



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

**APPROVED
MINUTES**

The Montgomery County Planning Board met in regular session on Thursday, March 26, 2015, at 12:04 p.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 9:50 p.m.

Present were Chair Casey Anderson, Vice Chair Marye Wells-Harley, and Commissioners Norman Dreyfuss, Amy Presley, and Natali Fani-González.

The Board convened in Closed Session at 12:04 p.m. to take up Item 11, a Closed Session Item.

In compliance with State Government Article §3-305(a), Annotated Code of Maryland, the following is a report of the Board's Closed Session:

The Board convened in Closed Session at 12:04 p.m. in the 3rd floor conference room on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Presley, and Fani-González voting in favor of the motion. The meeting was closed under authority of Annotated Code of Maryland §3-305(b)(9), to conduct collective bargaining negotiations or consider matters that relate to the negotiations.

Also present for the Closed Session were Anju Bennett, Melinda Duong, Shelley Gaylord, John Kroll, and Oge Nwafor of the Department of Human Resources and Management; Director Gwen Wright, Deputy Director Rose Krasnow, and Karen Warnick of the Planning Department; Director Michael Riley, Mitra Pedoeem, and Trish Swann of the Parks Department; Secretary Treasurer Joe Zimmerman of the Finance Department; and James Parsons of the Commissioners' Office.

In Closed Session the Board received briefing and discussed the County Executive's recommended FY16 budget.

The Closed Session meeting was adjourned at 12:19 p.m.

The Board reconvened in the auditorium at 1:00 p.m.

Items 1 through 9 are reported on the attached agenda.

MCPB, 3-26-15, APPROVED

The Board recessed for dinner at 3:35 p.m., and reconvened in the auditorium at 6:41 p.m. to take up Item 10, a Mandatory Referral request and Preliminary Forest Conservation Plan for the Bethesda-Chevy Chase Middle School, which is reported on the attached agenda.

There being no further business, the meeting was adjourned at 9:50 p.m. The next regular meeting of the Planning Board will be held on Thursday, April 2, 2015, in the Montgomery Regional Office in Silver Spring, Maryland.

James J. Parsons
Technical Writer

M. Clara Moise
Sr. Technical Writer/Editor

**Montgomery County Planning Board Meeting
Thursday, March 26, 2015
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600**

11. CLOSED SESSION

According to Annotated Code of Maryland, General Provisions Article, §3-305(b)(9), to conduct collective bargaining negotiations or consider matters that relate to the negotiations.

The topic to be discussed is the County Executive's recommended FY16 budget

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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

1. Consent Agenda

***A. Adoption of Resolutions**

1. Batchellors Forest Site Plan Amendment 82008019C - MCPB No. 14-89

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Adopted the Resolution cited above, as submitted.

***B. Record Plats**

Subdivision Plat No. 220110160, Granby Woods

RE-1 zone, 2 lots; located at the terminus of Granby Road, 400 feet east of Shremor Drive; Upper Rock Creek Master Plan

Staff Recommendation: Approval

Subdivision Plat No. 220150550, Edgemoor

R-90 zone, 1 lot; located on the west side of Fairfax Road, 200 feet south of Hampden Lane. Bethesda-Chevy Chase Master Plan

Staff Recommendation: Approval

Subdivision Plat No. 220150550, Edgemoor

R-90 zone, 1 lot; located on the west side of Hampden Lane, 300 feet north of Edgemoor Lane; Bethesda- Chevy Chase Master 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 Other Consent Items submitted for approval.

***D. Approval of Minutes**

Planning Board Meeting Minutes of March 12, 2015

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved Planning Board Meeting Minutes of March 12, 2015, as submitted.

2. Roundtable Discussion

- Parks Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received Briefing.

