team, offered a multi-media presentation and discussed the project design elements, specifically the multi-family condominium units and the natural-surface trail.

There followed extensive Board discussion with questions to staff and Mr. Harris, during which the Planning Board agreed with the staff recommendation for the timing and phasing of the commercial buildings. The Board also instructed staff to include new conditions of approval stating that the street entrances for the multi-family condominium buildings must be designed in a manner acceptable to staff,

CONTINUED ON NEXT PAGE

***7. Village at Cabin Branch: Site Plan No. 820200150**

CONTINUED

and that at a trigger satisfactory to staff, a natural surface trail shall be constructed on the eastern property line that will ultimately provide connections to the Cabin Branch Premium Outlets and Little Seneca Parkway, and be shown on the Certified Site Plan.

Legal Counsel to the Board noted that due to the numerous revisions, the accompanying Resolution would be revised and submitted for adoption at the next Planning Board meeting.

8. Germantown Plan for the Town Sector Zone---Adopt the Planning Board Resolution for the Germantown Plan for the Town Sector zone, as amended and approved by the County Council, and transmit to the Full Commission of the Maryland-National Capital Park and Planning Commission.

Staff Recommendation: Approval and Adoption of Resolution

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the attached Resolution for the Germantown Plan for the Town Sector Zone to be transmitted to the Full Commission for adoption.

***9. Rosewood Manor Estates, Preliminary Plan Amendment No. 12006102A**---Request Application to add a new condition to extend the Preliminary Plan validity by 16 ~~10~~ months and update the Preliminary/Final Water Quality Plan ~~modify the approved driveway layout~~, located on the northside of Rosewood Manor Lane, approximately 1,150 feet east of Woodfield Road (MD 124); 7.87 acres; RE-1 Zone; 2004 Upper Rock Creek Area Master Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: CICHY/VERMA

Vote:

Yea: 5-0

Nay:

Other:

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

Planning Department staff offered a multi-media presentation and discussed a proposed Preliminary Plan Amendment request to extend the validity period of a Preliminary Plan and update the accompanying Preliminary/Final Water Quality Plan to allow the applicant to complete the record plat application process. The 7.87-acre property, identified as proposed Lots 35 and 36, is located on the northside of Rosewood Manor Lane, approximately 1,150 feet east of its intersection with Woodfield Road, and is zoned Rural Estate (RE-1) and Upper Rock Creek Overlay Zone within the Upper Rock Creek Area Master Plan area and the Upper Rock Creek Special Protection Area (SPA) in the Rock Creek watershed. Other than an existing paved driveway that crosses the site from Rosewood Manor Lane to provide access to adjacent lots 15, 16, and 17, the property is currently undeveloped. While the site contains 1.2 acres of forest, much of the forest consists of invasive, non-native species. The remainder of the property is a fallow agricultural field. Staff added that the property was originally approved for two lots for two single-family detached homes with a shared driveway in 2008, for which the validity period on August 22, 2020 by the County Council.

Staff noted that the applicant is requesting to extend the Preliminary Plan validity period by 16 months and modify the approved driveway configuration and the condition requiring the new shared driveway to serve Lots 15 and 16. Because Lots 35 and 36 will be served by private sand mounds and not by public sewer, any proposed development is exempt from the Upper Rock Creek Overlay Zone impervious surface limits, which were erroneously applied with the original approval. Therefore, the

CONTINUED ON NEXT PAGE

***9. Rosewood Manor Estates, Preliminary Plan Amendment No. 12006102A**CONTINUED

applicant is also requesting to update the approved Water Quality Plan. Staff noted that the Montgomery County Department of Permitting Services (DPS) has issued a new approval memorandum for their portion of the Preliminary/Final Water Quality Plan review.

Staff has received one letter from the president of the Rosewood Manor Estates Homeowners Association (HOA) noting that the current owners of Lots 15 and 16 hold a perpetual easement for their existing driveway, and they adamantly oppose sharing a new driveway with two new property owners for logistical, financial, and architectural reasons. The letter also expressed concerns regarding the proposed removal of trees along the modified driveway, and the proposed location of the third backup sand mound septic system for Lot 35. Staff has addressed each of these concerns, as detailed in the July 17 technical staff report.

There followed a brief Board discussion with questions to staff.

