



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, April 2, 2015, at 9:01 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 12:38 p.m.

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

Commissioner Norman Dreyfuss was necessarily absent.

The Board voted to go into Closed Session at 9:04 a.m., on motion of Vice Chair Wells-Harley, seconded by Commissioner Presley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Presley and Fani-González voting in favor of the motion, and Commissioner Dreyfuss absent.

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 9:21 a.m. in the 3rd floor conference room with the Prince George's County Planning Board, as the Maryland-National Capital Park and Planning Commission (Full Commission), via telephone conference. 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 Executive Director Patricia Barney; Associate General Counsel Carol Rubin of the Legal Department; Deputy Planning Director Rose Krasnow; Director Michael Riley and Deputy Director John Nissel of the Parks Department; Outside Labor Counsel Craig Ballew; and James Parsons of the Commissioners' Office.

In Closed Session the Board received briefing and discussed the County Executive's FY16 recommended budget. An open session report will be included in the Full Commission Meeting Minutes.

The Closed Session meeting was adjourned at 9:34 a.m.

The Board reconvened in the auditorium at 9:39 a.m.

Items 1 through 3, and Items 5 and 6 are reported on the attached agenda.

Item 4 was postponed.

The Board convened in Closed Session at 12:22 p.m. to take up Item 7, 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 12:22 p.m. in the Auditorium on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Presley and Fani-González voting in favor of the motion, and Commissioner Dreyfuss absent. The meeting was closed under authority of Annotated Code of Maryland §3-305(b)(1)(i), to discuss appointments within the jurisdiction of the Planning Board.

Also present for the Closed Session were Molline Jackson of the Planning Department and James Parsons of the Commissioners' Office.

In Closed Session the Board received briefing and discussed Art Review Panel selections.

There being no further business, the meeting was adjourned at 12:38 p.m. The next regular meeting of the Planning Board will be held on Thursday, April 16, 2015, in the Montgomery Regional Office in Silver Spring, Maryland.

James J. Parsons
Technical Writer

Montgomery County Planning Board Meeting
Thursday, April 2, 2015
8787 Georgia Avenue
Silver Spring, MD 20910-3760
301-495-4600

8. CLOSED SESSION - Teleconference Meeting of the Maryland-National Capital Park and Planning Commission (Full Commission)

MD ANN Code, 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 FY16 recommended budget

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Discussed in Closed Session. See State citation and open session report in narrative Meeting Minutes of the Maryland-National Capital Park and Planning Commission.

3. Subdivision Regulation Amendment No.: 15-01 -- Extend the validity period for a determination of adequate public facilities for certain developments and extend the validity period for certain preliminary subdivision plans

Staff Recommendation: Transmit Comments to County Council

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

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

Planning Department staff briefed the Board and discussed Subdivision Regulation Amendment (SRA) 15-01, which would extend the validity periods for Adequate Public Facilities (APF) determinations and Preliminary Subdivision Plans for an additional two years. It would also grant an automatic additional two-year extension to all previously granted Preliminary Plan and APF approvals that are valid as of April 1, 2015. According to staff, SRA 15-01 continues the process established by SRAs 09-01 in 2009, 11-01 in 2011, and 13-01 in 2013, which at the time staff supported and viewed as a valuable measure to assist developers during economic downtimes. However, staff expressed that in the current economic climate automatic extensions are unnecessary and can impede the development review process. Staff noted that following an extension, a project can remain active in the planning pipeline for up to 12 years, even if the developer has abandoned plans to complete it. Staff reported that as of February 2015, the planning pipeline contains 373 unfinished development plans, including 3,993 unbuilt residential-only dwelling units, and 21,607 unbuilt mixed-use units. Staff does not recommend support for the proposed SRA, stating that any abandoned projects included in these unfinished plans bloat the pipeline and generate artificially inflated traffic, student, revenue, and land usage projections.

Mr. William Kominers, attorney, offered comments and requested Planning Board support for the proposed SRA.

Mr. Steve Robins, attorney, disagreed with staff recommendation, stating that automatic extensions actually save time by removing a step from the development review process and send a positive message of cooperation to potential developers. Mr. Robbins also added that there is a County Council public hearing on the proposed SRA scheduled for Tuesday, April 14, 2015.

