



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, February 21, 2013, at 9:10 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 8:45 p.m.

Present were Chair Françoise M. Carrier, Vice Chair Marye Wells-Harley, and Commissioners Casey Anderson, Norman Dreyfuss, and Amy Presley.

Items 1 through 4 are reported on the attached agenda.

The Board recessed for lunch at 1:00 p.m. and to take up Items 11, 12, and 13 in Closed Session.

In compliance with §10-509(c)(2), State Government Article, Annotated Code of Maryland, the following is a report of the Board's Closed Session:

The Board convened in Closed Session at 1:20 p.m. in the third floor conference room, on motion of Commissioner Anderson, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley present and voting in favor of the motion. The meeting was closed under authority of Annotated Code of Maryland, State Government Article, §10-508(a)(3), to consider acquisition of real property for a Commission purpose and matters directly related thereto.

Also present for all or part of the Closed Session items were Associate General Counsels Sean Dixon and Megan Chung of the Legal Department; Director Mary Bradford, Deputy Director Mike Riley, Deputy Director John Nissel, Bill Gries, April O'Neal, Dominique Quattrocchi, Brenda Sandberg, Bev Tyler, and Mitra Pedoeem of the Parks Department; and M. Clara Moise of the Commissioners' Office.

In Closed Session, the Board received briefing and discussed the proposed new M-NCPPC Headquarters building in Wheaton, and two requests for the proposed acquisition of parkland.

The Closed Session was adjourned at 1:50 p.m.

The Board reconvened in the auditorium at 2:09 p.m. with Commissioner Anderson temporarily absent.

Items 5 through 9 are reported on the attached agenda.

Commissioner Anderson rejoined the meeting at 2:20 p.m. during discussion of Item 6.

The Board recessed for dinner at 5:45 p.m. and reconvened in the auditorium at 7:12 p.m. to take up Item 10 – Long Branch Sector Plan, Worksession I.

There being no further business, the meeting was adjourned at 10:00 p.m. The next regular meeting of the Planning Board will be held Thursday, February 28, 2013, in the Montgomery Regional Office in Silver Spring, Maryland.

M. Clara Moise
Sr. Technical Writer

Montgomery County Planning Board Meeting
Thursday, February 21, 2013, 9:00 A.M.
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

1. Consent Agenda

***A. Adoption of Resolutions**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Resolutions submitted for adoption.

***B. Record Plats**

1. Subdivision Plat No. 220111230, Big Woods Manor

R-200 zone; 1 lot; located on the north side of Big Woods Road, approximately 2,600 feet west of Beallsville Road (MD 109); Agriculture and Rural Open Space Master Plan.

Staff Recommendation: Approval

2. Subdivision Plat No. 220120070-220120140, 220120520-220120570 & 220120890- 220120940, Fairland Park

PD-2 zone; 246 lots, 35 parcels; located at the terminus of Cedar Lane, approximately 800 feet south of Leatherwood Terrace; Fairland Master Plan.

Staff Recommendation: Approval

3. Subdivision Plat No. 220130020-220130040, Brookeville Preserve

RE-2/TDR zone; 16 lots, 2 parcels; located in the southeast quadrant of the intersection of Georgia Avenue (MD 97) and Owens Road; Olney Master Plan.

Staff Recommendation: Approval

4. Subdivision Plat No. 220130460, Griffith Estates

RE-1 zone; 2 lots; located at the terminus of Wiley Court, approximately 450 feet south of Dorsey

Road; Upper Rock Creek Master Plan.

Staff Recommendation: Approval

5. Subdivision Plat No. 220130790, Wheaton Forest

CR zone; 1 parcel; located on the east side of Georgia Avenue (MD 97), 350 feet south of Reddie Drive; Wheaton CBD Sector Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

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

***C. Other Consent Items**

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Consent Items submitted for approval.

***D. Approval of Minutes**

Minutes of January 7, 2013, and January 10, 2013

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved Planning Board meeting Minutes cited above, as submitted.

***2. Preliminary Plan No. 120120300: Alfred House**

One lot for the construction of a 34-bed domiciliary care facility (S-2815), on a 2.48 acre parcel, RE-1 Zone, located at 6020 Needwood Road, at the southwest corner of the intersection with Muncaster Mill Road, Derwood, in the Upper Rock Creek Master Plan area.

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: DREYFUSS/ANDERSON

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval, subject to revised conditions, as stated in the attached Board Resolution adopted at the meeting.