Parks Department Director's Report – Parks Department Director Michael Riley briefed the Board on the following Parks Department events and activities: the upcoming community meeting regarding Montgomery County Park and Planning proposed new building in Wheaton to be held on Tuesday, March 24 at 6:30 p.m. in the Wheaton High School auditorium; the Kites Over Clarksburg event to be held at Ovid Hazen Wells Regional Park on Saturday March 28 from 11:00 a.m. to 2:00 p.m.; the Montgomery County Greenfest to be held at Jessup Blair Park on the Montgomery County College Campus in Silver Spring/Takoma Park on Saturday, March 28 from 11:00 a.m. to 4:00 p.m.; Presentation of the Spring 2015 Semi-Annual Report to the Montgomery County Council on Tuesday, March 31 at 1:30 p.m. at the Council's office in Rockville; the Appreciation Dinner for the Weed Warriors to be held at Rockwood Manor on Wednesday, April 1 at 7:00 p.m.; and the Arbor Day event

to be held at Mill Creek Elementary School in Derwood on Thursday, April 2 from 10 a.m. to 12:00 p.m.

Mr. Riley also briefed the Planning Board on recent Park Police arrests, and provided updates on the Parks Department Capital Improvements Program; the Montgomery Parks Foundation progress in hiring a new Executive Director; the County Council Pesticide Bill; Bond Bills; and the Parks Department revised FY16 Operating Budget.

3. Budget -- Further Discussion of County Executive’s Recommended FY16 Budget

Staff Recommendation: Provide direction to staff on response to County Executive FY16 budget recommendations

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing on proposed response to the County Executive’s recommended FY16 Budget from Parks Department and Planning Department Directors, Central Administrative Services (CAS) Budget Manager, and staff. The briefing was followed by Board discussion, and instructions to staff to proceed with the proposed changes discussed at the meeting.

8. FY15 Capital Budget Transfers

Review and action regarding FY15 Capital Budget Transfers for ADA Improvements-Local Parks, Germantown Town Center Urban Park, and Brookside Gardens Master Plan Implementation project

Staff Recommendation: Approve FY15 Capital Budget Transfers for ADA Improvements-Local Parks, Germantown Town Center Urban Park, and Brookside Gardens Master Plan Implementation Project

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: **Approved staff recommendation to approve the proposed FY15 Capital Budget transfers for American with Disabilities Act (ADA) proposed improvements in local parks, Germantown Center Urban Park, and for the Brookside Garden Master Plan Implementation project.**

Parks Department staff offered a brief presentation regarding proposed FY15 Capital Budget transfers for Americans with Disabilities Act (ADA) related improvements in local parks, the Germantown Town Center Urban Park, and for the Brookside Gardens Master Plan Implementation project. Staff discussed the associated costs and the requested budget transfers from the FY15 budget. There followed a brief Board discussion with questions to staff.

9. Sandy Spring Rural Village Plan: Sectional Map Amendment

Staff Recommendation: Approval to File a Sectional Map Amendment (SMA) for the Approved and Adopted Sandy Spring Rural Village Plan

BOARD ACTION

Motion: **WELLS-HARLEY/FANI-GONZALEZ**

Vote:

Yea: **3-0**

Nay:

Other: **DREYFUSS, PRESLEY TEMPORARILY ABSENT**

Action: **Received briefing and approved staff recommendation for approval to file a Sectional Map Amendment for the Adopted Sandy Spring Rural Village Plan.**

4. Greencourt, LLC. - Board of Appeals No. S-2878 -- Request for a special exception to allow up to 50% of the floor area as General Office space, and a waiver from the off-street parking standards in the I-4 Zone on 2.04 acres of land; located at 12358 Parklawn Drive, Rockville, within the Twinbrook Sector Plan area

Staff Recommendation: Denial – Transmit comments and recommendation to the Hearing Examiner

(NOTE: Action required for Hearing by the Hearing Examiner on April 14, 2015)

BOARD ACTION

Motion: DREYFUSS/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: Contrary to staff recommendation of denial, instructed staff to forward the Planning Board’s comments and recommendation of approval to the Hearing Examiner, as stated in the attached transmittal letter.