***10. Mary J. Boland Subdivision, Lot 95, Preliminary Plan Amendment No. 11993011A--**
 Request to change a condition of approval that currently limits the property to a single-family house to allow an approved conditional use (CU 20-01) for a 9-16 person residential care facility, located at 20629 Boland Farm Road, Germantown, identified as Lot 95 Mary J. Boland Subdivision (Record Plan 19216), 0.56 acres, R-200 zone, south side of Boland Farm Road, west of the intersection with Frederick Road (MD 355), 2009 Germantown Employment Area Sector Plan.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: CICHY/PATTERSON

Vote:

Yea: 5-0

Nay:

Other:

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

Planning Department staff offered a multi-media presentation and discussed a proposed Preliminary Plan Amendment request to remove a previously approved Preliminary Plan condition that currently limits the uses for a property. The 0.56-acre property, identified as Lot 95, is located on the south side of Boland Farm Road, 335 feet west of its intersection with Frederick Road (MD355), and is zoned Residential within the Germantown Employment Area Sector Plan area. The site is currently developed with a two-story, 7,900-square foot residential building and driveway that accesses Boland Farm Road. Until recently, the residence was utilized as a medical office, which was approved by Special Exception. Staff added that in July, the County Council approved a Conditional Use to operate a residential care facility for nine to 16 persons.

Staff noted that in order to repurpose the existing residence/medical office for the proposed residential care facility, the applicant proposes to remove Condition 2 of the original 1993 Preliminary Plan requiring the applicant to submit an agreement with the Planning Board limiting the property to a single-family dwelling with a resident medical practitioner office. The applicant is also requesting approval for 12 parking spaces, Landscape and Lighting Plans, parking setback waiver, and an elevator addition, which is the only proposed exterior modification and is required for Americans with Disabilities Act (ADA) compliance. Staff added that the applicant will also be required to improve the Boland Farm Road frontage with a five-foot wide concrete sidewalk connecting the existing sidewalks on the properties abutting the property along Boland Farm Road.

Mr. Jody Kline, attorney representing the applicant, offered comments and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff.

11. Spectrum Retirement Communities

A. Preliminary Forest Conservation Plan CU-20-05---Conditional Use to operate a 100-unit, 130-bed Residential Care Facility for (over 16 Persons) including an 18-memory care wing, on a 5.93 -acre property located at 9545 River Road on the north side of the Road, 0.5 mile east of its intersection with Falls Road in Potomac, MD, Identified as Parcel 786 Tax Account No. 10-00855533, RE-2 zone, 2002 Potomac Subregion Master Plan.

Staff Recommendation: Approval with Conditions

B. Conditional Use CU-20-05---To operate a 100-unit, 130-bed Residential Care Facility for (over 16 Persons) including an 18-unit memory care section, on a 5.93 -acre property located at 9545 River Road on the north side of the Road, 0.5 mile east of its intersection with Falls Road in Potomac, MD, Identified as Parcel 786 Tax Account No. 10-00855533, RE-2 zone, 2002 Potomac Subregion Master Plan.

Staff Recommendation: Approval with Conditions

(NOTE: Action required for hearing by Hearing Examiner on September 21, 2020)

BOARD ACTION

Motion: A. & B. CICHY/VERMA

Vote:

Yea: A. & B. 5-0

Nay:

Other:

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

B. Approved staff recommendation to transmit recommendations to the Hearing Examiner regarding the Conditional Use request cited above, as stated in the attached letter.

Planning Department staff offered a multi-media presentation and discussed a proposed Conditional Use request and the associated Preliminary Forest Conservation Plan (FCP) to construct a residential care facility for more than 16 people, including a memory care section. The 5.04-acre property is located on the north side of River Road (MD190), approximately 0.5 miles east of its intersection with Falls Road (MD189) and is zoned Residential Estate (RE-2) in the Potomac Subregion Master Plan area. The site, which is accessed from MD190, is currently developed with a nursery/garden center and florist, an associated parking lot, numerous sheds, outdoor storage, and planting areas.

Staff then briefly discussed the proposed Preliminary FCP, noting that neither forest clearing nor retention is proposed for the project, resulting in a 1.2-acre afforestation requirement, which will be met with onsite planting that will be placed in a Category I Conservation Easement. The applicant has also

CONTINUED ON NEXT PAGE

11. Spectrum Retirement CommunitiesCONTINUED

submitted a variance request to remove one protected tree and impact another, which will be mitigated through the planting of three canopy trees onsite. Staff added that the Final FCP will be submitted with the Preliminary Plan.