In keeping with the February 8 technical staff report, Planning Department staff discussed the request to create one lot for the construction of a 34-bed domiciliary care facility on a 2.48-acre parcel located on Needwood Road in Derwood in the Upper Rock Creek Master Plan area. Staff noted that the Board of Appeals has granted approval of a special exception, subject to conditions, pursuant to Section 59-G of the Zoning Ordinance, to build and operate an assisted living facility on this site. The application meets the requirements of the Forest Conservation Law, and a preliminary forest conservation plan, including a variance request for the removal of nine specimen trees, and impacts to the critical root zone of seven specimen trees, was approved by the Planning Board at a public hearing held on January 19, 2012, as part of a special exception application.

Mr. David Freishtat, attorney for the applicant, Ms. Veena Alfred also present, introduced Mr. Patrick Lavay, member of the applicant's team, answered questions from the Board and concurred with the staff recommendation.

3. Studio Plaza

***A. Preliminary Plan No. 120130020, Studio Plaza,** CBD-1 Zone and the Fenton Village Overlay Zone, 4.2 acres, Proposing 2 lots for a maximum of 739,553 square feet of development, with a maximum 625,373 square feet of residential development, including a maximum of 749 total dwelling units, of which at least 15 percent must be MPDUs, and 114,180 square feet of commercial uses, including 36,180 square feet of retail and 78,000 square feet of office, located southeast quadrant of the intersection with Thayer Avenue and Mayor Lane, Silver Spring CBD

Staff Recommendation: Approval with Conditions

***B. Site Plan Review No. 820130010, Studio Plaza,** CBD-1 Zone and the Fenton Village Overlay Zone, 3.8 acres, for one mixed-use multi-family apartment building with a total gross floor area of 418,069 sf., including 10,500 sf. of retail and up to 415 dwelling units on 3.8 gross acres. The total number of dwelling units includes 61 MPDUs and 10 WFHUs, in addition to 344 market rate units, located in the southeast quadrant of the intersection with Thayer Avenue and Mayor Lane, Silver Spring CBD

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: **A. DREYFUSS/WELLS-HARLEY**
 B. DREYFUSS/ANDERSON

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

Nay:

Other:

Action: **A. Approved staff recommendation for approval, subject to revised conditions, as stated in the attached Board Resolution.**

B. Approved staff recommendation for approval, subject to revised conditions, as stated in the attached Board Resolution.

In keeping with the February 11 technical staff report, Planning Department staff offered a multi-media presentation and discussed the request to create two lots for a maximum of 739,553 square feet of development, with 625,373 square feet of residential development, including a maximum of 749 total dwelling units, of which at least 15 percent must be Moderately Priced Dwelling Units (MPDUs), and 114,180 square feet of commercial uses, including 36,180 square feet of retail and 78,000 square feet of office, on a 4.2-acre property located in the southeast quadrant of the intersection with Thayer Avenue and Mayor Lane in the Silver Spring Central Business District. Staff noted that the applicant had an agreement with

3. ***A. Preliminary Plan No. 120130020, Studio Plaza**
***B. Site Plan Review No. 820130010, Studio Plaza,**

CONTINUED

Montgomery County to redevelop public parking lot 3 in downtown Silver Spring as part of this project. Staff also added that the community has raised concerns about the project design and its compatibility with the surrounding community.

Mr. Robert Dalrymple, attorney representing the applicant, introduced Messrs. Dan Duke, John Wojdak, Chris Kabatt, Eric Liebmann, Bryan Condie, and Ms. Trini Rodriguez, members of the applicant's team, briefly discussed the proposed project and concurred with the staff recommendation.

Messrs. Dan Duke, Eric Liebmann, and Ms. Trini Rodriguez offered a multi-media presentation and discussed the proposed architecture, public space amenities, landscaping, and answered questions from the Board.

The following speakers offered testimony: Mr. Ted Godzki, owner of the Grand Design Building on Thayer Avenue; Mr. Woolf Siman of Burdette Forest Road; Mr. Dave Brown, attorney representing Mr. Dimitri Kalivar, and the owner of CD Publications store; and Ms. Karen Roper representing the East Silver Spring Citizens Association.

There followed considerable Board discussion with questions to staff, the applicant's representatives, and the speakers.

At the Board's request, Transportation Planning staff provided comments and clarification regarding the proposed public use of a private alley/street to be included in the proposed project.