In keeping with the March 13 technical staff report, Planning Department staff offered a multi-media presentation and discussed a Special Exception request to allow up to 50 percent of the floor area of a proposed building, i.e. up to 54,348 square feet, to be general office use, within the approved Site Plan for the Greencourt at Parklawn project. The applicant is also requesting a waiver from the off-street parking requirements of Section 59-E of the Zoning Ordinance. Staff noted that while the application meets most of the technical requirements for a general office use, the proposal to allow up to 50 percent of the floor area to be used as office space does not conform to the goals, objectives, and land use recommendations of the 2009 Twinbrook Sector Plan. Staff added that Master Plan consistency is a general standard that every special exception must satisfy to be approved. The applicant’s Special Exception request for a change in use, from Light Industrial/Research and Development space to up to 50 percent General Office use, may contribute to the erosion of Light Industrial space in this industrial core area rather than preserve the light industrial uses and character as envisioned in the 2009 Sector Plan.

Ms. Soo Lee-Cho, attorney representing the applicant, introduced Mr. David Ager, member of the applicant’s team, offered a multi-media presentation, and disagreed with the staff recommendation of denial, adding that the applicant has also proffered a shuttle bus service from the site to the metro station to alleviate traffic congestion.

Mr. David Ager also offered comments.

There followed extensive Board discussion with questions to staff, Legal Counsel to the Board, and Ms. Lee-Cho.

5. Nova-Habitat, Inc. Local Map Amendment H-101 - Reclassification of approximately 1.41 acres of land from the R-90 Zone to the TF-12 Zone for the development of up to 16 townhouses; located at 3621 Kensington Parkway and 3619-3623 Glenmoor Drive, Chevy Chase, within the Kensington-Wheaton Master Plan area

Staff Recommendation: Approval – Transmit comments and recommendation to the Hearing Examiner

(NOTE: Action required for Hearing by the Hearing Examiner on April 13, 2015)

BOARD ACTION

Motion: PRESLEY/FANI-GONZALEZ

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation to transmit comments and recommendation to the Hearing Examiner, as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed a proposed Local Map Amendment request to reclassify approximately 1.41 acres of land located on Kensington Parkway, within the Kensington/Wheaton Master Plan area, from the Residential R-90 Zone to the Townhouse Floating (TF) Zone at a density of up to 12 dwelling units per acre, to allow for the development of up to 16 new townhomes to be known as Creekside Development. The property is currently zoned R-90 and is improved with four single-family detached homes. The applicant is proposing to redevelop the entire site under the new Townhouse Floating zone category in order to allow flexibility in residential development, including site layout, lot size, and placement, and to provide residential development that is compatible with the surrounding neighborhood. The stated goal is to develop a project that will balance the natural setting and recreational amenities of adjacent Rock Creek Park, with the site in close proximity to an employment center and transit infrastructure.

Mr. Damon Orobona, attorney representing the applicant, introduced Messrs. Edward Novak Jr. and Joshua Sloan, members of the applicant's team, offered comments, and concurred with the staff recommendation.

Mr. Edward Novak Jr. also offered comments.

There followed a brief Board discussion with questions to staff.

6. Proposed Abandonment of Glenmoor Drive, AB 743 - Request to abandon the entire right-of-way of Glenmoor Drive east of Kensington Parkway, and transfer it to Nova Habitat Inc., the applicant for the Local Map Amendment H-101. 13,789 square feet, R-90 Zone, located in the Rolling Hills Subdivision, Master Plan for the communities of Kensington-Wheaton

Staff Recommendation: Transmit Comments to the County Executive

BOARD ACTION

Motion: PRESLEY/FANI-GONZALEZ

Vote:

Yea: 5-0

Nay:

Other:

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

Planning Department staff briefly discussed the proposed abandonment of the 60-foot wide by 250-foot long Glenmoor Drive right-of-way, located east of Kensington Parkway and adjoining the Rolling Hills Subdivision and State Highway Administration (SHA) I-495 right-of-way, in connection with the proposed Local Map Amendment request by Nova Habitat Inc. to build 16 townhomes. Staff recommended that the Planning Board transmit its support for approval of the proposed abandonment subject to the following three conditions: 1) the petitioners must submit preliminary plan and record plat applications to consolidate the right-of-way into the adjacent lots; 2) recordation of plat must occur prior to the completion date established by the County Council resolution granting the abandonment; and 3) the petitioner must provide a utility plan and a public utility easement for the existing utilities proposed to remain within the right-of-way to be abandoned or relocated onto the adjacent lots 1 through 4 controlled by the petitioner.

Mr. Damon Orobona, attorney representing the applicant, offered brief comments. There followed a brief Board discussion with questions to staff.

***7. Ripley East, Sketch Plan No. 320150010** - CR-5.0 zone, C-4.0 R-4.75 H-200T, 1.40 acres, Mixed-use project with up to 349,847 sf. of residential uses, with up to 360 multi-family dwelling units (including 15% MPDUs), and up to 17,300 sf. of non-residential uses, located in the southwest quadrant of the intersection with Georgia Avenue and Bonifant Street; Silver Spring CBD Sector Plan

Staff Recommendation: Approval with Conditions and Adoption of Resolution

BOARD ACTION

Motion: FANI-GONZALEZ/WELLS-HARLEY

Vote:

Yea: 5-0

Nay:

Other:

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

In keeping with the March 13 technical staff report, Planning Department staff offered a multi-media presentation and discussed the construction of a mixed-use project with up to 349,847 square feet of residential development, and up to 17,300 square feet of non-residential uses. The proposed site located at the southwest corner of Georgia Avenue and Bonifant Street in the Silver Spring Central Business District, currently has a two-story building with commercial and civic uses. The proposed application was deferred by the Planning Board on December 11, 2014, in order for the applicant to address Sector Plan conformance regarding building set-backs. Staff has reviewed the applicant's revised proposal, and the proposed sketch plan substantially conforms to the recommendations of the Sector Plan. The proposed plan will redevelop the site with a mixed-use building, including 15 percent Moderately Priced Dwelling Units (MPDUs), public open space, and structured parking.

Mr. Bob Dalrymple, attorney representing the applicant, introduced Messrs. Brad Fox, Matt Jones, Daryl South, Lou Bernardo, Ms. Heather Dlhopsky and Ms. Alyze Talbott, members of the applicant's team, offered brief comments, and concurred with the staff recommendation.

10. Bethesda-Chevy Chase Middle School #2 - Mandatory Referral MR2014048

***A. Preliminary Forest Conservation Plan (FCP)** - Construction of a new middle school and all associated improvements on 13.39 acres, R-90 Zone, located at 3701 Saul Road Kensington, MD 20895 within the Master Plan for the Communities of Kensington-Wheaton (1989)

Staff Recommendation: Approval with Conditions

B. Mandatory Referral - Construction of a new middle school for the Bethesda-Chevy Chase cluster on the site of Rock Creek Hills Local Park; on 13.39 acres, R-90 Zone, located at 3701 Saul Road Kensington, MD 20895 within the Master Plan for the Communities of Kensington-Wheaton (1989)

Staff Recommendation: Approval to Transmit Comments to Montgomery County Public Schools (MCPS)

BOARD ACTION

Motion: **A. WELLS-HARLEY/PRESLEY**
 B. WELLS-HARLEY/PRESLEY

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

Nay:

Other:

Action: **A. Approved staff recommendation for approval of the Preliminary Forest Conservation Plan cited above, subject to conditions, and adopted the attached Resolution.**
 B. Approved staff recommendation for approval to transmit comments to Montgomery County Public Schools, as stated in the attached transmittal letter.