Staff noted that the applicant proposes to replace the existing Conditional Use to construct and operate a three-story, 100-unit, 130-bed residential assisted living facility with 18 Memory Care units, 16 surface spaces, and a 69-space underground parking facility. Pedestrian access to the facility will be provided by an existing and proposed shared use path on MD190. Vehicular access will be provided from MD190 via a 20-foot wide loop access drive with a one-way entrance and separate exit. The site will be screened from neighboring properties through landscaping, forest conservation easements, and fencing. Staff then briefly discussed minor corrections to the conditions of approval.

Staff has received two letters of opposition from neighboring property owners expressing concerns regarding the proposed density of the project, the current number of existing residential care facilities in the area, and the potential for flooding. Staff has addressed each of these issues, as detailed in the July 18 technical staff report.

The following speakers offered testimony: Mr. David Brown, attorney representing ten neighboring property owners; Mr. Erik Gaull of Arden Road; Mr. Hass Bashir, adjacent property owner; and Mr. Matthew Gordon, attorney representing the Greater Bethesda Chamber of Commerce.

Mr. Steve Robins and Ms. Elizabeth Rogers, attorneys representing the applicant, offered a multi-media presentation, comments, and generally concurred with the staff recommendation, but requested a minor revision to the wording of Condition 2 regarding the number of employees permitted onsite at any one time in order to address any occasional brief overlap of staff that may occur during shift changes. Both the Planning Board and staff were amenable to the revision.

Messrs. Michael Longfellow, Josh Sloan, Brian Van Winkle, members of the applicant's team, also offered comments and discussed the project design elements.

There followed extensive Board discussion with questions to staff.

***12. Fairchild: Subdivision Regulation Waiver No. SRW202101 and Site Plan Amendment No. 82018022A**---Waiver Request for limited findings of Ch. 50 for the purpose of an APF validity extension and request for a 2-year extension to the validity period for the finding for Adequate Public Facilities for the Site Plan, which approved one 201,720 square foot residential building with 212 dwelling units and 20,933 sq. ft. of existing commercial space; located on the south side of Century Blvd., approximately 150 ft. east of the intersection with Aircraft Dr.; 5.49 acres; CR 2,0, C-1.5, R-1.5, H-145T and Germantown Transit Mixed Use Overlay Zone; Germantown Employment Area Sector Plan area.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

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

Vote:

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

Nay:

Other:

Action: **A. Approved staff recommendation for approval of the Subdivision Regulation Waiver request cited above, subject to conditions discussed at the meeting.**
 B. Approved staff recommendation for approval of the Site Plan Amendment request cited above, subject to conditions, and adopted the attached Resolution.

Planning Department staff offered a multi-media presentation and discussed a Subdivision Regulation Waiver request and a Site Plan Amendment for the Fairchild project. Staff noted that the applicant is requesting a waiver request for limited findings of Chapter 50 for the purpose of a two-year extension of the Adequate Public Facilities (APF) validity period and an amendment to the Site Plan which was approved for a 201,720-square foot residential building with 212 dwelling units and 20,933 square foot of existing commercial space. Staff noted that the 5.49-acre site is located on the south side of Century Boulevard, approximately 150 feet of its intersection with Aircraft Drive in the Germantown Transit Mixed-use Overlay Zone and the Germantown Employment Area Sector Plan area.

Staff then noted that the Fairchild property is comprised of Parcel V, on Block U, V, W, and is mostly developed with one-story pad-site restaurant uses (IHOP, Red Robin, Señor Tequilas), surface parking lots, and one cleared and graded grass ‘pad’ that has yet to be developed. Parcel V shares the block with two other recorded parcels which are part of the GTTCE Property, including Parcel W with a Fairfield Marriot Hotel, and Parcel U with a Lonestar Steakhouse restaurant. The entire block is developed as one interconnected network of pedestrian and vehicle circulation and parking, including shared use and access agreements. There is currently one direct point of access to Century Boulevard centered on the block, and there is a second shared access location on the Top Golf

CONTINUED ON NEXT PAGE

***12. Fairchild: A) Subdivision Regulation Waiver No. SRW202101; and B) Site Plan Amendment No. 82018022A**CONTINUED

site located east of the hotel. Other than trees and grass in parking lot islands, there is little existing vegetation and no identifiable environmental resources on the Fairchild Property. The APF approval for Fairchild is not granted by the underlying Preliminary Plan, but instead as a partial continuation of the Germantown Town Center East (GTTCE) Site Plan approval. This APF approval was valid for 12 years from the 2000 approval; it was then extended by an additional eight years as part of the County Council's automatic APF extensions in reaction to the 2008 Recession to April 27, 2020. This APF allowance granted under the GTTCE Site Plan was recently split between the linked Fairchild Site Plan No. 820180220 and the GTTCE Site Plan Amendment No. 81999001H.