4. Natural Resources Management Plan

The Department of Parks' Natural Resources Management Plan provides general guidance to park managers for the management of natural areas in parks.

Staff Recommendation: Discussion

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing from Parks Department staff followed by discussion.

Parks Department staff offered a multi-media presentation and discussed the Natural Resources Management Plan which primarily focuses on the management of environmentally sensitive areas as

defined in the Maryland's Land Use Article. Staff noted that the plan is intended to provide a general framework for park managers and other park staff on the management of approximately 26,000 acres of natural areas on parkland in Montgomery County. Staff also discussed the importance and the contribution of volunteers to the Parks Department's work.

Volunteer Services staff presented information on various volunteer activities that support the Parks Department's resource management efforts.

11. Closed Session - ADDED

Pursuant to State Government Article Annotated Code of Maryland 10-508 (a) (3) to consider the acquisition of real property for a Commission purpose and matters relating directly thereto.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

12. Closed Session - ADDED

Pursuant to State Government Article Annotated Code of Maryland 10-508 (a) (3) to consider the acquisition of real property for a Commission purpose and matters relating thereto.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

13. Closed Session - ADDED

Pursuant to State Government Article Annotated Code of Maryland 10-508 (a) (3) to consider the acquisition of real property for a Commission purpose and matters relating thereto.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

5. Pre-Preliminary Plan No. 720110100: Club Hollow Property

One lot requested for a one-family detached residential dwelling units, located at 21715 Club Hollow Road, 1750 feet west of Edwards Ferry Road, 13.78 acres, RDT Zone, Preservation of Agriculture and Rural Open Space (AROS) Master Plan and Rustic Roads Functional Master Plan.

Staff Recommendation: Approval with Conditions

Board Action

Motion: PRESLEY/DREYFUSS

Vote:

Yea: 4-0

Nay:

Other: ANDERSON TEMPORARILY ABSENT

Action: Approved staff recommendation for approval, subject to revised conditions, as stated in the attached Board Resolution adopted at the meeting.

In keeping with the February 8 technical staff report, Planning Department staff discussed the proposed request to create one lot for a one-family detached residential dwelling unit on a 13.78-acre property located on Club Hollow Road in the Rural Density Transfer (RDT) Zone in the Preservation of Agriculture and Rural Open Space (AROS) Master Plan and the Rustic Roads Functional Master Plan. Staff also discussed revisions to the approval conditions.

Josh Maisel, Engineer representing the applicant, Mr. Robert Jamison, also present, introduced Mr. Patrick Perry, member of the applicant’s team, offered brief comments, and concurred with the staff recommendation.

Mr. Jamison made brief remarks regarding the necessity of the requested subdivision in order to sell the subdivided parcel to his daughter with the eventual intention of constructing a domicile there.

6. Briefing: Update on the Countywide Transit Corridors Functional Master Plan

Briefing on the progress of planning for Countywide Transit Corridors

Board Action

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing followed by discussion of modeling and predictions for traffic density over the next 30 years, the impact of various plans for new transit corridors on predicted traffic density, and a general overview of the relative merits of plans currently under consideration.

7. Revised Athletic Field Use Permit Policy

The Athletic Field Use Permit Policy has been updated to reflect the transition of field permitting to the County’s Office of Community Use of Public Facilities and clarify the Department’s policy of bulk permitting for leagues, allowable use of synthetic turf fields, the elimination of local park field closure periods, and non-designated use of park fields.

Board Action:

Motion: CARRIER/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved Parks Department staff proposed revisions.

Parks Department staff explained the background and rationale of the proposed changes to the Athletic Field Use policy as outlined in the February 21, 2013 staff report. Montgomery Parks has been working with the Community Use of Public Facilities office to streamline the permitting process, and proposed changes include transitioning to bulk permits for athletic leagues rather than having each individual team apply for a separate permit, delineating specific guidelines for the use of synthetic turf fields, eliminating the two-week closure window in August as this window was not being observed, clarifying the allowance of non-designated sports and the guidelines for priority of historic use, and clarifying application procedures.

In reply to the Board's question regarding the process for verifying that athletic leagues were not over-reporting the number of players in order to gain extra field time, staff replied that leagues were required to submit team rosters and that the introduction of hourly fees for field use discouraged teams from reserving field time they did not actually need.