Planning Department staff offered a multimedia presentation and discussed the proposed Preliminary Forest Conservation Plan (FCP) and Mandatory Referral request regarding Montgomery County Public Schools (MCPS) proposed construction of a middle school on the current site of Rock Creek Hills Local Park, former site of Kensington Junior High School. The 13.39-acre property is located on Saul Road, bounded by Haverhill Drive to the east, Kensington Valley Parkway Stream Valley Park to the west, and the Kensington Park Retirement Community to the north, and zoned Residential within the Kensington-Wheaton Master Plan area. The property is currently developed with a basketball court, two tennis courts, a playground, two soccer fields, a gazebo, a roller hockey rink, and two parking lots, one accessed from Saul Road and the other accessed from Haverhill Drive. A streamvalley buffer associated with Silver Creek in Kensington Valley Parkway Stream Valley Park extends onto the property from the northwest. MCPS proposes to construct a four-story middle school to accommodate 944 students with the core capacity to accommodate up to 1,200 students, which will be achieved

10. Bethesda-Chevy Chase Middle School #2 - Mandatory Referral MR2014048

CONTINUED

through the proposed addition of 12 classrooms. While the proposed building meets nearly all Residential zone standards, it exceeds the maximum building height standard. Staff noted that the property's limited buildable area is due to existing environmental constraints and a 62-foot change in height from the northeast portion of the property to the base of the Saul Road entrance in the southwest corner of the property.

Staff expressed significant concern regarding the proposed Preliminary FCP and vehicle and pedestrian circulation. According to staff, the FCP as proposed involves high level of disturbance to the site, including the removal of 2.78 acres of high priority forest with 31 trees requiring a variance request. Staff also noted that the proposed 10.5-foot, 15-foot, and 21-foot high retaining walls pose a hazard due to potential falls and cannot be effectively landscaped. Staff then commented on the safety of the proposed pedestrian access to the site, noting that the angled crosswalk across Saul Road and a portion of the parent drop-off loop is potentially hazardous. Staff offered alternative design options to address these issues, including relocating the proposed handicap parking, relocating a proposed basketball court to the site currently proposed for the bus drop-off loop, utilizing the Saul Road entrance as a service road, and relocating the main entrance and student drop-off to Haverhill Drive. MCPS did submit an alternate design plan on March 12, 2015, which addressed a number of these issues by increasing intersection spacing and sight distance, realigning the crosswalk at Saul Road, and reducing the overall height of the retaining walls. However, staff considers the relocation of the main entrance and student drop-off to Haverhill Drive as the safest alternative and as having the greatest potential to preserve existing trees.

Mr. James Song of MCPS offered comments and noted that MCPS would like to have the building completed prior to the 2017-2018 School Year.

Mr. Craig Shuman of MCPS disagreed with two staff recommended conditions to the Preliminary FCP, arguing that the March 12 optional plan will preserve more trees, reduce the total square footage of exposed retaining wall, and reduce the total square footage of impervious area. Mr. Shuman suggested that a number of pedestrian safety issues would be addressed with the construction of sidewalks in the neighborhood. He also noted that redesign and re-permitting would not only carry a significant financial cost but would also delay construction by approximately nine months, delaying the opening of the school to 2018.

The following speakers offered testimony: Mr. Barry Peoples, representing the Committee to Save Kensington; Mr. James Pekar, representing the Rock Creek Hills Citizens Association; Mr. Montgomery Carter of Kensington Parkway; Mr. Martin Goldsmith of Saul Road; Mr. James Chambers of Kensington Parkway; Mr. John Saber of Saul Road; Mr. David Kaplan of Saul Road; Ms. Laura Dennis of Elrod Road; Ms. Maren Laughlin of Kingston Road; Mr. John Sonnier of Elrod Road; Ms. Mariella Purvis of Haverhill Drive; Mr. Robert Cooper of Elrod Road; Mr. Rafe Petersen, representing the Bethesda-Chevy Chase Cluster of Parent-Teacher Associations; and Ms. Sabrina McMillan of Elrod Road.

There followed extensive Board discussion with questions to staff and Mr. Song regarding the proposed project and Preliminary FCP.