Staff then noted that the Site Plan was reallocated density and a conversion of commercial trips into residential trips as part of the APF finding of the Plan approval; a commensurate amount of development and trips were reduced on the GTTCE property as amended by the linked Site Plan No. 81999001H approval. This was possible because the two Site Plans share a common Applicant, and because the APF was approved with building permits and tied to density, not to a specific Preliminary or Site Plan approval. The validity period for the amended GTTCE Site Plan has expired, leaving only the APF determination for the Fairchild Site Plan, if approved with this request.

Staff briefly discussed the conditions of approval and noted that the applicant has justified the extension as necessary due to the difficult on-going economic conditions. Staff also added that no correspondence regarding this request has been received.

Mr. Christopher Ruhlen, attorney representing the applicant, offered brief comments and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff.

***14. Kaiser Permanente Aspen Hill, Preliminary Plan No. 120200130 and Site Plan Amendment No. 82018007A**---Request approval of 180,000 square feet of commercial development, on one lot, in the form of a medical facility, to be constructed over two phases; located at the intersection of Aspen Hill Road and Connecticut Avenue; on approximately 10.03 acres of land zoned CRT-1.5 C-0.5 R-1.0 H-60; within the 2015 Aspen Hill Minor Master Plan Amendment area.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

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

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

Nay:

Other:

Action: **A. Approved staff recommendation for approval of the Preliminary Plan request cited above, subject to revised conditions discussed at the meeting, and adopted the attached Resolution.**

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

In keeping with the July 20 technical staff report, Planning Department staff offered a multi-media presentation and discussed a Preliminary Plan and a Site Plan Amendment request to construct a 180,000-square foot medical facility, to be built in two phases, with phase 1 consisting of 130,000 square feet of development, 542 parking spaces, and 63,144 square feet of open space; and phase 2 to consist of 180,000 square feet of development, 846 parking spaces, and reduces the open space to 44,148 square feet. The 10.03-acre property is located at the intersection of Aspen Hill Road and Connecticut Avenue within the Aspen Hill Minor Master Plan Amendment area. The property is located immediately south from The Home Depot on Georgia Avenue in Aspen Hill, with a shared private entrance from Connecticut Avenue. Single-family detached homes, interspersed with institutional uses, are predominant to the south and west. Immediately to the west, the Aspen Hill residential community made up of single-family detached houses are located across the green buffer of the site.

Staff note that located about 1.9 miles south of the Inter-County Connector (MD 200) and about 1.9 miles from the Glenmont Metro Station, the Vitro office building and associated parking encompass approximately 10 acres of the Property. Initially built in 1968, the multi-story building consists of approximately 265,000 square feet of gross floor area with a basement level for storage and parking. The Vitro Corporation was a major United States defense contractor which became part of BAE Systems Inc. in 1999. In the early 1980s, the Vitro Corporation was Montgomery County’s largest civilian employer, with somewhere around 5,000 employees in the area. At the steepest point of the property there is

CONTINUED ON NEXT PAGE

***14. Kaiser Permanente Aspen Hill -- A. Preliminary Plan No. 120200130 & B. Site Plan Amendment No. 8201800**

CONTINUED

approximately 10 feet of grade change from the top of the curb at Connecticut Avenue to the parking area. There are no forest or streams on-site but there is an engineered floodplain associated with an off-site stormwater management facility.

At the Board's request, staff offered additional information regarding a proposed waiver request associated with privacy screening.

The following speakers offered testimony: Ms. Sharon Dean of Parkland Drive; Ms. Monica Reyes of Aspen Hill Road, adjacent property owner and representing the Aspen Hill Advocacy Group; Ms. Judy Fink of Lindsey Lane; Ms. Joan Beerweiler of Grenoble Drive; Mr. Tyler Beck of Evanston Street and President of the Aspen Hill Civic Association; Mr. Sotirios Nasios of Aspen Hill Road and member of the Aspen Hill Civic Association.

Ms. Emily Vaias, attorney representing the applicant, introduced Mr. Allen Jett of Kaiser Permanente, offered comments, focusing on the proposed art/mural and privacy screening from the adjacent residential properties, and concurred with the staff recommendation.