Board members discussed measures to prevent use of playing fields during rain as such use can damage the turf.

Ms. Judy Koenig of Chevy Chase offered testimony on the impact of league games on availability of parking and the adequacy of park police responsiveness to this problem.

Chair Carrier advised Ms. Koenig to meet with Parks Department staff to resolve the issue as problems with individual groups using the parks were beyond the scope of the permit policy under discussion.

8. Zoning Code Revision

Zoning Code Rewrite – Worksession on Article 59-1, and other remaining issues

Board Action

Motion:

Vote:

Yea:

Nay:

Other:

Action: Discussed definitions to be used in the Zoning Code.

The Board continued discussion of the Zoning Code Rewrite and debated revisions to the new definitions included in Article 59-1. The Board also discussed whether the definitions were

unnecessarily opaque in some instances as well as revising some language to clarify the intent of potential regulations using the definitions.

9. Roundtable Discussion

- Planning Director's Report

Board Action

Motion:

Vote:

Yea:

Nay:

Other:

Action: **Planning Director's Report** – Acting Planning Director Rose Krasnow reported on the progress of finalizing new zoning regulations, the response to public outreach regarding these new regulations, and the Planning Board's online presence, which has received international recognition for excellence. Cable TV outreach was discussed. The Board also discussed efforts to make Montgomery County more attractive to younger residents and the need to ensure such efforts remained competitive with comparable efforts underway in the District of Columbia.

10. Long Branch Sector Plan - ~~Public Hearing Draft~~ Worksession 1 - REVISED

Attachment 1 - Attachment 2 - Attachment 3 - Attachment 4 - Attachment 5

Staff Recommendation: Discuss and provide guidance to staff

BOARD ACTION

Motion: **DREYFUSS/ANDERSON**

Vote:

Yea: **2-0-3**

Nay: **CARRIER, WELLS-HARLEY, PRESLEY**

Other:

Action: **Received briefing followed by discussion and provided guidance to staff.**

Motion to add the Flower Theater façade to the Historical Atlas and to recommend its designation as an historic resource failed.

Historic Preservation Division, Planning and Parks Departments staff presented and discussed recommendations to the Board relating to the vision, phasing, historic preservation, and development of the Long Branch town center and town center area. The presentation addressed concerns raised in a January 14th community meeting and January 31st public hearing, including affordability, historic preservation of the Flower Theater and shopping center, and impacts of the planned Purple Line on traffic patterns and residential areas.

Mr. Perry Berman, representing the Housing Opportunities Commission (HOC), gave testimony regarding the proposed height and density requirements on their planned development and requested the height limit be raised to 70 feet.

The Board discussed the possibility of incentivizing development of affordable housing by allowing developers creating 20% affordable housing to move from Phase 2 to Phase 1, and the impact of the planned Purple Line on Arliss Street, including left turn restrictions, and the visual impediment created by the proposed tunnel portal.

Mr. Mike Madden of the Maryland Transit Authority (MTA) offered comments about the size and impact of the tunnel portal.

Staff further discussed proposals to designate the Flower Theater and shopping center a historic resource in accordance with the Master Plan for Historic Preservation and recommended this designation for the entire lot, including the theater, shopping center, and parking lot.

The following speakers offered testimony: Ms. Marcie Stickle representing the Silver Spring Historical Society testified that designation of the Flower Theater facade as a historic resource would enhance the shopping center without interfering with improvements or development; Ms. Stacy Silber of Bethesda testified that the Flower Theater façade should not be designated as a historic resource; Mr. Robert Sponseller of Mclean and representing Mr. Greg

10. Long Branch Sector Plan - ~~Public Hearing Draft~~ Worksession 1 - REVISED

CONTINUED

Fernebok of Bethesda, testified that designating the entire shopping center a historic resource would impede development and proposed that the theater façade receive the designation but not the rest of the shopping center, which Ms. Silber claimed did not merit such designation; and also testified as to how preserving different areas of the theater façade would affect future development, concluding that preserving larger areas would restrict parking spaces for mixed-use and residential development.

A motion to add the Flower Theater façade to the Historical Atlas and to recommend its designation as a historic resource failed. Chair Carrier, Vice-Chair Wells-Harley, and Commissioner Presley did not support the motion.

Historic Preservation Division staff opined that preserving only the theater façade but not the rest of the shopping center would be of limited value.

There followed extensive Board discussion, with questions to staff and the speakers.