3. Subdivision Regulation Amendment No.: 15-01

CONTINUED

Ms. Jennifer Russel, representing the Building Industry Association, offered comments and requested Planning Board support for the proposed SRA.

Mr. Bob Kaufman, representing the Maryland Building Industry Association, offered comments and suggested that the Planning Board support the proposed SRA and use the next two years to review validity standards.

There followed extensive Board discussion with questions to staff and Messrs. Robins and Kaufman. Board Members offered support for the SRA but expressed concern regarding the backlog of projects, and agreed with staff that steps needed to be taken to reduce the bloat in the planning pipeline.

1. Consent Agenda

***A. Adoption of Resolutions**

1. 8001 Newell Street 920130020 - MCPB No. 15-43
2. 8001 Newell Street 820140020 – MCPB No. 15-44

BOARD ACTION

Motion: WELLS-HARLEY/PRESLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Adopted the Resolutions cited above, as submitted.

***B. Record Plats**

Subdivision Plat No. 220110930, Clarksburg Village

R-200/TDR zone, 2 parcels; located on the east side of Snowden Farm Parkway, 300 feet south of Emerald Green Drive; Clarksburg Master Plan.

Staff Recommendation: Approval

Subdivision Plat No. 220150560, KPC Buddhist Temple

AR zone, 1 lot; located on the south side of River Road, approximately 7,200 feet east of Hughes Road; Agricultural & Rural Open Space Master Plan.

Staff Recommendation: Approval

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

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

***C. Other Consent Items**

Falkland North, Extension Request for Sketch Plan No. 320150020

CR-3.0 C-0.75 R-3.0 H-145T zone, 9.77 acres, Request for five mixed-use buildings containing 120,000 sf of retail, and up to 1,250 of multi-family residential units, including 12.5% MPDUs and 4.72% Workforce Housing Units, located in the northwest quadrant of the intersection with 16th Street

MCPB, 4-2-15, APPROVED

and East-West Highway; Silver Spring CBD Sector Plan

Staff Recommendation: Approval of the Extension

BOARD ACTION

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

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

***D. Approval of Minutes**

Planning Board Meeting Minutes of March 19, 2015

BOARD ACTION

Motion: FANI-GONZÁLEZ/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved Planning Board Meeting Minutes of March 19, 2015, as submitted.

2. Roundtable Discussion

- Planning Director's Report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received Briefing.

Planning Department Director’s Report – Deputy Planning Department Director Rose Krasnow briefed the Board on the following Planning Department events and activities: the Wednesday April 1 Leadership Montgomery Day meeting at Washington Grove, which focused on preserving the County Agricultural Reserve areas; the status of the Diversity Initiative and the recent Women’s History Month event with author Marita Golden; the upcoming Lunch and Learn event scheduled for Wednesday April 8 regarding the impact of public art within Montgomery County; the success of the recent department-wide United Way drive, which surpassed the \$1,000 goal set by staff organizers; the ongoing A Wider Circle Foundation professional clothing drive, which helps provide area residents in need with appropriate business attire; the status of recent Planning Department hires; the recent Core Competency Training session regarding the Subdivision Staging Policy; the status of a proposed department-wide social event scheduled for late May or June; and the Wednesday April 1 meeting with representatives from the Maryland Building Industry Association regarding the March Infrastructure Forum.

There followed a brief Board discussion.

~~4. Zoning Text Amendment No. 15-04~~

~~Clarify the private institutions exemption provisions and amend the building height standards for a private educational institution.~~

~~Transmit Comments to County Council.~~

~~(Action required for County Council public hearing of 4/14/15) — **POSTPONED**~~

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This Item was postponed.