Mr. Allen Jett, Vice President of Delivery Systems Operations at Kaiser Permanente offered brief comments,

Dr. Sos Mboijana, Assistant Physician in Chief at Kaiser Permanente, Mid-Atlantic Permanente Medical Group, member of the applicant's team.

Ms. Monica Pascatore, Architect, member of the applicant's team, offered comments and
There followed a brief Board discussion with questions to staff and Ms. Vaias.

13. 2020-2024 Subdivision Staging Policy (SSP)/County Growth Policy---The Planning Board will finalize and approve its recommendations for the 2020 update to the county’s Subdivision Staging Policy and related infrastructure funding mechanisms.

Staff Recommendation: Approval

BOARD ACTION

Motion: FANI-GONZÁLEZ/VERMA

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval of the Update to the 2020-2024 Subdivision Staging Policy (SSP)/County Growth Policy, as discussed and finalized.

Planning Department staff offered a multi-media presentation and briefly discussed the Planning Board recommendations for the 2020 update of the county’s Subdivision Staging Policy (SSP)/County Growth Policy and related infrastructure mechanisms, as discussed during the various worksessions.

There followed a brief Planning Board discussion on property tax increases on million dollars plus homes and Utilization Premium Payments related to schools’ utilization, with questions to staff.

Staff thanked all staff members who contributed to updating the SSP, now called the County Growth Policy.

***15. CSAAC Headquarters, Site Plan Amendment No. 82003004D** --- Request to install up to 1,440 free-standing solar panels to generate no more than 120 percent of onsite energy consumption; located at the northwest corner of the intersection of East Village Avenue and Silverfield Drive, Montgomery Village; on approximately 6.82 acres zoned R-200; within the 2016 Montgomery Village Master Plan area.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: PATTERSON/FANI-GONZÁLEZ

Vote:

Yea: 5-0

Nay:

Other:

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

In accordance with the July 20 technical staff report, Planning Department staff offered a multi-media presentation and discussed a Site Plan Amendment request to install up to 1,440 free-standing solar panels to generate no more than 120 percent of onsite energy consumption on a 6.82-acre property located at the northwest corner of the intersection of East Village Avenue and Silverfield Drive in Montgomery Village within the Montgomery Village Master Plan area. Staff noted that the existing development is the headquarters of Community Services for Autistic Adults and Children (CSAAC), which was approved under the Transit Station (TS) zone in the Zoning Ordinance in effect prior to October 21, 2014 and will be retained. The proposed solar collection system is being reviewed as an accessory use in the Residential (R-200) and Montgomery Village Overlay Zones under the current Zoning Ordinance. Staff has received one letter of opposition from the owner of a nearby home.

Staff then noted that the property is located in the northern portion of Montgomery Village. The vicinity is predominantly residential with detached houses and townhouses in various residential zones, with the Village Montessori School located just northwest of the property. The site is also bordered by a PEPCO right-of-way to the north, a 4-acre open space, which includes an approximately 40-foot wide buffer area owned by the Montgomery Village Foundation to the east, and East Village Avenue to the south. The surrounding area is also within the Montgomery Village Overlay Zone. The property also known as Parcel A Montgomery Village East Village, is comprised of approximately 6.8 acres, and is developed with the 36,505-square foot headquarters of CSAAC, a non-profit organization with a mission to “enable individuals with autism to achieve their highest potential and contribute as confident members of their community.” Vehicular access to the property is from a driveway on East Village Avenue, which leads to a surface parking lot that wraps around the northern portion of the building. The northern portion of the property is open space with a grassy field. The property does not contain any

CONTINUED ON NEXT PAGE

***15. CSAAC Headquarters, Site Plan Amendment No. 82003004D**

CONTINUED

streams, wetlands and their buffers, steep slopes, 100-year floodplains, or known occurrences of rare, threatened or endangered species. There are no forest or specimen trees on the property.

Staff also added that the applicant proposes to install a 496.8 kW free-standing solar PV system on the northern portion of the property. The solar array is projected to generate 601,727 kWh of electricity in the first year of operation, which is enough to meet 95 percent of CSAAC's annual energy demand. The system will offset an estimated 468 tons of CO2 emissions each year, while significantly reducing CSAAC's electricity bills, allowing the organization to devote a greater percentage of its budget to the services it provides to people with autism. Staff also discussed the conditions of approval.

Messrs. Warren Miller, Andrew Jenner, Nick Naranjo, and Brian Foltz of Paradise Energy Solutions; Mr. Brian Donnelly of Macris, Hendricks & Glascock Pa.; Mr. Craig Pardini, CSAAC Director of Infrastructure Operations; Mr. Eric Salzano, CSAAC Executive Director were present at the meeting and answered questions from the Planning Board.

There followed a brief Board discussion with questions to staff.

16. MD 355 Shared Use Path – Clarksburg

A. Preliminary/Final Water Quality Plan MR2020018---Clarksburg and Ten-Mile Creek Special Protection Areas. Construction of side-path improvements along the east side of MD 355 extending from Stringtown Road to Spire Street and then from 467 feet north of Clarksburg Road (MD 121) to Snowden Farm Parkway. Master Plan -Ten Mile Creek Area Limited Amendment (2014)
Staff Recommendation: Approval with Conditions and Adoption of Resolution

B. Final Forest Conservation Plan MR2020018---Clarksburg Special Protection Area
Construction of side-path improvements along the east side of MD 355 extending from Stringtown Road to Spire Street and then from 467 feet north of Clarksburg Road (MD 121) to Snowden Farm Parkway. Master Plan -Ten Mile Creek Area Limited Amendment (2014)
Staff Recommendation: Approval with Conditions and Adoption of Resolution

C. Mandatory Referral MR2020018---MD 355 Shared Use Path - Clarksburg
Construction of side-path improvements along the east side of MD 355 extending from Stringtown Road to Spire Street and then from 467 feet north of Clarksburg Road (MD 121) to Snowden Farm Parkway. Master Plan -Ten Mile Creek Area Limited Amendment (2014)

Staff Recommendation: Approval with Comments to Montgomery County Department of Transportation (MCDOT)

BOARD ACTION

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

Vote:

Yea: **A. B. & C. 4-0**

Nay:

Other: **CICHY TEMPORARILY ABSENT**

Action: **A. Approved staff recommendation for approval of the Preliminary/Final Water Quality Plan cited above, subject to conditions discussed at the meeting, and adopted the attached Resolution.**

B. Approved staff recommendation for approval of the Final Forest Conservation Plan cited above, subject to conditions discussed at the meeting, and adopted the attached Resolution.

C. Approved staff recommendation for approval of the Mandatory Referral request cited above, subject to conditions discussed at the meeting, and adopted the attached Resolution.

CONTINUED ON NEXT PAGE

16. MD 355 Shared Use Path – Clarksburg: A. Preliminary/Final Water Quality Plan MR2020018; B. Final Forest Conservation Plan MR2020018; and C. Mandatory Referral MR2020018

CONTINUED

Planning Department staff offered a multi-media presentation and discussed a proposed Mandatory Referral request and the associated Preliminary/Final Water Quality and Final Forest Conservation Plan from Montgomery County Department of Transportation (MCDOT), for the construction of a shared use path along the east side of a 0.46-mile or 2,451 feet long section of Old Frederick Road (MD355) in Clarksburg, Maryland. As discussed in detail in the July 17 technical staff reports, The project includes two sections, with a southern 835-foot long section between Stringtown Road and Spire Street in Historic Clarksburg and the northern 1,616-foot long section between approximately 467 feet north of Clarksburg Road (MD 121) up to Snowden Farm Parkway. The proposed project will provide an eight-foot wide side path with a variable buffer, predominantly six feet in width, on the east side of Old Frederick Road. The project also includes some utility relocation, pedestrian lighting, and stream water restoration, in coordination with MCDOT MD355- CIP (Capital Improvements Program) Clarksburg Road project, which was approved, with comments, by the Planning Board on April 26, 2018. Staff added that MD355 has narrow shoulders and short segments of sidewalk in the historic Clarksburg segment only. The proposed project will significantly improve bike and pedestrian travel in the historic Clarksburg area. The project is currently at the 90 percent design phase and the full design and construction of the project, excluding current design work, has been estimated to cost approximately \$6.4 million.

Staff then noted that a Natural Resources Inventory and Forest Stand Delineation was approved on February 8, 2019, and a Preliminary Forest Conservation Plan was also submitted at that time. The applicant submitted a variance request as he proposes to remove 73 trees and impact 31 that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law. The variance request does not reflect the historic area specimen trees which are within the stream restoration portion of the project. This will be completed at the time of the Final Forest Conservation Plan. Staff also noted that the request meets the Water Quality Plan requirements of Chapter 19 of the Montgomery County Code and the requirements of the Clarksburg East Environmental Overlay Zone. The project is located within the Ten Mile Creek and the Clarksburg Special Protection Areas and on publicly owned property, therefore MCDOT is required to obtain the Planning Board approval of water quality plan under Section 19-62(c) of the Montgomery County Code.