***5. Sugarland Farm: Preliminary Plan No. 120130140** - Request to create two lots from four unplatted parcels, located at the end of Sugarland Lane 0.55 miles southwest of the intersection of Sugarland Road and Sugarland Lane, 43.97 acres, R-200 Zone, Agricultural and Rural Open Space

MCPB, 4-2-15, APPROVED

Master Plan and Rustic Roads Functional Master Plan

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: WELLS-HARLEY/FANI-GONZÁLEZ

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

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

Planning Department staff offered a multi-media presentation and discussed a proposed Preliminary Plan request to create two lots from four unplatted parcels. The 43.97-acre property is located on Sugarland Lane, 0.55 miles southwest of the intersection of Sugarland Road, and zoned Residential within the Agricultural and Rural Open Space Master Plan and Rustic Roads Functional Master Plan areas in the Potomac Direct Watershed. The applicant proposes to create two lots: lot 1 at 21.89 acres and lot 2 at 22 acres. The property is currently developed with one dwelling unit on proposed lot 2. The existing structure will be retained but must be converted to a non-habitable accessory structure prior to the issuance of a building permit. The accessory structure will be subject to any variance approval required from the Montgomery County Board of Appeals allowing for a front-yard structure. The applicant also proposes to pave a currently unpaved 350-foot segment of Sugarland Lane, widen it to 20 feet, and to construct a paved, 12-foot wide private driveway by improving an existing single-lane gravel road on the property. Because it is designated a Rustic Road, staff noted that Sugarland Lane will be widened gradually over a distance of 50 feet in order to minimize the effects of an abrupt widening. Montgomery County Department of Fire and Rescue Services (MCFRS) requires the applicant to install a 30,000-gallon fire protection cistern and a dry hydrant within a proposed MCFRS Public Safety Water Supply Easement located on the eastern portion of the property. According to staff, the applicant will fund all proposed improvements. Staff noted the proposed lots meet all Subdivision Regulations and Zoning Ordinance requirements.

***5. Sugarland Farm: Preliminary Plan No. 120130140**

CONTINUED

Dr. Marie Labaw of MCFRS offered comments, noting that the current conditions of Sugarland Lane and the existing gravel driveway are not MCFRS compliant. Dr. Labaw explained that because the proposed cistern will become a relay site intended to service several other residences, MCFRS requires a 20-foot wide passing area and an all-weather, load-bearing paved access in order to provide a safe and adequate turnaround for emergency vehicles.

Mr. David McKee, engineer representing the applicant, offered comments and concurred with the staff recommendations.

Mr. Jacob Kinzie, the applicant, offered comments and noted that the property only allows for two lots, prohibiting further development.

Ms. Ellen Letourneau, representing the Sugarland EthnoHistory Project, and Ms. Caroline Taylor, representing the Montgomery Countryside Alliance, offered testimony.

There followed extensive Board discussion with questions to staff and Dr. Labaw regarding alternatives to the use of pavement.

6. Forest Conservation Program Annual Report

Review of the performance of the forest conservation program

Staff Recommendation: Approval to Transmit Annual Report Data to Maryland State Department of Natural Resources

Motion: PRESLEY/WELLS-HARLEY

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Approved staff recommendation to transmit Annual Report Data to Maryland State Department of Natural Resources, as stated in the attached transmittal letter.

Planning Department staff offered a multi-media presentation and discussed the Forest Conservation Program Annual Report. According to staff, the State Forest Conservation Law requires each jurisdiction to submit a yearly report to the Maryland Department of Natural Resources that includes specific data regarding implementation and enforcement efforts. Staff reported that since the Forest Conservation Program went into effect in 1994, the County has lost an average of 180 acres of forest per year due to development. However, due to fewer greenfield developments in the County, this average is in decline. Staff also noted that forest planting averages at 100 acres per year. Staff detailed Planning Department and Parks Department reforestation efforts, particularly the use of in-lieu fees to fund the reforestation of streamvalleys in parks. Through this program, approximately 20 acres of forest have been planted in five different parks. The same fund is also used as a resource for up to six yearly volunteer events in which youth and corporate groups construct deer protection for young trees, remove invasive vines, and occasionally plant new trees; the Leaves for Neighborhoods program, which offers \$25.00 coupons that are redeemable at participating County nurseries solely for the purchase of trees; and the Shades of Green program, which encourages urban tree planting. Staff then reported the findings of the 2014 Tree Canopy Assessment, noting that canopy cover has increased in most urban areas, the exception being intersection corners, which have lost significant canopy cover since 2009.

There followed a brief Board discussion with questions to staff.

7. CLOSED SESSION

Annotated Code of MD, General Provisions Article, §3-305(b)(1)(i) to discuss appointments within the jurisdiction of the Planning Board

The topic to be discussed is the Art Review Panel Selections

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

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