Staff then discussed the comments to be forwarded to MCDOT regarding the proposed project.

Staff from Historic Preservation Division briefly discussed the proposed project and noted that the Historic Preservation Committee (HPC) has reviewed and approved the project.

Messrs. Mark Bodmann and Scott Rose of Wallace Montgomery, offered brief comments and concurred with the staff recommendation.

Ms. Yasamin Esmaili, MCDOT Project Manager, offered brief comments and answered questions from the Planning Board.

There followed a brief Board discussion with questions to staff, Mr. Bodmann and Ms. Esmaili.

17. Mandatory Referral MR2020023, Dale Drive Pedestrian Facility---Dale Drive Pedestrian Facility. Construction of side-path improvements along the east side of Dale Drive extending from Georgia Avenue (MD 97) to Colesville Road (US 29). Master Plan -North and West Silver Spring Master Plan (2000)

Staff Recommendation: Approval with Comments to Montgomery County Department of Transportation

BOARD ACTION

Motion: FANI-GONZÁLEZ/VERMA

Vote:

Yea: 5-0\

Nay:

Other:

Action: **Approved staff recommendation for approval of the Mandatory Referral request cited above, and to transmit comments to Montgomery County Department of Transportation.**

In keeping with the detailed July 23 technical staff report, Planning Department staff offered a multi-media presentation and discussed a Mandatory Referral request from Montgomery County Department of Transportation (MCDOT) to construct pedestrian, bicycle and safety improvements along the east side of Dale Drive extending from Georgia Avenue (MD97) to Colesville Road (US29) and Columbia Boulevard in Silver Spring, Maryland. The project elements are: i) construction of an 8-foot wide side-path on the north side of Dale Drive/Columbia Boulevard between 80 feet east of Georgia Avenue to 25 feet west of Colesville Road (US29) for a total distance of 5,405 linear feet; ii) construction of an 8-foot wide side-path on the south side of Dale Drive between Corwin Drive and Woodland Drive for a total distance of 330 linear feet; iii) construction of a 5-foot wide sidewalk along Woodland Drive and Luzerne Avenue connecting into existing sidewalk sections on both streets for a total distance of 225 linear feet; iv) intersection improvements to the Dale Drive and Columbia Boulevard intersection to make a more focused intersection by eliminating the median on Columbia Boulevard, in advance of reaching Dale Drive; v) closure of a short section of Woodland Drive at its current intersection with Dale Drive; and iv) intersection improvements to the Dale Drive and Grace Church Road intersection to realign the connection of these two streets.

Staff noted that the current project, which includes facility planning work up to the 35 percent design phase, is listed as CIP (Capital Improvements Program) Project No, P509337. This project is included in the County Executive’s recommended FY21 Capital Budget and the FY21-26 CIP amendments as CIP Project No. P502109. Planning and design for this project, beyond the 35 percent design stage, are proposed to start in FY21, with construction expected to be completed in FY25 and FY26. The current project cost estimate is \$8.45 million, which includes final design cost, utility modification/relocation, easement cost, as well as construction cost. Staff also acknowledge that the implementation of master plan transportation recommendations is a challenge faced by MCDOT in

CONTINUED ON NEXT PAGE

17. Mandatory Referral MR2020023, Dale Drive Pedestrian FacilityCONTINUED

developing design plans to convert desired master plan recommendations into engineering design drawings. The design process, up to 35 percent design, typically brings clarity with considerably more details than considered during a master plan process, and issues such as environmental impacts, historical impacts, and construction costs may introduce new factors that need to be weighed in developing a final design.

Staff further added that the Planning Board received a briefing on May 9, 2019 during the facility planning phase of the proposed project. At that time, four alternatives were presented with three intersection improvement concepts, and the Planning Board selected the alternative with an 8-wide side-path on the north side of Dale Drive. Staff then briefly discussed the list of recommended comments to be forwarded to MCDOT.

The following speakers offered testimony: Mr. Alain Norman of Dale Drive and representing the Dale Drive Safety Coalition (DDSC); Ms. Jane Lyons of E West-Highway and representing the Coalition for Smarter Growth; and Ms. Carla Holt of Dale Drive.

Mr. Dan Sheridan of MCDOT offered comments and answered questions from the Planning Board.

There followed a brief Board discussion with questions to staff and Mr. Sheridan.

18. Addendum to the Alef Bet Montessori School - Adequate Public Facilities Ordinance Review, APF202001 (continuation of discussion from 4/23/2020 Planning Board hearing)---Request for transportation Adequate Public Facilities approval to expand enrollment of a private school on Tuckerman Lane from 33 students to 90 students; located at 6125 Tuckerman Lane in North Bethesda; approximately 26,245 square feet in size; zoned R-200; within the 1992 North Bethesda Garrett Park Master Plan area.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: VERMA/CICHY

Vote:

Yea: 3-0

Nay:

Other: FANI-GONZÁLEZ & PATTERSON ABSENT

Action: Approved staff recommendation for approval of the Adequate Public Facilities Ordinance Review request cited above, subject to revised conditions discussed at the meeting, and adopted the attached Resolution.

At the outset of the discussion, Vice Chair Fani-González and Commissioner Patterson noted that since they were not present at the April 23, 2020 discussion of this Item, and on advice of Legal Counsel, they will not participate in the discussion tonight.

Planning Department staff offered a multi-media presentation and discussed a request for transportation Adequate Public Facilities (APF) approval to expand enrollment of a private school on Tuckerman Lane from 33 students to 90 students on a 26,245- square foot property located on Tuckerman Lane in the North Bethesda/Garrett Park Master Plan area. Staff noted that at the April 23, 2020 Planning Board meeting, the Board deferred action on this APF request to allow the applicant additional time to address on-site circulation and access concerns, and to coordinate with community members to determine appropriate enforcement condition. At the April 23 meeting, the Planning Board raised two primary concerns, the functionality of the school’s internal circulation, and establishing justifiable enforcement conditions.

Staff noted that as described in the original staff report, access to the school is served by a semi-circular one-way drive aisle off Tuckerman Lane, The proposed circulation pattern has not changed, vehicles will enter the site at the western driveway and circulate clockwise, exiting at the eastern driveway, Two travel lanes for pick-up and drop-off accommodates 12 vehicles, up to eight in the carpool lane and four parking spaces that are unoccupied during the morning drop-off end evening pick-up periods. Queuing onto Tuckerman Lane is prohibited. Four employees facilitate the drop-off process and guide the children from their parents’ vehicles to the building entrance. The dimension of several of the parking spaces has changed, but the total number of parking spaces provided on site has not

CONTINUED ON NEXT PAGE

18. Addendum to the Alef Bet Montessori School - Adequate Public Facilities Ordinance Review, APF202001 (continuation of discussion from 4/23/2020 Planning Board hearing)CONTINUED

changed. The applicant is proposing 13 parking spaces on site, 12 standard/compact parking spaces and one Americans with Disabilities Act (ADA) accessible parking space. The existing number of parking spaces satisfy the requirements for the school's staffing levels, with 12 staff members. If the number of parking spaces is reduced, the number of staff should also be reduced accordingly. The applicant has provided a daily staff arrival and departure timeline, which staff finds satisfactory. The dimension of the semi-circular driveway has been revised based on testimony from the community, feedback from the Planning Board, and consultation with the Department of Permitting Services (DPS). The applicant will implement the modifications identified by DPS to comply with the requirements and improve on-site circulation.

Staff also added that as instructed by the Planning Board, staff has continued coordinating with community members to address their concerns regarding this request and has provided regular status updates to the community. Staff then noted that the proposed request meets all the requirements established under Section 8-32 of the County Code. The revised conditions of approval are more enforceable and hold the applicant accountable to the community regarding their concerns. The public transportation facilities have been reviewed by staff and determined to be adequate to serve the 51 additional students, and staff recommended approval of the APF transportation determination request with the conditions of approval specified in the detailed July 20 technical staff report.

The following speakers offered testimony: Mr. Michael Strauss of Rosemont Drive; Mr. Daniel and Ms. Cynthia Darnell of Rosemont Drive, adjacent property owners; Mr. Mark Quinn of Windermere Court and representing the Heritage Walk Homes Corporation and President of the and Windermere Homeowners Association; and Mr. Richard Wolff of Rosemont Drive, adjacent property owner.

Ms. Nancy Regelin, attorney representing the applicant, offered a video and detailed comments and concurred with the staff recommendation.

There followed a brief Board discussion with questions to staff and Ms. Regelin.